

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

CAROLINE McINNIS

August 26, 2011

Greetings to the Bar! I have decided to revive the tradition of 'Hints and Tips' started by my predecessor, Annette Boucher, Q.C., in the spirit of facilitating communication between the office of the Prothonotary-Registrar and the legal community. I look forward to my new duties in this position, and hope you will bear with me as I adjust to the responsibilities of this office. Please do not hesitate to contact me should you have any questions or concerns.

My contact information is as follows:

phone: 424-8962

fax: 424-0524

email: mcinnicx@gov.ns.ca

COURT DOCKETS for September and October:

A) Court of Appeal Chambers:

For the week of September 26th, regular in person Chambers will be held on WEDNESDAY, September 28th in the morning at 10:00 a.m. and telephone Chambers will be held on WEDNESDAY, September 28th in the afternoon starting at 2:00 p.m. at pre-booked times. There will be no Chambers Thursday, September 29th.

For the week of October 3rd, regular in person Chambers will be held on WEDNESDAY, October 5th in the morning at 10:00 a.m. and telephone Chambers will be held on WEDNESDAY, October 5th in the afternoon starting at 2:00 p.m. at pre-booked times. There will be no Chambers Thursday, October 6th.

For the week of October 24th, regular in person Chambers will be held on WEDNESDAY, October 26th in the morning at 10:00 a.m. and telephone Chambers will be held on WEDNESDAY, October 26th in the afternoon starting at 2:00 p.m. at pre-booked times. There will be no Chambers Thursday, October 27th.

B) Supreme Court:

Supreme Court Crownside in Halifax will be held on the following dates: Thursday September 1, Thursday September 8, Thursday September 15, Thursday September 22, TUESDAY September 27, Thursday October 6, Thursday October

13, Thursday October 20, and Thursday October 27. There will be no Crownside Thursday, September 29.

Appearance Days will be held at 12 noon on Friday September 2, Friday September 9, Friday September 16, Friday September 23, Friday October 7, Friday October 14, Friday October 21 and Friday October 28. There will be no Appearance Day Friday September 30.

Reminder: September 5th and October 10th are holidays and the courts will be closed.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

CAROLINE McINNES

September 26, 2011

My contact information is as follows:

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COURT DOCKETS for October and November:

A) Court of Appeal Chambers:

For the week of October 3rd, regular in person Chambers will be held on WEDNESDAY, October 5th in the morning at 10:00 a.m. and telephone Chambers will be held on WEDNESDAY, October 5th in the afternoon starting at 2:00 p.m. at pre-booked times. There will be no Chambers Thursday, October 6th.

For the week of October 24th, regular in person Chambers will be held on WEDNESDAY, October 26th in the morning at 10:00 a.m. and telephone Chambers will be held on WEDNESDAY, October 26th in the afternoon starting at 2:00 p.m. at pre-booked times. There will be no Chambers Thursday, October 27th.

B) Supreme Court:

Supreme Court Crownside in Halifax will be held on the following dates: Thursday October 6, 13, 20, and 27, Thursday November 3, 10, 17 and 24. There will be no Crownside Thursday, September 29.

Appearance Days will be held at 12 noon on Friday October 7, 14, 21, 28, Friday November 18 and 25. There will be no Appearance Day Friday, November 4 or Friday, November 11.

Reminder: October 10th and November 11th are holidays and the courts will be closed. There will be no Chambers November 1, 2, 3 and 4th, but the Prothonotary's Office will remain open.

COURT OF APPEAL

1. Reminders to counsel that there is no fee for filing a notice of motion at the Court of Appeal (apart from a notice of motion to extend time to file a notice of appeal, which is wrapped up in the fee for opening the file). A summary of court costs and fees is on the courts' website at the following address: <http://www.courts.ns.ca/General/fees.htm>, as is a reference to the complete list of court costs and fees.

SUPREME COURT

1. Reminder to counsel in calculating your notice periods pursuant to an order for foreclosure, sale and possession: the calculation of time is governed by Rule 94.02. In addition, Rule 31.16(3) applies where notice was sent by regular mail. As an example, if the notice of public auction was sent to the defendant on September 1, 2011, the calculation of 15 clear days would be as follows: the defendant is deemed to have received September 7 (as September 5 is a holiday). Fifteen clear days is then calculated to September 29.

2. Reiterating Annette Boucher, Q.C.'s Hint & Tip of October 26, 2010, on the preparation of affidavits in support of a motion to confirm a sheriff sale: ensure your newspaper ads are legible. The print is at times being shrunk to the point that it is very difficult to read.

3. Affidavits of Service: A reminder to counsel to review Rule 31.05 as well as Practice Memorandum No. 2. Practice Memorandum No. 2 states: "Personal service of a notice is proved by an affidavit of service that includes a certified copy of the notice: Rule 31.05(2)(c). However, this Rule does not apply to proof of service of other documents, such as an affidavit in support of an application or motion. In that case, the affidavit of service need only provide sufficient details about the served document that the reader can be satisfied about what got served."

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

CAROLINE McINNES

October 24, 2011

My contact information is as follows:

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COURT DOCKETS for November:

A) Court of Appeal:

Court of Appeal chambers will be held Thursday November 3, 10, 17 and 24 at 10:00 a.m. Telechambers will be held Wednesday November 2, 9, 16, 23, and 30 at pre-appointed times.

B) Supreme Court:

Supreme Court Crownside in Halifax will be held on the following dates: Thursday November 3, 10, 17 and 24.

Appearance Days will be held at 12 noon on Friday November 18 and 25. There will be no Appearance Day Friday, November 4 or Friday, November 11.

Reminder: There will be no Chambers November 1, 2, 3 and 4th, but the Prothonotary's Office will remain open. The Prothonotary's Office will be closed Friday November 11, 2011.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

CAROLINE McINNES
November 18, 2011

My contact information is as follows:

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COURT DOCKETS for November and December:

A) Court of Appeal:

Court of Appeal chambers will be held Thursday November 24, December 1, 8, 15, 22 and 29 at 10:00 a.m. Telechambers will be held Wednesday 23, and 30, and Wednesday December 7, 14, 21 and 28 at pre-appointed times.

B) Supreme Court:

Supreme Court Crownside in Halifax will be held on the following dates: Thursday November 24, December 1, 8, 15 and 22.

Appearance Days will be held at 12 noon on Friday November 25, December 2, 9 16 and 30. There will be no Appearance Day Friday, December 23.

Reminder: The Prothonotary's Office will be closed at noon on December 23, 2011, and will remain closed Monday, December 26, and Tuesday December 27. The Prothonotary's Office will also be closed on Monday, January 2, 2012.

COURT OF APPEAL

1. The Court of Appeal would like to remind counsel that requests to file a factum longer than 40 pages will not automatically be granted even when consented to by all parties. Therefore all requests must be made to the motions judge. Where the parties agree, a proposed consent order should be forwarded to the Registrar who in turn will present it to the motions judge for approval. If the order is not approved on its face, the matter will have to be resolved by way of a chambers motion. However, to avoid time and costs, the parties will have the option to present all such motions (with or without the consent of the parties) by way of telechambers or regular chambers.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

CAROLINE McINNES

December 1, 2011

My contact information is as follows:

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COURT DOCKETS for December:

A) Court of Appeal:

Court of Appeal chambers will be held Thursday December 1, 8, 15, 22 and 29 at 10:00 a.m. Telechambers will be held Wednesday December 7, 14, 21 and 28 at pre-appointed times.

B) Supreme Court:

Supreme Court Crownside in Halifax will be held on the following dates: Thursday December 1, 8, 15 and 22.

Appearance Days will be held at 12 noon on Friday December 2, and 16 and 30. There will be no Appearance Day Friday, December 9 or 23.

Reminder: The Prothonotary's Office will be closed at noon on December 23, 2011, and will remain closed Monday, December 26, and Tuesday December 27. The Prothonotary's Office will also be closed on Monday, January 2, 2012.

COURT OF APPEAL

1. The Court of Appeal would like to remind counsel that:

(a) your factum should NOT be bound with your book of authorities, and

(b) in an effort to save paper, commonly referenced cases from the Supreme Court of Canada need not be reproduced in your book of authorities. Please refer to the current list at:

http://www.courts.ns.ca/general/bar_docs/cases_in_facta_not_needed_oct_08.pdf

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

CAROLINE McINNES

December 19, 2011

My contact information is as follows:

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COURT DOCKETS for December and January:

A) Court of Appeal:

Court of Appeal chambers will be held Thursday December 22 and 29, and January 5, 12, 19 and 26 at 10:00 a.m. Telechambers will be held Wednesday December 21 and 28 and January 4, 11, 18 and 25 at pre-appointed times.

B) Supreme Court:

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

Appearance Days will be held at 12 noon on Friday December 30, January 6, 13, 20 and 27. There will be no Appearance Day Friday, December 23.

Reminder: The Prothonotary's Office will be closed at noon on December 23, 2011, and will remain closed Monday, December 26, and Tuesday December 27. The Prothonotary's Office will also be closed on Monday, January 2, 2012.

SUPREME COURT:

1. Please be advised that new amendments have been made to the Civil Procedure Rules, effective December 9, 2011. These amendments can be viewed on the courts' website at: <http://www.courts.ns.ca/Rules/toc.htm>

Of particular note counsel involved in foreclosures, please note that from the Prothonotary's point of view with respect to Orders Confirming Sheriff's Sale, the amendments to Rule 94 confirm that the number of days referred to in Orders for Foreclosure, Sale and Possession are clear days, unless stated otherwise.