

PRACTICE DIRECTION

No. 1 of 2022

PROCEDURES FOR OBTAINING HEARING DATES

As a precursor to the introduction of the integrated case management system and related E services throughout the courts, the process for obtaining hearing dates from the Listing Office has been automated through the use of E Forms which are available on the website of the Judiciary at www.bahamasjudiciary.com under the heading 'Useful Links' on the Home page.

In this regard, reference is made to paragraphs 16 - 25 of Practice Direction No. 3 of 2020. For convenience those paragraphs are reproduced below.

“eScheduling – Listing Office

16. The procedure for requesting hearing dates in all Court Divisions except the Criminal Division has changed and will now be processed through online Forms accessed through the Website.

Hearing dates before a Judge

17. Prior to the first Case Management Conference in an action, ALL applications for hearing dates before a judge (except adjourned dates given by the judge hearing an application assigned through the Listing office) must be made by using the 'Listing Office: Hearing Dates before a Judge' Form on the Website which is on the Useful LINKS section of the Home page and also under the Courts link on the Home page in the drop down menu.

18. Once that Form is completed (preferably with uploaded scanned copies of the filed court documents) it is sent to the Listing Office by pressing the Submit box. The applicant for the court hearing date will receive an automated receipt by email. Subsequently, the applicant will be notified by email from the Listing Office of the hearing date and the judge who will hear the application.

19. When completing the Form for a hearing date, the applicant is required to give the estimated time of the hearing for the application. The Court will hold the applicant to this time estimate with reasonable but limited extensions.

20. Whenever possible, the Upload feature under the section headed Supporting Documents should be used to provide the Listing Officer with scanned copies of court documents filed in respect of the application. Documents in Word format SHOULD NOT be uploaded to the Form.

21. *In cases of extreme urgency, counsel may communicate directly with the Listing Officer by email or telephone to obtain a hearing date before the Duty Judge.*

22. *After the first Case Management Conference, all further requests for court hearing dates or a trial date in the action must be made by letter or email directly to the Clerk of the judge who is assigned to the action and copied to the judge and the Listing Officer.*

Hearing dates before Registrar/Deputy Registrars/Assistant Registrars

23. *ALL applications for hearing dates before a registrar (except adjourned dates given by the registrar hearing an application assigned through the Listing office) must be made by using the 'Listing Office: Hearing Dates before a Registrar' Form on the Website which is on the Useful LINKS section of the Home page and also under the Courts link on the Home page in the drop down menu.*

24. *The other procedures and practices relating to obtaining dates before a judge in paragraphs 18 – 20 above apply, mutatis mutandis, to registrars.*

25. *In cases of extreme urgency, counsel may communicate directly with the Listing Officer by email or telephone to obtain a hearing date before a registrar. There is a short tutorial on the use of the Hearing Dates Forms for Judges and Registrars posted on the Website.”*

I. Hearing dates through the Listing Office prior to the first Case Management Conference

The primary function of the Listing Office is to administratively process applications for court hearing dates which are assigned by judges and registrars.

In this regard, **NOTICE IS HEREBY GIVEN that effective as of 6 June, 2022, subject to paragraphs 21 and 25 of Practice Direction No. 3 of 2020 (as set out above), all applications for court hearing dates through the Listing Office by or on behalf of an attorney MUST be made by completing and submitting the appropriate E Form.** Persons who are not familiar with the use of the E Forms should view the instructional tutorials on the website.

Pro se litigants may continue to apply to the Listing Office for hearing dates by letter, email or by completing and submitting the relevant E Form.

The automated procedure for obtaining court hearing dates through the Listing Office involves the following steps:

- (1) person requesting a hearing date (“applicant”) must submit a completed E Form with uploaded pdf versions of the supporting filed court documents;

- (2) the applicant will receive an automated email from the Listing Office acknowledging receipt of the request for a hearing date in the following terms:

“Your application for a Hearing Date before a Judge [or where appropriate a Registrar] has been submitted directly to the Listing Office of The Supreme Court of The Commonwealth of The Bahamas. The Court will attempt to accommodate Counsel but the hearing date(s) will ultimately be fixed by the Court on the basis of its calendar.

The intention is that the Listing Office will, within 14 working days from receipt of the E Form requesting a hearing date (with the uploaded relevant filed court documents), provide you with the date for the hearing of the application before a designated judge [or where appropriate a Registrar]. You will be notified by email if that time period is, in a specific case, extended.

If you are not provided with the hearing date for the application within the abovementioned 14 day period, and you have not received a communication from the Listing Office extending that period, you should send a follow up email to resolutiondesk@courts.gov.bs requesting a review of the process. In that email, you must state the date when the E Form request was submitted to the Listing Office. You should receive a response to your follow up email within 5 working days of the follow up enquiry.”

- (3) the Listing Office obtains hearing date from the judge or registrar;
- (4) within 14 working days from receipt of the E Form submitted under paragraph (1) above, the Listing Office will provide the applicant with the date for the hearing of the application before a designated judge or registrar;
- (5) in the event that there is a delay in locating the court file or there is some other reason why the date cannot be given within the abovementioned 14 day period, the applicant will be notified by email of the extension of the time period for providing a hearing date;
- (6) if the applicant is not provided with the hearing date for the application within the abovementioned 14 day period, and he/she has not received a communication from the Listing Office extending that period under paragraph (5) above, the applicant must send a follow up email to resolutiondesk@courts.gov.bs requesting a response to the E Form request for a hearing date made under paragraph (1) above. In that email, the applicant must state the name of the parties in the case, the case number and the date when the E Form request was submitted to the Listing Office under paragraph 1 above;
- (7) within 7 working days of receiving the follow up email mentioned in paragraph (6) above, the applicant will receive from the Office of the Registrar a response specifying the date of

the hearing or an explanation for the delay. In the event that there has been a delay, the email will state when the hearing date will be communicated to the applicant;

- (8) in the event that a hearing date has not been given to an applicant within 40 days of submitting the E Form request to the Listing Office under paragraph (1) above, and the applicant has not received a communication from the Listing Office extending that period, he/she must send an email to resolutiondesk@courts.gov.bs **addressed to the Office of the Chief Justice** providing the information specified in paragraph (6) above and the date of the email, if any, sent under paragraph (7) above.

II. Hearing dates before a Judge after the first Case Management Conference

Reference is made to paragraph 22 of Practice Direction No. 3 of 2020 – as set out above. The following procedure applies to **a request to a judge for a hearing date made after the first Case Management Conference in a case:**

- (1) applicant sends an email to the Clerk of the Judge who is assigned to the case requesting a hearing date with copies of the relevant filed court documents,;
- (2) within 14 working days from receipt of the email sent under paragraph (1) above, Clerk of the Judge will provide the applicant with the date for the hearing of the application;
- (3) in the event that there is a delay in locating the court file or there is some other reason why the date cannot be given within the abovementioned 14 day period, the applicant will be notified by email of the extension of the time period for providing a hearing date;
- (4) if the applicant is not provided with the hearing date for the application within the abovementioned 14 day period, and he/she has not received a communication from the Clerk of the Judge under paragraph (3) above extending that period, the applicant must send a follow up email to resolutiondesk@courts.gov.bs requesting a response to the application for a hearing date under paragraph (1) above. In that email, the applicant must state (i) that a post Case Management Conference request was made for a hearing date; (ii) the date when the request was sent to the Judge's Clerk; (iii) the name of the Judge; (iv) the name of the parties in the case; and (v) the case number.
- (5) within 7 working days of receiving the follow up email mentioned in paragraph (4) above, the applicant will receive from the Office of the Registrar a response specifying the date of the hearing or an explanation for the delay. In the event that there has been a delay, the email will state when the hearing date will be communicated to the applicant;
- (6) in the event that a hearing date has not been given to an applicant within 40 days of submitting the request to the Clerk of the Judge under paragraph (1) above, and the applicant has not received a communication from the Office of the Judge extending that

period, he/she must send an email to resolutiondesk@courts.gov.bs **addressed to the Chief Justice** providing the information specified in paragraph (4) above and the date of the email, if any, sent under paragraph (5) above.

III. Outstanding requests for court hearing dates

Any requests for a hearing/trial date before the Supreme Court which, as of the date of this Practice Direction, have been outstanding for more than 45 days should be reported to the Registrar by sending an email to resolutiondesk@courts.gov.bs setting out the name of the parties in the case, the number of the case and the date when the initial request for the date was made either to the Listing Office or, if after the first Case Management Conference, to the Clerk of the Judge.

IV. Conclusion

Persons should contact the Listing Office or the relevant Judge's Office by telephone in the event that compliance with the terms of this Practice Direction is prevented by technical failures or power outages.

The provisions of this Practice Direction and Practice Direction # 3 of 2020 do not apply to Short Notice Hearings which are governed by Practice Direction # 2 of 2022.

Brian M. Moree
Chief Justice

25 May, 2022.