

NOVA SCOTIA BARRISTERS' SOCIETY
SUPREME COURT (FAMILY DIVISION)
LIAISON COMMITTEE MEETING

March 23, 2022

MINUTES

Present

Christine Doucet (co-chair)
Associate Chief Justice Lawrence O'Neil (co-chair)
Justice LouAnn Chiasson
Justice Lester Jesudason
Justice Lee Anne MacLeod-Archer
Justice Michelle Christenson
Nick Burke
Peter Crowther
Elaine Gibney
Allison Kouzovnikov
James Leiper
Stacey Merrigan
Jennifer Reid
Samira Zayid

Regrets

Amanda Dillman
Krista Forbes
Justice Robert Gregan

1. Review of Minutes of Last Meeting of Committee (November 24, 2021) – Motion to approve by Elaine Gibney, seconded by Jennifer Reid, minutes approved as presented.

2. Status of Committee

a. Revised Terms of Reference

The committee further reviewed the draft Revised Terms of Reference and members proposed additional revisions. Christine Doucet provided feedback from NSBS on several points that were outstanding at the January 26th meeting. Committee members debated the issue of length of appointments to committee. Christine will circulate two options and committee members will vote by email before next meeting.

3. Updates from the Court

a. Family Division expansion

ACJ O'Neil provided an update on the expansion of the court. Four judicial vacancies remain: Cape Breton, Bridgewater, Truro, HRM.

b. Covid process/procedures

ACJ O'Neil provided an update on the court's pandemic process/procedures. The court will continue with the current approach, whereby in-person appearances are limited, until April 19, 2022. At that time, certain appearances will be presumptively virtual, while others will be presumptively in-person. ACJ O'Neil will provide a memorandum outlining these changes. (The memorandum is attached to these minutes.) Sheriffs will continue to ask screening questions upon entry to courthouses, masking requirements will continue for now, and individual judges are at liberty to make inquiries regarding the vaccination status of participants.

4. Updates from Committees

Christine Doucet asked that all committee chairs provide an update at the May meeting.

5. Communications from the Bar

- a.** Request for clarification on whether lawyers must pay a filing fee for motions to withdraw as counsel of record:

James Leiper advised that the regulations of the Costs and Fees Act require the payment of filing fees for all motions, including when a lawyer applies to withdraw. He indicated there may be flexibility if a motion to withdraw is addressed during an appearance, as opposed to filed through court administration. Justice Chiasson stressed the importance of proper filing of such motions in order to ensure proper service.

- b.** Request for clarification by various members of the bar regarding whether trial dates can be booked at case management conference rather than subsequent conference:

Jennifer Reid and other members of the bar raised concerns about the current process, by which trials are not booked during case management conferences but rather during a subsequent conference. The concern is that this causes increased time and expense for clients. Several judges shared the perspective of the judiciary – including the importance of the trial judge having control over the actual booking of the trial. After a discussion on this issue, members of the

private bar agreed to compile a list of suggestions to streamline the conference/case management conference process.

- c. Request for clarification on issues relating to pre-conference summaries:
Jennifer Reid also raised concerns from various members of the bar that pre-conference summaries are not being used consistently. This matter will be further addressed by the above members of the private bar in their communication to the committee prior to the next committee meeting.

6. Upcoming Meetings of the Committee (2021-22)

Please note the following dates for meetings in 2021-2022:

- a. **May 18, 2022 at 4:45 p.m. by Teams** (adjusted due to conflicts on May 25, 2022)

- 7. Meeting adjourned by motion of Justice Chiasson.

Devonshire Scheduling Guidelines Post April 18th, 2022

The Devonshire Scheduling Guidelines after April 18th, 2022 are outlined below.

After April 18th, 2022:

- (1) Matters now scheduled will remain by telephone if scheduled to occur in that fashion unless a Judge orders otherwise.
- (2) Conferences will be presumptively by telephone.
- (3) CFSA proceedings at the disposition stage will be presumptively by telephone.
- (4) The CFSA 5-day will be presumptively in person. At the 5-day, the presiding Judge will direct whether subsequent appearances will be by telephone or in person.
- (5) Hearings will be presumptively in person. Matters already scheduled for a time after April 18th, 2022 are unaffected by this direction unless a Judge directs otherwise, that is if a matter is now scheduled to be virtual after April 18th, 2022, it will remain so scheduled.
- (6) Settlement Conferences will be in person or virtual (by telephone or video) at the direction of each Judge. The Court will be discussing whether settlement conferences should be presumptively virtual or in person.
- (7) Interpreters – Matters requiring the attendance of an interpreter shall be in person.

DATED: March 25th, 2022
Associate Chief Justice Lawrence I. O'Neil
Supreme Court of Nova Scotia (Family Division)