



The Bar Council

E-bundles

Purpose:	To guide all barristers on good practice regarding e-bundles
Scope of application:	All practising barristers
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Status and effect:	Please see the notice at end of this document. This is not “guidance” for the purposes of the BSB Handbook I6.4.

1. In practice, an electronic bundle will almost always be necessary for a remote hearing. Although Judges are meant to be able to access the CE-file, this is not always possible during a hearing and if the connection drops or the CE-file becomes unavailable, it risks the hearing being adjourned. In addition, many courts do not yet use the CE-File.

2. The Judiciary has produced a [General Guidance on PDF Bundles](#) and in it, it includes the principles that bundling should follow and the delivering of e-bundles. However, while this appears to apply across jurisdictions, there are differences in detail in different jurisdictions in relation to e-bundles guidance. It is anticipated that the Court’s system will have to be “app neutral” because parties will have made their own decisions about which software to use to create the e-bundle. A barrister should, of course, follow any specific directions which have been given by the relevant court in respect of e-bundles or, in the absence of specific directions, check whether the relevant court has published specific guidance.

3. Paragraphs 24-26 of the [Protocol regarding Remote Hearings](#) states:

24. The parties should, if necessary, prepare an electronic bundle of

documents and an electronic bundle of authorities for each remote hearing. Each electronic bundle should be indexed and paginated and should be provided to the judge's clerk, court official or to the judge (if no official is available), and to all other representatives and parties well in advance of the hearing.

25. Electronic bundles should contain only documents and authorities that are essential to the remote hearing. Large electronic files can be slow to transmit and unwieldy to use.

26. Electronic bundles can be prepared in .pdf or another format. They must be filed on CE-file (if available) or sent to the court by link to an online data room (preferred) or email.

4. [The Protocol For Remote Hearings in the Family Court and Family Division of the High Court](#) sets out more detailed requirements in relation to e-bundles in paragraphs 20-22. The format of the e-bundle is required to be as follows:

- (a) "PDF format is to be used;
- (b) All documents are to be contained, if possible, within one single PDF file;
- (c) The PDF file must be searchable;
- (d) Pagination must be computer generated within the PDF, not hand-written:
 - (i) Original pagination must be by section and page number i.e. A1, A2, A3.... B1, B2, B3 etc;
 - (ii) Insertions, after compilation of the original bundles, should be using 'legal' numbering (e.g. B13.1, B13.2, B 13.3 to be inserted between B13 and B14);
- (e) Each section of the bundle, and each individual document referenced in the index, should be separately bookmarked;
- (f) Electronic bundles should contain only documents and authorities that are essential to the remote hearing.

21. The electronic bundle must be filed with the court on CE-file (if available) or sent to the court via a cloud-based link (e.g. ShareFile, iCloud, OneDrive, Dropbox or Google Drive) rather than in a series of emails. Delivery by USB stick should be avoided due to the risk of creating a pathway of infection and to protect the integrity of the court IT systems. The electronic bundle should be provided to all other representatives and parties within the timescales provided by the relevant Practice Direction."

5. The [Supreme Court guidelines on electronic bundles](#) are as follows:

- *The document must be a single PDF.*
- *The document must be numbered in ascending order regardless of whether multiple documents have been combined together (in future the original page numbers of the document will be ignored and just the bundle page number will be referred to).*
- *Index pages and authorities must be numbered as part of the single PDF document (they are not to be skipped; they are part of the single PDF and must be numbered).*
- *The default display view size of all pages must always be 100%.*
- *Texts on all pages must be selectable to facilitate comments and highlights to be imposed on the texts.*
- *The bookmarks must be labelled indicating what document they are referring to (best to have the same name or title as the actual document) and also display the relevant page numbers.*
- *The resolution on the electronic bundle must be reduced to about 200 to 300 dpi to prevent delays whilst scrolling from one page to another (it is advisable to print off the hard copy before reducing the resolution or creating the hyperlinks as stated below)*
- *The index page must be hyperlinked to the pages or documents they refer to.*
- *Supplementary documents or bundles filed during or close to the start of the hearing must be created as a separate single PDF numbered in ascending order starting from 1 and filed on new memory stick.*

6. When discussing the format of the e-bundle, parties need to ensure that it is useful for the Judge: the Judge will need to be able to access it easily and be able to use any helpful functionality – such as, for example, searchable text, a clear index and bookmarking of tabs. Pagination should be approached sensibly, and with a view to enabling the Court to find a reference easily and without having to scroll through the entire bundle.

7. Generally speaking, commercially available pdf software which can be used to prepare an e-bundle is not free. Market leading software includes Adobe Acrobat Pro DC at £15 pm (prepaid min 12 months) inc VAT (or £25 monthly) or PDF Expert (for Macs) at \$80, though PDF Expert does not include OCR at present. Other paid for software exists, such as PowerPDF (priced at \$179 for perpetual licence). It is possible that free PDF software, such as PDFsam or PDF Element, may be usable, but these have not been investigated.¹

8. Where available, CE-filing of the e-bundle is suggested but may prove to be difficult for some barristers and solicitors working from home. Access to CE-filing is supposed now to be available to individual barristers, but there remains some confusion about whether it is advisable to join under your Chambers or separately

¹ Other pdf software can be found by doing standard searches. See <https://www.g2.com/categories/pdf-editor>; https://en.wikipedia.org/wiki/List_of_PDF_software.

for conflict reasons. It is usually available to solicitors and barristers' clerks, so, if you have effective clerking firewalls in Chambers, this may work. There could be difficulties if clerks are not available, or if solicitors are unable to access CE-file via their offices. Alternatives, such as Sharepoint, may enable the Court to access an e-bundle, but again, such options are not usually free. It may be possible for your solicitor to provide these services for the hearing. Remember also that the Authorities bundle will also have to be electronic. Preparation well in advance of the hearing, will be necessary to avoid late delivery of e-bundles and to overcome any technical hitches. For trials, it may be sensible for any issues to be raised at pre-trial hearings if not resolved in advance.

9. Provision of bundles on USB sticks, during the pandemic is not considered ideal as they are potential vectors for the transmission of Covid-19. However, if used, they need to be encrypted in order to ensure that the contents remain secure in the event that the USB goes astray. The de-encryption key should be provided separately.

Important Notice

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