

SUPREME COURT OF NOVA SCOTIA

P.M.4

Practice Memorandum No. 4
Courtroom Attire for Counsel

Halifax Law Courts

1. Robing is required at all of the following:
 - (a) an appeal, such as a summary conviction appeal, a small claims court appeal, or a FOIPOP appeal;
 - (b) a judicial review hearing;
 - (c) a civil trial;
 - (d) the hearing of an application in court and an application in an estate matter;
 - (e) a criminal hearing or trial except at Crownside. (Judges will robe for Crownside.)
2. Robing is not required, but appropriate business attire is required, at the hearing of any of the following:
 - (a) a motion in chambers;
 - (b) a motion on appearance day;
 - (c) an application in chambers;
 - (d) a motion that is referred to in a statute as an application but that is interlocutory rather than originating, such as an "application" for certification of a class proceeding;

Districts

1. For civil matters, robing is required and appropriate business attire is required as at Halifax.

2. For criminal matters, robing is required as in paragraph 1 (e) without the exception. (Judges will robe for criminal chambers unless it involves only setting of dates or unless there is a different local practice about robing for joint criminal and civil chambers.)

Family Division

1. Unless otherwise ordered by a judge, robing is required for the following:
 - (a) divorce trials;
 - (b) trials in which a constructive trust is sought or relief is sought on the basis of unjust enrichment or resulting trust;
 - (c) contested disposition or review hearings under the *Children and Family Services Act*;
 - (d) contempt hearings.
2. Robing is not required, but appropriate business attire is required, for all other trials or hearings, including an interim or a variation application under the *Divorce Act*.
3. Counsel who appear at two hearings or trials that have different robing requirements, but that are so closely scheduled that counsel does not have time to change, may robe for both.

Appropriate Business Attire

Lawyers are expected to maintain a professional appearance when appearing in person at a Courthouse or virtually. Appropriate business attire includes suits, ties, blazers, dress pants, skirts, dresses, professional shirts or tops and closed-toe dress shoes.

Personal Circumstances

Lawyers with personal circumstances, such as pregnancy, medical conditions or disability, that require them to wear modified robes or business attire are requested to advise the court clerk, or other court officer in advance of the hearing that they will be dressed in modified attire in accordance with the provisions of this practice directive. Modifications may include, but are not limited to, things such as dispensing with a court shirt, waistcoat or tabs. Modified attire must be black and in keeping with courtroom decorum.