

## **HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR**

**ANNETTE M. BOUCHER, Q.C.**

**January 9, 2009**

### **COURT DOCKETS**

**Supreme Court Crownside in Halifax will be held on the following dates: January 15, 22 and 29<sup>th</sup>, 2009.**

**Appearance Days will be held at 12 noon on January 16, 23 and 30<sup>th</sup>, 2009.**

**Counsel are reminded that telephone Appearance Days are available when one or more counsel reside outside of the metro Halifax area. The telephone Appearance Days are pre-booked at either 11 am or 11:30 am on the Friday and the call is set up at the expense of the party requesting the appearance by telephone. Counsel are reminded they cannot wait until the morning of the scheduled Appearance Day to request that a conference call be set up to participate by telephone that day. For January, 2009 there will be NO telephone Appearance Day on January 30, 2009.**

### **COURT OF APPEAL**

1. I remind counsel that your Factum is now limited to forty (40) pages excluding appendices pursuant to Rule 90.32(4)(g). However, if you are the Respondent and the Appellant filed their Factum in 2008, under the transitional provisions of the Civil Procedure Rules, the Respondent would not be limited by the 40 page rule.

### **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 Practically speaking, for example, in Halifax, this means that all SH designations have been replaced by Hfx.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. Document Cover Sheets were not prescribed by the former Rules and had been put in place to facilitate movement of documents within the court facility and to insure return to the proper lawyer. I would ask counsel to continue using this most worthwhile sheet when sending documents, absent a cover letter, to the court for processing.

3. Likewise, although not prescribed in the new Rules, Chambers cover sheets were of great assistance to the court and I would ask that until advised differently, that counsel continue using the Chambers Cover Sheet when sending Chambers documents to the court.
4. Counsel will have noticed that the original copy of their instituting action court document is now being kept by the court and personally certified and signed copies by the Prothonotary are being returned to counsel. Counsel are to serve the certified copy and attach a second certified copy to the affidavit of service that is filed with the court.
5. Affidavits of Service are on Form 31.05 and do not require a style of cause or court heading. The reason no style of cause is required is that it appears on the certified copy of the document served which is attached to the affidavit.
6. When starting or defending an action where a litigation guardian is acting for the party, and the guardian has not previously been appointed by the court pursuant to the *Guardianship Act* or the *Incompetent Person Act*, the litigation guardian's statement must be filed with the commencing or defending document being filed with the court. Otherwise, include a certified copy of the order appointing the guardian with the commencing or defending document.
7. Date Assignment Conference dates are being set by the Scheduling office, without previous consultation regarding counsel availability. ALL Date Assignment Conferences are being held on Fridays.
8. **CHAMBERS:**
  - ex parte matters requiring less than ½ hour can be set by counsel for 9:30 am Chambers on Monday through Friday.
  - matters on notice, requiring less than ½ hour AND for which no cross-examination on Affidavits is required, can be set by counsel for 9:30 am Chambers on Tuesday, Wednesday or Thursday.
  - motions for directions can be set by counsel for 11 am Chambers, Monday through Thursday.
  - time and date for matters requiring more than ½ hour are set by the Scheduling office.
9. When requesting a settlement conference counsel must indicate whether they seek an "ordinary type" or a "trial like" settlement conference. For "ordinary type" settlement conferences, counsel must also indicate whether ½ day or a full day is required.

**A.M.B.**