



The Court of Appeal for Bermuda

Ref. A/50

Monday, 7 February 2011

CIRCULAR NO: 4 of 2011 [AS AMENDED]

TO ALL COUNSEL

COURT OF APPEAL CALENDAR: 28th February 2011 to 18 March 2011 SESSION

I enclose herewith a Draft Cause List for the forthcoming session. Dates and times are always subject to change during the session. The Honourable President has directed that Counsel should be prepared to proceed with their appeals on very short notice at any time during the appeal period, and not only on the listed date.

- The session will commence on **Monday, 28th February 2011** and end no later than **Friday, 18th March 2011**, if not sooner. The President of the Court of Appeal has directed me to say that if there are changes to the list, they will be made for the convenience of the Court and not at the convenience of Counsel. The Draft Cause List constitutes *notice* to Counsel. Once Counsel are officially notified of the listing of their appeal for the session and they **do not** agree to the same, they will have to file a Notice of Motion with Affidavit in support to **adjourn** the appeal.

- Counsel are, or anyone acting In Person is, reminded that they are to observe the *Rules of the Court of Appeal* when submitting further applications or documentation.

- Counsel are reminded to provide their Submissions and Authorities for Civil Appeals in accordance with the dates settled before the Registrar. As the Court of Appeal Judges are travelling from overseas, it is necessary to have all Submissions received in a timely manner. This allows all appeals to proceed expeditiously. Counsel are reminded of Circular No.1 of 2007 wherein only Core Bundles are to be submitted for 'big' Civil Appeals.

- When Notices of Appeal are submitted for Criminal matters, the Notices of Appeal should be accompanied by a letter or certificate from the Legal Aid Office stating that the Appellant's legal aid coverage is extended to cover the appeal. **If the extension of Legal Aid is not received, the appeal process may be delayed until fees are paid.**

With respect to **Criminal Appeals**, the **Appellants' Submissions and Authorities** must be submitted to the Registry on or before **Wednesday, 9th February 2011**; the **Respondents' Submissions and Authorities** are to be submitted by close of business on **Monday, 22nd February 2011**. This supersedes any and all prior Circulars. The fact that there are negotiations ongoing between the parties is not a good reason for refraining from submitting the Submissions.

- Finally, because of the schedule and the pressure of work that will be on the Court of Appeal Judges while they are here, Counsel are asked to notify the Registrar of the Court as soon as possible if they intend to abandon an appeal. The Notice of Abandonment should be filed shortly after said notification.

REGISTRAR OF THE COURT

cc:

- * Attorney-General's Chambers
- * Corrections
- * Director of Public Prosecutions
- * Legal Aid