

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;
 - (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;
 - (e) an application for a variation under the *Divorce Act*.

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 in Halifax

1. 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*.
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.

Family Division in Sydney

1. Robing is required for the following, subject to paragraph 2 (c) below:
 - (a) divorce trials;
 - (b) division of property trials under the *Matrimonial Property Act*, *Pension Benefits Act*, *Pension Benefits Division Act*, or *Teachers Pension Act*;
 - (c) hearings or trials for a constructive trust, or for remedies regarding resulting trust, unjust enrichment, or quantum meriut;
 - (d) a protection hearing, disposition hearing, or review hearing under the *Children and Family Services Act* which has been assigned a special times chambers date or a trial date;

- (e) hearings or applications under the *Testators Family Maintenance Act*, *Maintenance Enforcement Act*, other Order Enforcement Statutes, *Interjurisdictional Support Orders Act*, *Change of Name Act*, *Partition Act*;
 - (f) trials regarding the interpretation or enforcement of a marriage contract, cohabitation agreement, separation agreement, or a paternity agreement; and;
 - (g) trials on all other matters that are provided under an enactment to be within the jurisdiction of the Family Division.
2. Robing is not required, but appropriate business attire is required, for the following:
- (a) interim motions or applications including applications under s. 39 of the *Children and Family Services Act*;
 - (b) variation motions;
 - (c) trials or applications referred to in paragraph 1 that have been scheduled to be heard during regular chambers.

Appropriate Business Attire

The only business attire that is appropriate when robing is not required is a woman's or man's business suit, dress shoes, a formal blouse or shirt, and, for men, a tie.

Personal Circumstances

Lawyers with personal circumstances, such as pregnancy, that require them to wear altered robes or business attire are requested to advise the court clerk, or other court officer, privately or publicly, in advance of the hearing or trial, generally of the circumstances that prevent the lawyer from complying with the foregoing provisions of this practice memorandum.