Sir Louis Henry Davies
Law Courts

**Supreme Court of
Prince Edward Island**

PO Box 2000
Charlottetown, PE C1A 7N8

NOTICE TO MEMBERS OF THE LAW SOCIETY

Date: April 1, 2020

From: Krista J. MacKay, Q.C., Prothonotary/Registrar

Filing of Documents

We continue to work with a skeleton staff and appreciate those lawyers that are reflecting on whether a document needs to be filed at this time before forwarding them for filing. We appreciate the use that is being made of e-filing and filing by fax pursuant to Practice Direction 46, and encourage continued use of these formats where appropriate. For larger bound documents, the newly implemented drop-box method is available and may be more suitable.

Triage Process for Supreme Court Hearings

We continue to hear only those matters that are deemed urgent, essential, or an emergency. The court has implemented a triage process for parties wishing to have hearings on matters that the parties believe are urgent, essential or an emergency. Parties requesting a hearing should forward an email containing their request, supported by their submissions regarding how the matter is urgent, essential, or an emergency, to either the Trial Co-ordinator, Shelley Young Brennan (sdyoung@gov.pe.ca) or to me (kjmackay@gov.pe.ca). Your request will be forwarded to the court for consideration and you will be advised whether or not a hearing will be granted at this time. The court may require additional documents to be filed. Should the court determine that the matter does not meet the threshold to be heard at this time, parties may file their documents and a hearing date will be assigned in due course once restrictions are no longer in place. Please note that if your matter has met the threshold and will be heard, any filings regarding the matter should include a note to the deputy registrars that it has been approved for hearing. They can then ensure the documents get to the judge hearing the matter in a timely way.

Original Wills

Under normal circumstances, the original will must be provided at the time of the Petition for Probate. At this time, however, where lawyers are using e-filing, the court will accept the following:

   a. The Proof of Will and a scanned copy of the Will shall continue to be filed, along with confirmation by the lawyer that the scanned version is a true and complete copy of the original, which is currently in their possession, subject to clause (b) below.

b. The original Will may thereafter be provided via the drop-box system, or by mailing it to the court. Lawyers should be cautioned, however, that they continue to be responsible for the Will until such time as it reaches the courthouse. Alternatively, the lawyer can choose to hold the original Will in their possession until such time as the court requires it be provided.

Original Birth and Marriage Certificates

Under normal circumstances, the original birth and marriage certificates must be provided and they are copied and returned to the lawyer. At this time, however, the court will accept a scanned notarized copy of the applicable certificate <u>OR</u> a scanned copy that is not notarized, but is accompanied by the lawyer's undertaking to provide the original within a reasonable time via drop-box or mail.

Contact Information

Please ensure that current contact information <u>of the lawyer</u> is provided so that if there are any issues with documents attempting to be filed, registry staff can quickly and efficiently contact the lawyer to discuss. We are receiving documents with only law firms' main reception lines provided, and are not able to reach the lawyer directly in most cases with many lawyers working from home.

Requests for Documents

Any requests to the court for copies of documents or FACTS printouts should be made to scfiling@courts.pe.ca, and not to individual deputy registrars, who may or may not be working on any particular day.

We appreciate the continued co-operation of the Bar in these matters as we continue to navigate the current health crisis.

Krista J. MacKay, Q.C.

Prothonotary and Registrar of the Court of Appeal
and Supreme Court