

# SUPREME COURT OF YUKON

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PRACTICE DIRECTION  
GENERAL-10

*Access to Audio Recordings of  
Court Proceedings*

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The Supreme Court of Yukon creates and maintains audio recordings of court proceedings using a digital audio recording system (DARS).

## ***Listening to the audio recording of a court proceeding***

Courts are presumptively open, and, subject to a very few exceptions, the public and media may attend proceedings held in court. The public may listen to an audio recording of any court proceeding that they directly observed or could have directly observed at court, unless prohibited by statute, the *Rules of Court*, court order, or court practice directions. The form to request access to any recording from the Court via the Registry is attached.

Listening to an audio recording will occur in the Court Registry or other supervised listening facility.

The following guidelines apply to various court proceedings.

### **Civil proceedings**

The public and media may listen to all parts of a proceeding that took place in court, except any portions where the courtroom was closed to the public (*in camera* proceedings).

A witness who was excluded from a proceeding by court order before testifying may **not** listen to the audio recording of any part of that proceeding until it has concluded. Anyone else who was specifically excluded from the proceeding by court order may **not** listen to the audio recording without a court order.

### ***Case management conferences***

Civil case management conferences are not generally recorded. Exceptions are in the presiding judge's discretion and are for example, when one of the parties is self-represented; or when the matter is highly contentious; or when there are legal arguments and a decision is rendered. Where a civil case management conference is recorded, the recording will be accessible after approval by the Court on request, including reasons, by the parties and their counsel. Requests made by anyone other than the parties must also include reasons and be approved by the Court. Counsel or the parties must be advised.

Recordings of settlement discussions in case management will not be disclosed, except to the parties on request to and approval of the presiding judge.

#### *Judicial settlement conferences*

Practice Direction CIVIL-1 states judicial settlement conferences are recorded by the judge. The recording is for the use of the judge only and will be stored in a sealed envelope in a separate file. Access to the recording by the parties may be granted by the presiding judge on request.

#### **Family law proceedings**

Access to the courtroom audio recording of family law proceedings is restricted to parties and their counsel. Parties and counsel must complete the request form. Anyone else must make a formal application under the *Rules of Court* and obtain a court order. See also s. 173, privacy of court proceedings, of the *Children's Law Act*, RSY 2002, c. 31, as amended by SY 2008 c. 1, which restricts access to a proceeding and recording under the *Act* at the discretion of the judge.

#### *Family law case conferences*

Practice Direction FAMILY-3 states family law case conferences are recorded by the judge. The recording will only be accessible by court order to the parties and their counsel.

#### **Criminal proceedings**

The public and media may listen to all parts of the proceeding that took place in court, except any portions where the courtroom was closed to the public (*in camera* proceedings).

A witness who was excluded from a proceeding by court order before testifying may **not** listen to the audio recording of any part of that proceeding until it has concluded. Anyone else who was specifically excluded from the proceeding by court order may **not** listen to the audio recording without a court order.

#### *Case management conferences*

Criminal case management conferences are not generally recorded. Exceptions are in the presiding judge's discretion and include for example, where the accused is self-represented. Where a criminal case management conference is recorded, the recording will be accessible after approval by the Court on request, including reasons, by the parties and their counsel. Requests made by anyone other than the parties must also include reasons and be approved by the Court. Counsel or the parties must be advised. Recordings of settlement discussions in case management will not be disclosed except by the parties on request to and approval of the presiding judge.

## **Appeal and judicial review proceedings**

The public and media may listen to all parts of the proceeding that took place in court, except any portions where the courtroom was closed to the public (*in camera* proceedings).

## **Other proceedings**

Access to recordings of other types of court proceedings not explicitly referred to in this practice direction require an application to the Court.

## **Publication Bans**

The Court registry will make best efforts to inform members of the public and the media of any applicable publication bans; but anyone listening to the audio recording of a proceeding is responsible for complying with any publication ban.

### ***Obtaining a copy of the audio recording of a court proceeding***

## **Counsel in good standing with the Law Society of Yukon**

Counsel who are members in good standing with the Law Society of Yukon may obtain a copy of any audio recording that could otherwise be listened to in a court-supervised listening facility.

Counsel must complete the request form and provide an undertaking (both forms attached). Once approved, a CD will be provided to counsel by registry staff. A cost may be associated with this service.

The undertaking sets out counsel's obligations about access to the recording by third parties and prohibits further copying and distribution of the audio file.

## **Parties, media, and the public**

Parties, media, and the public must make an application and obtain a court order to obtain a copy of the audio recording of a court proceeding, even if that audio recording could be listened to in a court-supervised facility.

Any order granted will contain conditions limiting the recipient's ability to copy and distribute the audio recording, including conditions about third party access. A failure to comply with a court order could be punished through a contempt proceeding, and a finding of guilt could result in a fine or even jail.

Duncan C.J.  
September 3, 2021

Date: \_\_\_\_\_

**REQUEST TO LISTEN TO A COURT RECORDING**

**Reason for Request:** \_\_\_\_\_

**Style of Cause:** \_\_\_\_\_

**File Number(s):** \_\_\_\_\_

**Publication Ban(s):** \_\_\_\_\_

**Date of Proceedings (ONLY ONE DATE PER REQUEST):** \_\_\_\_\_

**Court Proceedings:**      Civil                                      Criminal

**Court Type:**              Supreme                      Territorial              Small Claims  
 Court of Appeal              Youth Criminal Justice

**Name of Justice, Judge or Justice of the Peace:**

Chief Justice                Chief Judge                Deputy Judge

Justice                          Judge                          J/P

**Recording Type:**      Full      Excerpt     Specify: \_\_\_\_\_  
(Reasons, Testimony, Submissions, other, etc...)

**Party:**      Yes      No     **Requested by:** Name: \_\_\_\_\_

Email Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_

**Office Use Only**

WHEN ORDERING PROCEEDINGS ENSURE THAT THE REQUESTOR IS IN COMPLIANCE WITH THE COURT ACCESS GUIDELINES

**Courtroom Number:**      Courtroom 1      Courtroom 2      Courtroom 3  
 Courtroom 4      Courtroom 5      Court Circuit:

**Recording Times:**     From: \_\_\_\_\_ To: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Tape counter number                                     Tape counter number

Request Approved                                      Request Denied

\_\_\_\_\_  
Judge's Signature                                     Date

Date and time to listen to recording: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Requestor advised by clerk                                     Date

# DEMANDE D'ÉCOUTE D'UN ENREGISTREMENT D'INSTANCE

**Raison de la demande :** \_\_\_\_\_

**Nom de la cause :** \_\_\_\_\_

**Numéro(s) de dossier :** \_\_\_\_\_

**Interdiction(s) de publication**

**Date de l'audition:** \_\_\_\_\_

Seulement une date par demande

**Instance :**  civile  criminelle

**Cour :**  Cour suprême  Cour territoriale  Cour des petites créances

Cour d'appel  Justice pénale pour les adolescents

**Nom du juge ou du juge de paix :**

Juge en chef  Juge  Juge suppléant

Juge de paix

**Genre d'enregistrement :**  Enregistrement intégral  Extrait : \_\_\_\_\_  
(specifier: motifs, témoignage, soumissions, autre, etc)

**Numéro de salle d'audience :**  Salle n° 1  Salle n° 2  Salle n° 3

Salle n° 4  Salle n° 5

circuit judiciaire : \_\_\_\_\_

**Extrait:** De : \_\_\_\_\_ À : \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Partie :**  Oui  Non

Compteur de défilement

Compteur de défilement

**Auteur de la demande :**

\_\_\_\_\_  
Adresse courrielle et numéro de téléphone

À l'usage du bureau

**S'ASSURER QUE L'AUTEUR D'UNE DEMANDE DE PROCÉDURE EST EN CONFORMITÉ AVEC LES LIGNES DIRECTRICES DE LA COUR CONCERNANT L'ACCÈS.**

Demande approuvée

Demande rejetée

\_\_\_\_\_  
Signature du juge

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date d'achèvement

Auteur de la demande avisé par le greffier

\_\_\_\_\_  
Date



# DEMANDE D'UNE COPIE DE CD D'UN ENREGISTREMENT D'INSTANCE

**Raison de la demande :** \_\_\_\_\_

S'ASSURER QUE L'AUTEUR D'UNE DEMANDE DE PROCÉDURE EST EN CONFORMITÉ AVEC LES LIGNES DIRECTRICES DE LA COUR CONCERNANT L'ACCÈS

**Nom de la cause :** \_\_\_\_\_

**Numéro(s) de dossier :** \_\_\_\_\_

**Interdiction(s) de publication**

**Date de l'audition :** \_\_\_\_\_

Seulement une date par demande

**Instance :**

civile

criminelle

**Cour :**

Cour suprême

Cour territoriale

Cour des petites créances

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**Nom du juge ou du juge de paix :**

Juge en chef

Juge

Juge suppléant

Juge de paix

**Genre d'enregistrement :**

Enregistrement  
intégral

Extrait

(specifier: motifs, témoignage, soumissions,  
autre, etc)

**Numéro de salle d'audience :**

Salle n° 1

Salle n° 2

Salle n° 3

Salle n° 4

Salle n° 5

circuit judiciaire : \_\_\_\_\_

**Extrait:**

De :

À :

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**Partie :**  Oui  Non

Compteur de défilement

Compteur de défilement

**Auteur de la demande :**

Adresse courrielle et numéro de téléphone

À l'usage du bureau

Demande approuvée

Demande rejetée

Signature du juge

Date

Nom du greffier

Remise du CD :

au porteur

case de l'avocat

autre \_\_\_\_\_

Date d'achèvement