

**CASE NO.****VOL. NO.****PAGE**

CECIL ALLISTER MILLS

- and -

TENA LOUISE HARDY

(Appellant)

(Respondent)

CA 164077

Halifax, N.S.

BATEMAN, J.A.

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**[Cite as: Mills v. Hardy, 2000 NSCA 140]****APPEAL HEARD:****November 23, 2000****JUDGMENT DELIVERED:****December 4, 2000****SUBJECT:** Appointment of counsel in family law matter.

**SUMMARY:** The appellant, Cecil Mills, is a party to a custody proceeding in the Supreme Court. He has been represented by both private and Legal Aid lawyers at times but those relationships have ended. He holds a Legal Aid certificate entitling him to funded counsel but maintains that he cannot find a lawyer to represent him. He applied to the pre-trial judge asking the Court to appoint counsel. The judge declined to appoint counsel. Alternatively, Mr. Mills unsuccessfully sought the Court's permission to be represented by a lay person. Mr. Mills appealed both rulings. The other party did not participate in the appeal

**ISSUES:** Did the judge err in refusing to appoint counsel or permit representation by a lay person?

**RESULT:** Appeal dismissed. This is a discretionary order. In these circumstances the judge made no error in ruling as he did.

This information sheet does not form part of the court's decision. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 14 pages.