

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER, Q.C.

January 9, 2009

COURT DOCKETS

Supreme Court Crownside in Halifax will be held on the following dates: January 15, 22 and 29th, 2009.

Appearance Days will be held at 12 noon on January 16, 23 and 30th, 2009.

Counsel are reminded that telephone Appearance Days are available when one or more counsel reside outside of the metro Halifax area. The telephone Appearance Days are pre-booked at either 11 am or 11:30 am on the Friday and the call is set up at the expense of the party requesting the appearance by telephone. Counsel are reminded they cannot wait until the morning of the scheduled Appearance Day to request that a conference call be set up to participate by telephone that day. For January, 2009 there will be NO telephone Appearance Day on January 30, 2009.

COURT OF APPEAL

1. I remind counsel that your Factum is now limited to forty (40) pages excluding appendices pursuant to Rule 90.32(4)(g). However, if you are the Respondent and the Appellant filed their Factum in 2008, under the transitional provisions of the Civil Procedure Rules, the Respondent would not be limited by the 40 page rule.

SUPREME COURT

1. Counsel are reminded that the place of proceeding has changed as a result of the new Rules. Practically speaking, for example, in Halifax, this means that all SH designations have been replaced by Hfx. This applies to ALL files whether opened prior to January 1, 2009 or not. Please insure your documents are drafted accordingly. Staff, in Halifax, will start rejecting documents that continue to have the SH designation effective February 1, 2009.
2. Document Cover Sheets were not prescribed by the former Rules and had been put in place to facilitate movement of documents within the court facility and to insure return to the proper lawyer. I would ask counsel to continue using this most worthwhile sheet when sending documents, absent a cover letter, to the court for processing.

3. Likewise, although not prescribed in the new Rules, Chambers cover sheets were of great assistance to the court and I would ask that until advised differently, that counsel continue using the Chambers Cover Sheet when sending Chambers documents to the court.
4. Counsel will have noticed that the original copy of their instituting action court document is now being kept by the court and personally certified and signed copies by the Prothonotary are being returned to counsel. Counsel are to serve the certified copy and attach a second certified copy to the affidavit of service that is filed with the court.
5. Affidavits of Service are on Form 31.05 and do not require a style of cause or court heading. The reason no style of cause is required is that it appears on the certified copy of the document served which is attached to the affidavit.
6. When starting or defending an action where a litigation guardian is acting for the party, and the guardian has not previously been appointed by the court pursuant to the *Guardianship Act* or the *Incompetent Person Act*, the litigation guardian's statement must be filed with the commencing or defending document being filed with the court. Otherwise, include a certified copy of the order appointing the guardian with the commencing or defending document.
7. Date Assignment Conference dates are being set by the Scheduling office, without previous consultation regarding counsel availability. ALL Date Assignment Conferences are being held on Fridays.
8. **CHAMBERS:**
 - ex parte matters requiring less than ½ hour can be set by counsel for 9:30 am Chambers on Monday through Friday.
 - matters on notice, requiring less than ½ hour AND for which no cross-examination on Affidavits is required, can be set by counsel for 9:30 am Chambers on Tuesday, Wednesday or Thursday.
 - motions for directions can be set by counsel for 11 am Chambers, Monday through Thursday.
 - time and date for matters requiring more than ½ hour are set by the Scheduling office.
9. When requesting a settlement conference counsel must indicate whether they seek an "ordinary type" or a "trial like" settlement conference. For "ordinary type" settlement conferences, counsel must also indicate whether ½ day or a full day is required.

A.M.B.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER, Q.C.
January 16, 2009

COURT DOCKETS

Supreme Court Crownside in Halifax will be held on the following dates: January 22 and 29th, February 5, 12, 19 and 26th, 2009.

Appearance Days will be held at 12 noon on January 23 and 30th February 6, 13, 20 and 27th, 2009.

COURT OF APPEAL

1. Motions for Directions in the Court of Appeal require 4 days notice. HOWEVER, counsel will note that the Certificate of Readiness must be filed 5 days in advance of the hearing of the motion. It is suggest that all the documents relating to the Motion for Directions be filed 5 days in advance of the hearing to avoid confusion.
2. Counsel are reminded that the headings of documents has been modified slightly under the new Civil Procedure Rules. In the past, **IN THE NOVA SCOTIA COURT OF APPEAL** was used - please note this has now been replaced with: **NOVA SCOTIA COURT OF APPEAL**. The words: **IN THE** have been dropped.
3. Books of Authorities are to be filed at the same time as the Factum see Civil Procedure Rule 90.33. I also remind counsel that the parties are encouraged to file a joint book of authorities - see Civil Procedure Rule 90.33(2).

SUPREME COURT

1. Counsel are reminded that the place of proceeding has changed as a result of the new Rules. Practically speaking, for example, in Halifax, this means that all SH designations have been replaced by Hfx. This applies to ALL files whether opened prior to January 1, 2009 or not. Please insure your documents are drafted accordingly. Staff, in Halifax, will start rejecting documents that continue to have the SH designation effective February 1, 2009.
2. Counsel are reminded that the headings of documents has been modified slightly under the new Civil Procedure Rules. In the past, **IN THE SUPREME COURT OF**

NOVA SCOTIA was used - please note this has now been replaced with: **SUPREME COURT OF NOVA SCOTIA**. The words: **IN THE** have been dropped.

3. Motions for Directions are heard at 11 a.m. on Monday, Tuesday, Wednesday or Thursday. Only one motion will be docketed in each daily 11 a.m. time slot. Counsel are asked to call the scheduling office, in advance, of filing their court documents, to secure the date for the Motion for Directions. The date is then inscribed in the document by counsel. The “reserved” time will be held by the scheduling office for 1 day from the time it is given to counsel by telephone - if the documents are not filed with the inscribed date within the 1 day period then the date will be released.
4. Amendments to Statement of Claim or Defence - counsel are referred to Civil Procedure Rule 83.08 which allows the amendment without the need to amend the Notice of Action or Notice of Defence document. Where the Statement only is being amended, the document requires a style of cause and the title : Amended Statement of Claim (or Defence). The amended document is filed as a stand alone document which becomes part of the notice to which it relates, although not attached.
5. Although a Demand for Particulars is not filed with the court, counsel are reminded that Civil Procedure Rule 38.09 requires the answer to be filed with the court. Form 38.09 can be used for the answer and the answer forms part of the pleading to which it relates.

A.M.B.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER, Q.C.
January 23, 2009

COURT DOCKETS

Supreme Court Crownside in Halifax will be held on the following dates: January 29th, February 5, 12, 19 and 26th, 2009.

Appearance Days will be held at 12 noon on January 30th February 6, 13, 20 and 27th, 2009.

The Court of Appeal hearing docket and the Bankruptcy hearing docket can be consulted on the courts website at the following location:
http://courts.ns.ca/dockets_on_line/index_dockets_on_line.htm

COURT OF APPEAL

1. The Court of Appeal, on January 22, 2009, approved some minor changes to Civil Procedure Rule 90. These changes will be gazetted soon. I want to draw your attention to the major changes: a) Rule 90.26 (1) has been amended to provide for the filing of the Certificate of Readiness **4 days** in advance of the hearing of the motion to set the appeal down; (you will recall in the last issue I noted that the Certificate needed to be filed 5 days in advance of the hearing); and b) Rule 90.33 has been amended to permit the filing of a JOINT Book of Authorities at the same time as the Respondent's Factum, where the parties to the appeal have agreed to file the joint book.
2. I have created a new series of packages to be posted on the courts website to cover almost all types of motions and matters before the Court of Appeal. In total 17 packages. These will be posted on the courts website at the following location http://courts.ns.ca/appeals/ca_forms.htm.

SUPREME COURT

1. When a Chambers motion or an Application in Chambers or Court requires more than ½ hour to be heard, counsel are to file their documents leaving the time and date for the hearing blank. The documents will be provided to the scheduling office and the scheduler will contact the parties by e-mail indicating the date and time

assigned for the hearing. If the parties/counsel do not indicate, by return e-mail, within the response time set out by the scheduler, that the date is not convenient due to another obligation, the date and time will be deemed confirmed and the date and time will be inscribed in the documents returned to the filing party for service.

2. Counsel who bring foreclosure matters before the court are aware that a Practice Memorandum is being prepared by the court to supplement Civil Procedure Rule 72-Mortgages. While this is being prepared, counsel are advised that foreclosure proceedings are to be commenced in the Supreme Court by the filing of **Notice of Application in Chambers** - Form 5.03 can be adapted to add the mortgage and other required information by way of a Schedule, attached to the Notice of Application. The Mortgagee's affidavit and the Solicitor's affidavit must be filed with the Notice of Application. The Certificate of Title can be filed as a separate document in advance of the hearing but closer in time to the hearing - be certain to include the proper style of cause on the Certificate. ADDITIONALLY, the motion contemplated at Rule 35.12(2) is not a stand alone motion by way of Notice of Motion, but rather is automatically included in the application for the order for foreclosure and sale.
3. Counsel are reminded that the place of proceeding has changed as a result of the new Rules. Practically speaking, for example, in Halifax, this means that all SH designations have been replaced by Hfx. This applies to ALL files whether opened prior to January 1, 2009 or not. Please insure your documents are drafted accordingly. Staff, in Halifax, will start rejecting documents that continue to have the SH designation effective February 1, 2009.
4. Counsel are reminded that the headings of documents has been modified slightly under the new Civil Procedure Rules. In the past, **IN THE SUPREME COURT OF NOVA SCOTIA** was used - please note this has now been replaced with: **SUPREME COURT OF NOVA SCOTIA**. The words: **IN THE** have been dropped.
5. When filing a Notice of Defence to Crossclaim, to Counterclaim or to a Third Party Claim remember to adapt Form 4.05 to reflect what type of defence is being filed and who is defending what. The Statement of Defence must also be properly titled.
6. When filing a Notice of Action for debt, insure that the information you provide in the section "Amount of Judgment" concurs with the information in your Statement of Claim. The Tariff D amounts are set out at Civil Procedure Rule 77.

A.M.B.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER, Q.C.
February 6, 2009

COURT DOCKETS

Supreme Court Crownside in Halifax will be held on the following dates: February 12, 19 and 26th, March 5, 12, 19 and 26th, 2009.

Appearance Days will be held at 12 noon on February 13, 20 and 27th, 2009. There will be no telephone Appearance matters scheduled on February 27, 2009.

COURT OF APPEAL

1. Amendments were made on January 22 and February 2, 2009 to Civil Procedure Rules 90 and 91. These are posted on the courts website. **In particular** Civil Procedure Rule 90.26 (1) AND 91.13 now requires the Certificate of Readiness to be filed with the court NO LESS than **FOUR** days before the motion for directions is to be heard.

ALSO NOTE that Civil Procedure Rules 90.33 AND 91.19 have been amended with regard to the timing of the filing of a Joint Book of Authorities. **Where a joint book of authorities is filed**, it must be filed at the same time as the RESPONDENT'S FACTUM.

2. I have created a new series of packages to be posted on the courts website to cover almost all types of motions and matters before the Court of Appeal. In total 17 packages. These will be posted on the courts website at the following location http://courts.ns.ca/appeals/ca_forms.htm.

SUPREME COURT

1. When a Chambers motion or an Application in Chambers or Court requires more than ½ hour to be heard, counsel are to file their documents leaving the time and date for the hearing blank. The documents will be provided to the scheduling office and the scheduler will contact the parties by e-mail indicating the date and time assigned for the hearing. If the parties/counsel do not indicate, by return e-mail, within the response time set out by the scheduler, that the date is not convenient due to another obligation, the date and time will be deemed confirmed and the date

and time will be inscribed in the documents returned to the filing party for service.

2. Counsel are reminded that Civil Procedure Rule 40.03(1) requires the filing of **DUPLICATE** briefs with the court. Where the brief is in a form of a letter, a duplicate is still required. The reason for the duplicate brief is quite practical - one if for the judge to mark on and destroy after the hearing while the second if for inclusion in the court file.
3. An “inconsistency” has been identified by several lawyers regarding Rules 32.02(1) and 82.09(1) in the designation of the place of proceeding at the upper right corner of their documents. This has been noted as a required correction and will be addressed by a rule amendment at some future point in time. While awaiting the correcting amendment, I would ask counsel to use the following “formula” for the proceeding designation in the upper right corner of their court documents: Place + No. For Halifax Supreme Court this would mean Hfx No. 123456.
4. Some clarification with regard to **renewals** of originating documents: Any Originating Notice (Action) and Statement of Claim issued or renewed during the calendar year 2008 is valid for a **ONE YEAR PERIOD**. By way of example if the Originating Notice (Action) and Statement of Claim were issued by the court on March 1, 2008 it is valid for 1 year up to and including March 1, 2009 and not limited to the previous six (6) month validity period. If you need to renew the Originating Notice (Action) you follow the process set out at Civil Procedure Rule 4.04 and you can make a motion before a judge to renew for a second year. Only one renewal can be requested and if granted the original document expires two (2) years after it was first issued. The timing of the motion for renewal can be between 12 months and no more than 14 months after the date the originating document was first issued.
5. I want to take this opportunity to thank counsel for their excellent cooperation with regard to court filings pursuant to the “new” Civil Procedure Rules since January 1, 2009. I have noted a true spirit of cooperation as we all attempt to fall into place with the new “regime. However, to ensure consistency, documents which do not conform with the new rules will be returned with a pink sheet of paper pointing out the error and making reference to the applicable Civil Procedure Rule.

A.M.B.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER, Q.C.
March 6, 2009

COURT DOCKETS

Supreme Court Crownside in Halifax will be held on the following dates: March 12, 19 and 26th, 2009.

Appearance Days will be held at 12 noon on March 13, 20th and 27th, 2009.

COURT OF APPEAL

1. Counsel are reminded that Appeal Books need to conform with Civil Procedure Rules 90.30 or 91.15. Issues have arisen lately with respect to the certification of the transcript - Civil Procedure Rules 90.29(5) and 91.14 (3) require that the transcript be prepared by a certified court reporter. This means that the court reporter must sign the certificate and indicate his/her court transcriber registration number on the certificate.
2. Over the past few months, Appeal Books in particular are being filed late. The filing dates are set by the Chambers judge on the consent of counsel and counsel are expected to respect the dates. If an extension is required, counsel are to contact the Registrar in advance of the set filing deadline to discuss an extension request.
3. A Respondent's Notice of Contention must be filed no more than 10 days after the day the notice of appeal is delivered to the respondent. The court filing fee for the notice of contention is the same as on a Notice of Cross-appeal.

SUPREME COURT

1. On February 27, 2009, the judges of the Supreme Court approved **amendments** to the Civil Procedure Rules. These were printed in the Royal Gazette on March 4, 2009. The amendments are located on the courts website at: http://www.courts.ns.ca/Rules/civil_procedure_rules_08_06_20/nssc_amendments_09_02_27.pdf
2. Date Assignment Conferences are held by telephone, unless the judge presiding advises the parties otherwise. The party who filed the Request for Date Assignment

Conference is responsible for having all the parties on the telephone and at the appointed time calling The Law Courts at 424-4900 and the call will be directed to the presiding justice.

3. Date Assignment Conferences are only scheduled for Fridays and counsel are asked to keep their schedules as flexible as possible to be available for these telephone conferences. To date the court has noted the process is going well and is appreciative of counsel's efforts in making themselves available on Friday.
4. Civil Procedure Rule 82.11 requires a **cover page** containing all the information noted when a document is sent to the court by fax to be fax filed. Since January 1, 2009 it has been noted that the rule is not being followed. Any document submitted for fax filing which is not accompanied by the cover page will not be accepted for filing.
5. Civil Procedure Rule 82.06 states that a backer shall not be attached to a document submitted for filing. Since January 1, 2009 we have noted that counsel are still using backers. Any documents to which is attached a backer will not be accepted for filing.
6. If you do not use a document cover sheet when sending documents to the court for issuance and/or filing, please have a cover letter so that staff know who to return the extra stamped copies of the documents to.
7. Counsel are reminded that Civil Procedure Rule 40.03(1) requires the filing of **DUPLICATE** briefs with the court. Where the brief is in a form of a letter, a duplicate is still required. The reason for the duplicate brief is quite practical - one if for the judge to mark on and destroy after the hearing while the second if for inclusion in the court file. Where the authorities referred to in the brief are bound separately from the brief only one copy of the authorities are required.

A.M.B.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER, Q.C.

April 6, 2009

COURT DOCKETS

Supreme Court Crownside in Halifax will be held on the following dates: April 9, 16, 23, 30, and May 7, 14, 19 and 28, 2009. Please note that May 19 is a Tuesday as there will be no Crownside on Thursday, May 21st, 2009.

Appearance Days will be held at 12 noon on April 17 and 24 and May 1, 8, 15 and 29th, 2009. There will be no Appearance Day on May 22, 2009

The Supreme Court judges are having their semi-annual court meeting on May 21st and 22nd, 2009 and thus the court will not be sitting on those days. There will be no Chambers on May 21st or 22nd.

COURT OF APPEAL

1. Over the past few months, Appeal Books in particular are being filed late. The filing dates are set by the Chambers judge on the consent of counsel and counsel are expected to respect the dates. If an extension is required, counsel are to contact the Registrar in advance of the set filing deadline to discuss an extension.
2. Counsel are reminded that Civil Procedure Rule 90.32(4)(g) requires that the factum to be no longer than 40 pages in length, excluding appendices.
3. Civil Procedure Rule 90.30(6) requires the filing of an electronic copy of the transcript, in addition to including it in the hard copy of the Appeal Book. This means it can be sent on a CD with the hard copy of the Appeal Book or can be sent by e-mail to the Registrar at boucheam@gov.ns.ca. We have noticed that a large number of appellants are not filing the electronic copy of the transcript as required and staff are constantly calling counsel to obtain these electronic copies. We seek and count on the cooperation of counsel in insuring the electronic copy is filed as required by the rule.

SUPREME COURT

1. On April 1, 2009 the court filing fees **INCREASED**. The new fees are listed on the courts website and can be viewed at the following link:

<http://www.courts.ns.ca/General/fees2.htm>.

2. Civil Procedure Rule 82.11 requires a **cover page** containing all the information noted when a document is sent to the court by fax to be fax filed. Since January 1, 2009 it has been noted that the rule is not being followed. Any document submitted for fax filing which is not accompanied by the cover page will not be accepted for filing.
3. Date Assignment Conferences are only scheduled for Fridays and counsel are asked to keep their schedules as flexible as possible to be available for these telephone conferences. To date the court has noted the process is going well and is appreciative of counsel's efforts in making themselves available on Friday.
4. Civil Procedure Rule 82.06 states that a backer shall not be attached to a document submitted for filing. Since January 1, 2009 we have noted that counsel are still using backers. Any documents to which is attached a backer will not be accepted for filing.
5. If you do not use a document cover sheet when sending documents to the court for issuance and/or filing, please have a cover letter so that staff know who to return the extra stamped copies of the documents to.
6. Counsel are reminded that Civil Procedure Rule 40.03(1) requires the filing of **DUPLICATE** briefs with the court. Where the brief is in a form of a letter, a duplicate is still required. The reason for the duplicate brief is quite practical - one if for the judge to mark on and destroy after the hearing while the second if for inclusion in the court file. Where the authorities referred to in the brief are bound separately from the brief only one copy of the authorities are required.
7. Initiating documents and defences require the Prothonotary to complete the Prothonotary Certificate. This means that there may be a delay as the Prothonotary is not available at the front counter to complete the certificate and the documents need to be left at the office for completion. One deputy Prothonotary has been trained to complete these certificates and the counter staff will gradually be trained to complete the Certificates commencing with the Notices of Action. When documents are left 'behind' for certification, the date the documents were submitted for filing will be indicated as the effective date of the certification. It is anticipated that over the next several months the counter staff will be completely trained and that they will process all documents requiring the completion of the Prothonotary Certificate at the time they are submitted for filing. I count on the continued cooperation of counsel in this regard.

A.M.B.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER, Q.C.

April 9, 2009

COURT DOCKETS

Supreme Court Crownside in Halifax will be held on the following dates: April 16, 23, 30, and May 7, 14, 19 and 28, 2009. Please note that May 19 is a Tuesday as there will be no Crownside on Thursday, May 21st, 2009.

Appearance Days will be held at 12 noon on April 17 and 24 and May 1, 8, 15 and 29th, 2009. There will be no Appearance Day on May 22, 2009

The Supreme Court judges are having their semi-annual court meeting on May 21st and 22nd, 2009 and thus the court will not be sitting on those days. There will be no Chambers on May 21st or 22nd.

On April 1, 2009 the court filing fees INCREASED. The new fees are listed on the courts website and can be viewed at the following link: <http://www.courts.ns.ca/General/fees2.htm>.

COURT NOTICE FROM CHIEF JUSTICES AND CHIEF JUDGE

The Chief Justices and Chief Judges encourage Counsel to assist the media with their news coverage of the courts.

At the recent media conference held in Halifax and hosted by the Nova Scotia Judiciary, it was suggested that Counsel could help the courts help the media.

When coming to court on a matter which they anticipate will be of significant interest to the media, Counsel should bring along extra copies of documents which they have filed with the courts and, whenever possible and appropriate, provide them to the members of the media attending the proceedings.

This would help both the media and the courts. It would help the media meet their broadcasting/publishing deadlines while helping with the accuracy of their references to such court documents. And it would help the court administration staff to better serve the time-sensitive needs of all the media.

COURT OF APPEAL

1. Civil Procedure Rule 90.30(6) requires the filing of an electronic copy of the transcript, in addition to including it in the hard copy of the Appeal Book. This means it can be sent on a CD with the hard copy of the Appeal Book or can be sent by e-mail to the Registrar at boucheam@gov.ns.ca. We have noticed that a large number of appellants are not filing the electronic copy of the transcript as required and staff are constantly calling counsel to obtain these electronic copies. We seek and count on the cooperation of counsel in insuring the electronic copy is filed as required by the rule.
2. Effective April 1, 2009 (the date of publication in the Royal Gazette) Civil Procedure Rule 90.32(3)(g) was amended as follows: **Rule 90.32(3)(g)** is amended by:

deleting the reference to "Part 3" and replacing it with "Part 5".

SUPREME COURT

1. Questions have arisen recently regarding dismissal procedures initiated by the court pursuant to the old Rule 28.11. Where a step was contemplated to be taken in 2009, by either the Prothonotary or counsel, on such a process, there is no need to take that step. As Rule 28.11 has been revoked and there is no like step in the new rules, there is no authority to act. HOWEVER, if a court order had been issued fixing a time for the step to be taken, counsel need to address that outstanding issue as failure to do so could be viewed as a failure to comply with a court order. Where these situations arise I ask counsel contact me directly to determine the best way to proceed.
2. In the March 6, 2009 issue counsel were alerted to amendments to the Civil Procedure Rules - these also included amendments to Forms 4.02A, 4.03A, 5.03, 5.07, 79.17A and 79.19. It appears that lawyers have not changed their precedents. Where counsel are using these court forms, they are being reminded to include the most recent changes in the versions they submit to the court for filing.
3. Counsel were informed in the April 6, 2009 issue, of the court filing fee increases. Documents accompanied by the incorrect fees will be accepted for filing - a pink slip will be returned by staff requesting the additional fees. This will continue until April 20, 2009. After that date any documents submitted for filing with the incorrect filing fees will be returned un-processed to counsel.
4. Counsel have been asked to continue using a document cover sheet so that documents can be properly directed within the building.

5. If there is an “out of the ordinary” aspect to a filing, a cover letter MUST accompany the documents to alert staff to this. By way of example - if an affidavit is being sent for filing and is unsworn, a letter must explain that the sworn one will be filed within the prescribed time frames in the rules - absent a letter the document will not be accepted for filing. I must impress on counsel the need for these cover letters. The cover letters assist staff and reduce the number of documents being returned non-processed to counsel.

A.M.B.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER, Q.C.

May 12, 2009

COURT DOCKETS

Supreme Court Crownside in Halifax will be held on the following dates: May 14, 19 and 28, 2009. Please note that May 19 is a Tuesday as there will be no Crownside on Thursday, May 21st, 2009.

Appearance Days will be held at 12 noon on May 1, 15 and 29th, 2009. There will be no Appearance Day on May 22, 2009

The Supreme Court judges are having their semi-annual court meeting on May 21st and 22nd, 2009 and thus the court will not be sitting on those days. There will be no Chambers on May 21st or 22nd.

COURT OF APPEAL

- 1. Counsel are reminded that Civil Procedure Rules 90.16(5) and 91.10, require the Appellant to delivery a copy of the Notice of Appeal filed with the Nova Scotia Court of Appeal to the lower court and the judge appealed from.**
- 2. A copy of the written decision and order which are the subject of the appeal need are to be filed at the same time as the Notice of Appeal - see Civil Procedure Rule 90.11(2).**
- 3. A copy of the Order issued by the lower court is required on a motion for directions to set the appeal down for hearing pursuant to Civil Procedure Rule 90.15.**

SUPREME COURT

- 1. If there is an "out of the ordinary" aspect to a filing, a cover letter MUST accompany the documents to alert staff to this. By way of example - if an affidavit is being sent for filing and is unsworn, a letter must explain that the sworn one will be filed within the prescribed time frames in the rules - absent a letter the document will not be accepted for filing. I must impress on counsel the need for these cover letters. The cover letters assist staff and reduce the number of documents being returned non-processed to counsel.**

2. When an order is being submitted to the court it must indicate before whom the order is being taken out, i.e. "BEFORE THE HONOURABLE JUSTICE..." or "BEFORE THE PROTHONOTARY..."

A.M.B.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER, Q.C.

June 5, 2009

COURT DOCKETS

Supreme Court Crownside in Halifax will be held on the following dates: June 11, 18 and 25th, July 9 and 23rd, 2009.

Appearance Days will be held at 12 noon on June 19th, and 26th, July 3, 10, 17, 24 and 31st, 2009.

Starting July 1st, please note that regular 9:30 am Supreme Court Chambers will only be held on Tuesday, Wednesday and Thursday. There will be NO chambers on Monday or Friday of each week.

The Court of Appeal chambers scheduled is unchanged during the summer.

COURT OF APPEAL

- 1. Counsel are reminded that Civil Procedure Rules 90.16(5) and 91.10, require the Appellant to delivery a copy of the Notice of Appeal filed with the Nova Scotia Court of Appeal to the lower court and the judge appealed from.**
- 2. It has come to my attention that there is often a delay between the time the appellant's factum is filed with the court and when it is delivered to opposing counsel. This results in the respondent's court set time frame being shortened by counsel's late delivery. Civil Procedure Rule 90.32(1) and (2) and 91.18(1) requires simultaneous filing with the court and delivery to opposing counsel.**
- 3. When filing a Notice of Cross Appeal, counsel are directed to Civil Procedure Rule 90.21 (3) which provides for the adaption of a Notice of Appeal to meet the requirements of a Notice of Cross-Appeal.**

SUPREME COURT

- 1. If there is an "out of the ordinary" aspect to a filing, a cover letter MUST accompany the documents to alert staff to this. By way of example - if an affidavit is being sent for filing and is unsworn, a letter must explain that the sworn one will be filed within the**

prescribed time frames in the rules - absent a letter the document will not be accepted for filing. I must impress on counsel the need for these cover letters. The cover letters assist staff and reduce the number of documents being returned non-processed to counsel.

2. Counsel are reminded that they cannot, absent a court order, change the style of cause of an action. Counsel are dropping, from the style of cause, the names of parties against whom the action has been discontinued. This cannot be done unless the dismissal order sets out the new style of cause to be used for future filings.
3. When lawyers return corrected documents to the court for filing, we request that they include the pink sheet originally sent to them setting out the error requiring correction. This will assist in more rapid processing of the corrected documents.
4. For counsel who practice in the Family Division of the Supreme Court **IN HALIFAX ONLY**. The Court has compiled a list of twenty-four (24) cases that **DO NOT** need to be reproduced by counsel as part of their submissions to the Court. The list can be found at: http://www.courts.ns.ca/supreme/nssc_forms_09/nssc-fd_cases_need_not_copy_09_05.pdf

Counsel are asked to double side copy cases which are submitted to the Court as part of written submissions.

5. In the April 9, 2009 issue of Hints and Tips, a notice from the Chief Justices and Chief Judge, spoke to media news coverage of the courts. This notice is replaced with the following, which clarifies the intention of the notice:

Court Notice From Chief Justices and Chief Judge

At the November media conference held in Halifax and hosted by the Nova Scotia Judiciary, it was suggested that Counsel might be able to help the Courts help the media.

Specifically, Counsel may wish to bring along extra copies of documents which they have filed when coming to court on a matter which they anticipate will be of significant interest to the media. When possible and appropriate, these could be provided to members of the media who are attending the proceedings.

This would help the media with the accuracy of their references to such court documents. And it would help the Courts to better serve the media's time-sensitive needs.

A.M.B.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER, Q.C.

June 22, 2009

COURT DOCKETS

Supreme Court Crownside in Halifax will be held on the following dates: June 25th, July 9th, 23rd, and August 6th and 20th, 2009.

Appearance Days will be held at 12 noon on June 26th, July 3rd, 17th, 24th, 31st, 2009 and August 7th, 14th, 21st and 28th, 2009 ***NOTE: On July 10th Appearance Day will be held at 9:30 am rather than 12 noon

Starting July 1st, please note that regular 9:30 am Supreme Court Chambers will only be held on Tuesday, Wednesday and Thursday. There will be NO chambers on Monday or Friday of each week.

The Court of Appeal chambers scheduled is unchanged during the summer.

COURT OF APPEAL

1. Counsel are reminded that Civil Procedure Rules 90.16(5) and 91.10, require the Appellant to delivery a copy of the Notice of Appeal filed with the Nova Scotia Court of Appeal to the lower court and the judge appealed from.
2. It has come to my attention that there is often a delay between the time the appellant's factum is filed with the court and when it is delivered to opposing counsel. This results in the respondent's court set time frame being shortened by counsel's late delivery. Civil Procedure Rule 90.32(1) and (2) and 91.18(1) requires simultaneous filing with the court and delivery to opposing counsel.

SUPREME COURT

1. If there is an "out of the ordinary" aspect to a filing, a cover letter MUST accompany the documents to alert staff to this. By way of example - if an affidavit is being sent for filing and is unsworn, a letter must explain that the sworn one will be filed within the prescribed time frames in the rules - absent a letter the document will not be accepted for filing. I must impress on counsel the need for these cover letters. The cover letters assist staff and reduce the number of documents being returned non-processed to

counsel.

2. When lawyers return corrected documents to the court for filing, we request that they include the pink sheet originally sent to them setting out the error requiring correction. This will assist in more rapid processing of the corrected documents.
3. Court staff have been directed to enforce the court filing dates for Chambers documents as set out in the Civil Procedure Rules. Where counsel are unable to file documents for Chambers at the prescribed dates, they must send a letter to the Prothonotary requesting an extension of the filing date. The Prothonotary will speak to the judge presiding and will advise counsel of the judge's determination on the question.
4. The November 26, 2007 issue of this communication was dedicated to robing. It has become apparent that it would be beneficial to remind counsel of the robing requirements, here follows the original article:

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

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.

5. Commencing in September 2009, a pre-trial conference protocol for criminal Supreme Court matters will be in place at The Law Courts. The protocol is attached and counsel who practice in this area are asked to become familiar with the protocol and the pilot project.

A.M.B.

SUPREME COURT LIAISON SUB COMMITTEE (CRIMINAL) AD HOC COMMITTEE REPORT

BACKGROUND

In March 2007, the Supreme Court Liaison Sub Committee (Criminal), established an *ad hoc* committee to identify the most effective and efficient process for scheduling Supreme Court criminal trial dates.

Accordingly, Chief Justice Kennedy requested that Justice Cacchione and the Chair review the current practices of scheduling criminal trial dates within the province and report back to the Supreme Court Liaison Sub Committee (Criminal) a recommended scheduling process (a protocol) which could ensure shorter, efficient and more focused criminal trials without compromising trial fairness.

With this mandate, we commenced our review.

RELEVANT STATUTORY PROVISIONS

Procedure in jury trials is governed by Part XX of the *Criminal Code*. Section 625.1 of the *Criminal Code* provides for holding pre-trial conferences for cases to be tried in every level of trial court. In cases to be tried with a jury, s.625.1(2) makes pre-trial conference a mandatory part of the jury trial process.

The purpose of the pre-trial conference is to consider any matters that would promote a fair and expeditious trial.

Section 482 of the *Criminal Code* permits superior courts to make rules of court. Case management rules may be enacted by a superior court, pursuant to s.482(3), to regulate the pleadings, practice and procedures in criminal matters, including pre-trial conferences held under s. 625.1.

Pursuant to s.482.1 of the *Criminal Code*, a superior court may make rules for case management, including for the determination of any matter that would assist in conducting effective and efficient case management and establishing case management schedules. However, it does not appear that any such rules have been enacted in Nova Scotia. Consequently, the need for a protocol.

CONSULTATION WITH MEMBERS OF THE BAR

We commenced our review by consulting members of the Bar from across the province. In June, a letter was disseminated to the managing lawyers of both the Public Prosecution Service and Nova Scotia Legal Aid and the president of the Nova Scotia Criminal Lawyers Association . This letter sought their, and their colleagues, input as to whether or not a protocol that involves a pre-trial conference before setting down trial dates would be an improvement to the system which currently exists in their jurisdiction and serve to alleviate any problems which may exist in determining the appropriate time allocations for trials.

In October we reviewed all written submissions received from across the province and concluded that, apart from the Halifax Bar, it would appear that the general consensus is that there does not appear to be any reason to mandate having pre-trial conferences prior to setting down trial dates. However, notwithstanding that, many have expressed the view that full, complete and timely disclosure is absolutely necessary in order to enhance the efficiency and effectiveness of the criminal trial process.

DISCUSSION

The Necessity of Constructive Pre-Trial Conferences

The pre-trial conference must be constructive in the sense that it prove to be meaningful, important, and productive steps in the criminal trial process. At times those objectives are achieved under the current system. However, too often pre-trial conferences become meaningless and non-constructive with little more than a token appearance and re-affirmation of an estimated time required to complete the trial.

A properly conducted pre-trial conference is necessary in order to implement an effective protocol for scheduling trial dates.

There are two main obstacles to successful pre-trial conferences: unprepared or obstinate counsel who are unwilling to take binding positions or obtain instructions in order to clarify the issues; and a lack of full and timely disclosure.

(I) Unprepared Counsel

When either Crown or defence attend a pre-trial conference without being fully informed and willing to take positions regarding the issues to be addressed, the objectives of the conference are defeated before it commences. Therefore, it is critical that counsel of record for the accused and the prosecutor assigned to conduct the prosecution, or a prosecutor with authority to bind the prosecution, attend the pre-trial conference and participate in a meaningful and constructive way by being fully prepared to address the issues.

(ii) Disclosure

Obviously, full and timely disclosure is necessary in order to implement an effective protocol for scheduling trial dates. Hence, diligent efforts must be employed by the police, Crown and defence to ensure that disclosure issues do not delay the scheduling of pre-trial conferences.

RECOMMENDATION

After a review of the relevant *Criminal Code* provisions, the *Ontario Superior Court of Justice Criminal Proceeding Rules*, and careful consideration of written submissions of members of the Bar from across the province, we recommend that the following protocol be implemented in Halifax as a pilot project for a twelve (12) month period. Upon expiration of twelve (12) months, an evaluation of the project should be conducted.

Proposed Protocol:

- (1) A pre-trial conference shall be held within sixty (60) days of the order to stand trial on which it is based; or, where an indictment has been preferred under s. 577 of the *Criminal Code*, within sixty (60) days of the Attorney General's consent or judge's order, unless otherwise ordered by a judge of the court.
- (2) To facilitate the scheduling of the pre-trial conference and confirmation of trial dates, the first attendance in the Supreme Court should immediately follow the committal at which time a date for the pre-trial conference will be set.
- (3) Following pre-trial conferences, parties should return to the first available Crownside to set trial dates and any corollary dates.

SELF-REPRESENTATIVE LITIGANTS

This protocol does not apply to self-represented litigants.

ACKNOWLEDGMENTS

We wish to acknowledge and commend all lawyers who took time from their busy practices to respond to our request. Their input was invaluable, timely and necessary.

All of which is respectfully submitted,

Justice Felix Cacchione

Frank P. Hoskins, Q.C.
Chair

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER, Q.C.
July 6, 2009

COURT DOCKETS

Supreme Court Crownside in Halifax will be held on the following dates: July 9th, 23rd, and August 6th and 20th, 2009.

Appearance Days will be held at 12 noon on July 17th, 24th, 31st, 2009 and August 7th, 14th, 21st and 28th, 2009 *****NOTE: On July 10th Appearance Day will be held at 9:30 am rather than 12 noon**

Starting July 1st, please note that regular 9:30 am Supreme Court Chambers will only be held on Tuesday, Wednesday and Thursday. There will be NO chambers on Monday or Friday of each week.

The Court of Appeal chambers scheduled is unchanged during the summer.

COURT OF APPEAL

1. Counsel are reminded that Civil Procedure Rules 90.16(5) and 91.10, require the Appellant to delivery a copy of the Notice of Appeal filed with the Nova Scotia Court of Appeal to the lower court and the judge appealed from.

SUPREME COURT

1. If there is an "out of the ordinary" aspect to a filing, a cover letter MUST accompany the documents to alert staff to this. By way of example - if an affidavit is being sent for filing and is unsworn, a letter must explain that the sworn one will be filed within the prescribed time frames in the rules - absent a letter the document will not be accepted for filing. I must impress on counsel the need for these cover letters. The cover letters assist staff and reduce the number of documents being returned non-processed to counsel.
2. Court staff have been directed to enforce the court filing dates for Chambers documents as set out in the Civil Procedure Rules. Where counsel are unable to file documents for Chambers at the prescribed dates, they must send a letter to the Prothonotary requesting an extension of the filing date. The Prothonotary will speak

to the judge presiding and will advise counsel of the judge's determination on the question.

3. Commencing in September 2009, a pre-trial conference protocol for criminal Supreme Court matters will be in place at The Law Courts. The protocol is attached and counsel who practice in this area are asked to become familiar with the protocol and the pilot project.

A.M.B.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER, Q.C.

October 23, 2009

COURT DOCKETS

Supreme Court Crownside in Halifax will be held on the following dates: October 29th, November 5th, 12th, 19th and 26th, December 3rd, 10th and 17th, 2009.

Appearance Days will be held at 12 noon on October 30th, November 6th, 13th, 20th and 27th and December 4th and 18th, 2009. *NOTE: There will be no Appearance Day on December 11th, 2009. Appearance Day notices must be filed five (5) days before the day of the hearing.**

Court of Appeal chambers is at 10:00 am on Thursday or by telephone at a pre-arranged time on Wednesday. As November 11th is a holiday, telephone chambers will be held on November 10th. Counsel are reminded that a Notice of Motion, any affidavit, the memorandum (in duplicate) and other supporting material (this includes the Certificate of Readiness) **MUST be filed four (4) days before the date of the hearing - see Rule 90.37(5).**

COURT OF APPEAL

- 1.** Counsel are reminded that Rule 90.11(2) requires a copy of the decision or the order to be filed with the Notice of Appeal. Notices of Appeal which do not have the decision or order attached will not be accepted for filing by the Registrar.
- 2.** It is the responsibility of counsel for the Appellant or the self-represented Appellant pursuant to Rules 90.16(5) and 91.10 (1)(d) to deliver a copy of the Notice of Appeal to the court appealed from for the information of the judge who made the decision. The Registrar sends a copy of a prisoner Notice of Appeal to the judge whose decision is the subject of the appeal.
- 3.** Rule 90.16(1) requires the Appellant to join as a respondent each other party to the proceedings under appeal who is not an appellant. The Registrar will not be accepting for filing any Notices of Appeal that do not name the proper persons as parties to the appeal.
- 4.** As Registrar I am keeping a list of counsel who are not filing their Appeal Books and Factums on the dates assigned by the Chambers judge at the setting down motions and who have not sought an extension of time for a late filing.

5. Amendments to Rules 90 and 91 will be published in the next Royal Gazette on October 28th, 2009. Rule 90.30(3)(f) has been added with regard to the numbering of a transcript in the Appeal Book. Most of the other amendments are to correct typographical and grammar errors.

SUPREME COURT

1. Counsel are reminded that the ***Enforcement of Canadian Judgments and Decrees Act*** allows for the registering of a judgment from another province administratively by the Prothonotary where the criteria set out in the legislation is met. In particular, I draw counsel's attention to section 7(3) which excludes default judgments in another province against a resident of Nova Scotia for the supply of goods and services in Nova Scotia. If a judgment is excluded from registration administratively, it is open to counsel to bring a proceeding before the court pursuant to the ***Reciprocal Enforcement of Judgments Act***.
2. The court has asked that I remind counsel of their notification obligations to other parties when documents are filed with the court. Rule 31.15 requires a party who files a document with the court to deliver a copy of the document to each other party **IMMEDIATELY BEFORE OR IMMEDIATELY AFTER** it is filed with the court. It is clear that many of the filing issues which have arisen over the last several months are as a result of counsel not providing court files documents to the other parties in a timely fashion as required by the rule.
3. **ALL** briefs filed with the court, with the exception of settlement conference briefs must be filed in duplicate as set out in rule 40.03(2). Where counsel are only submitting one brief the filing package will not be accepted for filing.
4. Where a brief filed with the court references case law, a **Book of Authorities must be filed at the same time as the brief** - only **ONE** copy of the Book of Authorities is required where it is separately bound from the brief. The Book of Authorities must conform with the requirements set out at Rule 40.06(1).
5. The court has created a 19 page interactive pre-trial conference report to be used in **CRIMINAL SUPREME COURT CASES** pursuant to section 625.1 of the ***Criminal Code of Canada***. The form is located on the courts website at the following link: http://www.courts.ns.ca/Supreme/sc_forms.htm#pretrialform .
6. It would be helpful if counsel would breakdown the registration expenses on Part 2 Total Due to Creditor on Form 79.17B which is attached to the execution order. Staff are spending a great deal of time trying to determine how the registration expenses were arrived at and if it were specified by counsel it would assist in processing the Execution orders more quickly.

A.M.B.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER, Q.C.
December 7, 2009

COURT DOCKETS

The Law Courts building will close at 12 noon on Thursday, December 24th and re-open at 8:30 am on Tuesday, December 29th, 2009. The building will also be closed on Friday, January 1, 2010.

Supreme Court Crownside in Halifax will be held on the following dates: December 10th and 17th, 2009, January 7, 14, 21 and 28th, 2010.

Appearance Days will be held at 12 noon on December 18th, 2009. ***NOTE: There will be no Appearance Day on December 11th, 2009. Appearance Day will be held on January 8, 15, 22 and 29th, 2010.

Court of Appeal chambers is at 10:00 am on Thursday or by telephone at a pre-arranged time on Wednesday. Chambers will be held December 10, 17, 24 and 31st, 2009, January 7, 14, 21 and 28th, 2010. Counsel are reminded that a Notice of Motion, any affidavit, the memorandum (in duplicate) and other supporting material (this includes the Certificate of Readiness) MUST be filed four (4) days before the date of the hearing - see Rule 90.37(5).

COURT OF APPEAL

1. Counsel are reminded that Rule 90.11(2) requires a copy of the decision or the order to be filed with the Notice of Appeal. Notices of Appeal which do not have the decision or order attached will not be accepted for filing by the Registrar.
2. It is the responsibility of counsel for the Appellant or the self-represented Appellant pursuant to Rules 90.16(5) and 91.10 (1)(d) to deliver a copy of the Notice of Appeal to the court appealed from for the information of the judge who made the decision. The Registrar sends a copy of a prisoner Notice of Appeal to the judge whose decision is the subject of the appeal.

SUPREME COURT

1. Counsel are reminded that the *Enforcement of Canadian Judgments and Decrees Act* allows for the registering of a judgment from another province administratively by the Prothonotary where the criteria set out in the legislation is

met. In particular, I draw counsel's attention to section 7(3) which excludes default judgments in another province against a resident of Nova Scotia for the supply of goods and services in Nova Scotia. If a judgment is excluded from registration administratively, it is open to counsel to bring a proceeding before the court pursuant to the ***Reciprocal Enforcement of Judgments Act***.

2. The court has asked that I remind counsel of their notification obligations to other parties when documents are filed with the court. Rule 31.15 requires a party who files a document with the court to deliver a copy of the document to each other party **IMMEDIATELY BEFORE OR IMMEDIATELY AFTER** it is filed with the court. It is clear that many of the filing issues which have arisen over the last several months are as a result of counsel not providing court files documents to the other parties in a timely fashion as required by the rule.
3. **ALL** briefs filed with the court, with the exception of settlement conference briefs must be filed in duplicate as set out in rule 40.03(2). Where counsel are only submitting one brief the filing package will not be accepted for filing.
4. Where a brief filed with the court references case law, a **Book of Authorities must be filed at the same time as the brief** - only **ONE** copy of the Book of Authorities is required when it is separately bound from the brief. The Book of Authorities must conform with the requirements set out at Rule 40.06(1). Counsel are reminded that neutral citations are to be used for their cases and the cases bearing the neutral citations only are to be copied for the Book of Authorities.
5. The court has created a 19 page interactive pre-trial conference report to be used in **CRIMINAL SUPREME COURT CASES** pursuant to section 625.1 of the ***Criminal Code of Canada***. The form is located on the courts website at the following link: http://www.courts.ns.ca/Supreme/sc_forms.htm#pretrialform .
6. It would be helpful if counsel would breakdown the registration expenses on Part 2 Total Due to Creditor on Form 79.17B which is attached to the execution order. Staff are spending a great deal of time trying to determine how the registration expenses were arrived at and if it were specified by counsel it would assist in processing the Execution orders more quickly.
7. In the Royal Gazette of December 2, 2009 and effective **JUNE 30, 2010**, are new Civil Procedure Rule 60A Child and Adult Protection and Civil Procedure Rule 60B *Involuntary Psychiatric Treatment Act* and *Hospitals Act* Applications and related forms. The certificate signed by the Chief Justice indicates that the effective date is June 30, 2009 and this is a typo.

A.M.B.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER, Q.C.
December 15, 2009

COURT DOCKETS

The Law Courts building will close at 12 noon on Thursday, December 24th and re-open at 8:30 am on Tuesday, December 29th, 2009. The building will also be closed on Friday, January 1, 2010.

Supreme Court Crownside in Halifax will be held on the following dates: December 17th, 2009, January 7, 14, 21 and 28th, 2010.

Appearance Days will be held at 12 noon on December 18th, 2009, January 8, 15, 22 and 29th, 2010.

Court of Appeal chambers is at 10:00 am on Thursday or by telephone at a pre-arranged time on Wednesday. Chambers will be held December 17, 24 and 31st, 2009, January 7, 14, 21 and 28th, 2010.

COURT OF APPEAL

1. Starting immediately I have been asked by the judges of the court to refuse any Factum submitted for filing which exceeds forty (40) pages in length.
2. Changes to Civil Procedure Rule 90 will be published in the December 16th, 2009 issue of the Royal Gazette. Of note are changes which require the inclusion of any written submissions in the appeal book and in all appeals the Registrar bringing a motion to dismiss the appeal where it has not been perfected within 80 days of the filing of the Notice of Appeal.
3. It is the responsibility of counsel for the Appellant or the self-represented Appellant pursuant to Rules 90.16(5) and 91.10 (1)(d) to deliver a copy of the Notice of Appeal to the court appealed from for the information of the judge who made the decision. The Registrar sends a copy of a prisoner Notice of Appeal to the judge whose decision is the subject of the appeal.

SUPREME COURT

1. The court has asked that I remind counsel of their notification obligations to other parties when documents are filed with the court. Rule 31.15 requires a party who

files a document with the court to deliver a copy of the document to each other party **IMMEDIATELY BEFORE OR IMMEDIATELY AFTER** it is filed with the court. It is clear that many of the filing issues which have arisen over the last several months are as a result of counsel not providing court files documents to the other parties in a timely fashion as required by the rule.

2. **ALL** briefs filed with the court, with the exception of settlement conference briefs must be filed in duplicate as set out in rule 40.03(2). Where counsel are only submitting one brief the filing package will not be accepted for filing.
3. Where a brief filed with the court references case law, a **Book of Authorities must be filed at the same time as the brief** - only **ONE** copy of the Book of Authorities is required when it is separately bound from the brief. The Book of Authorities must conform with the requirements set out at Rule 40.06(1). Counsel are reminded that neutral citations are to be used for their cases and the cases bearing the neutral citations only are to be copied for the Book of Authorities.
4. It would be helpful if counsel would breakdown the registration expenses on Part 2 Total Due to Creditor on Form 79.17B which is attached to the execution order. Staff are spending a great deal of time trying to determine how the registration expenses were arrived at and if it were specified by counsel it would assist in processing the Execution orders more quickly.
5. In the Royal Gazette of December 16, 2009 and a series of amendments to rules and forms.
6. Where an amended notice of motion is being filed with the court showing a new hearing date a cover letter is required to insure counter staff forward the document to the scheduling office for docketing for the new court date.
7. The court has directed that Rule 39.09 applies to exhibits to an Affidavit of Service. This means that notwithstanding Form 31.05, a certified copy of the document served **MUST** be exhibited, identified and sworn as any exhibit to an affidavit. Additionally where an affidavit of service has several documents attached as exhibits they must be separately sworn and the entire document (affidavit and exhibits) must be bound or stapled together as one complete document- clips such as large paper clips are not permissible for "holding the affidavit together".

A.M.B.