

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER, Q.C.

March 15, 2010

COURT DOCKETS

Supreme Court Crownside in Halifax will be held on the following dates: March 18 and 25, April 1, 8, 15, 22 and 29th, 2010.

Appearance Days will be held at 12 noon on March 19 and 26, April 9, 16, 23 and 30th, 2010.

Reminder: The Law Courts will be closed on both Friday, April 2nd and Monday, April 5th, 2010.

COURT OF APPEAL

- 1.** Counsel are reminded that Rule 90.11 (2) requires a copy of the decision or the order being appealed to be filed with the Notice of Appeal. Increasingly Notices of Appeal are not being accepted for filing as neither the decision or order is provided by counsel.
- 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.** On January 13, 2010 further amendments to Civil Procedure Rule 90 were published in the Royal Gazette. In particular a new Form 90.07B was added which is a Notice of Appeal (Tribunal). Where an Application for Leave to Appeal is granted by the court on a WCAT matter, the Notice of Appeal is to be filed using Form 90.07B.
- 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 the filing date from me as Registrar.
- 5.** Counsel who prepare draft orders for Release before the Court of Appeal are

reminded to include the following paragraph: **“That he/she surrender into custody of the Keeper of the Central Nova Scotia Correctional Facility at Dartmouth in Halifax Regional Municipality, by one o’clock p.m. of the day preceding the day on which the appeal decision will be released. The appellant will be advised at least 24 hours before the time by which he or she must surrender into custody. In the event the appeal is sooner dismissed, quashed or abandoned, he/she shall surrender into custody of the Keeper of the Central Nova Scotia Correctional Facility at Dartmouth, in the Halifax Regional Municipality within 24 hours of the filing with the Registrar of this Court of the order dismissing or quashing the appeal or the Notice of Abandonment of the appeal, as the case may be.”**

SUPREME COURT

1. Effective January 29, 2010 the Supreme Court has adopted Practice Memorandum No. 1 - Foreclosure Procedures. The full text of the Practice Memorandum and the forms can be found on the courts website.
2. Counsel are reminded that when they request a settlement conference they must do so in writing to the Prothonotary addressing the following issues: all parties consent to voluntarily participate at the settlement conference; whether an ordinary or a trial like settlement conference is being requested and whether a full day or a half day is required for the holding of the settlement conference. The required fee must also be included in the letter.
3. Appellants filing Summary Conviction appeals in the Supreme Court are reminded that they must do so in compliance with Civil Procedure Rule 63. In particular I refer to Rule 63.03 which sends you to Rule 91 for applicable procedures. Rule 91.10(1)(d) requires a copy of the Notice of Appeal be sent to the judge from whose judgment the appeal is brought. This means on summary conviction appeals counsel for the Appellant or the Appellant personally **MUST** send a copy of the Notice of Appeal to the lower court judge whose decision is being appealed.
4. Effective June 30, 2010 will be Civil Procedure Rules 59, 61 and 62. A Practice Memorandum supporting Rule 59 has also been approved by the Supreme Court. Although not yet published in the Royal Gazette they have been posted on the courts website to afford an opportunity to counsel to become familiar with the Rules in advance of their effective date.

A.M.B.