

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER, Q.C.

April 6, 2009

COURT DOCKETS

Supreme Court Crownside in Halifax will be held on the following dates: April 9, 16, 23, 30, and May 7, 14, 19 and 28, 2009. Please note that May 19 is a Tuesday as there will be no Crownside on Thursday, May 21st, 2009.

Appearance Days will be held at 12 noon on April 17 and 24 and May 1, 8, 15 and 29th, 2009. There will be no Appearance Day on May 22, 2009

The Supreme Court judges are having their semi-annual court meeting on May 21st and 22nd, 2009 and thus the court will not be sitting on those days. There will be no Chambers on May 21st or 22nd.

COURT OF APPEAL

1. Over the past few months, Appeal Books in particular are being filed late. The filing dates are set by the Chambers judge on the consent of counsel and counsel are expected to respect the dates. If an extension is required, counsel are to contact the Registrar in advance of the set filing deadline to discuss an extension.
2. Counsel are reminded that Civil Procedure Rule 90.32(4)(g) requires that the factum to be no longer than 40 pages in length, excluding appendices.
3. Civil Procedure Rule 90.30(6) requires the filing of an electronic copy of the transcript, in addition to including it in the hard copy of the Appeal Book. This means it can be sent on a CD with the hard copy of the Appeal Book or can be sent by e-mail to the Registrar at boucheam@gov.ns.ca. We have noticed that a large number of appellants are not filing the electronic copy of the transcript as required and staff are constantly calling counsel to obtain these electronic copies. We seek and count on the cooperation of counsel in insuring the electronic copy is filed as required by the rule.

SUPREME COURT

1. On April 1, 2009 the court filing fees **INCREASED**. The new fees are listed on the courts website and can be viewed at the following link:

<http://www.courts.ns.ca/General/fees2.htm>.

2. Civil Procedure Rule 82.11 requires a **cover page** containing all the information noted when a document is sent to the court by fax to be fax filed. Since January 1, 2009 it has been noted that the rule is not being followed. Any document submitted for fax filing which is not accompanied by the cover page will not be accepted for filing.
3. Date Assignment Conferences are only scheduled for Fridays and counsel are asked to keep their schedules as flexible as possible to be available for these telephone conferences. To date the court has noted the process is going well and is appreciative of counsel's efforts in making themselves available on Friday.
4. Civil Procedure Rule 82.06 states that a backer shall not be attached to a document submitted for filing. Since January 1, 2009 we have noted that counsel are still using backers. Any documents to which is attached a backer will not be accepted for filing.
5. If you do not use a document cover sheet when sending documents to the court for issuance and/or filing, please have a cover letter so that staff know who to return the extra stamped copies of the documents to.
6. Counsel are reminded that Civil Procedure Rule 40.03(1) requires the filing of **DUPLICATE** briefs with the court. Where the brief is in a form of a letter, a duplicate is still required. The reason for the duplicate brief is quite practical - one if for the judge to mark on and destroy after the hearing while the second if for inclusion in the court file. Where the authorities referred to in the brief are bound separately from the brief only one copy of the authorities are required.
7. Initiating documents and defences require the Prothonotary to complete the Prothonotary Certificate. This means that there may be a delay as the Prothonotary is not available at the front counter to complete the certificate and the documents need to be left at the office for completion. One deputy Prothonotary has been trained to complete these certificates and the counter staff will gradually be trained to complete the Certificates commencing with the Notices of Action. When documents are left 'behind' for certification, the date the documents were submitted for filing will be indicated as the effective date of the certification. It is anticipated that over the next several months the counter staff will be completely trained and that they will process all documents requiring the completion of the Prothontoary Certificate at the time they are submitted for filing. I count on the continued cooperation of counsel in this regard.

A.M.B.