

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER, Q.C.
January 18, 2010

COURT DOCKETS

Supreme Court Crownside in Halifax will be held on the following dates: January 21 and 28, February 4, 11, 18 and 25 2010.

Appearance Days will be held at 12 noon on January 22 and 29, February 5, 12, 19, and 26, 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. Civil Procedure Rule 90.32(4)(g) states that the factum will be no more than forty (40) pages in length EXCLUDING the appendices.
2. Changes to Civil Procedure Rule 90 were 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.
4. On January 13, 2010 further amendments to Civil Procedure Rule 90 were published in the Royal Gazette. In particular a new Form 90.07B was added which is a Notice of Appeal (Tribunal).

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. It has been noted that counsel are, in particular, filing the Request for Date Assignment Conference with the court but are omitting to provide it to opposing counsel.

2. 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.
3. 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”
4. Counsel are reminded that exhibits to any type of affidavit are not to be paper clipped together - the exhibits must be attached by stapling them to the affidavit or having the entire affidavit and exhibits bound together.

A.M.B.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER, Q.C.
February 12, 2010

COURT DOCKETS

Supreme Court Crownside in Halifax will be held on the following dates: February 18 and 25, March 4, 11, 18 and 25, 2010.

Appearance Days will be held at 12 noon on February 19, and 26, March 5, 12, 19 and 26, 2010.

COURT OF APPEAL

- 1.** Counsel are reminded that any Factum submitted for filing which exceeds forty (40) pages in length will not be accepted. Civil Procedure Rule 90.32(4)(g) states that the factum will be no more than forty (40) pages in length EXCLUDING the appendices.
- 2.** Changes to Civil Procedure Rule 90 were 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.
- 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.
- 4.** On January 13, 2010 further amendments to Civil Procedure Rule 90 were published in the Royal Gazette. In particular a new Form 90.07B was added which is a Notice of Appeal (Tribunal). Where an Application for Leave to Appeal is granted by the court on a WCAT matter, the Notice of Appeal is to be filed using Form 90.07B.
- 5.** 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 the filing date from me as Registrar.

SUPREME COURT

1. Effective January 29, 2010 the Supreme Court has adopted Practice Memorandum No. 1 - Foreclosure Procedures. The full text of the Practice Memorandum and the forms can be found on the courts website at:
http://www.courts.ns.ca/Rules/cpr_practice_memos/nssc_foreclosure_procedures_practice_memorandum_10_02_01.pdf
2. Amendments have been made to the Civil Procedure Rules including those necessary to Rule 72 to support the Practice Memorandum. The amendments are effective February 10, 2010, the date of publication in the Royal Gazette.
3. I especially draw the attention of counsel to the amendment to Civil Procedure Rule 5.08(1) - a Respondent to a Notice of Application in Court now has 15 days after being notified of the application to file a Notice of Contest.
4. 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. It has been noted that counsel are, in particular, filing the Request for Date Assignment Conference with the court but are omitting to provide it to opposing counsel.
5. 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.
6. 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"
7. Counsel are reminded that exhibits to any type of affidavit are not to be paper clipped together - the exhibits must be attached by stapling them to the affidavit or having the entire affidavit and exhibits bound together.
8. At the January 29, 2010 meeting of the Supreme Court, the justices approved the following policy on Court Decorum and the court anticipates and thanks counsel in advance for their cooperation in this matter:

Beverages and gum in the court room

Recently, it has been noticed that some lawyers, clients and witnesses are bringing coffee cups, water bottles and pop cans into the courtroom. In some cases, these are put on counsel tables and even brought into the witness box. Water is provided for counsel and witnesses.

Court staff have also on occasion had to tell those in the courtroom not to chew gum.

Counsel are reminded that such items are not appropriate in the courtroom and we ask counsel to bring this to the attention of their clients and witnesses.

This is not only a matter of proper decorum in the courtroom but it is also a matter of safety and also protection of exhibits. It is easier to deal with water on an exhibit than coffee for example. Hot coffee, cans and bottles can become a problem if emotions run high.

Court staff and sheriffs will be asked to ensure this policy is enforced.

9. Counsel are reminded that when they request a settlement conference they must do so in writing to the Prothonotary addressing the following issues: all parties consent to voluntarily participate at the settlement conference; whether an ordinary or a trial like settlement conference is being requested and whether a full day or a half day is required for the holding of the settlement conference.
10. Appellants filing Summary Conviction appeals in the Supreme Court are reminded that they must do so in compliance with Civil Procedure Rule 63. In particular I refer to Rule 63.03 which sends you to Rule 91 for applicable procedures. Rule 91.10(1)(d) requires a copy of the Notice of Appeal be sent to the judge from whose judgment the appeal is brought. This means on summary conviction appeals counsel for the Appellant or the Appellant personally **MUST** send a copy of the Notice of Appeal to the lower court judge whose decision is being appealed.

A.M.B.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER, Q.C.

March 15, 2010

COURT DOCKETS

Supreme Court Crownside in Halifax will be held on the following dates: March 18 and 25, April 1, 8, 15, 22 and 29th, 2010.

Appearance Days will be held at 12 noon on March 19 and 26, April 9, 16, 23 and 30th, 2010.

Reminder: The Law Courts will be closed on both Friday, April 2nd and Monday, April 5th, 2010.

COURT OF APPEAL

- 1.** Counsel are reminded that Rule 90.11 (2) requires a copy of the decision or the order being appealed to be filed with the Notice of Appeal. Increasingly Notices of Appeal are not being accepted for filing as neither the decision or order is provided by counsel.
- 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.** On January 13, 2010 further amendments to Civil Procedure Rule 90 were published in the Royal Gazette. In particular a new Form 90.07B was added which is a Notice of Appeal (Tribunal). Where an Application for Leave to Appeal is granted by the court on a WCAT matter, the Notice of Appeal is to be filed using Form 90.07B.
- 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 the filing date from me as Registrar.
- 5.** Counsel who prepare draft orders for Release before the Court of Appeal are

reminded to include the following paragraph: **“That he/she surrender into custody of the Keeper of the Central Nova Scotia Correctional Facility at Dartmouth in Halifax Regional Municipality, by one o’clock p.m. of the day preceding the day on which the appeal decision will be released. The appellant will be advised at least 24 hours before the time by which he or she must surrender into custody. In the event the appeal is sooner dismissed, quashed or abandoned, he/she shall surrender into custody of the Keeper of the Central Nova Scotia Correctional Facility at Dartmouth, in the Halifax Regional Municipality within 24 hours of the filing with the Registrar of this Court of the order dismissing or quashing the appeal or the Notice of Abandonment of the appeal, as the case may be.”**

SUPREME COURT

1. Effective January 29, 2010 the Supreme Court has adopted Practice Memorandum No. 1 - Foreclosure Procedures. The full text of the Practice Memorandum and the forms can be found on the courts website.
2. Counsel are reminded that when they request a settlement conference they must do so in writing to the Prothonotary addressing the following issues: all parties consent to voluntarily participate at the settlement conference; whether an ordinary or a trial like settlement conference is being requested and whether a full day or a half day is required for the holding of the settlement conference. The required fee must also be included in the letter.
3. Appellants filing Summary Conviction appeals in the Supreme Court are reminded that they must do so in compliance with Civil Procedure Rule 63. In particular I refer to Rule 63.03 which sends you to Rule 91 for applicable procedures. Rule 91.10(1)(d) requires a copy of the Notice of Appeal be sent to the judge from whose judgment the appeal is brought. This means on summary conviction appeals counsel for the Appellant or the Appellant personally **MUST** send a copy of the Notice of Appeal to the lower court judge whose decision is being appealed.
4. Effective June 30, 2010 will be Civil Procedure Rules 59, 61 and 62. A Practice Memorandum supporting Rule 59 has also been approved by the Supreme Court. Although not yet published in the Royal Gazette they have been posted on the courts website to afford an opportunity to counsel to become familiar with the Rules in advance of their effective date.

A.M.B.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER, Q.C.

April 26, 2010

COURT DOCKETS

Supreme Court Crownside in Halifax will be held on the following dates: April 29th, May 6th, May 11th, May 20th and May 27th, 2010.

Appearance Days will be held at 12 noon on April 30th, May 7th, May 21st and May 28th, 2010.

Reminder: The judges will be attending the semi-annual meeting on May 13th and May 14th, 2010 and therefore no courts will be sitting on either of those days. No Chambers will be held those days.

Court of Appeal Chambers will be held as follows: April 28th, May 5th, May 12th, May 19th and May 26th by pre-arranged telephone conference. April 29th, May 6th, May 13th, May 20th and May 27th at 10:00 a.m.

COURT OF APPEAL

1. On April 10, 2010 the Court of Appeal approved a Protocol for Appeals Regarding the Inter-jurisdictional Abduction of Children, including international abductions engaging The 1980 *Hague Convention on the Civil Aspects of International Child Abduction* (the "Hague Convention"). The Protocol is attached hereto and is also posted on the courts website.

SUPREME COURT

1. Although there have been many reminders to counsel regarding the filing of only one Book of Authorities with briefs, this continues to be an issue for the court. **Please note: where a brief filed with the court references case law, only ONE COPY of the Book of Authorities is to be filed.** Duplicate briefs are to be filed but only one copy for the Book of Authorities is to be filed.
2. Counsel are also reminded when they are citing cases in their court filings the neutral citation is to be used. This means that the text of the case re-produced in the Book of Authorities must be the neutral citation text.

A.M.B.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER, Q.C.

June 16, 2010

COURT DOCKETS

Supreme Court Crownside in Halifax will be held on the following dates: June 17, 24, July 8, 22, August 5, 19, 2010. Reduced to twice per month for the summer.

Appearance Days will be held at 12 noon on June 18, 25, July 2, 9, 16, 23, 30, August 6, 13, 20, and 27th, 2010.

There will be no Supreme Court Chambers in Halifax on Mondays and Fridays for the month of July and August 2010. Starting July 1, 2010 and continuing until September 7, 2010 there will only be regular chambers on Tuesday, Wednesday and Thursday at 9:30 a.m.

Court of Appeal Chambers will continue during the summer at 10:00 a.m. on Thursday in person and at pre-arranged telephone times on Wednesday. **EXCEPTION:** telephone chambers will be held on Tuesday, June 29th and in person chambers on Wednesday, June 30th because of the July 1st holiday.

SUPREME COURT

1. Amendments have been made to the Civil Procedure Rules effective June 16, 2010, the date of publication in the Royal Gazette. Copies are attached for ease of reference.
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. **It has been noted that counsel are, in particular, filing the Request for Date Assignment Conference with the court but are omitting to provide it to opposing counsel.**
3. It has been noted that counsel and parties are writing to the court by sending correspondence to the Prothonotary or to the judge for inclusion in the court file and

the correspondence is not being copied to opposing counsel/party by the author of the letter. It is the responsibility of the author of correspondence to the court to insure it is copied to the opposing party/counsel.

4. When counsel are preparing their affidavits in support of a motion to confirm sheriff sale, I would ask that the newspaper ads be legible . The print is being shrunk on counsel's photocopier to the point it is not legible. I will be returning affidavits and not accepting them for filing where the newspaper ads are not legible.
5. Counsel are reminded that over the summer holidays staff will be reduced in the Prothonotary's office because of summer vacations and the cooperation of all would be greatly appreciated.
6. Although there have been many reminders to counsel regarding the filing of only one Book of Authorities with briefs, this continues to be an issue for the court. **Please note: where a brief filed with the court references case law, only ONE COPY of the Book of Authorities is to be filed.** Duplicate briefs are to be filed but only one copy fo the Book of Authorities is to be filed.
7. Counsel are reminded that exhibits to any type of affidavit are not to be paper clipped together - the exhibits must be attached by stapling them to the affidavit or having the entire affidavit and exhibits bound together.

A.M.B.

Nova Scotia Civil Procedure Rules

Amendment

May 13, 2010

The following Rules and Forms are amended as follows:

1. The words of Rule 5.14(2) are changed to read as follows:

A judge who is satisfied on all of the following may grant an order summarily disposing of an application against a respondent:

- (a) the respondent is notified of the application under Rule 31 - Notice;
 - (b) the respondent either files no notice of contest or fails to appear at the hearing of the application or on the motion for directions;
 - (c) the applicant discloses to the judge all communications between the applicant and the respondent about the application;
 - (d) the evidence supports the granting of the order.
2. The numeral 5 in Rule 11.02(5) is changed to 4.
 3. The numeral 4 in "(4)" of Rule 24.03(4) is changed to 3.
 4. The misspelling of prothonotary in Rule 62.13(6) is corrected.
 5. The subtitle of Rule 62.20 is changed to "Statement of income" and the parentheses and numeral (1) are removed.
 6. The second Rule 76.04(3)(e) is changed to 76.04(3)(f).
 7. The numeral 5 in Rule 81.03(5) is changed to 3.
 8. The period at the end of rule 82.09(2) is removed and the following is added:

Notice of Application	59.07	82.09K
Petition for Divorce	59.09	82.09L
Notice of Variation Application	59.12	82.09K
Application for Divorce by Agreement	59.45	82.09M
Joint Application for Divorce	59.46	82.09N
Petition for Divorce	62.09	82.09O
Application for Divorce by Agreement	62.14	82.09P
Joint Application for Divorce	62.15	82.09Q.

9. Rule 92 - Transition is replaced by the new Rule 92 - Transition attached.
10. The word "Claims" in the third line of the index to Part 22 - Forms is changed to "Claim".
11. The words "Rule 84 - Court Records" in the explanatory notes for the style of cause in Form 60A.07 are changed to "Rule 82 - Administration of Civil Proceedings".
12. The words "complete heading as required by Rule 84 - Court Records" in the explanatory notes for the style of cause in Forms 60A.07A, 60A.12, 60A.16, 60A.17, 60A.19, 60A.20, 60A.21, and 60A.22 are changed to "copy standard heading".
13. The misspelling of the word prothonotary in Form 81.03 is corrected.
14. The attached forms of heading are added to Part 22 - Forms as Forms 82.09K, 82.09L, 82.09M, 82.09N, 82.09O, 82.09P, and 82.09Q.

Certificate

I, Joseph P. Kennedy, Chief Justice of the Supreme Court of Nova Scotia, certify that on May 13, 2010, a majority of the judges of the court made the foregoing amendment to the *Nova Scotia Civil Procedure Rules*.

Signed May 13, 2010

Joseph P. Kennedy
Chief Justice of the Supreme Court
of Nova Scotia

Form 82.09K

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between:

[name of applicant or names of each in a series]

[Applicant/Applicants]

and

[name of respondent or names of each in a series]

[Respondent/Respondents]

Form 82.09L

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between:

[name]

Petitioner

and

[name]

Respondent

Form 82.09M

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between:

[name]

Applicant

and

[name]

Respondent

Form 82.09N

20

No.

Supreme Court of Nova Scotia
(Family Division)

Between:

[name]

Joint Applicant

and

[name]

Joint Applicant

Form 82.09O

20

No.

Supreme Court of Nova Scotia

Between:

[name]

Petitioner

and

[name]

Respondent

Form 82.09P

20

No.

Supreme Court of Nova Scotia

Between:

[name]

Applicant

and

[name]

Respondent

Form 82.09Q

20

No.

Supreme Court of Nova Scotia

[name of both spouses]

Joint Applicants

Part 19 - Transition

Rule 92 - Transition

Effective date of these Rules and definition

- 92.01 (1)** These Rules take effect on June 30, 2010 for a family proceeding and on January 1, 2009 for all other proceedings, except as provided in this Rule 92.
- (2) In this Rule, "family proceeding" means a proceeding started under Part 13 - Family Proceedings.

Application to outstanding proceedings

- 92.02 (1)** Unless this Rule provides or a judge orders otherwise these Rules apply to all steps taken after the following dates in the following kinds of proceedings:
- (a) June 30, 2010 in a family proceeding started before that day;
- (b) January 1, 2009 in an action started before that day.
- (2) The *Nova Scotia Civil Procedure Rules* (1972) apply to all other proceedings started before January 1, 2009 unless a judge orders otherwise.

Document and step in action preserved

- 92.03** On a motion, in a trial or hearing, and in connection with any other step taken after June 30, 2010 in a family proceeding started before that day, or after January 1, 2009 in an action started before that day, both of the following apply:
- (a) each notice, pleading, affidavit, order, and other document filed in the action under the *Nova Scotia Civil Procedure Rules* (1972) must be treated, as nearly as possible, as if it conformed with these Rules;
- (b) each step taken in the family proceeding, or action, and completed before June 29, 2010 in the family proceeding, or January 1, 2009 in the action, must be treated, as nearly as possible, as a step taken under these Rules.

Outstanding interlocutory steps

92.04 Each of the following steps that is outstanding in a family proceeding on June 30, 2010, or in an action on January 1, 2009, must be completed under the *Nova Scotia Civil Procedure Rules* (1972), unless the parties agree or a judge orders otherwise:

- (a) answers to a demand for particulars delivered before the date;
- (b) an interlocutory or interim application;
- (c) the disclosure of documents and electronic information in an action in which a party has served a list of documents before the date;
- (d) an examination for discovery agreed to, or for which a notice of examination is issued, before the date;
- (e) answers to interrogatories delivered before the date;
- (f) a reference made before the date;
- (g) the assignment of trial dates, delivery of an expert's report, and discovery in a divorce proceeding in which a party files a request for trial date and certificate of readiness before the date, and in an action in which a party files a notice of trial before the date;
- (h) default judgment, including for foreclosure, sale, and possession, on a claim made in an action started before that date;
- (i) all steps in an undefended or uncontested divorce proceeding.

Notice in an outstanding action

92.05 (1) The *Nova Scotia Civil Procedure Rules* (1972), rather than Rule 31 - Notice, apply to both of the following in a family proceeding started before June 30, 2010, or an action started before January 1, 2009:

- (a) giving notice of the action to a person after the date;
 - (b) a motion for a default judgment made after the date.
- (2)** An address for service given before June 30, 2010 in a family proceeding, or January 1, 2009 in any other proceeding, is treated as a designated address under these Rules.

- (3) A party to a family proceeding started before June 30, 2010, or an action started before January 1, 2009, who has not stated an address for service, or who has ceased to be assured of receiving a document delivered to the address for service, must designate an address for delivery.

Actions under \$100,000

92.06 Rule 57 - Action for Damages Under \$100,000 does not apply to an action started before January 1, 2009, but a motion may be made under Rule 58 - Action for Claim Valued Under \$100,000.

Registry number on headings

92.07 The prothonotary at Halifax may direct that the registry number in the heading of each proceeding be changed to show the new registry codes in Rule 32 - Place of Proceeding.

Directions to apply present or former Rules

- 92.08 (1)** A judge who presides at a trial or hearing of a family proceeding started before June 30, 2010 may direct which of these Rules and which of the Rules in the *Nova Scotia Civil Procedure Rules* (1972) apply to the trial or hearing.
- (2) A judge who is satisfied that the application of this Rule 92 to a family proceeding started before June 30, 2010, or any other proceeding started before January 1, 2009, causes one party to gain an unfair advantage over another party may order either of the following:
- (a) these Rules apply to the proceeding, or a part of the proceeding, despite Rules 92.02(2), 92.04, and 92.05(1);
 - (b) the *Nova Scotia Civil Procedure Rules* (1972) apply to the proceeding, or a part of the proceeding, despite Rule 92.02(1).

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER, Q.C.

July 2, 2010

COURT DOCKETS

Supreme Court Crownside in Halifax will be held on the following dates: July 8, 22, August 5, 19, 2010. Reduced to twice per month for the summer.

Appearance Days will be held at 12 noon on July 9, 16, 23, 30, August 6, 13, 20, and 27th, 2010.

There will be no Supreme Court Chambers in Halifax on Mondays and Fridays for the month of July and August 2010. Starting July 1, 2010 and continuing until September 7, 2010 there will only be regular chambers on Tuesday, Wednesday and Thursday at 9:30 a.m.

Court of Appeal Chambers will continue during the summer at 10:00 a.m. on Thursday in person and at pre-arranged telephone times on Wednesday.

SUPREME COURT

1. Although there have been many reminders to counsel regarding the filing of only one Book of Authorities with briefs, this continues to be an issue for the court. **Please note: where a brief filed with the court references case law, only ONE COPY of the Book of Authorities is to be filed.** Duplicate briefs are to be filed but only one copy for the Book of Authorities is to be filed. Effective immediately, where more than one copy of the Book of Authorities is sent to the court, extra copies will not be accepted and will be returned to counsel.
2. On June 25th, 2010, the justices of the Supreme Court adopted a change to the Practice Memorandum # 1. At page 30, that is the second page of the Order for Foreclosure, Sale, and Possession, paragraph # 5 - at the end of the first sentence the reference to paragraph 3 is changed to "paragraph 4."
3. Counsel are reminded that the Prothonotary's Certificate on documents being filed must reflect what the document is that is being filed with the court. For example: an Amended Notice of Action - the Certificate must reflect that an amended Notice of Action is being filed not a Notice of Action. Counter staff are making these changes to the Certificates constantly. Effective September 15, 2010, any Certificate that

does not properly identify the document being filed will not be accepted for filing.

4. Counsel are reminded that over the summer holidays staff will be reduced in the Prothonotary's office because of summer vacations and the cooperation of all would be greatly appreciated.

A.M.B.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER, Q.C.
August 27, 2010

COURT DOCKETS

Supreme Court Crownside in Halifax will be held on the following dates: September 2, 9, 14 (NOTE this is a Tuesday), 23 and 30, 2010.

Appearance Days will be held at 12 noon on September 3, 10, 24, October 1, 8, 15, 22 and 29, 2010. There is NO Appearance Day on September 17, 2010.

Regular 9:30 a.m. chambers in Halifax: starting September 7th, daily at 9:30 a.m. THERE WILL BE NO CHAMBERS ON SEPTEMBER 16TH AND 17TH, 2010.

The Court of Appeal Chambers docket is unchanged - in person on Thursday at 10:00 a.m. and by pre-arranged telephone conference on Wednesday.

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 filed documents to the other parties in a timely fashion as required by the rule. **It has been noted that counsel are, in particular, filing the Request for Date Assignment Conference with the court but are omitting to provide it to opposing counsel.**
2. When counsel are preparing their affidavits in support of a motion to confirm sheriff sale, I would ask that the newspaper ads be legible. The print is being shrunk on counsel's photocopier to the point it is not legible. I will be returning affidavits and not accepting them for filing where the newspaper ads are not legible.
3. Backers and blue corners are not required on court documents - it is surprising how many we still receive.
4. As counsel are aware Civil Procedure Rule 5.08 (1) was amended to provide for the filing of the Notice of Contest no more than 15 days after the day the respondent is notified of the application. Form 5.07 has not yet been amended to reflect this change and counsel are being asked to insure they make the change to the form

under the heading: **You may participate**, so that the respondent is clear on the time frame for filing the Notice of Contest. The Form will be amended in due course by the court.

5. Counsel are advised that an *Ex Parte* Application must have the heading set out in Form 82.09B - please see Rule 82.09. All *Ex Parte* Applications whose heading does not conform will be rejected and not accepted for court filing.
6. *Ex Parte* Motions are to conform with Rule 23.14 and Form 23.24 is to be used by counsel to bring such a motion before the court. Please note the required heading for such a motion. I have been directed to refuse any *Ex Parte* motion where the heading does not conform with that shown on Form 23.14.
7. Affidavits of Service continue to be the subject of much discussion for the Chambers judges, for the court, for counsel and for court administration staff. It is possible that a Practice Memorandum may serve as a solution, however, in the interim and especially in the the interest of having some acceptable compromise, I would ask counsel to follow these guiding helpful hints when preparing your affidavits of service:
 - use a style of cause on Form 31.05;
 - list and particularize the documents served in the affidavit itself;
 - reproduce and attach to the affidavit as an exhibit the entire notice document certified by the Prothonotary's signature, which was served;
 - reproduce and attach to the affidavit as a second exhibit the first page of each document served which has been stamped by the court administration office (for example for a Notice of Motion in Chambers, the second exhibit to the affidavit of service will consist of the first page of each and every supporting affidavit, the first page of the brief and a copy of the draft order) (this means that the first exhibit is the entire Notice of Motion document).
8. Although there have been many reminders to counsel regarding the filing of only one Book of Authorities with briefs, this continues to be an issue for the court. **Please note: where a brief filed with the court references case law, only ONE COPY of the Book of Authorities is to be filed.** Duplicate briefs are to be filed but only one copy for the Book of Authorities is to be filed.
7. Counsel are reminded that exhibits to any type of affidavit are not to be paper clipped together - the exhibits must be attached by stapling them to the affidavit or having the entire affidavit and exhibits bound together.

A.M.B.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER, Q.C.
September 27, 2010

COURT DOCKETS

Supreme Court Crownside in Halifax will be held on the following dates: September 30, October 7, 14, 21 and 28th, 2010.

Appearance Days will be held at 12 noon on October 1, 8, 15, 22 and 29, 2010.

Reminder: up coming holidays when the Prothonotary's office is closed: October 11, November 11, December 24th close at 12 noon, December 27th, 2010.

COURT OF APPEAL

1. As part of the Nova Scotia Barristers' Society Lunch and Learn series, three (3) sessions are being organized relating to the Nova Scotia Court of Appeal. The first will be held on October 27, 2010 entitled: Court of Appeal Primer-Refresher; the second will be held on November 12, 2010 entitled: Factum Writing ; and the third will be held on January 12, 2011 entitled: Appeal Book Basics for Legal Assistants and Support staff.

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 filed documents to the other parties in a timely fashion as required by the rule. **It has been noted that counsel are, in particular, filing the Request for Date Assignment Conference with the court but are omitting to provide it to opposing counsel.**
2. When counsel are preparing their affidavits in support of a motion to confirm sheriff sale, I would ask that the newspaper ads be legible . The print is being shrunk on counsel's photocopier to the point it is not legible. I will be returning affidavits and not accepting them for filing where the newspaper ads are not legible.

3. Backers and blue corners are not required on court documents - it is surprising how many we still receive.
4. As counsel are aware Civil Procedure Rule 5.08 (1) was amended to provide for the filing of the Notice of Contest no more than 15 days after the day the respondent is notified of the application. Form 5.07 has not yet been amended to reflect this change and counsel are being asked to insure they make the change to the form under the heading: **You may participate**, so that the respondent is clear on the time frame for filing the Notice of Contest. The Form will be amended in due course by the court.
5. Counsel are advised that an *Ex Parte* Application must have the heading set out in Form 82.09B - please see Rule 82.09. All *Ex Parte* Applications whose heading does not conform will be rejected and not accepted for court filing.
6. *Ex Parte* Motions are to conform with Rule 23.14 and Form 23.24 is to be used by counsel to bring such a motion before the court. Please note the required heading for such a motion. I have been directed to refuse any *Ex Parte* motion where the heading does not conform with that shown on Form 23.14.
7. Affidavits of Service continue to be the subject of much discussion for the Chambers judges, for the court, for counsel and for court administration staff. It is possible that a Practice Memorandum may serve as a solution, however, in the interim and especially in the the interest of having some acceptable compromise, I would ask counsel to follow these guiding helpful hints when preparing your affidavits of service:
 - use a style of cause on Form 31.05;
 - list and particularize the documents served in the affidavit itself;
 - reproduce and attach to the affidavit as an exhibit the entire notice document certified by the Prothonotary's signature, which was served;
 - reproduce and attach to the affidavit as a second exhibit the first page of each document served which has been stamped by the court administration office (for example for a Notice of Motion in Chambers, the second exhibit to the affidavit of service will consist of the first page of each and every supporting affidavit, the first page of the brief and a copy of the draft order) (this means that the first exhibit is the entire Notice of Motion document).
8. Although there have been many reminders to counsel regarding the filing of only one Book of Authorities with briefs, this continues to be an issue for the court. **Please note: where a brief filed with the court references case law, only ONE COPY of the Book of Authorities is to be filed.** Duplicate briefs are to be filed but only one copy for the Book of Authorities is to be filed.
7. Counsel are reminded that exhibits to any type of affidavit are not to be paper

clipped together - the exhibits must be attached by stapling them to the affidavit or having the entire affidavit and exhibits bound together.

8. I thought it may be useful to counsel to have a listing with the proper spelling of judge's names as well as a listing of the names of their judicial assistants - the judicial assistants listed for the district judges are those assigned when the judge is at The Law Courts.

**SUPREME COURT OF NOVA SCOTIA
HALIFAX LAW COURTS**

Judge	Assistant
Chief Justice Joseph P. Kennedy	Barbara Reynolds
Associate Chief Justice Deborah K. Smith	Beverly Weldon
Justice Felix A. Cacchione	Louise Sewart
Justice Kevin Coady	Faith Gallant
Justice C. Richard Coughlan	Lorna Jones
Justice Patrick J. Duncan	Phyllis Perry
Justice Suzanne M. Hood	MaryLou Steele
Justice Arthur J. LeBlanc	Danielle Dixon-Toulouse
Justice Moira C. Legere-Sers	Gael O'Keefe
Justice A. David MacAdam	Charlene Dill
Justice Glen G. McDougall	Dawn Lewis
Justice Gerald R.P. Moir	Cathy Mollon
Justice John D. Murphy	Tara Cody
Justice Lawrence I. O'Neil	Trish Thompson
Justice Arthur W.D. Pickup	Ramona Thorne
Justice M. Heather Robertson	Debbie Lyver
Justice Peter Rosinski	Danielle Dixon-Toulouse
Justice Robert W. Wright	Debora Kervin

District Judges when sitting in Halifax:

Justice Allan Boudreau	Darlene Guite
Justice Cindy A. Bourgeois	Darlene Guite

Justice Frank C. Edwards
Justice Charles E. Haliburton
Justice Simon J. MacDonald
Justice Douglas L. MacLellan
Justice Pierre L. Muise
Justice Patrick J. Murray
Justice J. Edward (Ted) Scanlan
Justice N.M. (Nick) Scaravelli
Justice Margaret Stewart
Justice Gregory Warner

Tanya Allan
Tanya Allan
Darlene Guite
Darlene Guite
Louise Sewart
Louise Sewart
Tanya Allan
Tanya Allan
Darlene Guite
Tanya Allan

NOVA SCOTIA COURT OF APPEAL
HALIFAX LAW COURTS

Judge	Assistant
Chief Justice Michael MacDonald	Sharon Kelly
Justice Duncan R. Beveridge	Carol Moulaison
Justice Peter Bryson	Carol Moulaison
Justice David P. S. Farrar	Marilyn Munroe
Justice Joel E. Fichaud	Jean O'Hearn
Justice M. Jill Hamilton	Carol Moulaison
Justice Linda Lee Oland	Jean O'Hearn
Justice Jamie W. S. Saunders	Marilyn Munroe

A.M.B.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER, Q.C.

October 26, 2010

This will be my last issue of “Hints and Tips”. After 10 years and 8 months in my position as Registrar of the Nova Scotia Court of Appeal and Prothonotary, I am now embarking upon a new chapter in my career journey. On November 8th, 2010, I will be joining the Legislative Counsel Office of the Nova Scotia House of Assembly as Assistant Clerk and Legislative Counsel. I thank all who have contributed to making my time at The Law Courts most rewarding. From the very beginning of my tenure I worked hard to improve relations between the members of the Barristers’ Society any my office. I leave my position knowing that I have succeeded in that regard. Thanks to all who have made these years so meaningful. My best wishes are extended to you all.

A.M.B.

COURT DOCKETS

Court of Appeal Chambers: A) For the week of November 8th, regular in person Chambers will be held on TUESDAY, November 10th in the morning at 10:00 a.m. and telephone Chambers will be held on TUESDAY, November 10th in the afternoon at pre-booked times. B) For the week of November 15th, regular in person chambers will be held on TUESDAY, November 16th in the morning at 10:00 a.m. and telephone Chambers will be held on TUESDAY, November 16th in the afternoon at pre-booked times.

Supreme Court Crownside in Halifax will be held on the following dates: October 28, November 4, 9, 16th and 25th, December 2, 9 and 16th, 2010.

Appearance Days will be held at 12 noon on October 29, November 5, 12, 26th, December 3, 17th and 31st, 2010.

Reminder: November 11th is a holiday and the courts will be closed. There will be no Chambers sittings or court sittings on November 17, 18 and 19th, 2010. The Prothonotary’s office is closed: December 24th close at 12 noon, December 27th, and 28th, 2010.

COURT OF APPEAL

1. The Court of Appeal has approved a new practice directive regarding the use of neutral citations. Please make yourself familiar with the practice directive which is found on the courts website at the following address:
http://www.courts.ns.ca/Rules/cpr_practice_memos/nsca_directive_neutral_citations.pdf

SUPREME COURT

1. **Reminders to counsel on the preparation of affidavits in support of a motion to confirm a sheriff sale:** a) ensure your newspaper ads are legible . The print is being shrunk on counsel's photocopier to the point it is not legible, and b) ensure that the date of sale is contained in the solicitor's affidavit and not the date of the sheriff's report. Counsel are stating that the sale took place on the date the report was prepared which is never the case.
2. Counsel are advised that an *Ex Parte* Application must have the heading set out in Form 82.09B - please see Rule 82.09. All *Ex Parte* Applications whose heading does not conform will be rejected and not accepted for court filing.
3. *Ex Parte* Motions are to conform with Rule 23.14 and Form 23.24 is to be used by counsel to bring such a motion before the court. Please note the required heading for such a motion. I have been directed to refuse any *Ex Parte* motion where the heading does not conform with that shown on Form 23.14.
4. Affidavits of Service continue to be the subject of much discussion for the Chambers judges, for the court, for counsel and for court administration staff. It is possible that a Practice Memorandum may serve as a solution, however, in the interim and especially in the the interest of having some acceptable compromise, I would ask counsel to follow these guiding helpful hints when preparing your affidavits of service:
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If you have a particular circumstance that renders it difficult to comply with these guidelines, please contact me so we may discuss the situation.

5. Counsel are reminded that exhibits to any type of affidavit are not to be paper clipped together - the exhibits must be attached by stapling them to the affidavit or having the entire affidavit and exhibits bound together.
6. Ensure that the Bill of Costs on Default Judgments references the proper Law Stamp fee - the fee increased on July 1, 2010 from \$28.25 to \$28.75.

A.M.B.