

September 24, 2013

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

Dear Ms. Barnes:

I wish to table the 2012-13 Annual Activity Report of the Newfoundland and Labrador Legal Aid Commission. The 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,



Darin T. King, PhD
M.H.A., District of Grand Bank
Minister of Justice



Newfoundland and Labrador Legal Aid Commission

Annual Report 2012-13

www.legalaid.nl.ca

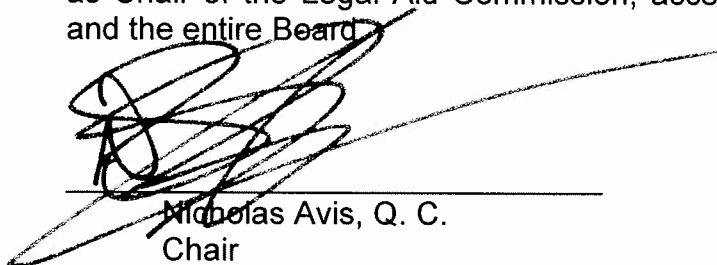
Message from the Chair

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, 2012 to March 31, 2013. 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 statutes and provincial statutes, and to people who have family disputes or other civil matters. Duty Counsel services are provided to visitors of our Province and 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.

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 myself and the entire Board.



Michael Avis, Q. C.
Chair

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Overview

The Legal Aid Plan was established by the Law Society of Newfoundland and Labrador in 1968. Legal Aid was managed by a committee of the Law Society and was responsible for providing legal counsel to represent eligible accused persons and to assist others who were involved in family disputes.

In 1976 the Legal Aid Commission was established by the *Legal Aid Act (the Act)* to assume responsibility for the Legal Aid Plan.

The Commission consists of a seven person board of commissioners, two of whom are ex-officio, the Deputy Minister of Justice and the Provincial Director. 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:

Nick Avis, Q.C., Chair
Vacant, Vice Chair/Secretary
William Collins, Q.C.
John Jenniex
Katie Rich

Ex-officio members:

Donna Ballard, ADM (delegated by the Deputy Minister)
Newman Petten, Provincial Director

Legal Aid Offices and Staff

The Legal Aid Commission provides legal representation for persons that meet specified eligibility criteria, Duty Counsel service for first appearances on criminal matters before the provincial and youth courts, and has a lawyer available 24 hours a day, seven days a week, who may be reached at a 1-800 number to provide advice to people upon arrest, detention or being questioned by a peace officer. This service is referred to as Brydges Duty Counsel.

During the fiscal year 2012-13, the Legal Aid Commission employed a Provincial Director, two Deputy Directors, two senior solicitors, 54 staff solicitors, three social workers, 12 paralegals, a risk assessment officer, an information manager, a human resources manager, an accountant, a client services officer, 44 support staff, six articling students, a family counselor, and four community workers. These positions were dispersed throughout a provincial office, 11 area offices and six project offices.

In addition to operating 11 area offices, the Legal Aid Commission also has a number of special purpose offices. They are:

Aboriginal Project

- The Aboriginal Project operates out of the Happy Valley-Goose Bay office. It 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, the Commission has hired Community Liaison Workers for the towns of Nain, Hopedale, Natuashish and Sheshatshiu.

Mental Health Office

The Mental Health Office works, in collaboration with Eastern Health, to efficiently deliver legal services to people with mental health problems. The Mental Health Office was a key partner in the establishment of the Mental Health Court as a division of the Provincial Court of Newfoundland and Labrador. The St. John's location handles the majority of cases for the Mental Health Court. Generally, a person must have a diagnosed mental illness to be referred to the court. The project strives to provide services for both the civil and criminal law needs of persons with mental illness. The Legal Aid Commission contributes two staff lawyers, two paralegals, and office space. Eastern Health contributes two social workers, and two Licensed Practical Nurses (LPNs) to the project.

French Project

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.

Family and Child Office

The Family and Child Legal Aid Services have offices in St. John's, Happy Valley-Goose Bay, and Corner Brook. Each office is staffed by a director/staff solicitor, a social worker, and a paralegal. Their 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 the CYFS, and to work towards the reunification of the family, where possible. Each office works closely with parents to attain a collaborative approach to the settlement of child protection cases.

Client Service Office

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 Legal Aid Commission established the position of Client Services Officer (CSO) to improve communication between persons in institutions and the Commission. The CSO travels to each prison and institution where people are held to meet with officials, and inmates, and to collect information on how to better service this population.

Family Justice Services

The Family Justice Services Project of the Legal Aid Commission in Central Newfoundland works in cooperation with the Family Justice Services Division of the Department of Justice to provide mediation and counseling services to parents in family separations.

Family Duty Counsel Project

The Family Duty Counsel Project works out of the Supreme Court – Family Division to provide advice and assistance to unrepresented persons appearing in Family Division. Two lawyers and a Client Services Officer work out of offices located in the Family Division Court building.

Family Violence Intervention Court Pilot

During 2012-13, the Legal Aid Commission provided risk assessment services and legal representation to persons who had their cases dealt with under the Family Violence Intervention Court (FVIC) pilot. A risk assessment officer, based in the Commission's Provincial Office, assessed persons whose cases were being considered for inclusion in the FVIC. Staff lawyers from the St. John's and Atlantic Place offices handled the provision of advice and representation to accused persons.

NLLA OFFICE LOCATIONS AND RELATED STAFF AS OF MARCH 31, 2013															
OFFICE	PROVINCIAL DIRECTOR	DEPUTY DIRECTOR	SENIOR STAFF SOLICITOR	STAFF SOLICITOR	ACCOUNTANT	IT MANAGER	SOCIAL WORKER	CLIENT SERVICE	HR MANAGER	FAMILY COUNSELOR	RISK ASSESSMENT	PARALEGAL	SUPPORT STAFF	COMMUNITY WORKERS	TOTAL
PROVINCIAL OFFICE	1	2	2		1	1		1	1			2	11		22
AREA OFFICE				16									9		25
CONFLICTS OFFICE				5									3		8
CARBONEAR				2									2		4
CLARENVILLE				2									2		4
CORNER BROOK				5									3		8
GANDER				2									2		4
GRAND FALLS				2									2		4
HAPPY-VALLEY				5									3	4	12
MARYSTOWN				1									1		2
STEPHENVILLE				4									3		7
LABRADOR WEST				1									1		2
FAMILY & CHILD-ST. JOHN'S				2			1								3
FAMILY & CHILD CORNER BROOK				1			1					1			3
FAMILY & CHILD HAPPY VALLEY				1			1					1			3
FAMILY JUSTICE-CENTRAL										1			1		2
FAMILY VIOLENCE											1				1
FAMILY DUTY ST. JOHN'S				2				1							3
PARALEGAL PROJECT												6			6
MENTAL HEALTH				2								2			4
TOTALS	1	4	2	54	1	1	3	2	1	1	1	12	44	4	127

1. In addition to the above positions, the Legal Aid Commission also has funding to hire six law students annually. The students may operate from various Legal Aid locations.

Mandate

The mandate of the Legal Aid Commission is contained in Part V of the *Legal Aid 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.

Vision Statement

To ensure that the Legal Aid Commission provides all residents of Newfoundland and Labrador, and non-residents who are eligible for Legal Aid assistance, with competent legal advice and representation.

Mission Statement

The mission statement identifies the primary focus of the Legal Aid Commission during the next two planning cycles. It represents the key long-term results worked towards as it moved forward on the strategic directions of the Provincial Government. The statement also identifies the measures and indicators that assist both the Commission and the public in monitoring and evaluating success.

Key aspects of the current mission statement include the enhancement of the service that the Commission provides to the public. These enhancements may involve assessing the family duty counsel needs, the appropriate use of paralegals, improved human resource management, and new technologies that benefit the people served by the Commission. The Commission’s mission statement is:

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.

Lines of Business

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

- Duty counsel to accused persons who appear in the provincial and youth courts across the province; and
- Brydges Duty Counsel, a 24-hour telephone service to people arrested or detained by the police.

For residents of Newfoundland and Labrador who meet financial and case eligibility criteria, and for non-residents, 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; and
- Representation before administrative tribunals in areas such as: immigration and refugee claims, Canada Pension Plan, Employment Insurance, and social assistance.

Eligibility for legal aid is dependent upon an applicant meeting the financial and case eligibility requirements specified in the *Act* and *Regulations*. Once an applicant is approved, services are provided by staff lawyers or, in approximately two per cent of the cases, by lawyers in private practice. Private Counsel is paid on a fee-for-service basis in accordance with the tariff found in the *Regulations*.

Highlights of Accomplishments and Facts of Interest

People Assisted

Applications

For the fiscal year ending March 31, 2013, 8,913 people requested assistance from Legal Aid. This is a decrease of 499 over the previous year. Of these who applied, 4,724 persons were provided with full service legal representation, 37 less than the number of persons provided with full service in the 2011-12. Those who were not provided with full service would have received advice. People are refused because they do not meet the financial eligibility guidelines, or their cases were not ones for which legal aid would be granted.

Completed

Staff lawyers completed 5,611 cases and 72 cases were completed by the private bar, amounting to 5,733 completed cases.

Duty Counsel

Duty Counsel assisted 10,860 adults and 1,054 youths for a total of 11,914 people in provincial court. This is a decrease of 4.25 per cent over the number of adults assisted in 2011-12, and a decrease of 4.78 per cent in the number of youths assisted. Duty Counsel is a service provided to people on their first appearance before a Provincial or Youth Court Judge.

Activities

Issue 1: Seeking Innovations and New Efficiencies

The Legal Aid Commission identified the lack of a Duty Counsel Project at the Family Division of the Supreme Court of Newfoundland and Labrador as a serious impediment to the access to justice by unrepresented litigants. There are a number of members of the public who do not qualify for Legal Aid assistance but who cannot afford to hire private counsel. Not only does their lack of counsel disadvantage these people, but it also delays their court proceedings and the proceedings of other litigants. The Court has identified unrepresented litigants as one of the major factors in inefficient use of Court time. Cases where one or more litigants are unrepresented take considerably more time per case than those where the parties have counsel.

Additionally, to enhance efficiencies, the Legal Aid Commission assessed its paralegal needs. Based on this assessment, paralegals were hired to best meet the needs of the Legal Aid Commission.

Goal 1:	By March 31, 2014 the Commission will have enhanced the quality of its services for clients.
Measure	
Quality of services enhanced	
Indicators:	Duty counsel needs assessed
	Resource requirements assessed
	Resource needs addressed, as appropriate
	Human resource requirements assessed
	Human resource structure enhanced

Objective 2:	By March 31, 2013 the Legal Aid Commission will have continued to enhance its services.	
Measure		
Services continued to be enhanced		
Indicators:	Actual Results	
Data needs related to the Family Duty Counsel Project identified	Data needs related to the Family Duty Counsel Project have been identified. An independent study of this project was near completion at the end of the fiscal year. The independent report will be finalized in 2013.	
Data collection process for the Family Duty Counsel Project implemented	The implementation of a data collection process for the Family Duty Counsel Project has been delayed. This delay was experienced because the independent study of the project took longer than originally anticipated. Once the report of the study is finalized, the Legal Aid Commission will assess the data collection needs and proceed with the implementation of a data collection process.	
Data needs regarding the paralegal support identified	Data needs regarding the paralegal support were identified. A paralegal committee was formed to assess data needs and identify ways to capture duties and responsibilities. Based on the findings, a reporting sheet was developed for use by paralegals.	
Data collection process for the paralegal support implemented	A data collection process for the paralegal support was implemented. Paralegals are now recording their time and activities on reporting sheets. Additionally, the Legal Aid Commission is working with the OCIO to incorporate this data into the Legal Aid Management Information System (LAMIS).	

Stakeholders engaged, as appropriate	Stakeholders have been engaged, as appropriate throughout the independent review of the Family Duty Counsel Project. Discussions took place with Management, Area Directors, staff solicitors and paralegals of the Legal Aid Commission, as well as with court officials.
Data related to the Family Duty Counsel Project analyzed with a view to enhance services	Data related to the Family Duty Counsel Project has been analyzed by an independent consultant. Some of the preliminary results to enhance services include: the establishment of a more effective and efficient data collection process; enhancements to efforts to raise public awareness of the service; and implementation of ongoing monitoring and consultations with stakeholders.
Data related to the paralegal support analyzed with a view to enhance services	Data related to the paralegal support has been analyzed by the paralegal committee. The analysis was ongoing throughout the fiscal year, and as issues related to enhanced services were identified, they were addressed through the modification of paralegal duties.

Objective and indicators for FY 2013-14:

Objective 3:	By March 31, 2014 the Legal Aid Commission will have reviewed its service enhancements.
Measure	
Service enhancements reviewed	
Indicators:	Internal review committee established
	Feedback from Legal Aid management and staff solicited
	Summary report of findings prepared
	Analysis of identified issues completed
	Work plan developed to address issues, as appropriate

Issue 2: Information Management and Technology

Rapid and continuing technological advancements have had a significant impact on how the public, courts, government and the 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 process is needed to evaluate new technologies and propose which ones should be integrated into Legal Aid's workplace.

Goal 2:	By March 31, 2014 the Legal Aid Commission will have implemented technological enhancements.
Measure	
Technological enhancements implemented	
Indicators:	Enhancements made to the legal aid management information system (LAMIS)
	Stakeholders engaged, as appropriate
	Website content developed
	Website content finalized
	Website launched

Objective 2:	By March 31, 2013 the Legal Aid Commission will have begun the assessment of the functionality of the Legal Aid Management Information System (LAMIS).	
Measure		
Assessment of the functionality of LAMIS begun		
Indicators:	Actual Results	
Committee to review the current operation of LAMIS established	A Committee was established to review the current operation of LAMIS. The committee consists of a representative from OCIO and Legal Aid staff, and was also tasked with overseeing the development and launch of the Legal Aid Commission's website.	
LAMIS review completed	The LAMIS review was not completed due to unanticipated delays experienced with the development and launch of the Legal Aid Commission's website. The website was planned to be completed prior to the commencement of the LAMIS review, and therefore, caused the delay. The LAMIS review has begun and will be completed in 2013-14.	

Issues with LAMIS identified	<p>While the LAMIS review was not completed, issues have been identified over time. These issues were communicated to the OCIO and some have been addressed, e.g. access has been enabled for paralegals and law clerks to input and retrieve required data.</p> <p>Further issues are being discussed by the committee, and an inventory of LAMIS issues will be identified when the review is completed in 2013-14.</p>
OCIO engaged to address identified issues	The Legal Aid Commission has engaged OCIO to address issues identified to date. Further discussions will take place when the review of LAMIS is completed in 2013-14.

Objective and indicators for FY 2013-14:

Objective 3:	By March 31, 2014 the Legal Aid Commission will have developed a work plan for LAMIS enhancement implementation.
Measure	
Indicators:	LAMIS review completed
	Inventory of LAMIS issues compiled
	Feasibility assessment of system modifications completed
	Workplan developed based on feasibility assessment

Opportunities and Challenges Ahead

- 1 Paralegals are assisting lawyers' workloads, which allows lawyers more time to devote to complex cases and has resulted in increased efficiency.
- 2 Unrepresented individuals at the Family Division of the Supreme Court continue to be a challenge for Legal Aid. The Duty Counsel Project has been assisting with these individuals and has improved the efficiency and effectiveness of the court process. Over the course of the project, there has been a need to reallocate how resources are used and to re-evaluate the most efficient resources to meet the needs of the clients and the courts. The independent review will offer recommendations to enhance service.
- 3 Professional development for lawyers and paralegals continues to be a challenge in this environment. Travel to other jurisdictions can be difficult, so Legal Aid will have to be creative and utilize online resources.
- 4 Legal Aid recognizes that the public can benefit from awareness of the family services that are available. With updates to our website, the Commission will strive to develop ways to better inform the public.

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 2013.

	Actual \$	Estimates	
		Amended \$	Original \$
05. Professional Services.....	-	1,300	1,300
10. Grants and Subsidies.....	13,980,000	14,205,400	14,205,400
01. Revenue - Federal.....	(2,094,261)	(2,233,900)	(2,233,900)
Total: Legal Aid and Related Services.....	11,885,739	11,972,800	11,972,800

Note: This financial information includes expenditures that are attributed to 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.

Contact Us

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