

Legal Aid NL
Activity Plan
2023-26



LEGAL AID NL
REAL LAWYERS FOR REAL PEOPLE

Message from the Chair

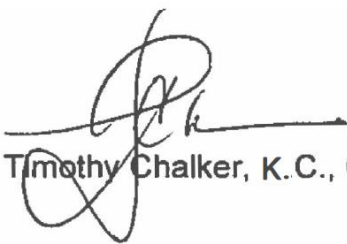
As Chair of the Newfoundland and Labrador Legal Aid Commission, I am pleased to present the Legal Aid Commission's Activity Plan, which outlines the goals and objectives for the 2023-24, 2024-25, and 2025-26 fiscal years. This plan was prepared under my direction and in accordance with the provisions of the **Transparency and Accountability Act**.

The Legal Aid Commission, also known as Legal Aid NL, is categorized as a Category 3 government entity and, as such, must prepare a three year activity plan taking into consideration the strategic directions of the Provincial Government as communicated by the Minister of Justice and Public Safety. In view of those strategic directions, our Strategic Plan for the next three years aligns in its focus on contributing to a more efficient public sector.

Legal Aid NL operates under the **Legal Aid Act**, which provides for the provision of legal counsel for eligible residents of the Province of Newfoundland and Labrador charged with offences under the **Criminal Code of Canada**, other federal statutes and provincial statutes, and to persons who have family disputes.

Residents of Newfoundland and Labrador avail of Duty Counsel services when appearing on criminal matters in Provincial and Youth Court or on family law matters in the Supreme Court Family Division. These services also extend to visitors to Newfoundland and Labrador. Legal counsel may be appointed for non-residents either through the Legal Aid Plan of the province in which they reside, or through Legal Aid NL.

Legal Aid NL is accountable for the preparation of this plan and responsible for the achievement of its goals and objectives. I, as Chair of the Legal Aid NL's Board of Commissions, accept accountability on behalf of myself and the entire board.



Timothy Chalker, K.C., Chair

Overview & Mandate

Legal Aid NL is a publicly funded, independent organization established in 1976 by the **Legal Aid Act** (the Act) to assume responsibility for the Legal Aid Plan. Prior to this, a committee of the Law Society of Newfoundland and Labrador administered the Legal Aid Plan.

The services of Legal Aid NL are an essential component of a fair and accessible justice system in the province of Newfoundland and Labrador. Legal Aid NL's mandate is to respond to the needs of those whose means are compromised, as well as the general public in certain instances, by providing high quality, innovative and collaborative legal services through a staff solicitor model.

Eligibility for full service legal aid representation requires that financial and legal eligibility requirements specified in the Act and the **Legal Aid Regulations** (the Regulations) are met. Once approved, services are provided to clients by solicitors employed full time with Legal Aid NL in approximately 99 per cent of cases, and by solicitors in private practice in those remaining. Private solicitors are paid on a fee-for-service basis in accordance with the tariff (hours and rates) of the Regulations. Legal Aid NL also delivers services, without the need for financial eligibility, through solicitors, by way of:

- Duty Counsel on criminal law matters before the Provincial and Youth courts;
- Duty Counsel on family law matters in the Supreme Court of Newfoundland and Labrador-Family Division in St. John's; and
- Brydges counsel, whereby a solicitor can be reached toll-free, 24 hours a day, seven days a week, to provide advice to people upon arrest, detention, or questioning by a peace officer.

Legal Aid NL provides detailed financial statements each year in the Annual Report. A Board of Commissioners, comprised of nine members, manages the affairs of Legal Aid NL. The Deputy Minister of Justice and Public Safety and the CEO/Provincial Director of Legal Aid, or their designate, serve as *ex-officio* members of the Board. The Lieutenant-Governor in Council appoints seven Commissioners, three of whom are from a list of nominees submitted by the Law Society. The Lieutenant-Governor in Council also designates one of the Board of Commissioners as Chair. Members of the Board of Commissioners as of April 1, 2023 were:

- Timothy J. Chalker, K.C., Chair
- Allison Hagerty
- Beth McGrath, K.C.
- Rebecca Redmond Maclean, K.C.
- Donna Strong, K.C.
- Allison Whelan
- Rodney Zdebiak

Ex-officio members:

- Denise Woodrow, Assistant Deputy Minister (*as designate of the Deputy Minister of Justice and Public Safety)
- Harman Khurana, CEO & Provincial Director

During the fiscal year 2022-23 Legal Aid NL employed a CEO/Provincial Director, one Deputy Provincial Director, one Director of Legal Services, one Director of Policy and Quality Assurance, 69 Solicitors, two Social Workers, three Paralegals, one Risk Assessment Officer, 52 support staff, three Community Workers and nine articling clerks. Positions were allocated across a network of 18 offices, including the Provincial Director's Head Office, 12 Area Offices, and five Project Offices.

From five Project Offices, Legal Aid NL delivers the following services:

- The **Mental Health Office** works collaboratively with the Provincial Health Authority providing legal representation at the Mental Health Court, appearing before the Criminal Code Mental Disorder Review Board, the Mental Health Care and Treatment Review Board, as well as in the traditional court system. Legal Aid NL and Eastern Health take a multidisciplinary approach to client service in resolving legal and related issues which allows for the delivery of timely, comprehensive and holistic services to individuals who struggle with mental illness. By providing legal assistance through this office, clients with mental health issues who often face significant barriers to justice, have access to the legal rights to which they are entitled.
- The **Family and Child Offices** are located in each of Happy Valley-Goose Bay and Corner Brook. Their role is to assist parents of children taken into care by the Department of Children, Seniors and Social Development (CSSD); to respond to the concerns of CSSD; to assist parents in accessing the supports they need; and, to work towards the reunification of the family, where possible. Each office has a combination of lawyers, social workers, and paralegals.
- The **Family Duty Counsel Office** is located in St. John's at the Family Division of the Supreme Court of Newfoundland and Labrador. This is a no-fee service for people with family law matters, who do not already have a lawyer. Commission Duty Counsel provides basic advice and speaks on their behalf in straightforward and uncontested court matters.
- The **Special Defence Unit** was established in June 2018 to provide legal services to clients with serious criminal charges. In early 2018, the Act was amended to remove the Choice of Counsel provision so clients no longer exercise a right to choose a private lawyer on serious charges such as murder and manslaughter. Clients facing such charges are now represented by senior lawyers experienced in dealing with major criminal matters.

Legal Aid NL also supports specialized projects and initiatives, including:

- **The Intimate Partner Violence Intervention Court**, a specialized court established in 2015 by the Department of Justice and Public Safety and supported by Legal Aid, with locations in St. John's and Stephenville. This court serves victims of domestic and intimate partner violence and helps enhance victim safety

and offender accountability. Legal Aid NL provides a Risk Assessment Officer, based in the Provincial Head Office, to assess persons whose cases are being considered for inclusion in the Intimate Partner Violence Intervention Court. Solicitors from the St. John's Primary Conflict Area Office and the Stephenville Area Office handle the provision of advice and representation to accused persons.

- **The Indigenous Project**, focuses on working with Indigenous communities to improve access to justice and the quality of legal services for Indigenous peoples. Legal Aid NL provides three part-time and one full-time Community Liaison Worker positions in the towns of Nain, Hopedale, Natuashish, Sheshatshiu and Happy Valley-Goose Bay.
- **The French Speaking Project**, ensures access to French-speaking services. Legal Aid NL maintains a roster of solicitors fluent in French to provide legal advice by telephone, in person and, when necessary, conduct trials in French.
- **The Drug Treatment Court**, established in 2019, is intended for offenders with serious drug addictions, who commit non-violent, drug-motivated offences. Legal Aid NL's Mental Health Office is supporting this initiative by actively processing referrals and transfers at the Court's weekly file meetings and providing advice and representation to accused persons.

Lines of Business

For residents of Newfoundland and Labrador who meet financial and case eligibility criteria, and for non-residents charged with a criminal offence or who qualify under the legal aid plan of the province or territory in which they reside, the following services are provided:

- Representation in criminal, family and civil cases;
- Representation in appeals before the Courts;
- Representation before administrative tribunals in areas such as: immigration and refugee claims; Canada Pension; employment insurance; and social assistance; and,
- Representation in specialized courts including Mental Health Court, Intimate Partner Violence Intervention Court, and Drug Treatment Court.

For all residents of Newfoundland and Labrador, and visitors to the province, the following services are provided:

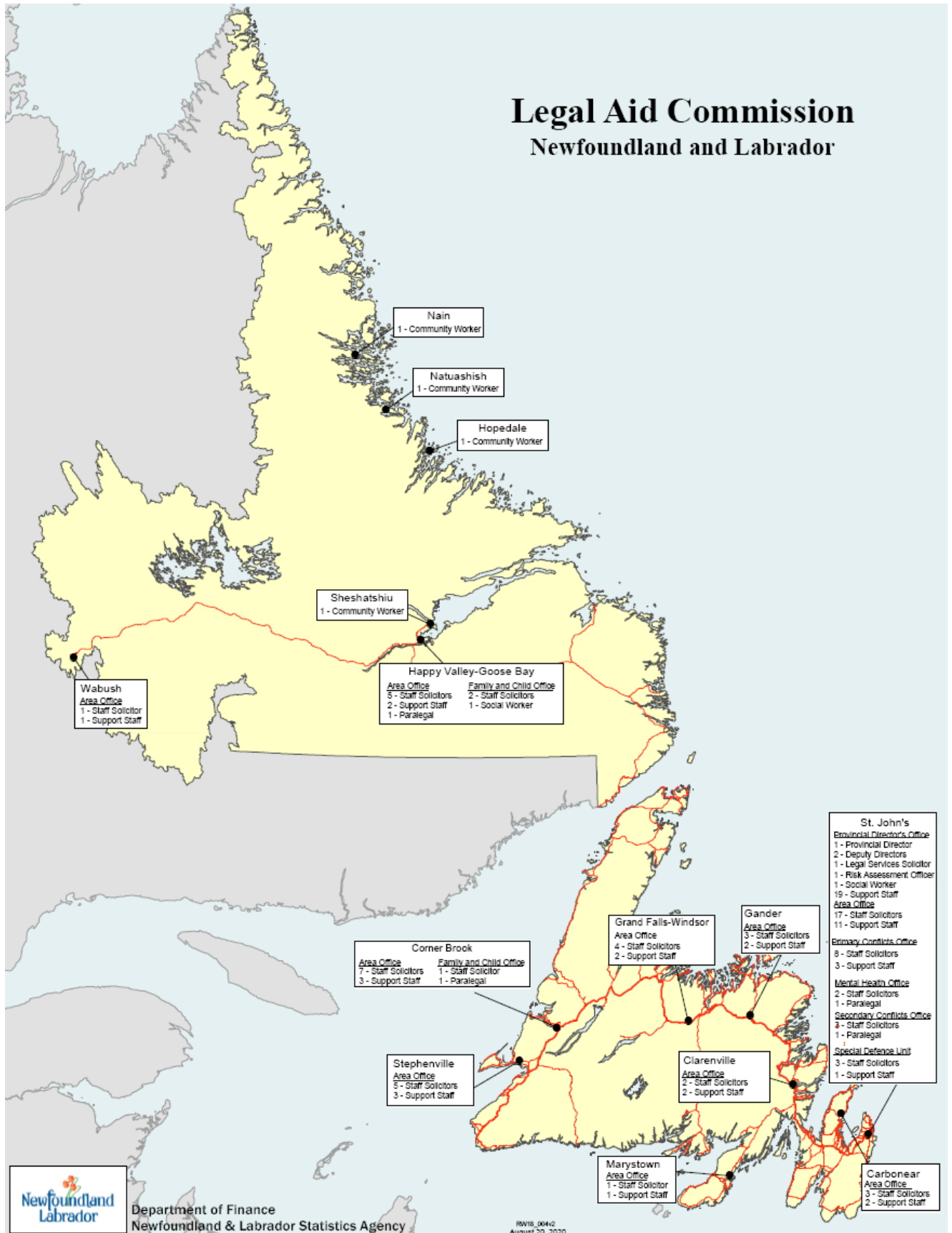
- Duty Counsel to accused persons appearing in the Provincial and Youth courts across the province, and Family Division-Trial Division-Supreme Court in St. John's.

- Brydges Duty Counsel, a 24 hour telephone service to people arrested or detained by a peace officer.

Vision

A province where all people, regardless of means, capacity, social situation, or GBA+ identity factors, have access to the knowledge and services they require to protect their basic legal rights and quality of life through collaborative, holistic and long-term solutions to their legal issues.

Legal Aid Commission Newfoundland and Labrador



Strategic Issue: Improved Productivity and Client Service Delivery through focus on New Technology and Training

Legal Aid NL is committed to workforce development and continuously improving its client service delivery model. Over the next three years, Legal Aid NL will focus on leveraging new and updated technology and training to build an adaptable and more cohesive workforce capable of responding to client needs effectively and efficiently. Legal Aid NL will invest in replacing its outdated information management system and focus on customizing the technology to improve workflow and document management to improve productivity, response timeframes, and client service and move towards electronic filing for all client data. The current recruitment and retention crisis has heightened the need for an organization such as Legal Aid NL to adapt to new and evolving technologies, and rethink how services can be delivered to the public. The next three years will be critical in Legal Aid NL's evolution into a modern and innovative organization that can respond effectively to the needs of its clients and those of the justice system.

During 2023-26, Legal Aid NL will invest in new Practice Management Software (PMS) capable of being customized to meet our unique needs and deliver training to strengthen IT competencies within the organization. The initial focus will be on the procurement and deployment of new PMS and training organization-wide.

Goal: By March 31, 2026, Legal Aid NL will have procured, tested, deployed and customized new PMS to improve productivity for enhanced client service delivery and move towards electronic filing of all client data.

Indicators:

- Procurement and deployment of PMS organization-wide.
- Identification, testing and implementation of customizations required to address selected deficiencies in workflow.
- Identification, testing and implementation of customizations required to address document management needs.

Objective 1: By March 31, 2024, Legal Aid NL will have procured, tested and deployed new PMS capable of integrating with current or upgraded IT technology and delivered training to enhance productivity within the organization.

Indicators:

- Purchased and configured the new PMS.
- Implemented organization-wide training on the use of the new PMS.
- Completed Successful migration of data from the old PMS to the new PMS.
- Deployed the new PMS.

Objective 2: By March 31, 2025, Legal Aid NL will have identified, tested and implemented customizations required to address selected deficiencies in workflow between intake, staff solicitors and support staff.

Objective 3: By March 31, 2026, Legal Aid NL will have identified, tested and implemented customizations required to address document management needs.



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www.legalaid.nl.ca

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