



## The Court of Appeal for Bermuda

Ref. A/50

Friday, 1 April 2011

**CIRCULAR NO: 8 of 2011  
TO ALL COUNSEL**

**COURT OF APPEAL CALENDAR: 30<sup>th</sup> May 2011 to 17 June 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 Appellants 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 Draft Cause List constitutes *Notice of Hearing* dates to all involved in the appeals.
- The session is set to begin on **Monday, 30<sup>th</sup> May 2011** and will probably end on **Friday, 17<sup>th</sup> June 2011**. 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.
- Appellants (including anyone acting "In Person") are, reminded that they are to observe the *Rules of the Court of Appeal* when submitting further applications or documentation.
- **CIVIL APPEALS:** Counsel are reminded to provide their Submissions and Authorities 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 within a month of filing, the appeal process may be delayed until fees are paid. (Kindly refer to the Court of Appeal for Bermuda Rules, Third Schedule.)
- **CRIMINAL APPEALS:** Appellants' Submissions and Authorities must be submitted to the Registry on or before **Wednesday, 11<sup>th</sup> May 2011**; the Respondents' Submissions and Authorities are to be submitted by close of business on **Friday, 20<sup>th</sup> May 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.
- Kindly notify the Court of Appeal Officer when you are about to file your submissions. This will ensure their receipt and appropriate filing.
- The Justices have suggested that the Authorities provided in the bundles only contain the head note and the relevant pages/passages that are being cited. More than that will be extraneous.
- If there are to be any changes to the filed submissions, the onus is on the Appellant/Respondent to update their filed documents at the convenience of the Court Officers.

- If an adjournment of an appeal must be sought, the Appellant must notify the Registrar and the Respondent of this intension prior to filing the documents. In no less than four days prior to the start of the session, the Appellant must file a Notice of Motion with Affidavit in support to **request the adjournment** of the appeal and appear before the Court when duly summoned. This does not guarantee that your request will be granted.
- Finally, because of the schedule and the pressure of work that will be on the Court of Appeal Judges while they are here, Appellants are asked to notify the Registrar of the Court and the Respondent(s) as soon as possible if they intend to abandon an appeal. The Notice of Abandonment should be filed shortly after said notification.

A red circular seal of the Court of Appeal for Bermuda is stamped over a handwritten signature. The seal features a central emblem with a shield and a crown, surrounded by the text "COURT OF APPEAL FOR BERMUDA" and three stars at the bottom.

**REGISTRAR OF THE COURT**

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