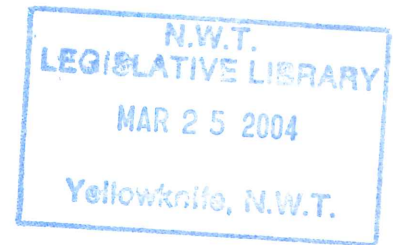


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**LEGAL SERVICES BOARD  
OF THE NORTHWEST TERRITORIES**

**Seventeenth Annual Report  
1996/97**



# LEGAL SERVICES BOARD OF THE NORTHWEST TERRITORIES

## Seventeenth Annual Report 1996/97

### 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, courtworker 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, 1997, there were five such centres operating in the Northwest Territories.

### Legal Services Board

The Legal Services Act establishes a corporation called the Legal Services Board of the Northwest Territories. The head office of the Board is in the Goga Cho Building at 4916 - 47th Street, Yellowknife, with a postal address of Box 1320, Yellowknife, NT X1A 2L9. The Board reports to the Minister of Justice. The Board is a public agency listed in Schedule A of the Financial Administration Act.

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.

## **Objectives**

The objects of the Board, as stated in the Legal Services Act are:

- (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.

## **The Board of Directors**

The members of the Board of Directors are appointed by the Minister of Justice of the Government of the Northwest Territories and include representatives of the legal profession, the public service of the N.W.T., the regions of the N.W.T., the Attorney-General of Canada and the general public.

In 1996/97 the Board met six times:

May 24 & 25, 1996, at Yellowknife,  
 September 13, 14 & 15, 1996, at Yellowknife,  
 November 22 & 23, 1996, at Yellowknife,  
 December 20, 1996, by teleconference,  
 February 7, 1997, by teleconference, and  
 February 21 & 22, 1997, at Yellowknife.

The Executive Committee of the Board met three times:

June 20, 1996, at Yellowknife,  
 September 27, 1996, at Yellowknife, and  
 March 26, 1997, at Yellowknife.

The duties of the Board of Directors are to administer the Legal Services Act and Legal Services Regulations and make every effort to meet its objectives. 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 panels of private lawyers and hears appeals.

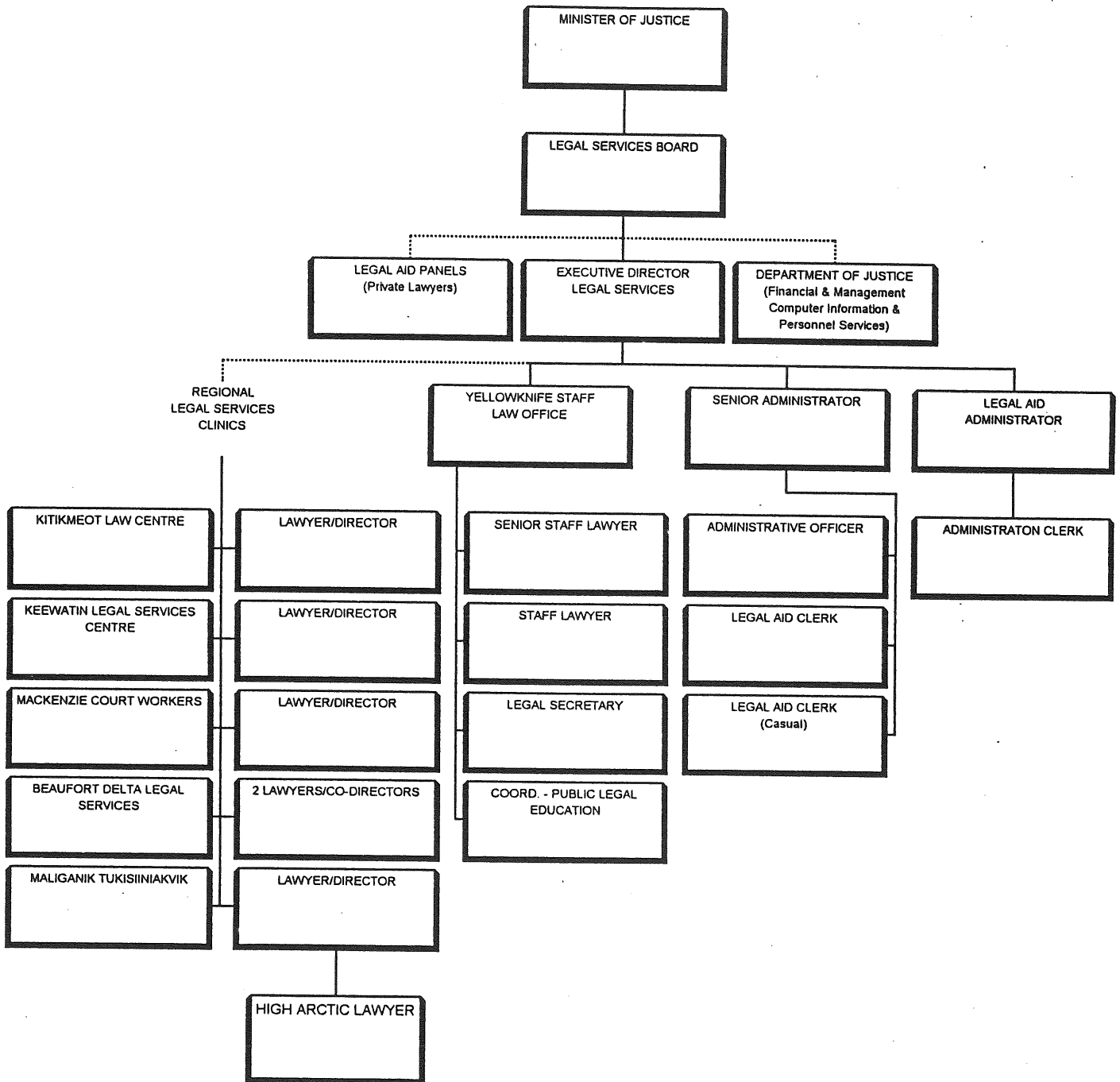
The Board may appoint a society incorporated under the Societies Act to act as the official legal services clinic for a region, should the society apply for such status. The Board is authorized to fund each regional clinic when it implements a legal services program and to review the performance of these clinics. The Board is also responsible for publishing details of the services available.



### 1996/97 BOARD OF DIRECTORS

Steven Cooper	Elected Chairperson of the Board May 27, 1995, re-elected Chairperson May 25, 1996, Member of the Executive Committee, Nominee of Law Society of the Northwest Territories, appointed June 17, 1994 for a three year term
Margaret Mackenzie	Elected Vice-Chairperson of the Board May 27, 1995, Member of the Executive Committee, Nominee of the Attorney-General of Canada, appointment expired May 26, 1996
Danny Beaulieu	Elected Vice-Chairperson May 25, 1996, Member of the Executive Committee, Member from the South Slave, appointed September 1, 1995, for a three year term,
Sally Kusugak	Member of the Executive Committee, Member from the Keewatin, appointed March 18, 1993, for a three year term, re-appointed March 18, 1996 for a three year term
Uriash Puqiqnak	Member of the Executive Committee, Member from the Kitikmeot, appointed June 17, 1994, for a three year term
Susie Ishulutak	Member from the Baffin, appointed November 29, 1994, for a three year term
Peter Esau	Member from the Beaufort Delta Region, appointed March 15, 1993 for a three year term, re-appointed March 15, 1996 for a three year term
Violet Beaulieu	Member from the General Public, appointed May 25, 1994, for a three year term
Nora Sanders	Member of the Executive Committee, Member from the Pubic Service (Assistant Deputy Minister of Justice), appointed October 13, 1994, for a two year term, re-appointed October 13, 1996 for a two year term
Bruce Errol McKay	Executive Director & Secretary of the Board, a member of the Board ex officio, appointed March 1, 1993

**LEGAL SERVICES BOARD OF THE NWT  
ORGANIZATION CHART  
MARCH 31, 1998**



NOTE: Dotted lines indicate a "partnership" relationship.

## OVERVIEW OF THE YEAR

In July of 1995, the Deputy Minister of Justice wrote to the Legal Services Board advising that there would be no more supplementary funding and that the budget of the Board would be reduced. Before 1996/97, the Department of Justice asked the Financial Management Board for supplementary funding for the Legal Services Board when it was needed.

The appropriation made by the Legislature for the Legal Services Board in 1996/97 was \$5,102,000. This was a reduction of \$370,000 from the actual expenditure for 1995/96.

In early 1996, the Legal Services Board took the following major steps to make the required reductions:

- Arranged the amalgamation of the Arctic Rim and Mackenzie Delta clinics into the Beaufort Delta Legal Services clinic in Inuvik and reduced funding to that region from \$400,000 to \$300,000 a year;
- Imposed a 15% reduction in contributions to the other four clinics (with no clinic to receive less than \$200,000);
- Regionalized public legal education by transferring responsibility for this activity to the five regional legal services clinics and by ceasing to fund the Arctic Public Legal Education and Information Society;
- Ceased to provide legal aid for cases of suing or being sued for harm or injury to people or property, wrongful dismissal and division of property;
- Imposed a 6.25% reduction in the rates paid to private lawyers;
- Kept Legal Services Board overhead to the minimum, e.g. by not buying much needed new computers and filing cabinets; and
- Exercised ever increasing stringency in the approval of legal aid cases.

On September 13, 1996, the Legal Services Board held an internal community justice workshop to consider what should be the role of the Board in community justice. Subsequently the Board resolved,

“The Legal Services Board believes in the promotion of community involvement in the justice system. The Legal Services Board and the Regional Legal Services Clinics shall actively promote the establishment of community justice committees and/or initiatives in all communities in the NWT.”

At the initiative of the Deputy Minister of Justice, a Legal Aid Review Committee was established in October 1996 to examine selected issues with respect to the delivery of legal services, namely:

The role of staff and private bar lawyers,  
The role of courtworkers,  
The regional board and clinic structure, and  
Other possible cost saving initiatives and administrative efficiencies, including expanding the use of duty counsel.

The Committee included representatives from the Department of Justice, the Legal Aid Panels of Private Lawyers and the Legal Services Board. As of March 31, 1997, the work of the Committee continued.

To improve the quality of legal services in the Sahtu, in November, 1996, the Board entered into a one year contract with a private lawyer, Robert Gorin, to be continuing circuit counsel for the Sahtu circuit. Having a continuing circuit counsel will ensure continuity, enable the lawyer to work closely with the court workers in the Sahtu and allow the lawyer to develop a relationship with the people of the Region.

## **LEGAL AID**

Under the Legal Services Act, no "person" other than an individual is eligible for Legal Aid. This excludes groups, societies, businesses and corporations from receiving legal aid.

### **Financial Eligibility for Legal Aid**

A person is not eligible to receive legal services to the extent that the person can afford to pay for the services. The criteria for assessing financial eligibility are stated in Schedule C to the *Legal Services Regulations*.

An applicant is eligible to receive legal aid:

If all or most of their income is from social assistance, or

If paying their own legal fees would reduce their income to a level which would make them eligible for social assistance.

If a person is not on social assistance, they may be required to contribute towards the payment of the cost of their case.

In determining eligibility, the applicant's income, expenses, assets and liabilities are reviewed.

The applicant's income includes, in addition to other income, the  
 net salary and wages,  
 benefits and allowances received from a government or other  
 agencies,  
 voluntary deductions,  
 net income from hunting, trapping, logging and fishing,  
 net income from business operations,  
 reasonable value of goods and services received by an applicant and  
 gifts and gratuities if received regularly or in an amount in  
 excess of \$40 a month

of the applicant or recipient, a spouse living with the applicant or recipient and any member of the family of the applicant who resides with him or her and who is dependent, at least in part, on the income of the applicant or recipient.

For the purposes of the Legal Services Board "spouse" includes a person who is not married to the applicant or recipient but who is cohabiting with the applicant or recipient. In each case whether a person is a spouse is a question of fact and no minimum period of cohabitation is applied.

**Expenses includes**

basic living allowances for food, clothing, shelter and  
 household supplies,  
 taxes, pension, unemployment insurance and Canada Pension  
 Plan deductions,  
 utility costs,  
 transportation costs necessary for earning a living or to  
 enable the applicant's children to attend school,  
 medical, dental and hospital costs,  
 installment payments on debts incurred prior to an  
 application for legal aid, and  
 any other expenses allowed by the Board or the Executive  
 Director.

**Young Persons and Minors:**

In determining the financial eligibility of a "Young Person" within the meaning of the Young Offenders Act, or a minor within the meaning of the Age of Majority Act, the Legal Services Board does and must consider the financial position of the young person or minor's parents and any other person legally obligated to support the young person or minor. However, the Board applies flexible rules in considering if a young person or minor is unable to obtain financial assistance from their parents.

**Client Contributions and Recoveries**

It is a condition attached to the provision of all legal services that where a person who has received or is to receive legal services can afford to contribute towards their costs, a contribution may be assessed. A contribution may be required before legal services are authorized, or arrangements may be made to pay a contribution over a period of time.



Where a person, or a lawyer acting on behalf of the person, recovers any sum or property in a matter in which the person received legal services from the Legal Services Board, notwithstanding any prior assessment of a contribution, an recovery assessment is made of a contribution equal to the net expenditure made by the Legal Services Board for the benefit of the recipient in the matter and in all other matters. An exception to this policy of full recovery is made where the Executive Director is of the opinion that the person cannot afford to make the said contribution.

The criteria used to assess a contribution or a recovery are the criteria used to determine financial eligibility.

<u>Fiscal Year</u>	<u>Contributions &amp; Recoveries</u>
1987/88	\$17,000
1988/89	\$18,500
1989/90	\$35,000
1990/91	\$25,000
1991/92	\$25,160
1992/93	\$47,663
1993/94	\$49,942
1994/95	\$63,256
1995/96	\$91,366
1996/97	\$75,129

Contributions and recoveries are deposited in the Consolidated Revenue Fund of the Government of the Northwest Territories and are not available to the Legal Services Board nor the Department of Justice.

**Coverage** (What types of matters are covered by legal aid)

The Legal Services Act, the Legal Services Regulations and the Federal/Territorial legal aid agreement state the civil and criminal matters for which legal aid coverage shall and may be provided.

**Criminal and Young Offender Matters:**

Legal services are provided to eligible persons who are charged with criminal and statutory offences and who are required to appear in Supreme, Territorial, and in some cases, Justice of the Peace Court. Young persons (as defined by the Young Offenders Act) charged with criminal offences are covered subject to financial eligibility.

Legal aid coverage is not provided in criminal and statutory offence matters which are prosecuted summarily unless:

There is a reasonable possibility that, upon conviction, there will be a sentence of open or closed custody or of imprisonment,

There is a reasonable possibility that, upon conviction, the livelihood of the accused will be prejudiced, or

"Special circumstances" exist.

The Legal Services Board considers a hybrid offence (also known as a crown election offence or a dual character offence) to be proceeding summarily until the crown elects to proceed by indictment.

Coverage is not related to the court in which the accused is appearing. An applicant who is to appear in Justice of the Peace Court may be approved for legal aid if they are financially eligible and if the matter is one that is covered.

Subject to the discretion of the Legal Services Board in particular cases, there shall be no legal aid coverage in the following matters:

First offence impaired driving charges unless there are combined Criminal Code charges,

Offences under the Motor Vehicles Act unless the charges are second or subsequent offences for careless driving,

Summary conviction offences where the accused has already been approved for legal aid three times for summary conviction offences during the past year,

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

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 circumstances.

#### Civil and Family Matters:

Legal services may be provided to eligible persons for any civil or family matter except matters involving defamation, wills and estates, incorporations, real estate transactions, relator or representative actions, arbitration or conciliations and proceedings relating to elections.

Legal aid coverage may be denied on the basis that the claim is one where a lawyer would act for the person on the understanding that payment of the fees would be made from the proceeds generated by pursuing the action.

Legal aid coverage is not provided for matters which a person can do on their own or where there is some other agency to help the applicant.

Subject to the discretion of the Legal Services Board in particular cases, there shall be no legal aid coverage in civil cases, excluding matrimonial cases, where the expected recovery is less than \$2,000.00.

Legal aid is not authorized in civil and family matters unless a lawyer supplies a written opinion stating it is reasonable in the circumstances to proceed. Usually three hours are authorized for the preparation of such an opinion. The requirement for an opinion does not apply where the circumstances necessitate an immediate authorization. The Executive Director must determine the reasonableness of any matter taking into account the possibility of success, the cost of the legal services and the results which might be obtained.

As a matter of policy, legal aid coverage is not provided for a divorce when there are no associated issues of maintenance, child custody and access or division of property, except in exceptional circumstances.

As of February 17, 1996, coverage of claims for injury or damages, except for disbursements, of wrongful dismissal and of division of property was eliminated.

#### Coverage of Appeals in the Courts:

Legal aid coverage is provided for a criminal appeal if the appeal is by the prosecution (the Crown). Coverage may be provided for any other criminal appeal or a civil or family appeal if the appeal has merit. Merit is assessed by obtaining a written opinion from a lawyer. The Executive Director must determine the reasonableness of any appeal taking into account the possibility of success, the cost of the legal services and the results which might be obtained.

#### Residency and Reciprocity

An application for legal aid may be refused where the applicant is not in Canada and is not ordinarily resident in Canada. Within Canada a resident of a particular territory or province may require assistance in a court located in another jurisdiction. In criminal matters, the Legal Services Board and the other legal aid plans in Canada provide legal aid for court proceedings within their own boundaries regardless of which territory or province the applicant lives in. In civil and family law matters, the Board participates in an informal Interprovincial Reciprocity Agreement. Under the Agreement, if an applicant is financially eligible in the territory or province in which they reside, they will be provided with legal aid in the territory or province where the court proceedings are taking place at the expense of the latter territory or province, subject to the latter's coverage rules.

#### Applications for Legal Aid

Applications for legal aid are made by completing the application form approved by the Executive Director. The Mackenzie Court Workers and the court workers in the regional legal services centres are available to assist applicants in completing the forms. Applications may be approved, held pending the receipt of further information, approved conditionally or denied. A conditional approval may mean that the applicant will be required to contribute towards the cost of the legal services provided.

## **Appeals to the Board re Coverage, Contributions and Financial Eligibility**

An applicant who is denied legal aid or who is dissatisfied with a requirement to pay a contribution has a right to appeal to the Legal Services Board. In 1996/97, the Board heard 40 such appeals: 2 were allowed, 9 were allowed in part, 26 were denied and 3 were deferred.

## **Legal Aid Tariff**

The tariff of rates paid to lawyers for their services is set by the Government of the Northwest Territories after consultation with the Legal Services Board. It is contained in Schedule D to the Legal Services Regulations.

On July 1, 1996, a 6.5% reduction in the tariff of hourly and daily rates for the payment of private lawyers and of maximum time allocations for various criminal, family and civil procedures came into effect.

<u>Experience</u>	<u>Hourly Rates</u>	<u>Daily Rates</u>
Student-at-Law	\$40	\$232
less than 4 yrs.	\$61	\$352
4 to 6 yrs.	\$70	\$436
7 to 10 yrs.	\$86	\$516
11 & more yrs.	\$102	\$609

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

## **Taxation of Accounts**

All lawyers' accounts are assessed (taxed) by the Executive Director for reasonableness and compliance with the Legal Services Act and Regulations. If a lawyer disagrees with the taxation of an account, the Regulations state that the lawyer may ask the Executive Director to review the taxation. If the lawyer is still dissatisfied with the decision, an appeal of the taxation may be made to the Legal Services Board. In 1996/97, there was 1 taxation appeal: it was denied.

## **Legal Aid Panels**

Lawyers in private practice who are prepared to provide Legal Aid services apply to the Legal Services Board to be appointed to the Legal Aid Criminal and Civil Panels. To be appointed to a panel, the lawyer must be a member of the Law Society of the Northwest Territories, not under a contract of service with the Board and be prepared to abide by the provisions of the Legal Services Act and Regulations.

### **Assignment of Legal Aid Work to Panel Members**

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

Choice of Counsel: The exception is a person who is charged with an offence for which the maximum penalty, if convicted, is life imprisonment. In this case, the applicant has a "choice of counsel" and may 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.

The Executive Director may depart from the rotation system if she or he is satisfied that operation of the rotation system would not be economically practical, the interests 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.

### **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 the Territorial Court on all circuits where a lawyer will be required for the provision 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 other applicants.

### **Contribution of the Private Bar**

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 from individuals who have been arrested or need other emergency advice. For this work, the Board thanks the members of the private bar.



## **REGIONAL LEGAL SERVICES CENTRES, COURT WORKERS** **&** **LEGAL INFORMATION SERVICES**

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 centres, law centres or legal aid clinics.

Five regional legal services clinics received contribution payments via the Legal Services Board in 1996/97. These 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), the Keewatin Legal Services Centre, the Mackenzie Court Workers Services and the Kitikmeot Law Centre. Each of these clinics has entered into a contract with the Board under which the Board provides funding and delegates some responsibility for the provision of legal services in the region. It is the Board's responsibility to oversee the operation of the clinics.

It is the policy of the Legal Services Board to hire the Lawyer/Directors on direct contract to the Board and assign these lawyers to the regional legal services clinics. Recruitment and hiring are done in partnership with the clinics.

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 boards of directors. These organizations employ their own court workers and administrative staff to carry out their 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 to apply 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 represent people in Justice of the Peace Court, Youth Court, and Territorial Court in bail hearings, guilty pleas, sentencing and in some cases, trials.

### **Mackenzie Courtworkers Services**

Mackenzie Court Workers Services is responsible for providing court worker services in the North Slave, South Slave, Deh Cho and Sahtu regions of the Territories. In 1996/97, 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 the Lawyer/Director of the Mackenzie Court Workers Services in 1996/97.

### **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 is Neil Sharkey who is located at the head office of the Society in Iqaluit. Maliiganik's High Arctic lawyer, Desmond Brice-Bennett, is located in the organization's office in Pond Inlet. During 1996/97, Maliiganik Tukisiiniakvik had approximately eight court worker positions in communities throughout the Baffin.

### **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 Centre in 1996/97 was Darrell Blais who was located at the head office of the Society in Rankin Inlet. During 1996/97, the society had court worker positions in Rankin Inlet, Baker Lake and Arviat.

### **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 Legal Services Committee and the Arctic Rim Law Centre Society. Estella Muyinda was the Lawyer/Director of the clinic during 1996/97. The society had court worker positions in Inuvik, Fort McPherson, Tuktoyaktuk and Holman.

### **Kitikmeot Law Centre**

The Kitikmeot Law Centre is the regional legal services clinic for the Kitikmeot region. The Centre's head office is in Cambridge Bay. Andrew Mahar was the Lawyer/Director of the Centre during 1996/97. The Centre had court worker positions in Cambridge Bay, Coppermine, Pelly Bay, Taloyoak and Gjoa Haven.

### **Public Legal Education & Information**

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". During the daytime, legal information is available from the Board staff and two nights a week summary legal advice is provided by volunteer lawyers.

### **Staff Lawyer Office in Yellowknife**

In 1996/97, 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.

## **FINANCE AND ADMINISTRATION**

The budget of the Legal Services Board is identified as a program in the legislative estimates of the Territorial Department of Justice.

### **Financial Administration**

As a public agency listed in Schedule A of the Financial Administration Act, the Legal Services Board is subject to the provisions of Part IX of the Financial Administration Act and generally follows the procedures of the Financial Administration Manual of the Government of the Northwest Territories.

The Legal Services Board's financial administration is provided by the Financial and Management Services Division of the Department of Justice. The Board does not maintain any separate money or bank accounts. To make expenditures the Board submits cheque requisitions to the Department of Justice. Financial information pertaining to the operations of the Board is included with that of the Department of Justice in the Government's Financial Information System.

The Board has contribution agreements with the agencies to whom contribution payments are made via the Board. These agreements provide that the agencies are to provide quarterly financial statements and audited financial statements at the year end.

The Financial and Management Services Division of the Department of Justice also provides computer and information services to the Board.

### **Personnel**

The employees of the Legal Services Board are appointed and employed under the Public Service Act 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 lawyers employed by the Board, including the Executive Director, are contract employees of the Board.

## 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.

## Territorial/Canada Agreements

As of April 1, 1996, the Agreement Respecting Legal Aid in Civil and Criminal Law Matters and in Matters Relating to the Young Offenders Act between the Northwest Territories and Canada ceased to be in effect, pursuant to notice of termination by Canada. Negotiation of a new "Access to Justice" Agreement that would combine legal aid, courtworkers and public legal education were begun.

At the end of the year, temporary one year agreements, for 1996/97, respecting legal aid and public legal education were concluded. In the meantime, the Memorandum of Agreement Respecting the Native Courtworker Program continued in force.

These Territorial/Canada agreements contain provisions regarding coverage, financial eligibility, service delivery, reports and audits and the Legal Services Board is required by the Legal Services Regulations to comply with them.

In the fiscal year 1996/97, pursuant to the agreements, the Government of Canada contributed the following amounts to the Government of the Northwest Territories (for claims relating to the prior fiscal year):

Legal Aid Agreement	1,638,443.
Courtworker Agreement	<u>374,411.</u>
Total	\$2,012,854.

Contributions received from the Government of Canada are deposited in the Consolidated Revenue Fund of the Government of the Northwest Territories and are not available to the Legal Services Board nor the Department of Justice.

## APPLICATIONS FOR LEGAL AID

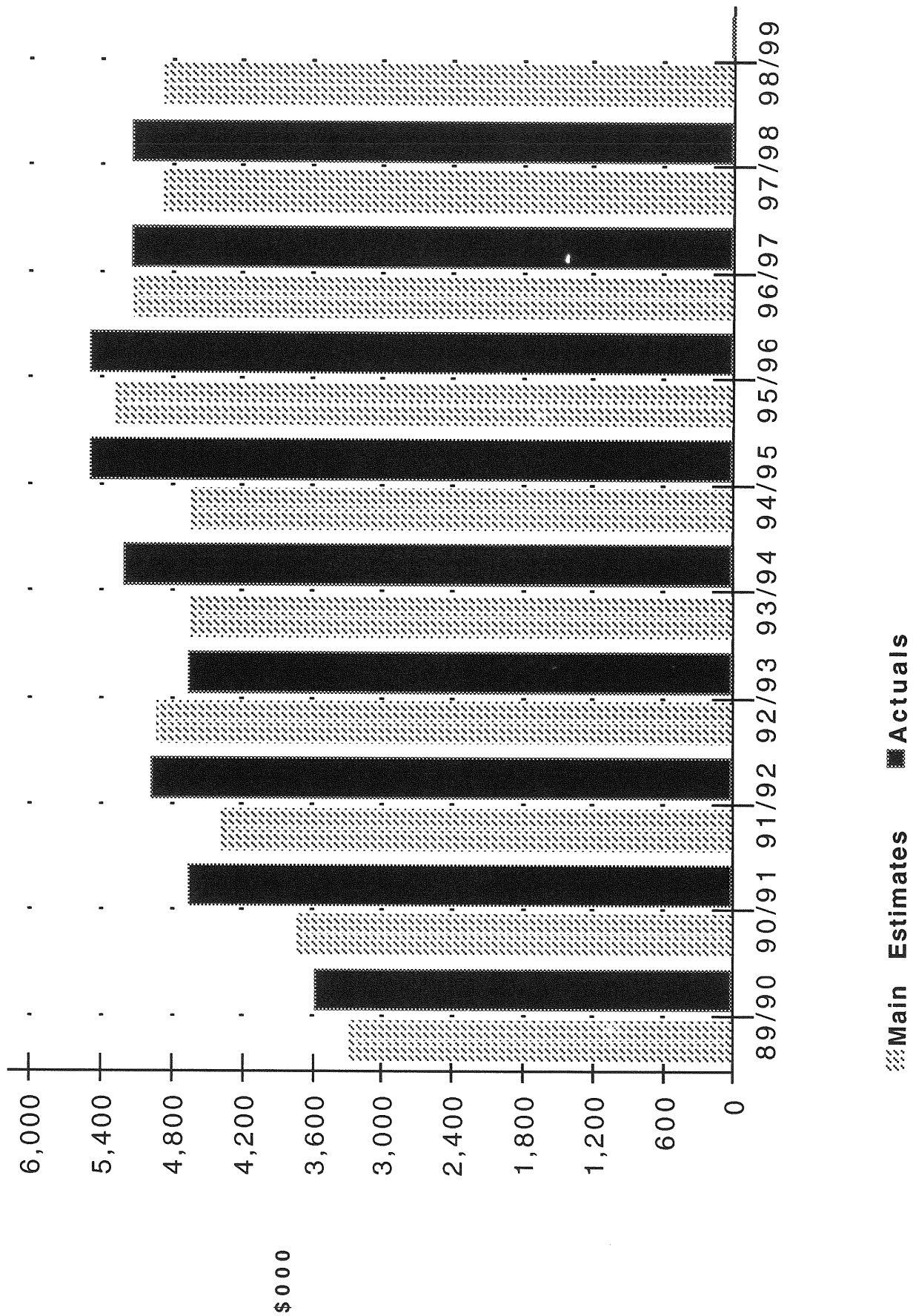
<b>ORIGIN OF APPLICATION</b>	<b><u>1994/95</u></b>	<b><u>1995/96</u></b>	<b><u>1996/97</u></b>
Kitikmeot	168	182	237
Keewatin	224	246	175
Maliiganik	<u>624</u>	<u>544</u>	<u>514</u>
<b>Nunavut Sub-total</b>	<b>1,016</b>	<b>972</b>	<b>926</b>
Beaufort Delta	70	369	418
Mackenzie Court Workers	<u>2,013</u>	<u>1,239</u>	<u>1,303</u>
<b>West Sub-total</b>	<b>2,083</b>	<b>1,608</b>	<b>1,721</b>
YK Legal Aid Office	123	240	237
Provinces & Yukon	31	23	20
<b>TOTAL</b>	<b>3,253</b>	<b>2,843</b>	<b>2,904</b>
<b>TYPE OF CASE</b>			
Adult Criminal	1,949	1,619	1,650
Youth Criminal	<u>409</u>	<u>302</u>	<u>337</u>
<b>Sub-total</b>	<b>2,358</b>	<b>1,921</b>	<b>1,987</b>
Family	750	787	827
Other Civil	<u>145</u>	<u>135</u>	<u>90</u>
<b>Sub-total</b>	<b>895</b>	<b>922</b>	<b>917</b>
<b>TOTAL</b>	<b>3,253</b>	<b>2,843</b>	<b>2,904</b>



## 1996/97 FINANCIAL REPORT

ITEM	Actual Expense	Revised Budget	Year Variance
<b>Administration</b>			
Staff Wages and benefits	306,212	387,973	81,761
Executive Director - total cost	40,946	97,858	56,912
Total Office	<u>122,328</u>	<u>109,500</u>	<u>-12,828</u>
<b>Total Administration</b>	469,486	595,331	125,845
<b>Board Costs</b>			
Honoraria	17,225		
Travel, Accomodation, Meals	54,013		
Interpreters	11,966		
Other	<u>2,505</u>		
<b>Total Board Costs</b>	85,709	75,000	-10,709
<b>Public Legal Education</b>			
LawLine	10,892	6,000	
Projects	0		
Other	<u>0</u>	<u>11,000</u>	
<b>Total Public Legal Education</b>	10,892	17,000	6,108
<b>Yellowknife Staff Lawyer Office</b>			
Administration	41,350	10,000	-31,350
<b>Contributions to Clinics</b>			
Maliiganik Tukisiiniakvik	469,200	469,200	
Keewatin	200,000	200,000	
Kitikmeot	185,163	202,000	16,837
Beaufort Delta	300,000	300,000	
Mackenzie Court Workers	473,500	473,500	
Contributions Reserve		<u>35,300</u>	
<b>Total Contributions</b>	1,627,863	1,680,000	52,137
<b>Admin Support to Clinics</b>	57,043	25,000	-32,043
<b>Staff &amp; Clinic Lawyers</b>	577,433	556,731	-20,702
<b>Legal Aid Fees &amp; Disbursements</b>	2,255,619	2,110,737	-144,882
Unallocated Reserve		32,201	
<b>SUB-TOTAL</b>	<b>5,125,396</b>	<b>5,102,000</b>	<b>-23,396</b>
Air charters-circuits paid by the Dept. of Justice - estimated	60,000		
96/97 legal aid services carried forward into 97/98 - estimated	40,000		
<b>TOTAL</b>	<b>5,225,396</b>	<b>5,102,000</b>	<b>-123,396</b>

**Legal Services Board  
Estimates & Expenditures  
1989/90 to 1998/99**



## **STATEMENT OF LEGAL AID RIGHTS 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 or 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

Adopted by the Legal Services Board Sept. 30, 1994

## OFFICE LOCATIONS AND CONTACTS

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

Goga Cho Building  
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Yellowknife NT X1A 2L9  
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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  
Vacant

### **Maliiganik Tukisiiniakvik**

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

**Neil Sharkey**  
Executive Director/Lawyer

### **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 and  
Richelle Gardener**  
Lawyer/Co-Directors

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

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**M. Joan Mercredi**  
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