

PRACTICE NOTE 24

RELEASE OF JUDGMENTS -- TRIAL DIVISION

The Supreme Court Trial Division and the Law Society of Prince Edward Island adopted a protocol for the release of Supreme Court Judgments. The protocol is published here in the form of a Practice Note.

PROTOCOL FOR RELEASE of SUPREME COURT JUDGMENTS

The purpose of this Protocol is to alleviate the problem of clients learning the outcome of their litigation from the media or others. This Protocol and the previous policy it replaces (memo to all Members from the court, dated October 16, 1991) was prepared at the request of the Law Society to permit lawyers to advise their clients of the contents of court judgments prior to the general release of the judgments by the court.

The Protocol was approved by the Supreme Court of Prince Edward Island on December 22, 1995, and by the Council of the Law Society of Prince Edward Island on February 12, 1996.

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The following shall be the procedure to be followed in the release of written judgments given in the Supreme Court Trial Division.

1. When a judgment is ready for release, the court stenographer responsible for typing the judgment shall inform, by telephone, the lawyers or lawyers' secretaries that the judgment has been signed and that a copy for each lawyer is available from the court stenographer for pick-up or for delivery by fax.
2. Lawyers may release a copy of the judgment to their respective clients immediately, but
 - (a) shall not release the judgment or any particulars thereof to the media or any third party and
 - (b) shall request their respective clients not to release the judgment or any particulars thereof to the media or any third party until the time of general release of the judgment by the Court.
3. Twenty-four hours after the court stenographer has notified the lawyers of the availability of the judgment
 - (a) the Court shall release the judgment to the general public and the media; and
 - (b) the court stenographer shall file the original copy of the judgment in the office of the Registrar.
4. In the calculation of the twenty-four hour period, Saturdays, Sundays and statutory holidays shall not be included.
5. In cases where a party if unrepresented by counsel, the court stenographer
 - (a) shall inform the party directly of the availability of a copy of the Judgment;

- (b) shall explain the release of judgments policy to the party; and
- (c) shall request the party not to release the judgment or any particulars thereof to the media or any other third party until the stipulated twenty-four hour period has expired.