

20.2.5 Territorial judiciary

In 1971 amendments now cited as RSC 1970, c.48 (1st supplement) to the Yukon Act and the Northwest Territories Act were proclaimed in force, simultaneously with certain ordinances of Yukon and Northwest Territories, allowing the territorial governments to assume responsibility for the administration of justice other than the conduct of criminal prosecutions.

Yukon created a court of appeal, a supreme court and a territorial court through territorial legislation in 1971. The court of appeal, as established by the Court of Appeal Act (RSYT 1971, c.C-20) consists of the resident justice of Yukon, plus a resident justice of Northwest Territories, the chief justice of British Columbia and nine judges of the court of appeal of British Columbia. The court sits primarily in Vancouver, but also has sittings in Whitehorse. The supreme court, according to the Supreme Court Act (RSYT 1971, c.T-2) consists of the resident justice of Yukon, a resident justice of Northwest Territories, and when required, three judges from British Columbia and Alberta. It sits primarily in Whitehorse. The territorial court, as enabled by the Territorial Court Act (RSYT 1971, c.M-1), has three full-time judges and a pool of deputy judges on call, all appointed by the territorial commissioner. There are also justices of the peace serving in several widely scattered circuit locations.

Northwest Territories has a court system consisting of a court of appeal, a supreme court and a territorial court. The court of appeal consists of the resident justice of Northwest Territories, the resident justice of Yukon, the chief justice of Alberta and 12 judges of the court of appeal of Alberta. It sits annually in Yellowknife and in Edmonton and Calgary, as required. The supreme court is presided over by two resident justices of Northwest Territories, the resident justice of Yukon, and when required, eight federally appointed judges from Alberta, plus three from Quebec and two from Ontario. It sits permanently in Yellowknife and goes on circuit to various locations as required. The territorial court consists of four territorially appointed judges; three sit permanently in Yellowknife and one in Hay River, as well as travelling on circuit. There are about 120 justices of the peace serving most locations throughout the Northwest Territories.

20.2.6 Canadian Judicial Council

The Canadian Judicial Council, as established under amendments to the Judges Act, consists of the Chief Justice of Canada and the chief justices and associate chief justices of superior courts. The

council's purpose is to promote efficiency and uniformity, and to improve the quality of judicial service in superior and county courts. It is assisted in these tasks by a county court committee composed of senior county court judges of the jurisdictions.

The council organizes conferences and educational seminars for federally appointed judges, acts as a focal point for discussion of issues of interest to the judiciary, and conducts investigations of allegations or complaints made in respect of a federally appointed judge.

20.2.7 Office of the Commissioner for Federal Judicial Affairs

The Commissioner for Federal Judicial Affairs, under the Minister of Justice, is responsible for administrative matters pertaining to the Canadian Judicial Council and all federally appointed judges excluding those of the Supreme Court of Canada. Specific duties include the administration of judges' salaries, allowances and annuities as provided for in the Judges Act, the preparation of budgetary submissions for the requirements of the office and the Canadian Judicial Council, and such other tasks associated with the proper functioning of the judicial system as may be assigned by the Minister of Justice. The position was established in 1978 under amendments to the Judges Act.

20.3 Legal services

20.3.1 The legal profession

Lawyers are part of the machinery of justice and are considered officers of the court. They represent parties appearing before the courts in both civil actions and criminal proceedings, and in these situations are often referred to as counsel. The initials QC after a lawyer's name mean Queen's Counsel, a title given by the government to lawyers in recognition of experience and competence.

Lawyers also assist and advise individuals, organizations and institutions (including governments) in all activities having a legal element. A lawyer appearing for a client in court is acting as a barrister and one engaged in other activities as a solicitor. These are English terms carried over from the way the legal profession developed and is still organized in England, where there is a clear division between the two. Every Canadian lawyer, however, is both a barrister and a solicitor, although some lawyers specialize in court or barrister work. Others, by far the greater number, devote themselves to the solicitor or office work of assisting and advising.