

Implementation of the E-Filing System

Thursday, 10 March 2011 12:53PM

This post is reproduced from here

By BC Circular 045/2011 dated 2 March 2011, members of the Bar were informed of the implementation of the e-filing system in the Kuala Lumpur Courts (see http://www.malaysianbar.org.my/notices_for_members/launch_of_e_filing_system.html).

On 7 March 2011, a meeting was arranged with the Judiciary and Formis Software & Technologies Sdn Bhd (the Service Provider) and was attended by the Chairman of the Kuala Lumpur Bar, the Chairman of the Selangor Bar and members of the Kuala Lumpur Bar Committee. The meeting was also attended by the Vice President and Secretary of the Malaysian Bar.

We set out below in brief the matters discussed and clarification sought and obtained at the said meeting. Some matters remain unresolved and we hope to continue to update members with further developments.

1. Which courts have implemented the e-filing system?

Kuala Lumpur Magistrates Court (Civil), Kuala Lumpur Sessions Court (Civil), Kuala Lumpur High Court (Civil / Commercial / Family / Bankruptcy / RKKK). E-filing is not yet implemented for criminal matters and other divisions not specifically mentioned above.

2. What cause papers have to be filed using the e-filing system?

All new suits / actions / originating process commenced on or after 1 March 2011 must be filed using the new e-filing system. All cause papers filed in the above proceedings – summons in chambers / affidavits / etc - would thereafter have to be filed using the e-filing system.

3. What about cases filed before 1 March 2011?

Cases filed before 1 March 2011 will continue to operate under the old manual filing system, i.e. if you are filing an interlocutory application in a suit filed before 1 March 2011, it would still be filed using the manual filing system.

The filing counters for manual filing have been moved to accommodate the e-filing counters. The manual filing counters are now located as follows:

High Court (Commercial)	Level 2 (Right Wing)
High Court (Civil)	Level 1 (Left Wing)
High Court (Bankruptcy)	Level 2 (Right Wing)
High Court (Family)	Level 2 (Right Wing)
High Court (RKKK)	Level 2 (Left Wing)

4. How is the e-filing system being implemented?

There are 2 options made available to members. One is to subscribe for and utilise the e-filing portal which would enable filing to be done online from your office. The other option is to bring the document (hard copy or soft copy) to the Service Bureau set up in Court where the document can be scanned and filed electronically by the court staff at the court registry.

5. Will there be charges if filing is done at the Service Bureau?

For the first 3 months, there will be no charges for using the Service Bureau. There will be charges thereafter. The rates have not been fixed as yet and we will inform members as soon as we are notified of the rates.

6. Are there any issues about filing using the Service Bureau?

We have been informed that there are 13 counters in the lower court registry and 10 counters in the high court registry. Express counters have been set up for the filing of single documents as opposed to multiple document filings.

This does not however mean there would be no delays. During the initial period, we expect there will be some delay and complications arising from the implementation of a new system and the use of the system by almost everyone for the

purposes of filing.

7. Why do I need to use the e-filing portal if the Service Bureau is in place?

Members are urged to consider their own law firm requirements for filing and to assess whether they should utilise the e-filing portal for online submissions from your respective offices instead of using the Service Bureau. It is expected that law firms that do not file many new claims or originating process or do not have many cause papers to file in any given month may wish to use the Service Bureau whereas those that anticipate higher levels of filing may instead find the e-filing portal to be more suitable.

The costs of utilising the e-filing portal will be addressed below.

8. How does the Service Bureau work?

Step 1: Fill up a brief Service Bureau Form which asks for the name of your law firm, date, contact number, email address and number of documents. Proceed to Counter 5 and show the staff the documents you wish to file. The documents may be in hard copy form or soft copy in a DVD/CD (Please take note that thumb drives or pen drives will not be accepted). Hard copy documents must not be stapled. You may only file 10 documents per counter transaction. The staff will inspect the documents to ensure it is all in order and hand it back to you together with a queue number.

Step 2: Your number will be called at Counter 14, 15 or 16. You are to hand over the Service Bureau Form and the documents to be filed (in hard copy or soft copy). You will be given a Scanning Reference Number (SRN).

Step 3: You will then have to wait for the documents to be processed and scanned (if hard copy) and your number will be called again to give you a payment slip at Counter 17. At this point you will obtain the Case Number if the document you filed was the Writ / Summons or originating process.

Step 4: With the payment slip, you may make payment at the Payment Counter or alternatively make payment using internet banking back at your office. An official receipt will be issued upon payment.

Step 5: Once the document is ready for extraction, it will be emailed to you and made available on the website. You may print the same at your office for the purposes of serving the originating process.

The counter numbers mentioned above are applicable for the lower court registry. The high court registry counter numbers may differ.

9. What are some of the issues that have been encountered at the Service Bureau?

There have been instances where the document is incomplete or not in the proper order.

There have also been instances of the email address on the Service Bureau Form being incorrect (It is suspected that some of the filing clerks do not know the law firm email address and either do not fill in the email address or they just write down some address to complete the form). If this happens, the law firm will not be notified when the document is ready for extraction. A dedicated email address may in the circumstances be a good option.

Filing done in the afternoon and not completed by 4 pm will require collection of the payment slip the next day. This means the filing clerk must return the next day to collect the payment slip and make payment. If he does not return the next day, the transaction will be void and the filing process must be started all over again.

Documents in soft copy must be saved in separate PDF documents in accordance with filing fee payment requirements, i.e. if it is a lower court matter, the summons and statement of claim can be in one PDF document but in the high court, the writ of summons and the statement of claim have to be saved in two separate PDF documents as the charges for the same are separate charges. Likewise, you cannot save a SIC and affidavit in the same PDF document.

10. In what format must the document be in if I wanted to bring a soft copy for filing?

It must be in PDF format and in a DVD or CD. It is advisable to only burn onto the said DVD or CD the documents intended for filing on that day. It is advisable to create a folder within the DVD / CD which states the name of the parties and the PDF documents saved within that folder e.g the Folder can be preferably named "ABC v XYZ" and the documents within it preferably ought to be named "ABCvXYZ-Writ of Summons" or "ABCvXYZ-Statement of Claim".

11. What is the advantage of bringing the document in soft copy form?

If it is brought to the Service Bureau in soft copy form, time is not spent by the court staff to scan the document and therefore it will be processed much faster and waiting time would be reduced.

12. What happens to the hard copies or DVD / CD that I hand over for filing?

It will be returned to you when your Case Number is given to you in Step 3 above. This means you could use a rewriteable DVD / CD.

If it is filed in hard copy, the hard copy will also be returned to you at the point when you are given your case number.

There are many hard copies and DVDs not claimed or collected at the counter after filing. Please ensure that your hard copies or DVDs/CDs are collected from the registry. We are informed that if they remain uncollected for more than 1 day, they will be disposed of.

13. What about filing of documents by law firms outside Kuala Lumpur?

Members have the option of utilising the e-filing portal online from their offices.

There are also plans to set up Service Bureaus in the major cities such as Penang, Johor Bharu, Ipoh and Shah Alam for the purposes of e-filing of documents in Kuala Lumpur courts. This is expected to be in place by the end of March 2011.

We have also been assured that all documents received by the KL courts (by courier or by post) from outside Kuala Lumpur with the correct filing fees and filing documents will be processed by the Service Bureau accordingly.

14. What about online submission of documents using the e-filing portal?

In order to utilise the e-filing portal, members must access the website <http://efiling.kehakiman.gov.my> and view the step by step guide at the "Getting Started" section.

Briefly, it requires members to do the following:

(a) Ensure that the software and hardware capabilities of your law firm are compatible with what is required to utilise the e-filing portal. This includes downloading Mozilla Firefox 3.5 or Google Chrome 8 and Java Runtime 5, installing operation systems Windows XP or later version, downloading PDF Version 10 or later version, etc. The PC requirements, the broadband speed requirements and the scanning capacity are also mentioned there;

(b) Purchasing / Acquiring the Organisation Certificate (OC) from MSC Trustgate.com Sdn Bhd. This certificate is required for digital certification and security verification of the e-filing of documents. The cost is presently fixed at RM1,500-00 for a 2-year period. The application form is available on the website.

Purchasing Individual Roaming IDs from MSC Trustgate.com Sdn Bhd – at least one Roaming ID is required. The cost is RM50 per year. The application form is available on the website.

The number of OCs and Roaming IDs would depend on the law firm filing requirements.

15. Where can I get more information?

There are briefings on Level 7 of the KL Court Complex on Tuesdays and Thursdays at 3pm. Please ask the enquiry counter on the ground floor for directions. You may send your office manager or any representative for the briefing.

There is also a Helpline 03-6209 4234 and an enquiry counter at the Service Bureau at the Ground Floor of the KL Court Complex.

16. What are some of the issues the Bar Council and KL Bar Committee are working on in respect of the e-filing system?

There are many issues that remain unresolved. Some of them are:

(a) The costs of the e-filing portal and the purchase of the OCs and Roaming IDs. Representations have been made that these costs should be lower for access to justice purposes;

(b) The charges for filing using the Service Bureau after 3 months. Representations have been made that the pricing structure must take into account access to justice issues, i.e. the charges may have to be lower for magistrates court matters and for impecunious litigants. Additionally, the charges cannot be fixed at a higher level with the intention of diverting users into utilising the e-filing portal;

(c) The mandatory utilisation of e-filing without the concurrent option of manual filing. If e-filing is to be implemented, it must be done gradually not a wholesale change of the system. If the e-filing system is to proceed, then the number of Service Bureau counters must be able to cope with the high volume of filings;

(d) The bandwidth speed at the law firms to meet the requirements for e-filing. E-filing requires high speed broadband and it will take time for law firms to subscribe to and install the same. There is also a concern that some of the ISPs presently cannot guarantee effective and efficient high speed broadband access to all areas of the Klang Valley, let alone the rest of Malaysia;

(e) The application form from MSC Trustgate requires particulars that law firms do not possess. The standard application form requires a business registration number or company registration number and other details a law firm would not possess. We are working with Formis to revise the application form.

(f) Payment of filing fees when utilising the e-filing portal would be by internet banking and this would require law firms to arrange for internet banking facilities for payment. We need to resolve certain issues with the 6 identified banks in respect of the level of security and authorisation for internet banking for law firm bank accounts and how to reconcile such services and payments using such services with the law firm accounts presently maintained.

We will keep members updated as to any developments as soon as we resolve any of the above issues. Please also email us at brendan@klbar.org.my and yati@klbar.org.my if you encounter any problems or have any queries that are not satisfactorily answered or resolved by the helpdesk.

Regards
Brendan Navin Siva
Chairman
Kuala Lumpur Bar Committee

Updates on the Implementation of the E-Filing System

Further to the report on the implementation of the e-filing system published on 08 March 2011, kindly take note of the following updates:

1) Briefing sessions

There will now be two (2) briefing sessions every Tuesday and Thursdays, at 3.00pm and 4.00pm respectively. The venue of the briefings has been moved from Level 7 to Bilik Anggerik at Level 6.

2) Roaming IDs

The cost of purchasing a Roaming ID from MSC Trustgate.com Sdn. Bhd. is RM40.00 per year and not RM50.00 per year as previously reported.

3) Manual counters for cases filed prior to 01.03.2011

The manual counter for cases filed before 1.3.2011 is Counter 12 located at Level 1.

4) Enquiries/extraction of draft Orders

For enquiries and extraction of draft Orders for cases filed before 2010, kindly proceed to the Civil Counter at Level B1.

For enquiries and extractions of draft Order for cases filed in 2010 and later, kindly proceed to Counter 12 at Level 1.

Syahredzan Johan
Chairperson
KL Bar Information Technology & Communications Committee
09.03.2011