

The Courts of Nova Scotia's Notice-of-Applications-for-Publication-Bans-Service

The Concept

The idea behind the Notice-of-Applications-for-Publication-Bans Service is to give the press/media notice of an application for a discretionary publication ban or request for confidentiality of proceedings (such as a sealing order, an in-camera hearing, and permission to identify the parties by pseudonyms) in a court proceeding. The purpose of the notification is to provide the media with an opportunity to oppose the application if they choose to do so.

This service was established by the Nova Scotia Judiciary and the local press/media in response to the Supreme Court of Canada ruling in *Dagenais v. Canadian Broadcasting Corporation* ((1994), 3 S.C.R. 835). There, the Court directed that Judges "should give the media standing (if sought)" and may direct that third parties affected by the proposed ban - invariably, the media - be given notice.

The Process

A party to a proceeding applying for a publication ban or other similar Court order, should give the judge notice of the request in advance of the proceeding to allow timely notice to the press/media by using this web-based Notice-of Applications-for-Publication-Bans-Service, should the judge so direct.

A date will then be set to hear the application – usually for three or more clear days later.

The applicant should comply promptly with the Judge's direction to notify the press/media so that they can consult with their lawyers and prepare, should they choose to oppose the application.

In addition to any other Court procedures set out in the Rules of Procedure, Practice Directives, etc., the applicant will need to print a copy of the e-mail which went out to the press/media and take it to Court on the day of the hearing to prove that the press/media was notified.

This service is only a way of notifying the media. **It is not a substitute for the usual rules for Interlocutory Applications.** Unless otherwise directed by the Court, a Notice of Application, supporting Affidavit, and draft Order must be filed.

Instructions on how to find and fill out the form and then ensure that it is sent out to the press/media can be found on the following pages.

The Nuts & Bolts

The Notice-of-Applications-for-Publication-Bans-Service offers a form on the Courts website which can be filled out by a defence lawyer, a crown attorney, or a self-represented litigant who has applied for a discretionary publication ban or other similar Court order.

It is not designed for statutory publication bans such as those respecting preliminary hearings, a voir dire, and trials involving young offenders, among others. The information entered on the form is automatically sent out as an e-mail to all those who have subscribed to the service.

People subscribe to the service by contacting the Judiciary's Director of Communications (e-mail address on website). Anyone with access to the Courts website can apply. No one is denied a subscription.

Their e-mail addresses are added to a mail-out list maintained on a server. This is the list used by the form page to automatically send out the notice.

There are currently some 150 subscribers on this mail-out list. They include traditional press/media organizations and working journalists as well as some media lawyers.

How It Works

1. When the applicant has completed filling out the form, he/she clicks on a "Submit for Verification" button.
2. The information is shown to the applicant for proof reading.
3. If it is correct, the applicant then clicks on a "Submit to Confirm Your Identity" button.
4. A completed form is first sent to the applicant's e-mail address only (not to the media). This security feature ensures that only the person who filled out the form can send it out to the press/media and must reveal his/her identity in doing so.
5. The applicant retrieves this e-mail and clicks on a link which then sends it to the media and other subscribers and another copy to him/her.
6. This version of the e-mail/form is printed and brought to Court for verification.

How To Use The Courts of Nova Scotia's Notice-of-Applications-for-Publication-Bans Service

1. Go to www.courts.ns.ca (see page 4)
2. Click on “**Notices to the Bar**” at the left of screen (see page 4)
3. Click on “**Notify Media of...**” link (see page 5)
4. Read text in the box of form page carefully. Fill out form. (see pages 6)
5. Fill in all the blanks and click on the appropriate dots. (see pages 6 - 8)
6. In “**Applicant's e-mail address:**” box, type in e-mail address accessible from your computer. (see page 7)
7. Click on “**Submit for Verification**” at bottom of form. (see page 8)
8. Check next page for errors. If information is incorrect, click “**Back**” on browser window and make corrections. (see page 8)
9. If information is correct, click “**Submit to Confirm Your Identity**” at bottom. (see page # 9)
10. You will get another web page saying “**Your Notice was processed successfully**” but please read the rest of that notice — **YOU ARE NOT DONE YET!**
11. “**Submit To Confirm Your Identity**” will send an e-mail only to you (to the email address you entered in “**Applicant's email address:**” box on the form.

Go to your e-mail program and retrieve this e-mail.

At top of this e-mail, click on the following link in the text: (see page 11) “*The following message is an automated confirmation request Etc. then use the following link to confirm your submission: <http://courts.ns.ca/pubban/confirmPubban.asp?pubbanId=rq4qzVdA&respEmail=piccolj@gov.ns.ca>*”

12. This sends the same e-mail to all subscribers (media and lawyers) and, again, to you.

ONE LAST THING TO DO! Print this second e-mail and take to Court (proves you notified media).

← <http://courts.ns.ca/> **STEP #1** The Courts of Nova Scotia

Law Sites ▾ Look-Up ▾ Media ▾ Organizations ▾ Metro Halifax GLOBE HERALD CB POST 95.7 u! ALLNS CBC Global CTV Atlantic

The Courts of Nova Scotia

HOME COURT DOCKETS COURT DECISIONS **FOR THE BAR** **STEP #2** CONTACT A COURT

BROWSE THIS SITE BY:

- LEVEL OF COURT ▾
- TYPE OF COURT ▾
- WHO YOU ARE ▾
- WHAT YOU WANT TO DO ▾
- DOCUMENTS FOR COURT ▾
- JUSTICE & COURT ISSUES ▾
- GENERAL INFORMATION ▾

Keyword Search

The Probate Court protects heirs, legatees, and estate creditors. It is a forum for adjudication without monetary limits.

It can appoint executors, administrators, appraisers, and guardians in relation to all estate matters.

The Court has the authority to supervise the proper management and distribution of estate assets.

It also approves legal fees and determines the commissions and expenses for executors and administrators.

- COURT OF APPEAL
- SUPREME COURT
- SUPREME COURT - FAMILY
- PROVINCIAL COURT
- FAMILY COURT
- SMALL CLAIMS COURT
- BANKRUPTCY COURT
- PROBATE COURT
- YOUTH JUSTICE COURT
- MENTAL HEALTH COURT
- DRUG TREATMENT COURT
- DOMESTIC VIOLENCE COURT

OTHER FEATURES

- Webcasts of Court Events and Proceedings 
- History of the Courts of Nova Scotia 
- Courtrooms and Classrooms 
- The Virtual Courtroom with Justice Wise 
- Try Judging Journey Through the Canadian Justice System 
- Follow the Courts on Twitter 

A Message From The Chief Judge About Nova Scotia's Therapeutic Court Programs

Judges who preside over these programs work in a collaborative environment where therapeutic and restorative practices are used to help people, often vulnerable and marginalized, who struggle with mental health disorders and addictions and who find themselves in conflict with the law.

Collaborative and creative problem solving are central to the work of these court programs. The "Court Team" is made up of dedicated people, from the fields of justice as well as mental health and addictions, who work closely with other community and government agencies.

These programs are voluntary; a participant can choose to leave it and return to the regular court system at any point in the process. The Court Team may also decide to return a participant to regular court if he or she is not prepared to follow his or her support plan.

Experience teaches that the adversarial legal system is not always effective in every courtroom. Therapeutic and restorative approaches can and do offer viable alternatives in the criminal justice system.



The Honourable
Chief Judge
Pamela S. Williams

[READ FULL MESSAGE >>](#)

NEWS OF THE COURTS

Follow the news on Twitter 

Nov 23 • Robing ceremony for Judge Ann Marie MacInnes – Fri, Dec. 16, noon, Sydney courthouse [MORE >>](#)

Nov 10 • Judge Raymond Morse appointed Associate Chief Judge of Family Court [MORE ON JUDGE MORSE >>](#)

Nov 5 • Court of Appeal introduces "trailing" dockets - providing information about matters that are scheduled for hearing farther into the future. [START HERE >>](#)

Sept 24 • FREE LEGAL CLINIC every Thursday morning (by appointment, only - some restrictions apply) at Halifax Law Courts (Upper Water Street). [LEARN MORE >>](#)

NOTE - There is no access to the Halifax Law Courts building through the two parking levels during renovations. People who have difficulties with stairs should call 902 426-3712 for assistance. [READ MORE >>](#)

[ARCHIVE OF COURT NEWS >>](#)

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Keyword Search

Information For Legal Professionals

Most Recent Notices to the Bar

Nov 5 - Court of Appeal introduces "rolling" dockets - providing information about matters that are scheduled for hearing farther into the future. [START HERE >>](#)

Sept 14 - **FREE LEGAL CLINIC OPEN Every Thursday at Halifax Law Courts.** Free legal advice in private, one-hour sessions for self-represented litigants dealing with civil or family law matters in the Supreme Court or the Court of Appeal. [LEARN MORE >>](#)

This page contains information, materials, and notices about the Courts which are important to lawyers but may also be of use to self-represented litigants. If you want to be automatically notified of about important changes at the Nova Scotia Courts, you can subscribe to a specific Twitter feed dedicated to Notices To The Bar.

Subscribe To Get Notices Via Twitter



Recent Notices

Oct 23 - The Provincial Prothonotary has posted her latest edition of Hits & Tips on the Courts website. Look for the link to edition #106 at the [BOTTOM OF THIS PAGE >>](#).

Oct 7/15: The Long Trial Intake Schedule for courtroom #6 in Provincial Court, 500 Garden Road in Halifax has been drawn up. This schedule covers the period between January 1st and June 30th of 2016. [READ/PRINT SCHEDULE >>](#)

Sept 30 - Court of Appeal has updated the chronological and alphabetical lists of WCAT appeal decisions that need not be included in your book of authorities. Links to the new lists are [HERE >>](#)

Sept 15 - The Provincial Prothonotary has posted her latest edition of Hits & Tips on the Courts website. Look for the link to edition #105 at the [BOTTOM OF THIS PAGE >>](#).

August 31 - The *Civil Procedure Rules of Nova Scotia* are now available on the Courts website in a mobile-friendly format. They are also searchable as a Rules-only collection of web pages. And they include new MS-Word versions of the related Forms (in addition to the original interactive PDF Forms). [EXPLORE >>](#)

September 1 - Ms. Caroline McInnes has returned to her position as Provincial Prothonotary for the Supreme Court of Nova Scotia and Registrar of the Court of Appeal. She has been on leave for the past year. Ms. A.E. Anselm, who has been acting Provincial Prothonotary and Registrar during Ms. McInnes' absence, returns to her position as Prothonotary of the Supreme Court in Halifax and Deputy Registrar of the Court of Appeal.

August 4 - Second floor of Halifax Law Courts re-opening on Monday, August 10th. First floor will be closed. Barristers' robing room moving to 3rd floor. [MORE DETAILS >>](#)

August 4 - A robing ceremony for Justice Robert Gregan has been scheduled for Friday, September 4th. [READ MORE >>](#)

July 6 - The Prothonotary has published her latest edition of "Hints & Tips" including information about Prothonotary's Halifax Office summer hours. [READ IT HERE >>](#)

July 2 - The phone number used for Telephone Date Assignment Conferences and Telephone Trial Readiness Conferences at the Halifax Law Courts will change as of July 10th, 2015. [READ NOTICE >>](#)

July 2 - The Supreme Court has amended Civil Procedure Rule 82.09 and added Practice Memorandum #8 - "Model CCAA and Receivership Orders". [READ AMENDMENTS >>](#)
[READ PRACTICE MEMORANDUM >>](#)

June 24 - Robert M. Gregan, a lawyer with the Amherst office of Nova Scotia Legal Aid, has been appointed to the Nova Scotia Supreme Court Family Division in Sydney. [READ MORE >>](#)

Frequently Used Information

How To
[ORDER AUDIO CD OF COURT PROCEEDINGS >>](#)

How To
[NOTIFY MEDIA OF PUBLICATION BAN APPLICATION >>](#)

View The Courts'
[RECENTLY RELEASED DECISIONS >>](#)

Search
[PAST DECISIONS OF THE COURTS >>](#)

Read or Print
[THE PROTHONOTARY'S HINTS & TIPS \(recent\)](#)

Search
[THE PROTHONOTARY'S HINTS & TIPS \(2002-2012\)](#)

STEP #3

pubbarform.htm The Courts of Nova Scotia

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The Courts of Nova Scotia

HOME COURT DOCKETS COURT DECISIONS FOR THE BAR FOR THE MEDIA CONTACT A COURT

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Keyword Search

Notice of an Application for a Publication Ban

This web-based service is used to advise the media that an application has been made to a Nova Scotia Court for a publication ban or other similar court order.

There are four steps to this process; **1.** you must fill out the form below; **2.** you must verify that the information is correct; **3.** you must confirm your identity; **4.** the notice is sent out automatically to the media.

If you would like to subscribe to receive notices of applications to the Courts for Publication Bans or other Sealing Orders, e-mail the Judiciary's **DIRECTOR OF COMMUNICATIONS** >>

This form is only a way of notifying the media. It is not a substitute for the usual Rules involved in Interlocutory Applications.

Unless otherwise directed by the Court, a Notice of Application, Supporting Affidavit, and Draft order must be filed with the Court.

If you are dealing with the Court of Appeal, read the Court's Practice Directive: [ORDERS RESTRICTING MEDIA REPORTING OR PUBLIC ACCESS >>](#)

Also applicable: [CIVIL PROCEDURE RULE 35.04 - ORDER FOR CONFIDENTIALITY >>](#)

For more information about how this form works and detailed instructions on how to use it, click here: [PUBLICATION BAN NOTIFICATION SERVICE >>](#)

STEP #4

IMPORTANT

For security purposes, this form will first send you an e-mail version of the completed form.

Please make sure the e-mail address you put into the "Applicant's E-mail Address" box below is one that you can access from this computer.

The e-mail will ask you to confirm your identity before sending the notice to the media.

Please read the top of the e-mail carefully and follow the instructions.

The Form:

File No:

PROVINCE OF NOVA SCOTIA, CANADA

IN THE: (Click one)

Nova Scotia Court of Appeal

Supreme Court of Nova Scotia

Provincial Court of Nova Scotia

Family Court of Nova Scotia

Family Division of Supreme Court of Nova Scotia

BETWEEN: (Click one)

Her Majesty The Queen

Plaintiff: (name)

AND

(Name of accused or defendant/respondent):

STEP #5

NOTICE OF AN APPLICATION FOR A PUBLICATION BAN OR SEALING ORDER

TAKE NOTICE that an application for a publication ban (or a sealing order) will be made by the:

Applicant: (Click one)

NOTICE OF AN APPLICATION FOR A PUBLICATION BAN OR SEALING ORDER

TAKE NOTICE that an application for a publication ban (or a sealing order) will be made by the:

Applicant: (Click one)

- Crown
- accused
- respondent
- appellant
- victim
- complainant
- defendant
- plaintiff
- witness
- Other: (specify)

Applicant's name:

To the judge presiding at the: (Click one)

- Nova Scotia Court of Appeal
- Supreme Court of Nova Scotia
- Provincial Court of Nova Scotia
- Family Court of Nova Scotia
- Family Division of Supreme Court of Nova Scotia

in , Nova Scotia

on the day of ,

at the hour of o'clock in the

or as soon thereafter as the application can be made for.

Particulars of the ban/order applied for:

(Examples: I am applying for a publication ban on my name under Section 486 of the Criminal Code

I am applying for a publication ban on all of the evidence under a judge's common law powers.

I am applying to close the court for a private hearing under Section ___ of the Criminal Code.)

I am applying for a publication ban on all of the evidence under a judge's common law powers to ban the publication of my name and any information that might lead the public to learn my identity.

STEP #5

Dated at , Nova Scotia

this day of ,

STEP #6

Applicant's e-mail address: (required)

Applicant's postal address:

Street Address:

City:

on the **4th** day of **January**, **2016**

at the hour of **9:30** o'clock in the **AM**

or as soon thereafter as the application can be made for:

Particulars of the ban/order applied for:

[Examples: I am applying for a publication ban on my name under Section 486 of the Criminal Code.
I am applying for a publication ban on all of the evidence under a judge's common law powers.
I am applying to close the court for a private hearing under Section ___ of the Criminal Code.]

I am applying for a publication ban on all of the evidence under a judge's common law powers to ban the publication of my name and any information that might lead the public to learn my identity.

Dated at **Halifax**, Nova Scotia

this **4th** day of **December**, **2015**

Applicant's e-mail address: **piccolj@courts.ns.ca** (required)

Applicant's postal address:

Street Address: **1815 Upper Water St.**

City: **Halifax**

Province: Nova Scotia

Postal Code: **B5J 1S7**

When you click on the "Submit For Verification" button below, you will first be taken to a web page which shows what your message will look like so you can verify that you have all the information filed in and that it is correct.

Once you have done that, click on the "Submit To Confirm Identity" button at the bottom of that verification page.

You will then be sent a first e-mail (at the address you provided in the "Applicant's e-mail address" field above). This e-mail will ask you to confirm that you are the person who wants to notify the media. Follow the instructions at the top of the e-mail to confirm.

YOU MUST CONFIRM AS PER THE INSTRUCTIONS AT THE TOP OF THE E-MAIL OR YOUR NOTICE WILL NOT GO OUT TO THE MEDIA.

You will know that your notice has gone out to the media when you receive a second, the same one that the media get (at the address you provided in the "Applicant's e-mail address" field above). You must be prepared to provide this second e-mail to the Court, if asked.

Submit For Verification **Start again**

STEP #6**STEP #7**

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WHAT YOU WANT TO DO |>

TOPIC OR RESOURCE |>

Keyword Search

Application for a Publication Ban

Please verify the information you entered in the form (bold blue text)

STEP #8

If the information is **INCORRECT**, click the **Back** button in your browser, make corrections, and then re-submit the form.

If the information is **CORRECT**, then, please click "**Submit To Confirm Your Identity**" button at the bottom of the page.

You will be sent an e-mail asking you to confirm your identity. Follow the instructions in this e-mail and confirm **or your notice will not go out to the media.**

The Province of Nova Scotia, Canada

File No: SH 123456

In the **Supreme Court of Nova Scotia**:

Between:
Her Majesty The Queen
 and:
John Piccolo

NOTICE FOR APPLICATION FOR A PUBLICATION BAN

Take notice that an application for a publication ban will be made by the: **the defendant, John Piccolo** to the Judge presiding at the **Supreme Court of Nova Scotia in Halifax, Nova Scotia** on the **4th day of January, 2016** at the hour of **9:30 o'clock in the AM** or as soon thereafter as the application can be made.

Particulars of the ban applied for:
 I am applying for a publication ban on all of the evidence under a judge's common law powers to ban the publication of my name and any information that might lead the public to learn my identity.

Dated at **Halifax, Nova Scotia** this **4th** day of **December, 2015**.

Applicant's e-mail address: **piccolj@courts.ns.ca**

Applicant's postal address:
1815 Upper Water St.
Halifax, Nova Scotia
B3J 1S7

When you click on the "**Submit To Confirm Your Identity**" button below, you will be sent a first e-mail (at the address you provided in the "Applicant's e-mail address" field). This e-mail will ask you to confirm that you are the person who wants to notify the media. Follow the instructions at the top of the e-mail.

YOU MUST CONFIRM AS PER THE INSTRUCTIONS AT THE TOP OF THE E-MAIL OR YOUR NOTICE WILL NOT GO OUT TO THE MEDIA.

STEP #9

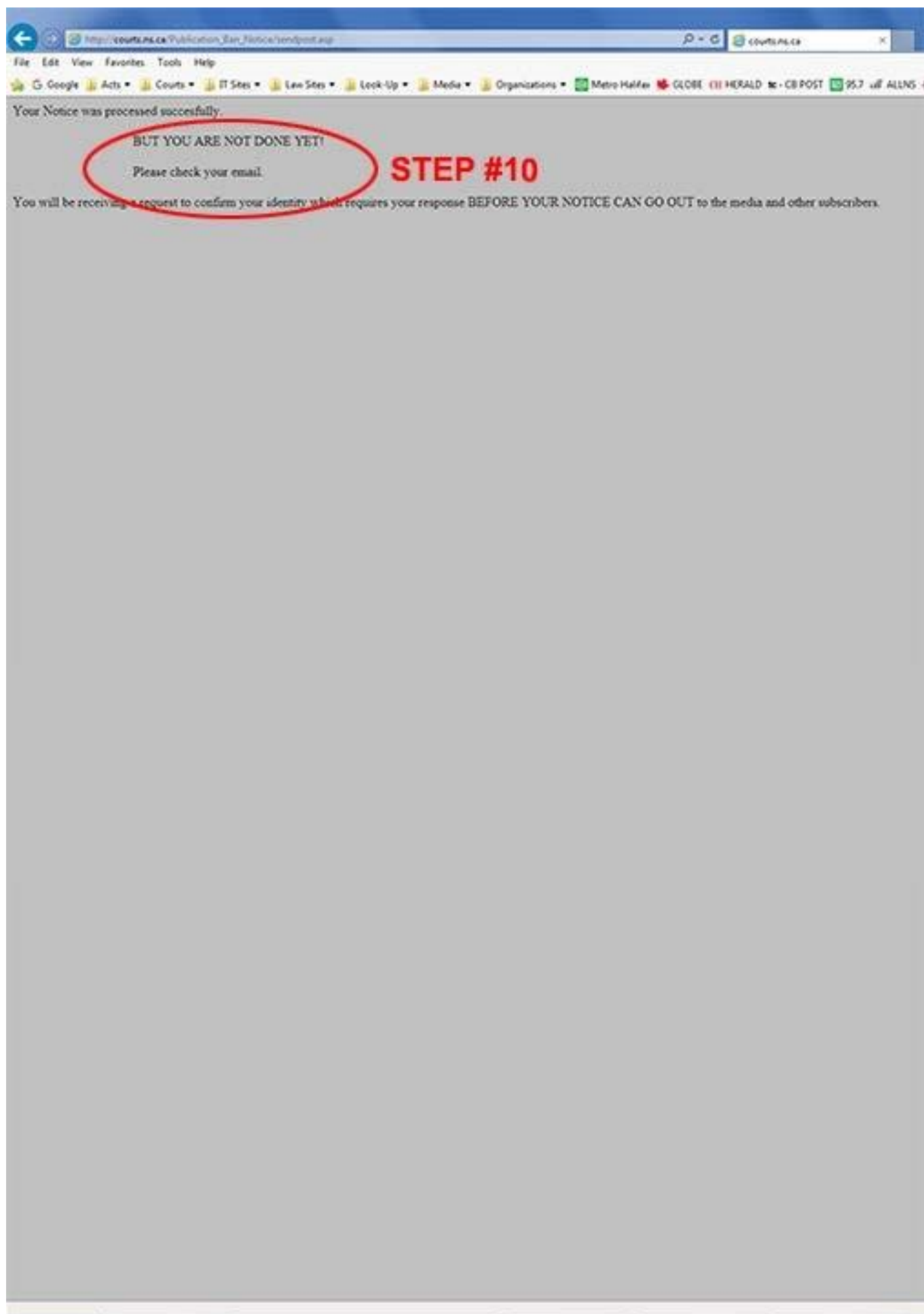
You will know that your notice has gone out to the media when you receive the same e-mail message that the media get (at the address you provided in the "Applicant's e-mail address" field). You may be required to provide that e-mail to the Court, if asked.

NOT DONE YET! SEE STEP #10 NEXT

Submit To Confirm Your Identity

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http://courts.ca/Publication_Ban_Notice/sendpost.asp

File Edit View Favorites Tools Help

Google Acts Courts IT Sites Law Sites Look-Up Media Organizations Metro-Helena GLOBE HERALD CB POST 95.7 ALLN

Your Notice was processed successfully.

BUT YOU ARE NOT DONE YET!

Please check your email.

STEP #10

You will be receiving a request to confirm your identity which requires your response BEFORE YOUR NOTICE CAN GO OUT to the media and other subscribers.

Application for a Publication Ban - Confirmation Required - Message (Plain Text)

FILE MESSAGE

Ignore Delete Reply Reply All Forward Meeting More -

GOOGLE News... To Manager Team Email

Rules - Move - Actions - Assign Policy - Mark Unread Categorize - Follow Up - Find Related - Select - Translate - Zoom

Delete Respond Quick Steps Move Tags Editing Zoom

Fri 12/4/2015 12:13 PM

Piccolo, John

Application for a Publication Ban - Confirmation Required

To: Piccolo, John; Piccolo, John

The following message is an automated confirmation request from the Courts of Nova Scotia website's Publication Ban Media Advisory Service. This service is a means of advising the media and others about applications filed with the Courts for publication bans and other confidentiality Orders. A form has been filled out and submitted on the website, using your email address. If you have not submitted this form, please ignore this message. If you have submitted this form, please review the details, then click on the following link to confirm your identity and send the notice to the members of the media and others who are subscribers:
http://courts.ns.ca/Publication_Ban_Notice/confirmPubban.asp?pubbanId=FTkZOZL0&respEmail=piccoloj@courts.ns.ca

Province of Nova Scotia, Canada

STEP #11

File No: SH 123456

In the Supreme Court of Nova Scotia

Between:
Her Majesty The Queen
and
John Piccolo

**One more thing to do!
See STEP #12 (in list)**

NOTICE OF APPLICATION FOR A PUBLICATION BAN

Take notice that an application for a publication ban will be made by the defendant
Name of applicant: John Piccolo

To the Judge presiding at: Supreme Court of Nova Scotia in Halifax, Nova Scotia, on the 4th of January 2016, at the hour of 9:30 o'clock in the AM or so soon thereafter as the application can be made.

Particulars:
I am applying for a publication ban on all of the evidence under a judge's common law powers to ban the publication of my name and any information that might lead the public to learn my identity.

Dated at Halifax, Nova Scotia, this 4th day of December, 2015.

Applicant's name: John Piccolo

Applicant's e-mail: piccoloj@courts.ns.ca

Applicant's address:
1815 Upper Water St.
Halifax, Nova Scotia
B3J 1S7

Please do not reply to this automated message.

Direct any comments about this service to:
John Piccolo
Communications Director - NS Judiciary
The Law Courts, Halifax
Tel: 424-6018
piccoloj@courts.ns.ca
www.courts.ns.ca

If you have questions, contact:

**Jennifer Stairs
Communications Director
Nova Scotia Judiciary
The Law Courts, 5th Floor
1815 Upper Water Street
Halifax, Nova Scotia
B3J 1S7**

Phone: (902) 424-6018

Fax: (902) 424-0758

Cell: (902) 221-5257

Email:

stairsjl@courts.ns.ca