



COVID-19: NEW PROCESS FOR SCHEDULING BANKRUPTCY & INSOLVENCY MATTERS IN THE SUPREME COURT

Monday, Jan. 25, 2021
Updated: March 24, 2021

Due to the anticipated increase in bankruptcy and insolvency proceedings related to the economic impacts of the COVID-19 pandemic, the Supreme Court of Nova Scotia (General Division) is introducing a new process for scheduling in Halifax that will ensure these matters are heard as efficiently as possible.

Chief Justice Deborah K. Smith has assigned two Supreme Court Judges to hear matters involving issues of commercial insolvency law. These matters will include proceedings under the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3 and the *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36.

Please note that the following process applies only to insolvency matters filed in Supreme Court in Halifax and is subject to periodic review. This notice does not affect the processes for matters filed with the Registrar of Bankruptcy.

Previously, insolvency proceedings in Halifax were scheduled with other civil Special Time Chambers matters. Starting immediately, they will be scheduled separately and heard by either Justice Darlene Jamieson or Justice John Bodurtha.

When filing an insolvency matter in Halifax, counsel should ensure their cover letter identifies the matter as a *BIA* or *CCAA* matter, includes brief details on the matter and a reasonable estimate of the amount of time required to hear the matter. All filings will be forwarded to Justice Jamieson prior to the matter being scheduled. Counsel are expected to comply with the *Civil Procedure Rules* relating to Special Time Chambers filing timelines, unless the matter is determined to be urgent or the judge directs otherwise.

In most instances, when one of the two judges designated to hear insolvency matters determines a substantive component of a complex proceeding, that judge will continue to hear all subsequent components in that proceeding, where possible. Accordingly, that judge will become, in effect, the case management judge for the matter. Arrangements for these subsequent proceedings may be made to the continuing judge directly through their Judicial Assistant.

Requests for an Urgent Insolvency Hearing

Counsel or parties seeking to have insolvency matters heard on an urgent basis should, when filing their materials with the Court, provide details on the matter, the reason for the urgency request, the expected length of time required to hear the matter and where possible, mutually convenient dates.

General Chambers Matters

In instances where an insolvency matter is expected to take less than 30 minutes, is uncontested, there is no cross-examination and is otherwise appropriate for General Chambers, it will continue to be scheduled in the usual manner. Counsel are directed to provide an estimate of the time required for the Chambers Judge to review the file materials in advance of General Chambers.

Please note that matters requiring review time of more than one hour will not be scheduled in General Chambers. These files will be directed to Justice Jamieson and Justice Bodurtha to go through the new scheduling process.

Any questions or feedback on this process can be sent by email to Justice Jamieson's Judicial Assistant, Amanda Hawboldt, at Amanda.Hawboldt@courts.ns.ca.

For information on the various Supreme Court directives related to COVID-19, please visit https://www.courts.ns.ca/News_of_Courts/COVID19_Preventative_Measures.htm.

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