

1 July 2014

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Court of Appeal – Civil, draft Electronic Document Protocol

Thank you for the opportunity to comment on the Court of Appeal's draft Civil Electronic Document Protocol. This submission has been prepared with the assistance of the New Zealand Law Society's Civil Litigation and Tribunals Committee.

There is general support for moving in the direction proposed by the protocol. However, a number of concerns have been expressed:

- The requirement to add separate annexures to submissions seems to create an additional burden on the parties for little benefit. Given that everything is in the electronic case, it ought to be simple enough to locate the relevant documents.
- A number of practitioners have concerns about the protocol being mandatory in effect. While it is likely to be widely used, it is suggested that any compulsion to use it should be phased in over a period of time. This would allow practitioners to become familiar with the process, as well as determining whether it is cost-effective.
- There is a strong view among some practitioners that hyperlinks should not be required because of the difficulty of incorporating them.
- Concern has been expressed about the different identifications given to a document in different courts. The question has been raised as to whether a single identification system could be adopted.
- There is some resistance to the requirement that a hard copy be filed in addition to electronically filed documents. The view of these members of the profession is that, where it is permitted, electronic filing should be sufficient by itself.

The Law Society hopes that the above comments are of assistance to the Court. If you wish to discuss any matters raised please contact the Civil Litigation and Tribunals Committee convenor Andrew Beck, through the committee secretary, Rhyn Visser (phone (04) 463 2962 or email rhyn.visser@lawsociety.org.nz).

Yours sincerely



Chris Moore
President