

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

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March 24, 2005

Please note that there will be no Appearance Day on the following dates: May 13, May 27, June 24, July 1, September 9, October 21, November 11 and December 9, 2005.

There will be no Court of Appeal Chambers on May 26, 2005.

Supreme Court Crownside in Halifax will be held on the following dates: March 31, April 7, 14, 21, 28, May 5, 10, 19, 24, June 2, 9, 16, 23, 30 July 14, 28, August 11, 25, September 1, 6, 15, 22, 29, October 6, 13, 18, 27, November 3, 10, 17, 24, December 1, 8, 15 and 22, 2005. Please note that some of these dates are for Tuesday rather than Thursday.

COURT OF APPEAL

1. On specialized Chambers applications such as: extension of time to file a Notice of Appeal after the time to so file has expired; applications to amend the Notice of Appeal outside the time allowed under the Rules for amendments; stay applications; security for costs applications; intervener applications; s. 684 of the **Criminal Code** appointment of legal counsel applications; bail applications; applications to settle disputes over the content of the Appeal Book, etc all require counsel to file a Notice of Application, Affidavits in support, memorandums of law and any proposed Order pursuant to Civil Procedure Rule 62.31 (3).

SUPREME COURT

1. Settlement Conference briefs as well as Chambers briefs are to be forwarded to the civil scheduler, who will inturn ensure the judge hearing the matter is provided with the brief. Your notice confirming the settlement conference date does set out this requirement.
2. Where settlement has been achieved of a Chambers matter or a trial, counsel must immediately notify the judge and the court in writing. Counsel are referred to Practice Memorandum No. 2 section IV, 4, B, 6. I also refer you to the January 10, 2003 Prothonotary Hints and Tips piece on this issue. Recently, it has been observed that counsel are not

- advising the court and/or judge when matters settle.
3. I must once again remind counsel of the proper fax numbers to use within the Law Courts building to ensure your material reaches the desired destination. These fax numbers were provided in the October 10, 2003 issue of the Prothonotary Hints and Tips piece, but require restating: the fax number for the Court Administration Office is 424-0524, the fax number for the Supreme Court scheduling office is 424-8367, the fax number for Appearance Day matters is 424-0525, and the fax number for the Supreme Court judges is 424-0536.
 4. Applications for assessments of damages pursuant to Civil Procedure Rule 33.02 where a Default Judgement has been entered by the Prothonotary - Rule 33.03(2) states that the Prothonotary on an ex parte application can fix the date for the hearing of the application to assess damages. From a very practical point of view, where a special time chambers time is required for the assessment (over 1 hour) the documents are processed in the same fashion as any special time Chambers time. You submit your documents with the blank return date, your cover letter should indicate how much time will be required for the application and the schedulers will contact you with dates. There is no need for a "setting down" application to be made before the Prothonotary.
 5. As set out in the October 13, 2003 Prothonotary Hints and Tips piece, when commencing an action against the provincial Crown, counsel will be asked whether they have given the statutory required notice of sixty (60) days to the Attorney General (see the ***Proceedings Against the Crown Act***) prior to accepting the document for filing to ensure compliance with the ***Act***.

A.M.B.