



NUNAVUT COURT OF JUSTICE

PRACTICE DIRECTIVE #10

Requests by counsel to bring matters forward and/or reschedule matters can cause confusion and delay in Court proceedings. This practice directive creates a deadline and procedure for requesting matters be brought forward in an effort to reduce the confusion caused by last minute “add ons.”

While court staff will make every effort to ensure that a “final” docket is complete, this does not relieve counsel of their responsibility to ensure that files moving from JP Court to the Nunavut Court of Justice are properly noted up and brought forward for the next appearance in Court.

The Docket for a court sitting will be finalized the Wednesday before the scheduled sitting. No further informations will be accepted by the Registry without an Extraordinary Supplemental Docket Request Form (10A) accompanying the request. A pre-docket will be circulated 10 days before the scheduled sitting.

Bring forward/new information requests on Circuit

Informations sworn after the Court Clerk has left for a community circuit should be filed according to Joint Operation Directive #1 and set to the next circuit date unless the RCMP and/or Counsel wish to request the informations be added to the docket. Generally, this would happen in the following circumstances:

- (a) The Accused is in Custody
- (b) The Accused has additional matters already on the docket
- (c) The Accused is a Youth.

If such a request is warranted, the informations should be retained by the RCMP and presented to the Court Clerk upon the Clerk's arrival in the community. Those informations requesting to be added to the docket must be accompanied by a

completed 10A Form and comply with Joint Operational Directive #1. The Clerk, upon receiving the completed 10A form will approve the request if appropriate.

Bringing Forward Matters/ Rescheduling Matters

If Counsel wish to have a matter brought forward or rescheduled to a new date, the request must be made to the registry no later than the Friday before the currently scheduled court sitting at 1200 EST. This request should be made via email to ncj.criminal@gov.nu.ca and must confirm that both Crown and Defence are aware of the request.

In the event that Counsel wish to make a request outside of those parameters, they must provide an Extraordinary Supplemental Docket Request Form (10B) for approval by the duty judge.

Adjourning matters from a community to a different court sitting or vice versa

In the event that Counsel wish to make a request to adjourn matters from a community circuit to another NCJ court sitting if the proposed new date is closer than five (5) business days from the close of the current circuit, Counsel must fill out an Extraordinary Supplemental Docket Request Form 10B and provide it to the Clerk on the circuit so that the file can be properly prepared and adjourned in the Court Information System upon the Clerk's return to the Iqaluit Registry.

Scheduling matters for Trial/Prelim Earlier than Six Weeks from set-date

If counsel is requesting that a matter be set for Trial or Prelim and the proposed trial date is less than six weeks from the current date, counsel must complete an Extraordinary Scheduling Request Form (10C) to be placed on the court file acknowledging the date is provided contingent upon admissions/waivers of requirements by Counsel. Ultimately, scheduling is at the discretion of the judge hearing the request but the form must be filed to ensure the court file reflects the contingencies and admissions by both parties.

This practice directive replaces Practice Directive #10 which was issued July 1st, 2010 which is repealed effective March 4th, 2015.

This Practice directive comes into force March 4th, 2015.

Mr. Justice R. Kilpatrick

Mr. Justice E. Johnson

Mr. Justice N. Sharkey

Madame Justice S. Cooper

Mr. Justice A. Mahar

Madame Justice B. Tulloch