

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER, Q.C.

April 9, 2009

COURT DOCKETS

Supreme Court Crownside in Halifax will be held on the following dates: April 16, 23, 30, and May 7, 14, 19 and 28, 2009. Please note that May 19 is a Tuesday as there will be no Crownside on Thursday, May 21st, 2009.

Appearance Days will be held at 12 noon on April 17 and 24 and May 1, 8, 15 and 29th, 2009. There will be no Appearance Day on May 22, 2009

The Supreme Court judges are having their semi-annual court meeting on May 21st and 22nd, 2009 and thus the court will not be sitting on those days. There will be no Chambers on May 21st or 22nd.

On April 1, 2009 the court filing fees INCREASED. The new fees are listed on the courts website and can be viewed at the following link: <http://www.courts.ns.ca/General/fees2.htm>.

COURT NOTICE FROM CHIEF JUSTICES AND CHIEF JUDGE

The Chief Justices and Chief Judges encourage Counsel to assist the media with their news coverage of the courts.

At the recent media conference held in Halifax and hosted by the Nova Scotia Judiciary, it was suggested that Counsel could help the courts help the media.

When coming to court on a matter which they anticipate will be of significant interest to the media, Counsel should bring along extra copies of documents which they have filed with the courts and, whenever possible and appropriate, provide them to the members of the media attending the proceedings.

This would help both the media and the courts. It would help the media meet their broadcasting/publishing deadlines while helping with the accuracy of their references to such court documents. And it would help the court administration staff to better serve the time-sensitive needs of all the media.

COURT OF APPEAL

1. Civil Procedure Rule 90.30(6) requires the filing of an electronic copy of the transcript, in addition to including it in the hard copy of the Appeal Book. This means it can be sent on a CD with the hard copy of the Appeal Book or can be sent by e-mail to the Registrar at boucheam@gov.ns.ca. We have noticed that a large number of appellants are not filing the electronic copy of the transcript as required and staff are constantly calling counsel to obtain these electronic copies. We seek and count on the cooperation of counsel in insuring the electronic copy is filed as required by the rule.
2. Effective April 1, 2009 (the date of publication in the Royal Gazette) Civil Procedure Rule 90.32(3)(g) was amended as follows: **Rule 90.32(3)(g)** is amended by:

deleting the reference to "Part 3" and replacing it with "Part 5".

SUPREME COURT

1. Questions have arisen recently regarding dismissal procedures initiated by the court pursuant to the old Rule 28.11. Where a step was contemplated to be taken in 2009, by either the Prothonotary or counsel, on such a process, there is no need to take that step. As Rule 28.11 has been revoked and there is no like step in the new rules, there is no authority to act. HOWEVER, if a court order had been issued fixing a time for the step to be taken, counsel need to address that outstanding issue as failure to do so could be viewed as a failure to comply with a court order. Where these situations arise I ask counsel contact me directly to determine the best way to proceed.
2. In the March 6, 2009 issue counsel were alerted to amendments to the Civil Procedure Rules - these also included amendments to Forms 4.02A, 4.03A, 5.03, 5.07, 79.17A and 79.19. It appears that lawyers have not changed their precedents. Where counsel are using these court forms, they are being reminded to include the most recent changes in the versions they submit to the court for filing.
3. Counsel were informed in the April 6, 2009 issue, of the court filing fee increases. Documents accompanied by the incorrect fees will be accepted for filing - a pink slip will be returned by staff requesting the additional fees. This will continue until April 20, 2009. After that date any documents submitted for filing with the incorrect filing fees will be returned un-processed to counsel.
4. Counsel have been asked to continue using a document cover sheet so that documents can be properly directed within the building.

5. If there is an “out of the ordinary” aspect to a filing, a cover letter MUST accompany the documents to alert staff to this. By way of example - if an affidavit is being sent for filing and is unsworn, a letter must explain that the sworn one will be filed within the prescribed time frames in the rules - absent a letter the document will not be accepted for filing. I must impress on counsel the need for these cover letters. The cover letters assist staff and reduce the number of documents being returned non-processed to counsel.

A.M.B.