

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

CAROLINE McINNES

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My contact information is as follows:

Phone: 902-424-8962

Fax: 902-424-0524

Email: Caroline.McInnes@courts.ns.ca OR PROTHONOTARYHFX@courts.ns.ca

Ms. Anselm's contact information is as follows:

Phone: 902-424-7382

Fax: 902-424-0524

Email: A.E.Anselm@courts.ns.ca

COURT DOCKETS for November, December and January

PLEASE NOTE: The Prothonotaries' Offices will be closed on the following holidays:
Friday, Dec. 23, at noon, Monday, Dec. 26, Tuesday, Dec. 27, and Tuesday, Jan. 2, 2017.

A) Court of Appeal

Court of Appeal regular chambers will be held on Thursdays at 10:00 a.m. Court of Appeal telechambers are held on Wednesdays at pre-appointed times. Please call ahead to the Deputy Registrar, Cherri Brown, at 902-424-6937 to book a time.

The Court of Appeal posts the docket for appeal hearings, including the date, time, location of the appeal and the panel members, on its website:

<http://courts.ns.ca/Appeal Court/NSCA dockets.htm>

In addition to posting the current appealing hearing term, the Court now posts a 'Rolling Docket', which means that once appeals are set down they are added to the online docket.

B) Supreme Court

Crownside in Halifax will be held on the following dates at 9:00 am:

- Thursday, Nov. 24
- **Tuesday**, Nov. 29
- Thursday, Dec. 8
- Thursday, Dec. 15
- Thursday, Dec. 22
- Thursday, Jan. 5, 2017
- Thursday, Jan. 12, 2017

- Thursday, Jan. 19, 2017
- Thursday, Jan. 26, 2017

There will be no general chambers on Nov. 30, Dec. 1, Dec. 2, and Dec. 16, 2016.

Appearance days will be held on Fridays at noon in Halifax with the following exceptions: **there will be no appearance day on Dec. 2, Dec. 16, or Dec. 23.**

PROBATE COURT

Please be advised that the Probate Court has its own fax number: 902-428-2224. Litigants are asked to use this fax number, and not the general Court Administration fax number, when sending documents to Probate Court.

COURT OF APPEAL

List of Supreme Court of Canada Cases that do not need to be reproduced

In August 2016 the Court of Appeal posted a new list of Supreme Court of Canada cases that do not need to be reproduced by litigants in their book of authorities. The list may be found on the Court of Appeal's website: <http://courts.ns.ca/Appeal Court/NSCA home.htm>

SUPREME COURT

Civil Procedure Rules – Amendments & Corrections

(a) Amendments

The Judges of the Supreme Court approved on Oct. 28, 2016, an amendment to Practice Memorandum Number 4 – Courtroom Attire. The amendment may be viewed on the Court's website at: <http://courts.ns.ca/Civil Procedure Rules/cpr 2008 originals and amendments.htm#PMAmends>.

The amendment adds the following paragraph to the Practice Memorandum:

Personal Circumstances

Lawyers with personal circumstances, such as pregnancy, that require them to wear altered robes or business attire are requested to advise the court clerk, or other court officer, privately or publicly, in advance of the hearing or trial, generally of the circumstances that prevent the lawyer from complying with the foregoing provisions of this practice memorandum.

(b) Corrections

A couple of corrections were recently made to the Rules, which have now been incorporated in the official consolidated version of the Rules. These are:

(1) Rule 49

- A correction has been made to the consolidated rules (Rule 49) to include four sittings for Kentville in the chart on page 253.

(2) Practice Memorandum No. 1 – Foreclosures

- In para 2.5(g) the last sentence in the first paragraph has been updated so that it now reads:

The order shall provide the sale is to be held at a courthouse in the county in which the lands being foreclosed are located, unless the court orders otherwise

- In the Order for Foreclosure, Sale and Possession a similar sentence has been added to paragraph 3

(c) Annotated Version of Rules

For those who consult the LexisNexis annotated version of the Civil Procedure Rules, it does not appear that the amendments are up to date (for example, some amendments made by the Court in February 2016 have been omitted or only partially included in the subsequent releases).

While I trust the appropriate corrections will be made in subsequent releases, please remember that the official version of the Rules is the online consolidated version, which may be found here: http://courts.ns.ca/Civil Procedure Rules/cpr_home.htm

BOTH COURTS

Free Legal Clinic at the Law Courts

The Law Courts in Halifax continues to be home to the Free Legal Clinic. The Clinic is located on the 2nd floor of the Law Courts, and is held every Thursday from 9 am to 1 pm in two simultaneous 1 hour sessions held by volunteer lawyers.

The Clinic is intended for self-represented litigants with limited to little experience in the court system. The Clinic provides service for civil matters at the Supreme Court (General Division) and at Court of Appeal, including family law appeals but excluding child protection appeals. It will not provide service on any criminal matters in either court.

Assistant for family law appeals at the Court of Appeal will be provided approximately one Thursday per month.

If you have any litigants in mind that you believe might benefit from this service, kindly refer them to the Court Administration office at the Law Courts. Litigants may initiate the sign up process in person or by telephone at 424-6900 for Supreme Court matters, and 424-6937 for Court of Appeal matters. For more information, go to the Courts website: http://courts.ns.ca/self_reps/nsca-nssc_free_legal_clinic.htm

Liaison Committees

Both the Court of Appeal and the Supreme Court have Liaison Committees that are composed of members of both the Bar and Bench. These Committees sit approximately twice a year. Counsel are reminded that they are invited to bring forward items they would like raised at Liaison Committee meetings to Bar members of the relevant committees. Current information on committee membership may be obtained from the Nova Scotia Barristers' Society.