

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

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February 6, 2009

COURT DOCKETS

Supreme Court Crownside in Halifax will be held on the following dates: February 12, 19 and 26th, March 5, 12, 19 and 26th, 2009.

Appearance Days will be held at 12 noon on February 13, 20 and 27th, 2009. There will be no telephone Appearance matters scheduled on February 27, 2009.

COURT OF APPEAL

1. Amendments were made on January 22 and February 2, 2009 to Civil Procedure Rules 90 and 91. These are posted on the courts website. **In particular** Civil Procedure Rule 90.26 (1) AND 91.13 now requires the Certificate of Readiness to be filed with the court NO LESS than **FOUR** days before the motion for directions is to be heard.

ALSO NOTE that Civil Procedure Rules 90.33 AND 91.19 have been amended with regard to the timing of the filing of a Joint Book of Authorities. **Where a joint book of authorities is filed**, it must be filed at the same time as the RESPONDENT'S FACTUM.

2. I have created a new series of packages to be posted on the courts website to cover almost all types of motions and matters before the Court of Appeal. In total 17 packages. These will be posted on the courts website at the following location http://courts.ns.ca/appeals/ca_forms.htm.

SUPREME COURT

1. When a Chambers motion or an Application in Chambers or Court requires more than ½ hour to be heard, counsel are to file their documents leaving the time and date for the hearing blank. The documents will be provided to the scheduling office and the scheduler will contact the parties by e-mail indicating the date and time assigned for the hearing. If the parties/counsel do not indicate, by return e-mail, within the response time set out by the scheduler, that the date is not convenient due to another obligation, the date and time will be deemed confirmed and the date

and time will be inscribed in the documents returned to the filing party for service.

2. Counsel are reminded that Civil Procedure Rule 40.03(1) requires the filing of **DUPLICATE** briefs with the court. Where the brief is in a form of a letter, a duplicate is still required. The reason for the duplicate brief is quite practical - one if for the judge to mark on and destroy after the hearing while the second if for inclusion in the court file.
3. An “inconsistency” has been identified by several lawyers regarding Rules 32.02(1) and 82.09(1) in the designation of the place of proceeding at the upper right corner of their documents. This has been noted as a required correction and will be addressed by a rule amendment at some future point in time. While awaiting the correcting amendment, I would ask counsel to use the following “formula” for the proceeding designation in the upper right corner of their court documents: Place + No. For Halifax Supreme Court this would mean Hfx No. 123456.
4. Some clarification with regard to **renewals** of originating documents: Any Originating Notice (Action) and Statement of Claim issued or renewed during the calendar year 2008 is valid for a **ONE YEAR PERIOD**. By way of example if the Originating Notice (Action) and Statement of Claim were issued by the court on March 1, 2008 it is valid for 1 year up to and including March 1, 2009 and not limited to the previous six (6) month validity period. If you need to renew the Originating Notice (Action) you follow the process set out at Civil Procedure Rule 4.04 and you can make a motion before a judge to renew for a second year. Only one renewal can be requested and if granted the original document expires two (2) years after it was first issued. The timing of the motion for renewal can be between 12 months and no more than 14 months after the date the originating document was first issued.
5. I want to take this opportunity to thank counsel for their excellent cooperation with regard to court filings pursuant to the “new” Civil Procedure Rules since January 1, 2009. I have noted a true spirit of cooperation as we all attempt to fall into place with the new “regime. However, to ensure consistency, documents which do not conform with the new rules will be returned with a pink sheet of paper pointing out the error and making reference to the applicable Civil Procedure Rule.

A.M.B.