



In the Supreme Court of Bermuda

A/50

Friday, 25th July 2014

CIRCULAR NO. 6 of 2014

TO ALL ATTORNEYS

RE: CODE OF CONDUCT WITHIN THE SUPREME COURT

1. Counsel are reminded to dress for Court in accordance with the Barristers' Code of Professional Conduct 1981 (the Code) and more particularly, section 61 subsections (1) – (4). Suits and shoes should be of dark colour; dresses or blouses should be long sleeved and high in the neck. Shirts and blouses should be predominantly white or of unemphatic appearance. The colour black does not fit in this category for shirt colour. Collars and tabs should be white, (subsection (2)). For ladies, open-toed shoes are not acceptable in Court.
2. As for how wigs should be worn, read subsection (3) of the Code. Wigs should cover the hair and the hair should be drawn back from the face and forehead. Bangs or fringe are to be pulled back from the face.
3. Counsel are reminded of sections 62 to 66 of the Code which contains the duties of Counsel when prosecuting or defending a case. Counsel are also reminded of Circular No. 6 of 2011 concerning communication between Counsel and the Court. It is attached for ease of reference.
4. Appropriate dress for Civil Court – is wig, collar, tabs and gown.
5. Appropriate dress for Commercial Court - is business attire.
6. Please refrain from bringing any and all beverages into the Courtrooms. Water only is allowed in court or chambers.
7. Counsel's access to Court 2 is through the back rear door from the hall way leading from the parking area of Court Street and not through the door used by Staff.
8. Unless otherwise agreed or ordered or an emergency application, Submissions/Authorities/Skeleton Arguments due for any of the Judges must be provided at least two (2) days in advance of the hearing. When filing any of the above-mentioned documents, please advise the Registrar or the Assistant Registrar that the documents are being filed. This will ensure that the documents reach the respective Judge in a timely manner.
9. All documents thicker than 1 inch must be hole-punched and place in a binder.
10. Alert the Registrar, the Assistant Registrar and/or Ms. Lynch when important documents are being filed.
11. Documents which are filed late afternoon on the eve of the hearing will not be delivered to the Judge in time for the hearing.
12. When filing engrossed copies of orders which have been prepared after a hearing on a known date before an identifiable judge, please assist the Court by inserting the date and the name/title of the judge who made the order.
13. All correspondence should be addressed to the Registrar and not to the Judges nor Administrative Assistants nor Court Associates or any other member of staff. If an email is inadvertently sent to another member of staff, at the top, it should say to 'Forward to the Registrar'. Correspondence must be seen and acted on by the Registrar.

14. The Rules of the Supreme Court, including the periods of time fixed by the Rules for the doing of any act, are not merely helpful suggestions: they are there to be complied with.
15. When mutually agreed dates are requested by the Registrar, please send one letter that indicates the dates that are agreed between the parties. Refrain from sending dates to avoid as it makes it more time consuming to list the case.
16. **Court Smart microphones** - Do not touch or tamper with them in any way. They are not there for amplification; they are merely there to capture what is said. Touching the microphones will hamper the recording and thereby the preparation of the transcription due to sound distortions.
17. **Commissioner of Oaths** - As there are a great number of Commissioners not every signature is recognised or recognizable. Kindly identify yourselves via a stamp indicating your name and Chambers or print your name under your signature.
18. The Judiciary's website can be found at www.judiciary.gov.bm and it contains the court lists for the Supreme Court and Magistrates' Court as well as the Court of Appeal when it is in session.



**REGISTRAR / TAXING MASTER
OF THE COURTS**

cc: Attorney-General's Chambers
Bermuda Bar Association
Commissioner of Corrections
Commissioner of Police
Department of Public Prosecutions
Hamilton Police Station
Legal Aid Office
Magistrates' Court

CAS/rmdw



THE SUPREME COURT OF BERMUDA
PRACTICE DIRECTION

ISSUED BY THE CHIEF JUSTICE

Ref. A50

Thursday 10th March 2011

CIRCULAR NO. 6 OF 2011

COMMUNICATIONS BETWEEN COUNSEL AND THE COURT ETC.

Communications with the trial Judge

1. There have been recent instances of counsel attempting to communicate directly with the Judge, particularly by e-mail. This is not permissible, may compromise the integrity of the proceedings concerned and should stop.
2. The general rule is that all out of court communications between counsel and the Court, whether written or oral, should take place with or through the Registrar.

Correspondence with the Registry

3. Normal party and party correspondence should not be copied to the Registry. The only correspondence which should be directed to the Registry is that which covers a filing, seeks a date or seeks some other form of action from the Registrar.
4. Save as regards applications which are properly made on an *ex parte* basis¹ without notice to any other party, no communications with the Court should take place without notice to all parties affected. In particular all correspondence should be copied to the other parties.

Ex parte Applications

5. Counsel should note that an *ex parte* application is not the normal or ordinary means of applying for an injunction, and the jurisdiction of the court to entertain an *ex parte* application for an injunction is predicated upon urgency. Thus RSC Ord. 29, r. 1(2) provides:
“(2) Where the case is one of urgency such application may be made *ex parte* on affidavit but, except as aforesaid, such applications must be made by motion or summons.”
6. Counsel should also note that even where an *ex parte* application is justified on grounds of urgency, the application should ordinarily be *ex parte* on notice **unless** the giving of notice is likely to defeat the application by reason of either delay or precipitating the action the application is designed to prevent: see the White Book, at 29/1A/21, 29/1A/25 and Augustus-v-Gibbons [2009] SC (Bda) 53 Civ (30 November 2009). Where prior notice of an *ex parte* application is not given, the supporting affidavit should ordinarily explain why.

Implementation of Orders

7. Counsel are reminded that in the case of Orders requiring action from the Registrar (e.g. the setting of a date, or an order requiring the removal of a matter from the cause-book) counsel having carriage of the Order should write to the Registrar asking that it be implemented.

Dated this 10th day of March, 2011



Richard W. Ground OBE QC
Chief Justice

¹ For a list of such applications see the White Book, 1999 ed. 32/6/5.