



Government of Newfoundland and Labrador
Department of Public Safety
Office of the Minister and Attorney General

September 30, 2014

Ms. Sandra Barnes
Clerk of the House of Assembly
East Block, Confederation Building

Dear Ms. Barnes:

I wish to table the 2013-14 Annual Activity Report of the Newfoundland and Labrador Legal Aid Commission. This report is being tabled in accordance with the *Transparency and Accountability Act*. You should note, however, that the report does not include the audited financial statements of the Legal Aid Commission as required by the *Legal Aid Act* and the *Transparency and Accountability Act* as they are not yet finalized. Once the statements are finalized they will be forwarded to you for tabling.

I trust this is satisfactory.

Sincerely,

A handwritten signature in black ink, appearing to read "Judy M. Manning".

Judy M. Manning
Minister of Public Safety
and Attorney General

Legal Aid Commission

Annual Report

2013-14



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Message from the Chair

As Chair of the Newfoundland and Labrador Legal Aid Commission, I am pleased to present the Legal Aid Commission's Annual Report which outlines the Commission's activities for the fiscal year April 1, 2013 to March 31, 2014. This report was prepared under my direction and in accordance with the provisions of the *Transparency and Accountability Act*. This report does not include the audited financial statements of the Legal Aid Commission as required by the *Legal Aid Act* and the *Transparency and Accountability Act*, as they are not yet finalized. Once the statements are finalized, this document will be submitted for re-tabling with the audited financial statements included.

The Legal Aid Commission is classified as a Category 3 Government Entity and, as such, must prepare an annual report which presents information on the activities of the entity carried out during the preceding fiscal year in compliance with its mandate.

The Legal Aid Commission operates under the *Legal Aid Act*, which provides for the provision of legal counsel to represent eligible residents of the province of Newfoundland and Labrador charged with offences under the *Criminal Code* of Canada, other federal and provincial statutes, and to people who have family disputes or other civil matters. Legal counsel may be appointed for non-residents either through the Legal Aid Plan of the province in which they reside or our legal aid program. Duty Counsel services are provided to residents, as well as to visitors to the Province.

The Board of the Legal Aid Commission is accountable for the results reported. I, as Chair of the Legal Aid Commission, accept accountability on behalf of the entire Board.



Nicholas Avis, Q. C.
Chair

Background and Overview

The services of the Newfoundland and Labrador Legal Aid Commission (“the Commission”) are an essential component of a fair and accessible justice system in the Province of Newfoundland and Labrador. The Commission responds to the needs of those whose means or capacity 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. The Commission is a publicly funded independent organization established in 1976 by the *Legal Aid Act* (“the Act”) to assume responsibility for the Legal Aid Plan.

Eligibility for full service legal aid representation is dependent upon an applicant meeting the financial and legal eligibility requirements specified in the *Act* and the *Legal Aid Regulations* (“the Regulations”). Once an applicant is approved, services are provided by solicitors employed full time with the Commission in approximately 98 per cent of the cases, and by solicitors in private practice in approximately two percent of the cases. Private solicitors are paid on a fee-for-service basis in accordance with the tariff found in the Regulations.

The Commission also delivers services, without the need for financial eligibility, through staff solicitors, including:

- 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 at a 1-800 number, 24 hours a day, seven days a week, to provide advice to people upon arrest, detention or being questioned by a peace officer.

The Commission consists of a Board of Commissioners, including the Deputy Minister of Justice and the Provincial Director as ex-officio members. The Lieutenant Governor in Council appoints five commissioners, three of whom are appointed from a list of nominees by the Law Society. The Lieutenant Governor in Council designates one of the Commission members as Chair, and the members select another member as Vice-Chair/Secretary.

Appointed members during fiscal year 2013-2014 were:

Nick Avis, Q.C., Chair
William Collins, Q.C.
John Jenniex

Ex-officio members:

Paul Noble, Deputy Minister
Nick Summers, Provincial Director

Legal Aid Offices and Staff

During the fiscal year 2013-2014, the Legal Aid Commission employed a Provincial Director, one Deputy Director, two senior solicitors, 52 staff solicitors, three social workers, seven paralegals, an accountant, a client services officer, 42 support staff, six articling students, and four community workers. These positions were dispersed throughout a provincial office, 11 area offices and six project offices.

In addition to operating eleven area offices, the Legal Aid Commission also has a number of special purpose offices and specialized roles. They are:

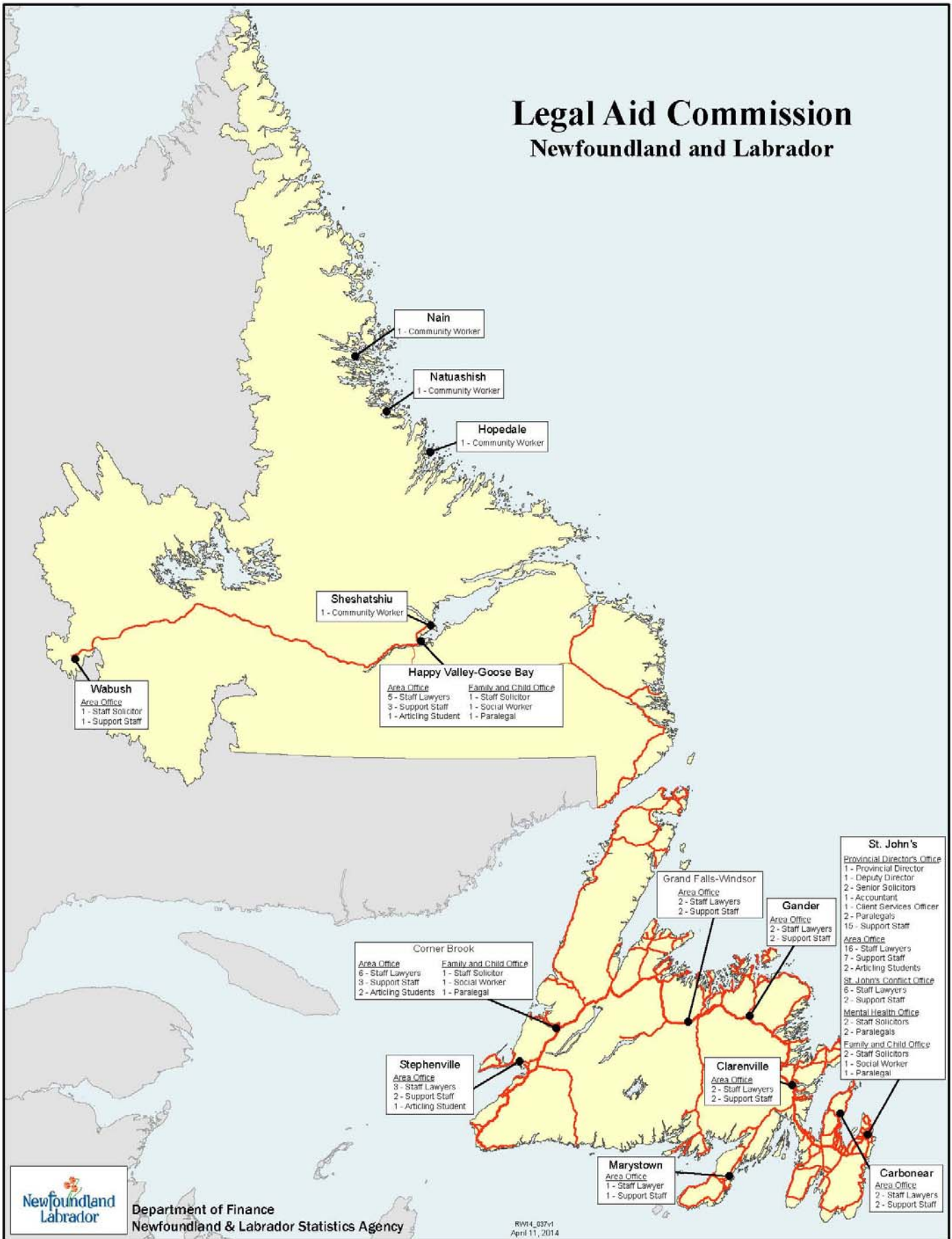
Special Purpose Offices

- The Mental Health Office is a shared space, housing legal aid solicitors and paralegals along with Eastern Health social workers and licensed practical nurses to work collaboratively with mental health clients in resolving their legal and related issues. This office works as a team to deliver timely, comprehensive and holistic services to its clients. Through this office, clients with mental illness obtain legal representation in the Mental Health Court, before the Criminal Code Mental Disorder Review Board, before the Mental Health Care and Treatment Review Board, as well as, in the traditional court system for other matters.
- The Family and Child Offices are located in St. John's, Happy Valley – Goose Bay, and Corner Brook. Each office is staffed by a staff solicitor, a social worker, and a paralegal. Its role is to assist parents of children taken into care by the Department of Child, Youth and Family Services (CYFS), to respond to the concerns of CYFS, assist parents in accessing the supports they need, and to work towards the re-unification of the family where possible.
- The Family Duty Counsel Office is located in the Family Division of the Supreme Court in St. John's. This is a free service for people who need assistance with family law matters. If someone is not represented by a lawyer, Duty Counsel can give them advice and speak on their behalf in straight-forward and uncontested court matters.

Specialized Roles

- The Client Service Officer's role is to coordinate and facilitate all Legal Aid Commission communication with persons incarcerated anywhere in the provincial or federal prison systems or held in an institution.
- The Aboriginal Project operates out of the Happy Valley-Goose Bay office and is intended to facilitate working with Aboriginal communities to better improve the quality of legal services to Aboriginal people who encounter the law. As part of this project, we continue to support our Aboriginal community with part-time Community Liaison Workers providing service for the towns of Nain, Hopedale, Natuashish and Sheshatshiu.
- The French Speaking Project has a staff solicitor fluent in French to provide legal advice by telephone, in person and, when necessary, to conduct trials in French.

Legal Aid Commission Newfoundland and Labrador



Department of Finance
Newfoundland & Labrador Statistics Agency

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April 11, 2014

Mandate

The mandate of the Commission is contained in Part V of the *Act* entitled “The Legal Aid Plan.” The *Act* states: “The Commission may, upon receipt of an application, and where the applicant is found eligible, provide legal aid in criminal and civil matters without charge to an individual who is unable to pay and with partial charge to an individual who is able to pay a portion thereof.” Coverage is identified under Part VI of the *Act*. In criminal law, legal aid is provided for indictable offences and for summary conviction offences when certain conditions are met. In family cases and limited civil matters, legal aid is provided when there is case merit. The Commission assists people with their legal issues and facilitates access to justice.

Vision Statement

A province where all people, regardless of means, capacity or social situation, 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.

Mission Statement

The mission statement identifies the primary focus of the Commission over two planning cycles (2011-14 and 2014-17). It represents the key long-term results that it will be working toward. The statement also identifies the measures and indicators that will assist both the Commission and the public in monitoring and evaluating success.

During the first planning cycle of the current Mission Statement, the Commission focused on service enhancements such as family duty counsel services, use of paralegals, improved human resource management and new technologies.

During the 2014-17 planning cycle, the Commission will focus on implementing modern technologies, updating policies and procedures, assessing opportunities to improve service delivery and enhancing engagement with community partners.

Mission Statement:

By March 31, 2017 the Legal Aid Commission will have enhanced its ability to offer the highest quality legal services.

Measure: Ability to offer the highest quality legal services enhanced

Indicators:

- Innovative processes implemented:
- Service quality enhanced; and
- Implementation of technological advancements, as appropriate.

Highlights of Accomplishments

Full Service Legal Representation

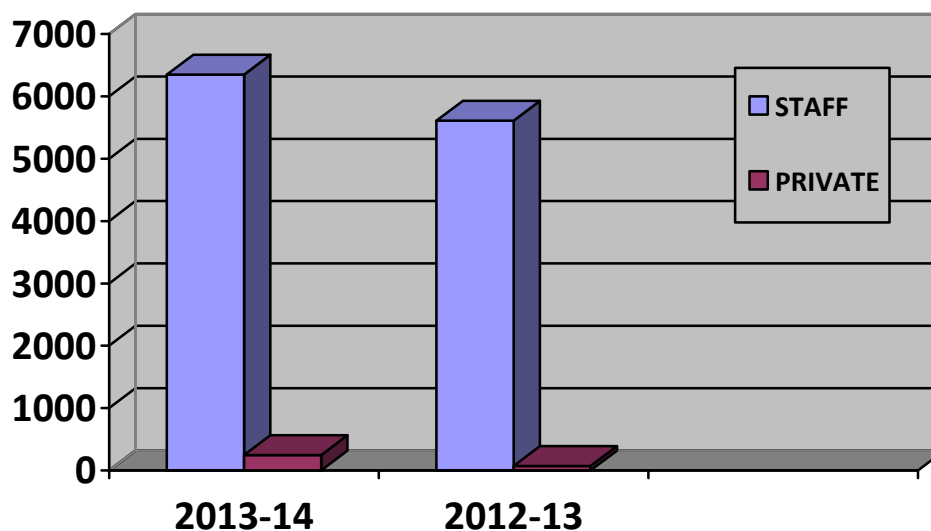
During the fiscal year ending March 31, 2014, 8,560 applications were received for full service legal representation. This is a decrease of 353 applications over the previous year. Of those received, 4,693 were approved for full service legal representation, 31 less than the previous year. Applications are rejected because they did not meet the financial or legal eligibility criteria.

Full Service Legal Representation						
Law Type	2013-14		2012-13		Percent Change - Applications Received	Percent Change - Applications Approved
	Applications Received	Applications Approved	Applications Received	Applications Approved		
Criminal	4,561	2,993	4,685	2,815	-2.6	6.3
Youth	486	330	525	380	-7.4	-13
Civil/Family	3,488	1,367	3,695	1,529	-5.6	-10
Immigration	25	3	8	0		
Total	8,560	4,693	8,913	4,724	-4	-.06

Cases Completed

Staff lawyers completed 6,350 cases and 247 cases were completed by the private bar, amounting to 6,597 completed cases. This is an increase of 15 per cent over the number of completed cases in 2012-13.

CASES COMPLETED



Duty Counsel Services

Duty counsel in provincial court is a service provided to people on their first appearance before a Provincial or Youth Court Judge. Duty Counsel assisted 9,972 adults and 960 youth in provincial court. This is a decrease of 9.2 per cent over the number of adults assisted in 2012-13, and a decrease of 8.9 per cent in the number of youth assisted.

Duty Counsel (Solicitors Only)	2013-14	2012-13
Criminal	9,972	10,894
Family	380	336
Youth	960	1,046
Total	11,312	12,276

Duty Counsel at the Family Division of the Supreme Court of Newfoundland and Labrador can appear on behalf of individuals for straight-forward matters before the Judge and also explain legal rights and obligations. The Duty Counsel services at the Family Division also have a Client Services Officer who can provide basic information and assistance in applying for legal aid or in completing some court documents. The Client Services Officer assisted 883 people in 2013-14. Of these 883 people, the Duty Counsel solicitors assisted 380 people. This is an increase of 34 per cent over the number of people assisted by the client services officer in 2012-13. This is also an increase of 13 per cent in the number assisted by the Duty Counsel solicitors in 2012-13.

Brydges Counsel Services

Brydges Counsel is a telephone service that offers free legal advice on a 24-hour basis to individuals under arrest and in custody, or under active investigation by the police and who need immediate advice on their charter rights and criminal law. The number of clients assisted by Brydges Counsel in 2013-14 was 2,253 as compared to 2,370 in 2012-13.

Activities

Issue 1: Seeking Innovations and New Efficiencies

Due to the high number of self-represented individuals at the Supreme Court of Newfoundland and Labrador Family Division in St. John's, the Commission recognized the need for duty counsel services and initiated the Family Duty Counsel Project. Based on a needs assessment, two staff solicitors and a Client Service Officer were hired to operate the project as of May 2011.

In January 2013, the Commission initiated an independent review of the Family Duty Counsel Project and a report of recommendations was finalized in September 2013. The findings confirmed that the project is enhancing access to justice for self-represented individuals who require assistance navigating the court process. Additionally, the review indicated that the service has improved the efficiency and effectiveness of the court process, which benefits the individuals assisted and the Court. In addition, the Commission has enhanced efforts to raise awareness of the Family Duty Counsel Project; pamphlets have been designed and distributed and an exit survey is provided to all clients of the Project to seek feedback on the service received.

Goal 1:	By March 31, 2014 the Commission will have enhanced the quality of its services for clients.
Measure	
Quality of services enhanced	
Indicators:	Actual Results
Duty counsel needs assessed	Duty counsel needs at the Supreme Court of Newfoundland and Labrador Family Division were assessed. An independent review commissioned in January, 2013 showed that access to the Family Duty Counsel Project allows self-represented individuals to address their matters more effectively. The report also stated all stakeholders have been positively impacted.
Resource requirements assessed	Resource requirements were assessed as part of the independent review. The review identified that enhancement was required for data collection as there were data gaps.
Resource needs addressed, as appropriate	Resource needs were addressed, as appropriate. The development of a consistent and effective data collection system was implemented. This system effectively measures the project's outcomes and includes a mechanism for accurately reporting outcomes.
Human resource requirements assessed	Human resource requirements were assessed in regard to duty counsel services at the Supreme Court Family Division and it was determined that the Family Duty Counsel Project required two experienced family law solicitors along with a Client Services Officer.
Human resource structure enhanced	Human resource structure of the Family Duty Counsel Project was enhanced. Protocols have been established which detail the roles, duties and parameters of the family duty counsel staff. To increase consultation and communication, the Commission has designated the Senior Family Solicitor as coordinator for the project.

Objective 3:	By March 31, 2014 the Legal Aid Commission will have reviewed its service enhancements.
Measure	
Service Enhancements reviewed	
Indicators:	Actual Results
Internal review committee established	An internal review committee, the Service Enhancement Committee, was established to assess overall service delivery. The committee met monthly to review service delivery and to discuss options for enhancements. The meetings are ongoing.

Feedback from Legal Aid management and staff solicited	The Committee sought input and received numerous suggestions from management and staff on how service delivery could be enhanced.
Summary report of findings prepared	A summary report of suggestions was prepared by the Service Enhancement Committee and presented to management. The report contained recommendations for modifications to client intake procedures and changes to the approach taken on family legal matters through the implementation of informal dispute resolution and mediation. Some additional areas noted for improvement were: increasing community outreach activities; updating public information; and enhancing employee development.
Analysis of identified issues completed	An analysis of identified issues was completed and the Committee prioritized the issues to be addressed in conjunction with management.
Work plan developed to address issues, as appropriate	A work plan was developed to address issues, as appropriate. The Committee has engaged other stakeholders, as needed, for input on identified issues. Implementation was ongoing throughout the fiscal year and will continue into 2014-15.

Issue 2: Information Management and Technology

Rapid and continuing technological advancements have had a significant impact on how the public, courts, government and the Legal Aid Commission, receive, process and distribute information. Moreover, technological change impacts almost every aspect of the Commission's work from document preparation and communication with clientele and the courts, to how closed files are archived. The Commission has determined that, in order to achieve true efficiencies from the adoption of new technologies, an internal committee is required to evaluate new technologies and propose options for consideration of implementation. The committee, the Legal Aid Management Information Systems Committee (LAMIS Committee), is comprised of members of the management and staff, with regular interaction with the Office of the Chief Information Office (OCIO).

Goal 2:	By March 31, 2014 the Legal Aid Commission will have implemented technological enhancements.
Measure	
Technological enhancements implemented	
Indicators:	Actual Results
Enhancements made to LAMIS	Enhancements have been made to LAMIS. These include broader user access, more efficient report formatting, and the creation of a test database for the Family Duty Counsel Project.

Stakeholders engaged, as appropriate	Stakeholders have been engaged to provide input on the LAMIS system. Management, staff and OCIO have met to discuss user and data requirements.
Website content developed	Website content was developed through consultations with management, staff and OCIO. The overview of the services of the Commission was enhanced, the Legal Aid application form was added, Legal Aid publications and career opportunities pages were developed as well as other information the Commission felt would be beneficial to the public.
Website content finalized	All website content was finalized and approved by the Legal Aid Management and the Legal Aid Commission Board members. A demo website was developed and tested.
Website launched	The website was launched and a process for ongoing monitoring was implemented, including a process whereby staff of the Legal Aid Commission will now have user rights to update the content of the website directly.

Objective 3:	By March 31, 2014 the Legal Aid Commission will have developed a work plan for LAMIS enhancement implementation.
Measure	
Work plan for LAMIS enhancement implementation developed	
Indicators:	Actual Results
LAMIS review completed	The LAMIS review was completed by the LAMIS Committee and submitted to OCIO for review.
Inventory of LAMIS issues compiled	An inventory of LAMIS issues was compiled by the LAMIS Committee through an overall assessment of the functionality of the system. All issues were prioritized and sent to OCIO for further review.
Feasibility assessment of system modifications completed	The feasibility assessment of system modifications was completed by the LAMIS committee in conjunction with OCIO. All issues identified will be addressed and will improve the efficiency of services provided to our clients.
Work plan developed based on feasibility assessment	The work plan has been developed based on the feasibility assessment. Consultations with OCIO, management and staff are still ongoing as to the timeframe of issues being addressed.

Opportunities and Challenges Ahead

A comprehensive, external review of the Newfoundland and Labrador Legal Aid Commission was completed in 2013-14 by John Roil, QC as commissioned by the Minister of Justice. This review resulted in a number of recommendations including:

- Improvement of information technology structure
- Maintain and consider expansion of services
- Re-instatement of certain positions
- Review of appeals process
- Improved collection of accounts receivable
- Need for stabilized funding
- Removal of choice of counsel
- Changes to the Board composition
- Increase of tariff paid to private solicitors

Over the next three years, the Commission will focus on addressing these recommendations, in collaboration with the Provincial Government, as appropriate. The Commission will use this review as an opportunity to reflect on the past, analyze the present and begin the implementation of initiatives that will enhance operations and ensure a client-focused culture.

The Commission will continuously monitor emerging trends and will seek opportunities to adopt new technologies and best practices as they become available. A specific example is the use of new technologies to access online professional development opportunities for solicitors and staff. Access to professional development opportunities is often limited due to the cost associated with travel. By utilizing online resources, the Commission will be able to fund more professional development opportunities for solicitors and staff.

Access to justice continues to be a priority for the Legal Aid Commission and is also a priority on the national agenda. The Commission is hopeful that this will provide opportunities to work collaboratively with justice stakeholders to implement positive changes, where needed.

The Commission recognizes that the work ahead will be both challenging and rewarding. The Commission looks forward to the lessons that will be learned as it aspires to provide the highest quality services for its clients.

Financial Statements (unaudited)

Expenditure and revenue figures included in this document are based on public information provided in the Report on the Program Expenditures and Revenues of the Consolidated Revenue Fund for Fiscal Year Ended 31 March 2014.

2.3.01 Legal and Related Services

	Actual \$	Estimates	
		Amended \$	Original \$
05. Professional Services.....	-	1,300	1,300
10. Grants and Subsidies.....	14,077,496	14,077,500	12,714,100
01. Revenue - Federal.....	-	(2,135,600)	(2,135,600)
Total: Legal Aid and Related Services.....	14,077,496	11,943,200	10,579,800

Note: The financial information above includes expenditures that are attributed to the Legal Aid Commission as well as those of other related services that do not fall under the responsibility of the Legal Aid Commission. For detailed information on the expenditures of the Legal Aid Commission please see the Commission's audited financial statements, when available.



Legal Aid Commission

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