

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER

January 22, 2007

Supreme Court Crownside in Halifax will be held on the following dates: January 25, February 1, 8, 15 and 22, 2007.

COURT OF APPEAL

1. Counsel are reminded that they are required to file with the court along with their application to set an appeal down for hearing the Certificate Respecting Preparation of Appeal Book. Where the Certificate is missing, the application will not be set on the Chambers docket.

SUPREME COURT

1. Please note that effective immediately a new form for requesting copies of audio recordings of court proceedings across the province is required. The form is attached hereto and has also been posted on the courts website at www.courts.ns.ca.
2. Appearance Day dockets are becoming heavier and an increasing number of counsel, outside the metro area, are requesting telephone Appearance Days. To accommodate the telephone requests, blocks of 30 minutes each at 11 am and 11:30 am on Fridays are made available for telephone Appearance Day matters. Thus, counsel who are removing matters at the last minute from the 12 noon in person Appearance Day docket must do so by calling me directly **no later than 10am on Friday morning** - for matters that counsel have not removed from the docket by 10 am, counsel are expected to appear in person at 12 noon and speak to the matter. I count on counsel's anticipated cooperation to insure that dockets run as smoothly as possible for Appearance Day.

A.M.B.

REQUEST FOR COPIES OF AUDIO RECORDING OF COURT PROCEEDINGS

Case Name: _____ Court File #: _____

Dates of Proceeding: _____ No. of Days: _____

Heard Before Justice/Judge: _____ Courtroom #: _____

Reason For Request: Appeal* Other

Partial / Full Request: Decision Only Sentence Only Full Trial

of copies: _____

Applicant's Name: _____

Applicant's Address: _____

Applicant's Phone Number: _____

NOTE: THE BROADCAST OR DISTRIBUTION OF ANY AUDIO RECORDING OF COURT PROCEEDINGS, WITHOUT THE PRIOR CONSENT OF A JUSTICE/JUDGE, IS STRICTLY PROHIBITED.

I, the undersigned, understand and agree that the audio recordings to be provided pursuant to this request will be provided subject to the following terms and conditions:

1. that I will not broadcast the audio recording(s) on radio, television, the internet, or any other medium without the prior consent of a Justice/Judge;
2. that I will not distribute the audio recording(s) without the prior consent of a Justice/Judge;
3. that I will not make more than 3 copies of the audio recording(s); and
4. that I will not provide the audio recording(s) or copies of same, to any third party who I know, or ought reasonably to know, may broadcast or distribute them.

I further warrant that I am authorized to sign this agreement on behalf of the company or organization named below. I understand that this agreement is binding upon me personally and upon that corporation or organization.

Signature

Print Name

Company/Organization

Date of Request

If you have any questions regarding this form or its requirements, please contact the Executive Office of the Nova Scotia Judiciary at:

**1815 Upper Water St.
Halifax, Nova Scotia
Canada
B3J 1S7**

**Phone: (902) 424-3690
E-mail: piccolj@gov.ns.ca**

* If you are pursuing an appeal, CDs or cassette tapes must be transcribed by a certified transcription service. Appellate courts require numerous copies of the transcript and it is your responsibility to arrange and pay for the transcription and copies for them.

PLEASE SUBMIT YOUR COMPLETED SIGNED REQUEST FORM TO THE JUSTICE CENTRE OFFICE WHERE YOUR COURT PROCEEDING WAS HELD. DO NOT SUBMIT YOUR REQUEST FORM TO THE EXECUTIVE OFFICE OF THE NOVA SCOTIA JUDICIARY.

REQUESTS ARE COMPLETED ON A FIRST COME-FIRST SERVED BASIS:

The time frame for production of CD's or Cassette Tapes varies. We will call you as soon as your CD's / Tapes are ready to be picked up.

COSTS:

Each CD or Cassette Tape = 18.11 + HST

One log sheet = 1.00 + HST. (The log sheets provide a written outline of the court proceeding and are necessary for transcription purposes).

A deposit towards the full cost of copying the CD's or Tapes of the court proceeding will be required at the time of the request. The amount of the deposit to be determined by the Court administrator or designate, based on their estimate of the total number of tapes or CD's required to complete the request.

NOTE: THE RELEASE OF COPIES OF AUDIO RECORDINGS IN RELATION TO YOUNG PERSONS' MATTERS/HEARINGS IS SUBJECT TO THE PROVISIONS OF SECTIONS 116 TO 129 OF THE YOUTH CRIMINAL JUSTICE ACT OR TO THE PROVISIONS OF THE YOUNG OFFENDERS ACT.

Revised: January 18, 2007

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER

February 5, 2007

Supreme Court Crownside in Halifax will be held on the following dates: February 8, 15, 22, March 1, 8, 15, 22, 29, April 5, 12, 19 and 26, 2007.

Appearance Days will be held weekly on Fridays at 12 noon with the EXCEPTION of the following dates: April 6, June 1, September 14, September 28 and December 14, 2007.

COURT OF APPEAL

1. Counsel are reminded that when they seek an extension of time for the filing of their Appeal Book and/or Factum that they must first obtain the consent of the opposing counsel/party to request the extension.

SUPREME COURT

1. Three (3) minor changes have been made to the new Practice Memorandum No. 13 made effective December 1, 2006. The changes are as follows:

Change # 1 Section 2.10 - there was a mistake made to the identification of the Tarrif - it should have been Tarrif E and thus the first sentence of the section now reads:

2.10 Costs

Reference is made to Civil Procedure Rule 63 - Tarrif E.

Change # 2 Section 3.9 - there was a mistake again with respect to the identification of the proper Tarrif - it should have been Tarrif E and thus the first paragraph of the section now reads:

3.9 Costs

Reference is made to Civil Procedure Rule 63 - Tarrif E.

Change # 3 Certificate (To be used if parcel registered pursuant to the *Land*

Registration Act), found at page 21 - the words **and registered** are added immediately following the word recorded and immediately before the word instruments and thus the certificate now reads:

I CERTIFY that listed below are the particulars of all recorded and registered instruments shown on the parcel register attached to my accompanying affidavit as Exhibit "A".

The version of Practice Memorandum No. 13 on the courts website will be changed to reflect these corrections. The version to be printed by Butterworths and the Royal Gazette will include the above changes.

A.M.B.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER

April 2, 2007

Please note the Law Courts will be closed on both Good Friday, April 6th and Easter Monday, April 9, 2007.

Supreme Court Crownside in Halifax will be held on the following dates: April 5, 12, 19 and 26, 2007, May 3, 10, 17, 24 and 29th, 2007

Appearance Days will be held weekly on Fridays at 12 noon with the EXCEPTION of the following dates: April 6, June 1, September 14, September 28 and December 14, 2007.

IMPORTANT NOTICE - effective APRIL 1, 2007 all court filing fees have increased. Attached to this notice is a list of the most frequently used fees for easy reference.

A full detailed schedule is included in the March 30, 2007 Special edition of the Royal Gazette which is found electronically at: www.gov.ns.ca/just/regulations/rg2/2007/mr3007SI.pdf

COURT OF APPEAL

1. Counsel are reminded that when they seek an extension of time for the filing of their Appeal Book and/or Factum, they must first obtain the consent of the opposing counsel/party to requested extension.
2. All pages in the Appeal Book must be numbered and the index at the beginning of the Appeal Book must reference the proper page numbers in the Appeal Book.
3. Counsel are reminded that transcripts and factums can be sent to the court in PDF format - however, where these documents are in PDF format and are submitted on a CD or diskette, they must NOT be scanned.

SUPREME COURT

1. When counsel obtain certificates, on an application to a Chambers judge, to issue an interprovincial subpoena, they are reminded that the issued Certificate must accompany the subpoena when it is being presented to the Prothonotary for signature.

2. The Supreme Court advises that, effective July 1, 2007, judges will no longer apply a presumption that corporate financial statement will be sealed when amalgamation orders are granted.

A request to seal documentation will be treated as an application for a publication ban, and judges will exercise discretion in individual cases. Applicants will be required to justify obtaining a sealing order in the context of the “open courts” principle, and will bear the burden to establish, with reference to tests set out in jurisprudence, that:

- (a) the order is necessary to prevent a serious risk to the proper administration of justice, or to the public interest in the confidentiality of an important commercial interest, because reasonable alternative measures will not prevent the risk; and
- (b) the salutary effects of the publication ban outweigh its deleterious effects on the rights and interests of the parties and the public, including the public interest in open and accessible court proceedings.

Applicants seeking an order to seal financial information will be expected to notify the media. The Notice form, email communication facility, and the *Guidelines for Media and Public Access to the Courts of Nova Scotia* are available on the Courts of Nova Scotia website at www.courts.ns.ca.

3. Counsel are reminded that pursuant to new Practice Memorandum # 13, when an application is being made to confirm a Sheriff’s sale, that exhibited to the solicitor’s affidavit must be BOTH the letter and the notice of sale sent to the defendant at least 20 days prior to the sale.

Attachment

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER

May 28, 2007

Supreme Court Crownside in Halifax will be held on the following dates: May 29, June 7, 14, 21 and 28th, 2007

Appearance Days will be held weekly on Fridays at 12 noon with the EXCEPTION of the following dates: June 1, September 14, September 28 and December 14, 2007.

COURT OF APPEAL

1. Counsel are reminded that a Certificate Respecting Preparation of Appeal Book (Form 62.02(5)) is required for the setting down of an interlocutory appeal.
2. Counsel are reminded that certified court reporters MUST sign the certificate included at the end of the transcript in the Appeal Book. It has been recently noted that the certificates are not being signed by the court reporters preparing the transcripts.
3. Counsel are also reminded that no appeal will be set down for hearing where the Certificate Respecting Preparation of Appeal Book is not filed with the application to set down the appeal. For clarity, this means filing the Certificate three (3) clear days before the Chambers application is to be heard.
4. An information sheet along with sample forms have been prepared and are available on the courts website for applications to convey prisoners from a custodial institution to the Nova Scotia Court of Appeal for both Chambers applications and appeal hearings.
5. With respect to Books of Authorities here are four (4) important reminder pointers to counsel:
 - (a) Authorities are to be listed alphabetically;
 - (b) Where there is more than one volume of Authorities, the index for ALL cases should be in each volume;
 - (c) The font for the Authorities is to be NO less than 12 point font; and
 - (d) For Authorities on the standard of review, counsel are only to include the relevant excerpts of cases rather than reproduce the entire case.

SUPREME COURT

1. Counsel are reminded that pursuant to new Practice Memorandum # 13, when an application is being made to confirm a Sheriff's sale, that exhibited to the solicitor's affidavit must be BOTH the letter and the notice of sale sent to the defendant at least 20 days prior to the sale.

A.M.B.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER

June 22, 2007

Supreme Court Crownside in Halifax will be held on the following dates: June 28th, July 12 and 26, August 9 and 23 and September 6, 2007

Appearance Days will be held weekly on Fridays at 12 noon over the summer during the months of July and August.

Commencing July 1st and continuing until and including September 3, 2007, there will be no Chambers held in Halifax weekly on Monday or Friday. Both contested and no-contested matters will only be heard on Tuesday, Wednesday and Thursday of each week.

COURT OF APPEAL

1. As Registrar of the court, in an effort to assist counsel and their assistants who prepare Appeal Books, I will be offering an 1.5 hour session on the preparation of an Appeal Book. I will offer the session twice: on September 14th from 9:30 to 11 am and repeat the session on September 28th from 9:30 to 11 am. Both sessions will be held here at The Law Courts. To determine the interest for such sessions, I would ask that interested persons e-mail me at boucheam@gov.ns.ca no later than August 15th to indicate your name and the session you wish to attend. There is no cost for the session. The Director of Communications for the Nova Scotia Judiciary will be video taping the presentation which will be accessible to interested persons who are not able to attend either of the sessions.
2. When requesting copies of audio recordings of court proceedings counsel are asked to use the most recent version of the request form which is located on the court website at: <http://www.courts.ns.ca/General/bar.htm> It appears that counsel are submitting older versions of the request form. Also, once duly completed, request forms are to be faxed to the courthouse where the proceedings took place for which the audio request is being made. Counsel have recently been faxing the Executive Office of the Nova Scotia Judiciary with their requests.

SUPREME COURT

1. There still appears to be a number of "wrinkles" in the application of new Practice Memorandum # 13 section 2.9, post-sale procedure to confirm a Sheriff's sale.

When counsel are providing copies of the tear sheets of the advertisements, they need to be legible. Counsel are shrinking the tear sheet to a point that they cannot be read. ALSO, confirmation of delivery of the Notice of Public Auction to any subsequent encumbrancer is required - counsel are only providing the copy of their Canada Post receipt confirming the letter was sent to the subsequent encumbrancer but not the proof of delivery. The proof of delivery can be printed from the Canada Post website using the confirmation number on the mailing receipt.

2. Counsel and self-represented litigants are reminded that all written communication to the court and/or judge must be copied to all the other parties on the court file.

A.M.B.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER

July 23, 2007

Supreme Court Crownside in Halifax will be held on the following dates: July 26, August 9 and 23 and September 6, 2007

Appearance Days will be held weekly on Fridays at 12 noon over the summer during the months of July and August. No Appearance Day will held on either Friday September 14th or Friday September 28th, 2007.

Commencing July 1st and continuing until and including September 3, 2007, there will be no Chambers held in Halifax weekly on Monday or Friday. Both contested and no-contested matters will only be heard on Tuesday, Wednesday and Thursday of each week.

COURT OF APPEAL

- 1.** As Registrar of the court, in an effort to assist counsel and their assistants who prepare Appeal Books, I will be offering an 1.5 hour session on the preparation of an Appeal Book. I will offer the session twice: on September 14th from 9:30 to 11 am and repeat the session on September 27th from 9:30 to 11 am. PLEASE NOTE THE CHANGE in the date for the second session. I will be sending an e-mail directly to the individuals who have expressed an interest in the session originally scheduled for September 28th. Both sessions will be held here at The Law Courts. To determine the interest for such sessions, I would ask that interested persons e-mail me at boucheam@gov.ns.ca no later than August 15th to indicate your name and the session you wish to attend. There is no cost for the session. The Director of Communications for the Nova Scotia Judiciary will be video taping the presentation which will be accessible to interested persons who are not able to attend either of the sessions.
- 2.** Please note that for the week of September 24th only, regular Chambers will be held on Tuesday, September 25th at 10:00 am. Telephone chambers will remain unchanged on Wednesday September 26th.

A.M.B.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER

August 20, 2007

Supreme Court Crownside in Halifax will be held on the following dates: August 23, September 6, 11, 20 and 25th, 2007.

Appearance Days will be held weekly on Fridays at 12 noon during the month of August. Please note that there will be NO Appearance Day held in September on September 14th and 28th, 2007.

Commencing the week of September 3, 2007 Supreme Court Chambers, in Halifax, will be held daily. Mondays and Fridays will be reserved for uncontested matters ONLY. Both contested and uncontested matters will be heard on Tuesday, Wednesday and Thursday of each week.

Please note that the Supreme Court will NOT be holding regular or special time Chambers nor will the court be sitting in session on Thursday, September 13th, Friday, September 14th, Thursday, September 27th and Friday, September 28th, 2007.

COURT OF APPEAL

- 1.** Please note the following changes to the Court of Appeal Chambers schedule for September 2007. For the week of September 24th, 2007 only - Regular Chambers will be held at 10:00 am on Tuesday, September 25th. Telephone Chambers will remain unchanged on Wednesday, September 26th, 2007.
- 2.** Response to the Appeal Book preparation sessions has been greater than expected. Over the next few days e-mail confirmation will be sent to all participants. I thank each of the 75 persons who have registered for this training for their interest in this first time initiative.

SUPREME COURT

- 1.** When preparing Affidavits in support of a consent order vacating a claim for lien and a certificate of lis pendens, counsel are reminded that the affidavit must contain "confirmation" that there are no other "valid" liens on record at the Registry of Deeds where the property is located.
- 2.** It is possible for counsel to request that a settlement conference be held in a judicial

district other than where the action was commenced. However, the request for the settlement conference must be made to the Prothonotary where the action was commenced with a copy of the letter of request being sent to the Prothonotary where the parties wish to have the settlement conference held.

A.M.B.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER

October 1, 2007

Supreme Court Crownside in Halifax will be held on the following dates: October 4, 11, 18 and 25th and November 8, 15, 22 and 29th, 2007.

Appearance Days will be held weekly each Friday in October and on November 9, 16, 23 and 30th, 2007. There will be no Appearance Day on Friday, November 2, 2007.

COURT OF APPEAL

1. Please note that for the week of October 8th, 2007 ONLY, regular Court of Appeal Chambers will be held on Tuesday, October 9th and telephone Chambers will be held on Wednesday, October 10th.

A.M.B.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER

October 15, 2007

Supreme Court Crownside in Halifax will be held on the following dates: October 18 and 25th and November 8, 15, 22 and 29th, 2007.

There will be NO Appearance Day on November 2, 2007.

PLEASE NOTE there will be NO Supreme Court Chambers on the following dates in Halifax: October 30 and 31st, November 1 and 2, 2007.

A.M.B.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER

November 9, 2007

Supreme Court Crownside in Halifax will be held on the following dates: November 15, 22 and 29th, and December 6, 13 and 20th, 2007.

There will be NO Appearance Day on Friday, December 14, 2007. Please be advised that there will be Appearance Day on Friday, December 28, 2007.

PLEASE NOTE that the Law Courts will close at 12 noon on Monday, December 24th and will be closed on Tuesday, December 25th and Wednesday, December 26th, 2007. The Law Courts will be open on Thursday, December 27th, Friday, December 28th and Monday, December 31, 2007. The building will be closed on January 1, 2008 and we will re-open on Wednesday, January 2, 2008 at 8:30 am.

COURT OF APPEAL

1. Counsel are reminded that filings for Court of Appeal Chambers are due 3 clear days prior to the selected Chambers hearing date. This includes the Certificate Respecting Preparation of Appeal Book.
2. Where the filed Certificate Respecting Preparation of Appeal is incomplete, counsel will be advised by telephone that their setting down application will not be heard until such time as the Certificate is properly filed with the court along with a new Notice of Application.

SUPREME COURT

1. Given the upcoming holidays and dates on which the Law Courts will be closed, counsel are reminded to pay particular attention to the calculation of time for Supreme Court Chambers filings. When calculating time, counsel are referred to Civil Procedure Rule 3.
2. Where an abridgement of time is being requested by counsel, this must clearly be indicated on the interlocutory notice as being the first remedy sought by counsel on the Chambers application. Your interlocutory notice will not be accepted for filing outside of the prescribe filings deadlines in the Civil Procedure Rules, UNLESS, the

abridgement of time remedy is specifically requested in the interlocutory notice.

3. I direct counsel to the April 21, 2006 issue of the Hints and Tips regarding the filing of new applications for Special Time Chambers. It appears that counsel are once again trying to bring multiple applications returnable at the same Special Time Chambers hearing without first following the required steps - for ease of reference below is reproduced the excerpt from the April 21, 2006 Hints and Tips on this topic:

“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.”

A.M.B.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER
November 26, 2007

Supreme Court Crownside in Halifax will be held on the following dates: November 29th, and December 6, 13 and 20th, 2007.

There will be NO Appearance Day on Friday, December 14, 2007. Please be advised that there will be Appearance Day on Friday, December 28, 2007.

For the week of December 24th, 2007 there will be NO telephone Court of Appeal Chambers on Wednesday. Regular Court of Appeal Chambers will be held on December 27, 2007 at 10 a.m.

PLEASE NOTE that the Law Courts will close at 12 noon on Monday, December 24th and will be closed on Tuesday, December 25th and Wednesday, December 26th, 2007. The Law Courts will be open on Thursday, December 27th, Friday, December 28th and Monday, December 31, 2007. The building will be closed on January 1, 2008 and we will re-open on Wednesday, January 2, 2008 at 8:30 am.

This issue to dedicated to robing practices.

COURT OF APPEAL

1. Counsel are reminded that robing is required for all appeal hearings. Robing is not required for Court of Appeal Chambers.

SUPREME COURT

1. The judges of the Supreme Court approved a Robing Policy at their Annual Meeting in September, 2007. Therefore Practice Memorandum No. 3 is now repealed.

Robing in Halifax Law Courts

1. Robing is required for the following:
 - (a) Special Time Chambers where the subject matter is an appeal (such as a Summary Conviction Appeal, Small Claims Court Appeal, FOIPOP and other

statutory appeals);

(b) civil trials; and

(c) all criminal matters except Crownside (judges will robe for Crownside).

2. Robing is not required for the following:

(a) General Chambers; and

(b) Judicial Reviews.

Robing in the Districts

1. For civil matters, robing is required as in #1 (a) and (b) above and not required as in # 2 above;

2. For criminal matters, robing is required as in 1 (c) above (judges will robe for Criminal Chambers unless it involves only setting of dates or unless there is a different local practice about robing for joint Criminal and Civil Chambers).

PLEASE NOTE: For all court appearances where robing is not required, appropriate business attire is required.

The following policy below applies to the Family Division in **SYDNEY** and for Family matters in ALL the districts. **The following does NOT apply to the Family Division in Halifax - they will continue as at present.**

1. Gowning is required for the following, but subject to paragraph 2 (c):

(a) Divorce trials;

(b) Division of property trials pursuant to the *Matrimonial Property Act, Pension Benefits Act, Pension Benefits Division Act or Teachers Pension Act*;

(c) Trials for equitable relief of constructive trust, resulting trust or unjust enrichment claims or quantum meruit claims;

(d) Any protection hearing, disposition hearing or review hearing pursuant to the *Children and Family Services Act* which has been assigned a special time chambers date or a trial date;

(e) Applications pursuant to the *Testators Family Maintenance Act, Maintenance Enforcement Act, Order Enforcement Acts, Interjurisdictional Support Orders Act, Change of Name Act, Partition Act*;

(f) Trials regarding the interpretation or enforcement of a marriage contract, cohabitation agreement, separation agreement or a paternity agreement; and

(g) Trials on all other matters that are provided under an enactments to be within the

jurisdiction of the Family Division.

2. Robing is not required for the following:

- (a) All interim applications including section 39 applications pursuant to the *Children and Family Services Act*;
- (b) All variation applications;
- (c) Any trial/application stated in paragraph 1 which has been scheduled during regular Chambers.

A.M.B.