

HINTS AND TIPS FROM THE PROVINCIAL PROTHONOTARY / REGISTRAR

A.E. Anselm
6 July 2015

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 will serve as a Prothonotary at The Law Courts through August 2015. Her contact information is as follows:

Phone: 902.424.7382
Fax: 902.424.0524
Email: Donna.Davis@NovaScotia.ca

I. COURT DOCKETS (July through October):

A. BOTH COURTS:

The Registrar's Office and all Prothonotaries' Offices will be closed for the following holidays:

Monday August 3, 2015	Natal Day
Monday September 7, 2015	Labour Day
Monday October 12, 2015	Thanksgiving Day

B. COURT OF APPEAL:

Court of Appeal chambers continues to be held weekly through the summer. Regular chambers are held on Thursdays at 10:00 a.m. here at The Law Courts. Tele-chambers are held on Wednesdays at pre-appointed times. Please call ahead to Deputy Registrar Cherri Brown, at 902.424.6937 to book a time.

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 September/October 2015 appeal hearing term as that term approaches.

Due to the holidays mentioned above, the filing deadlines will slightly change. Please note the filing deadlines.

- **Wednesday July 29**, for Chambers on Thursday August 6, 2015
- **Wednesday September 2**, for Chambers on Thursday September 10, 2015
- **Wednesday October 7**, for Chambers on Thursday October 15, 2015

C. SUPREME COURT:

Supreme Court Crownside in Halifax will be held on the following days at 9:00 am: July 9 and 23, August 6 and 20, September 3, 10, 17 and *22, October 1, 8,*13, 22 and 29. (An *asterisk denotes a Tuesday rather than a Thursday).

Appearance Day in Halifax will be held every Friday at noon except on October 16.

II. **RULE CHANGES & OTHER COURT REMINDERS**

A. BOTH COURTS:

1. **Vexatious Litigants**

- Vexatious Litigant legislation can be found in Civil Procedure Rule 88.02, and in Section 45B of the *Judicature Act*, R.S.N.S. 1989, c. 240. Please be advised that the provision to make a motion under this section is not limited to a Prothonotary, and is also available to counsel/parties.

2. **Binding of Voluminous Documents**

- It is necessary that documents filed with the Court be securely bound. This is particularly so in the case of records, large affidavits, and other

voluminous filings. On a going forward basis, these will need to be securely bound if they are to be accepted for filing, and ringed binders will not be allowed. Indeed, our preference would be Cerlox or other coiled binding to ensure that as a practical matter, pages do not fall out of larger books, and filed material/books are able to fit on our file vault shelving system.

3. Cover Letters

- The Prothonotaries and Court Administration staff greatly appreciate cover letters/sheets, especially where copies of documents are to be returned to counsel. This ensures that documents are returned to appropriate counsel as quickly as possible.

4. Filing of Briefs

- Reminder: 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.

5. CD's Order Form Reminder:

- 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://www.courts.ns.ca/Bar Information/bar docs/audio request form interactive 15-05-19.pdf](http://www.courts.ns.ca/Bar%20Information/bar_docs/audio_request_form_interactive_15-05-19.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)

6. Liaison Committees

- Reminder: Both the Court of Appeal and the Supreme Court have Liaison Committees that are composed of members of both the Bench and Bar. 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. SUPREME COURT:

1. Case Management

- When an order for Case Management has been issued pursuant to CPR 26.02, the onus is on counsel/parties to notify the Prothonotary's office that an order has been granted in order to initiate the assignment of a specific judge in that specific matter. There is no automatic notification to the Prothonotary's office upon issuance of such an order.

2. The Return of Civil Exhibits

- In the next few months, parties/counsel may receive mail with exhibits enclosed. A recent decision clarified CPR 84.04 which deals with the return of exhibits subsequent to a civil trial. In the past, we would seek the consent of counsel to return such exhibits. However in view of this recent decision, Prothonotaries are more likely to exercise their discretion to return exhibits pursuant to CPR 84.04 without the consent of the parties or an order of the judge. The decision may be viewed at:

[Http://www.courts.ns.ca/Decisions_Of_Courts/documents/2015nssc177.pdf](http://www.courts.ns.ca/Decisions_Of_Courts/documents/2015nssc177.pdf)

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

CAROLINE McINNES

September 14, 2015

My contact information is as follows:

phone: 424-8962

fax: 424-0524

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

Ms. Anselm's contact information is as follows:

phone: 424-7382

fax: 424-0524

email: anselmae@gov.ns.ca

ANNOUNCEMENT:

I am pleased to announce that I have returned from my maternity leave and have resumed my position as Registrar / Provincial Prothonotary. My colleague, Ms. Anselm, has resumed her position as Prothonotary. Our contact information is listed above.

COURT DOCKETS for September and October:

A) Court of Appeal:

Court of Appeal regular chambers are held on Thursdays at 10:00 am, except for the week of September 21. For that week, **regular chambers will be held on Wednesday, September 23**, and not on Thursday September 24.

Court of Appeal telechambers are held on Wednesdays at pre-appointed times. Please call ahead to the Deputy Registrar, Cheri Brown, at 424-6937 to book a time.

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 The docket for the September/October 2015 appeal hearing term is now online.

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: Thursday September 3, 10, and 17, **Tuesday September 22**, Thursday October 1, 8, 22 and 29. **There will be no Crownside held the week of October 12.**

Appearance days will be held on Fridays at noon in Halifax through September and October. **There will be no appearance day on either Friday September 25, or Friday, October 16.**

There will be no regular chambers in Halifax on the following days: Friday, September 25, Tuesday October 13, Wednesday October 14, Thursday October 15, or Friday October 16.

Please note: the Prothonotaries' Offices will be closed for the following holidays: Monday, October 12, 2015.

BOTH COURTS:

Free Legal Clinic

I have copied below the press release on the new Free Legal Clinic being launched next week. If you have any litigants in mind that you believe might benefit from this service, kindly refer them to the Court Administration office at the Law Courts. Litigants may sign up in person or by calling 902-424-6900 for Supreme Court matters and 902-424-6937 for Court of Appeal matters.

FREE LEGAL CLINIC OPENS AT HALIFAX LAW COURTS (Upper Water St.)

Beginning on September 17th, people who want to resolve their legal problems in court will have access to free legal advice and information at the Halifax Law Courts. The "Free Legal Clinic" will open its doors.

One morning each week, self-represented litigants will have an opportunity to meet with a volunteer lawyer and a volunteer law student in private. During the 60 minute sessions they will offer litigants basic advice and guidance to help them through their anticipated court appearances in the Supreme Court or the Court of Appeal.

The Clinic is not "needs-based", meaning that a person's income has nothing to do with whether or not they qualify for the free service.

The sessions will be held by appointment only. The advice and information offered is limited to civil law cases before the Supreme Court and Court of Appeal and to family law cases (except child protection matters) before the Court of Appeal. Criminal law

cases and family law cases normally dealt with by the Supreme Court Family Division do not qualify (Nova Scotia Legal Aid already provides a similar service for these types of cases - Duty Counsel - in the courthouses).

The Free Legal Clinic at the Halifax Law Courts is part of the Province's broader access-to-justice initiative under the auspices of the Nova Scotia Access to Justice Co-ordinating Committee. Co-chaired by the Chief Justice of Nova Scotia and Nova Scotia's Minister of Justice, this committee promotes and co-ordinates existing efforts to improve access to justice and encourages new projects.

There are plans to add a second morning worth of Free Legal Clinic sessions each week as awareness and interest grows. There are also plans to hold legal workshops, periodically, to provide advice and information to people who are still only considering their legal options.

Together, these clinics and workshops are expected to involve some 50 lawyers as well as students from the Schulich School of Law at Dalhousie University. Their volunteer time and effort will allow for 200 sessions, two a day, twice a week, for 50 weeks a year.

Longer term, depending on the availability of resources, it is hoped that the Free Legal Clinic concept can be brought to the Province's other courthouses.

The Free Legal Clinic is expected to provide:

- for self-represented litigants, better, more efficient access to justice
- for students, the hands-on experience of working with a practicing lawyer
- for lawyers, an opportunity to provide a valuable public service
- for opposing counsel, fewer complications in court when they face better prepared, more knowledgeable self-represented litigants
- for Courts, a potential reduction in the number of frivolous actions and a more efficient process for those cases that do proceed

For more information, go to the Courts website:

http://www.courts.ns.ca/Appeal_Court/NSCA-NSSC_Free_Legal_Clinic.htm

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.

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

CAROLINE McINNES

October 23, 2015

My contact information is as follows:

phone: 424-8962

fax: 424-0524

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

Ms. Anselm's contact information is as follows:

phone: 424-7382

fax: 424-0524

email: anselmae@courts.ns.ca

COURT DOCKETS for November and December:

A) Court of Appeal:

Court of Appeal regular chambers will be held on Thursdays at 10:00 a.m. through November and December. The week of December 21 regular chambers may be scheduled on a day other than December 24; please stay tuned for a further announcement in that regard.

Court of Appeal telechambers are held on Wednesdays at pre-appointed times, except for the week of November 9. For that week, **telechambers chambers will be held on Tuesday, November 10**. Please call ahead to the Deputy Registrar, Cherri Brown, at 424-6937 to book a time.

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 The docket for the September/October 2015 appeal hearing term is now online.

B) Supreme Court:

Supreme Court Crownside in Halifax will be held on the following days at 9:00 am: Thursday November 5, 12, 19, 26, December 3, 10, 17 and 22.

Appearance days will be held on Fridays at noon in Halifax through November and December with the following exceptions: **there will be no appearance day on either Friday December 25, 2015 or Friday January 1, 2016.**

Please note: the Prothonotaries' Offices will be closed for the following holidays:

- **Wednesday, November 11, 2015**
- **Thursday, December 24, 2015 from 12 p.m. onwards**
- **Friday, December 25, 2015**
- **Monday, December 28, 2015**
- **Friday, January 1, 2016**

BOTH COURTS:

Free Legal Clinic at the Law Courts

The Law Courts in Halifax continues to be home to the Free Legal Clinic. The Clinic is located on the 2nd floor of the Law Courts, and is held every Thursday from 9 am to 1 pm in two simultaneous 1 hour sessions held by volunteer lawyers.

The Clinic is intended for self-represented litigants with limited to little experience in the court system. The Clinic provides service for civil matters at the Supreme Court (General Division) and at Court of Appeal, including family law appeals but excluding child protection appeals. It will not provide service on any criminal matters in either court.

Assistant for family law appeals at the Court of Appeal will be provided approximately one Thursday per month. The next family sessions are scheduled for October 15 and December 3.

If you have any litigants in mind that you believe might benefit from this service, kindly refer them to the Court Administration office at the Law Courts. Litigants may initiate the sign up process in person or by telephone at 424-6900 for Supreme Court matters, and 424-6937 for Court of Appeal matters.

For more information, go to the Courts website:
http://courts.ns.ca/self_reps/nsca-nssc_free_legal_clinic.htm

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:

1. Requests for Date Assignment Conferences

The Judges of the Supreme Court have advised that they have seen an increase in Requests for Date Assignment Conferences to appoint trial dates in actions over \$100,000 being made before the parties have been discovered.

The Court would like to remind counsel of the prerequisites for requesting a Date Assignment Conference in actions over \$100,000, as set out in **Civil Procedure Rule 4.13(1)**.

In particular, 4.13(1) requires that the pleadings have closed as provided in **Civil Procedure Rule 38 – Pleading**, and that each party has done all of the following:

- (a) disclosed documents and electronic information as required;
- (b) discovered each individual party of whom discovery is required;
- (c) discovered, from each corporate party of whom discovery is required, at least the designated manager or one other officer or employee;
- (d) answered interrogatories required to be answered by or on behalf of the Party.

2. Correspondence with the Court

The Court would like to ask counsel to please include the following information in the covering correspondence with the Court:

- court file number
- names of parties
- the date and time of the next Court event, if any, the correspondence relates to

This information will help ensure the document is delivered to the right person, and will help Court staff to quickly assess the urgency of a document.