

PRACTICE NOTE 6

TRIAL DIVISION - CONTESTED CHAMBERS PRACTICE

1. Contested chambers shall be heard in Charlottetown on Wednesdays and Thursdays commencing at 9:30 a.m. and in Summerside on Tuesdays commencing at 9:30 a.m.
2. Appointments for hearing applications or motions shall not exceed forty (40) minutes in length with each party being allotted twenty (20) minutes to present their case, argument and cross-examination.
3. In case of urgency, applications or motions can be made to the Judge in chambers to add items to the chambers docket.
4. Chamber applications or motions which are anticipated will exceed forty (40) minutes in length shall receive appointments in the discretion of the Registrar.
5. It is the responsibility of counsel making any appointment to anticipate the length of time required in chambers.
6. All contested applications or motions shall be heard in a courtroom in the presence of a clerk who will record the proceedings.
7. Divorces, adoptions and any applications where there is a possibility that it may be defended will be considered as a contested application.
8. Counsel should use every effort possible to set forth as many facts in their affidavits as possible thereby alleviating the need to present *viva voce* evidence.
9. When an application or motion is made, counsel shall ensure that the rule or section of the statute under which the application is made is set forth.
10. If a matter has been settled the Registrar should be informed immediately.