

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER

June 5, 2006

Supreme Court Crownside in Halifax will be held on the following dates: June 8, 15, 22 and 29th, July 13 and 27th, August 10 and 24th, 2006. Please note the July and August reduced Crownside sittings.

Appearance Days will continue to be held weekly on Fridays at 12 noon during the months of July and August, 2006.

COURT OF APPEAL

1. As noted in the September 23 and October 14, 2005 issues, counsel are reminded that where they refer to any one of the eighteen (18) Supreme Court of Canada cases on their appeals, which were provided as an attachment, that they need **NOT** reproduce that case in their Book of Authorities.
2. Counsel are advised that effective June 16, 2006, Civil Procedure Rule 62.05 (3) will be amended to clear state that three (3) clear days are required between the filing of the interlocutory appeal and the Chambers hearing to set the appeal down for hearing. This will create consistency with Civil Procedure Rule 62.31 (3).

SUPREME COURT

1. It has recently been noted that counsel are failing to appear at Appearance Day and in most cases counsel who fail to appear are not advising, in advance, the court or opposing counsel of the reason for their absence. As a result, presiding justices have commenced making cost awards against absent counsel. Counsel are thus reminded that Appearance Notices are not to be ignored.
2. The Notice of Trial and the Record for the Trial judges as contemplated at Civil Procedure Rules 28.05 and 28.06 are **TWO (2)** separate documents. Recently, it has been observed that counsel are incorporating these two documents into one document. I refer counsel to the September 24, 2004 issue setting out the requirement for two separate documents.
3. Recently, counsel, in the interest of keeping Chambers documents "together" are presenting for filing one single "bound" booklet containing the Chambers application, Affidavits in support and draft Orders. This is not acceptable. These documents are

to be separate and all bound packages are being returned to counsel and are not being accepted for filing.

4. Chambers filing deadlines are clearly set out in the Civil Procedure Rules. Counsel who are trying to file applications outside of the required time frame must clearly note in the application that the first remedy being sought from the Chambers judge is an “abridgment of time”, otherwise the documents will not be accepted for filing. Furthermore, a request for an abridgment of time will be considered by the Chambers judge - the consent of opposing counsel to abridge the time is of no consequence in the filing of the application. I refer counsel to the April 21, 2006 issue on this point.
5. Counter staff have been directed to accept filings that are in keeping with the directives set out in the Civil Procedure Rules. While it is recognized that there are instances, where specific circumstances require counsel to “diverge” from the directives, counsel must be aware that counter staff would not be aware or appreciate the “reasons” for the divergence. Thus, I request in cases where “divergence” is necessary that counsel include a cover letter with their documents setting this out clearly - otherwise, in the absence of such a letter, documents will be returned to counsel not processed.

A.M.B.