

TABLED DOCUMENT NO. 7 - 15(3) TABLED ON MAR 24 2004

**LEGAL SERVICES BOARD  
OF THE NORTHWEST TERRITORIES**

**1998-1999 ANNUAL REPORT**

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MAR 25 2004  
Yellowknife, N.W.T.

<b>A.</b>	<b>HISTORY OF LEGAL AID</b> .....	<b>3</b>
<b>B.</b>	<b>LEGAL SERVICES BOARD</b> .....	<b>3</b>
1.	ESTABLISHED BY CORPORATION OF LAW .....	3
2.	ADDRESS OF THE BOARD .....	3
<b>C.</b>	<b>LEGISLATIVE OBJECTIVES</b> .....	<b>3</b>
<b>D.</b>	<b>THE BOARD OF DIRECTORS</b> .....	<b>4</b>
1.	COMPOSITE LIST.....	4
2.	NUMBER OF MEETINGS .....	4
3.	DUTIES OF THE BOARD OF DIRECTORS .....	4
4.	MANDATE OF THE BOARD OF DIRECTORS .....	4
5.	NAMES OF THE BOARD OF DIRECTORS .....	5
6.	ORGANIZATIONAL CHART OF THE LEGAL SERVICES BOARD OF THE NWT .....	6
7.	OVERVIEW OF THE LEGAL SERVICES BOARD FOR FISCAL YEAR 1998-1999 .....	7
<b>E.</b>	<b>LEGAL AID</b> .....	<b>8</b>
1.	GENERAL STATEMENT.....	8
2.	LEGAL AID APPLICATIONS .....	8
3.	FINANCIAL ELIGIBILITY FOR LEGAL AID .....	8
4.	CRITERIA USED TO ASCERTAIN CONTRIBUTION BY APPLICANT .....	9
5.	MEANING OF EXPENSES INCURRED BY AN APPLICANT .....	10
6.	FINANCIAL ELIGIBILITY FOR YOUTH, MINORS AND INFANT CHILDREN .....	10
<b>F.</b>	<b>TYPES OF CASES ASSIGNED LEGAL AID COVERAGE</b> .....	<b>11</b>
1.	GENERAL STATEMENT.....	11
2.	<i>YOUNG OFFENDERS ACT</i> (CANADA), <i>YOUNG OFFENDERS ACT</i> (N.W.T).....	11
3.	<i>CRIMINAL CODE</i> – ADULT MATTERS.....	12
<b>G.</b>	<b>RESIDENCY AND RECIPROCITY</b> .....	<b>12</b>
1.	ELIGIBILITY .....	12
<b>H.</b>	<b>APPEALS</b> .....	<b>13</b>
1.	LEGAL SERVICES .....	13
2.	CONTRIBUTIONS .....	13
3.	FINANCIAL ELIGIBILITY.....	13
4.	LAWYER ACCOUNTS.....	13
<b>I.</b>	<b>LEGAL AID TARIFF (1998-1999)</b> .....	<b>13</b>
<b>J.</b>	<b>LEGAL AID ASSIGNMENTS</b> .....	<b>14</b>
1.	PANELS .....	14
2.	CHOICE TO COUNSEL.....	14
3.	ROTATION OF PANELISTS (ROSTER SYSTEM).....	14
4.	CIRCUIT COUNSEL .....	14
5.	CONTRIBUTIONS BY THE NWT LAW SOCIETY MEMBERSHIP .....	15
<b>K.</b>	<b>REGIONAL LEGAL SERVICES CENTERS /CLINICS</b> .....	<b>15</b>
1.	FORMATION OF COMMITTEES .....	15
2.	FINANCIAL CONTRIBUTIONS BY THE LEGAL SERVICES BOARD .....	15
3.	KITIKMEOT LAW CENTRE.....	16
4.	KEEWATIN LEGAL SERVICES CENTRE SOCIETY .....	16
5.	MALIIGANIK TUKISIINIYAKVIK.....	16

6.	BEAUFORT DELTA LEGAL SERVICES .....	16
7.	YELLOWKNIFE LEGAL AID CLINIC STAFF LAWYERS.....	17
<b>L.</b>	<b>NATIVE COURT WORKERS PROGRAM.....</b>	<b>17</b>
1.	FEDERAL GOVERNMENT CONTRIBUTION.....	17
2.	MACKENZIE COURT WORKER PROGRAM .....	17
3.	NATIVE COURT WORKER SERVICE DELIVERY STATISTICS 1998/99 .....	17
<b>M.</b>	<b>PUBLIC LEGAL EDUCATION &amp; INFORMATION .....</b>	<b>18</b>
<b>N.</b>	<b>FINANCE AND ADMINISTRATION .....</b>	<b>18</b>
1.	GOVERNMENT OF CANADA AND GOVERNMENT OF NWT AGREEMENT.....	18
2.	FINANCE.....	19
3.	PERSONNEL .....	19
4.	AUDITS.....	19
<b>O.</b>	<b>APPLICATIONS FOR LEGAL AID SERVICES.....</b>	<b>19</b>
1.	NUMBER OF ALL APPLICATIONS AND AREAS OF LEGAL SERVICES FOR 1998/99.....	19
2.	NUMBER OF RESIDENTS PROVIDED WITH LEGAL SERVICES PURSUANT TO THE PRESUMED ELIGIBILITY POLICY 1998/99.....	18
3.	FINANCIAL REPORT 1998/99 .....	21
4.	MISSION STATEMENT AND RESPONSIBILITIES .....	22
5.	OFFICE LOCATIONS AND CONTACT NAMES.....	24

## **A. History of Legal Aid**

The provision of Legal Aid first became a territorial responsibility in 1971. This was the year the Federal Government transferred the responsibility for the administration of justice to the Northwest Territories. In 1971, the *Legal Services Ordinance* (now *Act*) established the Legal Services Board. The board is responsible for legal aid, court worker and public legal education and information services throughout the Northwest Territories. Legal services are provided, in an integrated program using staff lawyers, regional legal services clinics and private lawyers. The first legal services clinic, Maliiganik Tukisiiniakvik, was incorporated in Iqaluit in 1974 and as of March 31, 1999, there were five such centers operating in the Northwest Territories.

## **B. Legal Services Board**

### **1. Established by Corporation of Law**

The *Legal Services Act*, R.S.N.W.T. 1988 c.L-4 (as amended) establishes a corporation called the Legal Services Board of the Northwest Territories. The Board reports to the Minister of Justice. The Board is a public agency listed in Schedule A of the *Financial Administration Act*, R.S.C. 1985, c.F-11 (as amended).

The cost of administering the *Legal Services Act* (hereinafter "*Act*") and providing legal services and other programs under the *Act* is paid out of moneys appropriated for these purposes by the Legislature.

### **2. Address of the Board**

The head office of the Board changed during the fiscal year 1998-1999. The Board's office moved from the Goga Cho Building to the 3<sup>rd</sup> Floor, Panda II Centre, 4915 – 48<sup>th</sup> Street, Yellowknife NT, X1A 3S4, as a cost saving measure.

## **C. Legislative Objectives**

The objects of the Board, are stated under section 7, of the *Legal Services Act* and are as follows:

- (a) to ensure the provision of legal services to all eligible persons;
- (b) to ensure that the legal services provided and the various systems for providing those services are the best that circumstances permit; and
- (c) to develop and co-ordinate Territorial or local programs aimed at:
  - (i) reducing and preventing the occurrence of legal problems, and
  - (ii) Increasing knowledge of the law, legal processes and the administration of justice.

## **D. The Board of Directors**

### **1. Composite List**

The members of the Board of Directors are appointed by the Minister of Justice of the Government of the Northwest Territories in accordance with section 3, of the *Legal Services Act*. The Board was composed of the following:

- (a) one lawyer appointed on nomination of the President of the Law Society;
- (b) one member of the public service;
- (c) one person who is not a member of the Law Society or public service; and
- (d) one person appointed or nominated from each regional committee.

### **2. Number of Meetings**

In 1998/99 the Board met on the following five (5) occasions:

- (a) April 23-24, 1998 in Yellowknife;
- (b) July 16-17, 1998 in Yellowknife;
- (c) October 3, 1998 in Yellowknife;
- (d) December 19, 1998 in Yellowknife; and
- (e) March 13, 1999 in Yellowknife

### **3. Duties of the Board of Directors**

The duties of the Board are prescribed under section 8, of the *Legal Services Act*. It states that the Board shall:

- (a) administer this *Act* and Regulations;
- (b) make every endeavor to attain the objectives of the Board;
- (c) keep under review the legal services provided and performance of the regional committees;
- (d) co-ordinate the provision of legal services; and
- (e) publish details of the legal services available.

### **4. Mandate of the Board of Directors**

The Board sets policies for the provision of legal services, arranges contracts with regional legal services clinics, hires the Executive Director, signs service contracts with lawyers who provide legal aid, maintains a panel of private lawyers for eligible clients for criminal, family, civil matters and hears appeals in cases where eligibility has been denied. The Board has additional prescribed powers under section 11, of the *Legal Services Act*.

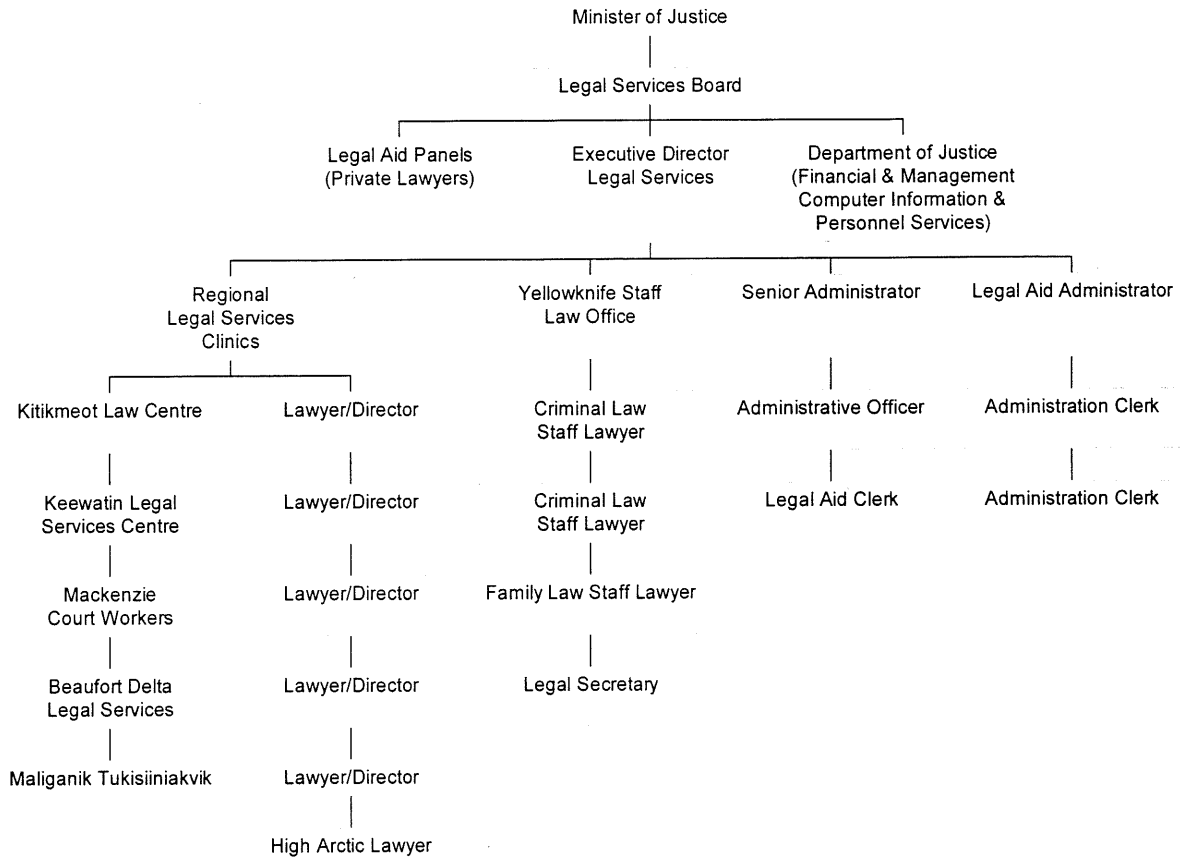
## 5. Names of the Board of Directors

### 1998-1999 Board of Directors

- |                          |                                            |
|--------------------------|--------------------------------------------|
| (1) Dennis Patterson     | Chairperson, Member from the Baffin Region |
| (2) Gerry Sutton         | Member from the Public Service             |
| (3) Sally Kusugak,       | Member from the Keewatin Region            |
| (4) Robert Gorin         | Member from the Law Society of the NWT     |
| (5) Peter Esau           | Member from the Beaufort Delta Region      |
| (6) Michael Angotitturaq | Member from the Kitikmeot Region           |
| (7) Bruce McKay          | Executive Director of the Board            |

6. Organizational Chart of the Legal Services Board of the NWT

## Legal Services Board of the NWT Organizational Chart March 31, 1999



## 7. Overview of the Legal Services Board for Fiscal Year 1998-1999

The number of Directors on the Legal Services Board of the Northwest Territories reduced by statute amendment. The two appointed positions that were removed were:

1. AAG (Canada)
2. Executive Director of the Legal Services Board.

For fiscal year 1998-1999, the Legal Services Board of the Northwest Territories elected Dennis Patterson as Chairperson.

The federal Access to Justice Agreement that integrated the legal aid, native courtworker program and public legal education and information program came into effect retroactively on April 1, 1997.

Division of the geo-political landmass of the Northwest Territories was a topic prominently on the minds of the Legal Services Board. In order to facilitate a smooth transition, work was being performed on an all-encompassing master agreement that would include respective Justice Department services and programs. The Legal Services Board of the Northwest Territories Board agreed to continue providing legal aid services to the residents of Nunavut post-division. This arrangement would remain in place until the Nunavut Legal Services Board became a legal entity and ready to assume responsibility for the delivery of legal aid services to their constituents.

The Legal Services Board of the Northwest Territories Board resolved to work cooperatively with all facets of the legal and judicial system by providing the best possible service to the eligible recipients of legal aid. To that end the Board endorsed the use of negotiated family law related disputes. The Board encouraged and supported the civil/family law panelists (lawyers) to avail themselves of processes such as formal mediation, arbitration, settlement conferences in accordance with Part 19 of the Rules of the Supreme Court of the Northwest Territories, and mini-trials pursuant to Rule 292, of the aforementioned Rules.

Territorial Court travels to all of the communities in the Northwest Territories, therefore, long delays can occur before youth and adults are able to have their matters adjudicated in a timely way. These inherent delays also effects complainants, victims, witnesses and the community as a whole. Consequently, the Board approved a one-year pilot project by extending legal aid coverage on a "presumed eligibility" basis to all persons who were charged with criminal offences. The objective of the presumed eligibility policy (hereinafter referred to



as “PEP”) was to reduce the number of legal aid applications being completed by financially eligible applicants. It was also designed to alleviate the need for legal aid circuit duty counsel lawyers from having to adjourn criminal court matters merely to have a person on the court docket complete a legal aid application then wait 4 – 6 weeks for the circuit court to return before a guilty plea is entered or a preliminary inquiry or trial date set down.

## **E. Legal Aid**

### **1. General Statement**

Pursuant to the *Legal Services Act*, section 30, “no person other than an individual is eligible to receive legal services”. This provision precludes privately incorporated companies, businesses (incorporated or not) from receiving coverage under the Act.

### **2. Legal Aid Applications**

This is the first point of contact between the applicant and the Legal Services Board of the NWT. A standard application form is normally and most frequently completed with the assistance of one of our many Mackenzie Court Workers. If the form is completed to the best of the applicant’s abilities and no further information is required, coverage is extended relatively quickly. If the financial eligibility information is incomplete, approval is held in abeyance until the applicant provides the prescribed financial information.

When an applicant is determined to be able to make a contribution, a conditional authorization for legal aid is given to the applicant.

### **3. Financial Eligibility for Legal Aid**

- a. Disclosure by an applicant of their assets, liabilities, income, expenses, including that of their spouse and dependents (if applicable) is required before determination can be made about legal aid coverage. After the above noted prescribed financial information has been assessed by the Board and it has been determined that the applicant can afford to pay for the legal services of a lawyer, their application will be denied pursuant to Legal Services Regulation, Schedule C;
- b. Subject to the *Legal Services Act* and Legal Services Regulations, an applicant who receives all or most of his /her income from social assistance (income support) is eligible for legal aid coverage;
- c. Where legal services rendered outside the plan would reduce an applicant’s income to a level whereby he or she

would become eligible for social assistance, legal aid coverage may be extended with the provision that the applicant make a contribution for those costs. However, no contribution shall be in an amount so large as to reduce the income of the applicant to a level where he or she would be eligible for social assistance.

#### 4. Criteria Used to Ascertain Contribution by Applicant

The ability or inability of an applicant to contribute to the cost of the legal services applied for or provided and the extent of the ability to contribute shall be determined with reference to the assets and liabilities and the income and expenses of the applicant, his or her spouse and his or her dependants and, where the applicant is an infant, those of his or her parents or guardians.

In determining whether there should be a contribution and, if so, the amount of the contribution, the following matters shall be considered, namely:

- (a) whether the applicant can contribute without his or her dependants' suffering undue financial hardship such as incurring substantial indebtedness or being required to dispose of modest necessary assets;
- (b) whether the applicant, his or her spouse and dependants have income after deduction of expenses allowed to them, available for contribution or use;
- (c) whether the applicant has liquid assets available after considering the amount of debts and liabilities that must be paid from the liquid assets;
- (d) with respect to an interest owned by the applicant, his or her spouse or dependants in a chattel, whether the applicant has available any portion of the value of that interest that would exceed the needs of the applicant, his or her spouse and dependants;
- (e) with respect to an interest owned by the applicant, his or her spouse or dependants in real property, whether the applicant has available for contribution any portion of the value of that interest that would exceed his or her needs after deducting from it the value of all encumbrances on the real property; and

- (f) whether it is administratively economical to seek recovery of a contribution if determined, and if so, the extent to which this is the case.

5. Meaning of Expenses Incurred by an Applicant

Furthermore, the following additional information must be provided to the Board by an applicant for legal aid in order to determine financial eligibility:

“expenses” means

- (a) basic living allowances for food, clothing, shelter and household supplies;
- (b) taxes, pension and unemployment insurance contributions;
- (c) utility costs;
- (d) transportation costs necessary for the earning of a livelihood or to enable the applicant or his or her children to attend school;
- (e) medical, dental and hospital costs;
- (f) installment payments on debts incurred before making an application for legal aid; and
- (g) any other expenses allowed by the Board or Executive Director.

6. Financial Eligibility for Youth, Minors and Infant Children

- (a) In determining whether a youth as defined by the *Young Offenders Act*, (Canada) (12 years of age but less than 18 years of age) or a minor within the meaning of the *Age of Majority Act*, (N.W.T) the Legal Services Board does and must consider the financial eligibility criteria of the youth's parents or guardians. The Board does, however, apply flexible rules and policies when making a determination. For example, if a youth or minor's interests conflict with that of the parent(s) then the Board will extend coverage;

- (b) The Legal Services Board has an arrangement with the Superintendent of Child and Family Services to recover the costs of appointing legal counsel for infant children in the event that the infant children require separate independent legal counsel;
- (c) The criteria used to access a contribution or a recovery is limited by the information provided by the applicant when he or she supplies the Board with financial eligibility information documentation;
- (d) Contributions and recoveries are deposited into the Government of the NWT Consolidated Revenue Fund and are not available to the Department of Justice or the Legal Services Board.

## **F. Types of Cases Assigned Legal Aid Coverage**

### **1. General Statement**

The legal aid needs of the NWT resident population is financially supported by the Federal Government's Access to Justice Agreement, the *Legal Services Act* R.S.N.W.T.,1988, c.L-4 (as amended), and by Legal Services Regulations, R.R.N.W.T. 1990,c.L-8 (as amended).

### **2. *Young Offenders Act (Canada), Young Offenders Act (N.W.T)***

- i. Legal services are provided to eligible youth who are charged with offences under the *Criminal Code* and who are required to make an appearance before a Territorial Youth Court Judge. On occasion, legal aid coverage may be extended to cover matters in the Justice of the Peace Court. Furthermore, legal aid coverage may also be extended for matters that are brought before the Supreme Court of the NWT when appeals are filed touching upon a sentence, a conviction or both. As stated earlier, legal services are contingent upon the applicant maintaining financial eligibility criteria;
- ii. The Youth Court Judge, on occasion, may order the appointment of legal counsel for a youth that is unrepresented;
- iii. Legal aid coverage is not provided in criminal or other statutory offences where the matter (s) are proceeding by way of summary conviction unless:

- a. There is a reasonable possibility that upon conviction the youth may be incarcerated by way of open or closed or secure custody;
  - b. There is a reasonable possibility that upon conviction, the youth's livelihood may be prejudiced; or
  - c. There exists in the opinion of the Executive Director, special circumstances.
- iv. All criminal charges involving a youth are deemed to be summary convictions until or unless the Crown elects to proceed by way of indictment against the youth.

### 3. Criminal Code – Adult Matters

- (a) As stated earlier legal aid coverage for adults may be provided to them if they are financially eligible in accordance with the *Legal Services Act* and Legal Services Regulations;
- (b) Subject to the discretion of the Board or Executive Director, legal aid coverage will not be provided in circumstances where it involves the following matters:
  - a. First offence impaired driving charges unless there are combined *Criminal Code* charges;
  - b. Offences under the *Motor Vehicle Act* unless the charges are second or subsequent offences for careless driving;
  - c. Summary conviction offences where the accused has already been approved for legal aid three times for summary conviction offences during the past year;
  - d. Summary conviction offences where the accused has been ordered by the Board to contribute to the cost of legal aid and has not done so; and
  - e. For the offence of consuming liquor by a minor under the *Liquor Act*, unless there are charges under the *Criminal Code* or *Liquor Act* arising out of the same set of circumstances.

## G. Residency and Reciprocity

### 1. Eligibility

Subject to section 44, of the *Legal Services Act*, a person not ordinarily resident in Canada is not eligible for legal aid coverage.

An applicant who resides in the NWT may apply for legal aid in the event that he or she becomes involved in a matter in the Yukon or the Provinces. The legal aid application is processed in the NWT, then forwarded to the legal aid jurisdiction having charge over the matter. The Legal Services Board of the NWT is a participant in the Interprovincial Reciprocity Agreement that allows legal aid coverage to be extended to the applicant in the latter jurisdiction. As long as the Territory or Province covers the type of case our resident has in another jurisdiction, legal aid will provide him or her with legal services.

**H. Appeals**

1. Legal Services

An applicant has an automatic right upon refusal of legal aid services to appeal. A written letter addressed to the Executive Director stating the reasons for the appeal must be delivered to the Legal Services Board who shall then convene an appeal hearing.

2. Contributions

An applicant who is determined by the Executive Director to be able to make a financial contribution has an automatic right of appeal to the Legal Services Board. The Board must then convene an appeal hearing and consider all options.

3. Financial Eligibility

The applicant has an automatic right of appeal to the LSB in the event that the applicant is deemed to be financially ineligible for legal services.

4. Lawyer Accounts

A lawyer has a right of appeal in the event that his or her statement of account has been taxed by the Executive Director.

**I. Legal Aid Tariff (1998-1999)**

<u>Experience</u>	<u>Hourly Rates</u>	<u>Daily Rates</u>
Student at law	\$40	\$232
Less than 4 years	\$61	\$352
4-6 years	\$70	\$436
7-10 years	\$86	\$516
11 & more years	\$102	\$609

The rates are the same regardless of the level of court.

## J. Legal Aid Assignments

### 1. Panels

The *Legal Services Act* requires work to be assigned to members of the Panel in rotation on a fair and equitable basis. An applicant who is approved for legal aid is assigned a lawyer from the legal aid panel by the Executive Director. The eligible recipient does not have the right to choose a lawyer to represent them.

### 2. Choice to Counsel

The choice of counsel exception is a person who is charged with an offence for which the maximum penalty, if convicted, is life imprisonment. In this situation, an applicant can choose any lawyer resident in the Northwest Territories who is willing and able to take the case. There is no choice of counsel, however, where the applicant is charged with break and enter under the *Criminal Code* or a trafficking offence under the *Narcotic Control Act* where life imprisonment is the maximum sentence.

### 3. Rotation of Panelists (Roster System)

The Executive Director may depart from the rotation system if he or she is satisfied that operation of the rotation system would not be economically practical, the interest of the client would be prejudiced by operation of the rotation system, or the lawyer who would be assigned is not available, has a conflict of interest or does not have the experience, expertise or qualifications required.

Lawyers located in communities other than Yellowknife are given priority for legal aid assignments in their community and the surrounding area because it is economically practical to do so.

### 4. Circuit Counsel

The Legal Services Board is required under the *Legal Services Act* to have at least one lawyer (circuit counsel) accompany the Supreme and Territorial Court on all circuits where a lawyer may be required for the delivery of legal aid on the circuit. In addition, duty counsel are assigned to the sittings of the Territorial Court in Yellowknife, Hay River, Inuvik and Iqaluit. Applicants for such services are subject to the same criteria as all other applicants who need legal services.

## 5. Contributions by the NWT Law Society Membership

The Legal Services Board is very appreciative of the contribution made by the members of the private bar. Private lawyers frequently work long hours for a fixed per diem rate. Many lawyers provide immediate assistance to individuals who are not subsequently approved for legal aid. Private lawyer volunteers serve on the Law Line operated by the Board. Many lawyers take telephone calls at all hours of the day and night from individuals who have been arrested or need other emergency advice. For this work, the Board thanks the members of the private bar.

In addition, our staff lawyers also avail themselves during non-business hours to provide legal advice. The Board appreciates their commitment and dedication in providing this service to the general public as well.

## **K. Regional Legal Services Centers/Clinics**

### 1. Formation of Committees

The *Legal Services Act* provides that the Legal Services Board may appoint "regional legal services committees" to provide legal services and court worker services in the various regions of the Territories. These "committees" are known as legal services clinics, legal services centers, law centers or legal aid clinics.

Five regional legal services clinics received contribution payments via the Legal Services Board in 1998/99. They were Maliiganik Tukisiiniakvik, Beaufort Delta Legal Services (an amalgamation of the Arctic Rim Law Centre and the Mackenzie Delta Legal Services Committee as of June 1, 1996), Keewatin Legal Services Centre, the Kitikmeot Law Centre and the Mackenzie Court Workers Services. Each of these clinics entered into a contract with the Legal Services Board who then provide funding and delegates some responsibility for the provision of legal services to that particular region. It is the Legal Services Board's responsibility to oversee the operation of the clinics.

Policy dictates that the Legal Services Board hire the Lawyer/Director on direct contract to the Board and assign these lawyers to the regional legal services clinics. Recruitment and hiring is done in partnership with the clinics.

### 2. Financial Contributions by the Legal Services Board

Contribution payments are public funds for which there is full accountability to the Legal Services Board and the Department of Justice.



The five regional legal services clinics are incorporated non-profit societies, which have their own board of directors. These organizations employ their own court workers and administrative staff to carry out their mandated legal services and programs.

In the Northwest Territories, court workers provide a wide range of assistance to people who have legal and justice problems. Usually they deal with people in their own language. They provide information and referrals as well as assist people in applying for legal aid by filling out legal aid application forms and conveying them to the Legal Services Board. Court workers also act as paralegals and represent individuals who do not have a lawyer. They advocate in Justice of the Peace Court, Youth Court, and Territorial Court in bail hearings, guilty pleas, and sentencing and in some cases, trials.

3. Kitikmeot Law Centre

The Kitikmeot Law Centre is the regional legal services clinic for the Kitikmeot region. The Centre's head office is situated in Cambridge Bay. Andrew Maher has been the lawyer/Director there since 1996/1997. The Centre had court worker positions in Cambridge Bay, Coppermine, Pelley Bay, Taloyoak and Gjoa Haven.

4. Keewatin Legal Services Centre Society

The Keewatin Legal Services Centre Society is the regional legal services clinic for the Keewatin Region. The Lawyer/Director of the Keewatin Legal Services committee and the Arctic Rim Law Centre Society in 1998/99 was Darrell Blais who was located at the head office of the society in Rankin Inlet. During 1998/99, the society had court worker positions in Rankin Inlet, Baker Lake and Arviat.

5. Maliiganik Tukisiiniakvik

The lawyer/Director of Maliiganik Tukisiiniakvik, Neil Sharkey, resigned. The regional legal services board commenced with a recruitment initiative to identify a replacement. Lynn Wheatly was hired as the new lawyer/Director.

6. Beaufort Delta Legal Services

Andrew Fox was the Lawyer/Director of the clinic during 1998/99. The society had court worker positions in Inuvik, Fort McPherson, Tuktoyaktuk and Holman.

7. Yellowknife Legal Aid Clinic Staff Lawyers

In 1998/1999, a law office was maintained with in the Legal Services Board's office in Yellowknife with Gregory C. Nearing being appointed as the new Executive Director. Staff lawyers were M. Joan Mercredi and Scott Duke. A full time legal secretary/assistant was also maintained.

L. Native Court Workers Program

1. Federal Government Contribution

The federal government provides a major financial contribution for the Native Court Worker Program. The amount of this fiscal year's contribution amounted to \$473,500.

2. Mackenzie Court Worker Program

Mackenzie Court Workers Services is responsible for providing court worker services in the North Slave, Deh Cho and Sahtu regions of the Territories. In 1998/99, court workers were located in Yellowknife, Rae-Edzo, Fort Smith, Hay River, Fort Simpson and Fort Good Hope. The head office of the Mackenzie Court Workers is situated within the LSBNWT office location on the 3<sup>rd</sup> Floor of the Panda II Centre, Yellowknife. The Executive Director, Art Derocher, resigned in January 1999, and a hiring committee was struck to find a replacement.

3. Court Workers Statistics for 1998-1999

COURT WORKERS STATISTICS FOR 1998-1999

	Beaufort Delta		Kitikmeot		Keewatin		Mackenzie		TOTAL	
	Court	Office	Court	Office	Court	Office	Court	Office	Court	Office
<b>ADULT CRIMINAL</b>										
Persons Assisted	357	461	97	88	251	414	5159		705	963
<b>Services Provided</b>				15						
Criminal Code	289	446	52	63	244	333	3206	5675	3,791	6,517
Territorial/By-Law Offenses	76	29	29	47	5		291	432	401	508
PLEI		12		6		17	440	3150	440	3,185
Community Justice	6	35				24	34	239	40	298
Other	24	67		15	2	41	215	592	241	716
<b>YOUTH CRIMINAL</b>										
Persons Assisted	116	212	20	5	33	80	1017		1,186	297
<b>Services Provided</b>					5	1			5	1
Criminal Code	71	191	20	5	28	44	1175	589	1,294	829
Territorial/By-	19	9				2	127	182	146	199

Law Offenses										
PLEI	3	4				12	112	289	115	305
Community Justice	13	22				19	1	40	19	81
Other	10	12				2	63	88	73	102
<b>CIVIL</b>										
Persons Assisted	3	161		20	1	381	2111		2,115	562
<b>Serviced Provided</b>										
Family	3	107		4	1	293	157	3136	161	3,540
Child Welfare		14				31	69	479	69	524
Name Changes		6				8	5	1482	5	1496
Landlord Tenant		2				13	6	205	6	220
Other		54		8		93	19	368	19	523
<b>TOTALS</b>	99	1,844	218	282	560	1,808	14,477	16,947	10,831	20,866

- Court – Clients seen for Territorial Court/JP Court
- Office – clients seen outside of Court

### **M. Public Legal Education & Information**

Responsibility for public legal education and information was assumed by the LSB and delegated and decentralized to the regional Legal Services Centres/Clinics.

Law Line: the Legal Services Board continued the operation of a toll free telephone line called the “Law Line”. This service is provided two nights a week where summary legal advice is made available by volunteer lawyers.

The employees with the NCW Program contribute significantly towards and dissemination and distribution of legal education and information throughout the regions and communities in which they work and live. They provide information through the use of distribution of pamphlets that contain legal information about civil, family and criminal rights.

### **N. Finance and Administration**

#### **1. Government of Canada and Government of NWT Agreement**

- (a) A new federal initiative saw the creation and implementation of an Access to Justice Agreement executed between the Governments of Canada and the Northwest Territories.

The federal contributions under the AJA are placed on deposit in the Government of the NWT’s Consolidated Revenue Fund and is consequently not available to the Department of Justice or the LSB.

## 2. Finance

In fiscal year, April 1, 1998 to March 31, 1999, the Government of Canada contributed funds in accordance with the AJ Agreement for the following services and programs:

- (b) Legal Aid Program;
- (c) Native Court Worker Program; and
- (d) Public Legal Education and Information Program (PLEI).

## 3. Personnel

The employees of the Legal Services Board are appointed and employed under the *Public Service Act*, R.S.N.W.T. 1988, c,P-16 (as amended) and are public servants in the Department of Justice. Consequently, the Legal Services Board is subject to the provisions of the Human Resources Manual of the Government of the Northwest Territories. Personnel services are provided to the Board by the Financial and Management Services Division of the Department of Justice. It is the responsibility of the Board to consider what employees are necessary for the proper conduct of the Board's business.

The staff lawyers employed by the Board, including the Executive Director, are contract employees of the Board.

## 4. Audits

Because the Board does not hold separate funds, it is not audited separately from the Department of Justice. The Territorial Audit Bureau audits both the Board and the Department of Justice for compliance with the Territorial/Canada legal services agreements.

### **O. Applications For Legal Aid Services**

#### 1. Number of All Applications and Areas of Legal Services for 1998/99

Origin of Application	1998/99	1997/98
Provinces & Yukon	21	18
Beaufort Delta	206	248
Fort Smith	1	
Kitikmeot Law Office	89	127
Keewatin Law Office	116	83
Maliiganik Tukisiiniakvik	248	381
Mackenzie Delta	0	9
MacKenzie Court Workers	923	1148

Yellowknife	144	185
<b>TOTAL</b>	<b>1748</b>	<b>2199</b>

**TYPE OF CASE**

Adult Criminal	739	1022
Youth Criminal	59	150
Sub-total	<b>798</b>	<b>1172</b>

Family	887	933
Civil	63	94
Sub-total	<b>950</b>	<b>1027</b>

<b>TOTAL</b>	<b>1748</b>	<b>2199</b>
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2. Financial Report 1998/99

**1998/99 Financial Report**

ITEM	Actual Expense	Revised Budget	Year Variance
<b>Administration</b>			
Staff Wages and Benefits	314,512	380,705	66,193
Executive Director - total costs	125,286	120,000	(5,286)
Total Office	387,695	109,500	(278,195)
<b>Total Administration</b>	<b>827,493</b>	<b>610,205</b>	<b>(217,288)</b>
<b>Board Costs</b>			
Honoraria	14,213		(14,213)
Travel, Accommodation, Meals Interpreters Other	43,150	75,000	31,850
<b>Total Board Costs</b>	<b>57,363</b>	<b>75,000</b>	<b>17,637</b>
<b>Public Legal Education</b>			
Lawline	5,848	13,000	7,152
Projects Other			
<b>Total Public Legal Education</b>	<b>5,848</b>	<b>13,000</b>	<b>7,152</b>
<b>Yellowknife Staff Lawyer Office</b>			
Administration	30,542	48,000	17,458
<b>Contributions to Clinics</b>			
Maliiganik Tukisiiniakvik	467,644	467,650	6
Keewatin	183,326	200,000	16,674
Kitikmeot	183,326	200,000	16,674
Beaufort Delta	270,000	300,000	30,000
Mackenzie Court Workers	473,496	473,500	4
Contribution Reserve		38,850	38,850
<b>Total Contributions</b>	<b>1,577,792</b>	<b>1,680,000</b>	<b>102,208</b>
<b>Admin Support to Clinics</b>	<b>103,475</b>	<b>100,000</b>	<b>(6,475)</b>
<b>Staff &amp; Clinic Lawyers</b>	<b>514,433</b>	<b>791,762</b>	<b>277,329</b>
<b>Legal Aid Fees &amp; Disbursements</b>	<b>2,184,312</b>	<b>2,100,000</b>	<b>(84,312)</b>
<b>Unallocated Reserve</b>			
<b>SUB - TOTAL</b>	<b>5,301,258</b>	<b>5,417,967</b>	<b>116,709</b>

## PRESUMED ELIGIBILITY STATISTICS

1998/99	ADULT	YOUTH	FAMILY	CIVIL	SHOW CAUSE
Beaufort Delta	275	130	16	4	8
	317	147	21	1	16
	<b>592</b>	<b>277</b>	<b>37</b>	<b>5</b>	<b>24</b>
Keewatin	156	38	0	2	4
	72	17	0	0	14
	98	21	0	0	10
	<b>326</b>	<b>76</b>	<b>0</b>	<b>2</b>	<b>28</b>
Kitikmeot	250	78	3	2	0
Maliiganiktuksiiniakvik	159	53	0	0	0
High Arctic	155	50	22	30	12
Yellowknife	230	43	1	0	15
	19	15	0	0	9
	223	28	6	0	1
	98	38	0	0	0
	143	51	0	0	0
	39	17	0	0	0
	82	26	2	0	6
	54	18	0	0	13
	23	2	0	0	2
	207	66	2	0	4
	12	4	2	0	3
	134	57	0	0	5
	104	35	0	0	0
	9	0	0	0	0
	96	13	0	0	11
	53	51	0	0	19
	209	134	0	0	6
	334	6	0	0	7
	11	5	0	0	0
	10	0	0	0	0
	13	0	0	0	0
	46	3	0	2	0
	<b>1849</b>	<b>612</b>	<b>13</b>	<b>2</b>	<b>101</b>
<b>GRAND TOTAL</b>	<b>3311</b>	<b>1146</b>	<b>75</b>	<b>41</b>	<b>165</b>

### 3. Mission Statement and Responsibilities

A person in the NWT has the following rights:

- To apply for legal aid
- To a fair consideration of your application
- To a fair reading of the *Legal Services Act* and Regulations as they concern your case
- To appeal if you are denied legal aid
- To see information in your file in the legal aid office and in your lawyer's possession, as long as it will not harm anyone else
- To receive information about the *Legal Services Act* and Regulations and legal aid policies and ways of operating
- To have the information you give to any legal aid office or lawyer kept secret
- To proper service and behavior from your legal aid lawyer

- To proper service and behavior from your legal aid lawyer
- To complain to the Legal Services Board of the Law Society if you are not pleased with the service or behavior of your legal aid lawyer.
- To polite and fair treatment at any legal aid office

The person also has responsibilities:

- To give complete and true information to Legal Aid regarding your financial circumstances
- To keep Legal Aid informed of any change in your situation, including change of address
- To repay some or all of the cost of your case if you are able to do so
- To treat Legal Aid staff politely and fairly



#### 4. Office Locations and Contact Names

### OFFICE LOCATIONS AND CONTACTS

#### **Legal Services Board of the NWT**

Goga Cho Building  
P.O BOX 1320  
Yellowknife NT X1A 2L9  
TEL: (867) 873-7450  
FAX: (867) 873-5320

#### **Greg Nearing**

Executive Director

#### **Kitikmeot Law Centre**

BOX 96  
Cambridge Bay NT X0E 0C0  
TEL: (8676) 983-2906  
FAX: (867) 983-2570

#### **Scott Baron**

Lawyer/Director

#### **Keewatin Legal Services Centre**

BOX 420  
Rankin Inlet NT X0C 0G0  
TEL: (867) 645-2536  
FAX: (867) 645-2217

#### **Bonnie Tulloch**

Lawyer/Director

#### **Mackenzie Court Workers Services**

P.O BOX 2706  
Yellowknife NT X1A 2R1  
TEL: (867) 873-3678  
FAX: (867) 873-9175

Executive Director/Lawyer

#### **Maliiganik Tukisiiniakvik**

Court House  
P.O BOX 29  
Iqaluit NT X0A 0H0  
TEL: (867) 979-5377  
FAX: (867) 979-4346

#### **Lynn Wheatley**

Executive Director

#### **Maliiganik Tukisiiniakvik High Arctic Office**

General Delivery  
Pond Inlet NT X0A 0S0  
TEL: (867) 899-8707  
FAX: (867) 899-8916

#### **Tim Kavanagh**

High Arctic Lawyer

#### **Beaufort Delta Legal Services**

BOX 1100  
Inuvik NT X0E 0T0  
TEL: (867) 777-2030  
FAX: (867) 777-3211

#### **Andrew Fox**

#### **Richelle Gardener**

Lawyer/ Co-Directors

#### **Legal Aid Staff Lawyer Office**

P.O BOX 1320  
Yellowknife NT X1A 2L9  
TEL: (867) 920-6161  
FAX: (867) 873-5320

#### **Andy Mahar**

Criminal Staff Lawyer

#### **Joan Mercredi**

Criminal Staff Lawyer

#### **Glen Boyd**

Family Law Staff Lawyer

