

GUIDELINES FOR MEDIA & PUBLIC ACCESS TO THE COURTS OF NOVA SCOTIA

EXECUTIVE OFFICE OF THE NOVA SCOTIA JUDICIARY



GUIDELINES FOR PRESS, MEDIA, AND PUBLIC ACCESS TO THE COURTS OF NOVA SCOTIA

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1. AN OPEN JUSTICE SYSTEM

We live in a society that places a high value on openness in the justice system. In a 1989 Supreme Court of Canada case, *Edmonton Journal v. A.G. Alberta*, the Court explained the value of open Courts:

“The concept of free and uninhibited speech permeates all truly democratic institutions... As a result of their significance, the courts must be open to public scrutiny and to public criticism of their operation by the public.... the public interest in open trials and in the ability of the press to provide complete reports of what takes place in the courtroom is rooted in the need:

- 1) to maintain an effective evidentiary process;*
- 2) to ensure a judiciary and juries that behave fairly and that are sensitive to the values espoused by society;*
- 3) to promote a shared sense that our courts operate with integrity and dispense justice; and*
- 4) to provide an ongoing opportunity for the community to learn how the justice system operates and how the law being applied daily in our courts affects them.”*

Accordingly, the general rule in Canada is that trials are open to the public and may be reported in full.

The presiding Judge, however, does have significant common law and statutory power to control Court proceedings to ensure a fair trial and to protect the integrity of the process.

By enabling the public to attend Court proceedings and allowing access to Court documents relating to trials, we educate our citizens about the law and enhance their confidence in the fairness of the legal system and the way it operates.

The media play a crucial role in informing the general public about what goes on in our Courts: the average citizen gains knowledge of the legal system primarily through the words and images conveyed by the media in news reports about Court proceedings.

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Both the justice system and the public at large are well served when media coverage of hearings and dispositions of specific cases is accurate and complete. Court officials and staff working within the justice system have a responsibility to assist the public, including the media, in obtaining the access to which they are entitled by law to report accurately on Court proceedings.

2. ACCESS TO COURTHOUSES AND COURTROOMS

(A) General Rule -Open Courts

Members of the public, including the media, are welcome to attend all sessions of the Courts except in those rare circumstances where legislation requires or a Judge orders that a proceeding, or part of a proceeding, be held in private.

(B) Decorum in the Courtroom During Trial

Spectators at a trial must act in such a way as not to disturb the Court process. Doors to the courtroom should be closed gently and completely if a trial is in progress. There should be silence in the courtroom, and after leaving, spectators should be careful not to start talking loudly in the hall outside.

If a reporter must enter or exit a courtroom while a trial is in progress, he or she is urged to do so quietly and unobtrusively. The basic principle is that conduct of the trial must not be disturbed: on occasion and to protect the trial process, a judge has discretion to order that no one enter or leave the courtroom, and this might happen during the testimony of a particular witness, during an address by counsel or when the judge is giving his or her decision. If such an Order has been made the Sheriff's Officers on duty in the Court will enforce it.

(C) Movement Beyond the Bar

No member of the public or the press is permitted beyond the Bar in a Courtroom at any time without permission of the clerk of the Court in the course of accessing court documents filed with the court (see Section 3 (C)).

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(D) Media Rooms

In the Law Courts Building on Upper Water Street, Halifax, an office has been set aside on the third floor of the Courthouse for the media covering Appeal or Supreme Court cases. In the Provincial Court on Spring Garden Road, Halifax, an office has been set aside for the media on the main floor.

In other Court locations around the Province reporters should check with the local Court Administrator* about arrangements for the media.

(E) Media Tables

A special table for the media has been set up in the Appeal Court Courtroom No. 502 on the 5th Floor of the Halifax Law Courts Building. Some other locations also provide special media tables in the courtroom - please check with the Court Administrator*.

3. ACCESS TO COURT DOCUMENTS - OVERVIEW

(A) General Rule - Access Through Court Administration Office

Note: The term "Court Administrator" is used generically throughout the Guidelines to refer to Court staff with the authority to handle public and media access inquiries. Supervisors of Court Administration, Prothonotaries and Sheriff's Officers may in fact be the staff with whom the public and media most frequently deal.

As a general rule, all court documents in all courts are a matter of public record unless a legislative provision or court order restricts public access. Broad legislative restrictions for access to court documents are provided in the Young Offenders Act / Youth Criminal Justice Act and the Family Court Act. Otherwise, almost all court records are available for public inspection. The general rule is that Court hearings are open and the public, including the media, have access to Court documentation in the custody of the Court Administrator*. Documents that have a publication ban are open to public inspection. (See Section 3 (B)1).

The Court Administration office in each Court facility holds all files and documentation related to cases heard in that location. The public and media may search the file indices or review documentation in these offices during office hours (generally 8:30 a.m. - 4:30 p.m.) on paying the applicable file searching fees.

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Any review of such information by a member of the public or the media must be made at the Court office in the presence of Court staff. In no case is a member of the public or the media permitted to remove Court documentation from the Court office for later return.

If photocopies are required, they will be made by staff or, in Halifax, by the individual requesting them. There is a charge of \$.55 per page. Media representatives may, as well, photograph or video tape court documentation in the Halifax Law Courts Administration office.

A list of Justice Centres is available on the website of the Courts of Nova Scotia at www.courts.ns.ca. Please contact a staff member in the area where the case in question will be heard for any additional information.

In satellite Courts where no permanent staff is present, advance inquiries about access should be made to the Court Administrator at the relevant Justice Centre. On-site inquiries may be addressed to the Court Clerk or the Sheriff's Officer.

(B) Restrictions on Public Access to Documents

Although the vast majority of documents filed with the Court are available to the public and media, there are a number of legislative provisions and judicial decisions which restrict access to some Court records. Some of the Court documents which are not publicly accessible, or are available only with the consent of a Judge, include:

- 1) Youth Criminal Justice Act and Youth Justice Act Records (Young Offenders Act for older records) -- (including tapes and transcripts)

The YCJA, as did the YOA, contains both a ban on publication and a ban on disclosure of identifying information. The YCJA starts from the position that no record or information contained in the record may be given to any person were it would identify a young person dealt with under the Act. (s.118 YCJA and s. 46(1) of the YOA)

The YCJA contains a list of people who are entitled to receive court records prior to the non-disclosure period (s. 119(1) of the YCJA and s.44.1(1) of the YOA). The media or the general public has no right of access to inspect Youth Justice Court files or any court record. Anyone who is not on the list may apply to a Youth Justice Court judge for access to the information. The Youth Justice Court judge may grant access to the information to the extent directed, if

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satisfied that the person has a valid interest in the record and that access to the record is desirable in the interest of the proper administration of justice (s.119 (1)(s)(ii) of the YCJA and s. 44.1(1)(k)(ii) of the YOA). Even if the information is disclosed, there can be no disclosure to another person unless it is authorized under the YCJA (s. 129 YCJA).

The Youth Justice Act is the legislation that deals with young persons charged with provincial offences and municipal by-laws. Records are only disclosed if found to be desirable in the interest of the proper administration of justice or according to the regulations of YJA.

The records provisions of the YCJA do not apply to records relating to an offence for which an adult sentence was imposed, all appeals or time for appeals are completed and the result is still an adult sentence. (s. 117 of the YCJA).

- 2) The Youth Criminal Justice Act, and the Youth Justice Act -The disclosure of information with reference to dockets and file material

Guiding principle

The guiding principle is to provide a copy of the information, with any information that could lead to the identity of the accused removed. In other words, the following information should **remain intact on the information** as a default approach: case numbers, age/date of birth of the accused, the general community of the accused, the general circumstances of the offence, the charge, and the initials of the accused.

The name, exact street address and person number **should be marked out** before providing a copy of the information. Names of victims, child or youth witnesses shall also be removed if there is concern it is a young person.

Where staff members have a concern, they can refer to the court administrator. If the reporter is still not satisfied with the result, they can make a formal application to the court.

Dockets - dockets may be posted, but with **names and person numbers of the accused removed**, so that there is no linkage between the names of the accused and the offences with which the young person can be identified. Dockets **should** contain the **initials**

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of the accused. The Court file number which is assigned in Supreme Court or Court of Appeal files **can be placed** on the court docket. Please note that in some courts the docket is posted absent the names of the youth or with the names of the youth blacked out. In other areas, the names of the youth are not removed and the Sheriff, who has access to the docket, provides court related information without disclosing the names - both methods are acceptable.

File Material - court administration staff may disclose informations and notices of appeal with the names blacked out. Disclosure of other file material must be on a case-by-case basis. If necessary, members of the press seeking disclosure may need to apply to the Court.

3) **The Youth Criminal Justice Act and the Youth Justice Act - Time Limitations for Disclosure**

Even though certain individuals or classes of individuals are permitted to have access to a Youth Justice Court record, that access is subject to time limits for disclosure. Section 119 of the Youth Criminal Justice Act provides detail for time limits on release of these records. The provisions are complex, but, generally, the following limits apply:

Extrajudicial sanctions - If an extrajudicial sanction is used to deal with the young person, the time limit is the period ending two years after the young person consents to be subject to the sanctions.

Acquittal - When a young person is acquitted (other than by reason of a verdict of not criminally responsible), the time limit on disclosure is two months after the time allowed for an appeal, or where an appeal is taken, three months after the conclusion of the appeal.

Dismissed, Withdrawn - Where the proceedings against a young person are dismissed or withdrawn, other than an acquittal, the time limit is the expiration of two months after the dismissal or withdrawal.

Reprimand - Where the young person is found guilty of the offence and a reprimand is given, the time limit is the period ending two months after the finding of guilt.

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Stayed - Where the proceedings against the young person are stayed, the time limit on disclosure is the expiration of one year.

Absolute Discharge - The time limit on disclosure is one year after finding of guilt by Court.

Conditional Discharge - The time limit is three years after finding of guilt by Court.

Found guilty of a summary offence - The time limit for disclosure is three years after expiration of sentence (extended three years by a subsequent summary conviction, extended five years by a subsequent indictable conviction).

Found guilty of an indictable offence - The time limit for disclosure is five years after expiration of sentence (extended three years by a subsequent summary conviction, extended five years by a subsequent indictable conviction).

If during the period of access to a record the young person is convicted of an offence committed when he or she is an adult, the record shall be dealt with as a record of an adult (s.119(9)).

After the expiration of the time limit, the Youth Justice Court record may not be disclosed to any persons except the young person and his or her lawyer without an application to the Youth Justice Court. The media or any person may apply to have access to a Youth Justice Court record. The Youth Justice Court judge may order access to all or part of a record or a copy of the record if satisfied that the person has a valid and substantial interest in the record, access is necessary in the interest of the proper administration of justice and disclosure is not otherwise prohibited. In these applications notice must be given to the young person to whom the record relates (unless waived) and to the keeper of the record. The Youth Justice Court Judge will also set out the purposes for which these records can be used (s. 123 of the YCJA and s. 45.1 of the YOA).

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Under the provincial Youth Justice Act no disclosure can be made after two years from the finding of guilt without an application to the youth justice court with notice to the young person.

- 4) **Records of proceedings under the Children and Family Services Act** (N.S. Civil Procedure Rule 69.16, and S. 85 of the Act for adoptions) - i.e Child protection and adoption cases (all records pertaining to adoptions are not open for inspection. Sealed documents shall not be opened by any person, including court staff, without a court order), Apprehensions, Section 29 - Run Away Child, Child Abuse Register Applications where an application is being made to have a person placed on the registry as an abuser.
- 5) **Child Abuse Registry** - All Child Abuse Registry forms (Form XII - Report to the Child Abuse Register where these are contained as part of a criminal Supreme Court file) are available for inspection by the public or media. (See Children and Family Services Act, Sections 66 and 94.)
- 6) **Family Court files** [currently under review] - Family Court records are open only to the parties involved and their counsel. This restriction does not apply to Family Court cases once they are appealed to a higher court.
- 7) **Peace bonds** -Peace bonds filed in the Supreme Court Family Division are open for inspection. Peace Bonds filed in the Family Court prior to the creation of the Supreme Court Family Division, are not open for inspection unless otherwise ordered.
- 8) **Sheriff records** - Documents referencing Family Court and Youth Court matters can only be made available upon Court Order (i.e.Young Offender transport records, Family Court Document Service sheets, etc.). Sheriff cell lists containing only adult cases are open for public inspection. Cell lists which include Young Offender names, are not open for inspection.
- 9) **Unexecuted or unsuccessfully executed search warrants / Informations to Obtain;** (Supreme Court of Canada decision: AGNS et al v. McIntyre, 1982) – Search Warrants in which a Report to Justice has not been filed, and Search Warrants that did not result in a positive finding shall not be made available for public

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inspection. Search Warrants identified as part of a Young Offender matter shall not be made available to individuals other than the Young Offender, the Young Offender's counsel, Crown Attorney and Police.

Search Warrants ordered sealed by a Judge or a Justice of the Peace are not subject to public inspection for the duration of the order. The Sealing Order itself is open for public inspection, however, the affidavit seeking a Sealing Order and all other documents are not.

- 10) **Contingency fee arrangements;** (N.S. Civil Procedure Rule 63.19) - Contingency Fee Agreements are not open for inspection. Documents are kept in a sealed envelope and maintained separate from the court file.
- 11) **Victim impact statements;** (N.S. Order in Council No. 94-597 - only Provincial Court). Victim Impact Statements are not open for inspection without written consent of the Judge until placed in the court file by a judge after sentencing in Supreme Court.
- 12) **Pre-sentence Reports** – Pre-sentence reports are not open for inspection without written consent of the Judge until placed in the court file by a Judge after sentencing.
- 13) **Funds in trust;** Information regarding funds in trust shall only be released upon court order.
- 14) **Documentation related to settlement-oriented pre-trial processes (civil only)** - Settlement-oriented conferences as set out in Practice Memorandum No. 27 are a private matter between counsel and the Judge conducting the conference. Any documentation provided to the court for consideration on the settlement conference is not available to the public or the media for inspection.
- 15) **Psychiatric or other medical reports** – Unless directed by a judge, reports provided by psychiatrists or other medical professionals are not available to the public or the media:
 - (a) in **criminal** cases prior to the conclusion of the case, including determination of sentence
 - (b) in **family law** cases [currently under review]

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(c) in **civil cases**, respecting persons for whom a guardian has been appointed or persons claiming to be victims of sexual assault.

- 16) Exhibits** – There is no automatic right of access to many exhibits in Nova Scotia. Requests for access to exhibits by members of the media must be made to the presiding Judge if the case is pending or ongoing. Some Judges may entertain informal requests while others might not deal with the issue without a formal Court application. Members of the media should direct their inquiries to the Clerk of the Court or the Court Administrator.

If the media wish to have access to exhibits well in advance of a specific trial date (eg. Before a Court Clerk has been assigned) they may wish to contact the Court Administrator. Access to exhibits is at the discretion of the presiding Judge.

After the completion of the case, and all appeal periods, exhibits are either returned to their owners, sent to the Nova Scotia Archives or destroyed as soon as the appeal period expires. Any enquiries about access after the case has concluded should be directed to the Court Administrator.

- 17) Dockets** - Family Court and Youth Court dockets are not available for public inspection. Daily dockets for Provincial Court, Supreme Court, Supreme Court (including Family Division) and Small Claims Court may be made available for inspection after all reference to cases involving young offenders, adoptions and Children & Family Service Act applications have been removed.

Of course, any documents sealed by Order of a Judge are not available to the public. However, the Order sealing the documents can be reviewed.

(C) During Trials

It will be difficult to obtain access to Court records immediately before or during a trial: the Judge may have the documentation in his or her office for review or, during the proceedings, materials will be in the custody of the Court Clerk/Reporter. If the decision is reserved, the Judge will have the file in his or her office while preparing the written judgment.

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If a reporter wishes access to the file when it is in the Judge's office, the reporter may request an opportunity to review the file or specific documents in the file. At the Halifax Law Courts Building the request should be made through the Judicial Assistant of the presiding Judge. At other Courthouses the request should be made to the Judge's Assistant or the Court Administrator. Staff will relay the request to the Judge.

During the trial itself relevant documentation will be under the control of the Court Clerk. Members of the public, including reporters, are not permitted past the Bar (to the area where counsel and the Clerk sit, and where the Court file is kept) at any time without permission of the judge by request through the Court Clerk. Access to the area beyond the Bar will only be permitted in the presence of a supervising official.

Accordingly, a reporter who wishes to check the file during the course of the proceedings must speak with the Court Clerk - preferably before trial or, alternatively, during a break - to arrange access to the relevant documentation. If there is a Sheriff's Officer in Court, the reporter should ask that Officer to get the Clerk's attention.

Generally speaking, the Court Clerk has authority to show a reporter official court documentation as set out in these Guidelines, but in the case of any other materials (including exhibits) the Clerk must bring the request to the attention of the presiding Judge.

(D) Telephonic Requests

Inquiries regarding pending court appearance dates, including the time and place of the hearing, can be requested without the cost of a search fee. In Criminal matters, the statute and section number of the charge can also be requested.

The disclosure ban on young offender matters prohibits releasing any information that may lead to the identity of a young person.

Where more detailed information is requested by telephone, a search fee of \$6.00 per file plus HST will apply, without regard to whether the searcher holds a Bulk Search Punch Card or not. Documents that are faxed following a telephone inquiry are subject to a \$0.55 per page faxing fee, plus H.S.T. with an additional \$2.00 charge if long distance charges apply to the fax.

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Members of the public and the media will be invoiced for a telephone search as detailed above along with the cost of faxing the information if requested and photocopying charges.

(E) Search Fees

Members of the public and representatives of the media have equal rights of access to Court records, and any fee charged to a member of the public is charged to a member of the media. Likewise, anything a member of the public receives at no cost, the same is provided to a member of the media without charge.

There is no charge for inquiries regarding a pending court appearance date for a particular individual, including the time and place of the hearing. In criminal matters, there is also no charge for inquiries, the statute and the section number of the charge.

Search fees are charged if the person making the inquiry requests details beyond the above, such as a full reading of the charge, or hearing, or sentencing information, or if the inquiry requires examination of the file to provide an answer.

The *Costs and Fees Act* provides for specific fees to be charged for inspection of any court record or document by any person other than the litigant or his lawyer. Searching any court record by others, including a media representative, is subject to a fee of \$6.00 per file (plus H.S.T.) unless the searcher holds a valid "Bulk Search Punch Card." Persons using a search card may present the card in lieu of payment of search fees, and the court will punch or initial one search from the card. Holders of Bulk Search Punch Cards must present them to the court office each time they are used. The punch card may be used at any Court Administration Office within the Province of Nova Scotia. They are not applicable in searches by telephone. In addition to search fees, copies of documents provided to any person, including parties to an action, are subject to a fee of \$0.55 per copy plus H.S.T. and can be applied to "Punch Search Cards", if applicable.

When several files are grouped together immediately following a court hearing, the group of files may be searched or inspected, and the fee charged will be the fee for searching one file. Once the files are distributed or filed, a search fee per file shall apply.

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Parties to an action, including their lawyers, and police agencies involved, including the victim of a crime or a recognized agency inquiring on behalf of a victim, are entitled access to a file without search fees.

4. COURT RECORDS

(A) Child Abuse Registry - (See 3(B) - Restrictions on Public Access to Documents)

(B) Transcripts

All Courts in Nova Scotia except for Small Claims Courts are Courts of record; that means the full proceeding is recorded and retained.

(1) Transcripts and Tapes of Proceedings - Typed transcripts of proceedings are not provided to the public by the Court. However, copies of tapes of most proceedings in the Appeal, Supreme and Provincial Courts are available at reasonable cost. Requests clearly identifying the case in question must be made in writing to the Court Administrator or, at the Law Courts Building in Halifax, the Supervisor of Central Services. It will take anywhere from a day or two to several weeks to process requests. Tapes which are purchased may be used for verification purposes only, not for re-broadcast.

(2) Listening to Taped Evidence - Please note that not all courts are able to offer the service of listening to the taped record of proceedings. The public and media are advised to contact the court where the recording is held to determine if this service is available.

At Supreme and Provincial Court locations around the Province (other than the Law Courts Building in Halifax) it may be possible, for verification purposes, to listen at the Courthouse to taped evidence of a proceeding. Requests to listen to taped evidence should be made to the Court Administrator or Court Clerk.

(C) Dockets – Daily dockets (trial schedules) for the Appeal Court and the Halifax sittings of the Supreme Court are available to the public. Copies are left for the media in the Media Room at the Law Courts Building. Up-to-date information about the time and location of cases in the building is available on a daily basis from the Receptionist at Tel: 424-4900.

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At the Family Division of the Supreme Court, daily dockets are posted in the Court reception area.

At other Supreme Court locations around the Province docket information should be available from the Court Administration office.

Access to Provincial Court trial and arraignment schedules is through the Court Administration Office. (See 3(B) - Restrictions on Public Access to Documents)

(D) Court of Appeal Records - All Records held in the Court of Appeal are open to the public, unless a court has specifically ordered that the record, or some part of the record, not be made available for public inspection.

(E) Family Court Records - Family Court and its records are open only to the parties involved and their counsel. (See 3(B)4 - Restrictions on Public Access to Documents)

(F) Probate Records - All records filed in the Registry of Probate are open to the public, after probate has been granted, unless a court has specifically ordered that the record, or some part of the record, not to be made available for public inspection.

(G) Provincial Court Records - Most court records relating to adult criminal cases are a matter of public record and are subject to inspection by any person, without regard to the purpose of the inspection, unless a court has specifically ordered that the record or some part of the record is not available for public inspection. (See 3(B) - Restrictions on Public Access to Documents including Victim Impact Statements, Pre-Sentence, Psychiatric or other Medical Reports/Assessments, Exhibits etc.)

(H) Search Warrants - All Courts - A Search Warrant, Information to Obtain a Search Warrant, and the Report to Justice become public record upon the filing of a **positive** Report to Justice. (See 3(B) - Restrictions on Public Access to Documents)

(I) Sheriff Records - With the exception of documents pertaining to Family Court and Youth Court matters, most records held in the Sheriff's Department are open for public inspection. (See 3(B) - Restrictions on Public Access to Documents)

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(J) Small Claims Court Records -All Records held in the Small Claims Court are open to the public, unless a court has specifically ordered that the record, or some part of the record, not be made available for public inspection.

(K) Supreme Court - General - Most records in the Supreme Court are open for public inspection unless otherwise ordered by the Court. Documents that may not be released without court order include the following: Contingency Fee Agreements, Victim Impact Statements before sentencing, Pre-Sentence, Psychiatric or Other Medical Reports, Exhibits, Funds in trust - (See 3(B) - Restrictions on Public Access to Documents)

(L) Supreme Court - Family Division - The Supreme Court Family Division hold three sources of records. Each source carries its own rules for disclosure. [currently under review]

(1) Records filed in the Supreme Court Family Division - most records are open to the public, unless otherwise ordered. Some exceptions apply. (See exceptions listed below.)

(2) Family related records filed in the Supreme Court prior to Supreme Court Family Division being established - i.e. divorces, adoptions etc. - most records are open to the public, unless otherwise ordered. Some exceptions apply. (See exceptions listed below.)

(3) Records filed in the Family Court prior to Supreme Court Family Division being established - all records closed to the public. (See Family Court Records.)

Exceptions: *Children & Family Services Act* applications, Family Court files, Adoption Files, Settlement Conferences - (See also 3(B) - Restrictions on Public Access to Documents)

(M) Youth Justice Court -Youth Justice Court Sittings - Despite the restrictions on publication and public access to Youth Justice Court files, the Youth Justice Court trials and hearings are open to the public and the media, unless otherwise ordered by the presiding Judge (See 3(B) - Restrictions on Public Access to Documents and 6 - Bans on Publication)

5. PRESS/MEDIA RELATED RULES

(A) General Overview

- 1) When attending courthouses throughout Nova Scotia, members of the press/media are asked to go about their business with the safety and dignity of the people coming and going uppermost in their minds. They should also always be mindful of any publication bans or restrictions imposed by legislation or by the trial judges.
- 2) These are guidelines only and in no way interfere with the discretion of the trial judges to resolve issues that arise in a specific trial nor with the Sheriff's and Court Administrator's discretion to resolve security and safety issues in a manner which, as much as possible, respects the media's ability to do its work.
- 3) These guidelines shall apply to members of press/media organizations as well as members of the public using cameras and other recording equipment in the courthouses of Nova Scotia.
- 4) Members of press/media shall have priority in areas designated for the press/media unless circumstances relating to issues of safety and/or security make it impossible.

(B) Jurors

By convention jurors are not photographed or otherwise identified.

NOTE: THE FOLLOWING SECTION IS CURRENTLY UNDER REVIEW.
Please click here to refer to the Courts' current policy on
[<< the use of electronic devices in courthouses & courtrooms >>](#)

(C) Cameras

~~(1) Trial Courts—When the Court is in session, cameras—including television cameras—are not allowed to be used in any courtrooms in the province. Camera operators may take cameras into courtrooms for safekeeping if they terminate the power supply. Visual recording or photographing a courtroom while Court is not in~~

~~session is not allowed without permission of the Court. Permission may be given, for example, to record exhibits or the empty room.~~

~~**(2) Court of Appeal**—The Rules and Guidelines for cameras in the Court of Appeal and precedents for the documents are available at Appendix B. An application for the use of cameras in the court room by the media must be made well in advance of the case by filing it with the Registrar of the Court of Appeal.~~

~~**(3) Public Areas of Courthouses**—Any camera operator in the public area of a Courthouse must not film or photograph from the public area into courtrooms through doors or windows.~~

~~A trial judge has a constitutional obligation to ensure a fair trial and to uphold freedom of the press (as expressed in *Dagenais v. Canadian Broadcasting Corporation* and other judicial authorities) and may, upon notice and after a hearing, restrict the use of cameras inside the courthouse.~~

~~Site-specific guidelines with accompanying floor plans are set out in Appendix A.~~

~~**(4) Special Events**—On special occasions such as swearing-in ceremonies television cameras may be used in the courtroom unless the press/media is notified otherwise. Because space is so restricted, camera operators will be limited to a pre-determined area of the courtroom to minimize disruption.~~

~~**(5) Courtrooms as Background/Sets**—Requests for use of empty courtrooms for news-related filming should be made to the presiding Judge or Chief Justice or Chief Judge through the Court Clerk (at the Halifax Law Courts Building, to the Executive Office of The Judiciary).~~

NOTE: THE FOLLOWING SECTIONS IS CURRENTLY UNDER REVIEW.
Please click here to refer to the Courts' current policy on
[<< the use of electronic devices in courthouses & courtrooms >>](#)

(D) Audio Recorders

~~Members of the press/media may tape proceedings held in Nova Scotia Courts for notes verification purposes, but not for broadcast.~~

NOTE: THE FOLLOWING SECTION IS CURRENTLY UNDER REVIEW.

**Please click here to refer to the Courts' current policy on
[<< the use of electronic devices in courthouses & courtrooms >>](#)**

(E) Computers

~~Lap top computers are generally permitted in Nova Scotia Courts provided there is no disturbance to the proceedings and the computers are used solely for the purpose of note taking.~~

(F) Cell Phones

~~Reporters may take their cell phones with them into the courtroom but the phones must be turned off and never used in Court.~~

(G) Interviews

~~In the Spring Garden Road Courthouse in Halifax, the press/media shall hold interviews in the public areas subject to direction by Court staff to ensure public traffic is not impeded. In the Law Courts Building on Upper Water Street in Halifax, the press/media shall hold interviews only in the designated press/media areas (See Appendix A).~~

~~In other Court locations around the province the press/media should check in advance with the Sheriff or Court Administrator about appropriate locations for interviews.~~

6. BANS ON PUBLICATION

While the media is, in general terms, constitutionally entitled to publish information about trials, there are exceptions to this right. The Court may (and frequently, must) impose publication bans to protect the fairness and integrity of the trial, the privacy or safety of a victim or witness, or the identity of a young offender.

In addition to the presiding Judge's inherent discretion to control Court proceedings to ensure a fair trial, statutory provisions permitting or requiring publication bans are set out in such Acts as *the Criminal Code of Canada*, the *Youth Criminal Justice Act*, the *Young Offenders' Act* the provincial *Youth Justice Act* and the *Children and Family Services Act*. A Judge may impose a publication ban that exceeds the statutory minimum.

The area is a complicated one, and reporters covering legal proceedings are urged to familiarize themselves with the subject. On occasion it may

GUIDELINES FOR MEDIA & PUBLIC ACCESS TO THE COURTS OF NOVA SCOTIA

be prudent to seek legal advice on whether publication is permitted. There are serious consequences for breaching publication bans.

Court staff attempt to flag all publication bans imposed by the Appeal or Supreme Court by highlighting the ban on the cover of the file. In addition, a one-page form is inserted as the first document in the Court file indicating the file name, the name of the Judge making the order, the date of the order and its conditions.

At Provincial Court, staff attempts to flag all publication bans imposed by Provincial Court Judges by noting bans on the back of the Informations or on the Court file.

Many bans, however, are imposed statutorily (such as in the case of preliminary hearings, voir dire etc.) and reporters must be aware of the relevant provisions in the Criminal Code and other legislation. For example:

(a) Youth Criminal Justice Act - Under the YCJA there can be no publication of the name of the young person or any other information that would identify the young person as having been dealt with under the Act. Publication is permitted if the young person received an adult sentence and in some cases where a young person receives a youth sentence for a presumptive offence – see section 110 of the YCJA. (See also s. 38 of YOA and s. 30 of the provincial YJA)

(b) Also under the YCJA there can be no publication of the name of a child or young person or any other information that would identify the child or young person as having been a victim or a witness in a youth justice court matter. Exceptions to this include where published by or caused to be published by the child or young person after attaining the age of eighteen, before that with the consent of his or her parents, or with the consent of the parents if the child or young person is deceased (s. 111 of the YCJA). (See also s. 38 of the YOA and s. 30 of the provincial YJA)

Children and Family Services Act - Information that has the effect of identifying a child witness, child participant in a hearing, or child who is the subject of a proceeding cannot be published or made public. Nor can information that has the effect of identifying a parent, guardian, foster parent or relative of the child (s. 94(1) of the CFSA).

GUIDELINES FOR MEDIA & PUBLIC ACCESS TO THE COURTS OF NOVA SCOTIA

The court may order a publication ban in relation to a report of a hearing or proceeding if the court is satisfied that publication would cause emotional harm to a child who is participant, witness or subject of the proceeding (s. 94(2) of the CFSA).

Queries about whether a publication ban exists in a particular case may be directed to the Court Administrator.

Dagenais and Publication Bans: As a result of the 1994 Supreme Court of Canada decision in *Dagenais v. CBC*, Judges, in exercising common law or discretionary authority to impose publication bans in criminal cases, must weigh all competing *Charter* rights (e.g. freedom of expression, right to a fair trial) and impose, at most, the minimal ban necessary to protect fundamental rights. The decision establishes that members of the media have standing to be heard and to raise objections in open Court when a party requests that a Judge impose a non-statutory ban.

GUIDELINES FOR MEDIA & PUBLIC ACCESS TO THE COURTS OF NOVA SCOTIA

APPENDIX A

Use of Cameras and Other Recording Devices in the Public Areas of Court Facilities

Law Courts Building, Upper Water Street, Halifax

Outside the building: For the purpose of these guidelines the grounds outside the building will be considered generally accessible to media with the following caution: When attending courthouses throughout Nova Scotia, members of the press/media are asked to go about their business with the safety and dignity of the people coming and going uppermost in their minds.

1st Floor and Parking Garages: No video, still photos, or audio recording allowed.

2nd Floor/ Main Entrance: The media area is a fixed position at the north end in front of the brick wall. No video, still photo, or audio recording is allowed in the rest of the public access area from end to end. Video and still cameras and audio recording devices may be used inside the canteen room at the south end. To video tape, photograph, and record audio in the Administration Waiting Area, media representative should first make an appointment with the Communications Officer or, if he/she is not available, with the Court Administrator. (see 2nd floor plan, Appendix A-1)

3rd Floor: The designated media area begins at the front face (the face closest to the elevators and courtrooms) of the five pillars, from pillar #1 (being closest to public washrooms) to pillar #5, and extending back approximately two metres towards the windows. This area will be demarcated by benches and/or ropes for cases which attract greater media interest. Media will respect an imaginary line created by the five pillars at all other times. The media room located at the north end of the public hall beyond courtroom #304 is also considered a designated media area for the purpose of these guidelines. (see 3rd floor plan, Appendix A-2)

4th Floor: The operation of all types of camera and audio equipment is not allowed except for the use of unobtrusive audio equipment in the courtrooms to record proceedings for verification purposes but not for broadcast.

GUIDELINES FOR MEDIA & PUBLIC ACCESS TO THE COURTS OF NOVA SCOTIA

5th Floor: The designated media area begins behind an imaginary line created by the front face (the face closest to the elevators and courtrooms) of the three pillars, from pillar #1 (being closest to public washrooms) to the beginning of the narrow hallway beyond courtroom 502, and extending back approximately two metres towards the windows. The operation of all types of camera and audio equipment is not allowed beyond courtroom 502 towards courtroom 501 and the stairs. (see 5th floor plan, Appendix A-3)

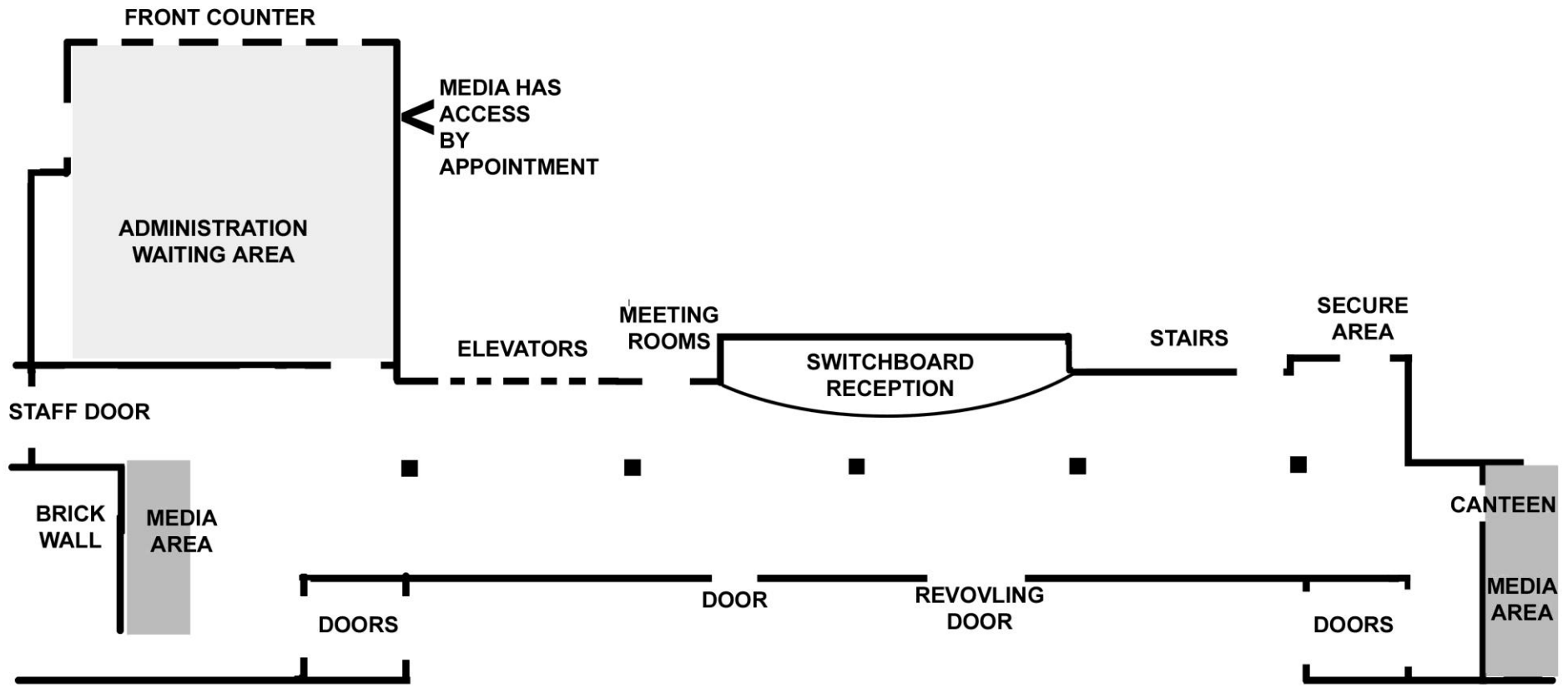
6th Floor: Secure floor, no public access.

7th Floor: The designated media area begins behind an imaginary line created by the front face (the face closest to the elevators and courtrooms) of the two pillars and extending from the wall perpendicular to, and to the north of, the elevators to the beginning of the narrow hallway beyond courtroom 701. The operation of all types of camera and audio equipment is not allowed beyond courtroom 701 towards the stairs. Do not block witness rooms or washrooms along back wall. (see 7th floor plan, Appendix A-4)

Stairways: The stairways are narrow and dangerous when overcrowded. In the interest of safety, the operation of all types of camera and audio equipment is not allowed.

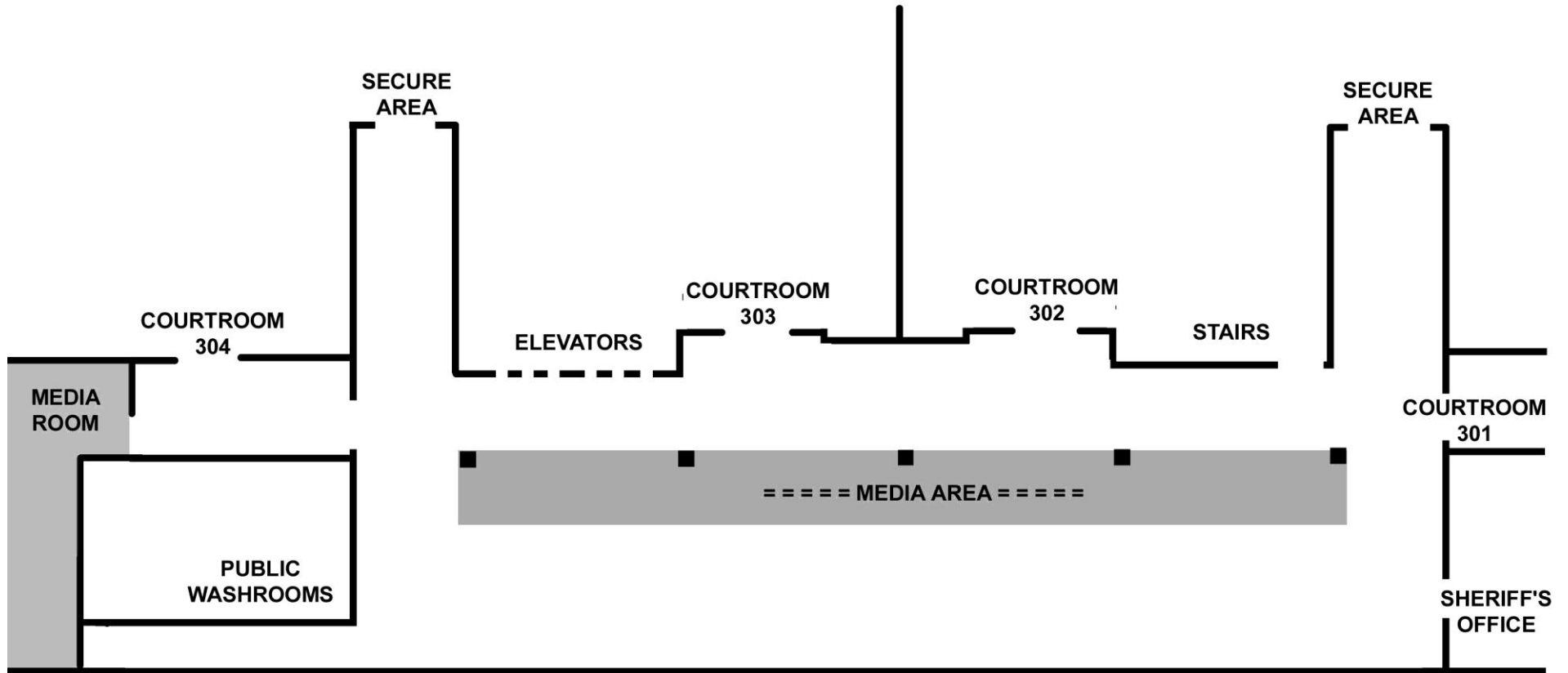
Interviews: Interviews and stand-ups shall be conducted in the designated media areas as shown on the floor plans as well as the canteen room on the second floor and the media room on the third floor.

GUIDELINES FOR MEDIA & PUBLIC ACCESS TO THE COURTS OF NOVA SCOTIA APPENDIX A - 1 Media in the public areas of court facilities



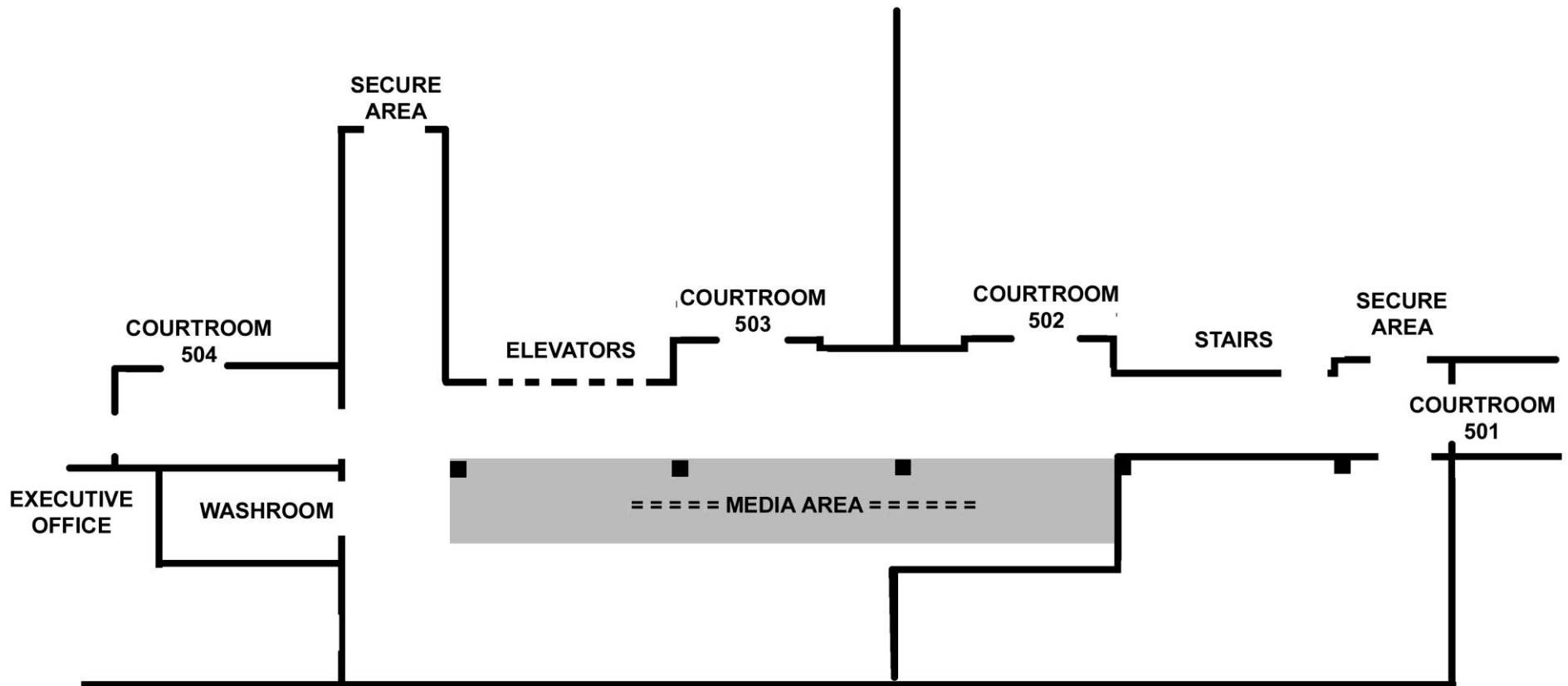
SECOND FLOOR LAW COURTS BUILDING
UPPER WATER STREET

**GUIDELINES FOR MEDIA & PUBLIC ACCESS TO THE
COURTS OF NOVA SCOTIA
APPENDIX A - 2
Media in the public areas of court facilities**



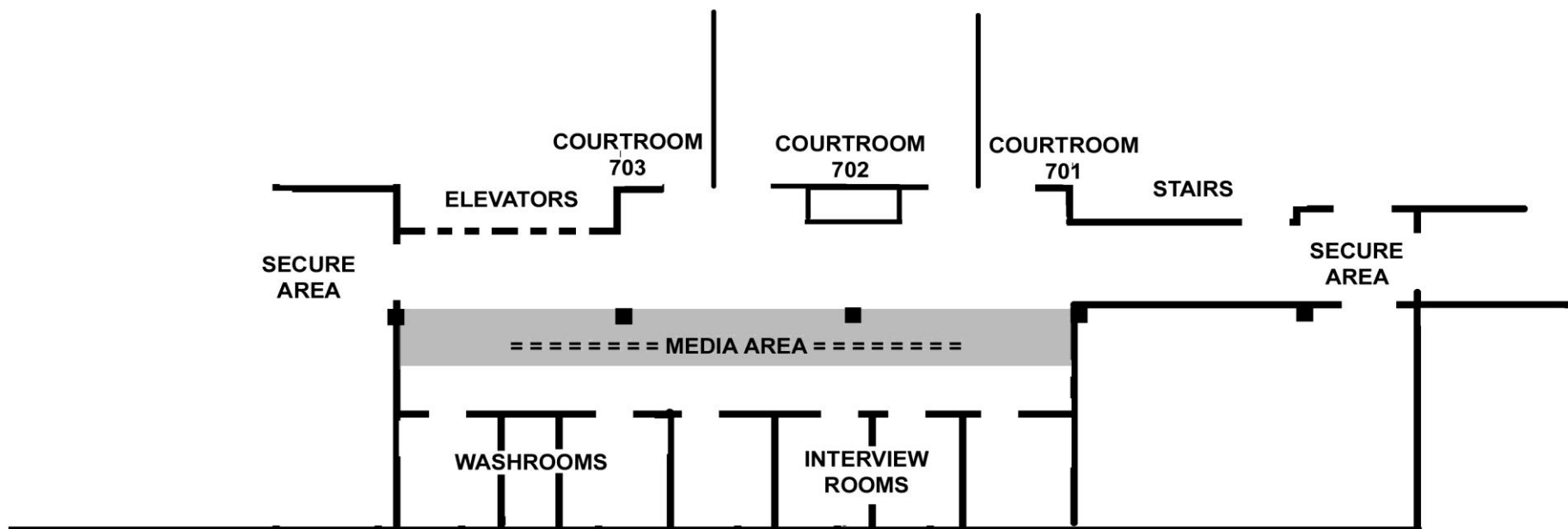
**THIRD FLOOR LAW COURTS BUILDING
UPPER WATER STREET**

**GUIDELINES FOR MEDIA & PUBLIC ACCESS TO THE
COURTS OF NOVA SCOTIA
APPENDIX A - 3
Media in the public areas of court facilities**



**FIFTH FLOOR LAW COURTS BUILDING
UPPER WATER STREET**

**GUIDELINES FOR MEDIA & PUBLIC ACCESS TO THE
COURTS OF NOVA SCOTIA
APPENDIX A - 4
Media in the public areas of court facilities**



**SEVENTH FLOOR LAW COURTS BUILDING
UPPER WATER STREET**

GUIDELINES FOR MEDIA & PUBLIC ACCESS TO THE COURTS OF NOVA SCOTIA

Supreme Court - Amherst and Truro

In both the Amherst (Victoria Street) and Truro (Church Street) Supreme Court Buildings, cameras are accommodated on the first floor only. Camera operators may not film or take photographs on the second floor or on the stairs/landing.

Provincial Court Building, Spring Garden Road, Halifax

At the Spring Garden Road Courthouse television cameras are allowed into the building in accordance with the following guidelines:

1. The media cameras will be required to stay off to the side of the carpeted area on the ground floor, excluding the area to the left when coming into the building.
2. The media cameras will also be allowed on the second floor between courtrooms 1 and 2.
3. Photos may be taken of courtrooms 1, 2 and 3 from the media area on the second floor under the following conditions only:
 - a) when the door to the courtroom is open as a result of someone entering or exiting; and
 - b) the court is not in session and the Judge is not on the bench.
4. The camera operators will not be permitted to take pictures at any time while they are on the stairs, landings or any of the carpeted areas.
5. Interviews being conducted by the reporters will not be an excuse for the camera operators to move from their designated areas.
6. Reporters and other press persons, camera operators, etc. are not permitted in the restricted areas.
7. The Media Room is the only area where equipment may be left unattended. Any such equipment is left at the owner's risk.

GUIDELINES FOR MEDIA & PUBLIC ACCESS TO THE COURTS OF NOVA SCOTIA

APPENDIX B

Cameras in the Nova Scotia Court of Appeal

Rules and Guidelines

- 1) Television or other photographic coverage or audio recordings of proceedings in the Nova Scotia Court of Appeal is not permitted except by order of the Court and in conformity with these rules.
- 2) Applications for coverage of an appeal or application shall be brought under the name of the appeal or application for which coverage is desired, with the applicant shown as an additional party designated as “media intervener” only on pleadings or other documents related to the application for coverage.
- 3) The applicant for an order permitting coverage shall have standing as a media intervener at the chambers hearing, including a telephone chambers hearing conducted by conference call when approved by the chambers judge, and all subsequent hearings in which coverage is an issue, and shall be entitled to notice of all hearings which are subject to the order; the media intervener shall have no standing in the appeal or application for any other purpose.
- 4) An application for an order permitting coverage shall be made to the Registrar, upon written notice to the parties or their counsel of record, not less than fourteen days before the day scheduled for the hearing of the appeal; applications shall be accompanied by a draft of the order sought and evidence that arrangements have been made for pooling coverage. Applications should be supported by affidavit.
- 5) A notice of objection to the application for coverage shall be filed with the Registrar with notice to the media intervenor and all other parties or their counsel within two clear days of the receipt of the notice of application; if no notice of objection is so filed the order permitting coverage may be granted without hearing by the Chief Justice, the chambers judge, or the panel hearing the appeal.
- 6) Three copies of each application or notice of objection shall be filed with the Registrar; notice may be given in any of the modes mentioned in Paragraph 7; the burden of proving notice shall be on the person required to give the notice.

GUIDELINES FOR MEDIA & PUBLIC ACCESS TO THE COURTS OF NOVA SCOTIA

- 7) The notice of objection shall include a date for a hearing in chambers on the application for coverage, which shall be the first chambers day occurring not earlier than two clear days after filing of the notice of objection, and shall give two clear days' notice of the hearing, in writing, by facsimile transmission, by telephone or orally, to the applicant and the other parties (or their counsel) to the appeal; after hearing the application and the objections, the chambers judge may grant or refuse an order permitting coverage, or may grant the order subject to conditions.
- 8) No appeal or application scheduled for hearing shall be rescheduled to permit media coverage.
- 9) Television and other media coverage of proceedings of the Court of Appeal shall be deemed to be in the public interest. It shall be grounds for refusal of an order permitting coverage if the prejudice, disadvantage, hardship or other valid reason apprehended by a party resulting from coverage of the appeal or application outweighs the interest of the public in the granting of the order, or if media coverage of the proceedings to which the application applies is shown not to be in the public interest.
- 10) An order permitting coverage shall apply with respect to the appeal or application for which it was issued and any other appeals or applications heard concurrently therewith, provided that parties to the appeal or application shall be entitled to all relevant notices.
- 11) (a) Television stations, radio stations, newspapers or other persons may register with the executive assistant to the Chief Justice their names and the names of persons designated to make applications for orders permitting coverage on their behalf; otherwise the person making the application may be required to satisfy the court that the application he or she has made is on behalf of the organization he or she purports to represent, that it is in the public interest and not frivolous, and if the court is not so satisfied the clerk may schedule the matter to be heard in chambers upon two days' notice to all interested parties;

(b) Any requirement for notice to the media shall be satisfied by notice to media representatives registered pursuant to this provision.
- 12) Notwithstanding the notice requirements referred to above, the presiding judge of a panel hearing an appeal or application in appropriate circumstances after taking into account the interests of all parties may grant, suspend, rescind or vary an order for coverage at any time.

GUIDELINES FOR MEDIA & PUBLIC ACCESS TO THE COURTS OF NOVA SCOTIA

- 13) A chambers judge may, after considering any objections by counsel or parties to an application at chambers, grant an order permitting coverage of any application at chambers. The Registrar will provide certified copies of the order granted to all the parties to the appeal and will arrange a meeting with all counsel and the media in advance of the hearing of the appeal.
- 14) An order permitting coverage may contain such restrictions upon coverage within the courtroom as the judge granting the order, or the panel hearing the appeal, shall determine.
- 15) Documents on counsel tables, the clerk's desk or the bench shall not be photographed in such a manner that the text can be magnified, read or deciphered.
- 16) A notice informing the public that proceedings are subject to media coverage shall be affixed to the door of the courtroom.
- 17) (a) The term "coverage" in an order permitting coverage shall, unless specifically restricted in the order, include still and television photography of the courtroom, all officers of the court including judges, counsel and court officials and parties representing themselves without counsel and members of the public, and audio recordings from the central recording system of everything said during the course of the hearing, which may be used for delayed broadcasting purposes or, with the consent of the panel hearing the appeal, live broadcast.

(b) Any wiring installed by the media for the purpose of receiving audio recordings from the central recording system shall include a switch or switches which may be turned off by the recording room staff to prevent media reception of recordings of proceedings in appeals for which no media coverage order is in effect.
- 18) Provided they are not disruptive, in the opinion of the panel hearing the appeal, portable tape recorders may be used during hearings as an aid to note-taking, but may not be used for rebroadcast, and portable computers may be used for the same purpose.
- 19) (a) Not more than one television camera with one operator, and no still cameras, shall be used while a hearing is in progress without leave of the panel hearing the appeal.

GUIDELINES FOR MEDIA & PUBLIC ACCESS TO THE COURTS OF NOVA SCOTIA

- (b) The television camera shall remain on a tripod fixed in one position designated by the panel hearing the appeal and neither the operator nor other media personnel shall move about the courtroom when court is in session.
- (c) The operator shall wear neat business apparel which shall be subject to the approval of the panel hearing the appeal.
- (d) No logos, call letters or identifying words or symbols shall be visible on the television equipment or the person of the operator.
- (e) Signal lights showing when the equipment is operating shall not be visible.
- (f) All equipment shall be in good working order and shall operate without distracting noise and without spotlights, floodlights or other lighting additional to the regular lighting of the courtroom.
- 20) The broadcasting of proceedings in the court of appeal shall be delayed provided that with the permission of the panel hearing the appeal they may be broadcast live.
- 21) Statutory publication bans and those ordered by another court with respect to a party or witness in a proceeding which is the subject of a coverage order shall be deemed to be in effect in the Court of Appeal unless revoked by an order of the Court, and shall be observed in all broadcasts or other publication of proceedings in the Court.
- 22) When a coverage order has been granted for an appeal or application, or by leave of the panel hearing the appeal or application, still and television photographs of the courtroom and court officers may be taken during a period not to exceed two minutes immediately after the court convenes and before the hearing commences.
- 23) Only dialogue between counsel or parties and the bench, and formalities of the opening and closing of the court, shall be recorded or broadcast without additional permission of the panel hearing the appeal.
- 24) Transcripts and/or video and audio tapes of all broadcasts of Court of Appeal proceedings shall not be destroyed for a minimum of six months and shall be made available within ten days without cost to the court if required by a term of the order for coverage or upon the request of the clerk.

GUIDELINES FOR MEDIA & PUBLIC ACCESS TO THE COURTS OF NOVA SCOTIA

During hearings for which permission for coverage has been granted, media interveners may address the court only at the beginning or end of the hearing or at the beginning or end of a recess.

- 25) Only one order permitting coverage shall be made in any appeal or application.
- 26) (a) One courtroom on the fifth floor of the Law Courts at 1815 Upper Water Street shall be designated for the use of cameras and may be referred to as the media courtroom.
- (b) The media courtroom shall be permanently wired to the room in the Law Courts designated as the media room with at least one camera receptacle in the media courtroom and at least six outlets in the media room to provide for pooled coverage; one such outlet shall be reserved for the print media and one for television stations from outside Halifax County.
- c) The cost of wiring and any related capital costs shall be the responsibility of the media and may be shared by various media representatives by agreement, provided however that no fee or charge shall be payable for receipt of the television signal from the media room outlets.
- d) No wiring nor fixtures shall be installed without the approval of the Department of Justice and the Department of Transportation and Public Works.
- e) With respect to any proceeding subject to a coverage order, the media representative named in the order shall be responsible for operation of the television camera in the courtroom and shall be entitled to the exclusive use of one of the media room outlets.
- f) With respect to a proceeding subject to a coverage order, use of each media room outlet not otherwise reserved shall be governed by a pooling agreement among media members which may be filed with the court; in the absence of such agreement each outlet not otherwise reserved shall be at the disposal of the first media representative to make use of it.
- 28) All inquiries relating to the use of cameras in the Nova Scotia Court of Appeal are to be addressed to the Registrar.

Revised - March 1, 2003

GUIDELINES FOR MEDIA & PUBLIC ACCESS TO THE COURTS OF NOVA SCOTIA

NOVA SCOTIA COURT OF APPEAL - CAMERAS IN THE COURT

The Application Process

The media must make a formal legal application in writing to the Appeal Court for permission to film or photograph on a case by case basis. The process will be governed by the provisions in the Rules and Guidelines, but here is a summary of how it will work:

1. The application is a Court application. The media outlet requesting permission to film or photograph (the “media intervener”) must prepare a formal notice (an Application to Permit Coverage); a draft Order for the Court to sign (which sets out the action requested - generally permission to televise a specific case); and an Affidavit (which sets out the reasons for the request, gives the Court evidence that arrangements have been made for pooling coverage, that the media intervener has read and will abide by the Guidelines etc.). The Affidavit can be sworn by the Registrar of the Court of Appeal.
2. Three copies of each application (including supporting documents) must be filed with the Registrar of the Court of Appeal (address: The Law Courts, 2nd Floor, 1815 Upper Water Street, Halifax, Nova Scotia B3J 1S7) at least **14 days** before the day scheduled for the hearing of the appeal. For example, if a case is scheduled for the 17th of a month, the Registrar must have the media’s application in hand no later than the 3rd of the month.
3. Court date stamped copies of all documents filed with the court as set out at item 2 above are to be either delivered personally to the parties on the appeal or delivered by fax transmission where the consent of the parties was obtained in advance to use this method of transmission, no less than 14 days prior to the hearing of the appeal. Where the parties are represented by counsel the documentation should be transmitted as set out above to counsel rather than to the parties themselves.
4. If none of the parties object to coverage, the Order may be granted by the Court without a hearing.
5. If there is an objection by any of the parties, the objecting party must file a Notice of Objection with the Court and must either deliver personally to the parties on the appeal and the media applicant or deliver by fax transmission, where the consent of the parties and/or media applicant was obtained in advance to use this method of transmission, court date

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stamped copies of the Notice of Objection within two clear days (this excludes weekends and holidays) of the filing of the Notice of Application to Permit Coverage.

6. Notice of Objection will include a date for a hearing at Appeal Court Chambers before an Appeal Court Judge. The media intervenor must attend that hearing, and will be asked to speak to its application then. The Judge will determine whether to permit coverage after hearing from all sides.

Revised - March 1, 2003

GUIDELINES FOR MEDIA & PUBLIC ACCESS TO THE COURTS OF NOVA SCOTIA

APPENDIX C

Protocol for the release of decisions to the media

In the interest of developing a consistent manner in which Appeal and Supreme Court decisions are released to the media, and to ensure the media have sufficient time to meet publishing deadlines, a protocol for the release of these decisions is outlined below.

This protocol provides for the release of the judgment to the parties in advance of the release to the media and applies to the release of circulated Appeal and Supreme Court decisions.

Protocol for release of Appeal and Supreme Court judgments to the media

- 1) The day PRIOR to the release of the decision, the judge's judicial assistant will telephone the parties to the action and inform them that the judgment will be released to them the next morning. During the telephone call, the judge's judicial assistant will set up a time when counsel (or authorized representative) will be available to receive the decision (between 8:30 -10:00 a.m. the following day).
- 2) No details will be provided regarding the content of the decision and counsel are to be informed that the judgment will be released to the media at 1:00 p.m. the following day.
- 3) As well, a copy of the judgment will be e-mailed at 1:00 p.m. to the various publishers, the Barristers' library and the Judges library.

FYI - Members of the media and the Nova Scotia bar who wish to receive copies of the above decisions via email can subscribe to the free e-mail subscription service made available through the Courts of Nova Scotia website; www.courts.ns.ca – click on “Media Guide” or Notices to the Bar”.

GUIDELINES FOR MEDIA & PUBLIC ACCESS TO THE COURTS OF NOVA SCOTIA

APPENDIX D

What to call the judge

Nova Scotia's Courts -General Background

Nova Scotia has four principal Courts:

The Nova Scotia Court of Appeal – is the highest Court in the Province, with broad authority to hear appeals from the other Courts and administrative tribunals. Its Judges are referred to as “Justice (Doe)”.

The Supreme Court of Nova Scotia (including the Family Division) -the highest trial Court in the Province, with broad authority to try a wide range of civil and serious criminal matters; to hear appeals from other Courts and tribunals; exclusive authority to hold jury trials, to try murder cases, to grant divorce and divide matrimonial property. Its Judges are referred to as “Justice (Doe)”.

The Provincial Court – has authority to try a wide range of federal criminal matters and both provincial and federal offences. Its Judges are referred to as “Judge (Doe)”.

The Family Court – has authority to hear matters relating to family law, including custody, maintenance, child and adult protection, and some assault cases. Its Judges are referred to as “Judge (Doe)”. The Family Court operates in areas other than Cape Breton and the Halifax Regional Municipality (where the Family Division of the Supreme Court deals with such matters).

Judges of the Provincial, Family and Supreme Court (Family Division) also serve as Youth Court Judges. Supreme Court Judges may, on occasion, serve as Judges of the Probate Court.

The Court of Appeal and the Supreme Court are established by the Canadian Constitution and their Judges are appointed by the federal government, while the Provincial and Family Courts are established by provincial statute and their Judges are appointed by the provincial government.

Further detail on proper titles for the judiciary follows:

GUIDELINES FOR MEDIA & PUBLIC ACCESS TO THE COURTS OF NOVA SCOTIA

The Chiefs

The proper titles of the Chiefs of the Nova Scotia Court of Appeal and the Supreme Court of Nova Scotia are: **Chief Justice (John)(Jane) Doe, (Chief Justice of the XX Court) Associate Chief Justice (John)(Jane) Doe, (Associate Chief Justice of the XX Court)**

The proper titles of the Chiefs of the Provincial and Family Courts are: **Chief Judge (John)(Jane) Doe, (Chief Judge of the XX Court) Associate Chief Judge (John)(Jane) Doe, (Associate Chief Judge of the XX Court)**

After initial identification in a story, a Chief Justice/Judge may be referred to as "the Chief Justice/ Chief Judge". Similarly for the Associate Chiefs.

Individual Judges

The remaining individual Judges of the Nova Scotia Court of Appeal and the Supreme Court of Nova Scotia are referred to as: **Justice (John)(Jane) Doe; or Justice Doe**

If two or more Judges of the Appeal or Supreme Courts are being referred to by name, they may be referred to as: **Justices (John) Doe, (Jane) Smith and (Robert) Black**

The remaining individual Judges of the Provincial and Family Courts are referred to as: **Judge (John)(Jane) Doe; or Judge Doe**

After initial identification in a story, a Judge may continue to be referred to as "Justice Doe" (Appeal and Supreme Courts) or "Judge Doe" (Provincial and Family Courts); or alternatively, after initial identification a Judge of any Court may simply be referred to as "the Judge" (without mention of the name).

Judges of a Court, collectively

Reference to the members of any court collectively may be to "the Judges of the XX Court".

GUIDELINES FOR MEDIA & PUBLIC ACCESS TO THE COURTS OF NOVA SCOTIA

APPENDIX E

Resources and contacts

A good general reference for reporters covering the courts is Michael Crawford's "The Journalist's Legal Guide", 3rd ed., Carswell 1996.

A valuable course on "Courts and the Media" is offered annually at Kings' College School of Journalism in Halifax. Working reporters can make arrangements through the School to audit the course.

Media Liaison Committee

The Nova Scotia Judiciary has a Media Liaison Committee which is composed of members of the Bench, court administration staff, and press / media representatives. This Committee meets regularly to discuss issues of mutual concern, and reporters should feel free to contact their representatives on the committee to suggest matters for consideration. A list of current members and their contact information can be found on the Courts of Nova Scotia website www.courts.ns.ca.

Justice centres and satellite court facilities

For purposes of efficient court administration, Nova Scotia is served by a number of centralized Justice Centres. Court continues to sit in numerous additional Court locations across the Province, but staff and administrative services are provided from the Justice Centres. Current phone and fax numbers for all Justice Centres are available on the Courts of Nova Scotia website.

Additional information

If members of the press / media have any questions which are not answered by these media guidelines, they should call the Communications Director for the Nova Scotia Judiciary. Contact information can be found on the Courts website.