

LEGAL AID COMMISSION OF THE NORTHWEST TERRITORIES

Annual Report 2017 - 2018



Photo taken by Tú Pham, Defence Counsel



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Executive Summary

The Legal Aid Commission administers the *Legal Aid Act* and the *Legal Aid Regulations*, and promotes access to justice throughout the Northwest Territories by:

1. providing legal aid services to eligible persons;
2. promoting public knowledge of the law;
3. encouraging flexibility and innovation in the provision of services;
4. recognizing the diversity of legal needs; and
5. operating within an independent but accountable framework.

Over the course of the 2017-2018 fiscal year, the Commission oversaw the provision of 4,261 Presumed Eligibility Duty Counsel services, 752 full service criminal matters, 303 full service family matters and 5,851 Court Worker services.

Résumé

La Commission d'aide juridique est chargée de l'application de la *Loi sur l'aide juridique* et ses règlements, et fait la promotion de l'accès à la justice à l'échelle des Territoire du Nord-Ouest en :

1. fournissant des services d'aide juridique aux personnes admissibles;
2. encourageant la connaissance de la loi;
3. favorisant la souplesse et l'innovation dans la prestation de programmes et de services d'aide juridique;
4. reconnaissant la variété des besoins sur le plan juridique des personnes admissibles;
5. exerçant ses activités indépendamment du gouvernement, mais en étant transparent à l'égard de ce dernier.

Au cours de l'exercice 2017-2018, la Commission a supervisé la prestation de services d'avocats à 4,261 clients présumés financièrement admissibles, en offrant notamment des services généraux en droit criminel à 752 clients, des services généraux en droit de la famille à 303 clients, et des services d'assistance parajudiciaire à 5,851 clients.

ORGANIZATIONAL STRUCTURE

The following organizational chart reflects the structure of the Legal Aid Commission as of March 31, 2018.



A Message from the Chair

Caroline Wawzonek

The Legal Aid Commission performs a number of functions under its mandate established by the *Legal Aid Act* and *Legal Aid Regulations*. These are outlined at page 6 of this report.

A majority of the Commission's work involves hearing client appeals throughout the year. Where a client has been denied legal aid coverage or has been assessed a financial contribution, the Act provides a right of appeal to the Commission. The Commission's jurisdiction is quite narrow: we can only approve applications that fall within the Act, Regulations and Policy. Appeals are successful for a variety of reasons whether because we are able to clarify the number of people in a person's household, or to get more information on their actual monthly income. A large number of those denied are applicants who simply earn too much to qualify. The Commission is developing simpler and clearer financial eligibility tables, and that work is ongoing.

While the Act and Regulations are established, the equally important policies governing the Commission are documents that are constantly under review and discussion. Each year there are refinements and amendments to ensure that the delivery of legal aid services is responsive to the needs of our clients while being an efficient and responsible use of public funds.

All Commission members have served for many years in this important work and I would like to thank them for their hard-working and thoughtful service to the Commission, their Regions and to our clients. The significant expertise that is brought to the organization is invaluable.



Photo taken by Maureen Maurice-Landry, Court Worker

THE LEGAL AID COMMISSION

Commission Members

The Minister of Justice appoints members of the Legal Aid Commission under subsection 4(4) of the *Legal Aid Act*. By convention various regions are represented on the Commission. In accordance with that subsection, the 2017/18 Commission was composed of the following:

Roberta Hamilton	Representing the South Slave
Giselle Marion	Representing the Tlicho and North Slave communities
Alana Mero	Representing the Beaufort Delta
Mark Aitken	Representing the Public Service
Caroline Wawzonek, Chair	Representing the Law Society of the Northwest Territories

Mandate of the Legal Aid Commission

The Commission sets policy, makes recommendations to the Minister with respect to the hiring of the Executive Director, administers legal aid clinics, maintains a panel of private lawyers for eligible clients for criminal, family and civil matters, and hears appeals in cases where legal aid has been denied or lawyers feel their accounts have been reduced without justification. Additional powers are prescribed under subsection 4(9) of the *Legal Aid Act*.

The Government of the Northwest Territories has been responsible for providing legal aid since 1971. The Legal Services Board was established and given responsibility for providing legal aid, Court Worker services and public legal education and information services throughout the Northwest Territories.

Three legal aid clinics in Yellowknife continued to offer criminal defence and family law services to clients in all NWT communities. The Outreach Legal Aid Clinic commenced operation in March 2017, operating from dedicated space and staffed by one lawyer and one Court Worker. The Office of the Children's Lawyer is staffed by one lawyer who supervises a panel of private Bar lawyers who deliver legal services to eligible child clients.

The Legal Aid Commission is established as a corporation by the *Legal Aid Act*. The Commission reports to the Minister of Justice, and is a public agency listed in Schedule A to the *Financial Administration Act*. All employees of the Commission are members of the GNWT Public Service.

Legislative Objectives

The purpose of the *Legal Aid Act*, as set out in section 2, is to promote access to justice throughout the Northwest Territories by:

1. providing legal aid services to eligible persons;
2. promoting public knowledge of the law;
3. encouraging flexibility and innovation in the provision of services;
4. recognizing the diversity of legal needs; and
5. Operating within an independent but accountable framework.

Commission Meetings

During the 2017-2018 fiscal year, the Legal Aid Commission met in person on one occasion in Yellowknife. The Commission also met by teleconference or electronically on eight other occasions.

Association of Legal Aid Plans of Canada

The Association of Legal Aid Plans of Canada (ALAP) is a voice for Canada's Legal Aid Plans, and provides a national perspective on legal aid and access to justice issues. Every jurisdiction in Canada participates in this voluntary group of Executive Directors, CEO's and senior staff. The objectives of ALAP are to undertake, support and facilitate research concerning access to justice issues; to improve public awareness of access to justice issues; and to undertake such activities, on its own or with others, as may be in the interest of access to justice in Canada.



Photo taken by Tracy Bock, Defence Counsel

The Northwest Territories Legal Aid Commission's Executive Director is currently on the Executive of ALAP, and participates in regular conference calls to address issues affecting all legal aid programs as well as planning the annual meeting and conference of ALAP. In 2017, the meeting and conference was hosted by Newfoundland and Labrador, and national issues discussed included the collection of data, the provision of legal aid services in French, the impact of the Supreme Court of Canada decision in *R. v. Jordan*, and the operation of reciprocal agreements among the jurisdictions.

On June 21, 2017, the Association and all of its members unanimously approved a statement in response to the Truth and Reconciliation's Call to Action, citing in particular Calls to Action #1 (Child Welfare), #27 & 57 (Justice and Training), #30, 31 & 38 (Justice and the Over-representation of Aboriginal peoples in custody), #39 (Justice and data collection), #42 (United Nations Declaration on the Rights of Indigenous Peoples) and #92 (the corporate community). The Government of the Northwest Territories can take pride in the important leadership our Legal Aid Commission took on this file.

A Message from the Executive Director

Karen Wilford

Although the “year over year” goals related to the delivery of legal services to client remain the same, it seems that every day at the Legal Aid Commission brings something new and different. That, of course is reflective of the times in which we live where change is a constant.

This year we bid farewell to two longstanding employees: Jeannette Savoie and Donald Large, Q.C. who have moved on to new endeavours but leave a robust legacy. Jeannette’s passion for access to justice set the stage for the Outreach Legal Aid Clinic, and Don had a significant impact upon the development of the practice of family law in the Northwest Territories. Both are missed, though we are pleased that Don remains on the family law panel and continues to accept files from us.

This year marked the first full year of operation of the Outreach Legal Aid Clinic. It was not a surprise that the demand for service has been considerable and the operations and approaches of the Clinic have been adjusted to address this. We always welcome feedback from the public we serve, so that we can provide the best possible assistance given the resources we have. We have invested time and energy in developing policies and procedures for running this Clinic, which required reducing community visits in the short term. However, we have made greater use of conference calls and phone clinics in order to meet our priority of ensuring that the communities have access to this service.



Photo taken by Kirsty Hobbs, Court Worker

The demand for service in criminal law remains the largest component of our program. All of the variables that impact this demand are outside our control: from the number and nature of the criminal charges laid, to the frequency of circuit courts, to the management of conflicts of interest. The Legal Aid Commission cannot cover all of the demand from within the staff lawyer model, and we rely upon the private Bar (both resident and non-resident) to fill in the gaps. I would like to acknowledge this excellent working relationship – without the assistance and commitment of the private Bar, we would not be able to cover all our circuit obligations.

Meanwhile back at the “shop”, work continues on adjusting policy in response to changing service delivery needs, working closely with our colleagues in Human Resources to address staffing, exploring ways to ensure that our physical office spaces are safe and productive, and researching new approaches to data collection to bring our Territorial and Federal reporting capacity in line with national standards. The Legal Aid Commission is a fast-paced, challenging environment serving the legal needs of eligible clients – and we are proud of the professionalism of our services.

THE LEGAL AID OUTREACH PROGRAM & PUBLIC LEGAL EDUCATION AND INFORMATION

Renée Fougère, Staff Family and Outreach Lawyer

March 2018 marked the one year anniversary of the stand-alone full time Legal Aid Outreach Clinic. The Clinic continues to be very busy in its role in providing public legal education and information.

In 2017-2018, the Legal Aid Outreach Clinic continued to evolve, including several important staff changes. In October 2017, Outreach lawyer Jeannette Savoie returned to her home province of New Brunswick. Ms. Savoie enthusiastically worked at providing clients throughout the Northwest Territories with legal information and advice over the course of her career in the NWT.

Walk-in clinics were held in Hay River, Inuvik, Ulukhaktok, Paulatuk, Fort Resolution, Fort Smith, in addition to the regularly scheduled clinics in Dettah, N'dilo and Yellowknife. Numerous telephone appointments were also scheduled with clients living outside of the Yellowknife area.

Margo Nightingale, an experienced family lawyer from the Yellowknife area, assisted the Outreach Clinic with the walk-in clinics until Renée Fougère began her new role as the Outreach Clinic lawyer in January 2018.

Although there have been staff changes at the Clinic, Annette Wright, the Court Worker, regularly continues to offer clients valuable legal information. The clinics held on Tuesday and Wednesday afternoons are open to all clients. Also, the clinic is taking telephone appointments two mornings and one afternoon per week to assist the clients who live outside of Yellowknife, or are unable to attend the walk-in clinic.

Duty counsel services continue to be offered in family law matters on Thursday mornings and child protection matters on Monday afternoons. As for public education, the clinic is currently working on a divorce guide entitled "Getting Divorced in the NWT". The clinic expects to have the guide finalized in the near future.



Photo taken by Renée Fougère, Family and Outreach Lawyer

THE PRACTICE OF CRIMINAL LAW

Nicola Langille, Defence Counsel

I travelled on Circuit with Tom Boyd to Hay River and Fort Simpson in March 2018. As the newest criminal defence lawyer on the staff of the Legal Aid Commission, I was very interested in the opportunity to chat with him about his career, and he graciously agreed to have our ‘interview’ published.

How long have you been in practice? I have been in practice now for 43 years. I graduated from U of A law school in 1974, was called to the bar in 1975 in both Alberta and the Northwest Territories, and have been practicing as a lawyer ever since.

What drew you to practice in the Northwest Territories? Between years of law school, I worked during the summers as a timber cruiser in northern Alberta. I really enjoyed being in the bush, and the freedom and open spaces of the north. That made me decide to apply to jobs in northern regions when I finished law school.

Where did you complete your articles? I articulated with the Attorney General of Alberta. Though I did rotations through several departments, I did a good chunk of criminal law. I got to prosecute drinking and driving offences, among other things, and I really liked the criminal law. That experience convinced me that I wanted it to be a part of the work I did as a lawyer. My first job as a lawyer was with the Crown in the Northwest Territories.

What was it like to be a Crown in the north when you started practice? At the time, there were fewer of us – only four Crowns covered the whole territory (which then included all of what is now the Northwest Territories and Nunavut). We were all on circuit much more often, and I very quickly got to do trials. The travel took more time than it does today. The regions covered by each circuit were also different, and there were few scheduled flights – almost all travel was by charters. I remember that my first solo circuit was to Fort Good Hope, Fort McPherson, Inuvik, and Tuktoyaktuk. Today, those four communities would be on two different circuits. So the way things are set up has changed significantly.

Luckily, I got to work with some excellent lawyers as a Crown. I worked very closely with Orval Troy Q.C. (who people used to call the “Tiger of the Tundra”). I owe him a debt, because he was very good in terms of teaching the Crown’s role. He had excellent common sense, a sense of fair play, and was dispassionate. He took his role as a Minister of Justice seriously. Even before *Stinchcombe* disclosure obligations came into effect, he would give the defence his file to read because he didn’t see there being any benefit in secrets. One of the things which he emphasized was that “There is no trickery in the pocket of Crown.”

When you began practicing, there was no Charter of Rights and Freedoms. How have you found the Charter has impacted the practice of criminal law? When the Charter first came in, nobody was sure whether it would be a Bill of Rights-like document, or something more substantive. As it turned out, practice post-Charter has been completely different. It was around 1986/1987 that the courts began to give the Charter real teeth, and we all



Photo taken by Nicola Langille, Defence Counsel

realized that it would change policing significantly. The Charter has brought many great changes to criminal law. But it has also complicated practice to a degree. It made the file load more significant, and also has lengthened the court process. Before, Justices of the Peace had more powers on summary procedure matters. They could deal with things much more quickly. Files could be over in 2-3 weeks instead of going on. This served the communities because matters were dealt with expeditiously, and it meant that there were fewer breaches of conditions by the clients. Justices of the Peace handled a significant volume of cases. For example, a residential break and enter would be charged as either mischief or theft under. The Crown would be represented by a police officer. The matter would proceed summarily before a local Justice of the Peace. Any such files that resulted in a sentence of imprisonment were reviewed by one of the four Crown Attorneys.

Are there any differences in the types of files you saw the most often when you first began practicing, compared to today? The file volume has grown substantially. There are many more *Controlled Drugs and Substances Act* files today, which take up a lot of time. It also seems that there are more files that have more to do with social issues than criminal issues. The street population in Yellowknife has grown significantly. Those files take up a great deal of time as well.

What do you think are some of the most positive developments you've seen in practice since you began? I give high praise to the specialized courts that have been set up, and am grateful to the judiciary for bringing them in. Those courts are a "win/win" for the client and the community. I would like to see the specialized courts expanded to the smaller communities. It's an unfortunate reality that clients in the communities cannot participate as easily as those in Yellowknife. I have also noticed that over the years, participation of Indigenous persons in the courts (whether as lawyers, judges, or otherwise), has increased. This is a positive change. It's important for the courts to reflect the communities we work in.

Have you noticed any other significant changes? In the past, files had to be shepherded a bit more closely, because more people were living on the land. The police would have to go out into the bush to find witnesses. There were also more interpreters involved. Over time, as people have become less traditional/land-based, access to substances has increased. There didn't use to be so many people struggling with substance use. Among other things, this has played a role in witness reliability. I've also noticed that some communities seem resistant to convicting accused persons in jury trials. The acquittal rate in the smaller communities seems higher than in Yellowknife. This must reflect some concerns on the part of the communities. They have probably had people serve lengthy sentences, and don't like the changes that they see in them.

Did Legal Aid function very differently when you began practice? When I first came up, there were only about five lawyers in the defence bar, and they were all in the private bar. There only began to be staff lawyers around 1993/1994, and there were only two of them at the time. Eventually, that number grew. Since then, there has always been acceptance of the fact that a blended system (with both members of the private bar and staff lawyers working on criminal files) will give the best value.

You are now the longest-serving lawyer in the Northwest Territories. How much longer do you anticipate practicing? I'll keep practicing for another year or two. I have no definite plans to retire, but I look forward to traveling more, relaxing, and enjoying time with my spouse and the comforts of home.

THE PRACTICE OF FAMILY LAW

Chantel E. Carvalho, B.A., LL.B, Staff Lawyer with the Community Legal Aid Clinic

I moved to Yellowknife from Ottawa in September of 2016 as an experienced family lawyer, thinking that I had a broad understanding and appreciation of the various issues facing Indigenous Peoples. I began working with the Community Legal Aid Clinic, focusing my practice primarily on child protection work, and immediately realized that I had much to learn. Professionally, my work with the Legal Aid Commission has been both challenging and rewarding. Personally, my experience in the North has been enriching, educational, and humbling.

Many of my clients are survivors of the residential school system or were raised in the child welfare system. A number experienced disruption within their families; others were removed from their communities; and many endured sexual abuse and physical violence as children. Now as adults and as parents themselves, these clients struggle with addictions, experience or perpetrate domestic violence, and cope with mental health issues. The great majority of my clients have lost loved ones to suicide, addictions, and violence.



Addressing these deep and systemic realities faced by clients, while at the same time working towards re-building their family relationships in an adversarial court process, requires compassion, respect and creative thinking on behalf of all individuals and organizations involved. The level of collaboration that exists here in the North –between legal counsel for the parents, Director’s counsel, counsel for the children, child protection workers, service providers, the parents and their personal supports – is incredibly unique and solution-oriented.

What strikes me the most about practicing family law in the Northwest Territories is the sheer distance between the various communities located throughout the territory. Half of my clients and I have never met. This means that we do all of our work together over the phone, via email, or through the use of Court Workers. Litigants often participate in court proceedings by telephone. I’ve never experienced anything like it, but it has certainly enhanced my abilities to develop a rapport and trusting relationship with clients who will never meet me face-to-face. And it has encouraged me to prepare succinct and detailed affidavit material on behalf of clients, in their own voices, who may never personally attend court.

Maintaining contact with clients can be challenging! Not all of my clients have access to a telephone or to the internet. Many go out on the land with their families for extended periods of time throughout the year, and are simply unreachable until they return. Residents here travel quite frequently throughout the territory in order to visit with family or participate in cultural events. Court Workers are a key community resource, and it has been a privilege to work with them.

The bar in the Northwest Territories is a tightly-knit group and I have found it to be an absolute pleasure working here. A large proportion of my family matters and child protection matters result in settlement. I have been exposed to Custom Adoption proceedings. I've crafted Guardianship Agreements and Parenting Agreements, and finalized Divorce Proceedings. I've argued motions, conducted trials and *vive voce* hearings in both the Territorial Court and the Supreme Court.

Yellowknife itself is a diverse multi-cultural city nestled in between vast lakes and rugged landscapes. I will be forever changed by the people I have met and the work I have conducted here in the North.



Photo taken by Nicola Langille, Defence Counsel

THE COURT WORKER PROGRAM

Kirsty Hobbs, Court Worker

I started at the Legal Aid Commission in 2014, when I was afforded the opportunity to work as a summer student in the Court Worker role. Subsequently when I completed my degree in Criminology, I received a full-time position in 2017. In my position, I have been fortunate to visit every region of the NWT while fulfilling my duties.

There are seven Court Workers located in six communities within the Northwest Territories. These communities are Inuvik, Fort Good Hope, Behchoko, Hay River, Fort Simpson, Fort Smith, with two Court Workers in Yellowknife. All Court Workers are employees of the GNWT, and the Aboriginal Court Work Program has been partially funded by the Federal Government since 1978. We work cohesively to cover all five regions of the NWT, wherein the regional Court Worker will travel with the Territorial Court party to attend court in the scheduled community. While the Legal Aid Commission has a centralized head office in Yellowknife, the regional Court Workers provide an important connection to clients within each region. While Court Workers work in distant communities, we enjoy the times when we get together once a year for training.

The primary role of a Court Worker is to act as a liaison between our clients and the criminal justice system. This includes but is not limited to attending Territorial court, assisting in the introduction of defence counsel and client, completing “one-on-one” legal aid applications with clients, notarizing documents, and providing public legal education and information.



Photo taken by Kirsty Hobbs, Court Worker

OFFICE OF THE CHILDREN'S LAWYER

Ken Kinnear, Office of the Children's Lawyer

The Office of the Children's Lawyer is in its seventh year of operation. The Children's Lawyer, and the panel of trained private lawyers, assist children and youth whose families are involved in court proceedings of a family nature.

The issues that are addressed in such court proceedings typically include:

- Where is the best place for a child or youth to live after his or her parents separate? What is an appropriate visitation schedule?
- Does a child or youth need to be temporarily removed from his or her parent's home due to child protection concerns?
- When is it safe for their return?

It is felt that by giving a child or youth an opportunity to express their views in matters affecting them by appointing their own lawyer results in better outcomes. The goal is to reduce conflict and stress and to achieve an early resolution of the issues. A matter that is settled through the consent of the parties will more often become a longer lasting resolution for the family. Simply put, the outcomes of these often difficult court proceedings are more positive if the child or youth has been given the opportunity to be heard. The Office of the Children's Lawyer assists with this, in a manner sensitive to the needs, interests and wishes of their young clients. The OCL is expected to complete its first comprehensive Policy & Procedures Manual in early 2019, bringing further clarity and consistency to the services it provides.



Photo taken by Maureen Maurice-Landry, Court Worker

LEGAL AID COVERAGE

Brydges Service

The *Brydges* service is a telephone service offered free on a 24-hour basis to individuals in the Northwest Territories who are in custody, are under arrest or are the subject of an active investigation by law enforcement authorities before arrest, and need immediate advice on their charter rights and criminal law. Translation services are available in 140 languages through the line.

Youth Applications – Youth Criminal Justice Act (Canada), Youth Justice Act (NWT)

The Legal Aid Commission makes coverage for youth available without the need for financial assessment. The Commission considered the unique circumstances facing youth in the Northwest Territories, and looked at approaches to this issue across Canada. It was determined that access to justice was best served by deleting the requirement that the financial means of parents or guardians be considered in assessing youth eligibility.

Adult Applications – Criminal Code

Although an applicant may be financially eligible for legal aid, the Commission or the Executive Director may refuse to provide legal aid coverage for certain offences in accordance with the discretion extended by the *Legal Aid Act* and the regulations under the Act, as well as policy established by the Commission.



Photo taken by Debra Saftner, Legal Assistant

Presumed Eligibility

Presumed eligibility arises only in the context of criminal law. Clients who first appear in Territorial Court are presumed eligible for legal aid, and are provided assistance with preliminary or straightforward matters that duty counsel can deal with in a summary fashion, including guilty pleas and non-complex sentencing hearings. If the lawyer determines that the matter requires a preliminary inquiry, trial or a more complex sentencing process, the client must apply for legal aid for a determination of their financial eligibility.

Family Law Applications

Legal aid is generally provided to financially eligible applicants in matters involving family breakdowns when there are issues relating to children, spousal support or family violence, and in matters relating to child protection.

After a client completes an application for legal aid assistance involving a family law matter, a request for a legal opinion is made to one of the staff lawyers or to a member of the family law panel. The lawyer advises the Executive Director of the Legal Aid Commission on the merits of the matter. If the opinion is that there is no merit in proceeding, the applicant will receive a “Notice of Denial of Legal Aid” and an explanation of the reasons for the denial.

Approved matters are usually assigned according to the date of application. An exception is made – and matters are given priority in assignment – when the client is facing a court date, if the matter involves family violence, or if the client is facing child protection proceedings.

Civil Applications

The *Legal Aid Act* authorizes the provision of legal aid services on a discretionary basis for some civil matters. The Act and regulations specify that certain civil cases are not covered. Most frequently, civil matters are referred to the Outreach Legal Aid Clinic for summary advice, information and referral.



Photo taken by Lyndon Stanzell, Law Student

Residency and Reciprocity

A person who is not ordinarily resident in Canada is not eligible for legal aid coverage except in relation to charges under the *Criminal Code* or the *Controlled Drugs and Substances Act*.

The NWT Legal Aid Commission is a participant in the Inter-Provincial Reciprocity Agreement that allows legal aid coverage to be extended to applicants from any province or territory who require assistance with a civil or family matter arising in another Canadian jurisdiction. The costs of providing the service are borne by the legal aid plan in the jurisdiction where the matter is to be heard. The NWT program uses this service in the family law area.

FINANCIAL ELIGIBILITY

Legal Aid Applications

People must complete an application to receive legal aid. The Commission uses standard forms, and Court Workers take the applications in person or by telephone. Applicants are required to provide detailed financial information with backing documents. This information includes a statement of income for the applicant and anyone living in the household, and is used to determine an individual's eligibility for legal aid.

Commission employees review applications in detail to determine the applicant's financial eligibility. Eligible applicants are assigned duty counsel for criminal matters or go into a rotational assignment process for family and civil law matters. Applicants who are not financially eligible are sent a notice of denial. Any applicant may appeal a denial to the Legal Aid Commission.

In some cases, using criteria set out in the Act, regulations and Commission policies, the staff determine that an applicant is in a position to make a contribution to the cost of their legal aid services. A conditional authorization for legal aid is given to the applicant requiring a contribution in order to receive legal aid. Usually applicants have a set period to make their contributions. Some applicants are assessed a contribution to be paid on the completion of their file, if it is expected there will be a financial gain for the client at that time.

Contributions and recoveries are deposited into the GNWT Consolidated Revenue Fund, and are not used to directly offset the cost of legal aid.



Photo taken by Stephanie Whitecloud-Brass, Defence Counsel

LEGAL AID ASSIGNMENTS

Panels

The Legal Aid Commission has established both criminal and civil law panels of private lawyers who are prepared to accept legal aid assignments. The assignment of cases is determined by section 15 of the *Legal Aid Act*, which provides that the Executive Director must consider the rights of the client, fiscal responsibility, conflicts of interest and in some limited circumstances, the preference of the client. In addition, the Executive Director may consider any other factors that are relevant.

Clients facing Life Imprisonment

Applicants do not have the right to choose a particular lawyer. However, clients who are charged with an offence for which life imprisonment is the maximum penalty (other than break & enter or trafficking), are entitled to indicate their preferred choice of counsel from a list established by the Executive Director when they apply for legal aid coverage. This preference, however, is only one factor that the Executive Director considers in assigning counsel to the matter.

Circuit Counsel

The *Legal Aid Act* requires that the Executive Director arrange to have at least one lawyer (circuit counsel) accompany the Territorial Court on all circuits where a lawyer may be required for the delivery of legal aid. Applicants for such services are subject to the same criteria as all other applicants who need legal services. Presumed eligibility services comprise the majority of the legal aid services provided on circuits.



Photo taken by Lyndon Stanzell, Law Student

LEGAL AID CLINICS

The Commission has 17 staff lawyer positions: eight criminal lawyers, seven family lawyers, one Outreach lawyer, and the Children’s Lawyer. On March 31, 2018, all positions were staffed.

Yellowknife Legal Aid Clinic

The Yellowknife Legal Aid Clinic was staffed at 2017/18 fiscal year end with two criminal lawyers, three family lawyers and one legal secretary. The staff lawyers provide services throughout the NWT.

Community Legal Aid Clinic

This office was staffed at 2017/18 fiscal year end with two family lawyers, two criminal lawyers and one legal secretary. The staff lawyers provide services to clients throughout the NWT.

Somba K’e Legal Aid Clinic

This office was staffed in 2017/18 with three criminal lawyers, two family lawyers and one legal secretary. The staff lawyers provide services to clients throughout the NWT.

Outreach Legal Aid Clinic

This office was staffed in 2017/18 with one Outreach lawyer and one Outreach Court Worker. Outreach services are provided in Yellowknife and throughout the NWT by in-person mobile Outreach clinics.

APPEALS

Some decisions made by the Executive Director may be the subject of an appeal to the Commission. An applicant who is assessed a contribution or is denied legal aid may appeal the decision by providing written notice of his/her intention to appeal, and the Executive Director shall then bring the matter before the Commission for an appeal hearing.

Lawyers also have the right to appeal the Executive Director’s taxation of an account. Written notice is required, and the Executive Director will then bring the matter to the Commission for a hearing. There is no further right of appeal from the Commission’s decision.

There were nineteen eligibility appeals and no taxation appeals in 2017/18. The results of the eligibility appeals were as follows:

Allowed:	6
Denied:	13

ADMINISTRATION AND FINANCE

Funding for the Legal Aid Commission

The Legislative Assembly allocates money to the Legal Aid Commission to administer the *Legal Aid Act* and provide legal services and other programs under the Act. The GNWT also receives funding for the Legal Aid Program, Aboriginal Court Work Program and public legal education, through the Access to Justice Agreement with the Government of Canada. In 2018/18 Justice Canada contributed \$2,448,298 to the total cost of \$6,549,274, pursuant to the funding agreement that is in place through to 2022.

Personnel

The staff of the Legal Aid Commission are appointed and employed under the *Public Service Act*, and are employees of the GNWT Department of Justice. The Department of Finance provides human resources support to the Commission.

Financial Services

Financial services are generally provided by the Department of Justice, though some services are provided by the Department of Finance. Since the Commission does not hold separate funds, it is audited in conjunction with the Department of Justice. A separate annual independent audit is completed in compliance with the Access to Justice Agreement with Canada.



Photo taken by Stephanie Whitecloud-Brass, Defence Counsel

LEGAL AID TARIFF

<u>Experience</u>	<u>Hourly Rates (\$)</u>	<u>Daily Rates (\$)</u>
Student at law	59	342
Less than 4 years	90	518
4-6 years	106	670
7-10 years	131	780
11 & more years	146	873

The rates are the same regardless of the level of court for which legal aid services are provided.

STAFF LAWYER SALARIES

Staff lawyers, as GNWT employees, are paid according to the pay scales established for GNWT legal counsel. These rates are based on legal experience, and were fixed as follows for 2017-2018:

Staff Lawyer I – 18 (96,544 to 115,284)

Staff Lawyer II – 20 (105,670 to 126, 145)

Staff Lawyer III – 22 (115,674 to 138,079)

Staff Lawyer IV – 24 (126, 477 to 151,027)

Staff Lawyer V – 25 (132,307 to 157,969)

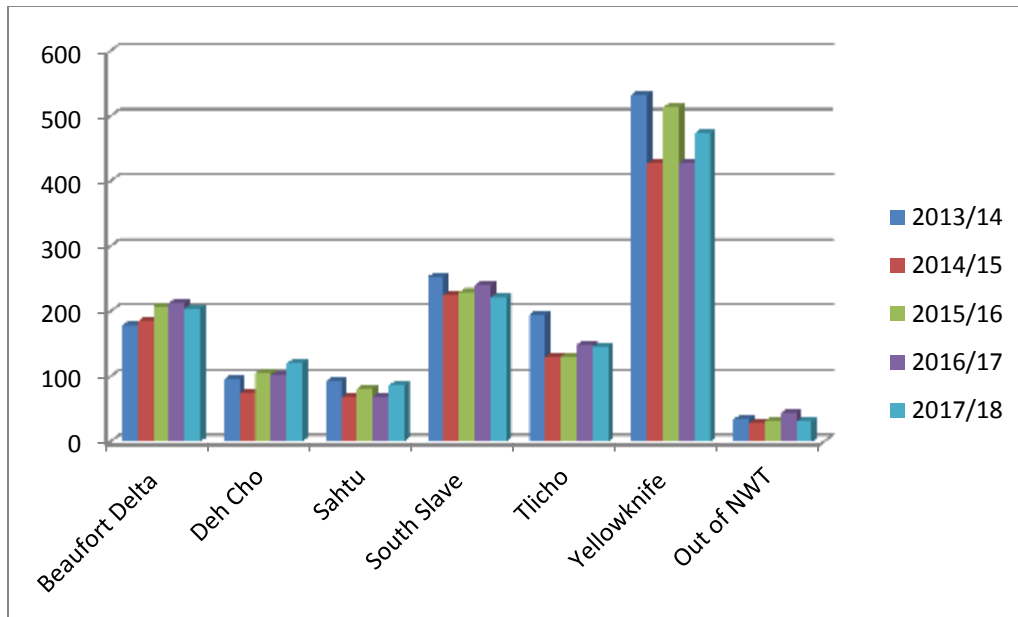
Financial Report 2017/2018

	Actual Expense	2017/18 Main Estimate - Revised	Year Variance
Legal Aid Commission Administration			
Staff Wages and Benefits	721,882.88	610,000.00	(111,882.88)
Operations & Maintenance Expenses	59,930.35	38,000.00	(21,930.35)
Public Education			
Total Administration	781,813.23	648,000.00	(133,813.23)
Court Workers			
Staff Wages and Benefits	882,751.88	1,066,000.00	183,248.12
Operations & Maintenance Expenses	24,250.38	20,000.00	(4,250.38)
Travel	77,925.02	64,000.00	(13,925.02)
Total Court Workers	984,927.28	1,150,000.00	165,072.72
Legal Aid Staff Lawyers			
Staff Wages and Benefits	2,858,175.94	2,666,000.00	(192,175.94)
Operations & Maintenance Expenses	375,685.86	377,000.00	1,314.14
Total Staff Lawyers	3,233,861.80	3,043,000.00	(190,861.80)
Legal Aid Commission			
Commission Expenses	4,139.90		(4,139.90)
Total Commission Expenses	4,139.90	-	(4,139.90)
Legal Aid Fees & Disbursements			
Legal Aid Fees/Disbursements	1,222,715.00	1,019,000.00	(203,715.00)
Travel and Transportation (includes staff lawyers)	323,767.53	336,000.00	12,232.47
Total Legal Aid Fees & Disbursements	1,546,482.53	1,355,000.00	(191,482.53)
TOTAL	6,551,224.74	6,196,000.00	(355,224.74)

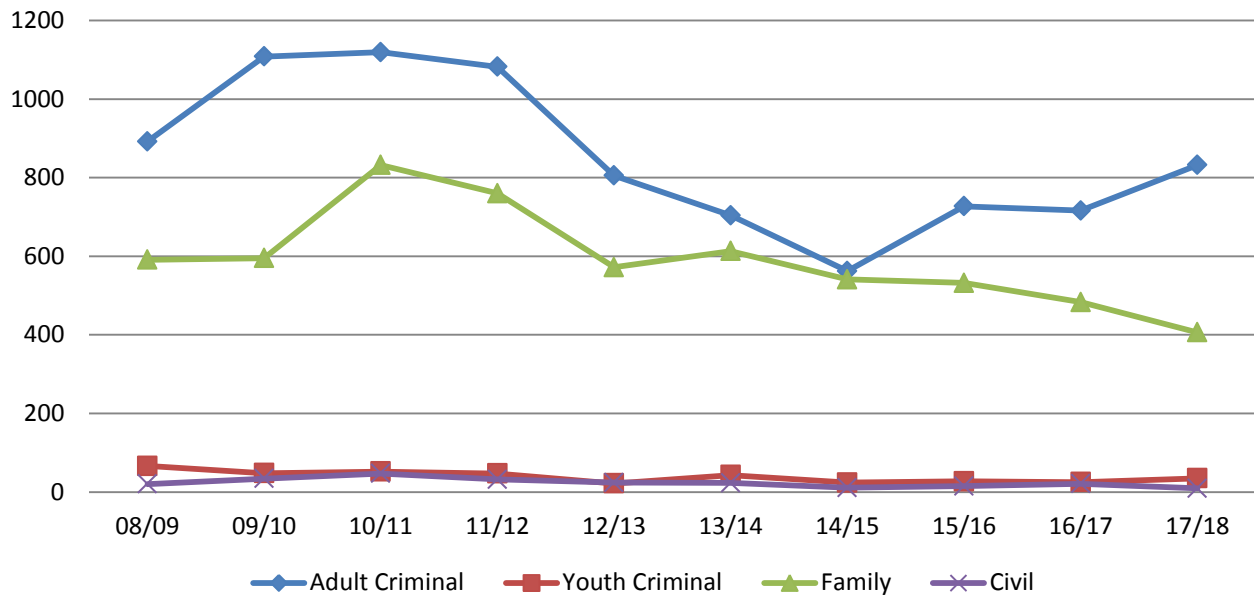
STATISTICAL REPORTS FOR 2017/18

Number of Applications Received

	2013/14	2014/15	2015/16	2016/17	2017/18
Beaufort Delta	178	185	208	213	205
Deh Cho	96	74	105	102	120
Sahtu	93	68	82	69	86
South Slave	253	225	230	240	221
Tlicho	196	131	131	149	146
Yellowknife	533	427	513	428	473
Out of NWT	34	28	32	44	31
Total	1383	1138	1301	1245	1282

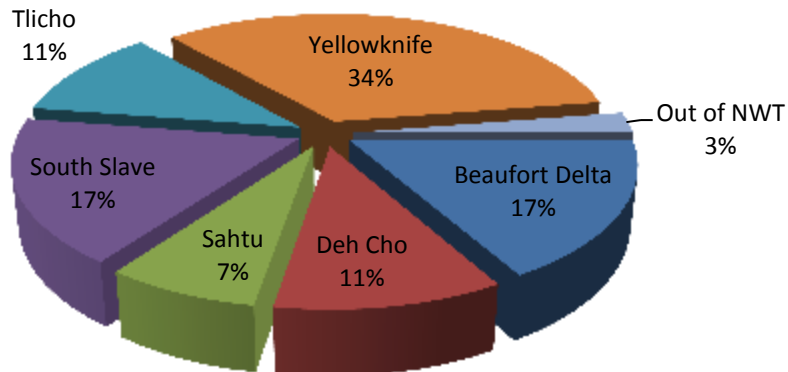


Number of Applications Received by Case Type Fiscal years 2008/09 to 2017/18

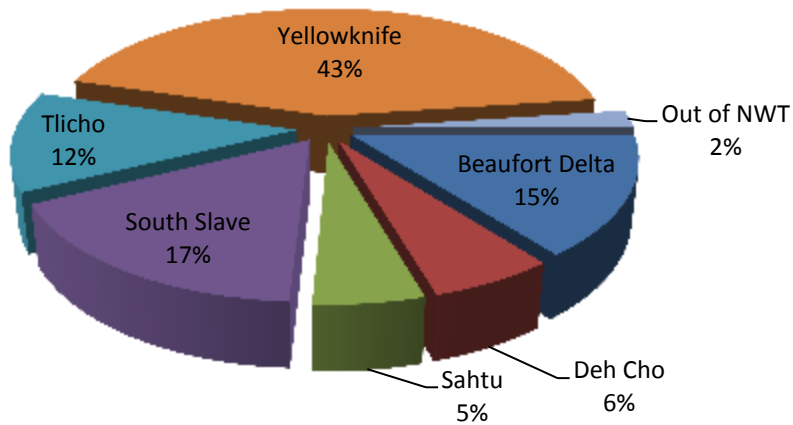


	08/09	09/10	10/11	11/12	12/13	13/14	14/15	15/16	16/17	17/18
Adult Criminal	892	1108	1119	1082	805	704	562	727	716	832
Youth Criminal	66	48	52	47	22	43	24	27	25	35
Family	591	595	832	760	572	613	541	532	483	406
Civil	20	34	47	32	24	23	11	15	21	9
Annual Total	1569	1785	2050	1921	1423	1383	1138	1301	1245	1282

Criminal Applications 2017/18

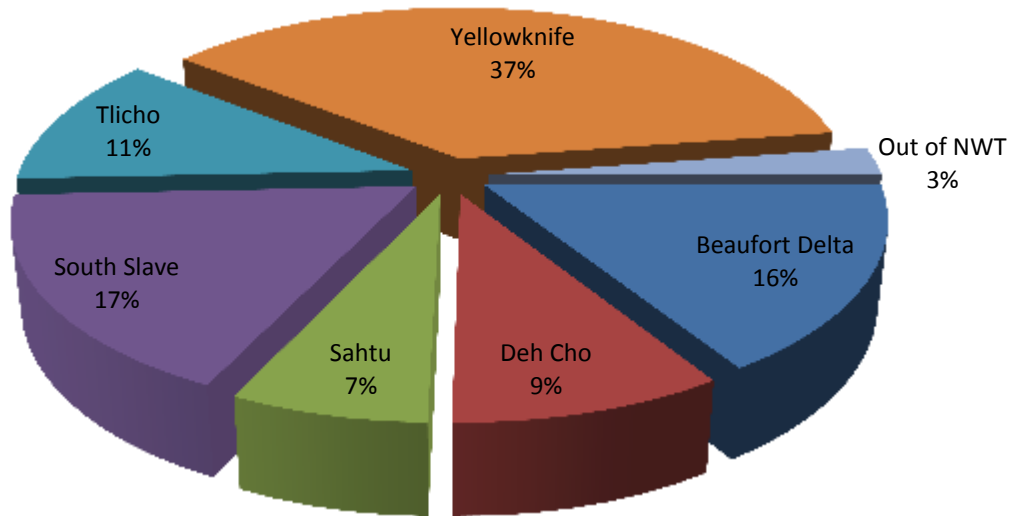


Family/Civil Applications 2017/18



By Regions	Criminal Applications	Family/Civil Applications
Beaufort Delta	145	60
Deh Cho	95	25
Sahtu	64	22
South Slave	151	70
Tlicho	96	50
Yellowknife	294	179
Out of NWT	22	9
Total	867	415

Origin of Applications for 2017/18

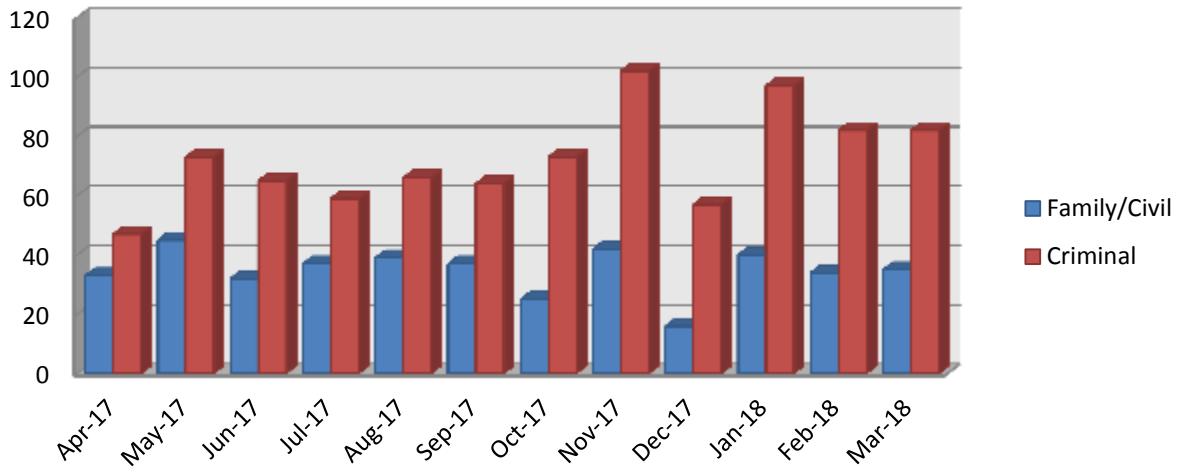


Origin of Applications for 2017/18

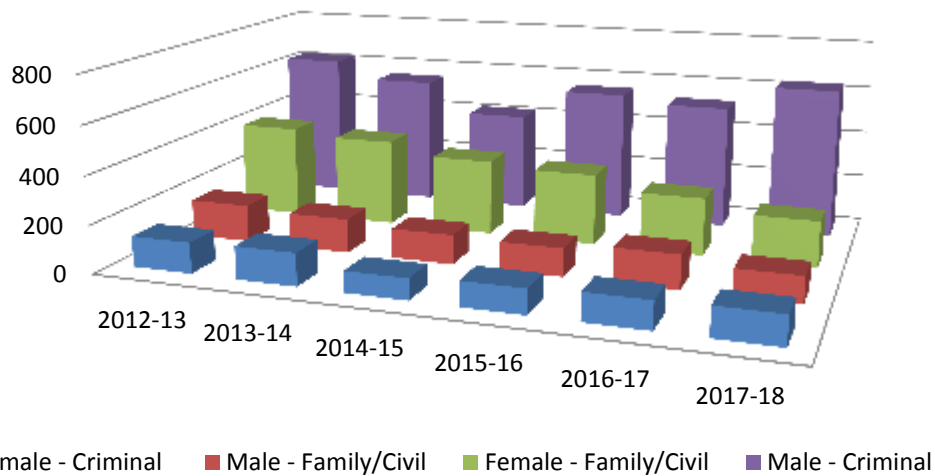
Beaufort Delta	205
Deh Cho	120
Sahtu	86
South Slave	221
Tlicho	146
Yellowknife	473
Out of NWT	31**
Total	1282

** "Out of the NWT" includes: 5 Criminal Appeals, 16 other Criminal Matters, 1 Criminal Youth Matter and 9 Family/Civil Matters.

Applications Received Monthly Fiscal Year 2017/18

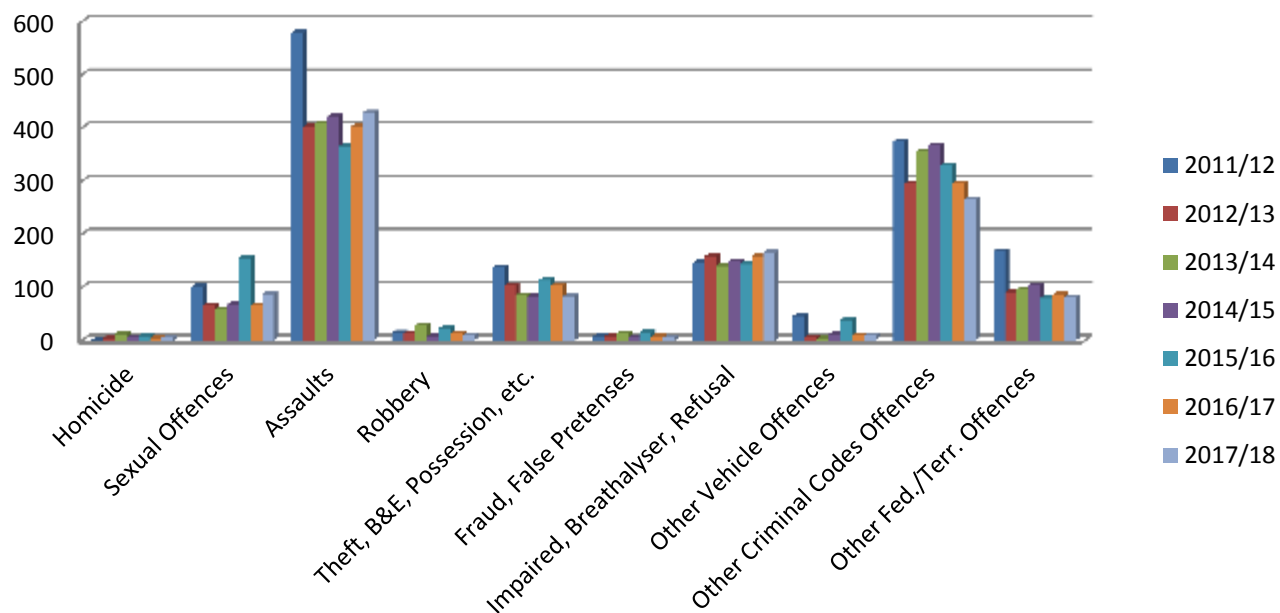


Legal Aid Approvals by Case Type and Gender



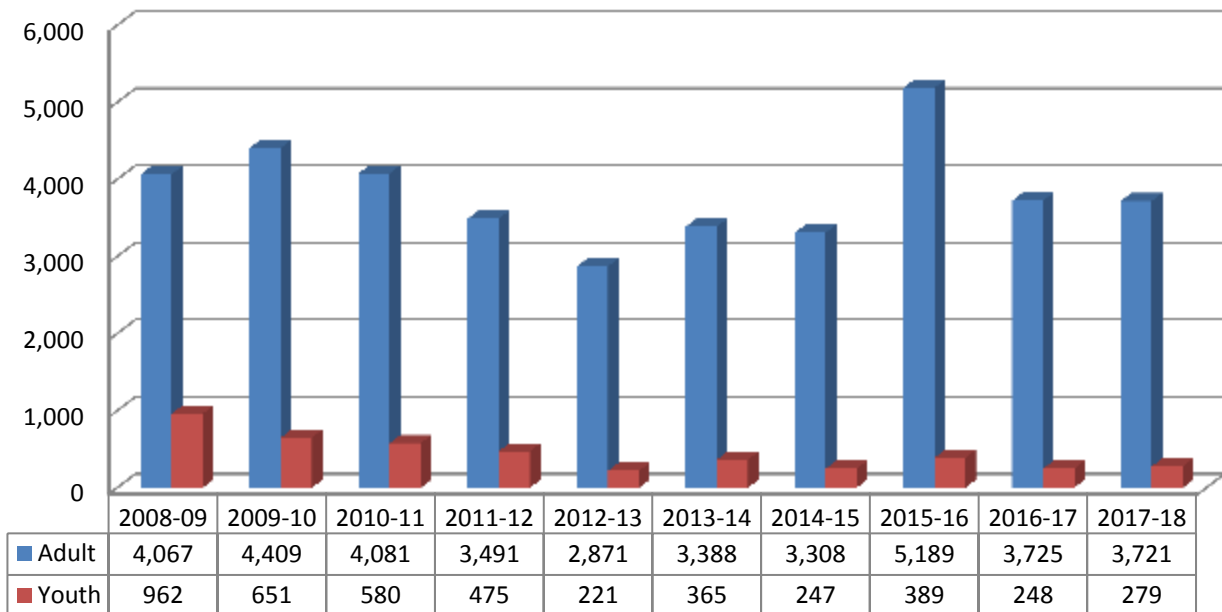
	2011-12	2012-13	2013-14	2014-15	2016-17	2016-17
Female - Criminal	152	128	136	88	103	115
Male - Family/Civil	143	156	142	123	117	143
Female - Family/Civil	376	390	367	318	299	242
Male - Criminal	714	622	549	420	552	524
Annual Total	1385	1296	1194	949	1071	1024

Number of Calls to Brydges Service by Offence Type

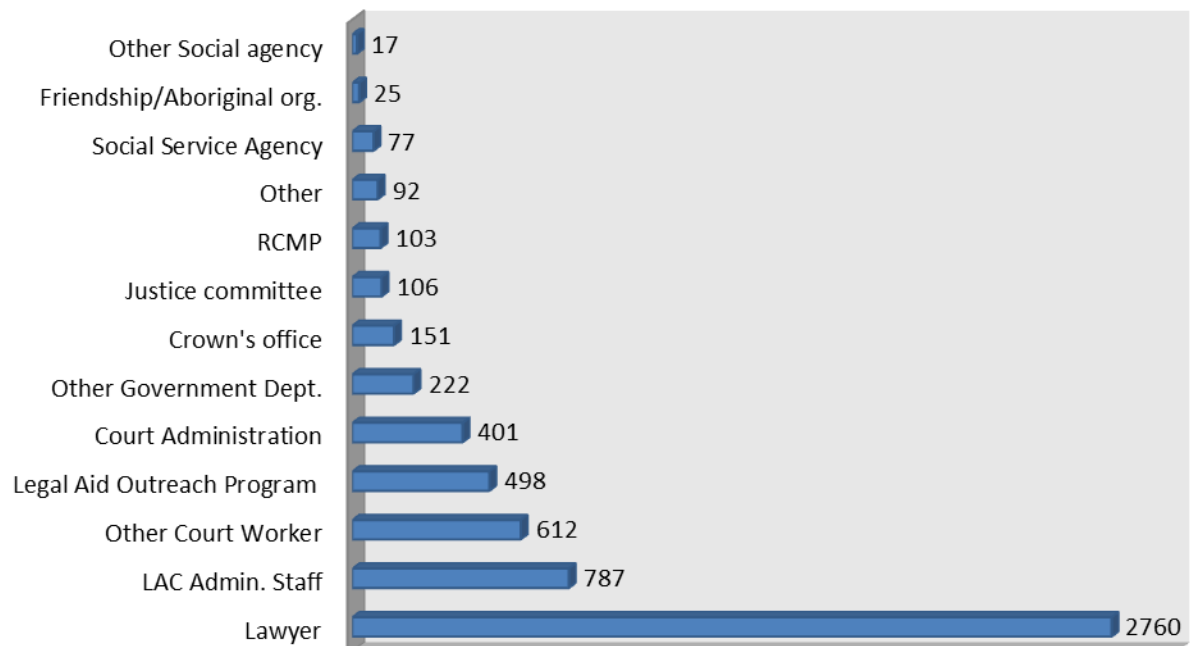


	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18
Homicide	0	4	12	5	8	4	5
Sexual Offences	101	66	58	67	155	66	87
Assaults	579	402	408	421	365	402	428
Robbery	14	13	28	8	23	13	10
Theft, B&E, Possession, etc.	137	103	85	83	114	103	83
Fraud, False Pretenses	7	7	13	5	15	7	5
Impaired, Breathalyser, Refusal	146	158	140	148	144	158	166
Other Vehicle Offences	46	6	3	11	38	10	9
Other <i>Criminal Code</i> Offences	374	295	356	367	329	295	265
Other Fed./Terr. Offences	168	90	96	104	80	86	81
Annual Total	1572	1144	1199	1219	1271	1144	1139

Presumed Eligibility Statistics 2017/18



Court Worker Community Referrals for 2017/18



MAP OF THE NORTHWEST TERRITORIES



[Map of Northwest Territories by Region]. Retrieved Aug 16, 2018 from http://www.auroracollege.nt.ca/_live/documents/content/FacultyStaffGuidebook.pdf

OFFICE LOCATIONS AND CONTACT NUMBERS

LEGAL AID COMMISSION

4915 48th Street
3rd Floor, YK Centre East
P.O Box 1320
Yellowknife, NT X1A 2L9
Tel: (867) 767-9361 ext. 82281
Fax: (867) 873-5320

LEGAL AID CLINICS

Community Legal Aid Clinic

8, 4915 – 48th Street
3rd Floor, YK Centre East
Yellowknife, NT X1A 3S4
Tel: (867) 767-9383 ext. 82319
Fax: (867) 873-0652

Somba K'e Legal Aid Clinic

5, 4915 – 48th Street
2nd Floor, YK Centre East
Yellowknife, NT X1A 3S4
Tel: (867) 767-9377 ext. 82309
Fax: (867) 920-6270

Yellowknife Legal Aid Clinic

4, 4915 – 48th Street
3rd Floor, YK Centre East
P.O Box 11028
Yellowknife, NT X1A 3S4
Tel: (867) 767-9372 ext. 82299
Fax: (867) 873-0652

Outreach Legal Aid Clinic

1, 4915 – 48th Street
3rd Floor, YK Centre East
Yellowknife, NT X1A 3S4
Tel: (867) 767-9384 ext. 82325
Fax: (867) 920-3000

COURT WORKERS

Beaufort Delta Region

151 Mackenzie Road, P.O. Box 1100
Inuvik, NT X0E 0T0
Tel: (867) 777-7338
Fax: (867) 777-3211

Deh Cho Region

2nd Floor, Nahendeh Kue Building
Fort Simpson, NT X0E 0R0
Tel: (867) 695-2106
Fax: (867) 695-2136

Fort Smith

195 McDougal Road, P.O. Box 170
Fort Smith, NT X0E 0P0
Tel: (867) 872-6568
Fax: (867) 872-3602

Sahtu Region

Yamoga Land Corp Building #105
Fort Good Hope NT X0E 0H0
Tel: (867) 598-2762
Fax: (867) 598-2525

South Slave Region

106 – 31 Capital Drive
Hay River, NT X0E 1G2
Tel: (867) 874-2475
Fax: (867) 874-3435

Tlicho Communities

General Delivery
Behchokö NT X0E 0Y0
Tel: (867) 392-6386
Fax: (867) 392-6387

Yellowknife Area

3rd Floor YK Centre East, P.O. Box 1320
Yellowknife NT X1A 2L9
Tel: (867) 920-8009
Fax: (867) 873-5320

