

Legal Aid NL

Activity Plan

2020-23



LEGAL AID NL

REAL LAWYERS FOR REAL PEOPLE

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 2020-23 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. In view of those strategic directions, our Strategic Plan for the next three years aligns in its focus on contributing to a more efficient public sector.

The Legal Aid Commission operates under the **Legal Aid Act**, which provides for the provision of legal counsel for eligible residents of the Province of Newfoundland and Labrador charged with offences under the **Criminal Code of Canada**, other federal statutes and provincial statutes, and to persons who have family disputes.

Residents of Newfoundland and Labrador avail of Duty Counsel services when appearing on criminal matters in Provincial and Youth Court or on family matters in the Supreme Court Family Division. These services also extend to visitors to Newfoundland and Labrador. Legal counsel may be appointed for non-residents either through the Legal Aid Plan of the province in which they reside, or through Legal Aid NL.

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.



Timothy Chalker, Q.C.
Chair

Overview & Mandate

Legal Aid NL 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, a committee of the Law Society of Newfoundland and Labrador administered the Legal Aid Plan.

The services of the Commission are an essential component of a fair and accessible justice system in the province of Newfoundland and Labrador. The Commission’s mandate is to respond to the needs of those whose means are compromised, as well as the general public in certain instances, by providing high quality, innovative and collaborative legal services through a staff solicitor model.

Eligibility for full service legal aid representation requires that financial and legal eligibility requirements specified in the Act and the **Legal Aid Regulations** (“the Regulations”) are met. Once approved, services are provided to clients by solicitors employed full time with the Commission in approximately 99 per cent of cases, and by solicitors in private practice in those remaining. Private solicitors are paid on a fee-for-service basis in accordance with the tariff (hours and rates) of the Regulations.

The Commission also delivers services, without the need for financial eligibility, through solicitors, by way of:

- Duty Counsel on criminal law matters before the Provincial and Youth courts;
- Duty Counsel on family law matters in the Supreme Court of Newfoundland and Labrador-Family Division in St. John’s; and
- Brydges counsel, whereby a solicitor can be reached toll-free, 24 hours a day, seven days a week, to provide advice to people upon arrest, detention, or questioning by a peace officer.

A Board of Commissioners, comprised of nine members, manages the affairs of the Commission. The Deputy Minister of Justice and Public Safety and the CEO/Provincial Director of Legal Aid, or their designate, serve as *ex-officio* members of the Board. The Lieutenant-Governor in Council appoints seven Commissioners, three of whom are from a list of nominees submitted by the Law Society. The Lieutenant-Governor in Council also designates one of the Board of Commissioners as Chair. Members of the Board of Commissioners as of April 1, 2020 were:

Timothy J. Chalker, Q.C., Chair
Mark Duggan
Greg French, Q.C.
Allison Hagerty

Donna Strong, Q.C.
Allison Whelan
Rodney Zdebiak

Ex-officio members:

Chantelle MacDonald Newhook, Q.C., Assistant Deputy Minister (*as designate of the Deputy Minister of Justice and Public Safety)
Harman Khurana, CEO & Provincial Director

During the fiscal year 2019-20, Legal Aid NL employed a CEO/Provincial Director, two Deputy Provincial Directors, a Legal Services Solicitor, 67 Solicitors, two Social Workers, four Paralegals, one Risk Assessment Officer, 52 support staff, four Community Workers and eight articling clerks. Positions were allocated across a network of 18 offices, including the Provincial Director's Head Office, 12 Area Offices, and five Project Offices.

From five Project Offices, Legal Aid NL delivers the following services:

- The **Mental Health Office** works collaboratively with Eastern Health providing legal representation at the Mental Health Court, appearing before the Criminal Code Mental Disorder Review Board, 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 legal rights to which they are entitled.
- The **Family and Child Offices** are located in each of 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 reunification of the family, where possible. Each office has a combination of lawyers, social workers, and paralegals.
- The **Family Duty Counsel Office** is located in St. John's at the Family Division of the Supreme Court of Newfoundland and Labrador. This is a no-fee service for people with family law matters, who do not already have a lawyer. Commission Duty Counsel provides basic advice and speaks on their behalf in straightforward and uncontested court matters.
- The **Special Defence Unit** was established in June 2018 to provide legal services to clients with serious criminal charges. In early 2018, the Act was amended to remove the Choice of Counsel provision so clients no longer exercise a right to choose a private lawyer on serious charges such as murder and manslaughter. Clients facing such charges are now represented by senior lawyers experienced in dealing with major criminal matters.

Legal Aid NL also supports specialized projects and initiatives, including:

- **The Family Violence Intervention Court**, a specialized established in 2015 by the Department of Justice and Public Safety and supported by Legal Aid, with locations in St. John's and Stephenville. This court serves victims of domestic and intimate partner violence and helps enhance victim safety and offender

accountability. The Commission provides a Risk Assessment Officer, based in the Provincial Head Office, to assess persons whose cases are being considered for inclusion in the Family Violence Intervention Court. Solicitors from the St. John's Primary Conflict Area Office and the Stephenville Area Office handle the provision of advice and representation to accused persons.

- **The Aboriginal Project**, focuses on working with Aboriginal communities to improve access to justice and the quality of legal services for Aboriginal peoples. The Commission provides three part-time and one full-time Community Liaison Worker positions in the towns of Nain, Hopedale, Natuashish, Sheshatshiu and Happy Valley-Goose Bay.
- **The French Speaking Project**, ensures access to French-speaking services. The Commission maintains a roster of solicitors fluent in French to provide legal advice by telephone, in person and, when necessary, conduct trials in French.
- **The Drug Treatment Court**, established in 2019, is intended for offenders with serious drug addictions, who commit non-violent, drug-motivated offences. The Commission's Mental Health Office is supporting this initiative by actively processing referrals and transfers at the Court's weekly file meetings and providing advice and representation to accused persons.

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.

Values

The core values of Legal Aid NL 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, coworkers 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, coworkers and stakeholders, while respecting confidentiality requirements.

Lines of Business

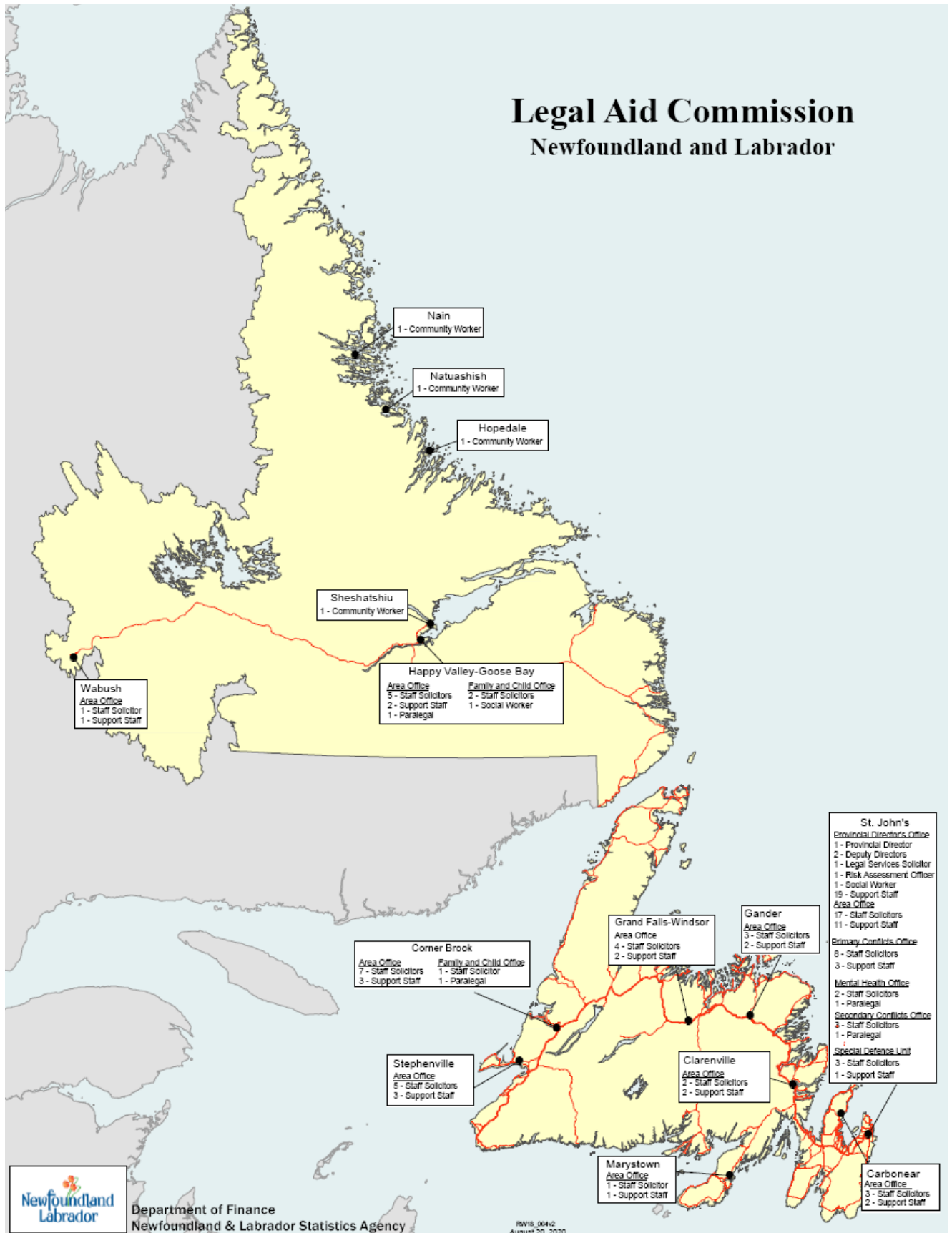
For residents of Newfoundland and Labrador who meet financial and case eligibility criteria, and for non-residents charged with a criminal offence or who qualify under the legal aid plan of the province or territory in which they reside, the following services are provided:

- 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.
- Representation in specialized courts including Mental Health Court, Family Violence Intervention Court, and Drug Treatment Court

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

Legal Aid Commission Newfoundland and Labrador



Department of Finance
Newfoundland & Labrador Statistics Agency

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Strategic Issue: Improved Productivity and Client Service Delivery through focus on Technology

In view of the strategic directions of the Provincial Government, as communicated by the Minister of Justice and Public Safety, our Strategic Plan for the next three years aligns in its focus on contributing to a more efficient public sector. The Legal Aid Commission is committed to workforce development and continuously improving its client service delivery model. Over the next three years, the Commission will focus on leveraging technology and training to build an adaptable and more cohesive workforce capable of responding to client needs effectively and efficiently. The Commission will invest in upgrading its technological platform and focus on building new and enhanced Information Technology (IT) skills within the organization to improve productivity, response timeframes, and client service. The current pandemic has heightened the need for an organization such as Legal Aid to adapt to new and evolving technologies, and rethink how services can be delivered to the public. The next three years will be critical in Legal Aid's evolution into a modern and innovative organization that can respond effectively to the needs of its clients and those of the justice system.

During 2020-21, the Commission will review its current service delivery model and internal processes to identify opportunities for increasing its reliance on technology, and strengthening IT competencies within the organization. The initial focus will be on identifying areas of improvement through a review of current processes, employee feedback, IT resource reports, and existing IT skill sets within the organization.

Goal: By March 31, 2023, the Legal Aid Commission will have implemented measures to improve productivity for enhanced client service delivery.

Indicators:

- Activities to identify areas of improvement and technological/skills gaps
- Activities to identify, evaluate, and pilot solutions to improve productivity
- Implementation of initiatives to enhance productivity and service delivery

Objective 1: By March 31, 2021, the Legal Aid Commission will have initiated activities to identify areas of improvement where technology-based solutions and skills can help further enhance productivity.

Indicators:

- Reviewed current portfolio of IT hardware and software in use
- Developed IT usage reports in consultation with Office of the Chief Information Officer (OCIO)
- Established baseline data on IT skill sets within the workforce
- Engaged employees to identify professional development needs

Objective 2: By March 31, 2022, the Legal Aid Commission will have identified and piloted solutions to address select organizational IT deficiencies.

Objective 3: By March 31, 2023, the Legal Aid Commission will have implemented initiatives to improve productivity for enhanced client service delivery.



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