

HINTS AND TIPS FROM THE PROTHONOTARY – REGISTRAR

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COURT DOCKETS FOR THE SUMMER

**Please note: the Prothonotaries' Offices will be closed on the following holidays:
Monday, Aug. 5, and Monday, Sept. 2.**

A) Court of Appeal:

Court of Appeal regular chambers will be held on Thursdays at 10:00 a.m. Court of Appeal telechambers are held on Wednesdays at pre-appointed times. Please call ahead to the Deputy Registrar, Cherri Brown, at 902-424-6937 to book a time.

The Court of Appeal posts the docket for appeal hearings, including the date, time, location of the appeal and the panel members, on its website:

http://courts.ns.ca/Appeal_Court/NSCA_dockets.htm

B) Supreme Court:

Crownside in Halifax will be held on the following Thursdays at 9:00 am: July 4, 11, 18 and 25, and August 1, 8, 15, 22 and 29.

Appearance days will be held on Fridays at 12:00 p.m. (noon) in Halifax.

In keeping with the change in the summer of 2018, there will continue to be general chambers held in Supreme Court in Halifax Monday through Friday throughout July and August.

PRACTICE TIPS

Court of Appeal:

1. Obtaining Execution Orders and Certificates of Judgment from a Court of Appeal Order

In the past, the Registrar issued execution orders or certificates of judgment (Form 46) with respect to orders issued on appeal. However, this practice changed in 2014 (see *Armoyan v. Armoyan*, 2014 NSCA 17). It has come to my attention that this practice is not widely known and so I am sharing it here.

This decision provides that the combination of ***Civil Procedure Rules 90.50*** and ***90.53***, an order of the Court of Appeal is considered to be an order of the court from which it originated. As such, these remedies are still available, but they must be requested from the originating court, using that court's heading (style of cause) and registry number.

To minimize confusion, please provide a cover letter and a copy of the Court of Appeal decision when requesting enforcement documents on a Court of Appeal order in the originating court.

2. Electronic Filings at the Court of Appeal

(a) Electronic Copies of Transcript and Factum – Filing and Formatting

The Court of Appeal would like to remind counsel and parties of their obligation to file electronic copies of certain documents for appeals, in addition to paper copies. In particular:

- The appellant is required to file an electronic copy of the transcript when filing their Appeal Book (Rule 90.30(6)).
- Each party is required to file an electronic copy of their factum (Rule 90.32(6)).

The electronic copies should be filed by the same deadline as the paper copy filed with the Court. Electronic copies may be filed by CD/USB or by email to: appealcourt@courts.ns.ca
Email is preferred whenever possible.

The electronic document should be in word processing format (not scanned or PDF) and sent as a single document. For more information on formatting electronic documents, go to: <http://www.courts.ns.ca/Appeal Court/NSCA documents/nsca submitting electronic documents.pdf>.

(b) Hyperlinking Authorities in a Factum

Any factum that is filed electronically and references authorities should be formatted so that the reference directly links (through hyperlink) to those authorities.

Supreme Court:

1. Motions by Correspondence

The General Division Judges have provided new direction with respect to filing motions by correspondence in accordance with ***Civil Procedure Rule 27*** at the Halifax Law Courts.

In addition to the filing fee required by court administration office for a motion (currently \$66), the Judges have agreed that in Halifax a motion by correspondence must be supported by the following:

- (1) A Notice of Motion;
- (2) An affidavit in support of the motion;
- (3) A draft Order; and
- (4) A brief

The only exception to this is Consent Orders. No filing fee will apply to Consent Orders. In addition, these can continue to be sent with a cover letter setting out the relief that is being sought and the relevant Rule, and a signed draft Order. For Consent Orders vacating builders' liens or certificates of *lis pendens*, an affidavit will also continue to be required.

2. No Paperclips

The Court Administration Office kindly asked that parties refrain from using paper clips to bind together documents for filing at the Court. Paper clips are not secure and with the movement of documents they can fall off easily or get clipped in with other documents that do not belong with that bundle. This results in documents being out of order, lost and misfiled. It would greatly assist the Court if parties could use bull clips, staples, or other forms of binding when filing documents. Thank you!

STANDING ITEMS - Both Courts:

Free Legal Clinics

Free Legal Clinics are now available in Halifax, Sydney, Yarmouth and Truro. Volunteer lawyers meet with clients by appointment for one-hour sessions.

The Clinics help self-represented litigants with limited to little experience in the court system. The Clinic provides service for civil matters and, at the Halifax clinic, for civil and family law appeals (excluding child protection appeals) at the Court of Appeal. They do not provide service on criminal matters.

If you have any litigants in mind who you think may benefit from this service, kindly refer them to the Court Administration Office at the appropriate courthouse. Litigants may initiate the sign-up process in person or by telephone as follows:

The Law Courts (Halifax): 902-424-3690

Sydney: 902-563-3559

Yarmouth: 902-742-0580

Truro: 902-893-3953

For more information, go to the Courts website:

http://courts.ns.ca/self_reps/nsca-nssc_free_legal_clinic.htm

Liaison Committees

Both the Court of Appeal and the Supreme Court have Liaison Committees composed of members of the Bar and Bench. These Committees sit approximately twice a year. Counsel are invited to bring forward items they would like raised at Liaison Committee meetings to Bar members of the relevant committees. Current information on committee membership may be obtained from the Nova Scotia Barristers' Society.