

# **Legal Aid Commission**

## **Activity Plan**

**2017-20**



## 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 2017-20 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 categorized 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 and Public Safety. 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, and to people who have family disputes or other civil matters. Duty Counsel services are provided to visitors to Newfoundland and Labrador, and legal counsel may be appointed for non-residents either through the legal aid plan of the province in which they reside or through our Legal Aid Plan.

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.

Jacqueline Penney  
Chair

## **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 the *Legal Aid 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 per cent 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, 2017, the Legal Aid Commission employed a Provincial Director, two Deputy Directors, a legal services solicitor, 65 staff solicitors, two social workers, six paralegals, a risk assessment officer, 50 support staff, eight articling students, and four community workers.

The Commission consists of a board of commissioners, including the Deputy Minister of Justice and Public Safety and the Provincial Director as ex-officio members. The Lieutenant-Governor in Council appoints seven commissioners, three of whom are appointed from a list of nominees submitted by the Law Society of Newfoundland and Labrador, and two of whom are Ex-officio members by virtue of the office they hold. 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**

Jacqueline Penney, Chair

Donna Strong

Rodney Zdebiak

John Jenniex

Allison Hagerty

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

Heather Jacobs, QC – Deputy Minister of Justice and Public Safety

Nick Summers, QC – Provincial Director of Legal Aid

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 Court, 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 of Supreme Court in St. John's. This is a free service for people who need assistance with family law matters.

In addition to operating 11 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** works collaboratively with Eastern Health to assist 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. The Commission and Eastern Health take a multidisciplinary approach to client service in resolving legal and related issues which allows for the delivery of timely, comprehensive and holistic services to individuals who struggle with mental illness. By providing legal assistance through this office, clients with mental health issues, who often face significant barriers to justice, have access to the civil rights to which they are entitled.
- The **Family and Child Offices** are located in St. John's, Happy Valley – Goose Bay, and Corner Brook. Their role is to assist parents of children taken into care by the Department of Children, Seniors and Social Development (CSSD), to respond to the concerns of CSSD, to assist parents in accessing the supports they need, and to work towards the re-unification of the family where possible. Each office has a combination of lawyers, social workers, and paralegals. Acceptance of a matter involving CSSD was changed in fiscal year 2015-16 to require clients to be financially eligible for Legal Aid, subject to exceptions in emergency situations wherein a provisional certificate can be issued to address the emergency in question.
- The **Family Duty Counsel Office** is located in the Family Division of the Supreme Court in St. John's. This is a no-charge 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.

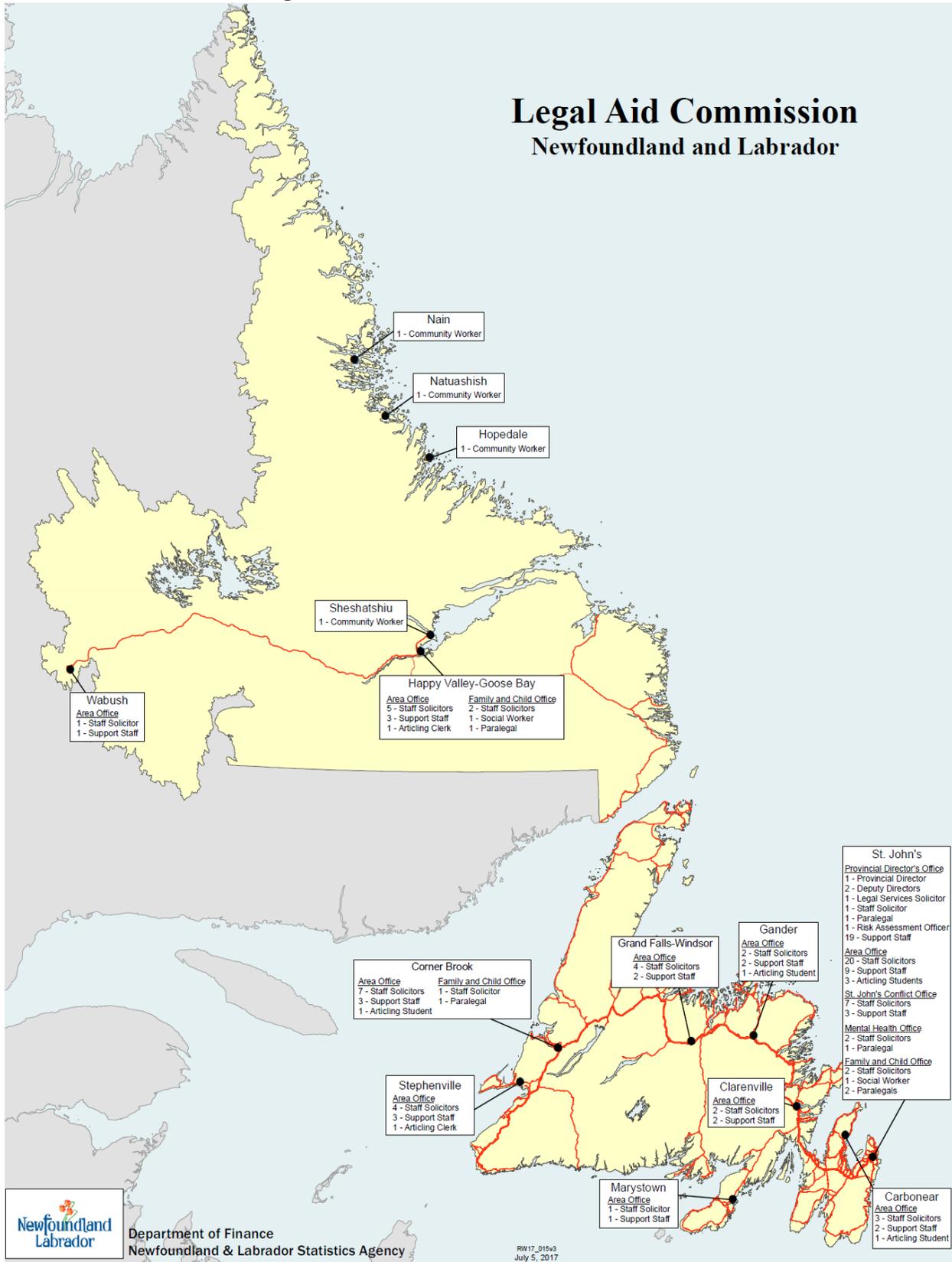
### **Specialized Roles**

- The Legal Aid Commission supports the Family Violence Intervention Court through dedicated positions. This specialized court began operations in September 2015 and has a location in St. John's and a pilot satellite location in Stephenville. This court aims to better serve victims of domestic and intimate partner violence by enhancing victim safety and offender accountability. A **Risk Assessment Officer**, based in the Commission's Provincial Director's Office, assesses persons whose cases are being considered for inclusion in the Family Violence Intervention Court. **Staff solicitors** for the Empire Avenue and Elizabeth Avenue offices handle the provision of advice and representation to accused persons.
- The **Institutional Client Service Officer's** role is to coordinate and facilitate communication with persons incarcerated in the provincial or federal prison systems or held in an institution, who are interested in applying for Legal Aid or following up on their matter.

**The Aboriginal Project** involves working with Indigenous communities to improve access to justice and the quality of legal services to Indigenous people. The Legal Aid Commission supports the province's Indigenous community with one full-time Community Liaison Worker located in Sheshatshiu, and three part-time Community Liaison Workers in the towns of Nain, Hopedale, and Natuashish.

**The French Speaking Project** has a staff solicitors fluent in French to provide legal advice by telephone or in person and, when necessary, to conduct trials in French.

**Office Locations and Staffing**



## **Strategic Issue: Enhanced Client Service Delivery**

The Legal Aid Commission is committed to continuously improving the quality of its services. The Commission strives to respond to client needs in an effective and efficient manner. Over the next three years, the Commission will streamline its intake processes; increase professional development opportunities for staff; implement a revised employee performance evaluation system; improve client and staff feedback processes; and enhance public awareness of its programs and services.

During 2017-18, the Commission will focus on the client intake process and a revised employee performance evaluation system. It will also analyze the results of the client, stakeholder and staff surveys which were distributed in March 2017 and prioritize future work based on the results. Another significant priority for this fiscal year will be to enhance the public awareness of the availability and benefits of Legal Aid Commission's programs and services.

**Goal:** By March 31, 2020, the Legal Aid Commission will have enhanced the client service delivery model.

### **Indicators:**

- Activities to improve client service delivery initiated
- Activities to improve client service delivery continued
- Initiatives to enhance client service delivery implemented

**Objective 1:** by March 31, 2018, the Legal Aid Commission will have initiated activities to enhance service delivery.

### **Indicators:**

- New model for client intake developed and piloted
- Feedback from client, stakeholder and staff surveys analyzed to inform future work
- Employee professional development opportunities identified and delivered
- Public awareness initiatives explored

**Objective 2:** By March 31, 2019, the Legal Aid Commission will have continued initiatives to enhance client service delivery.

**Objective 3:** By March 31, 2020, the Legal Aid Commission will have implemented initiatives to enhance client service delivery.



# **Legal Aid Commission**

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