

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER

January 27, 2006

Supreme Court Crownside in Halifax will be held on the following dates: February 2, 9, 16 and 23 and March 2, 9, 16, 23 and 30th, 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 Factums are to be doubled spaced. Additionally copies of cases found in the Book of Authorities are to be readable - counsel have been “shrinking” the copies of cases they are including in the Books of Authorities and this makes the reading of the case very difficult for the Panel of judges hearing the appeal.
2. Counsel seem to have gotten “out of the habit” of sending along a disk or CD of the Appeal Book and/or Factum. Please ensure that one copy of the disk or CD is filed with the hard copies of your materials.
3. Please remember that the covers of Appeal Books, including Supplementary Appeal Books are always grey and that Appellant’s Factum (including cross-appellants) covers are buff or yellow while Respondent’s Factum (including cross-respondents) covers are blue or green.
4. Commencing February 1, 2006 a new Form 62.02(5) is to be used by Appellants setting down appeals for hearing. The new Certificate Respecting Preparation of Appeal Book can be found on the courts website. Please see the main page of the website and follow the links to access a copy of the new Certificate.
5. Please note the following changes to the Court of Appeal Chambers sittings: **1)** for the week of February 6th, telephone Chambers will be held on **MONDAY**, February 6th; **2)** for the week on March 27, 2006, telephone Chambers will be held on **MONDAY**, March 27th and Regular Chambers will be held on **TUESDAY**, March 28th; **3)** for the week of April 17th, telephone Chambers will be held on **TUESDAY**,

April 18th and Regular Chambers will be held on **WEDNESDAY**, April 19th.

SUPREME COURT

1. Over the last several months we have noted a significant increase in the number of cases being placed on the weekly Appearance Day docket. As a result, reminder calls will no longer be made to counsel the week of the Appearance Day - this was simply a courtesy that staff no longer have the time to offer counsel.
2. When filing your Chamber application documents with the court, you are expected to file draft Orders as required by Civil Procedure Rule 37.08, if draft Orders are not included, please provide a letter explaining why that is the case, otherwise, all your documents will be returned not processed.
3. Counsel are reminded that on any proposed Consent Order vacating liens recorded **PRIOR** to January 1, 2005, that an Affidavit is required stating that the Registry of Deeds search discloses no sheltering liens under the lien you seek to vacate from the date of it's registration to January 1, 2005. **ALSO** the Affidavit must state that for the same time period no affidavits of sheltering lien claimants have been filed in the Supreme Court file.

A.M.B.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER

February 10, 2006

Supreme Court Crownside in Halifax will be held on the following dates: February 16 and 23 and March 2, 9, 16, 23 and 30th, April 6, 13, 20 and 27th, 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, November 24, December 15 and 22, 2006.

COURT OF APPEAL

1. Please note the following changes to the Court of Appeal Chambers sittings: **1)** for the week on March 27, 2006, telephone Chambers will be held on **MONDAY**, March 27th and Regular Chambers will be held on **TUESDAY**, March 28th; **2)** for the week of April 17th, telephone Chambers will be held on **TUESDAY**, April 18th and Regular Chambers will be held on **WEDNESDAY**, April 19th.

SUPREME COURT

1. Over the last several months we have noted a significant increase in the number of cases being placed on the weekly Appearance Day docket. As a result, reminder calls will no longer be made to counsel the week of the Appearance Day - this was simply a courtesy that staff no longer have the time to offer counsel.
2. I wish to clarify item 3 under the Supreme Court portion of my January 27, 2006 issue of Hints and Tips: Pursuant to section 34(4) of the **Builders' Lien Act** once a certificate of *Lis Pendens* is filed, the plaintiff's action is deemed to be on behalf of all lien claimants who have complied with the ACT. Although, it is not possible, since January 1, 2005, to shelter, there still remains the obligation set out above on the plaintiff. The challenge then becomes how to provide the court with evidence that notice has been given to all other lien claimants when counsel seek to vacate a lien on consent, without posting alternative security to replace the lien. To respond to this challenge the court requires, along with the Consent Order vacating the lien, an affidavit indicating that the Registry of Deeds office, where the property in question is located, has been searched and there are no other valid claims of lien registered regarding the specific property.

A.M.B.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER

April 21, 2006

Supreme Court Crownside in Halifax will be held on the following dates: April 27th, May 2, 11, 18 and 25, 2006.

Regarding Appearance Days for the calendar year 2006, please note that there will be NO Appearance Days on the following dates: May 5, September 15, November 24, December 15 and 22, 2006.

COURT OF APPEAL

1. Counsel are reminded that the new Form 62.02(5) is required for the setting down of appeals. It is the responsibility of the Appellant to fully complete the Certificate Respecting Preparation of Appeal Book.

SUPREME COURT

1. Counsel are asked to ensure that when they are filing a Defence and Counterclaim or a Defence and Crossclaim that it is clearly indicated on the first page of the Defence that this is the case. It has become common practice to state on the first page of the document that it is a "Defence" but deeper in the document it becomes apparent that a counterclaim or a crossclaim is also included. This leads to confusion for the reader of the document.
2. Where counsel have filed a Notice of Intended Action with the court they are reminded that the same court file number is to be used on the documents filed subsequently to commence the action.
3. The judges of the Supreme Court have approved an amendment to Practice Memorandum No. 2 with respect to adjournments of Chambers matters as follows:
 - (a) When an ex parte chambers application has been settled or the party, for any reason, is seeking an adjournment of an ex parte chambers application, the Chambers judge must be notified forthwith. The case may be removed from the docket only by telephoning the Judge's office and providing a confirming letter or fax to the Judge and to either the Prothonotary's office or the Chambers Coordinator.
 - (b) Complex and Special Chambers applications may be adjourned only with the

approval of the Chambers Judge who is assigned to hear the application. Where all parties agree and the Chambers Judge allows the adjournment, the party applying for the adjournment shall forward forthwith a confirming letter to the Judge and to either the Prothonotary's Office or the Chambers Coordinator.

- (c) Where all parties have not agreed to an adjournment, counsel must appear in court to make submissions or counsel may, where possible, arrange a telephone conference with the Judge to present the request for the adjournment.
- 4. A trend appears to be developing where opposing counsel, on a Special Time Chambers application, are filing their own "new" Chambers "response" application which they make returnable at the same time as the original Special Time Chambers hearing. This presents a grave practical problem - the original time is set based on the representations of counsel for the applicant on the original application being filed and the time required to hear that sole application. That time requirement is often adequate for one single application but is often inadequate for two applications. Where opposing counsel wish to bring a second application, in the same time slot as an originally filed and scheduled Special Time Chambers application, that counsel must first obtain the permission of the presiding Special Time Chambers justice. A request in writing is to be presented to the justice scheduled to hear the Special Time Chambers application. Where the presiding justice determines that the second application will be heard at the same Special Time Chambers sitting, the documents will then be accepted for filing by the court administration staff.
- 5. Over the last several months there has been an increase in Chamber filings where an abridgment of time is being requested for the hearing of the application. This occurs when the application is being brought outside of the time lines set out in the Civil Procedure Rules. Counsel are reminded that the Interlocutory Notice **MUST** clearly indicate that the first remedy being sought from the Chambers judge is the abridgment of time. Where this is not clearly indicated, the documents will not be accepted for filing. Counsel are further reminded that when their documents are accepted for filing (if in proper form) that this **DOES NOT** mean that the presiding justice has agreed to abridge the time for hearing the application. Counsel must address the remedy of abridgment of time at the outset of the hearing and the presiding justice will make a determination of whether or not that remedy will be granted in the particular case before the court.

A.M.B.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER

June 5, 2006

Supreme Court Crownside in Halifax will be held on the following dates: June 8, 15, 22 and 29th, July 13 and 27th, August 10 and 24th, 2006. Please note the July and August reduced Crownside sittings.

Appearance Days will continue to be held weekly on Fridays at 12 noon during the months of July and August, 2006.

COURT OF APPEAL

1. As noted in the September 23 and October 14, 2005 issues, counsel are reminded that where they refer to any one of the eighteen (18) Supreme Court of Canada cases on their appeals, which were provided as an attachment, that they need **NOT** reproduce that case in their Book of Authorities.
2. Counsel are advised that effective June 16, 2006, Civil Procedure Rule 62.05 (3) will be amended to clear state that three (3) clear days are required between the filing of the interlocutory appeal and the Chambers hearing to set the appeal down for hearing. This will create consistency with Civil Procedure Rule 62.31 (3).

SUPREME COURT

1. It has recently been noted that counsel are failing to appear at Appearance Day and in most cases counsel who fail to appear are not advising, in advance, the court or opposing counsel of the reason for their absence. As a result, presiding justices have commenced making cost awards against absent counsel. Counsel are thus reminded that Appearance Notices are not to be ignored.
2. The Notice of Trial and the Record for the Trial judges as contemplated at Civil Procedure Rules 28.05 and 28.06 are **TWO (2)** separate documents. Recently, it has been observed that counsel are incorporating these two documents into one document. I refer counsel to the September 24, 2004 issue setting out the requirement for two separate documents.
3. Recently, counsel, in the interest of keeping Chambers documents "together" are presenting for filing one single "bound" booklet containing the Chambers application, Affidavits in support and draft Orders. This is not acceptable. These documents are

to be separate and all bound packages are being returned to counsel and are not being accepted for filing.

4. Chambers filing deadlines are clearly set out in the Civil Procedure Rules. Counsel who are trying to file applications outside of the required time frame must clearly note in the application that the first remedy being sought from the Chambers judge is an “abridgment of time”, otherwise the documents will not be accepted for filing. Furthermore, a request for an abridgment of time will be considered by the Chambers judge - the consent of opposing counsel to abridge the time is of no consequence in the filing of the application. I refer counsel to the April 21, 2006 issue on this point.
5. Counter staff have been directed to accept filings that are in keeping with the directives set out in the Civil Procedure Rules. While it is recognized that there are instances, where specific circumstances require counsel to “diverge” from the directives, counsel must be aware that counter staff would not be aware or appreciate the “reasons” for the divergence. Thus, I request in cases where “divergence” is necessary that counsel include a cover letter with their documents setting this out clearly - otherwise, in the absence of such a letter, documents will be returned to counsel not processed.

A.M.B.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER

July 28, 2006

Supreme Court Crownside in Halifax will be held on the following dates: August 10 and 24th, 2006.

Appearance Days will continue to be held weekly on Fridays at 12 noon during the month of August, 2006.

COURT OF APPEAL

1. Counsel are advised that effective June 16, 2006, Civil Procedure Rule 62.05 (3) will be amended to clear state that three (3) clear days are required between the filing of the interlocutory appeal and the Chambers hearing to set the appeal down for hearing. This will create consistency with Civil Procedure Rule 62.31 (3).
2. For the week of September 11, 2006, please note that telephone Chambers will be held on **TUESDAY**, September 12th and regular Chambers will be held on **WEDNESDAY**, September 13th.
3. Where Appellants are represented by counsel on criminal appeals, counsel are reminded that applications to set down the appeals can be made by telephone Chambers. Telephone Chambers are normally held on Wednesday at a time pre-arranged with Ann Saunders, Deputy Registrar, who can be reached at 424-6937.

SUPREME COURT

1. Effective July 12, 2006 changes have been made to Civil Procedure Rule 70 and the forms prescribed by the Rule. The changes were published in the Royal Gazette that day and will be posted on the courts website shortly.
2. For the month of August, regular Chambers will continue to be held at 9:30 am on Tuesday, Wednesday and Thursday **ONLY**.
3. Counter staff have been directed to accept filings that are in keeping with the directives set out in the Civil Procedure Rules. While it is recognized that there are instances, where specific circumstances require counsel to "diverge" from the directives, counsel must be aware that counter staff would not be aware or appreciate the "reasons" for the divergence. Thus, I request in cases where "divergence" is necessary that counsel include a cover letter with their documents setting this out clearly - otherwise, in the absence of such a letter, documents will be returned to counsel not processed.

A.M.B.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER
August 11, 2006

Supreme Court Crownside in Halifax will be held on the following dates: August 24th, September 7, 12, 21 and 28th 2006.

Appearance Days will continue to be held weekly on Fridays at 12 noon during the months of August and September 2006 WITH THE EXCEPTION of September 15, 2006.

COURT OF APPEAL

1. For the week of September 11, 2006, please note that telephone Chambers will be held on **TUESDAY**, September 12th and regular Chambers will be held on **WEDNESDAY**, September 13th.
2. For the week of October 16, 2006, please note that telephone Chambers will be held on **TUESDAY**, October 17th and regular Chambers will be held on **WEDNESDAY**, October 18th.

SUPREME COURT

1. Effective July 12, 2006 changes have been made to Civil Procedure Rule 70 and the forms prescribed by the Rule. The changes were published in the Royal Gazette that day and will be posted on the courts website shortly.
2. For the month of August, regular Chambers will continue to be held at 9:30 am on Tuesday, Wednesday and Thursday **ONLY**.
3. As you may already be aware The Halifax Law Courts are moving to a digital recording system in the near future. When this occurs we will be switching the media we provide for transcription purposes to CDs from cassette tapes.

On August 15, 2006, we will move to **Novo** and hence CDs. This means that the record for any cases heard at the Law Courts on or after August 15, 2006 will be on the **Novo** system. When there is request for the record for one of these cases, a **Novo CD** will be provided and not a tape.

Novo produces CDs embedded with free software to assist with transcription. Using standard PC components, the transcription module provides the ability to use a word processor combined with a foot pedal to listen and transcribe court session recordings.

The cost per CD will remain the same as the cost per cassette at \$18.11 plus HST. The request form to be completed by counsel has been modified as attached. Any further questions are to be directed to Connie Brown at 424-6938.

A.M.B.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER

September 25, 2006

Supreme Court Crownside in Halifax will be held on the following dates: September 28th, October 5, 12, 19 and 26th, 2006.

Appearance Days will be held weekly on Fridays at 12 noon as follows: September 29th, October 6, 13, 20 and 27th, 2006.

COURT OF APPEAL

1. For the week of October 16, 2006, please note that telephone Chambers will be held on **TUESDAY**, October 17th and regular Chambers will be held on **WEDNESDAY**, October 18th.
2. Recently, it has been noted that counsel are sending electronic copies of appeal books and factum in PDF format which are scanned and placed on a CD. The court requires documents in either Word or Word Perfect so they may be searched using ISYS and they may be copied and pasted in court decisions and/or orders. Scanned documents in PDF format cannot be searched, copied or pasted and thus their use by the court is severely limited. Please copy your appeal book and factum on a disk or CD in Word or Word Perfect or as a PDF original. You may also e-mail the documents to me directly at boucheam@gov.ns.ca if you prefer rather than submitting a disk or a CD.

SUPREME COURT

1. Counsel are reminded that telephone Appearance Day **MUST** be prearranged through my office and are held at either 11 am or 11:30 am on Friday. The time slots are assigned on a "first come first served" basis. It is not possible to hold a telephone Appearance Day at 12 noon as that time is reserved for the in person matters in the court room only.
2. When new counsel take over carriage of an action, they are required to file a Notice of Change of Solicitor with the court. In recent months, counsel are failing to do this - the result is that court notices are going to the incorrect counsel and then counsel complain that they have never received the notice and are failing to appear as required before the court.

3. As was pointed out in the June 18 and September 24, 2004 issues of Hints and Tips, Notices of Intention to Act in Person must be signed by the person who will now be representing themselves in the litigation - a former lawyer cannot sign the Notice of Intention to Act in Person on behalf of the self-represented party.
4. Counsel are reminded that they must respond to Appearance Day Notices issued by the court. They may contact the Prothonotary directly to report on the status of an action and asked to have a file removed from the court docket or they are expected to appear in person. Counsel cannot simply ignore Appearance Day Notices or correspondence sent to them by the Prothonotary. As pointed out in a previous issue of Hints and Tips, judges have been dismissing actions and awarding costs personally against absent counsel where counsel have failed to respond to an Appearance Notice in any fashion whatsoever.

A.M.B.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER

November 6, 2006

Supreme Court Crownside in Halifax will be held on the following dates: November 9, 16, 23, 30, December 7, 14 and 21st, 2006.

Regarding Appearance Days for the calendar year 2006, please note that there will be NO Appearance Days on the following dates: November 24th, December 15th and 22nd, 2006.

The Law Courts will not be open on Monday, November 13th, 2006.

Also note that the Law Courts will close for the Christmas break at 12 noon on Friday, December 22nd and will reopen at 8:30 am on Wednesday, December 27th, 2006.

COURT OF APPEAL

1. Counsel are reminded that they may e-mail copies of their appeal books and factums to me directly at boucheam@gov.ns.ca
2. For the week of November 20th, 2006, please note that telephone Chambers will be remain on Wednesday, November 22nd, but will **ONLY** be scheduled for the afternoon. Regular Chambers will be held on **MONDAY, November 20th, 2006** instead of Thursday, November 23rd.
3. As counsel are aware all persons attending Court of Appeal Chambers are screened prior to their entrance in the court room. We have recently noted that the Chambers docket is rather heavy and due to the late arrival of counsel additional time is required for the screening to take place and thus Chambers is not commencing on time. We ask counsel to arrive early enough to allow sufficient time for the screening to take place. The justices presiding Chambers have advised that they will be starting on time, regardless of whether counsel are all through the screening process or not.

SUPREME COURT

1. Counsel are reminded that they remain counsel of record where they have filed

pleadings on an action and neither a Notice of Change of Solicitor, a Notice of Intention to Act in Person (signed by the client) nor an Order removing them as solicitor of record has been granted by the court subsequent to the pleadings having been filed. Counsel will often write to the court advising that they have either lost contact with their client or cannot obtain instructions - this not suffice for counsel to justify their non-representation of the client.

A.M.B.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER
November 20, 2006

Supreme Court Crownside in Halifax will be held on the following dates: November 30, December 7, 14 and 21st, 2006.

Regarding Appearance Days for the calendar year 2006, please note that there will be **NO** Appearance Days on the following dates: November 24th, December 15th and 22nd, 2006.

Please note that the Law Courts will close for the Christmas break at 12 noon on Friday, December 22nd and will reopen at 8:30 am on Wednesday, December 27th, 2006.

COURT OF APPEAL

1. Counsel are reminded that they may e-mail copies of the transcripts included in their appeal books and factums to me directly at boucheam@gov.ns.ca
2. As counsel are aware the Court of Appeal set a list of cases that when cited in the factum, the case is not to be reproduced in the Book of Authorities. The list has been updated and expanded to now include 19 cases. A copy of the list is attached.

SUPREME COURT (FAMILY DIVISION)

In view of the recent changes to the Rule, and directives from the Justices including a renewed vigilance in the use of Rule 70 Forms, counsel and parties are advised of the following notices:

1. Revisions to *Civil Procedure Rule 70* and the related Forms became effective on July 12, 2006. As of November 1, 2006, only the revised Forms will be accepted for filing at the Court. If an earlier version of a Form is filed in error, the matter will not proceed until the correct version of the Form is filed.

The revisions, including the revised Forms, are posted on the *Civil Procedure Rules* section of The Courts of Nova Scotia website at < www.courts.ns.ca >.

2. Effective November 1, 2006, Court staff have been directed that the Applicant's Information on the Intake Form (as part of either an originating Application or Variation Application) must be completed properly and fully before the file will

proceed any further: however, the required information excludes Social Insurance Numbers and Confidential Addresses.

3. For a matter proceeding to an Organizational Pre-hearing Conference in a Variation Application, court officers are directed to require the applicant to file an affidavit in support of the variation application before the proceeding can be referred to an organizational pre-hearing conference.
4. The following corrections of typographical errors are noted in *Civil Procedure Rule 70* and related Forms and will be changed in due course:

Corrections to Rule 70

Rule 70.23(5)(a) and Rule 70.23(7):
reference to "... Form 70.23E, Form 70.23F or Form 70.23G;" should read "... Form 70.23E or Form 70.23F;" at the end of the clause.

Rule 70.23(8):
reference to "A corollary relief judgment in Form 70.23G ..." should read "A corollary relief judgment in Form 70.23F ..." at the beginning of the clause.

Rule 70.23(10):
reference to "... a certificate of divorce in Form 70.23H ..." should read "... a certificate of divorce in Form 70.23G ..." in the middle of that section.

Rule 70.26(2):
reference to "... shall be in Form 70.26C." should read "... shall be in Form 70.26B." at the end of the clause.

Corrections to Forms

Notice to Disclose [Form 70.07B]: paragraph (d):
reference to "... the Statement of Guidelines Income:" should read "... the Statement of Income:" in the middle of the paragraph.

Corollary Relief Judgment [Form 70.23E]: paragraph 5:
reference to the "... Child Support Guidelines..." should be italicized.

Order [Form 70.26A]: paragraphs 4 and 6:
reference to the "... federal *Child Maintenance Guidelines* ..." should be the "... provincial *Child Maintenance Guidelines* ..." in the middle of the paragraph.

A.M.B.

**LIST OF SUPREME COURT OF CANADA CASES
THAT MAY BE REFERRED TO IN FACTA
WITHOUT BEING INCLUDED IN BOOKS OF AUTHORITY**

Criminal

1. **R. v. Biniaris**, [2000] 1 S.C.R. 381; [2000] S.C.J. No. 16 (Q.L.)
2. **R. v. C.A.M.**, [1996] 1 S.C.R. 500; [1996] S.C.J. No. 28 (Q.L.)
3. **R. v. Khan**, [1990] 2 S.C.R. 531; [1990] S.C.J. No. 81 (Q.L.)
4. **R. v. O'Connor**, [1995] 4 S.C.R. 411; [1995] S.C.J. No. 98 (Q.L.)
5. **R. v. Proulx**, [2000] 1 S.C.R. 61; [2000] S.C.J. No. 6 (Q.L.)
6. **R. v. Sheppard**, [2002] 1 S.C.R. 869; [2002] S.C.J. No. 30 (Q.L.)
7. **R. v. Shropshire**, [1995] 4 S.C.R. 227; [1995] S.C.J. No. 52 (Q.L.)
8. **R. v. Stinchcombe**, [1991] 3 S.C.R. 326; [1991] S.C.J. No. 83 (Q.L.)
9. **R. v. W.(D.)(D.W.)**, [1991] 1 S.C.R. 742; [1991] S.C.J. No. 26 (Q.L.)
10. **R. v. Yebes**, [1987] 2 S.C.R. 168; [1987] S.C.J. No. 51 (Q.L.)

Civil

11. **Dr. Q v. The College of Physicians and Surgeons of British Columbia**, [2003] 1 S.C.R. 226; [2003] S.C.J. No. 18 (Q.L.)
12. **Hickey v. Hickey**, [1999] 2 S.C.R. 518; [1999] S.C.J. No. 9 (Q.L.)
13. **Housen v. Nikolaisen**, [2002] 2 S.C.R. 235; [2002] S.C.J. No. 31 (Q.L.)
14. **Law Society of New Brunswick v. Ryan**, [2003] 1 S.C.R. 247; [2003] S.C.J. No. 17 (Q.L.)
15. **Moge v. Moge**, [1992] 3 S.C.R. 813; [1992] S.C.J. No. 107 (Q.L.)
16. **Pelech v. Pelech**, [1987] 1 S.C.R. 801; [1987] S.C.J. No. 31 (Q.L.)
17. **Pushpanathan v. Canada (Minister of Citizenship and Immigration)**, [1998] 1 S.C.R. 982; [1998] S.C.J. No. 46 (Q.L.)
18. **Van de Perre v. Edwards**, [2001] 2 S.C.R. 1014; [2001] S.C.J. No. 60 (Q.L.)
19. **Willick v. Willick**, [1994] 3 S.C.R. 670; [1994] S.C.J. No. 94 (Q.L.)

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER

December 4, 2006

Supreme Court Crownside in Halifax will be held on the following dates: December 7, 14 and 21st, 2006.

Appearance Days will be held ONLY on December 8th and 29th, 2006.

For the calendar year 2007, Appearance Day will be held weekly on Friday at 12 noon EXCEPT for April 6, June 1, September 14, September 28, and December 14, 2007 when there will be no Appearance Day.

Please note that the Law Courts will close for the Christmas break at 12 noon on Friday, December 22nd and will reopen at 8:30 am on Wednesday, December 27th, 2006.

The Law Courts will be closed on Monday, January 1, 2007 but will reopen at 8:30 am on Tuesday, January 2, 2007.

COURT OF APPEAL

1. For **ALL** Chambers applications in the Court of Appeal a Notice of Application must be filed. Counsel have recently been attempting to file Interlocutory Notices for Court of Appeal Chambers applications. Interlocutory Notices are only used in the Supreme Court. There are no court filing fees required on filing a Notice of Application.

SUPREME COURT

1. Counsel are advised that after regular business hours, in the evening after 4:30 pm and before 8:30 am in the morning as well as on weekends and holidays, should an emergency arise which requires judicial attention, counsel are to call the Commissionaire at The Law Courts at 424-8988. Counsel must identify the nature of the urgency which requires judicial intervention. The Commissionaire will then contact the judge "on call" by following the established internal protocol for this purpose. Counsel should not be attempting to contact court staff or judges directly

after regular business hours. Commissionaires are accessible at all times outside regular business hours at the number noted above and should be counsel's first contact person on an emergency requiring judicial intervention.

2. Counsel are advised that the judges of the Supreme Court had adopted a new Practice Memorandum # 13 which will replace the former Practice Memorandum in its' entirety. The new Practice Memorandum deals with all aspects of foreclosure proceedings and is to be used effective immediately. The new Practice Memorandum # 13 is posted on the courts website under Civil Procedure Rules in the Resources section.

A.M.B.