

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER
December 2, 2005

Please note that there will be no Appearance Day on the following dates: December 16 and December 23, 2005.

Supreme Court Crownside in Halifax will be held on the following dates: December 8, 15 and 22, 2005.

Please note that the Law Courts will close at 12noon on Friday, December 23, 2005 and re-open at 8:30 am on Wednesday, December 28, 2005 for the Christmas holiday.

Also note that the Law Courts will be closed on Monday, January 2, 2006.

Regarding Appearance Days for the calendar year 2006, please note that there will be NO Appearance Days on the following dates: April 14, May 5, September 15, December 15 and 22, 2006.

COURT OF APPEAL

- 1.** Counsel are reminded that transcripts included in the Appeal Book need to be certified by a qualified court reporter. Recently, we have noticed that either the certificate is not included at all with the transcript or if it is included it is not signed by the court reporter.
- 2.** The disk or CD of the Appeal Book and/or Factum must be placed in a separate envelope with a label directed to Cindy Collicutt, court clerk. Only one copy of the disk or CD is required.

SUPREME COURT

- 1.** As noted in the September 23, 2005 issue of the Prothonotary's Hints and Tips counsel are requested to include in their briefs filed with the Supreme Court full copies of cases and legislative authority to which they refer in their brief for the judge.

A.M.B.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER

December 16, 2005

Please note that there will be no Appearance Day on December 23, 2005. Appearance Day will be held on Friday, December 30, 2005.

Supreme Court Crownside in Halifax will be held on the following dates: December 22, 2005, January 5, 12, 19 and 26, 2006.

Please note that the Law Courts will close at 12noon on Friday, December 23, 2005 and re-open at 8:30 am on Wednesday, December 28, 2005 for the Christmas holiday.

Also note that the Law Courts will be closed on Monday, January 2, 2006.

Court of Appeal Chambers will be held on Thursday, December 22nd and 29th and telephone Chambers will be held on Wednesday, December 21st and 28th, 2005. For the first week of January 2006 please note that telephone Chambers will be held on Tuesday, January 3rd and regular Chambers will be held on Wednesday, January 4th, 2006.

Regarding Appearance Days for the calendar year 2006, please note that there will be NO Appearance Days on the following dates: April 14, May 5, September 15, December 15 and 22, 2006.

SUPREME COURT

- 1. Counsel are reminded that they cannot arbitrarily change the style of cause of an action once the action is commenced. By way of example, counsel often file a Notice of Discontinuance against one of the Defendants and in the next document filed with the court the name of that Defendant is not included. Any changes to the style of cause of an action is an amendment which must be made pursuant to Civil Procedure Rule 15.**
- 2. As noted in the January 28, 2005 issue of the Prothonotary's Hints and Tips, Civil Procedure Rule 37.08(3)(b) requires court filings one (1) clear day in advance of the hearing for ex parte applications.**
- 3. Recently there has been an increase in the number of requests to have applications heard on an emergency basis. I remind counsel that Practice Memorandum No 2 (IV B.3) sets out the procedure to be followed to request that a matter be heard on an emergency basis. Counsel must present arguments as to why their matter**

should be deemed an emergency - if the Chambers judge requires this argument in person, counsel should be prepared to attend court at the time set by the judge to be heard on the issue. Just because counsel believe the matter is an emergency does not mean that the matter will be deemed an emergency.

I take this opportunity, on behalf of myself personally and on behalf of the Court Administration staff, to extend best wishes to you all for the holidays. The staff and I appreciate your many cards and expressions of holiday good wishes - many thanks.

A.M.B.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER

January 28, 2005

COURT OF APPEAL

1. Counsel are reminded that the Court of Appeal judges along with practising members of the Barristers' Society will be offering their "Lunch and Law" series commencing on February 3, 2005. This is a "re-run" of the previous sessions. More information can be found on the Barristers' Society website
2. Requests for extensions of time for appeal filings must be made in writing to the Registrar of the Court of Appeal. Your written request should also state that you have spoken to opposing counsel and they are agreeable to your extension request.

SUPREME COURT

1. Counsel are reminded when they are filing Affidavits or other court documents on multiple court files such as non-consolidated matters, that sufficient copies of the documents are required to ensure that one of each document is placed in each of the court files.
2. Counsel are reminded that when they are commencing mechanics' lien actions that the style of cause must set out "**IN THE MATTER of the Mechanics' Lien Act...**" Simply indicating in the body of the document that the matter is a mechanics' lien matter is not sufficient, it must also be included in the style of cause.
3. Appearance Day is held weekly on Friday at 12 noon . In the upcoming months counsel are reminded that there will be no Appearance Day on Good Friday, March 25. The dockets for Appearance Day are becoming quite heavy and counsel are asked, if they are removing items from the docket, to endeavour to do so by 4:30 pm the day before Appearance Day by contacting me directly.
4. The Bench Rules Committee has directed me to inform counsel that Civil Procedure Rule 37.08(3)(b) prevails over all other Rules with respect to filings with the court on ex parte applications. **That Rules requires filings to be completed one (1) clear day prior to the hearing of the ex parte application.**

A.M.B.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER

February 25, 2005

COURT OF APPEAL

1. In keeping with the Civil Procedure Rules filings on appeals consist of the Appeal Book, the Appellant's Factum and Book of Authorities and the Respondent's Factum and Book of Authorities. In recent past counsel for Appellants and Appellants themselves have been either filing or requesting to file "reply submissions" to the Respondent's Factum. This is not permitted by the Rules. Unless specific direction has been given by the Chambers judge, in that regard, at the time of setting the appeal down, such submissions will not be accepted for filing at the Court Administration Office.
2. Please be advised that filing dates set in Chambers are being strictly enforced by the Court Administration staff. Counsel are agreeing to the dates when they are being assigned by the Chambers judge and thus are expected to complete their filings on the assigned dates. For counsel outside the metropolitan Halifax area, please remember that your courier service is **NOT** same day delivery and thus sending out your filing on the date it is due will not be sufficient to meet the filing deadline.
3. At Court of Appeal Chambers counsel will have noticed Sheriff services often screening persons attending Chambers. This is on the direction of the judges of the court.

SUPREME COURT

1. Appearance Day is held weekly on Friday at 12 noon . In the upcoming months counsel are reminded that there will be no Appearance Day on Good Friday, March 25. Appearance Day will be held every Friday in April, 2005.
2. Effective September 29, 2004, new Party and Party Tariffs under the Costs and Fees Act, were published in the Royal Gazette and apply to cases commenced after September 29, 2004. It is hoped that the new tariffs will be included in the next scheduled updates for the Civil Procedure Rules published by Butterworths.
3. Counsel are reminded that Civil Procedure Rule 13 requires that pleadings be closed before an application for summary judgement can be brought forward to the court for consideration.

4. Pursuant to Civil Procedure Rule 37.05(2)(a), service of an application brought by way of Originating Notice (Application) is at least ten (10) clear days. The four (4) clear day service requirement applies to an Interlocutory Notice (Application Inter Partes) as set out in Rule 37.05(2)(b).
5. In the May 7, 2004 issue of the Prothonotary's Hints and Tips, I included a directory to assist counsel and their support staff in more efficiently directing their calls within the Law Courts building. Unfortunately, this has not worked as well as expected and I continue to personally receive a large volume of telephone calls for matters such as "what is the filing fee for...". Please find below a new updated directory which I would ask you refer to and share with your support staff.

A.M.B.

Directory Assistance for the Law Courts

Reception 424-4900

1. General inquiries
2. Hours of Operation
3. Fax numbers
4. Daily Docket information

Court Administration Switchboard 424-6900

1. filing fees
2. status of certified copies of orders
3. appointments for commissioner of oaths/ notarizing documents
4. fax filing questions
5. questions regarding the filing of documents
6. self help kits - precedents

Justice Officer III - 424-6904

1. Judgments/ Execution Order

File Vault 424-6909

1. copies of divorce certificates
2. checking court files for filings or documents
3. file requests

Exhibit Clerk 424-2238

1. questions regarding exhibits

2. physical access to and viewing of exhibits
3. file requests for Chambers for lower court files for Court of Appeal

Scheduling Office (see list)

1. Dates or removal from the court docket
2. Date Assignment Conference times
3. Booking Court rooms for external uses.

Criminal Scheduler: 424-7967

Chambers/ Civil Scheduler: 424-7963

Jury Scheduler: 424-2729

Justice Officer II 424 -6907

1. satisfaction pieces
2. sheriff services

Deputy Registrar of Bankruptcy 424-6908

1. Bankruptcy filings
2. Bankruptcy hearing dates

Probate Court 424-7422

1. Probate filings
2. Probate hearing dates

Sheriff Services 424 - 8212

1. Sheriff's accounting
2. Payment of monies in and out of Court

Prothonotary / Registrar of Court of Appeal 424-6187

1. Court of Appeal extensions
2. Court of Appeal - questions regarding Rules and procedures
3. Case Management Issue including Appearance Day
4. Prothonotary - questions regarding Rules and procedures
5. Computation of time issues
6. Appointments for notarizing of documents

Deputy Registrar of Court of Appeal 424-6937

1. Court of Appeal Chambers - questions regarding scheduling

Supervisor of Court Administration 424-6902

1. Emergency Protection Orders
2. Customer Service issues
3. Request for tapes of Court Hearings

Supervisor of Judicial Support/ Central Services 424-6938

1. Questions regarding translation services
2. Audio visual aids for courtrooms
3. Inquiries regarding videoconferencing

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER
March 24, 2005

Please note that there will be no Appearance Day on the following dates: May 13, May 27, June 24, July 1, September 9, October 21, November 11 and December 9, 2005.

There will be no Court of Appeal Chambers on May 26, 2005.

Supreme Court Crownside in Halifax will be held on the following dates: March 31, April 7, 14, 21, 28, May 5, 10, 19, 24, June 2, 9, 16, 23, 30 July 14, 28, August 11, 25, September 1, 6, 15, 22, 29, October 6, 13, 18, 27, November 3, 10, 17, 24, December 1, 8, 15 and 22, 2005. Please note that some of these dates are for Tuesday rather than Thursday.

COURT OF APPEAL

1. On specialized Chambers applications such as: extension of time to file a Notice of Appeal after the time to so file has expired; applications to amend the Notice of Appeal outside the time allowed under the Rules for amendments; stay applications; security for costs applications; intervener applications; s. 684 of the **Criminal Code** appointment of legal counsel applications; bail applications; applications to settle disputes over the content of the Appeal Book, etc all require counsel to file a Notice of Application, Affidavits in support, memorandums of law and any proposed Order pursuant to Civil Procedure Rule 62.31 (3).

SUPREME COURT

1. Settlement Conference briefs as well as Chambers briefs are to be forwarded to the civil scheduler, who will inturn ensure the judge hearing the matter is provided with the brief. Your notice confirming the settlement conference date does set out this requirement.
2. Where settlement has been achieved of a Chambers matter or a trial, counsel must immediately notify the judge and the court in writing. Counsel are referred to Practice Memorandum No. 2 section IV, 4, B, 6. I also refer you to the January 10, 2003 Prothonotary Hints and Tips piece on this issue. Recently, it has been observed that counsel are not

- advising the court and/or judge when matters settle.
3. I must once again remind counsel of the proper fax numbers to use within the Law Courts building to ensure your material reaches the desired destination. These fax numbers were provided in the October 10, 2003 issue of the Prothonotary Hints and Tips piece, but require restating: the fax number for the Court Administration Office is 424-0524, the fax number for the Supreme Court scheduling office is 424-8367, the fax number for Appearance Day matters is 424-0525, and the fax number for the Supreme Court judges is 424-0536.
 4. Applications for assessments of damages pursuant to Civil Procedure Rule 33.02 where a Default Judgement has been entered by the Prothonotary - Rule 33.03(2) states that the Prothonotary on an ex parte application can fix the date for the hearing of the application to assess damages. From a very practical point of view, where a special time chambers time is required for the assessment (over 1 hour) the documents are processed in the same fashion as any special time Chambers time. You submit your documents with the blank return date, your cover letter should indicate how much time will be required for the application and the schedulers will contact you with dates. There is no need for a "setting down" application to be made before the Prothonotary.
 5. As set out in the October 13, 2003 Prothonotary Hints and Tips piece, when commencing an action against the provincial Crown, counsel will be asked whether they have given the statutory required notice of sixty (60) days to the Attorney General (see the ***Proceedings Against the Crown Act***) prior to accepting the document for filing to ensure compliance with the ***Act***.

A.M.B.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER

June 6, 2005

Please note that there will be no Appearance Day on the following dates: June 24, July 1, September 9, October 21, November 11 and December 9, 2005.

For the months of July and August, 2005 there will be no Regular Chambers on Monday or Friday.

Supreme Court Crownside in Halifax will be held on the following dates: June 9, 16, 23, 30 July 14, 28, August 11, 25, September 1, 6, 15, 22, 29, October 6, 13, 18, 27, November 3, 10, 17, 24, December 1, 8, 15 and 22, 2005. Please note that some of these dates are for Tuesday rather than Thursday.

Court of Appeal Chambers will continue to be held on Thursday of each week at 10:00 am during the summer. Telephone Chambers will continue on Wednesday at a pre-arranged time.

COURT OF APPEAL

1. Counsel are reminded that Civil Procedure Rule 62.31(3) clearly sets out the filing deadlines on Chambers applications. The applicant must file all required material including submissions at least two (2) clear days before the time of the hearing while the respondent must file material at least one (1) clear day before the time of the hearing. The Court of Appeal is examining the possibility of amending these time frames and counsel will be advised of any such changes in a timely fashion.
2. Gowning in the Court of Appeal is only required on an appeal hearing. Counsel are not required to gown for Chambers applications.

SUPREME COURT

1. Counsel are reminded that Interlocutory Applications requiring special time Chambers must be filed leaving the return date blank - I refer to item 6, Supreme Court in my October 10, 2003 issue. Dates will not be assigned by the civil scheduler for Special Time Chambers in advance of the documents being filed with

the Court.

2. When affidavits and submissions are being filed for Chambers at a time subsequent to the filing of the Interlocutory Notice, but within the time frames set out in the Civil Procedure Rules, counsel must clearly indicate the material is being filed for a specific hearing date and time. Otherwise these materials are not being directed to the Chambers judge in a timely fashion as there is no indication that they are being filed for a matter which is set down for hearing. Please note clearly on a covering letter that the material is being filed specifically for a court date so we may insure your application is not delayed due to the material not reaching the judge in a timely fashion.
3. Counsel are reminded that Civil Procedure Rule 15.01 applies to an amendment to **any** document filed by a party. An amendment can be made to any document **ONCE** without leave of the court and absent the consent of the other party **IF** the amendment is made no later than 20 days after the close of pleadings **OR** 5 days before the hearing under an Originating Notice. The word "hearing" is defined at Rule 1.05(k) as "... the hearing of an application", thus the reference in Rule 15.01 to hearing under an Originating Notice refers to an Originating Notice (Application).

A.M.B.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER

June 17, 2005

Please note that there will be no Appearance Day on the following dates: June 24, July 1, September 9, October 21, November 11 and December 9, 2005.

For the months of July and August, 2005 there will be no Regular Chambers on Monday or Friday.

Supreme Court Crownside in Halifax will be held on the following dates: June 9, 16, 23, 30 July 14, 28, August 11, 25, September 1, 6, 15, 22, 29, October 6, 13, 18, 27, November 3, 10, 17, 24, December 1, 8, 15 and 22, 2005. Please note that some of these dates are for Tuesday rather than Thursday.

Court of Appeal Chambers will continue to be held on Thursday of each week at 10:00 am during the summer. Telephone Chambers will continue on Wednesday at a pre-arranged time.

COURT OF APPEAL

1. Civil Procedure Rule 62.31(3) has now been **amended**. **The amendment is effective July 1, 2005**. Please note that the applicant must file all required material including submissions **at least three (3) clear days** before the time of the hearing while the respondent must file material **at least two (2) clear days** before the time of the hearing. This means that the Applicant must file by 4:30 on Friday for the following Thursday and any respondent material must be filed by 4:30 on Monday for Thursday.

SUPREME COURT

1. The general rule with respect to gowning in the Supreme Court, here in Halifax, is as follows: counsel are to gown for all criminal trials and for Crownside; counsel are to gown for all civil trials and Supreme Court appeals and finally gowning is not required for any civil Chambers matters. Reference is made to Practice Memorandum No. 3.

2. Counsel who are fax filing documents to the Court Administration Office are reminded that where the document requires a court filing fee that when the original document along with the cheque is submitted that it must be brought to the attention of court staff, preferably by cover letter, that the document was previously faxed to the court.

A.M.B.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER

June 30, 2005

Please note that there will be no Appearance Day on the following dates: September 9, October 21, November 11 and December 16, 2005.

For the months of July and August, 2005 there will be no Regular Chambers on Monday or Friday.

Supreme Court Crownside in Halifax will be held on the following dates: July 14, 28, August 11, 25, September 1, 6, 15, 22, 29, October 6, 13, 18, 27, November 3, 10, 17, 24, December 1, 8, 15 and 22, 2005. Please note that some of these dates are for Tuesday rather than Thursday.

Court of Appeal Chambers will continue to be held on Thursday of each week at 10:00 am during the summer. Telephone Chambers will continue on Wednesday at a pre-arranged time. However, please note that for the week of September 5, 2005 ONLY, telephone Chambers will be held on Tuesday, September 6th and Chambers will be held on Wednesday, September 7th.

COURT OF APPEAL

1. Civil Procedure Rule 62.31(3) has now been **amended**. **The amendment is effective July 1, 2005**. Please note that the applicant must file all required material including submissions **at least three (3) clear days** before the time of the hearing while the respondent must file material **at least two (2) clear days** before the time of the hearing. This means that the Applicant must file by 4:30 on Friday for the following Thursday and any respondent material must be filed by 4:30 on Monday for Thursday.

SUPREME COURT

1. The Chambers Cover Sheet which is included at Practice Memorandum No. 2 is to be attached to all application documents. This means for applications before the Chambers judge **AS WELL** as for applications before the Prothonotary. It has been noted that the Chambers Cover Sheets are being incorrectly completed by counsel. Please ensure that you correctly select the boxes under the type of application **and**

before whom the application is being brought. Counsel often mark the box “**for the Prothonotary**” when the application is a Chambers application before a **Chambers judge** and the documents attached to the cover sheet clearly indicate that to be the case. This results in delays in processing the documents and having them placed on the Chambers docket as they are being directed to the Prothonotary instead of the judge based on what is indicated on the Chambers Cover Sheet. The **reverse situation** has also been noted. Applications for the Prothonotary are noted on the cover sheet as being for the Chambers judge. This results in the material being directed to the Chambers judge and that judge spending time to review materials for an application that is not destined to be heard by that judge. Please ensure that the Chambers Cover Sheets are properly completed to coincide with the application documents which are attached to that Cover Sheet.

2. In the June 18, 2004 issue of the Hints and Tips a Document Cover Sheet was attached. This form is to be used for documents being submitted for the signature of a judge or the Prothonotary, absent a formal application. These documents include: Consent Orders, Notices and Subpoenas to name but a few. Please note that the form does not include an option of whom the Order is to be directed to - this was intentional. However, it has been noted that counsel are modifying the form to add this option, which is causing documents to be misdirected with the Law Courts and delays in counsel obtaining their documents back in a timely fashion. I once again attach a copy of the Supreme Court Document Cover Sheet and ask that it not be modified by counsel but used in the form attached. Court Administration staff will ensure that the documents are directed properly for signature.
3. As noted in the January 10, 2003 issue of the Hints and Tips, counsel are referred to Practice Memorandum No 2 (IV B. 3) for emergency Chambers applications. Counsel are reminded that the judge will make the determination of whether the matter requires an emergency hearing based on the materials and the cover letter filed in support of the emergency request.
4. Counsel should refer to Civil Procedure Rule 51.05(1) which sets out the nature of consent orders which can be granted by the Prothonotary. By way of example, counsel will note that Consent Orders regarding the filing of a List of Documents, the disclosure of specific listed documentation or the entering of a judgement against a Defendant are not the type of consent orders that a Prothonotary can grant and are not included at Rule 51.05(1).

A.M.B.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER

September 9, 2005

Please note that there will be no Appearance Day on the following dates: October 21, November 11 and December 16, 2005.

Supreme Court Crownside in Halifax will be held on the following dates: September 15, 22, 29, October 6, 13, 18, 27, November 3, 10, 17, 24, December 1, 8, 15 and 22, 2005. Please note that some of these dates are for Tuesday rather than Thursday.

COURT OF APPEAL

1. Counsel are reminded that Civil Procedure Rule 62.31(3) has now been **amended**. **The amendment was effective July 1, 2005**. All Chambers applications now require **at least three (3) clear days** notice.
2. Counsel are reminded that the supporting material on bail applications must include the sentencing judge's remarks and the pre-sentence report, if available.
3. Applications to introduce "fresh evidence" on appeal must be heard before a Panel of three (3) judges of the Court of Appeal. Material in support of such applications must be filed separately from the Appeal Book or the Factum and is to be "stand alone" material. Fresh evidence applications are always heard before the Panel hearing the appeal proper but at the outset of the proceedings, thus, your Notice must reflect that a Panel is hearing the application on the same date and at the same time as the appeal is being heard. Five (5) copies of the application material is required.

SUPREME COURT

1. The Civil Procedure Rules are silent on whether an application pursuant to Civil Procedure Rule 37 needs to be brought in the jurisdiction where the action is commenced. Thus, it is possible to bring an application in a jurisdiction other than where the action is commenced. However, when the application documents are filed a cover letter is required setting out that the application is being brought on an "out of town file" in the district where the application is being filed. Otherwise the documents will not be accepted for filing as they are on an "out of town" file. It is the responsibility of counsel bringing the application to forward a letter to the

Prothonotary in the jurisdiction where the action resides requesting that the file be forwarded for the hearing of the application to the Prothonotary of the jurisdiction where the application will be heard.

2. Large numbers of documents filed with the court are sent by courier. Couriers, in many cases, are simply dropping off the documents and not waiting for any “return” documents. Counsel should be aware that in these cases, if there are defects in the documents being presented for filing, that they are **not** being filed and are simply being placed in the lawyer’s bin. In many cases the documents in the bin are only collected several days after they were initially sent to the court for filing. If the courier waited for the documents, any defects would be brought to the immediate attention of the lawyer by the courier
3. Counsel are reminded that Civil Procedure Rule 37.08 (b) requires the filing of a memorandum on all Chambers applications listing any authority and the applicable provisions of any enactments, regulation or rule that are to be relied upon on the application. It has been noted that very few lawyers are filing such memorandum. Please ensure that your Chambers applications are accompanied by the required memorandum to facilitate the judge’s preparation for the hearing of the application.
4. Counsel are encouraged to review Civil Procedure Rule 19 on Interrogatories. Although there are clear requirements regarding the serving of interrogatories, you will note that there is no requirement to file either the interrogatories themselves or the answers with the court.
5. I refer counsel to the October 10, 2003 and the March 24, 2005 Hints and Tips under the Supreme Court section - when actions are presented for filing and name as a Defendant the provincial Crown or an agency **counsel will be asked whether they have given the statutory required notice before the document will be accepted for filing.** This requirement has **NOT** been working. **I would ask that counsel place a cover letter on any action they wish to commence against the provincial crown or a municipal government stating that they have provided to the Defendant’s counsel the required notice of intended action.** If this cover letter is not with the initiating document, **IT WILL NOT** be accepted for filing. Counsel are also hereby informed that self-represented litigants will be asked to file a Notice of Intended Action with the court in cases where they wish to commence an action against the provincial crown or a municipal government - once the required notice period has lapsed from the filing of the Notice of Intended Action, the self-represented litigant’s action will be accepted for filing.

A.M.B.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER

October 14, 2005

Please note that there will be no Appearance Day on the following dates: October 21, November 11 and December 16, 2005. *Please note that Appearance Day will be held on December 9, 2005 contrary to what was noted in earlier issues of this information piece.*

Supreme Court Crownside in Halifax will be held on the following dates: October 18, 27, November 3, 10, 17, 24, December 1, 8, 15 and 22, 2005. Please note that some of these dates are for Tuesday rather than Thursday.

For the week of October 17th, 2005 - please note that there will be NO REGULAR Supreme Court Chambers on Wednesday, October 19th, Thursday, October 20th or Friday, October 21st, 2005.

For the week of October 17th, 2005 - please note that Court of Appeal Telephone Chambers will be held MONDAY, October 17th, 2005 and Court of Appeal Chambers will be held on TUESDAY, October 18th, 2005.

For the week of November 21st, 2005 - please note that Court of Appeal Telephone Chambers will be held TUESDAY, November 22nd, 2005 and Court of Appeal Chambers will be held on WEDNESDAY, November 23rd, 2005.

For the week of December 5th, 2005 - please note that Court of Appeal Telephone Chambers will be held on MONDAY, December 5th, 2005 and Court of Appeal Chambers will be held on TUESDAY, December 6th, 2005.

COURT OF APPEAL

1. Counsel are advised that where they refer to any one of the eighteen (18) Supreme Court of Canada cases attached to the September 23, 2005 Prothonotary Hints and Tips piece they need **NOT** include that case in their Book of Authorities.

SUPREME COURT

1. The criminal bar is advised that forms and information sheets are now available and are now to be used when filing applications for Supreme Court Crownside. These forms are to be used effective October 17, 2005 and examples are posted on the courts website : http://www.courts.ns.ca/supreme/sc_forms.htm
2. When fax filing please include a fax cover sheet noting clearly the number of pages being faxed so that the entire document rather than only parts of the document are properly filed with the court.
3. When the original documents, which were previously faxed to the court, are presented for filing, please insure that it is clearly noted that the document was previously faxed to the court. This will ensure that the faxed copy and the original copy are properly matched together. Originals requiring the payment of court filing fees must **PROMPTLY** be filed after being faxed, that is to say the next business day the Court Administration office is open.
4. Where additional hearing material or follow-up (after the hearing) material is being filed with the court, please ensure that a Document Cover Sheet is attached indicating the material is to be directed to a specific judge. Where no Document Cover Sheet is included court staff are unaware of the reason for the filing and thus will simply file the material in the court file without bringing it to the attention of the judge.
5. In the June 18, 2004 issue of this information piece, I spoke of Supreme Court Document Cover Sheets at item 6 under the Supreme Court section and attached an example of the Cover Sheet. Initially counsel were very compliant in using the sheet and it greatly facilitated the proper return of documents to counsel. In the last number of months I note that the use of this sheet has decreased significantly. Please ensure that the Cover Sheet is used when sending loose documents to the court administration office. This of course excludes packages of documents for Chambers for which you use a Chambers Cover Sheet.

A.M.B.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER

November 18, 2005

Please note that there will be no Appearance Day on the following dates: December 16 and December 23, 2005. *Please note that Appearance Day will be held on December 9, 2005 contrary to what was noted in earlier issues of this information piece.*

Supreme Court Crownside in Halifax will be held on the following dates: November 24, December 1, 8, 15 and 22, 2005. Please note that some of these dates are for Tuesday rather than Thursday.

For the week of December 5th, 2005 - please note that Court of Appeal Telephone Chambers will be held on MONDAY, December 5th, 2005 and Court of Appeal Chambers will be held on TUESDAY, December 6th, 2005.

Regarding Appearance Days for the calendar year 2006, please note that there will be NO Appearance Days on the following dates: April 14, May 5, September 15, December 15 and 22, 2006.

COURT OF APPEAL

1. Counsel are advised that the Court of Appeal have amended Civil Procedure Rule 62 as follows: a new 62.02(4), adding 62.31 (7) (g) and adding 62.31 (9) and (10). Please see the court's website at www.courts.ns.ca under the heading: "Civil Procedure Rules". These changes are effective November 16, 2005.
2. The Chief Justice has issued a Practice Directive dated November 8, 2005 setting out the process to follow for applications to the Court of Appeal restricting media reporting or public access to court files. You may view the directive on the court's website at www.courts.ns.ca by clicking on the appropriate link on the first page of the site.

SUPREME COURT

1. Counsel are advised that the Supreme Court has rescinded Practice Memorandum No. 16 effective immediately. Please note that clause (3) (a) (I) of part IV of Practice

Memorandum No. 2 have also been deleted as a result of rescinded Practice Memorandum No. 16.

2. Effective November 23, 2005 a new Form 70.09 A will be in place.

A.M.B.