



The Court of Appeal for Bermuda

Ref. A/50

Monday, 18th January 2010
CIRCULAR NO: 2 of 2010

TO ALL COUNSEL

COURT OF APPEAL CALENDAR: 1st March 2010 to 19th March 2010 SESSION

I enclose herewith a Draft Cause List for the forthcoming session. Dates and times are subject to change during the session. The 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, 1st March 2010** and end no later than **Friday, 19th March 2010**, 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. The Draft Cause List constitutes notice to Counsel. Once Counsel are 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.

• 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 and in any event, no later than **Wednesday, 24 February 2010.** 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 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 **Friday, 19th February 2010; the Respondents' Submissions and Authorities** are to be submitted by close of business on **Wednesday, 24th February 2010.** 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.

• As has been done in the past, Counsel are reminded to **keep their March calendar flexible** for this Appeal Session. The President requires that Counsel be amenable to listing changes at short notice, including any case listed a Reserve List.

• 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 said notification.



REGISTRAR OF THE COURT

cc:

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