



NEW PRACTICE DIRECTIVES FOR ELECTRONIC FILING & APPEARANCES IN THE COURT OF APPEAL

Wednesday, Jan. 11, 2023

Counsel and self-represented individuals currently involved with or considering litigation in the Nova Scotia Court of Appeal are advised the Court is implementing two new practice directives that will affect the filing of court documents and the expectations for appearances in the Court of Appeal.

These new directives go into effect on Wednesday, Feb. 1, 2023.

Please note that due to these changes, court users with appeal hearings scheduled in February 2023 and onwards may need to take additional steps in advance of their appeal to ensure they are in compliance with the new directives. That includes filing additional hard copies of the Appeal Book and Factums as required in the Civil Procedure Rules.

Court staff will be in touch with counsel and self-represented litigants who have matters scheduled this term and in upcoming appeal terms with further direction for filing additional hard copies.

These new practice directives **replace** the Practice Directive for Appeal Proceedings during the COVID-19 Pandemic, which was first implemented in June 2020.

While the COVID-19 practice directive was in effect, the Registrar also permitted certain types of documents to be filed electronically, such as Notices of Appeal, Cross Appeal or Contention, and other documents related to Chambers motions. These documents could also be served electronically.

Please note that those accommodations are ending this month. The permission to file and serve these types of documents electronically was specific to the circumstances of the pandemic and no longer applies. Further to that, the Nova Scotia Courts do not currently have a document management system to properly support electronic filing.

Effective Feb. 1, 2023, the documents that had been accepted electronically by the Registrar must be filed and served in accordance with the Civil Procedure Rules, which do not permit electronic filing or service as of right.

Electronic Filing of Documents in Appeal Proceedings

This new practice directive provides instructions on the electronic filing of Factums, Transcripts, Appeal Books and Books of Authorities.

Documents that are required to be filed electronically and any other document permitted to be filed electronically with the Nova Scotia Court of Appeal must meet all requirements in this directive before they will be accepted by the Court.

The Rules do not require Appeal Books or Books of Authorities to be filed electronically in addition to the required number of hard copies. That recognized, the electronic filing of Appeal Books, in addition to the required number of hard copies, is welcomed and permitted. Electronic filing of Books of Authorities is also permitted; however, the Court prefers case authorities be hyperlinked in Factums.

Read the full Practice Directive on Electronic Filing of Appeal Documents online [here](#).

Appearances in the Court of Appeal

This new practice directive outlines the expectations for appearances in the Nova Scotia Court of Appeal, including appeals with remote appearances and fully virtual appeals.

Appeal proceedings have generally been proceeding in person, with all parties appearing physically in the courtroom. However, the Court of Appeal is capable of running fully virtual appeals using Microsoft (MS) Teams or appeals with remote appearances by telephone or videoconferencing.

Unless otherwise noted by the Court, participants should assume their matter will proceed in person. Counsel or parties may make a request to the Court to appear virtually. Letters concerning format will be sent to counsel only in instances where the panel chooses a format other than in-person.

Subject to any order of the Court, all fully virtual appeals or in-person appeals with remote appearances will be conducted pursuant to this new practice directive.

Read the full Practice Directive on Appearances in the Court of Appeal online [here](#).

-30-

Contacts:

Caroline McInnes
Registrar
Nova Scotia Court of Appeal
902-424-8962
Caroline.McInnes@courts.ns.ca

Jennifer Stairs
Communications Director
Nova Scotia Judiciary
902-221-5257
stairsjl@courts.ns.ca