

## HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

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June 30, 2005

Please note that there will be no Appearance Day on the following dates: September 9, October 21, November 11 and December 16, 2005.

For the months of July and August, 2005 there will be no Regular Chambers on Monday or Friday.

Supreme Court Crownside in Halifax will be held on the following dates: July 14, 28, August 11, 25, September 1, 6, 15, 22, 29, October 6, 13, 18, 27, November 3, 10, 17, 24, December 1, 8, 15 and 22, 2005. Please note that some of these dates are for Tuesday rather than Thursday.

Court of Appeal Chambers will continue to be held on Thursday of each week at 10:00 am during the summer. Telephone Chambers will continue on Wednesday at a pre-arranged time. However, please note that for the week of September 5, 2005 ONLY, telephone Chambers will be held on Tuesday, September 6<sup>th</sup> and Chambers will be held on Wednesday, September 7<sup>th</sup>.

### COURT OF APPEAL

1. Civil Procedure Rule 62.31(3) has now been **amended**. **The amendment is effective July 1, 2005**. Please note that the applicant must file all required material including submissions **at least three (3) clear days** before the time of the hearing while the respondent must file material **at least two (2) clear days** before the time of the hearing. This means that the Applicant must file by 4:30 on Friday for the following Thursday and any respondent material must be filed by 4:30 on Monday for Thursday.

### SUPREME COURT

1. The Chambers Cover Sheet which is included at Practice Memorandum No. 2 is to be attached to all application documents. This means for applications before the Chambers judge **AS WELL** as for applications before the Prothonotary. It has been noted that the Chambers Cover Sheets are being incorrectly completed by counsel. Please ensure that you correctly select the boxes under the type of application **and**

before whom the application is being brought. Counsel often mark the box “**for the Prothonotary**” when the application is a Chambers application before a **Chambers judge** and the documents attached to the cover sheet clearly indicate that to be the case. This results in delays in processing the documents and having them placed on the Chambers docket as they are being directed to the Prothonotary instead of the judge based on what is indicated on the Chambers Cover Sheet. The **reverse situation** has also been noted. Applications for the Prothonotary are noted on the cover sheet as being for the Chambers judge. This results in the material being directed to the Chambers judge and that judge spending time to review materials for an application that is not destined to be heard by that judge. Please ensure that the Chambers Cover Sheets are properly completed to coincide with the application documents which are attached to that Cover Sheet.

2. In the June 18, 2004 issue of the Hints and Tips a Document Cover Sheet was attached. This form is to be used for documents being submitted for the signature of a judge or the Prothonotary, absent a formal application. These documents include: Consent Orders, Notices and Subpoenas to name but a few. Please note that the form does not include an option of whom the Order is to be directed to - this was intentional. However, it has been noted that counsel are modifying the form to add this option, which is causing documents to be misdirected with the Law Courts and delays in counsel obtaining their documents back in a timely fashion. I once again attach a copy of the Supreme Court Document Cover Sheet and ask that it not be modified by counsel but used in the form attached. Court Administration staff will ensure that the documents are directed properly for signature.
3. As noted in the January 10, 2003 issue of the Hints and Tips, counsel are referred to Practice Memorandum No 2 (IV B. 3) for emergency Chambers applications. Counsel are reminded that the judge will make the determination of whether the matter requires an emergency hearing based on the materials and the cover letter filed in support of the emergency request.
4. Counsel should refer to Civil Procedure Rule 51.05(1) which sets out the nature of consent orders which can be granted by the Prothonotary. By way of example, counsel will note that Consent Orders regarding the filing of a List of Documents, the disclosure of specific listed documentation or the entering of a judgement against a Defendant are not the type of consent orders that a Prothonotary can grant and are not included at Rule 51.05(1).

A.M.B.