

# Legal Aid Commission

## Activity Plan

2014-17




## 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 2014 – 17 fiscal years. This plan was prepared under my direction and in accordance with the provisions of the *Transparency & Accountability Act*.

The Legal Aid Commission is classified 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. Those strategic directions have been considered and the Commission is fulfilling its mandate and contributing to the strategic direction of the Provincial Government entitled *Access to Justice*.

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, 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 Legal Aid Commission 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 Commission, accept accountability on behalf of myself and the entire board.



Nicholas Avis, Q.C.  
Chair

# Table of Contents

- MESSAGE FROM THE CHAIR ..... 1**
- BACKGROUND AND OVERVIEW ..... 1**
- OFFICE LOCATIONS AND STAFFING ..... 3**
- MANDATE ..... 4**
- LINES OF BUSINESS ..... 4**
- WHO WE SERVE ..... 5**
- OUR VISION ..... 5**
- OUR VALUES ..... 5**
- MISSION STATEMENT ..... 6**
- STRATEGIC ISSUES ..... 7**
  - STRATEGIC ISSUE 1: MODERNIZATION OF LEGAL AID ..... 7
  - STRATEGIC ISSUE 2: SERVICE DELIVERY ENHANCEMENTS ..... 8
  - STRATEGIC ISSUE 3: PUBLIC INFORMATION AND AWARENESS ENHANCEMENTS ..... 9
- APPENDIX A: STRATEGIC DIRECTION ..... 11**

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## **Background and Overview**

The Newfoundland and Labrador Legal Aid 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. Prior to this, the Legal Aid Plan was administered by a committee of the Law Society of Newfoundland and Labrador. It provided legal counsel to represent eligible accused persons and to assist others who were involved in family disputes.

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 per cent of the cases and by lawyers in private practice in approximately two percent of the cases. Private lawyers are paid on a fee for service basis in accordance with the tariff found in the *Legal Aid Regulations*.

At March 31, 2014, the Legal Aid Commission employed a Provincial Director, a 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.

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 Vice-Chair/Secretary is selected by board members.

### **Appointed Members:**

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

### **Ex-officio members:**

Paul Noble, Deputy Minister  
Nick Summers, Provincial Director

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 Courts, and has a lawyer available 24 hours a day, 7 days a week, who may be reached at a toll free 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. There are also the services of lawyers (duty counsel) in the Family Division–Trial Division- Supreme Court in St. John's. This is a free service for people who need assistance with family law matters.

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

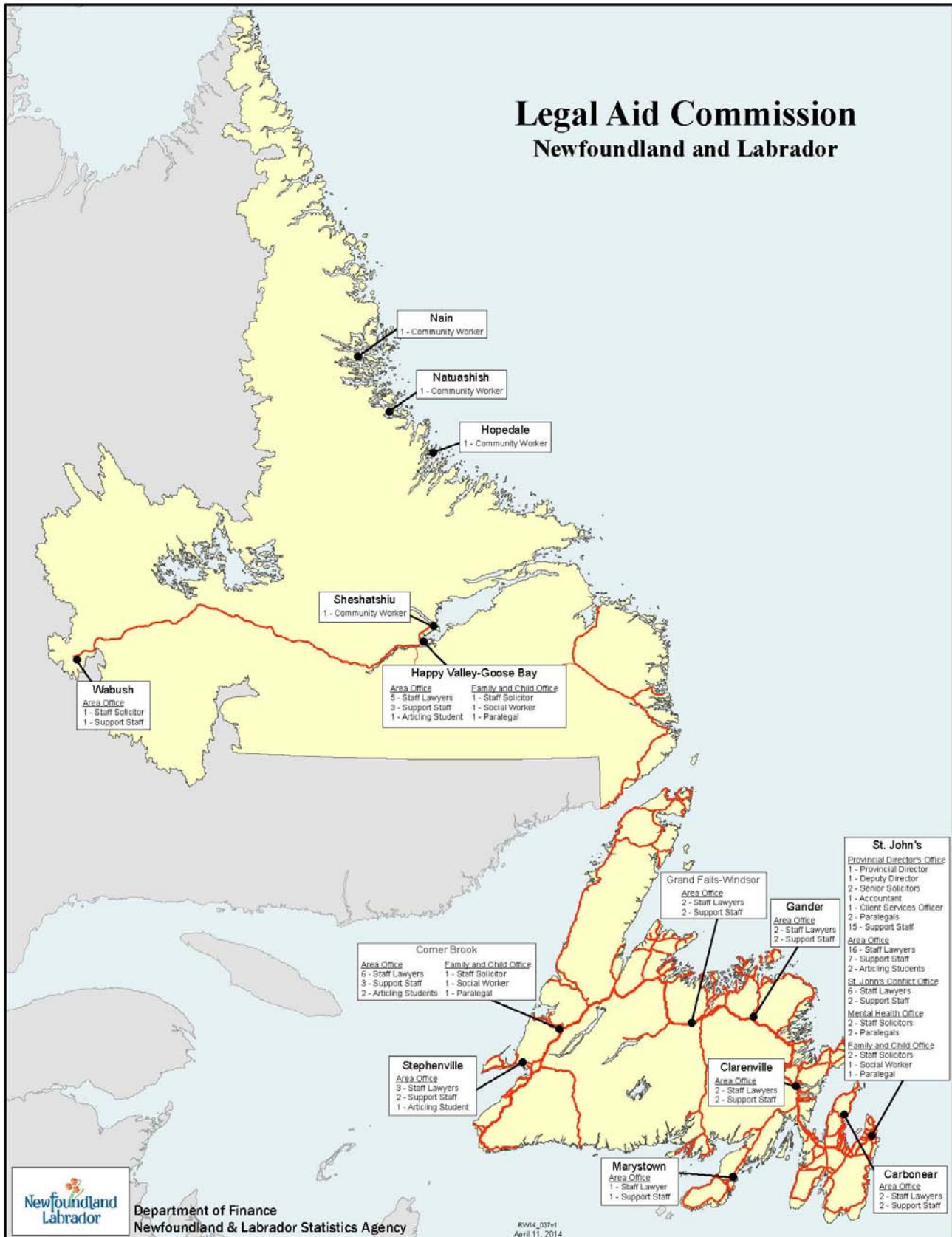
### **Special Purpose Offices**

- The Mental Health Office is a shared space, housing legal aid lawyers 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 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 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 whose 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 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 Sheshashiu.
- 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.

# Office Locations and Staffing



## **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 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 and civil cases, legal aid is provided when there is case merit. The Legal Aid Commission assists people with their legal issues and facilitates access to justice.

## **Lines of Business**

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 solicitors or, in approximately two percent of the cases, by lawyers in private practice. Private Counsel are paid on a fee for service basis in accordance with the tariff found in the *Regulations*.

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; and
- Representation before administrative tribunals in areas such as: immigration and refugee claims; Canada Pension; employment insurance; and social assistance.

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 hours telephone service to people arrested or detained by a peace officer.

There are additional services that are not subject to financial criteria:

- Persons with Mental Health Issues eligible under the Mental Health Project; and
- Duty Counsel Project in Supreme Court, Family Division St. John’s.

## Who We Serve

The Legal Aid Commission assists residents of Newfoundland and Labrador and non-residents through administration of the legal aid plan.

## Our Vision

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.

## Our Values

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

**Accountability** Each person accepts responsibility for their actions, follows through on requests and commitments, and keeps clients, co-workers and stakeholders informed of significant issues that affect them.

**Collaboration** Each person seeks opportunities to find innovative and cost effective ways to deliver services and enhance access to justice by working with clients, co-workers, community partners and stakeholders.

**Compassion** Each person demonstrates empathy and compassion when interacting with others by being accepting, considerate, attentive and encouraging.

**Respect** Each person deals fairly, respectfully and equitably with clients, co-workers and stakeholders and provides opportunities for others to express their opinions in an open and supportive environment.

**Openness** Each person shares information and demonstrates openness through collaboration, consultation, partnership and teamwork with clients, co-workers and stakeholders, while respecting confidentiality requirements.



## **Mission Statement**

The mission statement identifies the primary focus of the Legal Aid Commission over two planning cycles (2011-14 and 2014-17). It represents the key long-term results that it will be working toward 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.

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

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

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
- Implementation of technological advancements, as appropriate

## Strategic Issues

In 2014, John F Roil, QC conducted an external review of the Legal Aid Commission (the “Roil Report”). The review included 13 recommendations regarding the structure and operations of the Commission. Additionally, the Management, Board and other internal stakeholders have provided insight and input into shaping the direction of the plan. The plan for 2014-17 focuses on modernizing the structure of the Legal Aid Commission, further developing the services of the Commission and raising public awareness of the services provided. These strategic issues contribute to the strategic direction of government entitled *Access to Justice* (see *Appendix A*).

### Strategic Issue 1: Modernization of Legal Aid

The Legal Aid Commission will continue to review and will work towards implementing recommendations from the Roil Report that pertain to the modernization of the organization ([http://www.justice.gov.nl.ca/just/publications/pdf/legal\\_aid\\_review\\_march2014.pdf](http://www.justice.gov.nl.ca/just/publications/pdf/legal_aid_review_march2014.pdf)). Over the next three years there will be significant organizational structure changes, as well as the implementation of a revised policy manual and the enhancement of an internal intranet. Part of the Legal Aid organizational structure changes will involve reviewing roles and responsibilities and updating job descriptions.

A committee will be established to review and revise the policy manual in an effort to increase efficiency within the organization. The intranet is being developed; training for administrators has been completed, and once implemented internal communications will be enhanced.

**Goal 1:** By March 31, 2017, the Legal Aid Commission will have addressed all external review recommendations pertaining to the modernization of the organization.

**Measure:** All external review recommendations pertaining to the modernization of the organization addressed.

#### **Indicators:**

- Organizational structure changes implemented
- Performance management process supported and enhanced
- Board structure and governance reviewed
- Internal communications enhanced
- Modern technology implemented
- Policies and procedures reviewed and updated

**Objective 1.1:** By March 31, 2015, the Legal Aid Commission will have initiated activities to support the modernization of the organization.

**Measure:** Activities to modernize Legal Aid initiated.

**Indicators:**

- Roles and responsibilities reviewed
- Organizational structure revised
- Board governance recommendations prepared
- Internal intranet implemented
- Use of technology enhanced
- *Legal Aid Act and Regulations* amendments proposed
- Review of Legal Aid Policy Manual initiated

**Objective 1.2:** By March 31, 2016, the Legal Aid Commission will have implemented further activities toward modernization of the organization.

**Objective 1.3:** By March 31, 2017, the Legal Aid Commission will have completed all work to address the recommendations of the external review pertaining to modernization of the organization.

**Strategic Issue 2: Service Delivery Enhancements**

In consideration of input from internal committees, the Roil Report and the recent Access to Justice Report by the Canadian Bar Association, the Commission has identified a number of areas to be addressed and others that require further assessment to enhance service delivery. As part of Legal Aid's commitment to quality service delivery, two committees have been implemented to gather input from staff, management and the board. Through these committees, Legal Aid will assess current service delivery and operational processes. Beginning on March 31, 2014, a client exit survey was distributed to seek ongoing feedback on the Family Duty Counsel service and a framework for continued monitoring will be implemented.

Additionally, the Legal Aid Commission will ensure that employees have access to professional development opportunities that will strengthen a highly skilled workforce.

**Goal 2:** By March 31, 2017, the Legal Aid Commission will have enhanced efficiency and effectiveness in the delivery of legal aid services.

**Measure:** Efficiency and effectiveness in the delivery of legal aid services enhanced.

**Indicators:**

- Operational and administrative enhancements achieved
- Options for client feedback assessed
- Professional development needs addressed

**Objective 2.1:** By March 31, 2015, the Legal Aid Commission will have assessed current service delivery and operational processes.

**Measure:** Current service delivery and operational processes assessed.

**Indicators:**

- Options for client feedback assessed
- Continued assessment of legal services delivery
- Professional development needs and opportunities identified

**Objective 2.2:** By March 31, 2016, the Legal Aid Commission will have initiated implementation of identified service delivery and operational processes.

**Objective 2.3:** By March 31, 2017, the Legal Aid Commission will have continued implementation of identified service delivery and operational processes.

**Strategic Issue 3: Public Information and Awareness Enhancements**

The Legal Aid Commission recognizes the importance of ensuring the public understands and is aware of the services it provides. It also recognizes, as identified in the external review of the Legal Aid Commission, the need to promote the experience and quality service provided by its solicitors. The Commission will accomplish this by enhancing community outreach, updating informational materials, and making enhancements to its website.

**Goal 3:** By March 31, 2017, the Legal Aid Commission will have enhanced public information and awareness activities.

**Measure:** Public information and awareness activities enhanced.

**Indicators:**

- Community outreach enhanced
- Professional image enhanced
- Public information needs identified
- Information materials updated
- Website enhanced

**Objective 3.1:** By March 31, 2015, the Legal Aid Commission will have initiated activities to enhance public information and awareness.

**Measure:** Activities to enhance public information and awareness initiated.

**Indicators:**

- Participation in community outreach events increased
- Relationships with community partners enhanced
- Public information needs identified
- Development of visual standards initiated
- Current website content reviewed
- Content of informational brochures updated

**Objective 3.2:** By March 31, 2016, the Legal Aid Commission will have continued the implementation of activities to enhance public information and awareness.

**Objective 3.3:** By March 31, 2017, the Legal Aid Commission will have assessed public information and awareness activities.

## Appendix A: Strategic Direction

The full version of the strategic directions of the Provincial Government as communicated by the Minister of Justice can be found in the Department of Justice Strategic Plan 2014-17 (<http://www.justice.gov.nl.ca/just/publications/index.html>).

<b>Strategic Direction 2:</b>	<b>Access to Justice</b>			
<b>Outcome Statement:</b>	Enhanced access to justice through ongoing innovations and efficiencies in the delivery of justice services.			
This outcome supports the policy direction of government and will require systematic intervention in the following areas:				
This Direction is addressed:				
Components of Strategic Direction	Applicable to other Entities Reporting to the Minister	In the department's strategic plan	In the department's operational plan	In the branch/divisional work plans of the department
Office of the Public Trustee			✓	
Self-Represented Litigants			✓	
Family Justice Services				✓
Civil Division				✓
Legal Aid	✓			✓



# **Legal Aid Commission**

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