

# PRACTICE DIRECTION

No. 2 of 2020

## CORRESPONDING WITH THE COURT

Practice Direction No. 3 of 1992 is hereby rescinded and replaced with this Practice Direction.

The increased use of information and communications technology (ICT) in the administration of justice has resulted in a significantly higher volume of communications with the court being conducted by email.

Regrettably, an unfortunate consequence of this enhanced use of emails has been an increasing tendency for counsel to write to the court without simultaneously copying the correspondence to the other parties involved in the matter.

Sending unilateral correspondence to the court, whether by email or letter, in connection with *inter partes* matters, is an improper practice which not only erodes professional courtesy but undermines the administration of justice.

### ***Judges***

With immediate effect, whenever it becomes necessary to address any correspondence (i.e. letters or emails) to a Judge with reference to any proceedings before him/her, the following practice will apply:

- (i) emails are preferred to letters;
- (ii) letters, when necessary, must be signed by counsel (or on his/her behalf) and addressed and sent to the Judge's Clerk. Unless it is an *ex parte* matter, the letter must simultaneously be copied and sent to all other counsel/parties in the case;
- (iii) emails, when used, must be sent by counsel to the official court email address of the Judge and, unless it is an *ex parte* matter, simultaneously copied to all other counsel/parties. Emails sent directly to a Judge must also be copied to the Justice's Clerk and/or Secretary, as may be designated by the individual Judge.

### ***Registrar/Deputy Registrars/Assistant Registrars (individually "Registrar" or collectively "Registrars")***

With immediate effect, whenever it becomes necessary to address any correspondence (i.e. letters or emails) to a Registrar with reference to any proceedings before him/her, the following practice will apply:

- (i) emails are preferred to letters;
- (ii) letters, when necessary, must be signed by counsel (or on his/her behalf) and addressed and sent to the Registrar. Unless it is an *ex parte* matter, the letter must simultaneously be copied and sent to all other counsel/parties in the case;
- (iii) emails, when used, must be sent by counsel to the official court email address of the Registrar and, unless it is an *ex parte* matter, simultaneously copied to all other counsel/parties. Emails sent directly to a Registrar must also be copied to his/her secretary unless otherwise directed by the individual Registrar.

The official court email address of each of the Judges and Registrars is posted on the Judiciary's website at [www.bahamasjudiciary.com](http://www.bahamasjudiciary.com) under the Useful LINKS section on the Home page.

### ***General***

Communications in connection with obtaining hearing/trial dates **MUST** be made in compliance with paragraphs 17 and/or 22 of Practice Direction # 3 of 2020 dated 1 July, 2020.

Additionally, **after a date is fixed for the hearing of a matter** before a judicial officer, counsel/parties may send the eDocument Delivery Form with uploaded documents to that judicial officer by email using the drop down menu on the form.

Practitioners are therefore reminded that (i) letters must not be directed to a Judge; and (ii) *all* correspondence with the Court, whether by letter addressed through the formal channels or by email to the individual Judge/Registrar **must** be simultaneously copied to all the other parties unless it relates to an *ex parte* matter.

**Brian M Moree**  
**Chief Justice**

1 July, 2020.