



NUNAVUT COURT OF JUSTICE

PRACTICE DIRECTIVE #18

ELECTRONIC FILING FOR CIVIL AND CRIMINAL CHAMBERS

Explanatory Note:

Rules of Court that require the filing of original documents add unnecessarily to a litigant's expense and often delay the progress of litigation in Nunavut. Delays and uncertainties caused by the transmission of documents through the post hinders the expeditious hearing of causes in this jurisdiction.

This directive provides a speedy and inexpensive alternative to the transmission of original documents to the Court for filing purposes in all criminal and civil matters. A process that facilitates the electronic filing of documents ensures that members of the bar living outside the Judicial Center of Iqaluit are not disadvantaged by geography. The effective use of technology can reduce the expense and delay associated with doing long distance litigation.

Effective February 1st 2010, any document, including an originating application may be filed by way of an email attachment in accordance with this directive.

ORIGINATING APPLICATIONS

By email directed to NCJ.civil@gov.nu.ca in Form 18A or NCJ.criminal@gov.nu.ca in Form 18B counsel shall request the Clerk of the Court to commence an action. The requesting solicitor shall advise the Clerk of the full name of all intended parties to the action and the type of claim to be made or relief sought. The Solicitor shall ensure that the required filing fees (where applicable) are transmitted electronically to the Nunavut

Court of Justice by an email money transfer or alternatively authorize the appropriate deduction of fees from the solicitor's Sheriff's account. This authorization must be in writing and is irrevocable once given.

Upon receipt of the appropriate filing fees, the originating application and supporting materials, if any, the information set out in Form 18A or 18B will be entered into the book of causes. The Clerk shall assign and endorse the originating application with the appropriate Court File number. The Court's seal shall then be affixed to the Court's copy of the originating materials and this shall be deemed the original for all purposes thereafter. The Clerk shall electronically transmit a copy of all filed materials to the originating solicitor.

All documents that are filed electronically shall have the following endorsement on the foot of the document: "This document has been filed electronically in accordance with practice directive #18 ". Where a signature is required on the originating application, the solicitor shall provide either an electronic signature or scan his/her signature into the PDF document.

No court file number will be released until the appropriate filing fees and disbursements have been received. No Court file number will be released if the Form 18A or 18B is sent to an email address other than the email addresses approved by this directive.

Documents received during regular business hours of the Court will be filed as of the date of receipt. Any documents received after the close of business will be filed on the next business day.

INTERIM APPLICATIONS

All interim applications may be filed by email directed to the appropriate email address NCJ.civil@gov.nu.ca or NCJ.criminal@gov.nu.ca with the motion attached in a PDF format. The court file number and style of cause associated with the original action must match or the document will be rejected by the Clerk of the Court. The Motion must be endorsed on the foot of the document with the following: "This motion has been filed electronically in accordance with Practice Directive #18".

AFFIDAVITS

All affidavits and other sworn documents must be transmitted by email in PDF format to the Court Registry in Iqaluit. The signature of the affiant or declarant shall be scanned

into the PDF document once it has been sworn. The affiant or declarant together with the Commissioner of Oaths, Notary Public, or other attesting officer must neatly print their names underneath the appropriate signature line.

Any sworn document that is filed pursuant to this directive shall be endorsed at the foot of the document with the notation "This document has been filed electronically in accordance with practice directive #18".

The Clerk is authorized to reject any document that fails to fully comply with these requirements.

Any sworn document received by the Registry after the close of business will be filed on the next business day.

RETENTION OF ORIGINALS

Original copies of all sworn documents shall be retained by the solicitor preparing them for a period of one year from the date they are sworn. These documents shall be produced to the Court within that year if required.

Original affidavits created by or sworn by a self-represented litigant must be filed with the Registry within 15 business days of the document being filed electronically in accordance with this directive.

Unless otherwise ordered by the Court, original sworn documents filed in accordance with this directive need not be filed.

COURT ORDERS

A. Contested Applications

Counsel for the successful party will draft the order made by the Court and transmit this to the Court in Portable Document (PDF) Format together with a Certificate of Approval in Form 18C annexed to the foot of the order. The completed Certificate must have the preparing solicitor's signature either scanned in or endorsed upon it with an electronic signature.

Upon receipt of a draft order with a properly completed Certificate in Form 18C, the order will be presented to the Judge for his or her review and endorsement.

No order will be entered or filed without a completed Certificate of Approval being annexed to the order.

B. Consent Orders

All consent orders will be endorsed with the heading CONSENT ORDER. The proposed order will be transmitted to the Court Registry in Iqaluit in Portable Document (PDF) Format. Counsel preparing the consent order must complete the Certificate of Consent in Form 18D annexed to the foot of the draft consent order and transmit this by email in PDF format to the Court Registry. The preparing solicitor's signature must be either scanned in or affixed to the Certificate of Consent by electronic signature. Upon receipt of the draft consent order with a completed Certificate, the Consent Order will be forwarded to a Judge for his/her review and endorsement. The Order will then be formally filed and entered.

WAIVER

Where there is compliance with this directive, the Court is prepared to waive Rules 11 and 379. Practice directive #9 is hereby rescinded.

This practice directive comes into force on February 1st 2010.

Issued this 21st day of December 2009 at the direction of the Judges of the Nunavut Court of Justice.

Mr. Justice R. Kilpatrick

Mr. Justice E. Johnson

Mr. Justice N. Sharkey