

**Newfoundland and Labrador Legal Aid
Commission**

THREE YEAR ACTIVITY PLAN

2011 – 2014

**NEWFOUNDLAND AND LABRADOR LEGAL AID COMMISSION
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Newfoundland and Labrador Legal Aid Commission
Three Year Plan
2011 - 2014

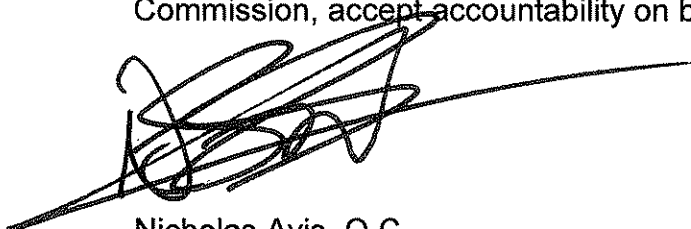
Message from the Chair

As Chair of the Newfoundland and Labrador Legal Aid Commission I am pleased to present the Legal Aid Commission's Three Year Plan which outlines the goals for April 1, 2011 – March 31, 2014 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 is classified as a Category 3 Government Entity and as such must prepare a Three Year Plan taking into consideration the strategic directions of the Minister of Justice. Those strategic directions have been considered and, while the Commission does not have a direct role at this time, it feels that in fulfilling its mandate the Commission contributes to the strategic directions of the Minister entitled Access to Justice and Public Trust and Confidence.

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 Board of 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 of the entire Board.



Nicholas Avis, Q.C.
Chair

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 and is 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
Krista Gillam, Vice Chair/Secretary
William Collins, Q.C.
John Jenniex
Katie Rich

Ex-officio members:

Don Burrage, Q.C., Deputy Minister
Newman Petten, Provincial Director

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).

Overview

The Legal Aid Commission employs a Provincial Director, two Deputy Directors, two senior lawyers, fifty-two staff solicitors, three social workers, six paralegals, a risk assessment officer, an information manager, an accountant, a client services officer, forty-three support staff, six articling students, a family counselor, and four community workers. They work out of a provincial office, eleven area offices and six projects.

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 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.

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

- The Aboriginal Project which 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, the Commission has hired part-time Community Liaison Workers for the towns of Nain, Hopedale, Natuashish and Sheshashiu.
- The Mental Health Office, in collaboration with the Health Care Corporation, works to improve and more efficiently deliver legal services to people with mental health problems. Through this office, persons with mental health problems can obtain legal representation in the Mental Health Court, at the Mental Health Review Board, and in other courts.
- 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.
- The Family and Child Legal Aid Services officers 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 the CYFS, and to work towards the re-unification of the family where possible.

- 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.
- Family Justice Services in Central Newfoundland provides for a mediation and counseling service to parents in family separations.
- The Family Violence Court Project works with Provincial Court in St. John's to provide risk assessment services and legal representation to persons accepted into the new Family Violence Intervention Court process.

Office locations and related staff are:

1	Provincial Office – 251 Empire Avenue, St. John's	1 Provincial Director, 2 Deputy Directors, 2 Senior Solicitors, 1 Accountant, 1 Information Manager, 1 Client Services Officer, 2 Paralegals, 11 support staff
2	St. John's – 251 Empire Avenue	16 staff lawyers, 9 support staff, 6 articling students
3	St. John's – Atlantic Place	5 staff lawyers, 3 support staff
4	Marystown	1 staff lawyer, 2 support staff
5	Clareville	2 staff lawyers, 2 support staff
6	Gander	2 staff lawyers, 2 support staff
7	Grand Falls	2 staff lawyers, 2 support staff
8	Corner Brook	5 staff lawyers, 3 support staff
9	Happy Valley	5 staff lawyers, 3 support staff, 4 community workers
10	Stephenville	4 staff lawyers, 3 support staff

11	Carbonear	2 staff lawyers, 2 support staff
12	Labrador West – Wabush	1 staff solicitor, 1 support staff
13	Family and Child Legal Aid Services – St. John’s	1 staff solicitor, 1 social worker, 1 paralegal
14	Family and Child Legal Aid Services – Happy Valley	1 staff solicitor, 1 social worker, 1 paralegal
15	Family and Child Legal Aid Services – Corner Brook	1 staff solicitor, 1 social worker, 1 paralegal
16	Mental Health Court Project – St. John’s	2 staff solicitors, 2 paralegals
17	Family Justice Services – Central NL	1 staff solicitor, 1 support staff, 1 Family Counsellor
18	Family Violence Court Project	1 Risk Assessment Officer

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.

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 a peace officer.

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.
- Represent in appeals before the Courts.
- Representation before administrative tribunals in areas such as: immigration and refugee claims, Canada Pension, 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 solicitors or, in approximately 2% of the cases, by lawyers in private. Private counsel are paid on a fee for service basis in accordance with the tariff found in the Regulations.

Values

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

Accessibility:

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

Accountability:

Employees of the Legal Aid Commission and Commission members are responsible to ensure compliance with the provisions of the Act.

Fairness and Impartiality:

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

Responsive:

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

Who We Serve

The Legal Aid Commission serves the residents 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 through the legal aid plan of the province or territory in which they reside or our legal aid program.

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 2011 - 14 planning cycle and over the 2014 - 17 planning cycle. It represents the key long-term results that it will be working towards as it moves forward on the strategic directions of Government in particular access to justice, the building of public trust in the justice system, and the use of technology to improve efficiency and service to the public. 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 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
- Implementation of technological advancements, as appropriate

Issues

The Legal Aid Commission is classified as a Category 3 Government Entity and as such must prepare a Three Year Plan taking into consideration the strategic directions of the Minister of Justice. Those strategic directions have been considered and, while the Commission does not have a direct role at this time, it feels that in fulfilling its mandate the Commission contributes to the strategic directions of the Minister entitled Access to Justice and Public Trust and Confidence.

Issue 1: Seeking Innovations and New Efficiencies

In recent years the demand for Legal Aid services has increased significantly and the challenge for the Commission is to find ways to continue to provide the same high level of service to the clients.

Over the next three years, the Legal Aid Commission will assess duty counsel needs at the Family Division of the Supreme Court of Newfoundland. The Commission will assess and address other resource requirements, and it will have reviewed and assessed how paralegals can contribute to client service delivery.

Goal: 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 #1: By March 31, 2012 the Legal Aid Commission will have addressed service needs

Measure: Service needs addressed

Indicators:

- Duty counsel needs assessed
- Initial duty counsel needs addressed
- Paralegal needs assessed
- Paralegals hired, as appropriate

Objective #2: By March 31, 2013 the Legal Aid Commission will have continued to enhance its services.

Objective #3: By March 31, 2014 the Legal Aid Commission will have reviewed its service enhancements.

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 on almost every aspect of the Commissions 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 #1: By March 31, 2012 the Legal Aid Commission will have developed a website

Measure: Website developed

Indicators:

- Committee established
- Website content drafted
- Website mock-up designed
- 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).

Objective #3: By March 31, 2014 the Legal Aid Commission will have developed a workplan for LAMIS enhancement implementation.