

***Notice to the Profession
Adjournment of Appeals***

The practice of the Registry is to contact all counsel or self represented litigant approximately three weeks in advance of the hearing of the appeal to confirm the time estimate, to ensure that all materials are filed and to confirm that the appeal will proceed as scheduled. At this time, any concerns with the date, time scheduled or potential adjournments should be communicated to the scheduler.

The scheduler closely manages the hearing list because the time for the hearing of each appeal is set aside specifically for that appeal. There are no other cases waiting to proceed if an appeal is adjourned at the last minute.

Unforeseeable circumstances such as illness of counsel or death of a family member are legitimate reasons for seeking last minute adjournments. However, counsel's lack of preparation, late filings, or personal convenience is not. If you do not have one of these good reasons to adjourn your hearing, you will have to appear before the Court to explain your circumstances, even if you have the consent of the other parties.

Counsel and the parties setting the appeal for hearing must file a certificate of readiness. The present fixed date system for hearing appeals depends on having appeals proceed in a timely way in accordance with the certificate of readiness.

The Court respectfully reminds counsel and self represented litigants of these matters so that sitting dates will not be lost.

This Practice Note replaces the Notice to the Profession dated 7 June 2005 entitled "Lost Court Days".

Dated: January 22, 2010

J.L. Jordan, Registrar