

The Polar Barristers

Remembering the Late Justice Beverley Browne

Interview with Justice Tulloch

*"Beverley Browne, loving mother, careful Justice,
and dedicated ally of indigenous people..."*

obituary posted in the *Edmonton Journal*

On September 10, 2021, a celebration of life for the late Honourable Madam Justice Beverley Browne was held at the Nunavut Court of Justice where the courthouse law library was dedicated to her. Immortalized in English, Inuktitut and French, "Nunavut's law library is dedicated to the memory of Judge Beverley Browne, Nunavut's first resident and first Senior Justice of the Nunavut Court of Justice." Members of the community, justice stakeholders, and the Law Society of Nunavut members gathered to celebrate the life and contributions made to Nunavut by Justice Beverley Browne.



To celebrate the person that was Justice Beverley Browne, the gathering included music, a passion of hers, as well as tributes from friends, co-workers, and dignitaries, all of whom were touched by the significant contributions she made to both the legal and non-legal communities in Nunavut.

"Whether it was through developing a music society, raising accomplished children, spear heading a Nunavut law school, developing the law, or building a Superior Court, Justice Browne's contributions cannot be overstated.

Justice Browne's commitment to advancing the law for the benefit of Nunavummiut was on display every time she presided. The Nunavut Court of Justice was privileged to have Justice Browne lead this Court through its first ten years and was further privileged to have Justice Browne continue to hold office as a Deputy Justice up until her retirement earlier this year.

At the beginning of 2020 Justice Browne was chairing a meeting in Judicial Chambers in an effort to revitalize the Elders' program in the NCJ. This program was near and dear to her heart. She initiated it and was committed to seeing it flourish.

The NCJ will forever be indebted to Justice Browne for her contributions to its development. Justice Browne's spirit will live on through her amazing children, grandchildren, and the law students she enthusiastically mentored to ensure access to justice for Nunavummiut.

Justice Browne represents the gold standard of judicial community commitment."

Press Release from Chief Justice Neil Sharkey

It was no secret that Justice Beverley Browne was committed to pursuing a culturally sensitive justice system when Nunavut was first created.

For many, Justice Beverley Browne was an engaged member of the community. She lived much of her adult life in the North and called Iqaluit her home. To this day, her family remains in Nunavut – children and grandchildren alike.

Not surprisingly, she left her mark on Nunavut, both personally and professionally. Her passion for her community and her profession is evident, leaving behind a legacy. Justice Browne was the first judge to be appointed after Nunavut became its own territory and she remained the only judge for a considerable period of time.

For some, Justice Beverley Browne was not only a colleague, but a mentor and someone called friend. This was especially true for the Nunavut Court of Justice's Justice Bonnie Tulloch. "I've known her for over 26 years and had the privilege to work with her in a number of different roles within the legal profession. Justice Browne was the



“...Justice Beverley Browne was an engaged member of the community. She lived much of her adult life in the North and called Iqaluit her home. To this day, her family remains in Nunavut – children and grandchildren alike.”

one who called me to the Bar in 1999 when Nunavut first became a territory. It was a very exciting evening when it happened! She was my 'go to' person when I ran Legal Aid and when I worked in the Crown's office. When I needed someone to run something by, she was who I went to – she had a true open-door policy and always made herself available," says Justice Tulloch. "Like so many professions in Nunavut, turnover is high as people come and go, and the legal profession is no exception. Having someone I could rely on like Justice Browne was truly a gift."

"When I was thinking about switching sides from defense counsel to crown counsel, I immediately went to her for her advice and opinion. She told me to go for it and that it would make me a better lawyer or Judge. I wasn't even thinking of that at that time! But I can't deny the fact that she was right about the experience from both sides of the bar being useful on the bench. Then in 2012 when I was appointed as a Justice for the Nunavut Court of Justice in Iqaluit, she was the first person I turned to for mentorship."

Justice Beverley Browne was admired for her personal strength and confidence. She was known for her strong opinions and was not shy about vocalizing them. More so, once she set her mind to something she would not be easily deterred. As such, it was also no secret that she had very strong opinions about how the justice system should be run in Nunavut. She was instrumental in establishing Nunavut's Single Trial Level Court system, ensuring that all Nunavummiut had access to justice. It was critically important to her to be able to bring justice to the communities of Nunavut. She also argued up until the time she left Nunavut in 2009 that the Justice of the Peace role should be expanded upon.

"Given the nature of circuit court, we spent a lot of time traveling with the courts," explains Justice Tulloch. "It gave us the opportunity to get to know one another more personally. We had time to talk about many things – like why Nunavut was created. Over the years as we got to know one another better, we had many very personal conversations, especially once I became a Judge. As Justices, we had a chance to get

even closer because there were no barriers. I was able to talk to her about decisions, which I couldn't do when I was Counsel. She was someone I could trust. I had so much respect for her. She was someone I could count on."

Justice Beverley Browne's passion for her profession was infectious. Many of the initiatives she spearheaded required the support of many like-minded individuals – of which she had no problem recruiting and delegating work to. "It was hard to say NO!" exclaims Justice Tulloch with a laugh. "Most of us were happy to support her, but there were some initiatives that were met with some level of resistance."

Many of Justice Browne's initiatives were focused on increasing the education and knowledge of the justice system for youth. One specific initiative that was not initially embraced whole heartedly was the addition in young offender court of what she called "a Youth Panel". Justice Browne always contributed her time at the high school in Iqaluit as part of their legal program. She had an idea that youth justice could benefit from



“Everything Justice Browne did was about making life better for those in Nunavut.”



having a panel of the young person's peers sit in court and after a finding of guilty, these youth would address the young offender directly before the Judge delivered her sentence, much like the Elder's program which she had already initiated within the communities. In spite of some objections, she got it going and the high school picked the young people who would sit on the panel. At the point of deliberation, they would be excused to talk among themselves. They would then return and speak to the person in front of Justice Browne before any sentence was imposed. "As I said, this was not favorable with everyone, and some lawyers didn't like it at all. Even though Justice Browne knew not everyone liked her idea, she saw the value in the peer evaluation and pushed for it anyway," comments Justice Tulloch.

Her contributions to the legal system in Nunavut are too numerous to be able to speak to each and every one. However, one of her more notable achievements was the Akitsiraq Law School Program, which she spearheaded. Justice Browne believed that Nunavummiut had the right to receive legal education in Nunavut, from a program that addressed the unique and cultural needs of Nunavut. Developing and delivering a law program was no easy feat. Justice Browne encountered many obstacles which were not easy to overcome. She worked hard to get over the numerous hurdles placed in her way and in 2005 her dream became a reality when the Law School graduated 11 students from the program.

Today, Justice Beverley Browne is known as the Mother of the Akitsiraq Law School, Nunavut's first law program. Resulting from her efforts in 2005, a second cohort of law students recently graduated from the Nunavut Law Program this past October (2021). Her son Andrew was one of the graduates. Unfortunately, she passed away just before he graduated.

Establishing Nunavut's first law program wasn't her only contribution to advancing an understanding of the law

in an educational capacity. Justice Browne arranged for practicing lawyers to work with Nunavut Arctic College students who were studying how to be court interpreters. She wanted the students to have a better understanding of Nunavut's justice system so that they could be more effective and confident in performing their duties as interpreters in the court room.

Similarly, she was committed to establishing the Justice of the Peace Program.

When one reflects on the numerous contributions Justice Beverley Browne made to the legal profession, one could sum it up by saying that Justice Beverley Browne emulated the term "access to justice". Her efforts were focused on providing access to justice; be it students wanting to study law within Nunavut, bringing the justice system to the community or developing or changing programs that incorporated the unique considerations of Nunavut, its culture and people. Everything Justice Browne did was about making life better for those in Nunavut.

Many would argue that much of what Justice Browne took on as being off limits for judges in this modern age, but no challenge was too big or too small. To her, they were untapped opportunities. If she saw a need, a 'hole' in the justice system, or someone not being able to access justice, she was on it.

Her commitment to improving Nunavut's justice system to make it more accessible put Nunavut on the 'legal' map and ahead of other jurisdictions in some areas. Her contributions were even noted in Greenland. One time a delegation from Greenland came to Iqaluit to observe how interpreters were incorporated in every courtroom proceeding. They too wanted to improve access to justice in Greenland for everyone.

Justice Beverley Browne was not afraid to push for what she felt was right and / or necessary. For that, Nunavut's justice system is where it is today.

