

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

CAROLINE McINNES

July 2014

My contact information is as follows:

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email: mcinnicx@gov.ns.ca OR PROTHONOTARYHFX@courts.ns.ca

Ms. Anselm's contact information is as follows:

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COURT DOCKETS for July and August:

A) Court of Appeal:

Due to Construction at the Law Courts, the Court of Appeal continues to sit at Summit Place, 5th floor, 1601 Lower Water Street in Halifax until further notice. The Registrar's Office is still located at the Law Courts, and all filings should be directed there.

Court of Appeal chambers continues to be held in July and August. Telechambers are held on Wednesdays at pre-appointed times. Please call ahead to the Deputy Registrar, Cherri Brown, at 424-6937 to book a time. Regular chambers are held on Thursdays at 10:00 am at Summit Place.

The Court of Appeal posts the docket for appeal hearings for the current term, including the date, time, location of the appeal and the panel members, on its website: http://courts.ns.ca/Appeal_Court/NSCA_dockets.htm There is no summer term, but you will be able to access the September/October 2014 appeal hearing term as that term approaches.

If you have a question about where your matter will be heard, please contact the Registrar or Deputy Registrar.

B) Supreme Court:

Supreme Court Crownside in Halifax will be held on the following days at 9:00 am: July 31, August 14 and 28.

The Law Courts summer chambers schedule is in effect and runs until August 29, 2014. In this time period, there will be no regular chambers sittings on Mondays or Fridays.

Appearance days will still be held on Fridays at noon throughout the summer, unless otherwise noted.

Please note: the Prothonotaries' Offices will be closed for the following holidays: Monday, August 4, 2014 and Monday September 1, 2014.

BOTH COURTS:

Liaison Committees

Both the Court of Appeal and the Supreme Court have Liaison Committees that are composed of members of both the Bar and Bench. These Committees sit approximately twice a year. Counsel are reminded that they are invited to bring forward items they would like raised at Liaison Committee meetings to Bar members of the relevant committees. Current information on committee membership may be obtained from the Nova Scotia Barristers' Society.

COURT OF APPEAL:

1. Electronic Filing – Requirement, Formatting & Instructions

The Court of Appeal would like to remind counsel of their obligation to file electronic copies of certain documents. In particular, the appellant is required to file an electronic copy of the transcript under appeal (please note we are NOT requesting the audio recording, but the actual electronic version of the typed transcript), and each party must file an electronic copy of their factum in a format satisfactory to the Registrar (*Civil Procedure Rules* 90.30(6) and 90.32(6)).

The Registrar's Office has created detailed instructions on how to properly format your electronic document. In particular, the documents must be submitted in a word processing format, not in PDF. Further, the factum is to be filed as a single document with consecutively numbered pages and not separated into cover page, index, and factum.

To access these instructions, go to:

http://courts.ns.ca/Appeal_Court/NSCA_documents/nsca_submitting_electronic_documents.pdf

SUPREME COURT:

1. Amendments to Rules & Forms

The Judges of the Supreme Court approved amendments to the Civil Procedure Rules on June 27, 2014. There are amendments to numerous Rules and the addition of two new

Forms, including:

- New Rules 5.09 – 5.12 are added to Rule 5 – Application.
 - In particular, these amendments now allow a respondent to make a claim against the applicant, or against another respondent, in an application in court.
 - This may be done by filing a ‘Notice of Respondent’s Claim’ – Form 5.09, within the deadline set out in Rule 5.10.
 - The ‘Notice of Respondent’s Claim’ will carry a filing fee.
 - A party against whom a respondent makes a claim, and wishes to contest the claim, must do so by filing a ‘Notice of Contest of Respondent’s Claim’ – Form 5.10, within the deadline set out in Rule 5.11.
 - The ‘Notice of Contest of Respondent’s Claim’ will not carry a filing fee.
- Rule 31.05 – Affidavits of Service, and the corresponding Form 31.05 – have been amended. The amendments provide that the certified copy of the notice attached to the affidavit of service be marked as an exhibit to the affidavit.
- Rule 54.06 – witness called by an adverse party – has been amended.
- Rule 70.06(2) – discount rates – has been amended.
- Rule 82.09(9) and (10) have been added – allowing the prothonotary to order the heading of a proceeding is varied to remove the name of a party in the circumstances set out in that Rule.

These amendments can be found on the court’s website at:

http://courts.ns.ca/Civil_Procedure_Rules/cpr_2008_originals_and_amendments.htm

2. Motions for Directions

Following a motion for directions, counsel are encouraged to ask the presiding judge, prior to the conclusion of the motion, what the arrangements will be to confirm the directions and deadlines given.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

CAROLINE McINNES

August 14, 2014

Ms. Anselm's contact information is as follows:

phone: 424-8962

fax: 424-0524

email: anselmae@gov.ns.ca OR PROTHONOTARYHFX@courts.ns.ca

ANNOUNCEMENT:

I will be starting my maternity leave on August 18, 2014. I am pleased to advise that my colleague, Ms. Anselm, will be the Provincial Prothonotary and Registrar of the Court of Appeal during my leave. Her email is noted above, and she will be reachable at the phone number listed above (my current phone number), effective August 18, 2014.

COURT DOCKETS for September and October:

A) Court of Appeal:

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Court of Appeal telechambers are held on Wednesdays at pre-appointed times. Please call ahead to the Deputy Registrar, Cherri Brown, at 424-6937 to book a time. Regular chambers are held on Thursdays at 10:00 am at Summit Place.

The Court of Appeal posts the docket for appeal hearings for the current term, including the date, time, location of the appeal and the panel members, on its website:

<http://courts.ns.ca/Appeal Court/NSCA dockets.htm> There is no summer term, but you will be able to access the September/October 2014 appeal hearing term as that term approaches.

If you have a question about where your matter will be heard, please contact the Registrar or Deputy Registrar.

B) Supreme Court:

Supreme Court Crownside in Halifax will be held on the following Thursdays at 9:00 am: September 4, 11, 18, 25 and October 2, 9, 16, 23 and 30.

Appearance days will be held on Fridays at noon through September and October, except for Friday, October 3, 2014.

There will be no regular chambers, or appearance day, on Friday, October 3, 2014.

Please note: the Prothonotaries' Offices will be closed for the following holidays: Monday, September 1, 2014 and Monday, October 13, 2014.

BOTH COURTS:

Liaison Committees

Both the Court of Appeal and the Supreme Court have Liaison Committees that are composed of members of both the Bar and Bench. These Committees sit approximately twice a year. Counsel are reminded that they are invited to bring forward items they would like raised at Liaison Committee meetings to Bar members of the relevant committees. Current information on committee membership may be obtained from the Nova Scotia Barristers' Society.

SUPREME COURT:

The Judges of the Supreme Court would like to remind counsel to ensure that their contact information, including firm, telephone and fax numbers, are included on documents they file with the Court.

HINTS AND TIPS FROM THE PROVINCIAL PROTHONOTARY / REGISTRAR

A.E. Anselm
7 November 2014

My contact information is as follows:

Phone: 902.424.8962
Fax: 902.424.0524
Email: A.E.Anselm@NovaScotia.ca or ProthonotaryHfx@courts.ns.ca

Ms. Donna L. Davis has been appointed as Prothonotary at The Law Courts through August 2015. Her contact information is as follows:

Phone: 902.424.7382
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I. COURT DOCKETS (November and December):

A. BOTH COURTS:

****The Registrar's Office and all Prothonotaries' Offices will be closed for the following holidays (An *asterisk below denotes a half day closure):**

Tuesday, November 11, 2014	Remembrance Day
*Wednesday December 24, 2014 (closed from 12 Noon)	Christmas Eve
Thursday December 25, 2014	Christmas Day
Friday December 26, 2014	Boxing Day
Thursday January 1, 2015	New Year's Day

B. COURT OF APPEAL:

Due to Construction at the Law Courts, the Court of Appeal continues to sit at Summit Place, 5th floor, 1601 Lower Water Street in Halifax until further notice. The Registrar's Office is still located at the Law Courts, and all filings should be directed here.

Court of Appeal chambers continues to be held in November and December. Tele-chambers are held on Wednesdays at pre-appointed times. Please call ahead to the Deputy Registrar, Cherri Brown, at 902.424.937 to book a time. Regular chambers are held on Thursdays at 10:00 am at Summit Place.

The Court of Appeal posts the docket for appeal hearings for the current term, including the date, time, location of the appeal and the panel members, on its website:

http://courts.ns.ca/Appeal_Court/NSCA_dockets.htm. You will be able to access the November/December 2014 appeal hearing term as that term approaches.

For the weeks of December 22 and Dec 29, Court of Appeal chambers will be held on **Tuesdays**. Please note the filing deadlines.

- Tuesday 23 December 2014 (**Filing Deadline December 16, 2014):
Regular Chambers: 10 a.m.
Tele-chambers: 2 p.m.
- Tuesday December 30, 2014 (**Filing Deadline December 19, 2014):
Regular Chambers: 10 a.m.
Tele-chambers: 2 p.m.

If you have a question about where your matter will be heard, please contact the Registrar or Deputy Registrar.

C. SUPREME COURT:

Supreme Court Crownside in Halifax will be held on the following days at 9:00 am: November 6, 13, *18, and 27, and December 4, 11, and 18. (An *asterisk denotes a Tuesday rather than a Thursday).

Appearance days in Halifax will be held on the following Fridays at noon: November 7, 14, and 28, as well as December 5 and 19.

II. RULE CHANGES & OTHER COURT REMINDERS

A. BOTH COURTS:

1. Filing of Briefs

- Except for settlement Conference Briefs, two copies of all briefs filed are required per CPR 40.03 - Filing brief and delivering duplicate. This allows for one copy for the Judges, and another for the file/public viewing.

2. CD's Order Form Reminder:

- When ordering a CD copy of the audio recordings of court proceedings, you should always use the form available on the Courts of Nova Scotia website here:

[http://courts.ns.ca/Bar Information/bar docs/audio request form interactive 14 04 01.pdf](http://courts.ns.ca/Bar%20Information/bar_docs/audio_request_form_interactive_14_04_01.pdf)

The form changes from time to time. Recently, the Courts have been receiving outdated versions - probably downloaded and printed a number of years ago. Further, please note that the accompanying instructions say the completed form should be filed with (faxed to) the courthouse in which the proceedings were held. Contact information for the Province's respective courthouses can be found here:

[http://courts.ns.ca/Courthouse Locations/courthouse locations map.htm](http://courts.ns.ca/Courthouse%20Locations/courthouse_locations_map.htm)

3. Liaison Committees

- Both the Court of Appeal and the Supreme Court have Liaison Committees that are composed of members of both the Bar and Bench. These Committees sit approximately twice a year. Counsel are reminded that they are invited to bring forward items they would like raised at Liaison Committee meetings to Bar members of the relevant committees. Current

information on committee membership may be obtained from the Nova Scotia Barristers' Society.

B. COURT OF APPEAL:

1. Abridgement of Appeal Books

The Court of Appeal would like to remind counsel that the Court has the ability to abridge an Appeal Book. When setting down your appeal, please give consideration to whether all of the transcripts and exhibits are necessary to be included in light of the grounds of appeals you have raised. A party may make a motion to a judge of the Court of Appeal for an order abridging a requirement for the form or content of the appeal book. CPR. 90.30 (4) and (5).

C. SUPREME COURT:

1. Practice Memorandum #1 – Foreclosure Procedures

- Practice Memorandum #1 – Foreclosure Procedures has been amended and is now up on our website. The amended version can be found on the Court's website:

<http://courts.ns.ca/Civil Procedure Rules/cpr rules and forms interactive/nssc memo foreclosure.htm#PMforeclose>

2. Books of Authority

- A Book of Authority is an independent document and should not be attached to other documents. We only require 1 copy of a Book of Authority to be filed with the Court.