

NOTICE TO THE BARRISTERS' SOCIETY

A. Court of Appeal

- a. Counsel are reminded that Chambers Cover Sheets are not required for Court of Appeal Chambers matters nor is a filing fee required. One sole copy of the documentation is to be filed given that a judge sitting alone in chambers will decide the matter as opposed to a panel of three judges.
- b. With respect to hearings before a panel of judges to the Court of Appeal, counsel are asked to ensure that they file 5 copies of the Book of Authorities as opposed to 4 copies as has been the practice over time.
- c. A recent Civil Procedure Rule Amendment clearly indicates that all filings for Court of Appeal Chambers must be completed on two (2) clear days' notice.

B. Supreme Court

- a. Counsel are reminded to ensure that a Chambers Cover Sheet accompanies all documents destined for Supreme Court Chambers in keeping with **Practice Memorandum No. 2**. Counsel are further advised that commencing immediately any chambers documents which do not include the Chambers Cover Sheet will be returned to counsel and could result in delays in having matters placed on the Chambers Docket.
- b. Counsel are reminded that pursuant to **Civil Procedure Rule 82.11**, fax filing is permissible and will be particularly useful to counsel attempting to meet filing deadlines. However, hard copies must be submitted to the Court Administration Office as soon as possible following the fax filing as court staff will not be making photocopies of the material faxed but simply relying on the date of the faxed copy for the purposed of date stamping the original copies received from counsel. Please note that fax filings must be received by 4:30 p.m. to be processed on that day. A cover page is required for all fax filing and originals must follow to be date stamped the date the faxed copy was received by respecting the 4:30 p.m. cut off time.
- c. Counsel are reminded that **Practice Memorandum No. 2 V.E.** indicates clearly that all chambers mail should be directed generally to the Prothonotary's office identified as a chambers matter. Chambers documents are not to be sent directly to the judge presiding in chambers as the matter will not be placed on the court docket unless it has come through the Court Administration Office. Counsel are also reminded that materials must be submitted to the Court Administration Office with any applicable filing fees to ensure that matters are directed from the Court Administration Office both to the civil schedulers and the judges to ensure that the matter is placed on the

chambers docket and that it is filed within the requisite time frame provided in the Civil Procedure Rules.

Counsel are reminded additionally that where chambers matters settle and do not go ahead that counsel have a duty to inform the court of any matter which is not going ahead in keeping with **Practice Memorandum No. 2 IV.B 6(a)**. A telephone call must be placed to the judge's secretary as well as a follow up letter or fax to both the judge and the Court Administration Office.

- d. Any motion made before the Prothonotary which requires the filing of a Notice of Motion, with supporting affidavit, obligates the Prothonotary to exercise their quasi-judicial role and so are subject to the Sixty-Six Dollar (\$66.00) Notice of Motion filing fee.
- e. Counsel are reminded that once an Order is granted by a judge in chambers it will make its way to the Court Administration Office for issuance along with the requisite number of copies submitted by counsel and the court file. We are asking that counsel not come to the Court Administration Office directly from chambers with a copy of a Court Order for issuance as the Court Administration Office will not, at that time, have either the court file or the necessary copies of the orders for issuance. Upon completion of chambers, all files return to the Court Administration Office and all Orders are issued promptly and placed in the lawyers' bins which are in the Court Administration Office. The cooperation of counsel in this regard is solicited.
- f. Counsel should determine before whom a Consent Order can be taken out. The Prothonotary can pursuant to **Civil Procedure Rule 82.20** sign certain Consent Orders. The form of order must also clearly be indicated before whom the order is taken out: "BEFORE THE PROTHONOTARY" or "BEFORE THE HONOURABLE JUSTICE".

REVISED NOVEMBER 2017