

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER
November 26, 2007

Supreme Court Crownside in Halifax will be held on the following dates: November 29th, and December 6, 13 and 20th, 2007.

There will be NO Appearance Day on Friday, December 14, 2007. Please be advised that there will be Appearance Day on Friday, December 28, 2007.

For the week of December 24th, 2007 there will be NO telephone Court of Appeal Chambers on Wednesday. Regular Court of Appeal Chambers will be held on December 27, 2007 at 10 a.m.

PLEASE NOTE that the Law Courts will close at 12 noon on Monday, December 24th and will be closed on Tuesday, December 25th and Wednesday, December 26th, 2007. The Law Courts will be open on Thursday, December 27th, Friday, December 28th and Monday, December 31, 2007. The building will be closed on January 1, 2008 and we will re-open on Wednesday, January 2, 2008 at 8:30 am.

This issue to dedicated to robing practices.

COURT OF APPEAL

1. Counsel are reminded that robing is required for all appeal hearings. Robing is not required for Court of Appeal Chambers.

SUPREME COURT

1. The judges of the Supreme Court approved a Robing Policy at their Annual Meeting in September, 2007. Therefore Practice Memorandum No. 3 is now repealed.

Robing in Halifax Law Courts

1. Robing is required for the following:
 - (a) Special Time Chambers where the subject matter is an appeal (such as a Summary Conviction Appeal, Small Claims Court Appeal, FOIPOP and other

statutory appeals);

(b) civil trials; and

(c) all criminal matters except Crownside (judges will robe for Crownside).

2. Robing is not required for the following:

(a) General Chambers; and

(b) Judicial Reviews.

Robing in the Districts

1. For civil matters, robing is required as in #1 (a) and (b) above and not required as in # 2 above;

2. For criminal matters, robing is required as in 1 (c) above (judges will robe for Criminal Chambers unless it involves only setting of dates or unless there is a different local practice about robing for joint Criminal and Civil Chambers).

PLEASE NOTE: For all court appearances where robing is not required, appropriate business attire is required.

The following policy below applies to the Family Division in **SYDNEY** and for Family matters in ALL the districts. **The following does NOT apply to the Family Division in Halifax - they will continue as at present.**

1. Gowning is required for the following, but subject to paragraph 2 (c):

(a) Divorce trials;

(b) Division of property trials pursuant to the *Matrimonial Property Act, Pension Benefits Act, Pension Benefits Division Act or Teachers Pension Act*;

(c) Trials for equitable relief of constructive trust, resulting trust or unjust enrichment claims or quantum meruit claims;

(d) Any protection hearing, disposition hearing or review hearing pursuant to the *Children and Family Services Act* which has been assigned a special time chambers date or a trial date;

(e) Applications pursuant to the *Testators Family Maintenance Act, Maintenance Enforcement Act, Order Enforcement Acts, Interjurisdictional Support Orders Act, Change of Name Act, Partition Act*;

(f) Trials regarding the interpretation or enforcement of a marriage contract, cohabitation agreement, separation agreement or a paternity agreement; and

(g) Trials on all other matters that are provided under an enactments to be within the

jurisdiction of the Family Division.

2. Robing is not required for the following:

- (a) All interim applications including section 39 applications pursuant to the *Children and Family Services Act*;
- (b) All variation applications;
- (c) Any trial/application stated in paragraph 1 which has been scheduled during regular Chambers.

A.M.B.