

NOVA SCOTIA COURT OF APPEAL

Citation: **Murphy v. Wulkowicz**, 2005 NSCA 147

Date: 20051123

Docket: CA 217527

Registry: Halifax

Between:

Martha A. Murphy

Appellant

v.

Robert M. Wulkowicz

Respondent

JUDGE:

MacDonald, C.J.N.S.

APPEAL HEARD:

September 30, 2005

SUBJECT:

Family Law - division of assets.

Practice - appeals applications to admit fresh evidence.

Self-Represented Parties - trial judge's role.

SUMMARY:

The parties separated shortly after relocating from Chicago to Nova Scotia. Ancillary to a divorce, the Supreme Court of Nova Scotia ordered a division of assets. Both parties as self-represented litigants appealed to the Nova Scotia Court of Appeal. In the process, they each sought to introduce fresh evidence. The appellant also questioned the level of assistance offered by the trial judge to the respondent who was also self-represented at trial.

ISSUES:

1. Whether the trial judge erred, (a) in dividing the parties' assets; (b) in offering unwarranted assistance to the respondent as a self-represented litigant.
2. The requests to introduce fresh evidence on appeal.

- RESULT:**
- 1 (a) On the sparse record before him, the trial judge did not err in his division of assets;
 - (b) nor did he offer the respondent unwarranted assistance as a self-represented litigant.
 2. Both applications to introduce fresh evidence on appeal were denied.

Appeal and cross-appeal dismissed.

This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 15 pages.