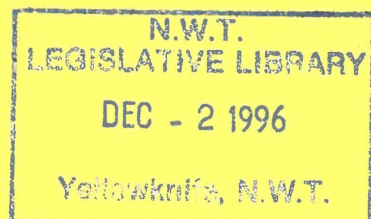


**LEGAL SERVICES BOARD OF THE  
NORTHWEST TERRITORIES**

**(NORTHWEST TERRITORIES LEGAL AID)**

**ANNUAL REPORT**

**1995-1996**





**Northwest Territories Legal Aid  
Legal Services Board of the NWT**

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**NOV 12 1996**

The Honourable Kelvin Ng  
Minister of Justice  
Government of the Northwest Territories  
P.O. Box 1320  
Yellowknife NT X1A 2L9

Dear Sir,

The annual report of the Legal Services Board for the fiscal year ending March 31, 1996, as approved by the Board, is hereby submitted to you in accordance with section 9. of the Legal Services Act.

Respectfully submitted,

Bruce Errol McKay  
Secretary to the Board

# LEGAL SERVICES BOARD OF THE NORTHWEST TERRITORIES

Sixteenth Annual Report  
1995/96

## 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 administering legal aid throughout the Northwest Territories. Legal Aid is provided in both civil and criminal matters using a combination of staff lawyers, regional legal services centres and private lawyers. The first legal services centre, Maliiganik Tukisiiniakvik, was incorporated in Iqaluit in 1974 and as of March 31, 1996, 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 1995/96 the Board met five times:

May 26 & 27, 1995, at Yellowknife,  
 Sept. 15, 1995, at Iqaluit,  
 December 2 & 3, 1995, at Yellowknife,  
 February 16, 17 & 18, 1996, at Yellowknife and  
 March 29, 1996, at Yellowknife.

The Executive Committee of the Board met six times:

May 25, 1995, at Yellowknife,  
 June 6, 1995, by telephone conference,  
 June 28, 1995, at Yellowknife,  
 October 19, 1995, at Yellowknife,  
 November 2, 1995, at Yellowknife, and  
 January 19, 1996, 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, 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 aid services delivery program and will review the performance of these committees. The Board is also responsible for publishing details of the services available.



## OVERVIEW OF THE YEAR

In 1995/96 the Legal Services Board continued to implement the changes recommended in the Legal Aid Action Plan prepared by the Department of Justice in April of 1992 and approved by the Financial Management Board of Cabinet. The Action Plan is a reconciliation and consolidation of recommendations made in the following:

Strength at Two Levels, i.e. "The Beatty Report",  
 Nov. 1991,  
 The Legal Services Board's Report of the Task Force on Legal Aid, Nov. 1991,  
 The Report of the Auditor General to the Legislative Assembly, Feb. 1992, and  
 The Standing Committee on Public Accounts of the Legislative Assembly.

Further recommendations were made in The Justice House report on gender equality in the justice system, May 1992.

In 1995/96, the efforts of the Legal Services Board to curtail increases in expenditures have been effective. The restraint of legal aid costs has been achieved principally by means of management practices. The Executive Director, the staff and the members of the Legal Services Board continued to increase the following:

Scrutiny and denials of applications,  
 Seeking of justifications for requests for the exercise of discretion,  
 Imposition of limitations on authorizations,  
 Scrutiny and taxation of lawyers accounts,  
 Imposition of client contributions and of recoveries, and  
 Adherence to the requirements of the Legal Services Act and the Legal Services Regulations.

In April 1995, a new legal services clinic, Mackenzie Delta Legal Services Committee, commenced operation in Inuvik as the official legal services clinic for the communities of Inuvik, Fort McPherson, Aklavik and Tsiigehtchic.

On July 4, 1995, a new 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.

In July 1995, the Department of Justice gave the Board notice that in 1996/97 applications for supplementary appropriations would not be accepted and there would be significant budget reductions.

## 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

**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 the matter 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.

#### Appeals:

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 1995/96, the Board heard 30 such appeals and reconsidered 2 previous decisions: 3 were allowed, 6 were allowed in part, 20 were denied and 2 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 4, 1995, a new 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	\$43	\$248
less than 4 yrs.	\$65	\$375
4 to 6 yrs.	\$75	\$465
7 to 10 yrs.	\$92	\$550
11 & more yrs.	\$109	\$650

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 1995/96, 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 Arctic PLEI. 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 centres received contribution payments via the Legal Services Board in 1995/96. These were Maliiganik Tukisiiniakvik, the Arctic Rim Law Centre, Delta Legal Services Committee, the Keewatin Legal Services Centre, and the Kitikmeot Law Centre. Each of these centres 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 centres.

It is the policy of the Legal Services Board to hire the Lawyer/Directors on direct contract to the Board and second these lawyers to the regional legal services clinics. Recruitment and hiring are done in partnership with the centres. The exception is Maliiganik Tukisiiniakvik which continues under a previous arrangement whereby the lawyers are paid a retainer and bill the Legal Services Board for work on legal aid cases.

The Mackenzie Court Workers Services and Arctic Public Legal Education and Information also have contracts with the Legal Services Board and received contribution payments via the Board in 1995/96.

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

Mackenzie Court Workers Services, Maliiganik Tukisiiniakvik, Arctic Rim Law Centre Society, Delta Legal Services Committee, Keewatin Legal Services Centre Society and Arctic PLEI are incorporated non-profit societies which have their own boards of directors. The Kitikmeot Law Centre is administered by the Kitikmeot Regional Council. 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 1995/96, 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.

In May 1996, the Legal Services Board received a report on the Mackenzie Court Workers Services which had been jointly commissioned by the Mackenzie Court Workers Services, the Legal Services Board and the Department of Justice. All three parties adopted the recommendation in the report that the Mackenzie Court Workers Services become a single legal services clinic and that the Legal Services Board, in partnership with the Mackenzie Court Workers Services, hire a lawyer/director to be the executive director of the Mackenzie Court Workers Services.

R. Steve Melnick was appointed as Lawyer/Director of the Mackenzie Court Workers Services on November 1, 1995, for a two year term.

### **Maliiganik Tukisiiniakvik**

Maliiganik Tukisiiniakvik is the regional legal services clinic for the Baffin Region and in 1995 completed 20 years of service to the people of the Baffin. To mark the occasion, in September 1995, Maliiganik Tukisiiniakvik held a weekend celebration and symposium on justice matters.

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 1995/96, Maliiganik Tukisiiniakvik had approximately fourteen 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 is Darrell Blais who is located at the head office of the Society in Rankin Inlet. During 1995/96, the society had court worker positions in Rankin Inlet, Baker Lake and Arviat.

#### **Arctic Rim Law Centre Society**

The Arctic Rim Law Centre Society is the regional legal services clinic for the Beaufort region. The Society's head office is located at Tuktoyaktuk. R. Steve Melnick was the Lawyer/Director of the Centre, but as of November 1, 1995, the position became vacant. During 1995/96, the society had court worker positions in Tuktoyaktuk, Paulatuk and Holman.

#### **Mackenzie Delta Legal Services**

In April 1995, a new legal services clinic, Mackenzie Delta Legal Services Committee, commenced operation in Inuvik as the official legal services clinic for the communities of Inuvik, Fort McPherson, Aklavik and Tsiigehtchic. Estella Muyinda was appointed as Lawyer/Director of the clinic on July 14, 1995, for a two year term.

#### **Kitikmeot Law Centre**

The Kitikmeot Law Centre is the regional legal services clinic for the Kitikmeot region and is administered by the Kitikmeot Regional Council. The Centre's head office is in Cambridge Bay. Andrew Mahar was appointed as Lawyer/Director of the Centre on October 31, 1994, for a two year term. During 1995/96, the Centre had court worker positions in Cambridge Bay, Coppermine, Pelly Bay, Taloyoak and Gjoa Haven.

#### **Arctic Public Legal Education & Information Society**

Arctic PLEI provides public legal education and information throughout the Territories. Its office in Yellowknife is staffed by the Executive Director, Pearl Benyk, and an administrative assistant.

Pursuant to the public legal education program of the Federal Department of Justice, the Territorial Department of Justice has designated Arctic PLEI as the public legal education agency for the Territories. In 1995/96, the Federal Department of Justice provided \$70,000. to Arctic PLEI, which was matched by a Territorial contribution provided through the Legal Services Board of \$88,992. Arctic PLEI also obtained funds from various sources for specific projects.

Law Line: Arctic PLEI operates a toll free telephone line called the "Law Line". During the daytime, legal information is available from the Arctic PLEI staff and two nights a week summary legal advice is provided by volunteer lawyers.

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

On May 31, 1995, Gregory C. Nearing renewed his contract with the Legal Services Board for two year term and was named Senior Staff Lawyer. On the same date, Jonathan Tarlton completed his term with the Board as a staff lawyer and decided not to renew. On September 30, 1995, M. Joan Mercredi commenced on contract with the Board as a staff lawyer for a one year term.

To support these two lawyers, a law office was maintained within the Board's office in Yellowknife with a legal secretary. In 1995/96 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 and was part-time Acting Executive Director of the Mackenzie Court Workers Services for a period of time.

## **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**

The Legal Services Board is required by the Legal Services Regulations to comply with the following Territorial/Canada agreements:

Agreement Respecting Legal Aid in Civil and Criminal Law Matters and in Matters Relating to the Young Offenders Act and

Memorandum of Agreement Respecting the Native Courtworker Program.

There are provisions in the agreements regarding coverage, financial eligibility, service delivery, reports and audits.

In the fiscal year 1995/96, pursuant to the agreements, the Government of Canada contributed the following amounts to the Government of the Northwest Territories:

Legal Aid Agreement	1,657,000.
Courtworker Agreement	<u>381,994.</u>
Total	\$2,038,994.

# Applications for Legal Aid 1995/96

<u>ORIGIN OF APPLICATION</u>	1993/94	1994/95	1995/96
Arctic Rim		70	56
Delta			313
Kitikmeot		168	182
Keewatin		224	246
Mackenzie CW's		2013	1239
Maliiganik		624	544
YK Legal Aid Office		123	240
Provinces & Yukon		31	23
<b>Total</b>		<b>3253</b>	<b>2843</b>
<u>TYPE OF CASE</u>			
Adult Criminal		1949	1619
Youth Criminal		409	302
Sub-total	2470	2358	1921
Family		750	787
Other Civil		145	135
Sub-total	782	895	922
<b>Total</b>	<b>3252</b>	<b>3253</b>	<b>2843</b>
<u>DENIALS</u>			
Adult Criminal		257	387
Youth Criminal		51	90
Sub-total	283	308	477
Family		171	263
Other Civil		63	73
Sub-total	198	234	336
<b>Total</b>	<b>481</b>	<b>542</b>	<b>813</b>

Information for 1994/95 was collected on the Legal Aid Information System which began operation on April 1, 1994. Information for years previous to 1994/95 by the same categories is not readily available.

SUMMARY OF LEGAL AID EXPENDITURES PAID TO OR ON BEHALF  
OF THE PRIVATE BAR FOR THE YEAR ENDED MARCH 31, 1996

Legal Aid Counsel in Criminal Matters for Adults

Type of Cases	Number of Persons Assisted	Counsel Fees	Disbursements	TOTAL
- Murder	n/a	32,175.09	6,252.71	38,427.80
- Attempted Murder	n/a	11,409.92	2,313.79	13,723.71
- Sexual Offenses	n/a	240,730.79	57,158.95	297,889.74
- Weapons	n/a	49,975.02	14,661.18	64,636.20
- Possession of Stolen Property	n/a	219.90	0.00	219.90
- Robbery	n/a	13,806.00	6,326.84	20,132.84
- Break and Enter	n/a	36,499.75	8,609.12	45,108.87
- Theft over \$200	n/a	2,933.80	637.20	3,571.00
- Theft under \$200	n/a	3,179.62	2,264.14	5,443.76
- Assault	n/a	111,022.41	23,288.78	134,311.19
- Fraud	n/a	44,328.56	8,100.78	52,429.34
- Property Offenses	n/a	6,662.52	1,172.50	7,835.02
- Conspiracy	n/a	0.00	0.00	0.00
- Kidnapping	n/a	8,579.40	5,621.66	14,201.06
- Motor Vehicle Offenses	n/a	19,808.25	3,247.01	23,055.26
- Federal Law/Escape Custody	n/a	2,405.64	2,553.11	4,958.75
- Territorial Ordinance	n/a	110.40	0.00	110.40
- NCA and FDA	n/a	52,017.46	5,553.13	57,570.59
- Manslaughter	n/a	0.00	0.00	0.00
- Appeals	n/a	0.00	0.00	0.00
- Breach	n/a	3,668.56	703.67	
- Others	n/a	233,031.86	24,364.75	257,396.61
- Dangerous Offender Application	n/a	12,963.40	9,384.00	22,347.40
SUB-TOTAL	0	885,528.35	182,213.32	1,067,741.67
PLUS: Tariff for Court Circuits	1,573	247,161.02	92,222.91	339,383.93
TOTAL	1,573	1,132,689.37	274,436.23	1,407,125.60



SUMMARY OF LEGAL AID EXPENDITURES PAID TO OR ON BEHALF  
OF THE PRIVATE BAR FOR THE YEAR ENDED MARCH 31, 1996

Legal Aid Counsel in Criminal Matters for Young Offenders

Type of Cases	Number of Persons Assisted	Counsel Fees	Disbursements	TOTAL
- Murder	n/a	6,084.40	234.50	6,318.90
- Attempted Murder	n/a			
- Sexual Offenses	n/a			
- Weapons	n/a	1,647.10	7.35	1,654.45
- Possession of Stolen Property	n/a	1,794.00	28.35	1,822.35
- Robbery	n/a	5,209.30	56.00	5,265.30
- Break and Enter	n/a	11,493.16	1,439.58	12,932.74
- Theft over \$200	n/a	591.10	0.00	591.10
- Theft under \$200	n/a	184.70	0.00	184.70
- Assault	n/a	2,685.80	69.34	2,755.14
- Fraud	n/a	299.00	3.60	302.60
- Property Offenses	n/a	607.20	0.00	607.20
- Conspiracy	n/a			
- Kidnapping	n/a			
- Motor Vehicle Offenses	n/a			
- Federal Law/Escape Custody	n/a	141.70	1.40	143.10
- Territorial Ordinance	n/a	342.58	0.00	342.58
- NCA and FDA	n/a			
- Appeals	n/a			
- Breach	n/a			
- Juvenile Delinquents	n/a			
- Others (criminal)	n/a	39,703.20	2,108.18	41,811.38
SUB-TOTAL		70,783.24	3,948.30	74,731.54
PLUS: Tariff for Court Circuits	n/a	50,679.05	18,909.81	69,588.86
TOTAL		121,462.29	22,858.11	144,320.40

SUMMARY OF LEGAL AID EXPENDITURES PAID TO OR ON BEHALF  
OF THE PRIVATE BAR FOR THE YEAR ENDED MARCH 31, 1996

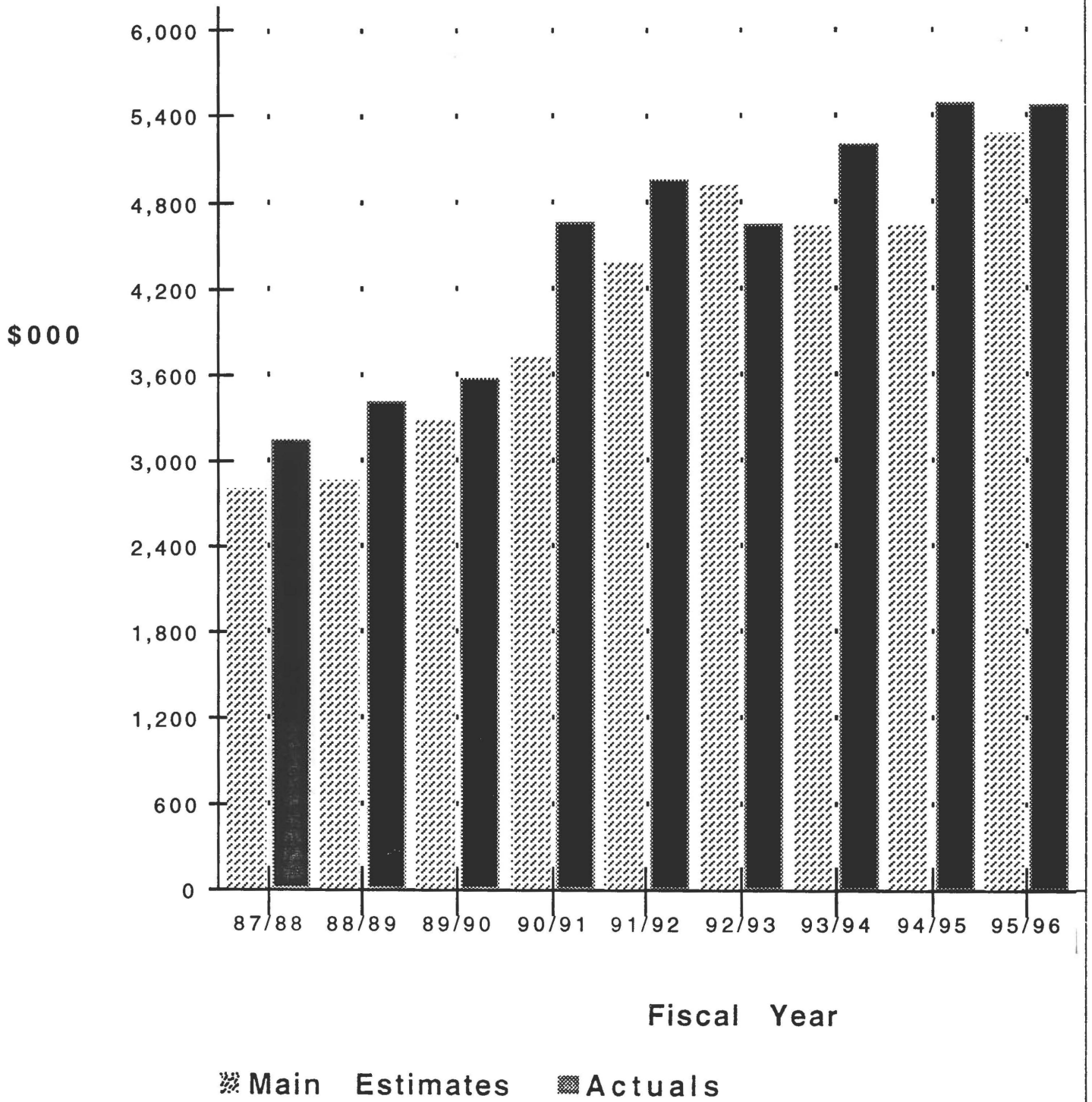
Legal Aid Counsel in Civil Matters	Type of Cases	Number of Persons Assisted	Counsel Fees	Disbursements	TOTAL
	- Divorce	n/a	2,225.12	337.69	2,562.81
	- Separation	n/a	6,575.88	8,265.28	14,841.16
	- Maintenance	n/a	1,518.00	111.41	1,629.41
	- Child Support	n/a	90,595.08	16,141.50	106,736.58
	- Custody	n/a	246,636.32	49,106.31	295,742.63
	- Access	n/a	7,339.24	828.44	8,167.68
	- Child Welfare Matter	n/a	39,337.50	3,245.71	42,583.21
	- Claim for Damages	n/a	3,509.14	1,363.96	4,873.10
	- Claim for Injuries	n/a	13,051.96	4,232.56	17,284.52
	- Division of Property	n/a	6,720.42	2,629.10	9,349.52
	- Restraining Order	n/a	309.55	0.00	309.55
	- Corollary Relief	n/a	0.00	0.00	0.00
	- Possession of Matrimonial Home	n/a	0.00	0.00	0.00
	- Other Family	n/a	0.00	0.00	0.00
	- Wrongful Dismissal	n/a	2,925.70	277.49	3,203.19
	- Psychiatric	n/a	0.00	0.00	0.00
	- Admin Offences	n/a	27,426.52	6,385.91	33,812.43
	- Other Civil	n/a	95,271.84	6,736.38	102,008.22
	SUB-TOTAL	0	543,442.27	99,661.74	643,104.01
	PLUS: Tariff for Court Circuit	n/a	447.43	166.95	614.38
	TOTAL	0	543,889.70	99,828.69	643,718.39

Note: Costs are attributed to the most serious charge or matter in each case. Often in a case there are additional charges or matters for which service is provided.

**EXPENDITURE REPORT**

	1994-95 Revised Budget	1994-95 Actuals	1995-96 Revised Budget	1995-96 Actuals
Salaries/Benefits	184,000.	242,547.	277,000.	393,257.
Wages/Benefits	<u>40,000.</u>	<u>99,097.</u>	<u>40,000.</u>	<u>16,076.</u>
	<u>224,000.</u>	<u>341,644.</u>	<u>317,000.</u>	<u>409,333.</u>
<u>Contributions</u>				
Mackenzie Ct. Workers	704,000.	698,004.	698,000.	698,004.
Maliiganik Tuk.	556,000.	552,000.	552,000.	552,000.
Arctic Rim	203,000.	198,996.	200,000.	200,000.
Delta Legal Services			200,000.	150,003.
Arctic PLEI	90,000.	89,004.	89,000.	88,992.
Keewatin Legal Ser.	239,000.	234,996.	235,000.	238,090.
Kitikmeot Law Centre	<u>242,000.</u>	<u>238,163.</u>	<u>238,000.</u>	<u>220,218.</u>
Total Contributions	2,034,000.	2,011,163.	2,234,000.	2,002,314.
<u>Operations</u>				
Travel/Transport.	386,000.	509,312.	406,000.	435,703.
Materials & Supp.	8,000.	16,574.	22,000.	13,731.
Purchased Services	35,000.	54,299.	85,000.	76,670.
Utilities	0.	503.	0.	78.
Contract Services	470,000.	481,316.	700,000.	548,504.
Fees & Payments	2,325,000.	2,021,969.	1,660,000.	1,959,589.
Other Expenses	10,000.	17,517.	21,000.	16,851.
Computer Chargeback	0.	0.	0.	0.
Furniture/Equipment	<u>2,000.</u>	<u>19,802.</u>	<u>30,000.</u>	<u>6,987.</u>
Total Operations	<u>3,236,000.</u>	<u>3,121,292.</u>	<u>2,924,000.</u>	<u>3,058,113.</u>
TOTAL	5,494,000.	5,474,099.	5,475,000.	5,469,760.

### Legal Services Board Expenditures 1987/88 to 1995/96



**STATEMENT OF LEGAL AID RIGHTS AND RESPONSIBILITIES**

A person in the NWT had 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**

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 Bruce Errol McKay  
 Executive Director

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 FAX: (819) 979-4346  
 Neil Sharkey  
 Executive Director

Kitikmeot Law Centre  
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 Cambridge Bay NT X0E 0C0  
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 FAX: (403) 983-2570  
 Andrew Mahar  
 Lawyer/Director

Maliiganik Tukisiiniakvik  
 High Arctic Office  
 General Delivery  
 Pond Inlet NT X0A 0S0  
 TEL: (819) 899-8707  
 FAX: (819) 899-8916  
 Desmond Brice-Bennett  
 Lawyer

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 TEL: (819) 645-2536  
 FAX: (819) 645-2217  
 Darrell Blais  
 Lawyer/Director

Arctic Rim Law Centre  
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 Tuktoyaktuk NT X0E 1C0  
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 FAX: (403) 977-2154

Mackenzie Court Workers Services  
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 Executive Director

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 Gregory C. Nearing  
 Senior Staff Lawyer  
 M. Joan Mercredi  
 Staff Lawyer