

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER, Q.C.
December 15, 2009

COURT DOCKETS

The Law Courts building will close at 12 noon on Thursday, December 24th and re-open at 8:30 am on Tuesday, December 29th, 2009. The building will also be closed on Friday, January 1, 2010.

Supreme Court Crownside in Halifax will be held on the following dates: December 17th, 2009, January 7, 14, 21 and 28th, 2010.

Appearance Days will be held at 12 noon on December 18th, 2009, January 8, 15, 22 and 29th, 2010.

Court of Appeal chambers is at 10:00 am on Thursday or by telephone at a pre-arranged time on Wednesday. Chambers will be held December 17, 24 and 31st, 2009, January 7, 14, 21 and 28th, 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.
2. Changes to Civil Procedure Rule 90 will be 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.

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.

2. **ALL** briefs filed with the court, with the exception of settlement conference briefs must be filed in duplicate as set out in rule 40.03(2). Where counsel are only submitting one brief the filing package will not be accepted for filing.
3. Where a brief filed with the court references case law, a **Book of Authorities must be filed at the same time as the brief** - only **ONE** copy of the Book of Authorities is required when it is separately bound from the brief. The Book of Authorities must conform with the requirements set out at Rule 40.06(1). Counsel are reminded that neutral citations are to be used for their cases and the cases bearing the neutral citations only are to be copied for the Book of Authorities.
4. It would be helpful if counsel would breakdown the registration expenses on Part 2 Total Due to Creditor on Form 79.17B which is attached to the execution order. Staff are spending a great deal of time trying to determine how the registration expenses were arrived at and if it were specified by counsel it would assist in processing the Execution orders more quickly.
5. In the Royal Gazette of December 16, 2009 and a series of amendments to rules and forms.
6. 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.
7. 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".

A.M.B.