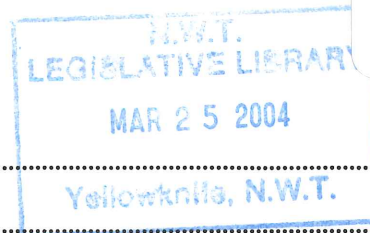


**LEGAL SERVICES BOARD
OF THE NORTHWEST TERRITORIES**

1997-1998 ANNUAL REPORT



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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, Malliganik Tukisiiniakvik, was incorporated in Iqaluit in 1974 and as of March 31, 1997, there were five such centers operating in the Northwest Territories.

B. Legal Services Board

1. Established by Corporation of Law

The *Legal Services Act* 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* (Canada).

The cost of administering the 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 is the Goga Cho Building at 4916-47th Street, Yellowknife, with a postal address of Box 1320, Yellowknife, NT X1A 2L9.

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 1997/98 the Board met on the following three (3) occasions:

- (a) September 18-20, 1997 in Yellowknife;
- (b) November 15-16, 1997 in Yellowknife; and
- (c) January 30-31, 1998 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*.

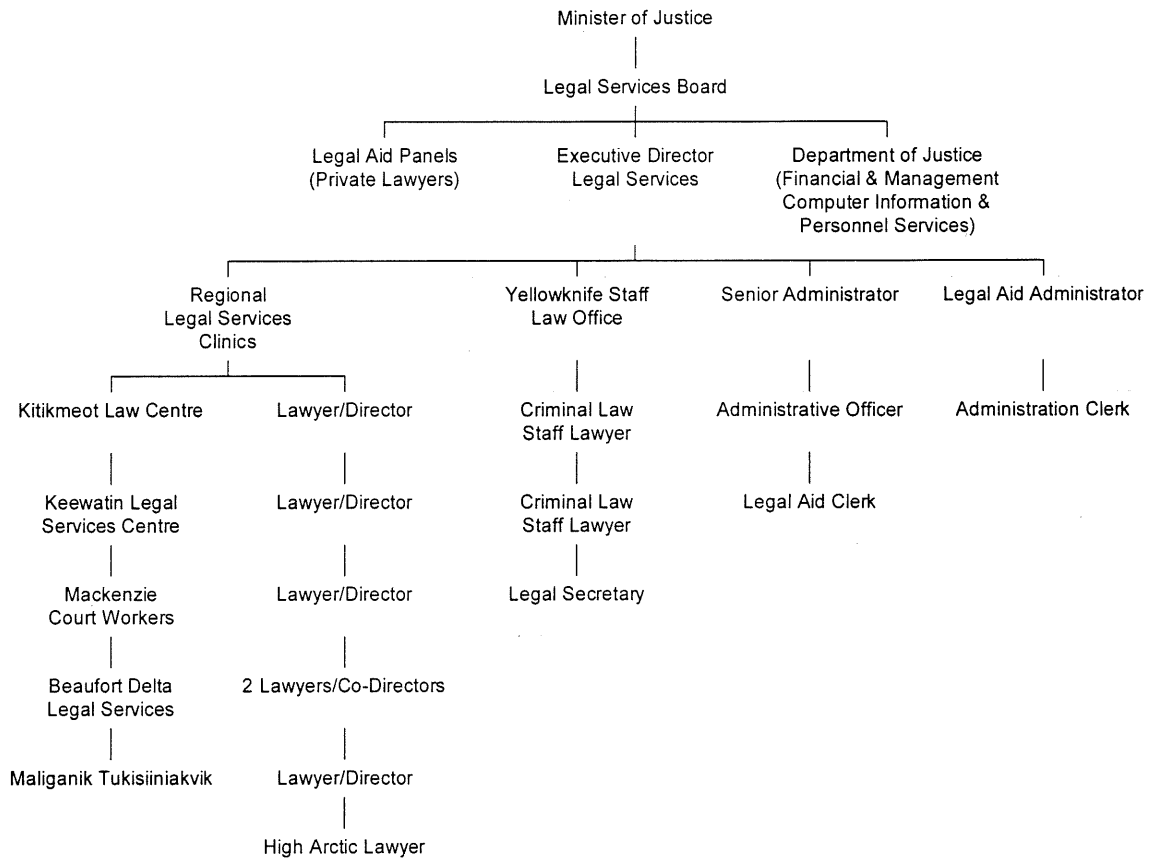
5. Names of the Board of Directors

1997-1998 Board of Directors

- | | |
|-----------------------|---|
| (1) Danny Beaulieu | Chairperson and South Slave Regional Representative |
| (2) Nora Sanders | Public Service Representative |
| (3) Peter Esau | Beaufort Delta Regional Representative |
| (4) Uriash Puqiqnak | Kitikmeot Regional Representative |
| (5) Susie Ishuautak | Baffin Regional Representative |
| (6) Robert Gorin | Law Society of the NWT Representative |
| (7) Sally Kusugak | Keewatin Regional Representative |
| (8) Bruce Errol McKay | Legal Services Board of the NWT, Executive Director |

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

Legal Services Board of the NWT Organizational Chart March 31, 1998



7. Overview of the Legal Services Board for Fiscal Year 1997-1998

Legal Aid Review Committee

1) In the previous year, the Deputy Minister requested the Legal Services Board of the Northwest Territories undertake a review of its practices to determine whether or not adjustments to those practices could lead to cost efficiencies. A Legal Aid Review Committee was struck and the following individuals commenced work on this very worthwhile initiative. The committee members were:

- a. Nora Sanders - Public Service Representative and LSBNWT Director
- b. Steven Cooper – LSBNWT Chairperson
- c. Louise Dundas Matthews – LSBNWT Financial Representative
- d. Violet Beaulieu – LSBNWT Representative
- e. Lucy Austin – Private Bar Representative
- f. Sue Cooper – Private Bar Representative
- g. Mary McCreddie – Researcher and Administration Contractor

2) Terms of Reference were as follows:

- a. The Committee will look at the service delivery model or models which would provide the best legal services for the NWT, taking into account cost effectiveness, quality of service and including other factors such as geographic [sic] and cultural [sic]. This review will consider specifically the:
 - i. role of staff lawyers;
 - ii. role of private bar members;
 - iii. role of court workers;
 - iv. regional board and clinic structure; and
 - v. any other possibilities for cost saving initiatives and possible administrative efficiencies, including the “expanded duty counsel” model.
- b. The review will cover both criminal and civil legal services;
- c. The Committee will make recommendations, including recommendations for legislative changes which may be required to the Deputy Minister of Justice and to the Legal Services Board;

- d. The Committee will consult, as needed, with community representatives, legal professionals, or users of legal aid services.
 - e. The Committee will submit preliminary recommendations to the Deputy Minister and the Board by March 31, 1997 [sic]. Where appropriate, recommendations may be made earlier in areas that are reviewed at an earlier stage. The Committee's final report, including implementation plans, will be submitted by May 31, 1997 [sic].
- 3) As a result of this study, the Legal Services Board began implementing cost saving measures. For instance, staff lawyers were hired in several different regions of the NWT. This reduced the necessity of having legal counsel from the private bar having to travel to the communities where staff lawyers resided, as well as the regions where staff lawyers worked.

As a result, eligible applicants received much quicker and easier access to staff lawyers living in their community, region or district.

In addition, an experienced criminal trial lawyer was assigned to deal with all matters arising out of the Sahtu Circuit. This arrangement provided a great deal of consistency, certainty and familiarity for our legal aid clients in that region.

- 4) Steps were taken towards merging the Mackenzie Court Worker Program into the Legal Services Board office in Yellowknife. This allowed for a closer working relationship and efficiencies associated in the legal aid application process. Plus the Court Workers had access to the staff lawyers and their expertise in the criminal, civil and family law areas.
- 5) Another cost saving measure that was implemented by the Board was the physical relocation of the Legal Services office from the Goga Cho Building to the Panda II Centre which made better use of GNWT leased space.
- 6) The *Legal Services Act* was amended so that the Minister of Justice on behalf of the Government of the Northwest Territories could enter into agreements with the Interim Commissioner of Nunavut. As a result, discussions were held between the Legal Services Board of the Northwest Territories and Mike Bell regarding the matters of division of assets and liabilities upon division of the NWT and the creation of the new Nunavut Territory.

7) Mackenzie Court Worker Program

At the telephone conference meeting on April 28, 1997, the Board hired a new Executive Director for the Mackenzie Court Worker Program, namely Mr. Art Durocher. Some training was delivered to the Court Workers which was held in Yellowknife. Moreover, efforts were undertaken to merge the Court Worker Program into a closer working relationship with the Legal Services Board office and staff lawyers. Since the Court Workers were the first point of contact with the legal aid application process, this fostered a much better understanding of how the legal aid system worked, making the system more accessible. The Executive Director position was vacated in January 1998 with the merging of the Court Worker Program with the Legal Services Board of the Northwest Territories and positions were re-organized as a result.

8) Beaufort Delta Legal Services Clinic

Staff lawyer positions were filled by Andrew Fox as an Acting Executive Director and Richelle Gardner commenced employment on September 15, 1997 as a full time staff lawyer.

9) Keewatin Legal Services Centre

The staff lawyer and clinic director, Darrell Blair resigned on July 31, 1997. Mr. Tom Boyd agreed to provide circuit counsel duties for the Keewatin region until a replacement could be located and hired. The Mackenzie Court Worker Program provided support and supervision of the regional courtworker employee.

10) Kitikmeot Law Centre

The Legal Services Board of the Northwest Territories welcomed the newly appointed Kitikmeot Regional Representative, Mr. Michael Angotittuaraq. In addition, the staff lawyer position was filled with the hiring of Mr. Glen Boyd as Lawyer/Director.

11) Maliiganik Tukisiiniakvik

Mr. Tim Kavanaugh was hired as a staff lawyer. This position was situated in the community of Pond Inlet.

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*, 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.

4. Civil Related Matters

Under the *Act* the Executive Director may refuse to authorize legal aid if the aid requested is of a civil nature in which a lawyer would ordinarily act on a contingency basis. Furthermore, the *Act* authorizes the provision of legal aid services on a discretionary basis for all civil matters except civil cases that involve issues concerning: defamation; estates of living or deceased persons; incorporations, formation or dissolution of companies, societies or partnerships; real property transactions; relator (a person or body claiming to be entitled to restrain interference with a public right) or

representative actions; arbitrations or conciliations in respect of any matter; proceedings related to elections; and any other prescribed matter.

In addition, legal aid may be extended to an individual consisting of the commencement, defence or continuation of proceedings in a civil matter if a lawyer in a written legal opinion states that it is reasonable in the circumstances for the proceedings to be commenced, defended or continued. The requirement for a legal opinion may be waived in circumstances where immediate action is required.

A right of appeal lies to the Board where an application for legal services has been refused, as well as any decision made by the Executive Director.

Some examples of civil related matters that are eligible to receive legal aid coverage are: Worker's Compensation appeals; residential tenancy appeals, immigration and refugee claims and income support appellant reviews.

5. Family Law Matters

Generally, legal aid is provided to eligible applicants in matters that involve family breakdowns. However, legal aid coverage is not provided for a divorce when there are no associated issues concerning maintenance, child custody or access or division of property unless there are exceptional circumstances.

Immediately after an application has been made for legal aid assistance involving a family law matter, a request goes out to one of our family/civil law panelists for a legal opinion. The opinion must advise the Legal Services Board about whether or not the family law matter has merit or not.

Some examples of family law matters that have received approval are: paternity declarations; child maintenance; access and custody of children; maintenance variations from the perspective of the custodial and non-custodial parents; divorces that are not exempted; and restraining orders.

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 (1997-1998)

<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 1997/98. 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 center's head office is in Cambridge Bay. Andrew Maher was the Lawyer/Director of the center during 1996/97. 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 1997/98 was Darrell Blais who was located at the head office of the society in Rankin Inlet. During 1997/98, the society had court worker positions in Rankin Inlet, Baker Lake and Arviat.

5. Maliiganik Tukisiiniakvik

Maliiganik Tukisiiniakvik is the regional legal services clinic for the Baffin region and just over 20 years of service to the people of the Baffin. The Lawyer/Director of Maliiganik was Neil Sharkey who was located at the head of the society in Iqaluit. Maliiganik's High Arctic lawyer, Desmond Brice-Bennett, was located in the organization's office in Pond Inlet. During 1997/98, Maliiganik Tukisiiniakvik had approximately eight court worker positions in communities throughout the Baffin.

6. Beaufort Delta Legal Services

As of June 1, 1996, a new legal services clinic, Beaufort Delta Legal Services was formed by the amalgamation of the Mackenzie Delta Services Committee and the Arctic Rim Law Centre Society. Estella Muyinda was the Lawyer/Director of the clinic during 1997/98. The society had court worker positions in Inuvik, Fort McPherson, Tuktoyaktuk and Holman.

7. Yellowknife Legal Aid Clinic Staff Lawyers

In 1997/98, a law office was maintained within the Board's office in Yellowknife with Gregory C. Nearing, as senior staff lawyer, M. Joan Mercredi, as staff lawyer, and a legal secretary. The Staff lawyers provided legal aid services, mostly in criminal law, in the Yellowknife area, Rae-Edzo, Wha Ti, Rae Lakes, Snare Lake and Luksel'ke. Mr. Nearing, as Senior Staff Lawyer, provided considerable assistance to the Executive Director in the administration of legal aid.

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 \$506,500.00.

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 1997/98, 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 located in Yellowknife. R. Steve Melnick was Lawyer/Director of the Mackenzie Court Worker Services in 1997/98. As stated earlier, a new Executive Director was hired in 1997/98 after Mr. Melnick vacated the position.

M. Public Legal Education & Information

1. Federal Government Contribution

As of April 1, 1996, the Legal Services Board ceased funding the Arctic Public Legal Education and Information Society. Responsibility for public legal education and information was assumed by the Legal Services Board and delegated and decentralized to the Regional Legal Services 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.

N. Finance and Administration

1. Government of Canada and Government of NWT Agreement

As reported in the 1996-1997 Annual Report, the Agreement Respecting Legal Aid in Civil and Criminal Law Matters and in Matters Relating to the Young Offenders Act was replaced with a new federally initiated Access to Justice Agreement.

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, 1997 to March 31, 1998, the Government of Canada contributed funds in accordance with the AJA for the following services and programs:

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

3. Personnel

The employees of the Legal Services Board are appointed and employed under the *Public Services Act* (NWT) 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 1997/98

Origin of Application 1997/98		Origin of Application 1996/97	
Provinces & Yukon	18	Kitikmeot	237
Beaufort Delta LS	248	Keewatin	175
Kitikmeot Law Office	127	Maliiganik	<u>514</u>
Keewatin Law Office	83	Nunavut Sub Total	926
Maliganik Tukisiniakvik	381		
Mackenzie Delta	9	Beaufort Delta	418
Mackenzie Court Workers	1148	Mackenzie Court Workers	<u>1303</u>
Yellowknife	<u>185</u>	West Sub-total	1721
Total	2199		
		YK Legal Aid Office	237
Type of Case		Provinces & Yukon	<u>20</u>
		Sub-total	257
Adult Criminal	1022		
Youth Criminal	<u>150</u>	Total	2904
Sub-total	1172		
		Type of Case	
Family	933	Adult Criminal	1650
Other Civil	<u>94</u>	Youth Criminal	<u>337</u>
Sub-total	1027	Sub-total	1987
Total	2199		
		Family	827
		Other Civil	<u>90</u>
		Sub-total	917
		Total	2904

2. Financial Report 1997/98

1997/98 Financial Report

ITEM	Actual Expense	Revised Budget	Year Variance
Administration			
Staff Wages and Benefits	376,687	387,973	11,286
Executive Director - total costs	94,635	97,585	2,950
Total Office	72,296	109,500	37,204
Total Administration	543,617	595,058	51,441
Board Costs			
Honoraria	12,675		(12,675)
Travel, Accommodation, Meals	66,562	75,000	8,438
Interpreters	-		-
Other	412		(412)
Total Board Costs	79,649	75,000	(4,649)
Public Legal Education			
Lawline	8,714	13,000	4,286
Projects	-		-
Other	491		(491)
Total Public Legal Education	9,204	13,000	3,796
Yellowknife Staff Lawyer Office			
Administration	17,518	48,000	30,482
Contributions to Clinics			
Maliiganik Tukisiiniakvik	427,650	427,650	-
Keewatin	150,003	200,000	49,997
Kitikmeot	183,333	200,000	16,667
Beaufort Delta	300,000	300,000	-
Mackenzie Court Workers	506,500	467,500	(39,000)
Contribution Reserve	-	84,850	84,850
Total Contributions	1,567,486	1,680,000	112,514
Admin Support to Clinics	82,268	50,000	(32,268)
Staff & Clinic Lawyers	646,337	791,762	145,425
Legal Aid Fees & Disbursements	2,448,942	1,598,907	(850,035)
Unallocated Reserve		-	-
SUB - TOTAL	5,395,022	4,851,727	(543,295)

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 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

Bruce Errol McKay

Executive Director

Kitikmeot Law Centre

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

Glen Boyd

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

Goga Cho Building
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

Neil Sharkey

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

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

Gregory C. Nearing

Senior Staff Lawyer

Joan Mercredi

Staff Lawyer

