

## **HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR**

**ANNETTE M. BOUCHER**  
**December 19, 2008**

### **COURT DOCKETS**

**Supreme Court Crownside in Halifax will be held on the following dates: January 8, 15, 22 and 29<sup>th</sup>, 2009.**

**Appearance Days will be held at 12 noon on January 2, 9, 16, 23 and 30<sup>th</sup>, 2009.**

**Counsel are reminded that telephone Appearance Days are available when one or more counsel reside outside of the metro Halifax area. The telephone Appearance Days are pre-booked at either 11 am or 11:30 am on the Friday and the call is set up at the expense of the party requesting the appearance by telephone. Counsel are reminded they cannot wait until the morning of the scheduled Appearance Day to request that a conference call be set up to participate by telephone that day. For January, 2009 there will be NO telephone Appearance Day on January 30, 2009.**

**PLEASE NOTE that the new Rules require filing the Appearance Day notice on five (5) days notice calculated in accordance with Rule 94 elaborated upon below.**

**The Law Courts will close at 12 noon on Wednesday December 24<sup>th</sup>, be closed on December 25<sup>th</sup> and be closed on December 26<sup>th</sup>, re-opening at 8:30 am on Monday, December 29<sup>th</sup>, 2008.**

### **NEW CIVIL PROCEDURE RULES**

Effective January 1, 2009 all court filings must be on the forms prescribed in the new rules. The official version of the rules is posted on the courts website. Please note that amendments have been made to the Rules as follows: October 24 and 27<sup>th</sup>, 2008 Court of Appeal and October 31, 2008 Supreme Court. These are found at: [http://courts.ns.ca/Rules/rules\\_table\\_of\\_contents\\_08\\_06\\_20.htm](http://courts.ns.ca/Rules/rules_table_of_contents_08_06_20.htm). Also note that additional changes to the Court of Appeal rules are expected to be published in the Royal Gazette on December 31<sup>st</sup> and posted on the courts website subsequent to publication.

## **COURT OF APPEAL**

1. For the week of December 22<sup>nd</sup>, there will be **NO** telephone Chambers and **NO** Regular Chambers that week. For the week of December 29<sup>th</sup>, 2008 - Regular Chambers will be held on **Monday, December 29<sup>th</sup> in the MORNING ONLY at 10:00 am** and telephone Chambers will be held on **Monday, December 29<sup>th</sup> in the AFTERNOON ONLY** at a pre-booked and arranged time. The regular Chambers schedule will resume with telephone Chambers on Wednesday January 7, 2009 and Chambers on Thursday, January 8, 2009.
2. Since August of this year it has been noticed that counsel are habitually filing their Appeal Books and Factums **LATE**. When dates are set for filings in Chambers, counsel are expected to agree to realistic filing dates which they can in turn respect. Please ensure when you are setting filing dates that they are realistic and that you are indeed filing your material on the due dates. When filings are late, this creates turmoil in the preparation of appeals by judges of the court.

## **SUPREME COURT**

1. There has been an increase in recent weeks of the applications being made to the Prothonotary to renew Originating Notices (Action) and Statement of Claim, as a result be advised:

**All applications filed for renewals of Originating Notices under the current Civil Procedure Rules BEFORE December 31st for writs that expire after January 1, 2009 will be processed as staff are able and thus there will be no immediate returns on such filings.**

**Any applications filed for renewals of Originating Notices under the current Civil Procedure Rules BEFORE December 31st for writs which expire prior to December 31, 2008 will be processed and returned to counsel on the date they are filed.**

**Counsel are reminded that renewal Motions after January 1, 2009 are subject to the new Civil Procedure Rules and must be docketed for Chambers as they are no longer processed by the Prothonotary.**

2. At the direction fo the court, counsel are being requested by letter, to file duly completed Forms 4.13 and 4.15 in advance of January 1, 2009 for Date Assignment Conferences which have been scheduled in 2008 for 2009. The judges want to insure that the Date Assignment Conferences are as productive as possible and

have determined that the filing of these Forms will insure this occurs. Counsel are thanked in advance for their cooperation.

### **NEW RULES NUGGET**

**TIME** - Counsel are reminded that Civil Procedure Rule 94 sets out the manner to calculate time under the new rules. **ALL** time references in the rules are based on counting days as follows: you do not include the day the period begins; you do not count the day on which the thing is required or first permitted to be done; **AND** you do not count any Saturday or Sunday or any week day the office of the Prothonotary is closed during the period of days.

I can advise that for the calendar year 2009 - the Prothonotary's office will be closed on the following dates:

- January 1, 2009 (New Year's Day)
- April 10, 2009 (Good Friday)
- April 13, 2009 (Easter Monday)
- May 18, 2009 (Victoria Day)
- July 1, 2009 (Canada Day)
- August 3, 2009 (Natal Day)
- September 7, 2009 (Labour Day)
- October 12, 2009 (Thanksgiving Day)
- November 1,, 2009 (Remembrance Day)
- December 25, 2009 (Christmas Day)
- December 28, 2009 (in lieu of Boxing Day)

**PLACE OF PROCEEDING** - commencing January 1, 2009 all documents filed with the court on either a new or an existing court file **MUST** have the new place designation pursuant to Rule 32. **FOR EXAMPLE:** all filings at The Law Courts must be designated as: **Hfx No. (The numerical six digit number assigned by the court)**. Documents with the SH No designation will not be accepted for filing.

**A.M.B.**