

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER, Q.C.

October 23, 2009

COURT DOCKETS

Supreme Court Crownside in Halifax will be held on the following dates: October 29th, November 5th, 12th, 19th and 26th, December 3rd, 10th and 17th, 2009.

Appearance Days will be held at 12 noon on October 30th, November 6th, 13th, 20th and 27th and December 4th and 18th, 2009. ***NOTE: There will be no Appearance Day on December 11th, 2009. Appearance Day notices must be filed five (5) days before the day of the hearing.

Court of Appeal chambers is at 10:00 am on Thursday or by telephone at a pre-arranged time on Wednesday. As November 11th is a holiday, telephone chambers will be held on November 10th. Counsel are reminded that a Notice of Motion, any affidavit, the memorandum (in duplicate) and other supporting material (this includes the Certificate of Readiness) **MUST** be filed four (4) days before the date of the hearing - see Rule 90.37(5).

COURT OF APPEAL

1. Counsel are reminded that Rule 90.11(2) requires a copy of the decision or the order to be filed with the Notice of Appeal. Notices of Appeal which do not have the decision or order attached will not be accepted for filing by the Registrar.
2. It is the responsibility of counsel for the Appellant or the self-represented Appellant pursuant to Rules 90.16(5) and 91.10 (1)(d) to deliver a copy of the Notice of Appeal to the court appealed from for the information of the judge who made the decision. The Registrar sends a copy of a prisoner Notice of Appeal to the judge whose decision is the subject of the appeal.
3. Rule 90.16(1) requires the Appellant to join as a respondent each other party to the proceedings under appeal who is not an appellant. The Registrar will not be accepting for filing any Notices of Appeal that do not name the proper persons as parties to the appeal.
4. As Registrar I am keeping a list of counsel who are not filing their Appeal Books and Factums on the dates assigned by the Chambers judge at the setting down motions and who have not sought an extension of time for a late filing.

5. Amendments to Rules 90 and 91 will be published in the next Royal Gazette on October 28th, 2009. Rule 90.30(3)(f) has been added with regard to the numbering of a transcript in the Appeal Book. Most of the other amendments are to correct typographical and grammar errors.

SUPREME COURT

1. Counsel are reminded that the ***Enforcement of Canadian Judgments and Decrees Act*** allows for the registering of a judgment from another province administratively by the Prothonotary where the criteria set out in the legislation is met. In particular, I draw counsel's attention to section 7(3) which excludes default judgments in another province against a resident of Nova Scotia for the supply of goods and services in Nova Scotia. If a judgment is excluded from registration administratively, it is open to counsel to bring a proceeding before the court pursuant to the ***Reciprocal Enforcement of Judgments Act***.
2. The court has asked that I remind counsel of their notification obligations to other parties when documents are filed with the court. Rule 31.15 requires a party who files a document with the court to deliver a copy of the document to each other party **IMMEDIATELY BEFORE OR IMMEDIATELY AFTER** it is filed with the court. It is clear that many of the filing issues which have arisen over the last several months are as a result of counsel not providing court files documents to the other parties in a timely fashion as required by the rule.
3. **ALL** briefs filed with the court, with the exception of settlement conference briefs must be filed in duplicate as set out in rule 40.03(2). Where counsel are only submitting one brief the filing package will not be accepted for filing.
4. Where a brief filed with the court references case law, a **Book of Authorities must be filed at the same time as the brief** - only **ONE** copy of the Book of Authorities is required where it is separately bound from the brief. The Book of Authorities must conform with the requirements set out at Rule 40.06(1).
5. The court has created a 19 page interactive pre-trial conference report to be used in **CRIMINAL SUPREME COURT CASES** pursuant to section 625.1 of the ***Criminal Code of Canada***. The form is located on the courts website at the following link: http://www.courts.ns.ca/Supreme/sc_forms.htm#pretrialform .
6. It would be helpful if counsel would breakdown the registration expenses on Part 2 Total Due to Creditor on Form 79.17B which is attached to the execution order. Staff are spending a great deal of time trying to determine how the registration expenses were arrived at and if it were specified by counsel it would assist in processing the Execution orders more quickly.

A.M.B.