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| eCase – Electronic subpoenas |
| **Notice to addressees** |

**DOCUMENT CONTROL**

**Details**

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| Division | Common Law and Commercial Division |
| Reviewed by | Judge Tsalamandris |
| Authorised by | Judge Tsalamandris |
| Notes | The Court has implemented a new electronic platform for the digitisation of the subpoena process, named ‘eCase’. From 31 August 2020, addressees should use eCase to respond to a subpoena for all civil proceedings, unless it is impractical to do so. This notice addresses the new process. |

**Release history**

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| Version | Date | Author | Summary of changes |
| 1.0 | 31 August 2020 | Deputy Registrar – Subpoena Team | Document created |

**Related documents**

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| Document title | Version |
| eCase: electronic subpoenas practice note (PNCL 8-2020) | 1.0 |

# eCase

* 1. The Court has implemented a new electronic solution to enable the digitisation of the subpoena process, named eCase. From 31 August 2020, addressees should use eCase to respond to a subpoena for all civil proceedings, unless it is impractical to do so (for example if you do not have an electronic copy of the subpoenaed document or thing).
  2. eCase enables subpoenaed addressees to:
     1. produce subpoena material in response to the subpoena;
     2. advise the Court and the parties if no material was found in response to the subpoena;
     3. advise the Court that the Addressee is objecting to comply with the subpoena and provide the ground for their objection;
     4. lodge an objection to the inspection of produced material and provide the ground for their objection; and
     5. withdraw a previous objection.
  3. The Court has developed eCase to enable addressees to securely submit a response to a subpoena and/or lodge an objection, thus minimising the need to attend the Court or submit material via post. eCase is also available for parties to request an inspection, and view and download subpoenaed material during an inspection.

# eCase Guided Help

* 1. The first time a user registers and logs into eCase, the portal will provide users with a brief walkthrough on all functionality available in eCase. Addressees are encouraged to use the guided help, which will be available each time an addressee accesses eCase, until the addressee clicks ‘Do not show me this again’.
  2. Additional guided walkthroughs are available to assist addressees in navigating eCase at any time and can be activated by clicking the ‘Need Help’ tab on the right-hand side of the webpage.

# File Storage

* 1. File Storage allows addressees to upload large files, so that documents can upload in the background while the user explores other sections in eCase. File Storage can then be accessed and used to attach documents to your submissions. Addressees are encouraged to use File Storage to upload and store any relevant documents they would like to attach to a subpoena response.
  2. Addressees can also link their Dropbox or OneDrive account so files can upload even if they are not signed into the portal. This is recommended for larger files, over 500 MB.

# Register to eCase

* 1. To access eCase, users must first register an account. This account will need to be approved by the Court. Until this account registration has been approved, addressees may only respond to up to five subpoenas and file up to two objections. Once the account has been approved by the Court, there will be no limit.
  2. To register an account, follow the below steps:
     1. Navigate to the eCase webpage: <https://ecase.countycourt.vic.gov.au/>
     2. Select ‘Register’ to sign up for an account;
     3. Enter your email address and click on ‘Send verification code’;
     4. Verify your email address by copying and pasting the unique verification code from your email into the verification code field;

*Note: There is a time limit when requesting a verification code to entering it into the screen. If your code expires select the ‘Send new code’ link to receive an updated code.*

* + 1. Enter your new password;

*Note: The password must have at least 3 of the following requirements:*

* + - 1. *a lowercase letter;*
      2. *an uppercase letter;*
      3. *a digit; and*
      4. *a symbol.*
    1. Complete all required fields; and
    2. Click ‘Create’.
  1. Once you have confirmed you agree to the terms and conditions for using eCase, your account registration will be submitted to the Court for review. You will receive an email once your account registration has been approved or rejected. If your account is rejected, please review the email for reasons of rejection or contact the Subpoena Team on 8636 6525 for further assistance.
  2. You will be able to respond to a subpoena up to five times and lodge up to two objections without formal Court approval.
  3. If you are part of a company or organisation in which multiple users have registered for eCase, you able to create “An Organisation”. Once the Organisation is approved by the Court, any person registering with an email address with the same email domain (i.e. @company\_name.com.au) will be added to the Organisation and their account will be automatically approved. Further, the Organisation may be managed by the firm’s admin user, enabling them to deactivate users within their Organisation as required.

# Respond to a subpoena

* 1. If you have been served with a subpoena, you must comply by providing the subpoena or a copy of it and the documents or things specified in the schedule on the second page of the subpoena, to the Court. Subpoenaed addressees should use eCase to respond to a subpoena unless it is impractical to do so.
  2. Subpoenaed addressees are able to respond to a subpoena via eCase as follows:
     1. Comply with the subpoena by producing the subpoena material, without objecting to the inspection of any of this material;
     2. Comply with the subpoena by producing the subpoena material, while objecting to the inspection of any or all of this material;
     3. Comply with the subpoena by advising that none of the subpoenaed material has been found; or
     4. Object to complying with the subpoena.
  3. To respond to subpoena with any of the abovementioned response types, login to eCase and start your response process by selecting “I want to respond to a subpoena”. Follow the guided help prompts to ensure you are submitting your response correctly.
  4. When responding via eCase, you will be asked to select your response type. For response types (a) and (b) above, please select the option “Produce Materials (Inc. any objection to inspection)”. For response type (c), please select the option “No Material Found”. For response type (d), please select the option “Object to Comply”. For response type (c) and (d) you must upload a cover letter explaining that no material was found or why you object to producing material.
  5. If you are only providing part of the requested subpoena material, please select the option “Produce Materials (Inc. any objection to inspection)”. You are able to produce the material in part; however, you should provide a cover letter advising which documents have not been produced and why.
  6. When responding to a subpoena via eCase, you are required to upload a copy of the subpoena served upon you. If you are producing material in response to the subpoena, please ensure you have completed and signed the “Declaration by Addressee (Subpoena Recipient)” before uploading the subpoena.
  7. You can upload documents in any of the following file formats:
     1. .DOC and .DOCX—Microsoft Word documents;
     2. .PDF—Adobe Acrobat documents;
     3. .XLS and .XLSX—Microsoft Excel spreadsheets;
     4. .JPG—image files;
     5. .RTF—rich text format;
     6. .GIF—graphics interchange format; or
     7. .TIF—tagged image format.
  8. If you are required to produce material in any format other than listed above, please contact the Court’s Subpoena Team for alternative ways to comply with the subpoena.
  9. For each file that you are uploading, you must complete the following:
     1. Document Type;
     2. Document Name; and
     3. Classification (if applicable).

**Note: The Court asks that all material is combined into one file (preferably PDF). If you are producing both a redacted and unredacted version, the Court asks that all redacted material is combined into one file and all unredacted material is combined into another file, each clearly named ‘redacted’ or ‘unredacted’.**

* 1. Please ensure that you select “subpoena material” for any subpoena material requested in the schedule. If you are uploading any other files, such as a cover letter, please select “other.
  2. Please ensure you enter a clear and descriptive name for each file you have uploading (e.g. “Redacted Bank Statements FY2019”). **If you are producing both a redacted version and an unredacted version of the same file, please ensure you include this information in the document name to ensure this is processed correctly.**
  3. For each file containing subpoena material, you are able to advise if the document is redacted and/or if you are objecting to the inspection of the material. Please note: if you are uploading both a redacted and unredacted version of the same document, you will be asked to provide a reason for the redaction. The Court will consider this to be an objection to the inspection of the unredacted version only, unless you specifically classify the redacted version as “objected”.
  4. Please be advised once your objection is processed by the Court, an Objections Hearing date may be scheduled for parties and the objecting addressee to attend.
  5. Please ensure you select whether any subpoena material you have produced is considered “Medical Material”. Medical material includes but is not limited to: hospital and medical practitioner records, treatment records, history cards, clinical notes, Medicare records, discharge summaries, HR sick leave records, x-ray and x-ray reports, pathology, pharmacist records, psychology reports, diagnostic test results, worker’s compensation records, physiotherapist reports, TAC records, insurance, correspondence, doctor referrals, specialists reports and operation reports.

# Questions regarding eCase

* 1. If you are experiencing any issues and require assistance or further information on the electronic submission of subpoenaed material, please contact the Subpoena team on 03 8636 6525 or email subpoenas@countycourt.vic.gov.au.