



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

Monday, Jan. 25, 2021
Updated: April 22, 2022

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 either:

- Caroline McInnes, Provincial Prothonotary, Caroline.McInnes@courts.ns.ca
- Timothy Morse, Prothonotary, Timothy.Morse@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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FIRST PURPOSE-BUILT COVID-19 COMPLIANT COURTHOUSE OPENS

Tuesday, March 30, 2021 (Halifax, NS) – Trials at the first criminal jury courthouse in Atlantic Canada built to be COVID-19 compliant will begin on Wednesday, March 31, in Dartmouth.

The facility on Mellor Avenue has two courtrooms with partitioned jury boxes and space for lawyers, defendants, witnesses and court staff to physically distance. The courthouse also accommodates onsite jury selection and juror deliberations, and is equipped with state-of-the-art audio-visual systems, including digital recording and evidence presentation systems.

“We have been able to adapt and transform many of our court operations in response to COVID-19,” said Randy Delorey, Attorney General and Minister of Justice. “Addressing delays of court matters and providing for the ongoing safety of those who use our courts continues to be a top priority. With the addition of these two satellite courtrooms, we are now able to safely resume criminal jury trials in the Halifax area.”

The four criminal jury courtrooms at the Law Courts in Halifax were not large enough to accommodate criminal jury trials in compliance with COVID restrictions.

All spaces in the new courthouse allow for required physical distancing and are accessible for those using mobility aids. Staff will be onsite at this satellite location when jury selections and trials are underway.

Quotes:

“We are fortunate in Nova Scotia to have a positive working relationship between the judiciary and the province, which has helped us work through the many challenges presented by the pandemic. Suspending jury trials last March was not an easy decision. Knowing that we now have an appropriate space that can safely accommodate these matters should be welcome news for all Nova Scotians.”

- *Chief Justice Deborah K. Smith, Supreme Court of Nova Scotia*

“The pressures on the criminal justice system are constant and growing, especially in the Halifax region. The pandemic magnified many of these issues, but it also spurred creative solutions and much needed improvements to technology. These new state-of-the-art courtrooms are an example of what we can achieve through collaboration and we thank the department for their responsiveness and support.”

- *Associate Chief Justice Patrick J. Duncan, Supreme Court of Nova*

Quick Facts:

- the total cost of renovations for the COVID-19 compliant satellite courts is forecast to be more than \$4.2 million
- jury trials were able to resume outside of metro Halifax as of Sept. 8, using offsite locations or by reconfiguring existing court infrastructure
- as of today, March 30, there are 44 jury trials pending in the Halifax region, including trials that were scheduled and had to be adjourned during the early months of the pandemic
- health protocols adopted in response to COVID-19 prompted the assessment of all courtrooms and courthouses across the province for their capacity to accommodate in-person matters
- when public health protocols haven't allowed in-person proceedings, matters have been heard by courts virtually, using telephone, video and other online platforms
- a joint task force, led by the province and the judiciary, is exploring more ways to use technology to improve access to justice and increase efficiencies

Additional Resources:

Visual tour of the new courthouse: <https://vimeo.com/530745275/68b7ea5d68>



COVID-19: SUPREME COURT (GENERAL DIVISION) ADOPTS ESSENTIAL SERVICES MODEL IN HALIFAX

Saturday, April 24, 2021 (Halifax, NS) – Until further notice, The Hon. Deborah K. Smith, Chief Justice of the Supreme Court of Nova Scotia, is directing that court operations in the Supreme Court (General Division) in Halifax follow an essential services model.

This directive applies only to Supreme Court (General Division) matters at the Law Courts, 1815 Upper Water St., Halifax. Supreme Court (General Division) matters in the rest of the province will proceed as scheduled.

The Supreme Court (Family Division) will continue to operate under a safe services model, as outlined in [Notice # 12](#) on the Courts' COVID-19 updates page.

Under an essential services model, Supreme Court (General Division) proceedings in Halifax that have not yet commenced will be limited to those deemed urgent or essential by a judge. **Unless otherwise ordered by the presiding judge, any trials that are currently underway at the Law Courts or Mellor Avenue in Dartmouth will continue until they conclude.**

To help reduce the number of people appearing in-person, judges will consider whether alternative measures, such as telephone or videoconferencing, may be used to hear urgent and essential matters or matters currently underway. Mandatory masking and physical distancing measures will be in effect for all court matters that proceed in person.

Filing Documents at the Law Courts

Due to significantly reduced Court Administration staff at the Law Courts, counsel and self-represented individuals should not file documents at the Law Courts in Halifax unless they are related to an urgent or essential matter. Documents related to matters not proceeding in the immediate future should be held until the court returns to a safe services model.

Until further notice, counsel and parties filing documents related to urgent or essential matters in Halifax only are encouraged to submit their documents electronically to HalifaxSupremeCourt@courts.ns.ca with a cover letter outlining why they feel the matter is considered urgent or essential. For those unable to file electronically, there will be a drop box for paper documents at the main entrance to the Law Courts.

Please note that counsel are not required to subsequently file original paper copies of most types of electronic documents. Original paper copies are required only for sworn documents, such as affidavits. Counsel will receive further direction from the Court on this when the Law Courts returns to a safe services model.

Suspension of Filing Deadlines at the Law Courts

Unless a judge indicates otherwise, filing deadlines outlined in the Civil Procedure Rules for civil matters in the Supreme Court (General Division) in Halifax only, are suspended until further notice. This will help reduce the number of new filings at the Law Courts, so staff can focus on processing documents related to urgent and essential matters that are proceeding.

This directive includes, but is not limited to, filing a Notice of Defence in an Action, a Notice of Contest in an Application, and a Notice of Judicial Review or Notice of Appeal under Civil Procedure Rule 7.

This directive does not apply to criminal matters, proceedings in the Supreme Court (Family Division), proceedings in the Supreme Court (General Division) outside of Halifax, or proceedings in the Court of Appeal. It also does not affect filing deadlines established by legislation, such as the deadlines contained in the *Limitations of Action Act* or the *Probate Act*.

File Access at the Law Courts

Public access to court files at the Law Courts is temporarily suspended. Appointments for file searches and viewing will resume when the Supreme Court (General Division) returns to a safe services model. Urgent file requests from media should be directed to the Judiciary's [Communications Director](#) to facilitate access electronically, if possible.

These measures are effective immediately and will remain in place until further notice. Chief Justice Smith will re-evaluate the situation in two weeks' time. Court operations at the Law Courts will return to a safe services model as soon as possible.

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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COVID-19: SUPREME COURT (GENERAL DIVISION) EXPANDS ESSENTIAL SERVICES MODEL ACROSS NOVA SCOTIA

Wednesday, April 28, 2021 (Halifax, NS) – In response to the rising COVID-19 cases and additional public health restrictions announced across Nova Scotia this week, the Supreme Court of Nova Scotia (General Division) is expanding its essential services model to all locations in the province, effective Thursday, April 29, 2021.

Under an essential services model, Supreme Court (General Division) proceedings that have not yet commenced will be limited to those deemed urgent or essential by a judge.

Non-urgent matters, including non-urgent probate and bankruptcy matters, will not proceed at this time. These matters will be adjourned and rescheduled.

To help reduce the number of people appearing in-person, judges will consider whether alternative measures, such as telephone or videoconferencing, may be used for urgent and essential matters. Counsel are reminded that mandatory masking and physical distancing measures will be in effect for any court matter that proceeds in-person.

Weekly Crownside Sittings (Halifax)

Crownside will continue to be held weekly by telephone or videoconferencing to deal with first appearances following committal from Provincial Court, criminal matters requiring rescheduling, criminal matters already scheduled, and any other matter deemed by the Crownside judge to be urgent or essential.

Supreme Court (Family Division)

Until further notice, in-person proceedings in the Supreme Court (Family Division) are suspended indefinitely. Any matters requiring in-person attendance will be adjourned and rescheduled. Otherwise, the Supreme Court (Family Division) in all locations will operate as outlined in [Notice # 12](#), dated April 23, 2021, on the Courts' COVID-19 updates page.

Filing Documents

Until further notice, unless a judge directs otherwise, counsel and self-represented individuals should not file documents in the Supreme Court (General Division) unless they are related to an urgent or essential matter. The Supreme Court (General Division) will no longer accept hard copies of documents at courthouses. Instead, counsel and self-represented individuals should email or fax their documents along with a cover letter outlining why they feel the matter is considered urgent or essential.

A list of email addresses and fax numbers for all Supreme Court locations is available at https://www.courts.ns.ca/News_of_Courts/COVID19_Preventative_Measures.htm.

Individuals who need to file documents but do not have access to a computer or fax machine should contact the courthouse for further directions.

Please note that counsel are not required to subsequently file original paper copies of most types of electronic documents. Original paper copies are required only for sworn documents, such as affidavits. Counsel will receive further direction from the Court on this when the Supreme Court (General Division) returns to a safe services model.

These measures further reduce the number of people who need to visit the courthouses in person and help protect the health and well-being of the employees and judges still working at the courthouses.

Suspension of Filing Deadlines

Unless a judge indicates otherwise, filing deadlines outlined in the Civil Procedure Rules or directed by a judge for civil matters in the Supreme Court (General Division) are suspended across the province until further notice.

This directive includes, but is not limited to, filing a Notice of Defence in an Action, a Notice of Contest in an Application, and a Notice of Judicial Review or Notice of Appeal under Civil Procedure Rule 7 (with the exception of Small Claims Court Appeals, the timing of which is statutory based).

This directive does not apply to criminal matters (with the exception of summary conviction appeals), proceedings in the Supreme Court (Family Division), or proceedings in the Court of Appeal. It also does not affect filing deadlines established by legislation, such as the deadlines contained in the *Limitations of Action Act* or the *Probate Act*.

These are temporary measures to help reduce the spread of COVID-19 in Nova Scotia. They will be regularly evaluated, and new directives will be issued as the situation with the pandemic evolves. For more 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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COVID-19: SUPREME COURT (GENERAL DIVISION) OFFERING VIRTUAL JUDICIAL SETTLEMENT CONFERENCES DURING LOCKDOWN

Tuesday, May 4, 2021

Effective immediately, the Supreme Court of Nova Scotia (General Division) will permit virtual judicial settlement conferences for non-urgent matters where the presiding judge, counsel and the parties all agree to proceed virtually. In most instances, Microsoft Teams will be the videoconferencing platform used to hear these matters.

The Supreme Court (General Division) continues to operate under an essential services model in all locations, as outlined in the [Notice](#) that went out on April 28, 2021. In-person proceedings are limited to urgent and essential matters, as deemed by a judge. Non-urgent matters, other than judicial settlement conferences that can proceed virtually, will not be held, unless a judge decides otherwise. These matters will be adjourned and rescheduled.

Not all Supreme Court judges are able to conduct virtual matters at this time. Counsel who have a matter that they feel would be appropriate for a virtual settlement conference should contact the Office of the Prothonotary at the Halifax Law Courts to obtain a list of judges who are able to preside over virtual matters:

Caroline McInnes

Provincial Prothonotary, Supreme Court of Nova Scotia

Phone: 902-424-8962

Email: Caroline.McInnes@courts.ns.ca

Jessica Boutilier

Prothonotary, Supreme Court of Nova Scotia

Phone: 902-424-7968

Email: Jessica.Boutilier@courts.ns.ca

The Court appreciates that during the present lockdown, counsel and parties may have family obligations that make it difficult to participate in a virtual proceeding. Counsel are nevertheless encouraged to take advantage of this opportunity to move their matters forward.

When preparing for a virtual settlement conference, counsel and parties are reminded that practice directives and court protocols established by the Judiciary will apply when videoconferencing is used for court purposes.

All participants should review the [Conduct, Decorum and Expectations for Virtual Court](#) before taking part in a virtual court proceeding. Every effort should be made to minimize disruptions during a virtual proceeding, but again, the Court understands that may not always be possible under the current lockdown conditions.

To review 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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COVID-19: SUPREME COURT (GENERAL DIVISION) RETURNING TO SAFE SERVICES MODEL

Tuesday, June 1, 2021

Effective Monday, June 7, 2021, the Supreme Court (General Division) will return to a safe services model in all areas of the province.

This means that counsel and parties will no longer have to establish that a matter is urgent or essential to proceed in-person. Non-urgent in-person hearings will be permitted, provided they can be conducted safely and in accordance with established protocols to protect against the spread of the COVID-19 virus.

Masking in Courtrooms

As per the [May 27, 2021 Update on Masking](#), the All Courts Recovery Committee is now strongly recommending that disposable medical masks, rather than reusable cloth masks, be worn at all times in courtrooms, including when an individual is speaking.

This recommendation also applies to judicial settlement conferences and any other in-person court proceeding held in a boardroom, jury room, or other enclosed space inside a Nova Scotia courthouse.

Sheriffs will provide a disposable medical mask to all witnesses, parties and defendants involved in an in-person court proceeding. Counsel are expected to bring their own disposable medical mask. However, for those who may not have one, a supply will be available at the front doors of the courthouses.

Access to Courthouses

While the Court needs to expand the services offered to the public during the pandemic, it recognizes that the fewer people inside courthouses right now, the better, from a safety perspective. For this reason, courthouses will continue to limit who is permitted inside the building. Only those individuals who work in the building, who are participating in a court proceeding or who have an appointment will be permitted in courthouses.

To help maintain the open courts principle, members of the media will be permitted to cover court proceedings in person; however, whenever possible media will be encouraged to participate remotely by telephone or videoconferencing.

Filing Deadlines

The suspension of filing deadlines will be lifted in all areas of the province, effective 11:59 p.m. on Sunday, June 6, 2021.

Public File Access

Public access to files will resume on Monday, June 7, 2021, provided there is space available at the courthouse to view the files, while respecting physical distancing.

Individuals must contact Court Administration to make an appointment to view files, prior to coming to the courthouse. This is required so that staff can control the number of people in the viewing rooms. These spaces will be disinfected between appointments. Anyone coming to view files will be subject to health screening at the front door and will be required to wear a mask at all times.

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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**Statement from the Chief Justice regarding
the Vaccination Status of Supreme Court Judges**

Friday, Nov. 26, 2021

The following statement is issued on behalf of The Hon. Deborah K. Smith, Chief Justice of the Supreme Court of Nova Scotia:

“As judges serving society, we recognize our role in maintaining a safe, healthy environment in our public institutions. That is top of mind as we continue to navigate our way through the COVID-19 pandemic.

Although it would be inappropriate to discuss internal court policies, the Supreme Court recognizes the public interest in the vaccination status of judges. As such, members of the public can be assured that Supreme Court judges presiding in courtrooms will be fully vaccinated.”

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COVID-19: SUPREME COURT ADOPTS MODIFIED ESSENTIAL SERVICES MODEL

Friday, Dec. 17, 2021

In light of recent COVID-19 outbreaks in Nova Scotia and the threat of the new Omicron variant, the Supreme Court of Nova Scotia is adopting a modified essential services model in all locations, effective immediately, until Jan. 4, 2022. This applies to both the General and Family Divisions.

Under a modified essential services model, in-person proceedings in the Supreme Court will be limited to those deemed urgent or essential by a judge.

Jury trials currently underway will continue until they conclude. Supreme Court judges currently hearing non-jury trials will decide whether to adjourn the proceedings or continue until they conclude.

Counsel and other court participants are reminded that mandatory masking and physical distancing measures will be in effect for any urgent court matter that proceeds in-person.

Any non-urgent Supreme Court matters, including probate and bankruptcy matters, that can be held virtually by telephone or videoconferencing will be allowed to proceed, provided there is sufficient staff and equipment to do so. As well, Chambers, Appearance Day, Special Time Chambers, and Crownside for criminal cases will hear non-urgent matters via telephone or videoconferencing, if sufficient resources are available. Any non-essential matters that cannot be dealt with virtually will be adjourned and rescheduled.

Filing Documents

The current processes for filing court documents as outlined in the [May 13, 2021 Notice](#) will continue. For filings related to urgent and essential in-person proceedings, counsel should include a cover letter outlining why the matter is considered urgent or essential.

File Access

Public access to files will continue, by appointment only. Please note that individuals must contact Court Administration to make an appointment to view files, prior to coming to the courthouse.

This is required so that staff can control the number of people in the viewing rooms. These spaces will be disinfected between appointments. Anyone coming to view files will be subject to health screening at the front door.

To make an appointment at the Halifax Law Courts, please contact Laurie Campbell at Laurie.Campbell@novascotia.ca or by telephone at 902-424-6900. To make an appointment at another Supreme Court location, please refer to the [contact list](#) for courthouses across the province.

These are temporary measures to help reduce the spread of COVID-19 in Nova Scotia. They will be regularly evaluated, and new directives will be issued as the situation with the pandemic evolves. For more 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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JURY TRIALS ACROSS NOVA SCOTIA SUSPENDED UNTIL JAN. 17, 2022

Tuesday, Dec. 28, 2021

In light of record-breaking COVID-19 case numbers in Nova Scotia and the threat of the highly transmissible Omicron variant, the Chief Justice of the Supreme Court of Nova Scotia is directing that all jury trials in the province be suspended until Jan. 17, 2022.

This directive is effective immediately and applies to all jury trials in Nova Scotia that have not yet commenced. Any affected jury trials will be rescheduled at the earliest opportunity.

“We know that we are able to hold jury trials in Nova Scotia while still respecting public health restrictions, but the question right now is should we,” said The Hon. Deborah K. Smith, Chief Justice of the Supreme Court. “Cases are surging and it’s unlikely that the situation will be under control in the near future.

“With that in mind, and after careful consideration, our Court has decided that the responsible thing to do is to suspend these matters until we are confident that jury selections can proceed safely in this new stage of the pandemic.”

Members of the public who have received a jury summons requiring them to come to court for jury duty in the first two weeks of January will be deferred to a later date.

Information regarding jury selections can be obtained by calling the contact numbers provided in the jury summons. In the Halifax Regional Municipality, information regarding jury selections is available by calling the Juror Information Line at 902-424-6400. Potential jurors can follow the directions on the voicemail for the appropriate information for their jury panel.

As per the [Dec. 17, 2021 Notice](#), the Supreme Court is currently operating under a modified essential services model. That directive remains in effect until Jan. 4, 2022.

These are temporary measures to help reduce the spread of COVID-19 in Nova Scotia. They will be regularly evaluated, and new directives will be issued as the situation with the pandemic evolves.

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

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COVID-19: SUPREME COURT EXTENDS MODIFIED ESSENTIAL SERVICES MODEL

Wednesday, Dec. 29, 2021

Due to the ongoing situation with the COVID-19 pandemic, the Supreme Court of Nova Scotia (both the General and Family Divisions) is extending the modified essential services model in all locations until Friday, Jan. 14, 2022.

The Supreme Court returned to a modified essential services model on Dec. 17, 2021, following outbreaks of COVID-19 across Nova Scotia and the emergence of the highly transmissible Omicron variant. The full Notice is available online [here](#).

Under a modified essential services model, in-person proceedings in the Supreme Court are limited to those deemed urgent or essential by a judge.

Counsel and other court participants are reminded that mandatory masking and physical distancing measures are in effect for any urgent court matter that proceeds in-person.

Any non-urgent Supreme Court matters, including probate and bankruptcy matters, that can be held virtually by telephone or videoconferencing are allowed to proceed, provided there is sufficient staff and equipment to do so. Any non-essential matters that cannot be dealt with virtually will be adjourned and rescheduled.

These are temporary measures to help reduce the spread of COVID-19 in Nova Scotia. They will be regularly evaluated, and new directives will be issued as the situation with the pandemic evolves. For more 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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