

**Newfoundland and Labrador Legal Aid  
Commission**

**THREE YEAR ACTIVITY PLAN**

**2008 – 2011**

**Newfoundland and Labrador Legal Aid Commission  
Three Year Plan  
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**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 2008 - 2011 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 it is understood will be further discussed in the Department of Justice Operational Plan.

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.

As Chair of the Legal Aid Commission I am accountable for the preparation of this plan and responsible for the achievement of its goals and objectives. My signature below is on behalf of the entire Board of the Commission.

Nicholas Avis, Q.C.  
Chair

A handwritten signature in black ink, appearing to read 'Nicholas Avis', with a long horizontal line extending to the right.

**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 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.

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)	Carbonear	Clarenville
(Steers Cove)	Corner Brook	Gander
	Grand Falls-Windsor	Happy Valley
	Marystown	Stephenville

At present the staff of the Legal Aid Commission is comprised of: 52 solicitors and 47 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 through the legal aid plan of the province or territory 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 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.

**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 during the 2007 - 2008 planning cycle and over the 2008 - 2011 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. 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's service; analysis of the legal aid services provided to family law applicants; implementation of the Child, Youth and Family Service project as a partial response to the Turner recommendations; improving access to the legal aid system; ensuring that services to the public are consistent and of the highest quality; and taking steps to ensure the Legal Aid Commission is responsive to the needs of aboriginal communities. The Commission's mission statement is:

By 2011 the Legal Aid Commission will have enhanced its administrative structure and its 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.
- The Child Youth and Family Services Project has been established.

## **IX. ISSUES**

### **ISSUE 1: New Administrative Structure**

The new administrative structure discussed in the 2007 – 2008 Activity Plan was implemented last fiscal year. The newly created positions are mandated to study their new areas of responsibility and provide recommendations to the Commission on the available options to maintain and improve the quality of services.

**Goal:** By 2011 the Legal Aid Commission will have completed the restructuring changes

**Measure:** Administrative restructuring is completed.

**Indicators:**

- Position responsibilities are approved by the Commission
- Position reporting requirements and reports are developed and approved.

**Objective #1:** By 2009 the Commission will have developed and approved the new position responsibilities and training.

**Measure:** Position responsibilities approved.

**Indicators:**

- Administrative policies and procedures developed.
- Administrative policies and procedures approved.
- Management personnel trained and performing their new roles

**Objective #2:** By 2010 the Commission will have completed the preparation of documentation and staff training on the new positions, policies, and practices.

**Indicators:**

- Documentation prepared.
- Staff training completed.

**Objective #3:** By 2011 the Commission will have analyzed the impact of the administrative changes on the quality of service provided to the public.

**Indicators:**

- Study of impact of administrative changes completed.

**ISSUE 2: Access improvements**

The Lamer Inquiry Report highlighted concerns that the Legal Aid Commission had not always communicated effectively with persons who were incarcerated and who needed their services. Similarly, concern has been identified by community groups, individual clients and the courts that people are having difficulty accessing legal aid.

**GOAL:** By 2011 the Legal Aid Commission will have enhanced access to its services.

**Measure:** Access to Legal Aid services enhanced.

**Indicators:**

- Review of current application process completed
- Plan to improve application process developed
- Plan to improve application process implemented
- Time to process applications reduced
- Time taken to assign counsel reduced
- Time from the assignment of counsel to first meeting reduced

**Objective #1:** By 2009, the Legal Aid Commission will have completed an internal review of impediments to access to its service.

**Measure:** Internal review of service completed

**Indicators:**

- Staff survey completed
- Client survey completed
- Research on application process in other jurisdictions completed
- Final Report of Recommendations completed

**Objective #2:** By 2010 the Legal Aid Commission will study means to improve access to its service.

**Measure:** Study completed

**Indicators:**

- Working groups established
- Service timelines established

**Objective #3:** By 2011 the Legal Aid Commission introduce improvements to access to its services.

**Measure:** Improvements introduced

**Indicators:**

- Time to process applications reduced
- Time taken to assign counsel reduced
- Time from the assignment of counsel to first meeting reduced

**ISSUE 3: Aboriginal Justice**

Since the release of the Aboriginal Justice Project Report the Legal Aid Commission has managed to implement 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. The 2007 – 2008 objective to have analyzed what is needed to implement the Project Report requires further study.

**Goal:** By 2011 the Legal Aid Commission will have further analyzed the requirements to implement the recommendations of the Aboriginal Project Report and implemented them to the extent funding allows.

**Measure:** The recommendations of the Aboriginal Justice Project report are implemented.

**Indicators:**

- Stakeholders' comments and suggestions are solicited and considered
- Existing programs are revised and improved
- Legal Aid Commission service to aboriginal communities is enhanced

**Objective #1:** By 2009 the Legal Aid Commission will have consulted with aboriginal communities and leaders

**Measure:** A report is prepared on the consultation with aboriginal communities and leaders.

**Indicators:**

- Consultation with Legal Aid staff working with aboriginal communities is done
- Aboriginal communities and leaders are consulted
- Other parties in the justice system are consulted

**Objective #2:** By 2010 the Legal Aid Commission will have studied the recommendations for change and will have identified those that may be implemented within its existing budget and which will require additional funds.

**Measure:** A report on which recommendations can be implemented will be prepared.

**Indicators:**

- Recommendations that can be implemented have been identified
- Recommendations that require additional funding have been identified
- Proposals for budget process have been prepared

**Objective #3:** By 2011 the Legal Aid Commission will improve Legal Aid service to aboriginal communities.

**Measure:** The recommendations of the Aboriginal Justice Project Report will have been implemented to the extent funding allows.

**Indicators:**

- Report on improved service is prepared
- Analysis of further needs for additional services is prepared.

**ISSUE 4: Maintaining Profession Quality**

The Legal Aid Commission provides legal services of the highest professional quality. To ensure that the Legal Aid Commission does not lose the trust and confidence of the public it is necessary that the Legal Aid Commission take steps to ensure that the legal services provided to the Newfoundland and Labrador public continue to be of the highest standard and that the workload of the legal staff is properly managed so that every client's case receives proper attention.

**Goal:** By 2011 the Legal Aid Commission will have policies and practices in place to ensure that its professional staff have the tools and training to consistently provide the highest possible quality of legal service.

**Measure:** All needed professional training and resources are provided to Commission staff.

**Indicators:**

- The Commission's Senior Solicitors provide a report on the training and resource materials needed to raise Legal Aid Commission's professional standards
- Regular professional training is implemented
- Standards of practice in specific areas of law are developed
- Review processes are implemented to ensure consistently high standards are applied by all legal staff

**Objective #1:** By 2009 the Legal Aid Commission will have developed a program for ongoing professional development.

**Measure:** A professional development program is developed.

**Indicators:**

- The Senior Solicitors have prepared reports on training and resource needs.
- A plan is formulated for the provision of the identified training and resources.
- Staff consultation on plan is conducted.

**Objective #2:** By 2010 the Legal Aid Commission will implement its program of professional training and resource development.

**Measure:** Professional training and resource development program is implemented.

**Indicators:**

- Training materials and programs prepared

**Objective #3:** By 2011 the Legal Aid Commission will have reviewed the success of the professional development program, determined any necessary changes, and implemented those changes.

**Measure:** Report on professional development program has been prepared and any recommended changes have been made.

**Indicators:**

- A study of success of program is prepared
- Consultation with staff is held
- Determination is made as to necessary changes