

**Newfoundland and Labrador Legal Aid
Commission**

Activity Plan

2007 – 2008

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Message from the Chair

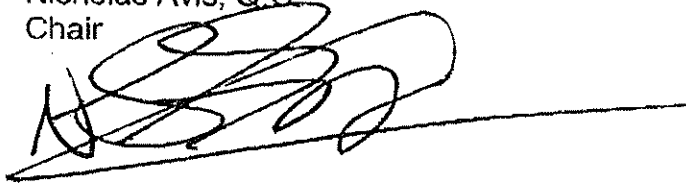
As Chair of the Newfoundland and Labrador Legal Aid Commission I am pleased to present the Activity Plan for the Legal Aid Commission which outlines the goals for 2007/2008 fiscal year. This plan was prepared under my direction and in accordance with the provisions of the *Transparency and Accountability Act*.

The Legal Aid Commission is classified as a Category 3 Government Entity and as such must prepare an Activity Plan taking into consideration the strategic directions of the Minister of Justice. Those strategic directions have been considered.

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*, other federal statutes and provincial statutes, or who have family disputes or other civil matters. Duty Counsel services are also 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.

As Chair of the Legal Aid Commission I am accountable for the preparation of this plan. I and the other members of the Board of Commissioners are responsible for the achievement of its goals and objectives.

Nicholas Avis, Q.C.
Chair



**NEWFOUNDLAND AND LABRADOR LEGAL AID COMMISSION
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I. **Introduction**

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 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 another as Vice-Chair/Secretary.

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 lawyers employed full time with the Commission, in 98% of the cases and by lawyers in private practice in approximately 2% of the cases. Private counsel are paid on a fee for service basis in accordance with the tariff found in the Regulations.

The Legal Aid Commission provides a lawyer (duty counsel) to assist persons arrested or detained by the police or who appear in provincial or youth court unrepresented. There is also a 1-800 number detained individuals may call to obtain immediate advice from a lawyer 24 hours per day (Brydges Duty Counsel)

II. **Overview**

Legal Aid has offices located in:

St. John's (Atlantic Place) (Steers Cove)	Carbonear Corner Brook Grand Falls-Windsor Marystown	Clareville Gander Happy Valley Stephenville
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At present the staff of the Legal Aid Commission is comprised of: 44 solicitors and 41 support staff.

III. **Mandate**

The mandate of the Legal Aid 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 a 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 civil and family cases, legal aid is provided when there is case merit.

IV. 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 appearing in the provincial and youth courts across the province.
- Brydges Duty Counsel, a 24 hours 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 either through the legal aid plan of the province in which they reside or our legal aid program, the following services are provided:

- Representation in criminal and family cases.
- Represent in appeals before the Courts.
- Representation before administrative tribunals in areas such as: immigration & refugee claims, Canada pension, employment insurance, and social assistance.

V. Values

The core values of the Legal Aid Commission provide a framework for those providing services under the Act. These values include:

Accessibility:

The staff of the Legal Aid Commission is available to assist people in Newfoundland and Labrador during regular business hours and 24 hours a day for emergencies.

Accountability:

All employees of the Legal Aid Commission and Commission members are responsible to ensure the provisions of the Act are complied with.

Fairness and Impartiality:

All employees of the Commission and Commission members must perform their duties in a thorough, competent and objective manner.

Responses:

All employees of the Commission and Commission members must be flexible in the performance of their duties to respond to current and changing needs.

VI. Who we Serve

The Legal Aid Commission serves the citizens of Newfoundland and Labrador who meet the eligibility criteria for legal aid, provide duty counsel services to visitors to the Province and legal services to non-residents either through the legal aid plan of the Canadian province or territory in which they reside or our legal aid program.

VII. Vision

The vision of the Legal Aid Commission is to ensure all eligible residents of Newfoundland and Labrador and non-residents receive competent legal advice and representation.

VIII. Mission

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

Key aspects of the current mission statement include improvements in the administrative structure of the Legal Aid Commission so it is more responsive to stated programs, implementation of the Lamer recommendations as they relate to Legal Aid, analysis of the legal aid services provided to family law applicants and implementation of the Child, Youth and Family Service project as a partial response to the Turner recommendations. The Commission's mission statement is:

By 2011 the Legal Aid Commission will have enhanced its administrative structure and services to the people of Newfoundland and Labrador.

Measure

- The administrative structure and services of the Legal Aid Commission are enhanced.

Indicators

- A new administrative structure is in place.
- Measures are in place to minimize barriers and increase efficiency.
- Recommendations in the Lamer Inquiry Report have been implemented.
- A Child Youth and Family Services project has been established.

IX. ISSUES

In consideration of Government's strategic direction and those of the Department of Justice the following areas have been identified as key priorities of the Legal Aid Commission for the next year. As this is an activity plan for one year, the objectives focus on specific activities for a given year.

ISSUE 1: The administrative structure of the Legal Aid Commission has not changed since its inception and failed to reflect the increased supervision necessary to manage and monitor the quality and level of service. To ensure sound management for the future the Legal Aid Commission must determine its administrative needs and implement any necessary reorganization to meet those needs.

Objectives:

By 31 March 2008 the Legal Aid Commission will have a new administrative structure in place.

Measure

- A new administrative structure has been put in place.

Indicators

- The administrative structure has been analyzed.
- Planning has and is being done to maximize the potential of the new structure.

ISSUE 2: The Lamer Inquiry Report highlighted concerns which had previously been recognized by the Legal Aid Commission that it has not always communicated effectively with persons who are incarcerated and who need its services.

Objectives:

By 31 March 2008 the Legal Aid Commission will enhance communications with residents of Newfoundland and Labrador who are in penal institutions.

Measure

- Resources to minimize those barriers and increase the efficiency of the Legal Aid Commission's communication are in place.

Indicators

- Analysis of barriers to effective communication has been completed.
- Additional staff resources are in place.

ISSUE 3: Since the release of the Aboriginal Justice Project Report the Legal Aid Commission has managed the implementation of some of the recommendations contained in it. It has also continued to study, consult and assess resources needed to ensure proper representation and presentation of aboriginal persons' cases before the courts.

Objectives:

By 31 March 2008 the Legal Aid Commission will have analyzed what is needed to implement recommendations in the Aboriginal Justice Project Report.

Measure:

- An analysis of the Aboriginal Justice Project Report is completed.

Indicators

- A study of the need for increased service from community workers and for local office space has been done.
- Enhancements to improve lawyer-client meetings and the application process have been identified.