PRACTICE DIRECTION NUMBER 8 OF 2004

SUPREME COURT OF QUEENSLAND

Electronic management of documents

Introduction

The Court aims to streamline the management of disclosed documents.

It does this by:

- encouraging the adoption of document protocols from the institution of proceedings;
- encouraging the use of information technology to manage documents for disclosure, for interlocutory and directions hearings, and at trial.

Why do we need document protocols?
Document protocols are designed to ensure parties classify documents consistently.

Protocols are of benefit in both paper based and electronic trials because they require predictable, consistent terminology to describe evidence. This avoids the problem of multiple descriptions of the same concept (eg fax, facsimile, fax cover sheet or facsimile transmission report).

Consistent use of agreed classification fields from the earliest possible stage should minimize the cost of managing both hard copy and electronic documents in both small and large cases.

How is a document protocol established?
- Form 19 (as amended) effectively provides a "default" protocol for use in all cases.
- To the extent that Form 19 does not provide enough descriptive guidance, eg. where there are a large number of documents to be disclosed, the parties are encouraged to agree upon a more detailed protocol between themselves.
- The parties may seek a consent order from the Court in relation to an agreed protocol.
- Either party may seek directions from the Court in relation to the establishment of a protocol; however, before seeking a direction, the parties should make all reasonable efforts to reach agreement.

At what stage in proceedings should a protocol be established?
Parties should seek to agree a protocol for describing and exchanging documents as soon as possible after proceedings have been instituted and in any case before disclosure is commenced.

Content of a document protocol (See Appendix)

Who classifies documents for the purpose of a protocol?
The descriptive fields contained in a protocol are referred to as "objective" fields because you do not need legal training to apply them to a document. They do not require an awareness of the facts of the case, the issues in dispute or an understanding of legal process.

Objective fields can be determined by a non-legally trained person, merely by reading the document.

Electronic trials

Parties should consider the use of technology if it is likely that the number of documents to be disclosed will exceed 500.

If parties have disclosed documents by electronic reference in accordance with a document protocol, they should consider making submissions to the court regarding the use of technology at the hearing including submissions about:

(a) hardware, software and other infrastructure,
(b) supporting courtroom technology support or imaging services,
(c) cost allocation arrangements between the parties, the court and any third party service providers.

Subject to competing demands and within limited budgetary constraints, the Court will endeavour to provide resources to assist with the conduct of a trial using electronic document management. These resources may change on a case by case basis depending upon availability and other criteria, however as a guideline, the following may be available:

- file server and operating system software
- dedicated, permanent internet connectivity
- routers, firewalls, network switches and virus protection software
- disk capacity (this may fluctuate considerably depending on availability)
- network cabling
- flat screen or traditional monitors
- desktop computers running recent versions of Microsoft desktop applications
- evidence display facilities, and
- real time transcribing services

The parties will need to provide:

- any required equipment which cannot be provided by the court, and
- courtroom technology support services or imaging services.

The parties should try to agree as to how services of this nature are to be provided to support an electronic trial. The court may also provide assistance with this in suitable cases. Further information is available from the courts' web site (www.courts.qld.gov.au).

Group email

Trial preparation may be facilitated by group email, with the List Manager (CivilListManager@justice.qld.gov.au) and possibly the Trial Judge's Associate as participants.

Samples of protocols used may be viewed on the Courts' website.

(Paul de Jersey)
Chief Justice
13 July 2004

Appendix

Contents of a document protocol

In conjunction with this published protocol, the Rules Committee has altered Form 19 of the Uniform Civil Procedure Rules.

The Form 19 changes establish a "default" document protocol which will automatically apply to both electronic and paper based cases, unless a more detailed protocol has been agreed by the parties, or imposed by the court, to suit the particular needs of a case.

For example, in cases involving large volumes of documents, or where an electronic trial is proposed, the classifications contained in Form 19 may not provide the descriptive framework necessary to support the effective exchange and management of documents.

A protocol adapted to the needs of a particular case should:

- list the fields to be used to describe each disclosed document in addition to those fields required under Form 19 (some sample fields are mentioned in the table below);
- focus particularly on the Document ID and Document Type fields (refer table below) ;
- where documents are to be imaged, identify the resolution, compression type and format to be used, whether images are to be reduced to A4 size (if the original is larger), whether they are to be prepared in colour or black and white (eg for colour photographs);
  (the courts recommend single page TIFF files using a resolution between 150 and 300 dpi and CCIT G4 Compression and that a corresponding multi page PDF file should be used for every document)
- identify how image files and directories are to be named and structured;
- indicate how disclosure lists and images (if any) are to be exchanged or offered for inspection (eg hard copy, CDRom, disk, email, images, photocopies etc);
- identify the format or structure for the exchange of lists and images if they are to be produced: eg., hard copy, word processing format, spreadsheet format, pre defined database structure designed for import to a litigation support package, ASCII delimited etc;
- identify any other issues associated with the use of technology at the trial.

The Court may also require that the parties provide data to the Court in a particular structure for the purposes of an electronic trial.

Descriptive Fields
The table below is based on the position implemented in other jurisdictions. It contains descriptive fields which could be used over and above those required under Form 19.

Fields may be selected from this table to suit the needs of any particular case. The agreed list of fields forms part of the "Document Protocol".

Field	Data type and length of field	Notes
Document ID	Text (could be up to 16 characters long)	Each document should be uniquely identified preferably using the following methodology. AAA.xxx.yyy.zzzz where: AAA represents the party from whom the document was sourced xxx refers to an archive box number (optional) yyy refers to the folder number, and zzz refers to the page numbers within the folder (blank filled to make 4 or 5 characters depending on the needs of the case eg. page 37 could be 0037 or 00037)

Field	Data type and length of field	Notes
		Pages inserted at a later date may receive a suffix, eg., if two consecutive pages are numbered XXX.001.001.0002 and XXX.001.001.0003, a newly inserted page between the two would be numbered XXX.001.001.0002_A. Each page should be numbered if possible, in the bottom right-hand corner without obscuring text. If this is not possible an additional field could be used to record the number of pages in a document. Attachments to documents should be separately numbered, usually sequentially following the host document. For example, a host document numbered XXX.001.001.0001 would have attachments numbered XXX.001.001.0002, XXX.001.001.0003 and XXX.001.001.0004. Some image file names may be restricted to a maximum of 8 characters. This may affect the Document ID structure if documents are to be imaged and image files are to be named identically to the Document ID.
Attachments	Number	Number of attachments to the document.
Host Document Number	Text	Contains Document ID of the host document. This is held only for attachment documents.
Document Group	Text, 3	HWA: Host with attachment HNA: Host no attachment ATT: Attachment
Date	Date, 10, or Text, 25 (to be agreed).	Date structure should be:- DD/MM/YYYY eg. 05/03/2002 If a date range is to be used (eg., for a bundle of document), two date fields may be used, eg. "Date From" and "Date To", or "various". If there is no way of ascertaining the document date, the parties may agree upon a convention, eg., "Undated", or 00/00/0000, however, some databases may not recognize these codes. Documents with only a month and year should be entered as first day of the month and an entry should be made in the next Estimated Date field. Documents with the day and month but no year should be considered undated.
Estimated Date	Text, 3. (Yes or No)	This will be blank if the exact date is clear from the face of the document. It will be "Yes" if the actual date is not apparent from a face reading.
Document Type	Text, 254.	Parties should agree a list of document types prior to disclosure (eg.: letter, memorandum, file note..).
Document Title	Text, 254 or as appropriate	Title of document, eg. "report on technology".
Privilege	Text, 6.	This identifies whether a claim of privilege is made over the document. The permissible entries in this field are "Yes", "No", and "Part". If this field is completed with "Yes", or "Part", the following "basis of privilege" field must also be completed.
Privilege Basis	Text, 50 (or combination of text and numbers).	Privilege category.

Field	Data type and length of field	Notes
Status	Text, 10.	"Copy" or "Original".
Author	Text, 254 or as appropriate.	Person or persons who wrote the document based on a face reading of the document: last name, first initial only, eg. "Smith B". It is important to ensure names are not recorded in different ways, eg., "Smith, A" may be Anthony Smith or Tony Smith - this person should not be recorded as "Smith, T".
Author Organization	Text, 254 or as appropriate.	Organization sending the document based on a face reading of the document. Parties should agree spelling or abbreviations for common organizations, eg. ABC Pty Ltd.
Addressee	Text, 254 or as appropriate.	Person/s to whom the document is addressed or copied based on a face reading of the document. Usually this is in the format, last name first initial, eg. "Smith B". Where a field contains multiple entries, eg, many recipient persons or organizations, authors or parties, a "separator" character should be agreed between the parties. It is generally recommended that "/" be used, rather than a comma ",".
Addressee Organization	Text, 254 or as appropriate.	Organization/s receiving the document. Parties should agree on spelling or abbreviations for common organizations. Where a field contains multiple entries, eg, many recipient persons or organizations, authors or parties, a "separator" character should be agreed between the parties. It is generally recommended that "/" be used, rather than a comma ",".
Parties	Text, 254 or as appropriate.	The parties to an agreement or other legal document (not correspondence).
Source	Text, 20 or as appropriate.	The party from whom documents were obtained (where documents are obtained from someone other than the party making discovery eg. through a subpoena).
Non-Paper Record	Text, 3.	This field is "Yes" if the evidence is not a document, e.g. video or audio tapes, floppy disks, computer tapes and other objects.