



THE LAW SOCIETY
OF NEW SOUTH WALES

Our Ref: MM:AW1307488
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1 July 2010

Jane Mathison
Project Director
JusticeLink
NSW Department of Justice & Attorney General
Level 11, JMT, 86-90 Goulburn St,
Sydney NSW 2000

Dear Ms Mathison

The Law Society's Litigation Law and Practice Committee has been monitoring the commencement of JusticeLink. The Committee is concerned about recent publications by JusticeLink regarding its requirements for the personal details of practitioners for e-filing purposes. In addition to the various up-date bulletins that appear across NSW court websites, the Committee particularly refers to the following bulletin that appeared on the JusticeLink web site:

JusticeLink eServices Bulletin (8 June 2010)

Legal Representative Details - Correct Details Required

When entering the details of a legal representative to electronically lodge a document or register the legal representative, please use the given names and date of admission shown on their practising certificate.

If you use enter alternative names to that on the practising certificate - for example, your practising certificate says "Katherine Anne Jones" and you use "Kath Jones" or enter the incorrect admission date - the document will be rejected and a refund required. You will need to lodge the document again with the correct details.

08 June 2010

No. 003

The Committee is uncertain where on the forms or into which part of the e-filing process this information may be supplied as there is no section or data field in any of the current approved UCP forms for a practitioner to add his or her date of admission. In fact, there is no requirement under the Uniform Civil Procedure Rules 2005 for a date of admission to be supplied.

There is only a limited requirement to supply a practising certificate number on a few of the approved UCP forms, although there is no requirement under the Uniform Civil Procedure Rules 2005 for a practising certificate number to be supplied.

It should also be noted that the date of admission to the roll is not recorded on a practising certificate as the bulletin incorrectly suggests.

The legal representative reference field that appears in the filing details section on the front of the approved forms is not for a practising certificate number (or the place where a JusticeLink user ID number should be recorded) at all and should not be adopted by JusticeLink for this purpose. It is

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and always has been the field where a practitioner may enter his or her own matter reference number for internal record keeping purposes - it was not designed for any court based or JusticeLink based function. I refer you to section 3.3 on page 12 of the UCP Guide to preparing documents:

[http://www.lawlink.nsw.gov.au/lawlink/spu/ll_ucpr.nsf/vwFiles/Guide_to_preparing_documents_March_08_3.pdf/\\$file/Guide_to_preparing_documents_March_08_3.pdf](http://www.lawlink.nsw.gov.au/lawlink/spu/ll_ucpr.nsf/vwFiles/Guide_to_preparing_documents_March_08_3.pdf/$file/Guide_to_preparing_documents_March_08_3.pdf)

The correct place for a practising certificate number to be entered is on the back of those approved forms where a legal representative is required to set out his or her own details as legal representative.

Of the four forms that JusticeLink has issued XML templates for, a practising certificate number is only required to be shown on the back of the statement of claim (approved form 3A) within the section called "Further details about plaintiff[s]" and under the heading "Legal representative for plaintiff[s]".

A practising certificate number is not required for a:

- Approved form 38 - Notice of motion for default judgment (liquidated claim).
- Approved form 41 - Affidavit of service.
- Approved form 65 - Notice of motion for writ - levy of property.

Of the four forms that JusticeLink has issued XML templates for - only the statement of claim (approved form 3A) currently has a requirement for a contact email address. This appears within the section called "Further details about plaintiff[s]" and under the heading "Legal representative for plaintiff[s]". That said, it is the intention of the Uniform Rules committee to progressively update the approved forms so that a contact email address will be included within the filing details section on the front of all approved forms.

It seems a better approach might be for those practitioners wishing to use the e filing system to supply their own details when registering for JusticeLink. I refer you to page 12 of the JusticeLink eServices Registration External User Guide where these details (ie name, practising certificate number, date of admission etc) must be supplied as part of the eServices registration and authentication process. If those details are supplied at the initial registration point why it is necessary to supply those same details with each form that is efiled through JusticeLink?

It is not appropriate for JusticeLink to require extra data fields to be included in forms for e filing purposes that the approved forms do not now and were not designed to accommodate.

Would you please raise this with those at JusticeLink who are responsible for the design of the forms. Members of the Committee would be pleased to discuss this in more detail with your colleagues if needed. If you have any questions please contact Mr Andrew Wilson, Manager Practice.

Yours sincerely


Mary Macken
President