



## Important things to know about maintaining Chambers Dates in the NCJ

The Civil Registry has compiled a list of reasons scheduled civil matters (other than Child Protection Matters) do not proceed in Regular Civil Chambers or Special Chambers for administrative reasons. Below are a list of hints and tips to avoid having scheduled matters struck by the Civil Registry. This document refers to 'counsel' but also applies to self-represented individuals who act on their own behalf without a lawyer. This PDF includes links you can click on to documents, PDs and rules. **This document covers common issues that may result in a matter not proceeding, but it does not cover all requirements for filing or procedure in Nunavut.** Please review the Rules of Court and Practice Directives for the Court at [www.nunavutcourts.ca](http://www.nunavutcourts.ca).

*This document provides general information about common issues with procedural requirements of scheduling Civil Matters in Nunavut Court of Justice and is not intended as legal advice. The Civil Registry cannot provide legal advice about procedural matters.*

### Regular Chambers vs Special Chambers

The **NCJ Court Schedule** for civil matters includes that Regular Civil Chambers occurs once a month at the Nunavut Justice Centre in Iqaluit and in other communities during the regular sitting of the circuit court.

Regular Civil Matters in Iqaluit are scheduled to the Monday of the Civil sitting at 1:30pm. Regular Civil Matters on Circuit are scheduled to the second day of the sitting in the community at 1:30pm. **Practice Directive 5** provides direction on which court location in which a matter should proceed.

The **Rule 387** requires that matters that take more than 30 minutes be set to a special chambers date. The **Rules** also require that particular matters, such as motions to strike, proceed in special chambers. Special Chambers matters are set to special sittings of the court based on court availability. Special Chambers Date must be requested from the NCJ Trial Coordinator in accordance with **Practice Directive 33**.

**Hint:** Have you reviewed the **Rules** and considered your time requirements to determine whether your matter should be on regular civil chambers or special chambers? If you are filing a motion or application to be heard in Regular Civil Chambers, please review the **Court Schedule** to determine the date and location appropriate Civil Chambers sitting and include that date, time and location on your Notice.

**Hint:** If your matter must proceed by Special Chambers, please review **Practice Directive 33** and submit a **Form 33A** to request a date.

### Memorandum of Authorities

**Rule 390** requires that counsel must file and serve on all parties a memorandum with a list of statutes and authorities (including case law) referenced their motion or application before the chambers date. **Practice Directive 17** requires that this be filed at least three clear business days before the chambers date or your matter will be struck from the docket by the Registry.

**Hint:** Make a note on your calendar to make sure you remember to file and serve the documents during filing hours at least four business days before your matter.

### Confirming your matter can proceed

The NCJ requires that Counsel confirm that chambers matters are going to proceed, or they may be struck from the docket. This requirement is set out in **Practice Directive 32**. Counsel must file a **Form 32A** no later than two clear business days in advance of the scheduled date. If a **Form 32A or 32B** is not filed before that time, your matter will be struck from the court docket by the Civil Registry.

**Hint:** Make a note on your calendar to make sure you remember to file your **Form 32A** during filing hours at least three business days before your matter is scheduled.

**Hint:** If you wish to adjourn your scheduled matter, where all parties agree to the adjournment, you must either file a consent adjournment **Form 32B**. If your request to adjourn is opposed, file your **Form 32A** and appear to request the adjournment from the Court.

### Service of Documents

In order for a scheduled chambers matter to proceed, the Rules and Practice Directives in Nunavut require that counsel file proof that documents have been served on the responding parties. **Practice Directive 16** requires that proof of service, or confirmation in writing from all parties that service is waived, must be filed at least three clear business days before the chambers date or your matter will be struck from the docket by the Registry.

**Hint:** Make a note on your calendar to make sure you remember to file and serve the documents so that you file it during filing hours at least four business days before your matter.

### Filing Deadlines for Circuit Matters

**Practice Directive 15** sets deadlines for filing documents before civil chambers matters on NCJ Circuit Court sittings in Communities. Documents must be received by the Registry at least three clear business days before your scheduled court matter. If documents are filed after that time, the Court may direct your matter be adjourned to another date.

**Hint:** Make a note on your calendar to make sure you remember to file and serve the documents so that things are filed during filing hours at least four business days before your matter on a community circuit.

### Attending by phone or video conference

Regular Civil Chambers - **Practice Directive 4** requires that Counsel who wish to attend Regular Civil Chambers by telephone must file a **Form 4A** no later than 3 clear business days before the appearance.

Special Chambers/Where witnesses may testify - **Practice Directive 4** requires that counsel must attend in person for special chambers matters or where parties may call witnesses to testify.

**Hint:** To get leave from the Court before you appear, you must make a separate motion to the Court to request to appear remotely before the special chambers date.

### Rescheduling a matter struck from the Court Schedule

If you did not file your **Form 32A** or **32B** confirming you intended to appear or requesting a consent or contested adjournment of your matter in accordance with **Practice Directive 32**, your matter will be struck from the docket. If your matter is struck, rather than adjourned, your matter will not be rescheduled unless you take steps to have it rescheduled. You must file and serve a new notice of motion (or appropriate originating notice as required by the **Rules**) or a new **Form 33A** with a new date on the other party to have your matter rescheduled. You will then have to ensure you file the required documents serving the notice on the other party a new **Form 32A**.

**Hint:** You are only required to serve a new notice of motion (etc.) on the other party and other documents notifying witnesses to attend (if your matter was a special chambers matter. If you are relying on affidavits or other documents that you have previously served and files, they do not need to be reserved.

### Filing Hours

The NCJ Civil Registry Filing Hours are between 9:00am – 12:00pm (noon) and 1:00pm -4:00pm EST (excluding holidays and weekends).