This week’s question is: What do courtworkers do?

To tell us more Peter joins us on the line.

Good morning Peter.

Good morning Abe

Just what are courtworkers?

Often there are gaps that arise between a country’s formal justice system which is founded upon principles and values of a dominant usually white culture and the basic principles and cultural values of first nations communities. Court workers are employed in an attempt to fill those gaps and they are found in countries from Canada to the other side of the world.

Really? Where exactly do court workers work

There are aboriginal, native or first nations courtworker programs in most regions of Canada – from Ontario to British Columbia and in the Yukon, NWT and Nunavut.

There are aboriginal or native courtworkers in the United States, Australia and New Zealand, there are the equivalent of court workers in South Africa and other commonwealth countries.

When I Googled aboriginal Courtworkers I got over 78,000 hits

What role do they play in the justice system?

In Canada, one of the advantages of going to southern schools, living in southern communities, dealing with southern government agencies is that you learn to deal with governments, you learn your legal rights, you learn what going to court is all about.

In many aboriginal communities and particularly in Nunavut, that knowledge and experience is simply not available. Court often shows up irregularly and there can be long periods between court appearances. There is no regular access to judges, judicial
resources, and educational opportunities that can help people cope with the challenges they face. For example if a justice of the peace puts a no-contact provision in a release called an undertaking to a justice of the peace (so that the accused cannot communicate with his partner until court) but the partner wants to get the accused back to the house, how do you change that? There are a host of resources to provide answers to the question in the south. In the north, there is no one in the community apart from a Courtworker.

*How would a Courtworker help with that?*

Well, as an example, the Courtworkers at the Kitikmeot Law Centre have a process developed whereby they first go the Justice of the Peace who imposed the no-contact provision and ask that it be changed to permit the couple to go for counselling together. If they come back to the Courtworker with a positive report from the counsellor, the Courtworker goes back to the Justice of the Peace and asks for a variation of the order to permit the couple to resume cohabitation until the matter gets to court.

Other than with a Courtworker’s help, there is no way for most people to know or even find out what options they have regarding these conditions.

*OK so they get conditions changed, do they do anything else?*

Absolutely, it depends on the experience of the Courtworker and the centre in which they work. Courtworkers in Iqaluit do show cause or bail hearings, meet with clients in jail, enter guilty pleas and speak to sentence. In Iqaluit and in other larger centres, Courtworkers are used as paralegals. They function almost as lawyers but with perhaps a better sense of the challenges of the accused they are guiding through the system.

In the Kitimeot, our courtworkers attend JP court, do show cause hearings, do guilty pleas and witness interviews.

*Do they have roles other than in Court?*

Courtworkers in Nunavut have a number of important responsibilities. They are an important connection between the lawyers when they come to the communities and the
accused who are going to court. They organize files, arrange meetings, keep track of what is going on in court. They complete legal aid applications, they follow up with the court workers to ask questions about our clients, about witnesses, about jurors. They are a critical part of our organization and we cannot function effectively without them.

What about other than in Nunavut?

In other jurisdictions, Courtworkers are involved in many activities outside the courtroom. They put people in touch with community resources to help with problems with substance abuse and addictions. They prepare what are called Gladue reports, reports that are intended to help judges understand the communities they are dealing with.

Access to justice, one of the founding principles of the judicial system in Nunavut depends on Courtworkers. Without them to help people navigate the rough waters of the judicial system, in many cases, the courts, the law, judges and lawyers would just be something foreign, imposed on Northern communities. Courtworkers help to make the Judicial Process meaningful, they help to keep people from downing in the system.

Don’t forget they tell lawyer jokes but they don’t tell courtworker jokes that has to mean something

The bottom line is this - If you need help with anything going on in courts, with family law, with criminal law go and see your courtworker.