



Chief Justice's
Practice Direction No. 1 of 2012

Appellate Procedures and Forms of Address

1. Judges sitting on appeals at all levels have brought to my attention that not all solicitors and counsel have been maintaining proper standards in their dealings with the courts. It is necessary therefore to set out certain standards that are to be observed.

Other litigants to receive copy correspondence

2. For the most part, a litigant has no right to direct unilateral access to the court. In almost all cases, save genuinely urgent ex parte applications, all correspondence with the court must be copied to the other parties to the litigation.

Time to run during Legal Vacation

3. Where any step is to be taken in an appeal to the Court of Appeal or the Supreme Court within a certain time, time will run during the Legal Vacation. This is in contrast to the existing practice in the High Court where time is deemed not to run during the vacation.

Duty of Appellant in Court of Appeal to prepare the record

4. Solicitors' and Counsels' attention is drawn to the Court of Appeal (Amendment) Rules 1999, and in particular to Rule 18(1) which provides that:
 - (a) The primary responsibility for the preparation of the record on appeal rests with the appellant, subject to directions given (by) the Registrar.
 - (b) The Registrar is responsible for the preparation of the transcript of the Judge's notes.

5. In addition, in preparing the record, the appellant must consult all other parties directly affected by the appeal as to its contents [Rule 18(5)].
6. If an appeal record is to be supplemented, the other parties must similarly be consulted on any such application. If the other parties consent to the supplementation of the record that consent must be evidenced by authorized signature of Counsel or Solicitor for the party and forwarded to the Registrar. Any dispute in the matter will be decided by the Registrar or referred to the Court for decision on the supplementation sought.

Registrar ultimately responsible for settling record in Supreme Court

7. In the Supreme Court the Registrar has the duty to settle the record of appeal [Rule 10 Supreme Court Rules]. However it is in the interests of all litigants, that their legal representatives co-operate with the Registrar to arrive at a record, concise yet relevant, to the grounds of appeal to be argued [Rules 10-12]. In default of such co-operation, the Registrar will settle the record alone. Responsible legal practitioners should not allow this situation to arise, and should attend in answer to summonses to settle the record with their opponents or other parties, and contribute to the process.

Duty to provide each member of Court with bundle of cases and legislation

8. At the hearing of the appeal Counsel must have available in court copies of all relevant legislation or subsidiary legislation to which it is intended the attention of the Court is to be invited.
9. Copies of cited cases must be made available for each member of the Court for the hearing. However the bundle of cases to be cited or legislation to be referred to must be filed with the court the day before the hearing or earlier in the case of the Court of Appeal or Supreme Court. Copies of cases downloaded from the internet may be sufficient for Counsel himself or herself to gain understanding and to prepare for the case. But for the conduct of legal argument, the cases filed with the Court must be photocopies of *official* reports only, not copies taken from the internet.
10. It is Counsel's duty to inform the Court as to whether a case cited has been subsequently reversed or confirmed on appeal.

Forms of Address

11. The form of address to be used in Court when addressing a judge of the High Court, Court of Appeal or Supreme Court is “my lord” or “my lady”, “your lordship” or “your ladyship”. “Sir” or “Madam” are incorrect.
12. “Sir” or “Madam” are the correct forms of address for Resident Magistrates in the Magistrates Court. Members of the Bar do not use the address “Your Worship” which is a form of address used for leaders of municipal authorities such as city or town mayors or administrators.



A.H.C.T. Gates
Chief Justice

1st February 2012

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