

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

CAROLINE McINNES

February 3, 2012

My contact information is as follows:

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PROTHONOTARYHFX@gov.ns.ca

COURT DOCKETS for February and March:

A) Court of Appeal:

Court of Appeal chambers will be held Thursday February 2, 9, 16, 23, March 1, 8, 15, 22 and 29 at 10:00 a.m. Telechambers will be held Wednesday February 8, 15, 22, 29, March 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 February 2, 9, 16, 23, March 1, 8, 15, 22 and 29.

Appearance Days will be held at 12 noon on Friday February 10, 17, 24, March 2, 9, 16, 23 and 30. □ □

COURT OF APPEAL:

1. Please be advised that the Court of Appeal is now revealing the identification of the panel members prior to the appeal hearings. The identification of the panel members will be included in the Court of Appeal's online docket, which may be viewed at:

[http://www.courts.ns.ca/dockets_on_line/nsca_docket
.htm](http://www.courts.ns.ca/dockets_on_line/nsca_docket.htm).

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

CAROLINE McINNES

March 6, 2012

My contact information is as follows:

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COURT DOCKETS for March and April:

A) Court of Appeal:

Court of Appeal chambers will be held Thursday March 1, 8, 15, 22 and 29, and Thursday April 5, Thursday April 5, **Tuesday** April 17, and Thursday April 26 at 10:00 a.m. Telechambers will be held Wednesday March 7, 14, 21, and 28, and Wednesday April 4, 11, **Tuesday** April 17, and Wednesday April 25 at pre-appointed times.

B) Supreme Court:

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

Appearance Days will be held at 12 noon on Friday March 2, 9, 16, and 30, and Friday April 13, 20 and 27. There will be no appearance day Friday April 6.

Reminder:

The Law Courts will be closed Friday April 6 and Monday April 9 for Easter holiday.

BOTH COURTS:

I am pleased to announce to the Bar the newest addition to the Law Courts: Annette Anselm. Annette has joined the Law Courts court administration team as of March 5, 2012, as Associate Prothonotary. We are excited about this new position and are confident that its implementation will strengthen the Prothonotary's office. More information about Ms. Anselm and the position will be posted on the Courts' website.

HINTS AND TIPS FROM THE PROVINCIAL PROTHONOTARY - REGISTRAR

CAROLINE McINNES

April 30, 2012

My contact information is as follows:

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COURT DOCKETS for May and June:

A) Court of Appeal:

Court of Appeal chambers will be held Thursday May 3, 10, 17, 24 and 31, and Thursday June 7, 14, 21 and 28 at 10:00 a.m. Telechambers will be held Wednesday May 2, 9, 16, 23 and 30, and Wednesday June 6, 13, 20 and 27 at pre-appointed times.

B) Supreme Court:

Supreme Court Crownside in Halifax will be held on the following dates: Thursday May 3, Tuesday May 8, Thursday May 17, 24 and 31 and Thursday June 7, 14, 21 and 28.

Appearance Days will be held at 12 noon on Friday May 4, 18 and 25, and Friday June 1, 8, 15, 22 and 29. There will be no appearance day Friday, May 11.

BOTH COURTS:

As promised, a bio for A.E. Anselm, the new, second Prothonotary for the Halifax Law Courts can be found on the Courts' website:

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

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

CAROLINE McINNES

June 11, 2012

My contact information is as follows:

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Ms. Anselm's contact information is as follows:

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COURT DOCKETS from June to August:

A) Court of Appeal:

Court of Appeal chambers will be held every Thursday in June, July and August at 10:00 a.m. Telechambers will be held every Wednesday June 13, 20 and 27 at pre-appointed times.

B) Supreme Court:

Supreme Court Crownside in Halifax will be held on the following dates: Thursday June 14, 21 and 28, July 5 and 19, and August 2, 16 and 30..

Appearance Days will be held at 12 noon on every Friday in June, July and August

REMINDER that the Prothonotary's Office will be closed on Monday, July 2, and Monday, August 6.

BOTH COURTS:

Please note there are new amendments to the Civil Procedure Rules, approved May 10, 2012 by the Judges of the Supreme Court and May 25, 2012 by the Judges of the Court of Appeal. These amendments can be found on the Courts' website at: <http://www.courts.ns.ca/Rules/toc.htm> and have been consolidated in the official online version of the Civil Procedure Rules.

The amendments are to Rules 4.18(1), 4.22, 68.03, 90.13 and 94.02. The amendment to Rule 4.18(1) requires parties to file their list of witnesses with the Court, and amends the deadline for the filing and exchange of these documents.

The amendment to Rule 68.03 requires parties to register class actions provincially, in the manner prescribed in the Rule and further explained on the Courts' website.

The amendments to Rules 94.02 and 90.13 modify, at both the Supreme Court and Court of Appeal, the method for calculating the deadline for filing a Notice of Appeal as set out in provincial legislation. Previously, the deadline for filing a Notice of Appeal was calculated using either clear days or calendar days depending on whether the authority for the appeal was based in the Rules or in a statute and, if so, which statute. With this amendment, clear days, as defined in Rule 94.02, will now be used to calculate the deadline for filing a Notice of Appeal, regardless of whether the authority to appeal is based in the Rules or in a provincial statute. These amendments do not affect the calculation of deadlines for filing a Notice of Appeal in federal legislation; for example, the calculation of the deadline for filing an appeal under the Divorce Act remains unchanged.

SUPREME COURT:

1. On May 10, 2012, the Judges of the Supreme Court approved a **new Practice Memorandum on Infant Settlement Precedents**. It is on the Courts' website at: http://www.courts.ns.ca/Rules/cpr_practice_memos/nssc_practice_memo_infant_settlement_precedents_12_05_10.pdf

2. On February 28, 2012, the Judge of the Supreme Court approved a **new Practice Memorandum on Resolution Conferences in Criminal Proceedings**. I don't believe I made reference to this PM before. It is also on the Courts' website at: http://www.courts.ns.ca/Rules/cpr_practice_memos/nssc_practice_memo_resolution_conferences_criminal_12_02_28.pdf

3. A reminder to counsel when preparing **consent orders to the Prothonotary** to refer to Rule 82.20(2) to ensure the Prothonotary has the authority to issue the relief requested. In particular, the Prothonotary does not have the authority to issue a consent dismissal order involving a guardian, or that includes an award for costs.

4. A reminder to counsel filing documents that require **scheduling a motion for directions**: you must call ahead to the scheduling office to obtain a date and time for your motion for directions. The Court will hold this date and time for approximately one business day. Once you obtain a date and time, please insert

this into your documents prior to filing it with the Court.

5. A reminder to counsel seeking to **schedule special time chambers dates** (i.e. anything longer than 30 minutes that cannot be dealt with in general chambers): you have two options for obtaining a date and time:

(a) Option 1: If all parties can agree on a date prior to filing your motion documents, you can call ahead to the scheduling office to obtain a date and time. The Court will hold this date and time for approximately one business day. Once you obtain a date and time, please insert this into your documents prior to filing them with the Court.

(b) Option 2: You may file your motion documents with the date and time blank. Once filed the scheduling office will contact you to schedule a date and time. Once a date is scheduled, your documents will be returned to you with the date and time inserted.

6. Please note that if you would like to have a **motion on an out of town file heard in Halifax**, the Rules permit you to do so. However, the Prothonotary's office in Halifax will require a copy of correspondence to the out of town Prothonotary's office requesting the transfer of the file to Halifax for the motion. This correspondence must be filed with your motion documents.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

CAROLINE McINNIS

August 3, 2012

My contact information is as follows:

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Ms. Annette Anselm's contact information is as follows:

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COURT DOCKETS for August, September and October:

A) Court of Appeal:

Court of Appeal chambers will be held every Thursday in August and on Thursday September 6, 13, and 20, and on **Wednesday** September 26, and **Wednesday** October 3 at 10:00 a.m, and every remaining Thursday in October at 10:00 a.m.. Telechambers will be held every Wednesday at pre-appointed times.

B) Supreme Court:

Supreme Court Crownside in Halifax will be held on the following dates: Thursday August 2, 16, and 30, Thursday September 6, 13 and 20, **Tuesday** September 25, and Thursday October 4, 11, 18 and 25 at 9 a.m.

Appearance Days will be held at 12 noon on every Friday in August, and on Friday September 7, 14 and 21, and Friday October 5, 12, 19 and 26. **There will be no appearance day Friday, September 28, 2012.**

REMINDER that the Prothonotary's Office will be closed on Monday, August 6, Monday September 3, and Monday October 8, 2012.

BOTH COURTS:

A reminder to counsel when changing addresses or law firms: please send updated information to the Prothonotary's Office, in addition to the NSBS, so that

we may update our electronic Civil Index System with your correct contact information.

COURT OF APPEAL:

1. The Court of Appeal has launched its new Judicial Mediation Program. Information on this project can be found on the Courts' website at: http://www.courts.ns.ca/appeals/nsca_mediation_program.htm. The Court of Appeal's Practice Directive on the matter may be found at: http://www.courts.ns.ca/appeals/documents/nsca_mediation_practice_directive_12.05.pdf

2. Earlier in the year, the Court of Appeal modified its practice with respect to the timing of ordering the transfer of the file from the court appealed from. The previous practice was for the Registrar to order the file immediately upon the Notice of Appeal being filed with the Court of Appeal, pursuant to Rule 90.28.

The Court has directed that the request for the file appealed from be delayed until the Appeal Book has been filed with the Court of Appeal. The exception to this is for prisoner appeals and appeals from the Provincial Public Prosecution - Appeals office, where the practice of ordering the file immediately has not changed.

As a result, if you have filed an appeal and wish to access the court file from the court appealed from, you may do so at that courthouse. Once the Appeal Book is filed, the file will be transferred and you may arrange to view the file at the Law Courts in Halifax.

SUPREME COURT:

1. I have been asked to remind counsel to please ensure your firm name, address, phone and fax numbers are on the documents you file with the Court.

2. Before filing amended documents in an action, please review Rule 83 - Amendments, Rule 38.11 - Close of Pleadings, and Rule 31.12 - Disentitlement to further notice in an action.

(i) The Prothonotary's Office cannot accept amended documents for filing unless they are filed in accordance with Rule 83.

For example, Rule 83.02 provides that a party to an action may amend the notice that starts the action no later than 10 days after the day pleadings close, unless the other parties agree or a judge permits otherwise. If the pleadings have closed, but you have agreement from the other parties or permission from a judge to file your amended document, please indicate this to the court in writing when filing your documents.

(ii) Please note the definition for close of pleadings in Rule 38.11 which states:

Pleadings close in an action on the day when each party claimed against has filed a notice of defence, has filed a demand of notice, or has become disentitled to further notice, unless the parties agree or a judge orders otherwise.

If a notice of defence or demand for notice has not been filed, the pleadings *may still be closed* pursuant to Rule 38.11 if the party has become disentitled to further notice. Disentitlement to further notice is defined in Rule 31.12(5) which states:

The party who does not file a notice of defence or a demand for notice is disentitled to notice of anything in the proceeding after the expiry of the deadline for filing the notice, unless a Rule expressly provides, the parties agree, or a judge orders otherwise.

Rule 38.11 provides that the parties may agree or a judge may order that the pleadings remain open. Rule 31.12(5) provides that the parties may agree or a judge may order that a party is not disentitled to further notice. If either of these are the case, please indicate this to the court in writing when filing your documents.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

CAROLINE McINNES

October 12, 2012

My contact information is as follows:

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Ms. Annette Anselm's contact information is as follows:

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COURT DOCKETS for October and November:

A) Court of Appeal:

Court of Appeal chambers will be held at 10:00 a.m. every Thursday in October and November, except the week of November 11, chambers will be held on **Tuesday November 13.**

Telechambers will be held every Wednesday at pre-appointed times, except the week of November 11, telechambers will be held on **Tuesday November 13** in the afternoon only.

B) Supreme Court:

Supreme Court Crownside in Halifax will be held on the following dates: Thursday October 18, 25, November 1, 8, 15, 22 and 29 at 9 a.m.

Appearance Days will be held at 12 noon on every Friday in October and Friday November 2, 9, 23 and 30. **There will be no appearance day Friday, November 16, 2012.**

REMINDER that the Prothonotary's Office will be closed on Monday, November 12, 2012.

COURT OF APPEAL:

The Court of Appeal wishes to remind counsel that when ordering transcripts of the matter appealed from, the transcript need only contain the Questions and Answers. If an exhibit is played in court, a notation should be made as to when the exhibit was entered and played, however, the exhibit itself should not be transcribed. The Court will obtain the original exhibit if it wishes to view / hear it.

SUPREME COURT:

Notice of Change in Practice of Prothonotary:

After further consideration with the judiciary regarding the overriding principles of Rule 32, the procedure for having a motion heard in a court other than the court selected for the main proceeding has changed. The new procedure follows Rule 32.02(2) while maintaining the freedom to request a motion to be heard in any Nova Scotia Supreme Court.

The procedure is as follows:

- a) **Documents for any motion, regardless of where it is sought to be heard, must be filed in the selected court for the main proceeding.**

- b) If a different court is sought for the hearing of the motion, the moving party must file a letter requesting the file to be transferred. This letter must be filed with the prothonotary of the court selected for the main proceeding, and copied to the prothonotary of the court where the motion is sought to be heard.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

CAROLINE McINNIS

December 7, 2012

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 at 10:00 a.m. every Thursday in December and January.

Telechambers will be held every Wednesday at pre-appointed times.

B) Supreme Court:

Supreme Court Crownside in Halifax will be held on the following dates:

Thursday, December 13 and 20, 2012 and Thursday, January 3, 10, 17, 24 and 31, 2013 at 9 a.m.

Appearance Days will be held at 12 noon on Friday December 21, 28, 2012 and Friday January 4, 11, 18 and 25, 2013.

There will be no chambers or appearance day Friday, December 14, 2012.

REMINDER that the Prothonotary's Office will close at noon on Monday, December 24, 2012, and will reopen on Thursday, December 27, 2012. The Prothonotary's Office will also be closed on Tuesday, January 1, 2013.

COURT OF APPEAL:

Electronic Filing of Transcript and Factum:

The Registrar's Office has updated the email address that should be used by parties when filing the required electronic copies of the transcript and factum. Kindly sent these to: decision@gov.ns.ca.

While we do accept the electronic copies of the transcript and factum by CD, receipt by email is preferred.

In addition, counsel kindly are reminded of the following:

- Ensure the documents you are sending are formatted in Word or Word Perfect. Do not send your document in the form of a PDF.
- Save your documents using a name that contains a description of what the document is. For example, 'Jones Appeal, CA 123456, Transcript'. This makes it much easier for us to upload the files into our electronic storage system.