
Practice Memorandum No. 2

Supreme Court**I. Chambers in Cape Breton District**

- | | | |
|----|-----------|--|
| A. | Sydney | Every Monday (For 1997: March 4, May 20, September 2, and October 14) |
| B. | Arichat | First Thursday each month (For 1997: January, and October - the second Thursday) |
| C. | Port Hood | First Friday each month (For 1997: January, May and October - the second Friday) |
| D. | Baddeck | First Tuesday each month |

Please check local prothonotaries for summer chambers dates and times.

II Chambers in Central District

- | | | |
|----|-------------|---|
| A. | Antigonish | Second Tuesday of every month (For 1997: November - the third Tuesday) |
| B. | Guysborough | Second Wednesday of every month (For 1997: October - the fifth Wednesday) |
| C. | Pictou | Second and fourth Thursday of every month (For 1997: January, May and October - the third and fifth Thursday; December, second Thursday only) |
| D. | Amherst | First and third Thursday of every month (For 1997: January, May and October - the second and fourth Thursday) |
| E. | Truro | First and third Tuesday of every month |

Please check local prothonotaries for summer chambers dates and times.

III Chambers in Southwestern District

- | | | |
|----|-------------|---|
| A. | Kentville | First, third and fourth Tuesday of every month |
| B. | Windsor | First, third and fourth Wednesday of every month (For 1997: January, May and October second, fourth and fifth Wednesday) |
| C. | Shelburne | First and third Thursday of every month (For 1997: January, May and October - second and fourth Thursday) |
| D. | Annapolis | Second and fourth Tuesday of every month (For 1997: November, second Monday) |
| E. | Digby | Second and fourth Wednesday of every month (For 1997: January and October - third and fifth Wednesday) |
| F. | Yarmouth | Second and fourth Thursday of every month (For 1997: January, May and October - third and fifth Thursday; December, second Thursday only) |
| G. | Liverpool | Fourth Wednesday of every month |
| H. | Bridgewater | Second and fourth Thursday of every month (For 1997: May - third and fifth Thursday; December - second Thursday only) |

Please check local prothonotaries for summer chambers dates and times

IV. Chambers at Halifax District

Note: Two Chambers Judges sit in Halifax: one deals with family/criminal matters; the second deals with all other civil chambers applications and is referred to as the General Chambers Judge.

- A. Hours of Sittings
1. Family Law Chambers
- (a) Day after Labour Day - June 30
 - (i) uncontested applications only on Monday and Friday at 9:30
 - (ii) uncontested and contested applications on Tuesday, Wednesday and Thursday at 9:30 a.m. (N.B. B. 4 - special time chambers)
 - (iii) undefended divorces on Friday at 9:30 a.m.
 - (b) July 1 - Labour Day - Two judges will preside over a combined family, general and criminal chambers with uncontested, contested and special time chambers Tuesday, Wednesday and Thursday of each week.
2. General Chambers
- (a) Day after Labour Day - June 30
 - (i) uncontested applications only on Monday and Friday at 9:30 a.m.
 - (ii) uncontested and contested applications on Tuesday, Wednesday, and Thursday at 9:30 a.m. (N.B. B. 4 - special time chambers)
 - (b) See 1(b) above.
3. Criminal Chambers
- (a) Day after Labour Day - June 30
 - (i) Appeals (F.M.A. or Provincial Court) alternate Mondays at 9:30 a.m., 11:00 a.m. and 2:00 p.m.
 - (ii) Crownside every Thursday at 9:00 a.m. (Sentences at 2:00 p.m. and 3:15 p.m. if required)

Note: When the Thursday is a holiday, Crownside will be held on Wednesday.

- (iv) Sentences from guilty pleas alternate Fridays at 9:30 a.m., 11:00 a.m., 2:00 p.m. and 3:15 p.m.
- (iv) Resolution Conferences alternate Fridays, all day, commencing at 9:30 a.m..

(b) See 1(b) above.

4. All Chambers

Contested applications set for regular 9:30 a.m. chambers must be shorter than one (1) hour in length. Matters which require more than one (1) hour must be scheduled in a special chambers time which may be obtained by calling the Chambers Co-ordinator (424-7963). (See also B. 4 below.)

B. The Following Apply to **All** Chambers Applications

1. Chambers Judge(s)

The Chambers Judge(s) can be reached through the Prothonotary's Office, the Law Courts, Halifax, Nova Scotia, telephone number 424-4900.

2. Urgent Cases

Chambers entries will be accepted up to twenty (20) minutes before the commencement of chambers at 9:30 a.m.

3. Emergency Chambers Applications in Halifax

An emergency application which cannot be accommodated in regular 9:30 chambers (general, criminal and family) will be dealt with as follows:

- (a) The applicant shall deliver or fax (424-0524) to the Prothonotary's Office a letter explaining the nature of the emergency, with accompanying documents wherever possible.
- (b) The Chambers Coordinator will deliver this written communication to the Chambers Judge who will determine the urgency of the matter.

- (c) If a request is deemed to be an emergency, a hearing time will be scheduled.

3.1 Emergency Applications in Judicial Districts other than Halifax

A party wishing to make an emergency application which cannot be accommodated in regular chambers will be dealt with as follows:

- (a) The applicant shall deliver or fax a letter to the local Prothonotary's Office explaining the nature of the emergency with accompanying documents whenever possible.
- (b) The Prothonotary shall deliver or fax the written communication to a justice of the court who will determine the urgency of the matter. (If a justice is not available in the district, then the Prothonotary shall forward the written communication by fax to the Prothonotary in Halifax for review by the Chambers Judge in Halifax.)
- (c) If a request is deemed to be an emergency, a hearing time will be scheduled.

4. Special Time Chambers

- (a) Counsel wishing to set down a contested application requiring more than one (1) hour should contact the Chambers Coordinator (424-7963) for a special chambers date.
- (b) **General** special time chambers are held at 11:00 a.m. and 2:00 p.m. on Tuesday, Wednesday and Thursday of each week.
- (c) **Family** special time chambers are held at 11:00 a.m. and 2:00 p.m. on Tuesday and Wednesday only.
- (d) If an application requires four (4) hours, it will be scheduled for 11:00 a.m. and be heard from 11:00 a.m. to 12:30 p.m., and 2:00 p.m. to 4:30 p.m.
- (e) If an application requires more than four (4) hours, it will be set down for hearing on the regular weekly list schedule.

(f) The types of applications requiring special time chambers include:

- certiorari,
- declarations,
- prohibitions,
- mandamus,
- bail review,
- review under the **Young Offenders Act**,
- charter applications,
- habeas corpus,
- injunctions,
- review of arbitrators' awards,
- expropriations,
- applications relating to:
 - Utility and Review Board;
 - Labour Relations Board;
 - Liquor License Board
 - Boards and tribunals in general;
 - Actions of municipal governments and their agents and agencies;
- applications to determine priorities between and among creditors,
- applications for discharge in bankruptcy.
- etc.

(g) Since dates for contested special chambers have been applied for and provided well in advance, the supreme Court Judges require that at least **four (4)** clear days before the chambers hearing, counsel exchange and deliver to the judge a brief containing a summary of the facts, issues and law.

5. Out of Town Chambers Files to Halifax

Counsel shall request files in sufficient time to allow them to be transferred from prothonotary to prothonotary, as it is inappropriate for members of the bar to personally transport files from out of town chambers into Halifax.

6. Adjournment or Settlement of Chambers Matters

(a) When a chambers application has been settled or the applicant is seeking an adjournment for any reason and where all parties agree, the Chambers Judge must be notified to remove the case from the docket by telephoning the Judge's secretary with a follow-up letter or fax to the Judge and the Prothonotary's Office/ Chambers

Coordinator.

- (b) Sending a fax only to the Prothonotary's Office is not sufficient notice.
- (c) Where all parties have not agreed to an adjournment, counsel must appear in court to make submissions or counsel may attempt to arrange a telephone conference with the Judge to present their request.
- (d) If a matter is adjourned without day, a new notice is required pursuant to C.P.R. 37.05(1) and (2).

VI. Reminders to Counsel

- A. Since filing of documents as provided in rule 37.08 will be strictly enforced, documents not filed in accordance with the noted deadlines will not be accepted by the Prothonotary's Office and will not be read by the trial judge, and may result in applications being adjourned.
- B. A chambers application document or cover sheet must be attached to any documents being filed for Chambers in Halifax.
- C. "Four (4) clear days" excludes Saturday, Sunday or a holiday which falls between the filing date and the hearing date.
- D. In an emergency, counsel should fax a letter requesting that the filing time be shortened.
- E. All chambers mail should be directed generally to the Prothonotary's Office, identified as a chambers matter.

CHAMBERS APPLICATION DOCUMENT COVER SHEET
--

S.H. Number _____

Between: _____ (applicant)

and _____ (respondent)

This is an application for (cite nature of application) _____

These documents are being filed on behalf of the: (check one)

" Applications/Petitioner/Appellant " Respondent
for a Chambers Application set down for: (check one)

" Monday " Tuesday " Wednesday " Thursday " Friday

Date: _____ Time: _____ a.m./p.m. (circle one)

This application is:

Choose (/) one:	Choose (/) one:
" Contested (under one hour)	" for General Chambers
" Contested (over one hour)	" for Family Chambers
" Uncontested Inter partes	" for Criminal Chambers
" Ex parte	" for the Prothonotary

These documents are filed by:

Name: _____

Law Firm: _____

Phone No.: _____ *Year of Admission to the Bar _____

Direct Line Phone No.: _____

Signature: _____

* Required to put applications in order of the seniority of counsel for each day's chambers
/ Please ensure that this form is completed in full or documents will be returned. 11/94