



THE NUNAVUT COURT OF JUSTICE

PRACTICE DIRECTIVE #4

ATTENDANCE BY TELEPHONE IN CRIMINAL AND CIVIL MATTERS

Explanatory Note: In Nunavut, the costs associated with travel and weather delays can severely impact the lawyer's ability to provide a cost effective service to clients. This practice directive facilitates counsel's attendance by telephone to speak to matters in Court that do not involve the calling of viva voce evidence. Access to justice can be enhanced by reducing the costs associated with service delivery in Nunavut's remote communities.

ATTENDANCE BY COUNSEL

Counsel wishing to speak to a regularly scheduled civil or criminal chambers application may do so by telephone in accordance with the following directions.

Civil Chambers

Counsel must file with the Clerk of the Court a Notice of Appearance by Telephone in Form 4A no later than 3 clear business days before the scheduled hearing date. Filing is to be done by transmitting this form electronically in PDF format to NCJ.Civil@gov.nu.ca.

If counsel for the moving party has filed a notice of appearance by telephone and is not available to speak to the motion when called upon to do so by the Court, the application will be adjourned sine die at the discretion of the Court. Costs may be assessed against the defaulting party. If counsel for the Defendant/Respondent has filed a Notice of Appearance by telephone and is not available to speak to the motion when called, the application may proceed to hearing in their absence at the discretion of the Court.

Criminal Chambers or Criminal Docket Appearance

Counsel wishing to appear by telephone to speak to a matter on criminal docket may do so by filing a Notice of Appearance by Telephone in Form 4B with the Clerk of the Court no later than three days before the scheduled court appearance. Form 4B is to be transmitted electronically in PDF format to NCJ.Criminal@gov.nu.ca .

Special Civil or Criminal Chambers

Absent special leave of the Court, counsel must attend in person for the purpose of arguing any matter scheduled for special chambers or any other matter involving the calling of viva voce evidence.

ATTENDANCE BY PARTY/LITIGANTS

Members of the public (party/litigants) in any matter other than a child protection application wishing to listen to chambers applications in a community other than their own must make arrangements with their counsel to be joined into the teleconference by completing the appropriate section in form 4A. Counsel are responsible for ensuring that their client does not interfere with or disrupt the teleconference by interrupting proceedings when not called upon to speak.

Members of the public (party/litigants) who wish to listen to or participate in a child protection application in a community other than their own must complete a Form 4C and fax or email this document to the court registry no later than one clear business day before the scheduled hearing date. Privacy considerations preclude the litigants in this type of proceeding from simply calling into a public teleconference. The Court Clerk will contact the party/litigant when the Court reaches the matter for which he/she has an interest in accordance with the direction set out in Form 4C.

ATTENDANCE BY WITNESSES

When witness appearance by telephone is by consent, counsel must file a Notice of Appearance by Telephone in Form 4D with the Clerk of the Court no later than three days before the scheduled court appearance. Form 4D is to be transmitted electronically in PDF format to NCJ.Criminal@gov.nu.ca.

If the witness appearance by telephone is contested, upon successful application to the Court, counsel must file a Notice of Appearance by Telephone in Form 4D with the Clerk of the Court no later than three days before the scheduled court appearance. Form 4D is to be transmitted electronically in PDF format to NCJ.Criminal@gov.nu.ca.

This practice directive replaces the directive replaces the directive issued on the 1st day August 2010 and comes into effect immediately.

Issued this 13th day of July, 2012 upon the direction of the Judges of the Nunavut Court of Justice.

Mr. Justice R. Kilpatrick

Mr. Justice E. Johnson

Mr. Justice N. Sharkey

Madam Justice S. Cooper

Mr. Justice A. Mahar

Madam Justice B. Tulloch