

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER, Q.C.
January 18, 2010

COURT DOCKETS

Supreme Court Crownside in Halifax will be held on the following dates: January 21 and 28, February 4, 11, 18 and 25 2010.

Appearance Days will be held at 12 noon on January 22 and 29, February 5, 12, 19, and 26, 2010.

COURT OF APPEAL

1. Starting immediately I have been asked by the judges of the court to refuse any Factum submitted for filing which exceeds forty (40) pages in length. Civil Procedure Rule 90.32(4)(g) states that the factum will be no more than forty (40) pages in length EXCLUDING the appendices.
2. Changes to Civil Procedure Rule 90 were published in the December 16th, 2009 issue of the Royal Gazette. Of note are changes which require the inclusion of any written submissions in the appeal book and in all appeals the Registrar bringing a motion to dismiss the appeal where it has not been perfected within 80 days of the filing of the Notice of Appeal.
3. 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.
4. 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).

SUPREME COURT

1. The court has asked that I remind counsel of their notification obligations to other parties when documents are filed with the court. Rule 31.15 requires a party who files a document with the court to deliver a copy of the document to each other party

IMMEDIATELY BEFORE OR IMMEDIATELY AFTER it is filed with the court. It is clear that many of the filing issues which have arisen over the last several months are as a result of counsel not providing court files documents to the other parties in a timely fashion as required by the rule. It has been noted that counsel are, in particular, filing the Request for Date Assignment Conference with the court but are omitting to provide it to opposing counsel.

2. Where an amended notice of motion is being filed with the court showing a new hearing date a cover letter is required to insure counter staff forward the document to the scheduling office for docketing for the new court date.
3. The court has directed that Rule 39.09 applies to exhibits to an Affidavit of Service. This means that notwithstanding Form 31.05, a certified copy of the document served **MUST** be exhibited, identified and sworn as any exhibit to an affidavit. Additionally where an affidavit of service has several documents attached as exhibits they must be separately sworn and the entire document (affidavit and exhibits) must be bound or stapled together as one complete document- clips such as large paper clips are not permissible for “holding the affidavit together”
4. Counsel are reminded that exhibits to any type of affidavit are not to be paper clipped together - the exhibits must be attached by stapling them to the affidavit or having the entire affidavit and exhibits bound together.

A.M.B.