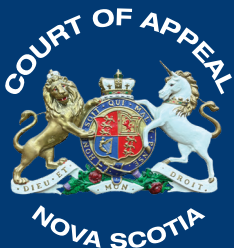




NOVA SCOTIA COURT *of* APPEAL

Annual Report

2024



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Message from the Hon. Michael J. Wood, Chief Justice of Nova Scotia

The Annual Report is another way for the Nova Scotia Court of Appeal to inform Nova Scotians about the Court and our activities. Communications like this are essential to expanding public knowledge about the role of our independent judicial branch of government.

Public confidence in the courts as unbiased and neutral decision makers is the foundation of an independent judiciary. To foster this confidence, courts should be open, transparent and accountable. One way we strive to achieve this is through our Annual Report.

The 2024 Report outlines important statistics concerning our caseload, including numbers of appeals and timelines. The volume of cases was consistent with recent years, and we have been successful in resolving them efficiently. We had no significant delays and no backlog of cases. The majority of civil appeals resolved in 2024 were completed within a year of the filing of the Notice of Appeal. Criminal appeals tend to be more complex with most concluded within two years.

There were several important milestones for the Court in 2024. We held hearings outside of Halifax for the first time in our history and you will find more details in the report. Suffice it to say the visit was a great success and we truly appreciated the warm welcome from Cape Breton and the Membertou community. In February, Justice Robin C.M. Gogan was appointed to the Court after serving as a judge of the Nova Scotia Supreme Court in Sydney. She brings experience and collegiality, and we are fortunate to have her as part of our team.

The judges of our Court continued the tradition of offering their expertise to education programs for judges, lawyers, law students and community members in Nova Scotia and across the country. In addition, Justice Peter Bryson participated in a Canadian program delivering training in decision writing to judges in Singapore.

Since 2020, the judiciary has been working with the Department of Justice to develop a plan for digitization of the justice system. After extensive consultations, users identified an electronic filing and document management as a priority. In 2024, it was decided the implementation of an e-filing system should start with a pilot at the Nova Scotia Court of Appeal. Funding has now been approved, and it is anticipated implementation will take place in the 2025-26 fiscal year. This is an important step towards modernizing the way the Court engages with litigants and lawyers, and we are anxiously looking forward to learning about this new way to work.

Finally, I would be remiss not to thank all of our support team members who are essential to our success. This includes judicial assistants, court clerks, law clerks, staff in the executive office of the judiciary as well as management at the Department of Justice. We could not have accomplished all we did in 2024 without them.

Thank you for taking the time to review our Annual Report. We welcome any feedback you may have and look forward to reporting to you again in 2025.

A handwritten signature in black ink, appearing to read 'M. J. Wood', written in a cursive style.

The Hon. Michael J. Wood, Chief Justice of Nova Scotia

Introduction to the Court

The Nova Scotia Court of Appeal is the province's highest court. Through its judgments, the Court of Appeal clarifies and develops the law in Nova Scotia. The Court sits primarily at the Law Courts building in Halifax.

The Role of the Court of Appeal

The Court of Appeal hears appeals in civil, criminal and family matters from the Nova Scotia Supreme Court, and in criminal matters from the Provincial Court and the Youth Justice Court. It also hears appeals of decisions by tribunals, such as the Workers' Compensation Appeal Tribunal, the Nova Scotia Utility and Review Board, and the Nova Scotia Human Rights Commission.

The Court of Appeal does not re-try cases. It reviews the record of the trial or hearing to ensure the lower court or tribunal made no errors of law. The Court has the authority to dismiss the appeal, thereby confirming the decision of the lower court or tribunal; to allow the appeal and order a new trial or hearing; or to allow the appeal but change the order of the lower court or tribunal. It is generally the court of last resort, except in the very few cases that are appealed to the Supreme Court of Canada.

Judges of the Court of Appeal

The Court of Appeal has a Chief Justice, the Hon. Michael J. Wood, who is also the Chief Justice of Nova Scotia, and seven other full-time judges. As of Dec. 31, 2024, those judges were:

- ▶ Justice David P.S. Farrar
- ▶ Justice Peter M.S. Bryson
- ▶ Justice Cindy A. Bourgeois
- ▶ Justice Elizabeth Van den Eynden
- ▶ Justice Anne S. Derrick
- ▶ Justice Carole A. Beaton
- ▶ Justice Robin C.M. Gogan

The Court of Appeal may also include supernumerary judges, who sit part-time. In 2024, there were two supernumerary judges on the Court of Appeal:

- ▶ Justice Joel E. Fichaud
- ▶ Justice J. Edward (Ted) Scanlan

Judges of the Court of Appeal do not sit on any other Court in Nova Scotia, and they have no previous involvement with the cases that come before them.



Back Row, from left: Justice Carole A. Beaton, Justice Elizabeth Van den Eynden, Justice Cindy A. Bourgeois, Justice Anne S. Derrick, Justice Robin C.M. Gogan. Middle Row, from left: Justice Peter M.S. Bryson, Justice Joel E. Fichaud (supernumerary), Chief Justice Michael J. Wood, Justice David P.S. Farrar, Justice J. Edward (Ted) Scanlan (supernumerary). Front: Caroline McInnes, Registrar, Nova Scotia Court of Appeal.

The Court of Appeal Visits Cape Breton

Inspired by the Supreme Court of Canada's visits to Winnipeg in 2019 and Quebec City in 2022, the Nova Scotia Court of Appeal visited Cape Breton in September 2024. With events and proceedings in Sydney and Membertou, the Court received a warm Cape Breton welcome.

The Nova Scotia Court of Appeal experienced a historic first by sitting outside the Law Courts in Halifax. The goal of this visit was to advance a better understanding of the role of courts in our society and introduce more people to the work of the Court of Appeal. The visit also provided important opportunities for legal education, both for the Court's judges and local lawyers.

The visit kicked off on Sept. 24 with a welcome ceremony hosted by Membertou First Nation. The ceremony included an Honour Song, drumming, smudging, and a blessing by a local Elder, as well as remarks from Chief Justice Wood and Membertou Chief Terry Paul. This welcome ceremony was indeed a special welcome for the Court.

Attending the welcome ceremony were family members of the late Donald Marshall, Jr., an important figure in the Canadian justice system. The Court's visit to Cape Breton coincided with the 25th anniversary of the Supreme Court of Canada's landmark Marshall Decision. Mr. Marshall's sacred eagle feather remained in the courtroom for the duration of the Court's sitting in Membertou.

The Court's judges heard three appeals – two on Sept. 25 and one on Sept. 26 – in a courtroom set up at the Membertou Trade and Convention Centre. These sittings were well-attended by the local community and included a visit by a law class from Breton Education Centre in New Waterford.

While one of the key goals of the visit was to educate and share information, the Court's judges also came to learn. Judges of the Court of Appeal joined judges from the Supreme Court of Nova Scotia and the Provincial Court of Nova Scotia to offer a seminar for local lawyers on advocacy skills when appearing before all levels of court as well as substantive administrative and criminal law principles. The Court of Appeal also took part in a session on Indigenous legal principles that was delivered by Tuma Young, K.C., and Cheryl Knockwood.

The visit concluded with a Bench and Bar dinner hosted by the Cape Breton Barristers' Society. This event was an important opportunity for a collegial



A welcome sign, in English and Mi'kmaq, outside the courtroom at the Membertou Trade and Convention Centre.



Donald Marshall, Jr.'s sacred eagle feather remained in the courtroom in Membertou for the duration of the Court's visit.

interaction among all members of the legal and judicial communities. This dinner, with local musical and comedic talent, served as a spirited farewell.

Throughout the trip, the Court engaged with local media outlets, helping to reach even more people about the work of the Nova Scotia Court of Appeal.

For all involved, the visit to Sydney and Membertou was a great success, and a very meaningful and memorable experience for the Court. The Court's aim was to showcase its work for the public, as well as expand its knowledge with respect to Indigenous law and culture, and the Membertou community.

Planning for this visit took almost two years. The Court was fortunate to have the support of many people on Cape Breton and in Halifax, including the Department of Justice, court colleagues in Sydney, including Sheriff Services, and the Cape Breton Barristers' Society.

The Court of Appeal thanks everyone who had a part in planning this special sitting, as well as those who took the time to visit and interact with the Court.



L-R: Chief Justice Michael Wood, Cheryl Knockwood, Tuma Young, K.C., and Justice Robin Gogan chat after a professional development session on Indigenous legal principles in Membertou.



A group photo of the Court of Appeal judges, Sheriffs, and staff who were on site for two days of sittings in Membertou.



Barry Bernard opens the first day of the Court sitting in Membertou. Alannah Wallace, Court Clerk (*front*), Justice Peter Bryson, Chief Justice Michael Wood, and Justice Cindy Bourgeois (*L-R, back*) stand.



Chief Justice Michael Wood speaks during the opening of the Court of Appeal's first day in Membertou.

Annual Court Statistics

Number of Appeals Filed

In 2024, there were 137 appeals filed (86 civil and 51 criminal). This is the same total number of appeals filed in 2023.

The number of criminal appeals remains consistent over the past number of years (see *Chart 1*). For civil appeals, the numbers have fluctuated somewhat (see *Chart 2*) however, civil appeals filed have been on a downward trend when compared with volumes over the last twenty years.

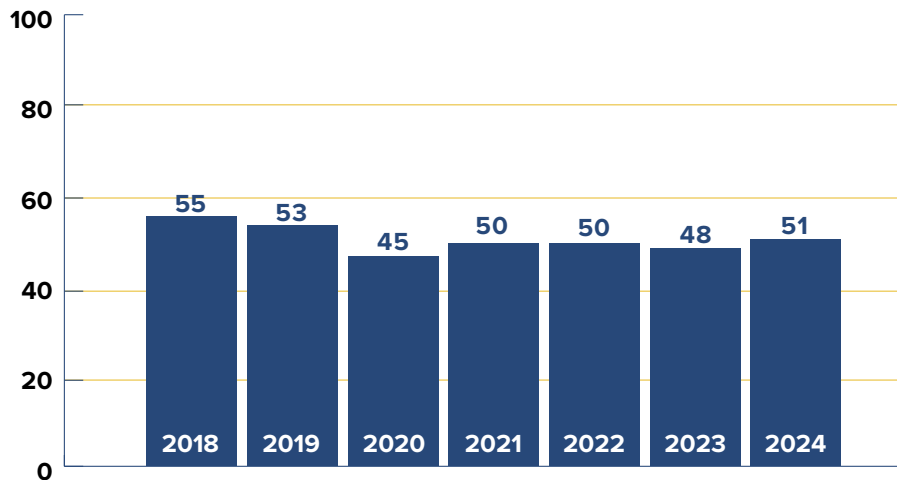


Chart 1: Criminal Appeals Filed in Nova Scotia 2018-2024

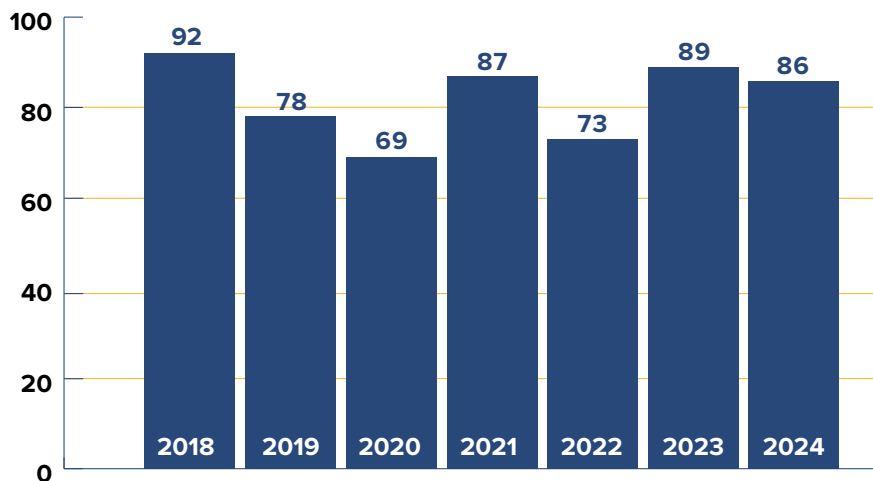


Chart 2: Civil Appeals Filed in Nova Scotia 2018-2024

Number of Appeals Disposed of by Judgment

Appeals disposed of by judgment are those in which a panel of judges have issued a final decision, either orally or in writing. There were 81 appeals disposed of by judgment in 2024. This is a slight increase over 2023, when 78 appeals disposed of by judgement.

Timeline for Judgment

As shown in the tables below, the timeline from filing of the Notice of Appeal to disposition by judgment remains consistent with previous years. There continued to be few, if any, scheduling delays in 2024 for appeal hearings. As with past years, any delays typically occur early in the process, between filing and “perfection” (when all required documents have been filed and the matter is ready for hearing).

The length of time between “perfection” and hearing of the appeal and from hearing to judgment – that is, time periods that are primarily within the Court’s control – were almost exclusively in the 0-6 month category.

NOTICE OF APPEAL TO JUDGMENT (CIVIL APPEALS)						
Year	0-6 mos	6-9 mos	9-12 mos	1-2 yrs	2 yrs +	Total
2018	12	13	11	14	0	50
2019	11	7	15	16	2	51
2020	5	7	12	12	0	36
2021	4	12	4	17	1	38
2022	6	5	18	10	0	39
2023	8	10	11	20	0	49
2024	3	17	15	14	0	49

NOTICE OF APPEAL TO JUDGMENT (CRIMINAL APPEALS)						
Year	0-6 mos	6-9 mos	9-12 mos	1-2 yrs	2 yrs +	Total
2018	1	6	10	12	3	32
2019	1	3	3	10	3	20
2020	2	7	6	21	3	39
2021	5	9	7	11	3	35
2022	0	3	5	14	5	27
2023	0	1	10	12	6	29
2024	2	3	10	11	6	32

There were 66 appeals where the panel reserved decision and subsequently issued a formal judgment. All judgments were released within 6 months of the hearing with the average reserve time being 2.5 months.

Number of Appeals and Motions Heard

In 2024, panels of judges presided over 98 half day appeal hearings* and 10 stand alone motion hearings, including five Workers' Compensation Appeal Tribunal (WCAT) leave to appeal hearings and two motions in criminal proceedings.

During the same period, the total number of motions heard by single chambers judges was 470. This includes motions that were heard but adjourned to another day. This was a reduction from last year's all-time high of 670. This decrease reflects new policies implemented by the Court partway through 2024. These changes relate to how certain appeals, in particular criminal appeals brought by prisoners without counsel, move through the appeal process. These have reduced unnecessary appearances (considered as motions without oral argument) and generally improved the Court's efficiency.

Of those motions heard by single Chambers judges, the number requiring oral argument remained high for both civil and criminal matters. This results, in part, from an increase in bail hearings or bail reviews in the criminal context, and more contested civil matters such as motions for stay pending appeal.

In 2024, the Registrar estimated 55% of the court time was dedicated to civil, including family law, appeals and motions (see *Chart 3*) and 45% to criminal appeals and motions (see *Chart 4*).

The Court typically hears more civil than criminal appeals however, for motions there are usually more criminal than civil matters.

* A full-day appeal was counted as two half-day appeals and appeals heard together but with separate file numbers were counted as two appeals heard.

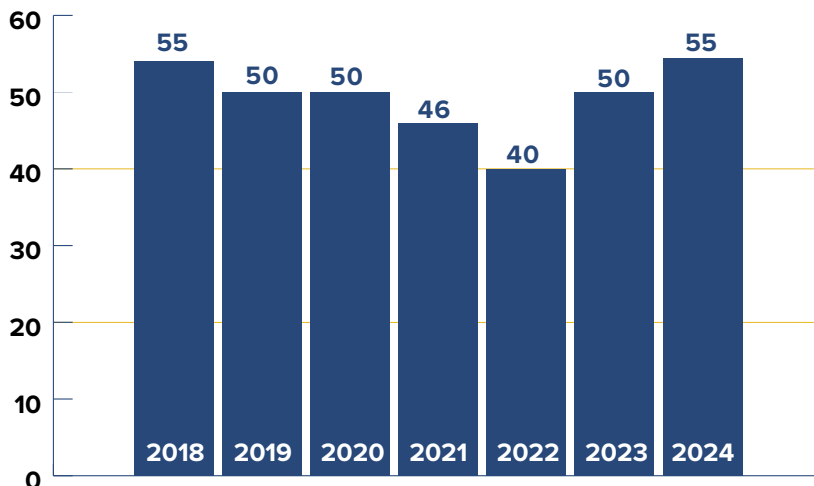


Chart 3: Percentage of Court Time Dedicated to Civil Appeals and Motions

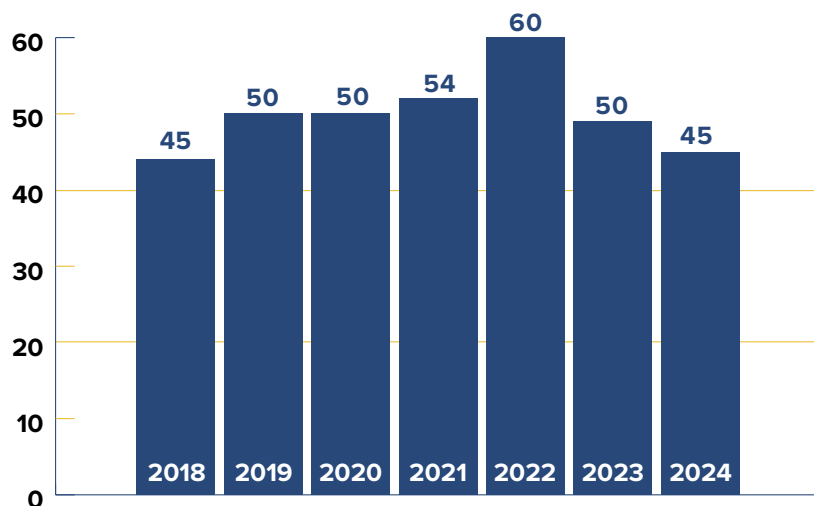


Chart 4: Percentage of Court Time Dedicated to Criminal Appeals and Motions

Self-Represented Litigants

In the 81 appeal hearings held in 2024, 26 parties (or approximately a third) had no lawyer and represented themselves in court. Twenty-one were appellants and five were respondents.

FREE LEGAL CLINIC

The Nova Scotia Courts run free legal clinics in Halifax, Yarmouth, Sydney, and Truro. These clinics provide services for people representing themselves in court who need assistance with their civil law matters and family law appeals (excluding child protection).

Eligible clients can receive one hour of free legal advice from a volunteer lawyer, either in person or by telephone. More information is also available on the [Courts of Nova Scotia website](#).

Contact Information to Schedule an Appointment

Halifax	902-424-6840	hfxfreelegalclinic@courts.ns.ca
Truro	902-742-0580	
Sydney	902-563-3550	
Yarmouth	902-893-3953	

Webcasting

Live webcasts of court proceedings help educate the public about the legal system, enable judges to reach audiences beyond the people physically in the courtroom, increase transparency, and help boost confidence in the judiciary and the Courts. Webcasts also improve access to justice, allowing interested parties to attend hearings virtually, removing the need for travel from areas outside of Halifax.

In 2024, the Court of Appeal livestreamed two criminal and two civil appeals:

- ▶ **Feb. 13: CAC-521672** – Harry Arthur Cope v. His Majesty the King (Respondent) and Aboriginal Legal Services (Intervenor)
- ▶ **Oct. 10: CA-529885** – Halifax Regional Municipality v. Dalhousie University and Halifax University Neighbourhood Association, an unincorporated association represented by Peggy Walt and William Breckenridge (Respondents) and Heritage Trust of Nova Scotia (Intervenor)
- ▶ **Oct. 15: CAC-522486** – Robert Rogers v. His Majesty the King
- ▶ **Nov. 12: CA-532376** – Dr. Gábor Lukács v. Canadian Union of Public Employees, and Cathy Remus, and Local 3912 of the Canadian Union of Public Employees

All webcast proceedings are archived on the [Courts of Nova Scotia website](#).

The Court Welcomes Justice Robin Gogan



On Feb. 19, 2024, the Hon. Justice Robin Gogan was appointed to the Nova Scotia Court of Appeal. Previously serving as a Justice of the Supreme Court of Nova Scotia, her appointment filled the vacancy created by the retirement of Justice Duncan Beveridge.

Justice Gogan obtained a Bachelor of Arts degree (Hons.) from St. Francis Xavier University in 1991 and a Bachelor of Laws degree from Dalhousie University in 1994. She was admitted to the Nova Scotia Bar in 1995.

Before her appointment, Justice Gogan spent her entire legal career in Cape Breton. As a lawyer, she practised mainly in the areas of civil litigation, family law, and alternative dispute resolution and was an active member of the Cape Breton Barristers Society, the Nova Scotia Barristers Society, the Canadian Bar Association, and the Atlantic Provinces Trial Lawyers Association as well as a number of other professional organizations.

She was a dedicated member of her community, serving on the board of the YMCA of Cape Breton for over 20 years and receiving the Canadian Bar Association's Community Service Award in 2010. In 2011, she was one of the founding partners of The Breton Law Group (now the Sydney office of McInnes Cooper), where she served as a Managing Partner until appointed to the Nova Scotia Supreme Court in 2013.

Justice Gogan served as one of the two sitting judges in Cape Breton District for over a decade before her appointment to the Court of Appeal.



Courtroom 502 at the Law Courts in Halifax is where the Nova Scotia Court of Appeal primarily sits.

Staff of the Nova Scotia Court of Appeal

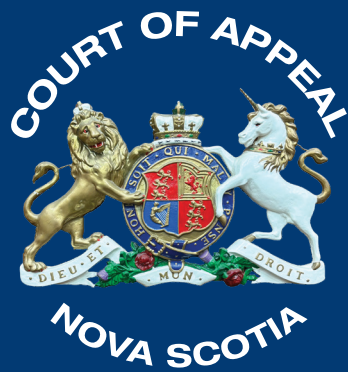
- ▶ Caroline McInnes, Registrar
- ▶ Jessica Smith, Deputy Registrar
- ▶ Alanah Wallace, Court Clerk
- ▶ Cherri Brown, Chambers Clerk
- ▶ Alicia Anderson, Executive Assistant to the Chief Justice
- ▶ Janet DeMone, Judicial Assistant
- ▶ Sharon MacLeod, Judicial Assistant
- ▶ Bridget Curran, Judicial Assistant

Clerkship Program

The Court of Appeal employs four law clerks, including an articulated clerk from the Indigenous Blacks & Mi'kmaq Initiative at Dalhousie University's Schulich School of Law.

Under the supervision of the judges, the law clerks provide legal assistance on appeals and other matters. Through this program, the Court's clerks are exposed to a wide variety of legal and procedural issues. In addition, they will have the opportunity to observe some of the best advocacy in the province.

In 2023-24, the law clerks at the Court of Appeal included Jessica Simm, Andrew Paul, Sadie-Rae Werner, Noah Benson, and Graeme Hibert. The Court's current law clerks are George Philp, Jack Bennet, Ryley Alp, and Nicholas Cook.



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