

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

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Commencing Friday, December 13, 2002 and appearing monthly every second Friday I will be presenting an information piece on “practical tips” for your filings and appearances before the Supreme Court in Halifax and the Court of Appeal. Exceptionally this first article will be distributed by hard copy in the lawyer bins in the Court Administration office as well as electronically on the courts website: www.courts.ns.ca and on the Barristers’ Society website. Commencing with the January 2003 edition the article will only be distributed electronically.

I will present three “tips” monthly for each court and I invite questions and suggestions for future topics as well as feedback. I can be reached at : boucheam@gov.ns.ca. The tips are not being presented in any order of importance but rather are items which lawyers and their staff should take a few moments to consider and adopt.

My information piece will also contain valuable information about when there will be no Chambers sittings in both courts and when there will be altered court filing dates for Chambers.

The Law Courts will close at 12:00 noon on Tuesday, December 24th and re-open at 8:30 a.m. on Friday, December 27, 2002 and will be closed on Wednesday, January 1, 2003.

As a result in the **Court of Appeal** there will be **no** telephone or regular Chambers on December 25th or 26th. Should any emergency Chambers type matter arise, counsel must contact the Registrar by Friday, December 20th to make any type of special arrangements required. There will be **no** telephone Chambers on Wednesday, January 1, 2003. Regular Chambers will resume on Thursday, January 2, 2003. Two clear days are required for Chambers filings in the Court of Appeal.

In the **Supreme Court** there will be **no** Chambers on the days the building is closed. Appearance Day will be held on Friday, December 27, 2002 for matters placed on the docket by counsel. The court will not place any court generated Appearance Day Notices on the docket that day.

COURT OF APPEAL

1. Everyone appears to have their own idea of how documents should be formatted for the Court of Appeal! **Civil Procedure Rule 62** includes several requirements regarding the format of documents to be filed on an appeal. Some of the requirements most often overlooked are highlighted below. The Court encourages the filing of factums and transcripts in electronic format in addition to the hard copies.

Appeal Books (Rule 62.14):

- * each volume should contain an index, not only of what is contained within that volume but an index of the content of all the appeal books
- * the index should provide references to page and volume numbers
- * all pages following the index should be numbered consecutively starting with page 1
- * the transcript should be double spaced and in a font not smaller than 12 point
- * documentary exhibits should be included in the appeal books and if possible they should be numbered and tabbed in the same manner as they were at trial (if not possible a table of concordance should be filed)
- * covers should be grey
- * each volume should be numbered

Factums (Rules 62.15 and 62.16):

- * doubled spaced, and bound with the printed pages on the left
- * please use a font of at least 12 points
- * buff or yellow cover for appellant's factum, green or blue for respondent's
- * references in the factum to findings of fact or evidence should contain pinpoint references to the transcript and/or decision
- * please refer to paragraph numbers of authorities cited
- * for quotes - please do not decrease font size to less than 10 point and do not use any line

spacing of less than single spaced.

Books of Authorities (Rule 62.15(5)-(9)):

* please bind authorities in alphabetical order

* the filing of the authorities at the same time as the factum is appreciated

2. Orders! Orders! Orders! - the Court of Appeal requires the copy of the lower court Order prior to setting an appeal down for hearing. Counsel who are appealing lower court decisions are asked to obtain copies of the Order as soon as possible after the disposition of their matter by the lower court. Remember a decision is not an Order!
3. Certificate Respecting Preparation of Appeal Book - the form of certificate is found at **Civil Procedure Rule 62 as Form 62.02(5)**. An appeal will **not** be set down for hearing at Chambers without a duly completed certificate being submitted in advance to the court. As a reminder counsel must use the form of Certificate as provided at Form 62.02(5) - substitutes excluding or adding paragraphs are not acceptable.

SUPREME COURT

1. Concluding documents - to keep the Prothonotary from issuing Notices of Intention to Proceed and Appearance Day notices on concluded files, counsel are asked to file Consent Dismissal Orders or Notices of Discontinuance when actions are concluded. There are close to 400 actions commenced monthly at the Law Courts! Your cooperation in closing concluded files is much appreciated.
2. Guardianship applications for incompetent persons require only **ONE** Chambers appearance. Please refer to **Practice Memorandum No. 10**.
3. Documents to be filed with the court respecting the appropriate filing deadlines on a Chambers application are: Chambers Cover Sheet, Interlocutory Notice, Affidavit, 3 copies of the draft Order and a written submission (memorandum) along with the applicable court filing fee. I direct you to **Civil Procedure Rule 37.08** and **Practice Memorandum No. 2**.

A.M.B.