



THE NUNAVUT COURT OF JUSTICE

PRACTICE DIRECTIVE #14

AVAILABILITY OF COUNSEL

Explanatory Note:

Judicial support staff and opposing counsel are frequently frustrated by being unable to contact counsel of record during extended absences from their offices. Urgent matters can arise from time to time in both the criminal and civil fields that require counsel's immediate attention.

To ensure that these urgent matters can be dealt with effectively, counsel leaving their office for two weeks or more shall provide the trial coordinator with a written notice outlining:

1. Counsel's date of departure and expected date of return to their office;
2. An email address where counsel can be reached.

If counsel are not able or willing to monitor their email for urgent messages at least once every two weeks, counsel must make arrangements to retain an agent who will have full authority to address any urgent matters arising with respect to their files in their absence. Where counsel retains an agent for this purpose, a notice in writing of this designation will be filed with the trial coordinator's office.

If counsel of record fails to comply with this direction and an urgent pre-trial issue cannot be resolved as a consequence, the Court may, in its discretion, decide to cancel the proposed trial/hearing date.

This practice directive applies to counsel in both the public and private law sectors.

This practice directive comes into force on February 1, 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