



THE NUNAVUT COURT OF JUSTICE

PRACTICE DIRECTIVE #24

CIRCUITS AND PRE-CIRCUIT PREPARATION

Explanatory Note:

The existing practice of holding a pre-circuit conference in the week immediately preceding a scheduled circuit is not an effective use of judicial resources. Assigned counsel are often not available due to commitments elsewhere. Where assigned counsel are available, many have not reviewed their files and cannot contribute to a meaningful review of circuit workload.

Effective February 1st 2010, the practice of holding pre-circuit conferences is discontinued.

No later than three clear business days before the court party leaves for circuit, every Defence Counsel assigned to do a circuit shall file with the Court a pre-circuit memorandum in Form 24A by emailing this form to NCJ.criminal@gov.nu.ca. Every Crown Counsel assigned to a circuit shall file a pre-circuit memorandum in Form 24B with the Court by emailing this form to NCJ.criminal@gov.nu.ca. This shall be done no later than three clear business days before the court party departs for the circuit.

The Judiciary expects all counsel assigned to circuit work, to meet the following expectations:

1. It is expected that Defence Counsel will review their files in advance of the circuit to determine that the disclosure integral to the file is complete. Absent extraordinary circumstances, it is not acceptable for defence counsel to

appear on circuit and claim that they are missing either files or disclosure without having attempted to secure what is missing in advance of the Court appearance;

2. It is expected that Defence and Crown will review their files against the final docket released by the Nunavut Court of Justice. Where Crown or Defence are missing a file, every effort must be made to correct this problem before the circuit commences;
3. It is expected that Crown and Defence will alert the Court prior to its departure from Iqaluit for circuit of any errors or necessary add on's to the final docket;
4. If defence counsel anticipate that a Charter Motion will be brought in relation to a matter appearing on circuit, adequate notice must be provided in writing to the Crown and the Court in advance of the circuit. A notice that does not provide Crown Counsel with sufficient time to properly prepare for, or research the issues to be argued, is neither adequate nor reasonable.
5. It is expected that Defence and Crown, where practical, will take the time to discuss their files in advance of the circuit commencing;
6. It is expected that Crown counsel will have provided Defence counsel with a "best offer" prior to a plea being entered;
7. It is expected that both Crown and Defence counsel will confirm their travel arrangements and hotel bookings well in advance of the circuit commencing; It is not acceptable for Crown or defence to announce that they cannot attend a circuit for want of accommodations or travel;
8. If Crown or Defence wish to fly on a Court Charter, the onus is on the lawyers seeking to travel with the Court to confirm this request in writing with the Court's travel administrator.
9. It is expected that both Crown and Defence counsel will provide timely notice to the Court and the opposing party of any anticipated request to adjourn a trial or preliminary inquiry. Such notice is required to avoid unnecessary expenses for witness or accused travel;

10. It is expected that defence and Crown counsel will travel into the communities in advance of the circuit to interview clients or witnesses. Absent extraordinary circumstances, court time should not be used for this purpose;
11. Any party requiring witnesses to travel to a circuit point at Court expense, must give no less than 10 days clear notice to the Court's travel Coordinator. No travel will be authorized without special leave of the Court if the request for travel is received within less than 10 days of the Circuit commencing.
12. It is expected that all lawyers assigned to a circuit court will ensure that they have sufficient preparation time in advance of a circuit to properly prepare their files. It is not acceptable for counsel, Crown or Defence, to accept assignments that will render them incapable of complying with this directive. It is the responsibility of Managers to acquire sufficient staffing levels and resources to ensure that professional standards of service in Nunavut do not suffer.
13. If counsel are unable to meet any of these expectations, it is incumbent upon counsel to advise the assigned judge in writing of areas of noncompliance. An explanation for why compliance was not possible should be provided.

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