

eCourt



FREQUENTLY ASKED QUESTIONS

SUPREME COURT OF NOVA SCOTIA (FAMILY DIVISION)
ECOURT PILOT PROJECT

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Preface

This document serves as a list of frequently asked questions (FAQs) in relation to the Supreme Court of Nova Scotia (Family Division) eCourt Service.

Definitions

eCourt: Consists of an online platform for judicial adjudication and decision making, case management and settlement conferencing. eCourt is an online chat exchange between a Judge and legal counsel for the parties to a dispute. It is an alternative to traditional in-person court processes that require attendance at the courthouse.

Frequently Asked Questions (“FAQ”)

FAQ #1: Browsers & Devices

Which operating systems and browsers are compatible with the eCourt service for the Supreme Court Family Division?

Any modern-day browser will work, although it is not recommended that Internet Explorer be used. Here are some examples of modern day browsers that are proven to work with eCourt:

Operating System	Browser
Mac	Apple Safari
Mac / Windows	Mozilla Firefox
Mac / Windows	Google Chrome
Windows	Edge, Google Chrome, all of the above

What if my browser doesn't work?

You may have to clear your cache and cookies from your internet browsers . Here's how:

Chrome: <https://support.google.com/accounts/answer/32050?co=GENIE.Platform%3DDesktop&hl=en>

Edge: <https://www.bitdefender.com/consumer/support/answer/2010/>

Internet Explorer:

<https://support.pearson.com/getsupport/s/article/Internet-Explorer-Delete-Cached-Files-and-Cookies>

Safari: <https://clear-my-cache.com/en/apple-mac-os/safari.html>

Firefox: <https://support.mozilla.org/en-US/kb/how-clear-firefox-cache>

You may also have to adjust your browser settings to allow pop-ups/new tabs from the eCourt service.

FAQ #2: Tablet and Smart Phone

Will this work on my tablet or smart phone?

While using a smart phone or tablet not all functionality is going to work. For best results use a desktop computer that meets the operating system and browser requirements.

For best results using a tablet, please refer to the charts below:

Mobile Device	Operating System	Supported Browser
Apple iPad	iOS version 13 and above	Apple Safari
Google Android Devices	Android version 8.0 and above	Chrome for Android devices

FAQ #3: eCourt Requirements

What are the requirements to enter eCourt?

Three preconditions to apply for an eCourt process:

1. There must be an open file at the Court. You cannot create a file through eCourt
2. Both counsel must agree that the dispute is appropriate for an eCourt hearing; and
3. Consent to proceeding using the eCourt process

You and opposing Counsel, and your clients have agreed that the use of eCourt is appropriate and are consenting to proceeding on that basis.

A joint letter or separate letters should now be sent to the eCourt Administrator indicating:

- that counsel and parties consent to using the eCourt process;
- the issue(s) to be addressed;
- A motion or application;
- The documents the lawyers suggest are needed for filing. In doing this the lawyers should suggest the appropriate length and subject content of the document(s).

Counsel are to email a copy of this letter to the eCourt Administrator at eCourtAdministrator@courts.ns.ca as notification that an application has been filed.

FAQ #4: Case Suitable for eCourt

How do I know if my client's dispute is suitable for eCourt?

Consider these questions:

1. Does it involve a discrete issue?
2. Are both parties represented by Counsel?
3. Can it be addressed in a brief affidavit?
4. Do I need to cross examine the other side on this issue?
5. Does my client "need" to testify and/or physically appear before a Judge?
6. Is there a desire to limit legal fees?
7. Is there a desire to avoid a physical court appearance and the time and distance involved in that?
8. Is it better that the matter be dealt with sooner, rather than later?

A sample list of potential case types has been developed by an Advisory Committee made up of SCFD Judiciary, Local Bar & NS DOJ staff and can be found at

https://www.courts.ns.ca/Supreme_Court_Family/NSSCFD_home.htm#eCourt.

This is a list of examples of dispute types that are anticipated to be appropriate for eCourt. It is not meant to be an exhaustive list of case types for eCourt.

FAQ #5: eCourt Eligibility**Do both parties have to be represented to participate in eCourt?**

Yes. At this time, only matters where both parties are represented will be eligible for eCourt

What if only one party is represented?

The matter is not eligible at this time.

FAQ #6: Jurisdiction of eCourt**What is the jurisdiction of eCourt?**

The geographical jurisdiction of eCourt is the entire Province of Nova Scotia.

Can counsel from any part of the province apply?

Yes. Any lawyer eligible to practice law in Nova Scotia and has completed the training can apply.

FAQ #7: Consent**Does my client and I have to consent to the process?**

Yes. Consent is mandatory to participate in the eCourt service. Like a settlement conference, if one party withdraws their consent, the matter will not proceed through eCourt and will be redirected to the traditional court process.

What is my client consenting to?

Your client is consenting to:

- Voluntarily participating in the service and dispute resolution process;
- Resolution of their dispute through the eCourt process;
- Waive their rights to orally testify and to cross examine the other party in relation to the issues being dealt with in the agreed to eCourt process;
- Management of the process pursuant to *Civil Procedure Rule* 59A.05 by the Court;
- The consideration of documents by the Court which are filed in the eCourt portal as evidence and part of the Court record;
- Non-identifying information being used in the evaluation of the eCourt Pilot; and
- to a judge making a decision on the dispute using this process.

FAQ #8: Withdrawal of Consent**Will Counsel notify the eCourt Administrator by email if their client withdraws their consent?**

Should your client wish to withdraw their consent, you must notify the other party and the eCourt Administrator as soon as possible. Be aware that withdraw from the process may result in a claim for an order of Costs.

Will I have to appear on the day of the ehearing and advise the Court of my client's withdrawal online?

Unless otherwise directed by the Court or eCourt Administrator, you remain obligated to "appear" at the eHearing.

Will costs be awarded to the other party if my client withdraws their consent?

BE AWARE: Withdrawal from the process may result in a claim for an order of Costs. The process for determination of costs would be determined by the Judge assigned to the eCourt hearing your client has withdrawn from.

FAQ #9: Preparation for eCourt case**What should I do to prepare myself for my eCourt case?**

You should be prepared to join eCourt by acquiring a self-contained copy of all materials filed, including that of opposing counsel

You may download a copy of the materials from eCourt and email them to your client

This is a suggested approach to ensure you have the materials filed in the event you are unable to open them through the eCourt portal during the eHearing.

FAQ #10: Application**How does an application enter eCourt?**

An application to enter eCourt must be made to the eCourt Administrator. Since the parties have to consent to participate in the eCourt service, Counsel are required to negotiate consent to the process with each other prior to filing an application.

Will there be an opportunity for a regular application to be sent to eCourt?

An application to enter eCourt must be made to the eCourt Administrator. That application may be initiated by counsel directly, through the Court's intake process, or after consultation with a Judge during a Court appearance. In every case a form must be jointly signed by Counsel requesting an eCourt hearing and must be provided to the eCourt Administrator.

FAQ #11: Scheduling**Will I be consulted prior to scheduling?**

Once criteria to enter eCourt is met the eCourt Administrator will consult the eCourt calendar in Civil Index to retrieve a date and time for the eCourt hearing. Dates will be scheduled as soon as possible.

The eCourt Administrator will contact Counsel to confirm the date and time. Once the date is confirmed with Counsel and Judge, the eCourt Administrator will schedule the matter in CIS2

Will a time slot be placed on the Judge's ROTA for eCourt such as the simplified docket?

This may be an option down the road but to get it off the ground we will need to use the current process of consulting the Judge's CIS2 calendar.

Will time slots be available after 4:30 due to the heavy docket?

Not initially, but possibly.

How long will an eHearing be scheduled for?

Initially they will be scheduled at 1 hour intervals. If the judge within that hour says they are going to take 10 or 15 minutes to finalize their decision, do not log out. Wait online until the judge returns and provides their decision, unless otherwise directed. If the judge reserves their decision, you will be notified when the decision has been uploaded and available. Once the decision has been made, the judge may direct one of the counsel to draft the order and upload to eCourt.

If a timeslot opens up earlier than mine due to a matter settling or opting out, will I be offered an earlier timeslot in eCourt if I am available? Is there a cancellation list?

Ideally, yes. As we move forward this will be dealt with on an ad hoc basis.

FAQ #12: Counsel Unavailable

If I'm not available, can someone at my firm appear for me?

Like an in-person hearing someone from your firm may “stand in” for you if you are not available. If this occurs and someone other than yourself signs in, they should identify themselves as appearing on your behalf immediately.

FAQ #13: Agreement Reached Before eHearing

What do I do if parties reach an agreement prior to the eHearing but the eHearing has already been scheduled?

If the parties reach an agreement prior to the eHearing, you or opposing counsel must notify the eCourt Administrator in writing as soon as possible and upload the agreed upon form of order to the eCourt portal for issuance.

If the order is not uploaded by the eHearing date, counsel must attend the eHearing to present the order.

If the parties appear on the day of the eHearing and present the order, the order would be issued at that time.

FAQ #14: Filing Requirements

What will the Judge need from me?

The judge has to approve the joint letter of suggested materials and length of materials to be filed. The judge will then give directions pursuant to *Civil Procedure Rule 59A.05 (f) through (j)* as noted below:

59A.05 Judicial Dispute Resolution: Process Management

At every appearance, including a conference under Rule 59.38, a judge may by direction or order: ... (f) require disclosure of documents, financial information or other relevant information within a fixed time and:

- (i) name the party who is to receive the disclosure;
- (ii) direct whether the disclosure is to be filed with the court.
- (g) make a ruling about an evidentiary or procedural matter that does not require a motion hearing;
- (h) require a motion to be made within a fixed time;
 - (i) manage the hearing, trial, or dispute resolution process by:
 - (i) limiting the use of expert evidence;
 - (ii) limiting the number of witnesses;
 - (iii) limiting the number of affidavits;
 - (iv) limiting the number of paragraphs and pages in affidavits;
 - (v) specifying the issues to be addressed in affidavits;
 - (vi) setting page limits for written submissions;
 - (vii) limiting and apportioning the time available to complete any step in a hearing, trial or dispute resolution process including limiting the time allotted to complete oral evidence, examination, cross-examination and/or submissions;
 - (viii) specifying the order in which issues are to be examined and the time allotted to each issue;
 - (ix) separating and prioritizing the time for hearing specific issues within a dispute.
- (j) require a party, by a fixed date, to prepare and file calculations showing and rationalizing the amount that party is requesting for the following claims:
 - (i) child support, ongoing and retroactive;
 - (ii) spousal support, ongoing and retroactive;
 - (iii) division of property and/or debt.

Is there a page limit on affidavits and the content?

An affidavit has a default limit of no more than 10 pages or as directed by the Court. Documentation required to support each parties' positions may be limited as per *Civil Procedure Rule 59A*. Page limits for all documents including affidavits and exhibits may be directed.

FAQ #15: Documents**What format should I upload my documents to the eCourt Portal?**

Evidence must be uploaded in PDF format to ensure no changes are made by anyone accessing them. Draft orders must be filed in MS Word format for ease of editing

Do I have to serve the other party with the documents uploaded to the eCourt Portal?

Documents are filed electronically and will form part of the evidence in the physical court file at the courthouse. Documents filed electronically into the eCourt Portal are considered delivered and served upon the other party once that party is notified of the electronic filing by the eCourt Portal. Lawyers may access documents uploaded at any time.

What happens if I do not file my documents on time?

If documentation is not uploaded by the deadline set, the eHearing may be canceled and the application may proceed through the traditional court process. A notification will be sent to Counsel and Judge should this be the case.

FAQ #16: Sensitive Information**Are there documents that should not be uploaded to eCourt?**

Unless otherwise directed by the Court do not eFile:

- birth certificates,
- T4 slips,
- Notices of Assessment,
- bank account numbers,
- social insurance numbers,
- home address,
- phone numbers, etc.

This information can be filed in hard copy with permission of the eCourt Judge to protect confidentiality, integrity and availability of data.

FAQ #17: Current File**What will the court review for the eHearing?**

The file and its contents will be made available for the judge, including all court orders. However, what they review prior to the eHearing is a question for the Judiciary. Typically, only materials submitted to eCourt as directed would be reviewed by the Judge.

FAQ #18: Forgotten UserID**What do I do if I forgot my UserID?**

Contact the eCourt Administrator at eCourtAdministrator@courts.ns.ca. Be prepared to identify a case number that has been entered and approved for eCourt. The eCourt Administrator will then confirm your ID.

FAQ #19: Forgotten Password

What do I do if I forgot my password?

A password will be provided to you by the eCourt Administrator with your first case. You may reset this password at will by using the password reset service. The eCourt Administrator will not change passwords.

Password requirements are noted below:

Password requirements

Your password must

- be a minimum of 8 characters
- contain at least one digit
- contain at least one lowercase letter
- contain at least one uppercase letter
- not contain your username
- match the "Confirm password"

FAQ #20: Lost URL for the Case

I cannot find the URL for my eCourt Case. What do I do to obtain it?

Check for an email from eCourtAdministrator@courts.ns.ca including your spam filter. If the email has been filtered as "spam" identify this email as not spam for future reference.

If you still cannot find the URL, contact the eCourt Administrator. The eCourt Administrator will send a test email to ensure you are receiving them.

FAQ #21: Cannot Upload a Document

What do I do if I cannot upload a document to eCourt?

All documents except for draft documents must be uploaded in PDF format. Ensure your documents have been saved or published to PDF prior to uploading. Ensure you do not have the document open in another application. Refresh your browser.

FAQ #22: Cannot See Uploaded Documents

What do I do if I cannot see documents that have been uploaded before the eHearing?

Check your case # to ensure the correct case for the expected documents. Refresh your browser.

Confirm with eCourt Administrator what documents have been attached to the case. If documents still remain unseen, the eCourt Administrator will log a ticket.

For a short term resolution, the eCourt Administrator will email documents to Counsel through the GNS Secure File Transfer Service and update a log note to the file with the actions that have been taken to provide Counsel access to the documents.

What do I do if I cannot see documents that have been uploaded during the eHearing?

Counsel is expected to have alternative access to all documents that have been added to the case in eCourt as a business continuity plan.

FAQ #23: Tech Check

Should I complete a tech check prior to the eHearing?

Yes. You should log in to ensure your account is active and password works a few days prior to the eHearing, or at the very least, 24 hours before.

The “Enter eHearing” link will be active at midnight on the day of. At least 10 minutes prior to the eHearing you should check to ensure the “enter eHearing” link is working.

FAQ #24: Late For an eHearing

If I am running late for an eHearing, is there a timeframe to wait for Counsel to appear?

If you are late, the Judge and opposing counsel will wait 10 minutes.

An email reminder will be sent to Counsel and Judges two days prior to the eHearing. eCourt matters will be added to the Judge’s Civil Index schedule.

It is expected that lawyers have their calendars up to date. Any courtesy extended to you will be case and judge specific.

How and who do I notify on the day of the ehearing that I am going to be late?

It is counsel’s responsibility to notify the eCourt Administrator and the other party if they are going to be late. The failure to “appear” as directed (ie. On time) in eCourt may result in an order of costs, and/or a deemed withdrawal from the process.

FAQ #25: Counsel’s Location During eHearing

Where should I be while participating in the eHearing?

You are appearing in Court – just in a different way. To participate in an eHearing you must be able to provide your complete attention to the proceeding the same as you would during an in-person appearance. Therefore, please ensure you are in a space which is quiet and free from distractions.

FAQ #26: Clients

Can my client be with me during the eHearing?

Your client may participate in the eHearing at your discretion. You may have them in your office, on the phone during the eHearing or through private video chat. However, your clients’ access to the eCourt platform is through you. Like the in-person court appearances your client speaks through you. Only counsel, the Judge and the eCourt Administrator will have access to the eCourt platform and chatroom.

FAQ #27: Orders

Will original copies of the order be issued?

Yes, and placed in the physical file at the courthouse. Certified copies of the order may also be made available for Counsel. A certified copy of the order will be uploaded to eCourt upon issuance.

FAQ #28: Judges Case Notes

Do the judge's case notes become part of the formal/available record?

No. Judges notes from an in-person appearance are not part of the Court file, nor are eCourt Judges notes. They are only available for the Judge to view and print. They will not form part of the official record, nor will they be available for anyone else to print or view.

Are they available to subsequent judges?

Normally judges notes are not available for subsequent judges.

What is the difference between Judge's Notes and Judge's Directions?

The Judges directions are on the record and are directions given to manage the process. The judges notes are private to the judge.

FAQ #29: Chat Etiquette

Can I use abbreviations during the eHearing chat?

Statute abbreviations such as PSA, CFSA, etc. are permissible. Slang abbreviations should be avoided. Remember, you are in a courtroom – like the courtroom your statements will be recorded.

FAQ #30: Argument

Is there any provision for argument?

Yes. The Judge may direct that brief submissions or argument be filed before the hearing. Unless it states otherwise the Court will also allow counsel to make argument and submission in the eCourt chatroom.

FAQ #31: Archive & Close of Case

When is the case closed?

The case is closed in the eCourt platform once a final order is issued and uploaded to the portal. Counsel will receive an email notification that the case is closed with a link to download the case materials from the eCourt portal. This link is accessible for 30 days from the closure of the case, after which the link is invalid, and documents are archived.

Why are the documents archived in eCourt 30 days after the closure of the case?

eCourt is a portion of the entire court file and therefore, the printed version of the materials will be placed into the court's physical file for future use. To protect the security of information in eCourt, the documents are archived.

FAQ #32: Security Mitigations

What mitigations are you taking to address security concerns?

eCourt is a portion of the entire court file and therefore, the printed version of the materials will be placed into the court's physical file for future use.

To protect the security of information in eCourt, the chat and materials are deleted 30 days after the case has been closed.

Unless otherwise directed, you must not eFile personal information – only public info
To protect the identity of parties, notifications will only include last names.

FAQ #33: Format of Forms

What format are forms opened in?

We currently use Adobe Reader to open the PDF forms. Download the latest version of Adobe at: <http://get.adobe.com/reader>

Please also confirm you are using a compatible operating system and browser (see [1.1](#) for details)

To ensure Adobe PDF forms are enabled in your browser, please make the following changes when using:

INTERNET EXPLORER:

Go to "Tools"

Select "Manage Add-ons"

Under "Add-on Types" select "Toolbars and Extensions"

Under "Show, select "All add-ons"

In the list right under "Name" you should see "Adobe Systems Incorporated – Adobe PDF Reader".

The status should be "Enabled".

If it is not "Enabled", click on it to highlight it

Click the "Enable" button in the lower right hand side

FIREFOX:

Select "Options" from the menu bar (if you have an older version it will be under "Tools")

Under Options select "Applications"

There are two columns: Content Type and Action, under Content Type you should see "portable Document Format (PDF)"

Click the Action Item across from it and you will get a drop down menu, select "Adobe Acrobat (default)"

CHROME:

Type "Chrome://plugins" in the address bar

Select "Enable" Chrome PDF viewer

FAQ #34: Record of Proceeding

How is this recorded?

The chat is recorded as a transcript and documents are uploaded.

Can I get a copy?

Counsel will receive an email notification that the case is closed with a link to download the case materials from the eCourt portal. The case materials included in the link are the chat, uploaded documents, decisions and orders. This link is accessible for 30 days from the closure of the case, after which the link is invalid, and documents are archived. The case materials will also be printed and placed in the physical file at the courthouse.

FAQ #35: eCourt Materials & Training

Where can I find eCourt materials including the training module?

Please contact Natasha Matthews at natasha.matthews@courts.ns.ca for information regarding eCourt training.

Refer to the website below for the following materials:

- Overview of eCourt and Consent Form
- Draft Order and Instructions to Use
- List of Case Types
- Link to Civil Procedure Rule 59A

https://www.courts.ns.ca/Supreme_Court_Family/NSSCFD_home.htm#eCourt

If your question is not listed in this document, please contact Natasha Matthews at natasha.matthews@courts.ns.ca or the eCourt Administrator at eCourtAdministrator@courts.ns.ca.