



# **NUNAVUT COURT OF JUSTICE**

**2001**

## **ANNUAL REPORT**



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## INTRODUCTION

As we look back over the second full year of the operation of the Nunavut Court of Justice, we are often too critical of the progress that we did not make, without giving proper credit for the amazing new initiatives that are taking place throughout the Court. The overall philosophy of the Nunavut Court of Justice is to take all steps possible to ensure that each individual living in Nunavut has reasonable access to justice when required. A number of new initiatives have been put in place over the past year, which we hope address this philosophy.

We continue to struggle to balance the criminal work that is required to be done on circuits with the civil work and the amount of judicial and office resources available. We still do not quite have it right and, from time to time there are communities where the work is not completed on the first available circuit. We continue to work on the regular scheduling of the Court, and hope that the 2002 schedule will address some of the concerns that were raised in 2001.

In the civil area, a number of steps have been taken to provide individuals with easier access to the remedies that may be available through the Court. Individuals and lawyers alike can notify the Court that they wish to appear in Court by telephone. That is done regularly which allows matters to proceed with either or both parties appearing in Court by telephone. We are also attempting to set Chambers' Applications to be heard in the community or region with which they are most closely associated. In that regard, we have distributed a schedule of regular Chambers' dates in each of Nunavut's communities during regularly scheduled visits of the Court to each community. We will continue to work on the success of this Chambers' initiative over the coming year.

The Pathfinder (Inusiqmut Aqqusiuqtiit) Project is an exciting project that is just being funded as the year draws to a close. The Pathfinders Program will work out of the Family Support Office and will be the first step towards a Nunavut Mediation Project.

We hope that the pilot projects that will start in some of our communities will be successful in assisting people to resolve their difficulties outside the normal Court system. In Nunavut, it is important not only to provide access to justice, but also to provide access to problem solving resources outside of the formal court system.

As the year 2001 draws to a close, we are very hopeful that the third judge will be appointed to sit in Nunavut very early into the New Year. That appointment will assist greatly in providing the consistency and commitment to community development that is necessary to the success of the Nunavut Court of Justice.

## NUNAVUT COURT OF JUSTICE STAFF

### **JUDICIARY STAFF:**

Nunavut Court of Justice Judges Senior Judge	The Honourable Beverley Browne The Honourable Robert Kilpatrick
Judicial Administrative Assistants: Supervisor Judicial Support Judges Secretary Judges Secretary Judges Secretary	Elizabeth Sitland Mildred Hammarback Alleeta Strickland Cyndi Weir
Justice of the Peace Administrator:	Neil Sharkey
UVic Co-op Law Students: Sarah McCoubrey Basil Alexander	Kelly Mahoney Alyne Mochan
Rules Of Court Project: Counsel	Barbara Winters
Law Library: Librarian	Rhonda O'Neil Gary Pon

### **COURT SERVICES**

Directorate: Director Director's Secretary/Admin Officer	Marvin Bruce Marjorey Dwornick
Family Support Office: Manager	Charlene Johnson

Court Administration:

Juridical Administrator	Shani Watts
Sheriff/Court Security Officer	Jonathan Ellsworth
Deputy Sheriff/Admin Clerk	Dwayne Twerdin
Deputy Sheriff/Admin Clerk	Billy Curley
Deputy Sheriff/Admin Clerk	Jordan Bens
Deputy Registrar/Interpreter	Atsainak Akeeshoo
Deputy Registrar/Interpreter	Louise Anaija
Deputy Registrar/Juridical Officer	Saila Nooshoota
Manager, Criminal Section	Joe Kucharski
Juridical Officer	Leslie Akeeshoo
Juridical Officer	Jeannie Alainga
Juridical Officer	Melissa Hess
Juridical Officer	Harriet Aupaloota
Juridical Officer	Andrew Dunford
Juridical Officer	Mary Kownirk
Juridical Officer	Laisa Kilabuk
Juridical Officer	Lao Akasuk

NOTE: It should be noted that Tiivi Qiatsuk, Eileen Kilabuk-Weber, Neevee Natsiapik, Elisapee Salamonie left Court Administration in 2001 and their significant contributions were greatly appreciated.

In the year 2001 Court Administration continued to build and benefit from the strength of its employees.

With workloads increasing in some areas by as much as 30% it was essential that the working environment of mutual support and respect where all employees have an opportunity to contribute, to learn, to grow, to be treated fairly, to be listened to, and to be involved, be maintained.

In addition, to meet this significant challenge of workload increases and increased service demands, our enthusiastic staff realized that team building would be a critical part of their success. Staff involvement in how matters must be managed and improved, and sharing the load more comfortably were key ingredients to providing excellent services in English and Inuktitut to the people of Nunavut.

After its second full year of operation, the Court Administration Office continues to meet the challenge of fulfilling its obligation to all of its various clients.

## COURT CIRCUITS

The mainstay work of the Nunavut Court of Justice is travelling to the communities and convening Court. Our schedule continues to shift as we attempt to balance the work outstanding in our Nunavut communities and the time available in a week. Our Court schedule is set a year in advance and now includes in every circuit, time allotted to do civil cases – chambers, small claims, child protection and or other civil division and children's cases that may arise. Counsel are expected to set cases in the most appropriate community, not necessarily in the judicial center, to ensure that if a respondent or defendant wishes to appear in Court they can -- in person or by telephone.

Some statistics are useful and at the same time misleading about the work of the Court.

- In the Calendar Year 2001:
  - Number of Jury trials -15
  - Number of non-jury court circuits outside Iqaluit – 46  
(There is Court in Iqaluit at least 2 weeks every month)
  - Number of times Deputy Judges were used - 49
- Total number of charges dealt with in 2001 by the Nunavut Court of Justice:
  - Adult 3710
  - Youth 717
  - Total 4427

These are all bare statistics and simply give some indication of the kind of work and travel that is required of the Court.

We are combining the jury and non-jury circuits in some of the communities when appropriate with success. Both the Crown's Office and the Defense (Legal Aid) are properly resourcing those circuits to allow lawyers to do the best job possible and have the Court make good use of its time and conclude many outstanding matters.

There are a few communities that deserve special recognition because the Court has not been required to attend:

- Grise Fiord – There were no circuits in 2001. There were 8 charges against 5 people. One file was dealt with in Qikiqtarjuaq and the others in JP Court Grise Fiord.
- Kugaaruk – There was only one circuit to Kugaaruk in 2001. Other circuits were cancelled as no cases were outstanding.

There are still a few challenges that we have not dealt with adequately. The Court did travel to Repulse Bay in the summer of 2001 to deal with a civil case. However, the Court has not travelled to Repulse Bay to deal with criminal cases. We have not yet included Chesterfield Inlet, Repulse Bay and Whale Cove in our regularly scheduled travel. Those are challenges for future years.

In 2001 the following charges rose out of those communities:

- Chesterfield Inlet 3 charges against 2 people were dealt with in Rankin Inlet
- Repulse Bay No charges
- Whale Cove 4 charges against 2 people were dealt with in Rankin Inlet.

We continue to work closely together with Elders in most of our communities. There are still a few communities where we hope that Elders will be willing to participate with the Court in assisting with the sentencing of offenders.

## DEPUTY JUDGES

As we are working with only two resident judges in the Nunavut Court of Justice, we have relied significantly on our Deputy Judges over the past year to ensure that our work is done in a reasonable time frame and by dedicated individuals. Our Deputy Judges are as follows:

The Honourable Madam Justice L. Allen  
The Honourable Mr. Justice P. Belzil  
The Honourable Mr. Justice B. Burrows  
The Honourable Madam Justice L. Charron  
The Honourable Mr. Justice W. D. Chilcott  
The Honourable Mr. Justice P. Clarke  
The Honourable Mr. Justice A. Cooke  
The Honourable Mr. Justice P. Costigan  
The Honourable Mr. Justice M. De Weerd  
The Honourable Mr. Justice R. Foisy  
The Honourable Madam Justice M. Hetherington  
The Honourable Mr. Justice H. Irving  
The Honourable Madam Justice B. Keyser  
The Honourable Mr. Justice A. Lutz  
The Honourable Mr. Justice P. Martin  
The Honourable Mr. Justice J. Menzies  
The Honourable Mr. Justice M. Monnin  
The Honourable Mr. Justice J. O'Flynn  
The Honourable Mr. Justice S. Sanderman  
The Honourable Mr. Justice C.F. Tallis  
The Honourable Mr. Chief Justice A. Wachowich

Ex-Officio Deputy Judges from the Northwest Territories and the Yukon:

The Honourable J.E. Richard  
The Honourable J. Vertes  
The Honourable V. Schuler  
The Honourable R. Hudson  
The Honourable R. Veale

Our Deputies are Judges from other jurisdictions who take a week here and there out of their already busy schedules to travel to Nunavut and do a week of Court somewhere in the Territory.

There are a few judges who will not be named, but who have done work for us beyond the call of duty. Without the significant commitment of these people to the new Court, we would be struggling to do our work properly.



## CIVIL REGISTRY

Prior to April 1, 1999 all civil matters such as child welfare, maintenance and firearm applications, other than small claims, were required to be filed in the Northwest Territories registry in Yellowknife. The Nunavut Court of Justice took on responsibility for all civil matters as of April 1, 1999 and our learning curve in civil matters has been rapid. Four staff are working diligently to learn the detailed intricacies of every possible civil action application.

In the year 2001, 419 civil files were opened. These files include civil claims, divorce, estates, adoptions, forfeiture applications, change of name and children's law applications as well as child welfare, maintenance and firearm application. The bulk of this load has been civil claims, change of name and children's law applications.

Chambers is held one-half day every month in Iqaluit and every six weeks in Rankin Inlet and as required in any other community in Nunavut.

## JUSTICE OF THE PEACE PROGRAM

Nunavut Justices of the Peace (JPs) share jurisdiction with the Nunavut Court of Justice over summary (less serious) Criminal Code & Nunavut Statute matters. In addition, JPs are empowered to conduct bail hearings in virtually all cases. JPs have limited Civil jurisdiction under some Nunavut Statutes. They perform valuable service in their communities conducting marriage ceremonies, swearing-in various officials and signing documents.

The appointment and training of Justices of the Peace since the creation of Nunavut has progressed well.

### Recruitment:

Since January 1, 2001 there have been twelve (12) newly appointed JPs from throughout Nunavut. Recruitment of new JPs is an ongoing process. Approximately 25 new JPs have been appointed since April 1, 1999.

### New Appointments in 2001:

Rebecca Hainnu	Clyde River	Joanasi Sarpinak	Igloolik
Peter Kusugak	Iqaluit	Amanda Ford	Iqaluit
James Heather	Gjoa Haven	Errol Fletcher	Iqaluit
Wm. Donald Mearns	Pangnirtung	Bobby Suluk	Arviat
David George Pike	Arviat	Harriett Aupaloota	Iqaluit (staff)
Melissa Hess	Iqaluit (staff)	Joe Kucharski	Iqaluit (staff)

### Training:

Approximately 43 JPs received training in the year 2001.

May – June, 2001 - Workshop in Iqaluit for JPs from Iqaluit, Sanikiluaq and Taloyoak;

September, 2001 – Conference/workshop in Winnipeg for 3 JPs;

November, 2001 - 1 week workshop at Rankin Inlet for JPs from Arviat & Rankin;

December, 2001 - workshops over 2 weeks for JPs from Kugluktuk, Igloolik, Sanikiluaq, Qikiqtarjuaq, Cape Dorset, Pangnirtung, & Clyde River;

**Total Number of JPs & Inuit Component**

Total number of JPs [Active & Inactive] =	92
Total number of Inuktitut speaking JPs =	66
Total number of Active JPs =	54
Total number of Inuktitut speaking Active JPs =	44

**Gender ratio:**

There are 53 male and 39 female Justices of the Peace.

The ongoing community based work of the JPs is essential to the “success” of the Nunavut Court of Justice. Our JPs are our bridges to the community and provide a near pure form of community justice.

Work continues to have JPs appointed as Youth Court Judges so that the youth court matters that arise in the communities from time to time that cannot be dealt with through alternative measures can be dealt with more quickly but just as effectively by the JPs.

## COURT OF APPEAL

In our last Annual Report, the Court of Appeal were listed. Since then, there have been two retirements and no new appointments. The Nunavut Court of Appeal remains the same as in 2000 Annual Report.

Maddison, J. (Harry C.B.) Retired  
Sulatycky, A.C.J. (Allen B.) Appointed Associate Chief Justice, Trial Division,  
Alberta Court of Queen's Bench

Statistics were not a priority as the Court was initially getting underway and so the information provided in this part will be relevant for this year and coming years, but is not particularly relevant in the on-going development of the Court.

There were 14 appeals filed in 2001 and those appeals sit as follows:

- 1 civil appeal
- 13 criminal appeals
  - 8 appeals to a panel of Court of Appeal Judges (an appeal from an indictable matter heard by a Nunavut Court of Justice).  
3 abandoned, 5 pending
  - 3 appeals to one Judge of the Court of Appeal (A summary matter or a matter with an absolute jurisdiction of a Nunavut Court of Justice judge is appealed to a single judge of the Court of Appeal)  
2 abandoned, 1 set for hearing
  - 3 Appeals to Nunavut Court of Justice from JP Court  
1 heard and dismissed, 2 others withdrawn

A panel of three judges of the Court of Appeal did not sit in Nunavut in the year 2001.

## MISCELLANEOUS PROJECTS

### CANADIAN CITIZENSHIP

The following Nunavummiut were thrilled to become Canadian citizens during 2001:

- Omer Pasalic, originally from Bosnia, and now living in Iqaluit, was sworn in on June 26, 2001
- Estela Marie Dulos Balajadia, originally from the Phillipines, and now living in Iqaluit, was sworn in on June 26, 2001
- Fabienne Theytaz, originally from Switzerland, and now living in Rankin Inlet, was sworn in on September 18, 2001
- Maria Terezia Teglas, originally from Hungary, and now living in Rankin Inlet, was sworn in on September 18, 2001
- Jayne Leslie Daytor Freeman, originally from the United States of America, and now living in Iqaluit, was sworn in on September 28, 2001
- Shun Kwong Yeung (Bobby), originally from Hong Kong, and now living in Iqaluit, was sworn in on December 22, 2001
- Agnethe Regine Justine Johansen (Aaju Peter), originally from Greenland, and now living in Iqaluit, was sworn in on December 22, 2001
- Gina Fayaz Ghattas, originally from Egypt, lived in Iqaluit for several years, and now living Ottawa, was sworn in on December 22, 2001

### CHANGE OF NAME PROJECT

Although our intensive Change of Name Project did not continue in 2001, in the year 2000 there were 180 applications completed and processed by our staff to assist people to correct simple spelling errors made in people's names (eg: Akolukjuk to Akulukjuk) and E-numbers (eg: Mary E7-111 to Mary Smith) to properly written Roman Inuktitut (eg: Arreak to Aariak). Our staff continued to process the applications and an additional 109 Change of Name Orders were issued in the year 2001.

The Nunavut Law Reform Commission is in the process of drafting changes to the Change of Name Legislation that would be very similar to the process that we put in place to assist people with the changes to their names.

## THE FAMILY SUPPORT OFFICE

The Family Support Office opened in Iqaluit at the end of February, 2000 with a case load of 169 files. Since that time 69 new files have been opened, which is an increase of 30%. Up until the end of 2001, maintenance enforcement has been the primary function of the Family Support Office. This will change in January of 2002 with the expansion of the office to include a Family Support Counsellor. This person will be responsible for the coordination of the mediation project for Nunavut. A general lack of knowledge has been identified regarding family rights. The expansion of the Family Support Office is expected to greatly enhance the services we can provide to the people of Nunavut.

### INUUSIRMUT AQQUISIUQTIT (Inuusirmut Pathfinders)

The Nunavut Court of Justice had reached a stage in its development where mediation and the incorporation of traditional Inuit justice processes were of interest both in terms of appropriate case management and dealing with the parties more effectively. It was time to examine whether a program that emphasizes cross-cultural values between southern style mediation and Inuit problem-solving practices could be implemented in Nunavut.

The focus group decided that our program should focus on training *Inuusirmut Aqqusiuqtiit* (*Inuusirmut Pathfinders*). The first word means life, and the second word signifies a means, or equipment, that may be used to find a path through rough ice. Together they contemplate people trained to help families find ways through difficult times.

The group fundamentally believes that community wellness can only be built on strong foundations from within the community. Traditionally, the role of the Elder was to help maintain balance in the community by sharing their wisdom and knowledge and teaching people how to resolve their conflicts. The resulting group belief is that any community driven problem-solving service needs to address the full spectrum of the needs of families, and these facilitators need to be able to handle a variety of counselling and mediation situations. *Inuusirmut Aqqusiuqtiit* thus may impact situations where there is no court involvement or referral, and the vision is that *Inuusirmut Aqqusiuqtiit* will be able to support people in any situation of potential conflict so that they can move on peacefully with their life.

However, different problems have different solutions, and people will want to approach different *Inuurrimut Agqusiugtitiit* depending on the context of the problem. Different skill sets are needed depending on the role *Inuusirmut Agqusiugtitiit* plays within the community and program, and it was decided that having 2-3 people per community would be more appropriate than just having one person. It was also felt that the ideal qualities of an *Inuusirmut Agqusiugtitiit* were not dependant on age or formal education.

The workshop participants recognized that it is important to work slowly and create a successful working program. To that end, they selected three communities for pilot sites that had an appropriate environment in which the project could succeed. Subject to funding, the plan is to complete training and organize the necessary infrastructure within the next 18 months. The program would be running thereafter with an evaluation to occur 6 months after its launch. *Inuusirmut Agqusiugtitiit* could then be expanded to other communities and other situations, if it proves successful. Over the long term, this approach could even be applied to other civil proceedings and disputes and not be limited to just the family arena. Ultimately, it is hoped that this made-in-Nunavut program may provide the people of Nunavut with a solution to deal with many disputes and problems using an Inuit problem-solving style rather than the adversarial court system.

## NUNAVUT RULES OF COURT

The ongoing work of the Nunavut Rules of Court Committee to review and revise the Rules of Court inherited from the Northwest Territories was given additional impetus by funding from the Financial Management Board of Nunavut and the addition of a full time Project Manager. As a result of these initiatives, the revision of the Rules is proceeding quickly.

After consulting with the Bar and court workers, the Rules of Court governing criminal procedures have been drafted and the final version will be completed by the end of 2002.

In addition to this work, the Committee also develops public information literature on various court processes. A booklet on how to appeal summary convictions from JP Court to the Nunavut Court of Justice has been prepared and will be distributed to coincide with the promulgation of the new Criminal Procedure Rules.

The next topic for review by the Committee will be the Rules governing small claim matters. These Rules will be followed by those dealing with general civil procedure, family and probate matters. Throughout the process, the Committee strives to deal with the unique challenges that language, resources and geography create by adopting flexible and innovative solutions.

## NUNAVUT COURT OF JUSTICE LIBRARY

The Nunavut Court of Justice Library has seen a few changes since last report. A new location on the opposite side of the Courthouse has provided much needed space to better display the Library's holdings. The previous librarian oversaw every aspect of this collection move even to the extent of assembling the shelves herself. She has since accepted a position in Calgary and her valiant efforts in initiating and operating the Courthouse Library will be missed. We welcome our new librarian, Gary Pon, who joined our staff in November 2001.

The library acknowledges and appreciates the contribution of several more boxes of material from Justice Horace Krever that will be added to the existing Krever Collection in the Judges' Library.

The shared library system between the libraries of the Courthouse, the Legislative Assembly and Arctic College will soon be a reality and will be an even more valuable resource with the addition of the holdings information from the Public Library. Hopefully, by the end of the summer 2002, Nunavummiut will be able to view the holdings of any of these libraries using a common user-friendly web interface.

The Courthouse Library website (<http://www.nunavutcourtofjustice.ca>) is intended to be the first choice for those looking for Nunavut legal materials. Besides information about the Court's services, access to Nunavut legislation and Court Practice Directives, we are also considering the inclusion of a selection of the Court's judgements.



## CONTINUING EDUCATION

### INUKSUK HIGH SCHOOL LAW COURSE

From February to June 2001, and again September to January 2002, the judges' office, with significant assistance from the University of Victoria law students, and many, many guest lecturers taught a five credit course in Law at Inuksuk High School. Ten to fifteen students in each semester studied the usual areas of law with information on Land Claims, Northern Justice, and Restorative Justice issues. Three ninety-minute classes per week were held during the course of each semester.

Through this course we attempt to identify the law as a possible career choice for young people, as well as give high school students information and thought-provoking topics to discuss.

### AKITSIRAQ LAW SCHOOL SOCIETY PROJECT

The Nunavut Court of Justice is actively interested and involved in the development and implementation of the Akitsiraq Law School. This program is an adjunct project to the University of Victoria, Faculty of Law and the local Iqaluit campus of Nunavut Arctic College.

Fourteen Inuit students are presently enrolled as law students of the University of Victoria, but reside in Iqaluit and attend classes here. Professors come from across the country to teach the traditional legal areas that are learned at other law schools but in a different context.

All of the enrolled students will graduate with law degrees from the University of Victoria after completing the four-year program offered in Iqaluit. This is one of the first off-campus legal programs offered in Canada.

Akitsiraq students will work with Nunavut Court and the Judges' Chambers during their work terms.

## LAW STUDENT CO-OP PROGRAM

For years, University of Victoria law students have worked at Maliiganik Tukisiiniakvik (Legal Aid) for a semester at a time and have enjoyed much success participating in the region's justice system. In 2000, the Judges' Chambers of the Nunavut Court of Justice began to take on law clerks for four-month terms. In 2001, students Sarah McCoubrey, Basil Alexander, Kelly Mahoney and Alyne Mochan were hired to work in various capacities for the Judges.

The work the co-op students do is quite varied and much more diverse than traditional, post-L.L.B. clerkships. In addition to conducting legal research for the Judges, the students work on the several innovative initiatives that are part of Nunavut's growing justice system.

In 2001, students worked closely with the Akitsiraq Law School Society in preparation for the Law School's opening in September and continued to assist various committees in the first months of the Program. Other projects that the students were involved in include the Court-Annexed Mediation Program and the Youth Court Advisory Panel Initiative. Additionally, students assisted Justice Browne with the planning, administration and teaching of the law class at Inuksuk High School in Iqaluit and researched, wrote and solicited several articles for the Public Legal Education Program.

The students also had an opportunity to assist the Clerk of the Court on circuit once or twice a term.

## YOUTH COURT ADVISORY PANEL

In October 2001, the Nunavut Court of Justice undertook the Youth Court Advisory Panel Project, an initiative giving grade 10, 11, and 12 students in Iqaluit an opportunity to participate in the youth justice system. The initiative is based to a large degree on a similar model that has been successfully implemented in Hay River, Fort Smith and Inuvik.

Once a month a representative panel of 6 to 12 students sits in on selected Youth Court cases, where the young person has entered a guilty plea. The panel is chosen from a group of students who volunteer to participate in the initiative. Appropriate cases are selected in consultation with the Crown and Defense Counsel.

After listening to Counsels' submissions on sentencing, the panel deliberates in private before making their own sentencing recommendations to the Judge. The Judge then considers their recommendations in imposing the actual sentence.

The 27 students who volunteered to participate in the initiative attended 2 orientation sessions in October. The first panel, consisting of 7 students, sat on November 1, 2001. Another panel, consisting of 8 students, sat on December 5, 2001.

The success of the initiative is due to the cooperation of Inuksuk High School, Courthouse staff, the Crown Attorney's Office, defense lawyers, Community Corrections Officers, members of the Youth Justice Committee, and of course, the eager participation of the students themselves. Special recognition must also be given to the school coordinator, Angela Ford, who enthusiastically plays a central role in running the Project.

As the experience of the students has been extremely positive, the initiative will continue in 2002.

### HIGH SCHOOL STUDENT OUTREACH INITIATIVE

In 2001, the Nunavut Court of Justice initiated contact with all the high schools in Nunavut. The goal of this initiative was to provide an opportunity for high school students in the communities to gain a positive experience in the Court process through an opportunity for periodic employment. The schools identified interested and capable students and were the point of contact, assigning teachers to act as liaison with both the student and the Court.

In all, fifteen students were employed to assist the Court under the direction of the Clerk of the Court when the Nunavut Court of Justice visited communities on circuits throughout Nunavut in the 2000/2001 school year. Some of the duties included helping to set up the Court facility, responsibility for the provision of translating equipment for individuals who required it, and making photocopies as needed. The students were present throughout the sessions and were able to observe the workings of the Court.

## CONCLUSION

As another year draws to a close and we reflect on our accomplishments, our Court continues to become more confident in many areas allowing us to expand in others. The challenges continue and sometimes we slip – that is inevitable and important, so long as we learn from our mistakes. The Court is gathering together a strong and dedicated staff who work together as a team to make the Nunavut Court of Justice an approachable and helpful Court committed to the goal that each member of our public should be entitled to access to justice.