**J. COURT ORDERS**

1. General
   1. Lawyers and self-represented parties are reminded of the importance of orders being provided to the presiding judge on a timely basis. Unless the court directs otherwise, orders shall be provided to the presiding judge within 30 days of the court’s decision.
   2. Unless the court specifically directs otherwise, the lawyer for the successful party, or the successful self-represented party, is to draft an appropriate order and provide it to the opposing lawyer or self-represented party. If there is agreement on the form of the order, the order is to be provided to the presiding judge for their consideration.
   3. If there is disagreement on the form of the order, the party who prepared the order is to provide the proposed order to the presiding judge (via the clerk), with a cover letter copied to the opposing lawyer/party. The opposing lawyer/party may then provide their position on the proposed order (likewise via the clerk). The judge will determine the form and content of the order, or otherwise provide further direction.
   4. Unless the court directs otherwise, there shall be no further steps in a proceeding until all previous orders have been filed.
   5. Unless the court directs otherwise, before submitting an order signed by the parties consenting to the form of the order, it is advisable to provide a draft of the order to the presiding judge (via the court clerk).
2. Form of Order
   1. All orders should generally contain the following:
      1. The court file number at the top right of the order;
      2. The name and section of the court at the top center;
      3. The name of the presiding judge on the top left;
      4. The date of the decision on the top right, across from the name of the judge;
      5. The style of cause (name of the parties and whether they are the applicant, plaintiff, etc.);
      6. The title of the order, eg. order, consent order, interim order, variation order, etc.
      7. Recitals, which should identify the type of hearing and reference, at a minimum:
         * 1. the relief sought;
           2. the affidavit and/or *viva voce* evidence, and who provided it;
           3. the statutes or *Rules of Civil Procedure* relied on; and
           4. whether oral submissions were made.
      8. The terms of the order of the presiding judge, in numbered paragraphs;
      9. Below the terms of the order, at right, the signature line for the presiding judge;
      10. Below the terms of the order, at left, the date of the presiding judge’s signature, which may differ from the date of the order;
      11. If applicable, below the signature line of the judge, a “Consented to as to form and content” or “Consented to as to Form” provision, to be signed by the lawyer(s) or self-represented party(ies);
      12. Page numbers; and
      13. Back page (“backer”), including style of cause, and the name and contact information of the lawyer or self-represented party preparing the order.
   2. Lawyers and self-represented parties should avoid including a page in an order which contains only the signature(s).
3. Sample Template

A sample template for a court order is attached as Schedule “A”

**SCHEDULE “A” TO COURT ORDERS PRACTICE DIRECTION**

**Template of Court Order**

COURT FILE NO. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

SUPREME COURT OF PRINCE EDWARD ISLAND

(\_\_\_\_\_\_\_\_\_\_ SECTION)

BEFORE THE HONOURABLE (CHIEF) JUSTICE \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ DATE \_\_\_\_\_\_\_\_\_\_\_

BETWEEN:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

APPLICANT(S) or PLAINTIFF(S) or PETITIONER(S)

(whichever is applicable)

AND:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

RESPONDENT(S) or DEFENDANT(S)

(whichever is applicable)

ORDER

THIS MOTION/HEARING/APPLICATION was heard this day at …..

WHEREAS ……

AND WHEREAS ….

AND UPON review of (the affidavit(s) and/or *viva voce* evidence of …)…

AND UPON consideration of (applicable statute and *Rule*)…

AND UPON the submissions of …

THIS COURT ORDERS … (numbered paragraphs follow)

DATE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

C.J. or J.

(whichever is applicable)

CONSENTED TO AS TO FORM (or FORM AND CONTENT)

this day of , 20\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Lawyer for Applicant/Plaintiff/Petitioner/Respondent/Defendant (whichever applies)