

Representing Yourself

A guide to representing yourself in the Yukon



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Yukon Government Legal Information Resources

Family Law Information Centre

867-456-6721, or toll free 1-800-661-0408 ext. 6721, www.yukonflic.ca

Court Registry

867-667-5441, or toll-free 1-800-661-0408 ext. 5441

Law Library

867-667-3086, or toll-free 1-800-661-0408 ext. 3086

Maintenance Enforcement Program (Information Line)

867-667-5437, or toll-free 1-800-661-0408 ext. 5437, www.yukonmep.ca

Sheriff's Office

867-667-5365, or toll-free 1-800-661-0408 ext. 5365

Non-Government Legal Information Resources

The Law Line (Yukon Public Legal Education Association – YPLEA)

867-668-5297, or toll free 1-800-668-5297, www.yplea.com

Legal Aid (Yukon Legal Services Society – YLSS)

867-667-5210, or toll free 1-800-661-0408 ext. 5210, www.legalaid.yk.ca

Lawyer Referral Service (Law Society of Yukon)

867-668-4231, www.lawsocietyyukon.com

Family Support Services

Many Rivers Counseling and Support Services

867-667-2970, call collect from outside of Whitehorse, www.manyrivers.yk.ca

Victoria Faulkner Women's Centre

867-667-2693, www.vfwc.net

Family Violence Prevention Unit

867-667-3581, or toll free 1-800-661-0408 ext. 3581, www.justice.gov.yk.ca/prog/cor/vs

Kids Help Line

1-800-668-6868

IMPORTANT!

This guide has been produced by the Yukon Department of Justice, Court Services Branch, with financial assistance from Justice Canada. It is intended to be used as a guide only and is not considered a comprehensive legal resource.

The information provided does not replace a lawyer's advice and cannot teach you everything you need to know. Even if you decide to proceed without a lawyer, you should consult a lawyer for interpretation of the law that applies to your case and for other legal advice.

The information provided in this guide is believed to be correct as of its date of publication of March 2009.

Representing Yourself: A guide to representing yourself in the Yukon

This guide is designed to help people without a lawyer prepare for court. The information provided generally applies to all courts. It is highly recommended that you consult with a lawyer for interpretation of the law and for legal advice.

Preparing for court

In hearing your case, the judge considers three factors:

- the law that applies to your case; and
- the evidence that you present.
- Evidence presented by the opposing side

When you represent yourself in court, you take on the job of a lawyer in presenting evidence in court. To provide the best evidence to support your case, you must decide ahead of time what you think the judge needs to know to come to a decision. Prepare a list of facts and outline your case on paper to help you remember everything that is important.

You may be able to present evidence in different ways, such as:

- documents (e.g. affidavits, financial statements);
- witnesses; and
- your own testimony.

Documents:

To present evidence using documents, you must follow certain rules and use specific forms provided by the court. For more information on which forms to use for your situation, contact the court registry at (867) 667-5441 or toll free (in Yukon) at 1-800-661-0408, ext. 5441.

Witnesses and your Own Testimony:

You and your witnesses can only provide first-hand information to the court. You cannot repeat as evidence something that someone else has said. To speak on your own behalf and provide oral (spoken) evidence, you must be sworn or affirmed as a witness and stand or sit in the witness box.

Before you go to court, you should make an outline of what you want to say so that you cover all the points you want to make. Make a list of the questions you want to ask your own witnesses and the other party's witnesses.

Whenever a witness takes the stand, the other party can also ask the witness questions (cross-examine).

Be Organized:

Before you go to your hearing, review all of your material. Organize your paperwork (e.g. using a binder containing all documents filed with the court by yourself or the opposing party, tabbed, and in date order) so that you can find things easily. Bring all your files and supporting documents, as well as a pen and paper with you.

Going to Court

Be on time for your hearing. If you are late, the hearing may proceed without you if you are the respondent or defendant. If you are the applicant the application may be dismissed if you are late.

Court Do's and Don'ts:

- Do:** Dress in clean, tidy clothes and make sure that you are clean and well-groomed.
- Do:** Turn off all cell phones and pagers before entering the courtroom.
- Do:** Be respectful to the judge and to other people in the courtroom.
- Do:** Remain calm and make clear statements

- Don't:** Wear a hat into the courtroom.
- Don't:** Bring food, drink, or chewing gum into the courtroom.
- Don't:** Interrupt the judge or other people in the courtroom.
- Don't:** Use swear words.

Court Behaviour:

- Stand (if able) when the judge enters or leaves the courtroom.
- Sit at the back of the courtroom until the clerk calls your case and your name.
- When you are called, step forward (if able) to one of the two tables in place for the parties.
- Do not speak until the judge indicates that it is your turn or until the judge asks you a question. Only one person can speak at a time.
- Stand up (if able) and speak clearly and loudly enough for the judge to hear what you say.
- In the Supreme Court and the Court of Appeal, male judges are called “my Lord” and female judges are called “my Lady”. In Territorial Court the judge is referred to as “your Honour”. Justices of the Peace are referred to as “your worship”.

Closing Remarks:

After all the evidence has been presented, each side makes closing remarks (also called submissions). This is the time for you to repeat what you want the judge to order and why. If evidence has not already been presented in court, you cannot present it at this time.

The province of Nova Scotia has produced a video called “Your Day in Court”. You can borrow this video from the Law Library in the Law Courts Building. Some of the details in the video may not apply in the Yukon, but it provides good information on court behaviour and the court process.

The Yukon Courts

- Yukon Supreme Court – hears criminal and family-civil matters, such as divorce, adoption and most child support matters.
- Territorial Court – deals with most adult criminal prosecutions under the *Criminal Code of Canada* and other federal statutes and has jurisdiction over territorial matters such as child protection cases under the *Children’s Act* and matters under the *Landlord and Tenant Act*.
- Court of Appeal - hears appeals of decisions made by the Territorial Court and the Supreme Court of Yukon in civil and criminal matters.
- Federal Court - reviews decisions of all federal boards, commissions or other tribunals, and hears cases where federal legislation provides for the right of appeal or review in both civil and criminal cases.
- Youth Criminal Justice Court – a part of the Territorial Court that deals with *Criminal Code* charges brought against young persons between the ages of 12 and 18 years.
- Justice of the Peace Court – a part of the Territorial Court that deals with matters such as receiving and swearing informations, issuing search warrants, receiving pleas and conducting sentencing hearings under territorial legislation and in summary conviction matters under federal legislation.
- Small Claims Court – a part of the Territorial Court that hears civil cases in which the amount of money or the value of personal property being claimed is \$25,000 or less.

- Domestic Violence Treatment Option (DVTO) – a part of the Territorial Court that offers a court-based therapeutic alternative to dealing with domestic violence that includes counseling for offenders and support for victims and families.
- Community Wellness Court – a part of the Territorial Court that is based on helping offenders to address the issues behind repeated criminal behaviour by creating a healthier life.
- Circuit Court – a term used to describe when the court travels to Yukon communities on a scheduled basis.

Court Services Branch, Yukon Department of Justice

All Court Services offices are located in the Andrew A. Philipsen Law Centre (Courthouse), 2134 Second Avenue, Whitehorse. The following offices are all part of the Court Services Branch:

- The Courts, including the court registry
- Sheriff's Office
- Witness Administration Program
- Law Library
- Maintenance Enforcement Program (MEP)
- Family Law Information Centre (FLIC)
- Land Titles
- Public Guardian and Trustee

There are also registries in Watson Lake and Dawson City that deal with civil and criminal Territorial court matters and some criminal Supreme Court matters.

Court Services staff and other government employees cannot provide legal advice. You must consult a lawyer for interpretation of the law that applies to your case and for other legal advice.

Court Services staff cannot tell you how to proceed with dealing with your legal matter. They will not fill out forms for you or tell you the words to use. They will not speak about what decision a judge could make. They will not talk to a judge for you, and you are not permitted to speak outside the courtroom to the judge involved in your.

Court Services staff will answer your questions about the court process, but they cannot tell you what information you should put into your legal documents. (For example, staff cannot help you with the specifics of the points you want to make in your Affidavit.) Court Services staff will also file your documents when you bring them in completed correctly and will give you information about court schedules and fees.

NOTES

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For more information, or to obtain copies of these publications, please contact:

Government of Yukon, Department of Justice

Court Services

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www.justice.gov.yk.ca

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