August 13, 2020

CaseLines: A Practical Overview

On July 29, 2020, Chief Justice Morawetz announced that the Ministry of the Attorney General (“MAG”) will be piloting a new document sharing and e-hearing platform for select civil matters located in Toronto as of August 10, 2020, with the desire of having all Toronto matters on the system by the end of August. By the end of 2020, Ontario hopes to have all Superior Court proceedings using this platform.

This platform, created by Thomson Reuters, is aptly named “CaseLines”. Needless to say, this announcement has been met with a healthy dose of excitement, skepticism and curiosity from the bar.

On August 13, 2020, The Advocates’ Society held a session entitled “Introduction to Thomson Reuters – CaseLines” to discuss the new roll out. This session provided a comprehensive overview of the software, its functionality and a demonstration of CaseLines in action. Below is a summary of how CaseLines functions, the benefits it provides litigants and — most importantly — what it does not purport to do.

Overview of the Platform

CaseLines is a document sharing and storage platform that allows all parties, counsel, judges, masters, court staff and anyone of their choosing to access all of the documents for a proceeding in one electronic location. It is completely cloud-based and, in Chief Justice Morawetz’s words, extremely “user-friendly”.

It is highly important to keep in mind that CaseLines is not a “virtual court counter”, but is rather your new “virtual hearing binder”.

The platform is accessible 24 hours a day via the internet. It allows parties and/or counsel to share documents of any size and any file format before and during a court hearing.

There is currently no charge for use of CaseLines by MAG. All matters falling within the scope of the pilot will be able to use the program. It is recommended that counsel register in advance for the program at ontariocourts.caselines.com, or they will be required to do so when added to their first CaseLines file.

Given we are in the early days of the project, MAG is currently testing when the appropriate time is for a CaseLines file to be created. At the moment, a file will likely be opened on

CaseLines by court staff when an “event” is scheduled — such as a motion, case conference, or the return of a hearing. Counsel do not open a file on CaseLines themselves. A file on the CaseLines system is distinct from having a court file open.

When the court staff opens a CaseLines file, they will add the existing style of cause and the emails of either counsel or the self-represented parties to the system. These individuals will receive an email notifying them that they have been added to a case. Counsel will see, after having logged into CaseLines and having accessed their case from the menu, that pre-created categories of documents will exist (ie. factums, motion records, exhibits, etc). These categories are created by the CaseLines system and court staff depending on the specific matter.

Once added to a CaseLines file, counsel can add the emails of other individuals who they wish to have access to the file so that those individuals may view and upload material themselves. Registered users are able to upload up to 100 documents at a time, in any file format, into the pre-created document folders, which allows CaseLines to stay completely organized.

When material is uploaded, CaseLines will apply its own pagination to a document and will also perform optical character recognition (“OCR”), thus ensuring that all documents are searchable.

In keeping with the best practices of document preservation, CaseLines also allows all files to be uploaded in their native format. So, for example, a video exhibit uploaded to CaseLines will allow the judge to see the metadata indicating on what device the video was taken and when it was recorded.

CaseLines is beneficial both for hearing preparation and during the hearing itself. When preparing for a hearing, counsel and judges have the ability to make private notes, highlights, sticky notes and other annotations on documents that are only viewable to that individual — or to any specific person with whom they wish to share them. These notes, and the documents they are contained within, can be downloaded for offline use if needed.

In the event a user needs to view multiple documents at once, CaseLines has the ability to view documents side-by-side, thus allowing for comparison or cross-referencing.

When a document is uploaded to the system, CaseLines can be set by court staff to notify all persons who are registered to that specific file of a new document upload. Court staff also have the ability to lock a file to prevent further uploads if necessary.

During a hearing itself, counsel and judges are able to use, and indeed are recommended to use, CaseLines when referring to material. CaseLines has a functionality that allows a speaker to direct all persons logged into that particular file to a specific page in the record. For example, if counsel wanted to refer the court to paragraph 20 of a particular decision, they can pull that paragraph up on the screen of all other persons currently using the program — without ever accessing the computers of those other individuals or sharing their own screen.

Counsel are also able to bookmark portions of the evidence to seamlessly move through the record during oral argument.

For those rightfully concerned about security, CaseLines is fully encrypted end-to-end. The data centre storing all of the material is located in Canada.

It is important to note that, when uploading documents, counsel must also keep in mind the appropriate naming conventions, which have been outlined in a recent Supplementary Notice to the Profession released by the Superior Court. While CaseLines does have its own system of organization, it is imperative that counsel do their part to maintain this system by complying with the various rules. Further, each judicial region will set its own requirements for when documents must be uploaded to CaseLines by, in advance of a hearing.

What CaseLines Does Not Do

For all of the great benefits CaseLines provides, it is not a comprehensive online justice system:

- CaseLines is not a replacement for the Justice Services Online portal that counsel use to either issue claims or file specified documents. The recent expansion of services provided through that portal is wholly distinct from CaseLines. Parties must still file their court documents at the court office or in the Justice Services Online portal in accordance with the applicable rules of procedure, Notices to the Profession and Practice Directions. MAG has indicated that they hope to create a single step process in the future. Remember, CaseLines is your virtual hearing binder, not your virtual court counter;
- Uploading on CaseLines does not constitute service;
- CaseLines is not a video hearing platform that will replace Zoom, CourtCall, Microsoft Teams or any other platform being currently used. As it stands, it is strictly for document management; and

- For all the benefits CaseLines has when it comes to OCR and pagination, CaseLines is not a document preparation system. Counsel must continue to create proper briefs of documents — but CaseLines may affect how you go about doing so.

Practical Tips

Thomson Reuters has indicated that there will not be the ability for counsel to test the system prior to a hearing. As a result, it is highly recommended that all counsel view the online instructional videos posted by Thomson Reuters and/or MAG.

When using CaseLines, there are some practical tips to keep in mind that will make the process smoother for all those involved:

- CaseLines does not have the ability for you to use your Adobe bookmarks. When a document is uploaded, take the time to find the correct CaseLines pagination for each section of your document and put those in your speaking notes;
- During hearings, refer to pages by their CaseLines pagination. This allows all parties and the judges to search using the software for a specific page in an efficient manner;
- If using paper copies of records during oral argument, have the CaseLines pagination transposed onto them;
- It may be possible to discuss with your case management judge and opposing counsel whether a procedural order allowing service through CaseLines can be made. This will require counsel to be cognizant that update emails from CaseLines may be missed, and so regular logins to check for recently uploaded documents may be necessary;
- The more computer monitors you have, the easier it is to view electronic documents;
- Practice reading the material online in CaseLines. Chances are your judge will start to use the CaseLines version of documents, and so you too should be just as comfortable with electronic material and how to navigate the software; and
- Use the screen direct feature during both in-person and virtual hearings. There is no need to screenshare on Zoom anymore!

Conclusion

CaseLines truly is a remarkable breakthrough for the legal profession. It is long overdue. While the system is not perfect and, at times, will result in duplication of effort for different document management tasks, the overall efficiency and cost-savings in the long run are immeasurable.

COVID-19 has forced the legal profession in Ontario to adapt to a largely virtual world. This is simply another example. Counsel need to become familiar with this software, its benefits and its detriments in order to continue being effective advocates for their clients. While Ontario works towards an integrated online platform that allows for document management, potential service, and e-filing all in the same location — CaseLines is a welcome first step. We are one step closer to the digital default world.