



## **THE NUNAVUT COURT OF JUSTICE**

### **PRACTICE DIRECTIVE # 1**

This Practice Direction will replace the Practice Direction issued April 21<sup>st</sup>, 1999 dealing with Show Cause Hearings and Remands.

### **THE NAMING OF JUDGES**

Judges of the Nunavut Court of Justice have decided that the titles “My Lord” and “My Lady” should be avoided if possible. The titles that should be used are “Your Honour”, “Judge” and “Justice”, depending on the context. If there are questions or concerns about the naming of Judges, we would be most happy to discuss them.

## **NUNAVUT SHOW CAUSE HEARINGS AND REMANDS IN THE NORTHWEST TERRITORIES**

It is very important that show cause hearings be held in the community where the crime was committed if that is possible. We have therefore instituted a number of procedures that must be followed before a prisoner is transported to another community for a show cause hearing. It is important that these procedures be followed.

Once an individual has been arrested and the RCMP feel that a show cause hearing should be held to determine whether or not he/she should be detained in custody, the following procedures should be followed:

1. The RCMP will contact Crown counsel to determine whether a show cause hearing is appropriate.
2. The RCMP will then provide an opportunity for the accused to contact his/her choice of Legal Counsel, Legal Aid Counsel or a Lawyer at the nearest Legal Aid Clinic.
3. The show cause hearing should be done in the community where the charge arose if that is possible.
4. If a show cause hearing is necessary and cannot readily be done in the community the RCMP will complete the document “Checklist for Show Cause Hearing” (available electronically upon e-mail request to: [ncj.criminal@gov.nu.ca](mailto:ncj.criminal@gov.nu.ca)) and fax it to the Supervisor of Criminal Clerks in Iqaluit who will attempt to arrange the show cause hearing by

telephone. The Supervisor of Criminal Clerks can be contacted during business hours at 975-6136, by fax 979-6168.

5. If a show cause hearing cannot be arranged as indicated above, then the accused should be transported to Iqaluit.
6. If a person has been remanded into custody to await the disposition of their charges, they should be remanded to the first available Tuesday of an Iqaluit court week. Please call the Iqaluit Court Registry to determine the prisoners' day in the next coming docket week so that counsel can be assigned to the accused and that matter can be set in the community for trial, preliminary or guilty pleas as the case may be.
7. If an accused is transported to a correctional facility other than Baffin Correctional Centre, before or after a show cause hearing, the RCMP must immediately fax a copy of the information and all remand documents to the Clerk of the Nunavut Court with a memorandum advising the Court of the remand status of the accused and the name of defense counsel representing the accused.
8. These last two steps will ensure that the accused has counsel as soon as possible and any transport of the accused back to the community will involve dealing with substantive issues in the trial process.

If the accused has been remanded into custody to the Yellowknife Correctional Centre, counsel should contact the Clerk of the Nunavut Court of Justice to arrange a telephone conference with a Nunavut Judge, counsel and the accused to set the matter for plea, sentence, or trial and to determine the location for that proceeding.

Issued this 9th day of June 1999, by direction of the judges of the Nunavut Court of Justice.

**Justice B.A. Browne**  
**Justice R.G. Kilpatrick**

**Updated November 18, 2008**