



## The Court of Appeal for Bermuda

Ref. A/50

Friday, 4th September 2009

**CIRCULAR NO: 10 of 2009**

**TO ALL COUNSEL**

**COURT OF APPEAL CALENDAR: 2<sup>nd</sup> November 2009 to 20<sup>th</sup> November 2009 SESSION**

I enclose herewith a Draft Cause List for the forthcoming session. Dates and times are subject to change during the session.

- The session will commence on **Monday, 2<sup>nd</sup> November 2009** and end no later than **Friday, 20<sup>th</sup> November 2009**, if not sooner. The Honourable 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. Once Counsel is duly notified of listing their appeal for the session and they agree to the same, they will have to file a Notice of Motion with Affidavit in support to adjourn the appeal. The draft Cause List constitutes notice to Counsel.
- Any submissions or other documents to be viewed by the Judges are required to be filed in the Registry for the Court of Appeal **at least four (4) days before the hearing date.**
- 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 further reminded about providing their Authorities and Submissions for Civil Appeals in accordance with the dates settled before the Registrar and in any event, no later than Wednesday, 21 October 2009. 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 client's legal aid coverage is extended to cover an appeal. **If the extension of Legal Aid is not received, the appeal process will be delayed until fees are paid.**

With respect to **Criminal Appeals**, the **Appellants' Skeleton Arguments and Authorities** must be submitted to the Registry on or before **Friday, 9<sup>th</sup> October 2009**; the **Respondents' Skeleton Arguments and Authorities** are to be submitted by close of business on **Friday, 23<sup>rd</sup> October 2009**. 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 Skeleton Argument.

- As has been done in the past, Counsel are reminded to **keep their November calendar flexible** for this Appeal Session. The President requires that Counsel be amenable to listing changes at short notice, including any case listed on the Reserve List. The President has further directed that Counsel **should be prepared to proceed with their cases on very short notice at any time during the appeal period, and not only on the listed date.**
- Finally because of the schedule and the pressure of work that will be on the Court of Appeal Judges, 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 notification.

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**REGISTRAR OF THE COURT**

cc:

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