

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER, Q.C.

June 5, 2009

COURT DOCKETS

Supreme Court Crownside in Halifax will be held on the following dates: June 11, 18 and 25th, July 9 and 23rd, 2009.

Appearance Days will be held at 12 noon on June 19th, and 26th, July 3, 10, 17, 24 and 31st, 2009.

Starting July 1st, please note that regular 9:30 am Supreme Court Chambers will only be held on Tuesday, Wednesday and Thursday. There will be NO chambers on Monday or Friday of each week.

The Court of Appeal chambers scheduled is unchanged during the summer.

COURT OF APPEAL

- 1. Counsel are reminded that Civil Procedure Rules 90.16(5) and 91.10, require the Appellant to delivery a copy of the Notice of Appeal filed with the Nova Scotia Court of Appeal to the lower court and the judge appealed from.**
- 2. It has come to my attention that there is often a delay between the time the appellant's factum is filed with the court and when it is delivered to opposing counsel. This results in the respondent's court set time frame being shortened by counsel's late delivery. Civil Procedure Rule 90.32(1) and (2) and 91.18(1) requires simultaneous filing with the court and delivery to opposing counsel.**
- 3. When filing a Notice of Cross Appeal, counsel are directed to Civil Procedure Rule 90.21 (3) which provides for the adaption of a Notice of Appeal to meet the requirements of a Notice of Cross-Appeal.**

SUPREME COURT

- 1. If there is an "out of the ordinary" aspect to a filing, a cover letter MUST accompany the documents to alert staff to this. By way of example - if an affidavit is being sent for filing and is unsworn, a letter must explain that the sworn one will be filed within the**

prescribed time frames in the rules - absent a letter the document will not be accepted for filing. I must impress on counsel the need for these cover letters. The cover letters assist staff and reduce the number of documents being returned non-processed to counsel.

2. Counsel are reminded that they cannot, absent a court order, change the style of cause of an action. Counsel are dropping, from the style of cause, the names of parties against whom the action has been discontinued. This cannot be done unless the dismissal order sets out the new style of cause to be used for future filings.
3. When lawyers return corrected documents to the court for filing, we request that they include the pink sheet originally sent to them setting out the error requiring correction. This will assist in more rapid processing of the corrected documents.
4. For counsel who practice in the Family Division of the Supreme Court **IN HALIFAX ONLY**. The Court has compiled a list of twenty-four (24) cases that **DO NOT** need to be reproduced by counsel as part of their submissions to the Court. The list can be found at: http://www.courts.ns.ca/supreme/nssc_forms_09/nssc-fd_cases_need_not_copy_09_05.pdf

Counsel are asked to double side copy cases which are submitted to the Court as part of written submissions.

5. In the April 9, 2009 issue of Hints and Tips, a notice from the Chief Justices and Chief Judge, spoke to media news coverage of the courts. This notice is replaced with the following, which clarifies the intention of the notice:

Court Notice From Chief Justices and Chief Judge

At the November media conference held in Halifax and hosted by the Nova Scotia Judiciary, it was suggested that Counsel might be able to help the Courts help the media.

Specifically, Counsel may wish to bring along extra copies of documents which they have filed when coming to court on a matter which they anticipate will be of significant interest to the media. When possible and appropriate, these could be provided to members of the media who are attending the proceedings.

This would help the media with the accuracy of their references to such court documents. And it would help the Courts to better serve the media's time-sensitive needs.

A.M.B.