

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER, Q.C.
January 16, 2009

COURT DOCKETS

Supreme Court Crownside in Halifax will be held on the following dates: January 22 and 29th, February 5, 12, 19 and 26th, 2009.

Appearance Days will be held at 12 noon on January 23 and 30th February 6, 13, 20 and 27th, 2009.

COURT OF APPEAL

1. Motions for Directions in the Court of Appeal require 4 days notice. HOWEVER, counsel will note that the Certificate of Readiness must be filed 5 days in advance of the hearing of the motion. It is suggest that all the documents relating to the Motion for Directions be filed 5 days in advance of the hearing to avoid confusion.
2. Counsel are reminded that the headings of documents has been modified slightly under the new Civil Procedure Rules. In the past, **IN THE NOVA SCOTIA COURT OF APPEAL** was used - please note this has now been replaced with: **NOVA SCOTIA COURT OF APPEAL**. The words: **IN THE** have been dropped.
3. Books of Authorities are to be filed at the same time as the Factum see Civil Procedure Rule 90.33. I also remind counsel that the parties are encouraged to file a joint book of authorities - see Civil Procedure Rule 90.33(2).

SUPREME COURT

1. Counsel are reminded that the place of proceeding has changed as a result of the new Rules. Practically speaking, for example, in Halifax, this means that all SH designations have been replaced by Hfx. This applies to ALL files whether opened prior to January 1, 2009 or not. Please insure your documents are drafted accordingly. Staff, in Halifax, will start rejecting documents that continue to have the SH designation effective February 1, 2009.
2. Counsel are reminded that the headings of documents has been modified slightly under the new Civil Procedure Rules. In the past, **IN THE SUPREME COURT OF**

NOVA SCOTIA was used - please note this has now been replaced with: **SUPREME COURT OF NOVA SCOTIA**. The words: **IN THE** have been dropped.

3. Motions for Directions are heard at 11 a.m. on Monday, Tuesday, Wednesday or Thursday. Only one motion will be docketed in each daily 11 a.m. time slot. Counsel are asked to call the scheduling office, in advance, of filing their court documents, to secure the date for the Motion for Directions. The date is then inscribed in the document by counsel. The “reserved” time will be held by the scheduling office for 1 day from the time it is given to counsel by telephone - if the documents are not filed with the inscribed date within the 1 day period then the date will be released.
4. Amendments to Statement of Claim or Defence - counsel are referred to Civil Procedure Rule 83.08 which allows the amendment without the need to amend the Notice of Action or Notice of Defence document. Where the Statement only is being amended, the document requires a style of cause and the title : Amended Statement of Claim (or Defence). The amended document is filed as a stand alone document which becomes part of the notice to which it relates, although not attached.
5. Although a Demand for Particulars is not filed with the court, counsel are reminded that Civil Procedure Rule 38.09 requires the answer to be filed with the court. Form 38.09 can be used for the answer and the answer forms part of the pleading to which it relates.

A.M.B.