

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER
September 24, 2004

Fall is upon us and if the past few weeks are any indication, the courts will be quite busy over the up coming months!!

Be advised that there will be **NO** Appearance Day on the following dates: **October 1, October 22, November 26, December 10 and 24th, 2004.**

Be advised that there will be **NO** regular Supreme Court Chambers on **October 22, 2004.**

Courts will be closed on holidays October 11 and November 11, 2004.

Regular **Court of Appeal Chambers** will be held on **WEDNESDAY, NOVEMBER 10** rather than November 11 and telephone Chambers will be held on **TUESDAY, NOVEMBER 9** rather than November 10, 2004.

Regular Court of Appeal Chambers will be held on **TUESDAY, NOVEMBER 23**, rather than November 25th and telephone Chambers will be scheduled during that week on an as required basis.

Counsel are reminded that once documents are filed with the court and entered into the computerized civil index that the documents are then accessible to the public and media.

When corresponding with the Prothonotary - Registrar, please include the court file number in your reference line.

COURT OF APPEAL

1. Counsel are reminded that Appeal Books and Factums cannot be fax filed with the Court of Appeal - reference is made to Civil Procedure Rule 4.A.01.
2. The present turn around time for the production of tapes from court proceedings is three (3) weeks. When requesting tapes counsel are asked to use the attached Request Form and to indicate whether the tapes are being requested to prepare for an appeal. Then forward the request form to Ethel Chaulk, Supervisor Court Administration, at the Law Courts.

SUPREME COURT

1. Counsel are reminded that Notices of Change of Solicitor /Notices of Intention to Act in Person can only be signed and filed by the now self-represented person personally and not by the former lawyer. A trend is developing where former solicitors are signing and filing these notices on behalf of the now self-represented client and this is not in compliance with Civil Procedure Rule 44.04 as pointed out in my June 18, 2004 issue of Hints and Tips.
3. When moving to Default Judgment, counsel are asked to ensure that the Affidavit of Service as it relates to a corporate Defendant clearly indicates the name and position of the person who accepted service on behalf of the corporate Defendant.
4. Counsel are asked to ensure that the time to file a Defence is clearly noted in the Originating Notice (Action). This also applies to Originating Notices (Counterclaim). Where dates are not included the documents will be returned to counsel to include the missing information.
5. Another trend that is noted is that counsel are attempting to file a single Notice of Trial for several court files. Counsel are reminded that if an Order has not been granted by the Court providing for the consolidation of actions or an Order directing that more than one action be tried together that a Notice of Trial is required for each individual action.
6. It is the responsibility of the party upon whom the Notice of Trial is served to file a memorandum with the Prothonotary in accordance with Civil Procedure Rule 28.06(2) setting out the requested information. I note that this is very rarely done!
7. Counsel are reminded that a Notice of Trial is a separate document from the Record for the Trial Judge - these are two separate documents filed at the same time.
8. Counsel are reminded that Practice Memorandum 2 requires that contested Chambers matters be scheduled on Tuesday, Wednesday or Thursday where they are under 1 hour. If an application is being made in Chambers on an inter partes basis **AND** it is **NOT** contested, it can be scheduled for the non-contested Chambers days which are each week day at 9:30 AM. If it is not noted by cover letter that an inter partes application is **NOT CONTESTED**, counter staff will assume it is contested and will only accept it for filing with a return day of Tuesday, Wednesday or Thursday. Therefore, counsel are requested to clearly indicate to counter staff by a cover letter, that an inter partes application, they wish to set down for a Monday or a Friday is being done on an **UNCONTESTED** basis.

A.M.B.