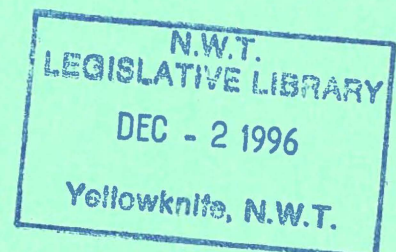


**LEGAL SERVICES BOARD OF THE
NORTHWEST TERRITORIES**

(NORTHWEST TERRITORIES LEGAL AID)

ANNUAL REPORT

1994-1995



**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, 1995, 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

Fifteenth Annual Report
1994/95

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, 1995, there were four 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 1994/95 the Board met four times:

June 2 & 3, 1994, at Yellowknife,
 Sept.30 & Oct. 1, 1994, at Yellowknife,
 December 2 & 3, 1994, at Yellowknife,
 February 3, 1995, at the Hay River Dene Reserve

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.

At its meeting on September 30 and October 1, 1994, the Board established an Executive Committee consisting of the Chairperson and three other members of the Board. In 1994/95 the Executive Committee met three times:

December 19, 1994, at Yellowknife,
 January 20, 1995, at Yellowknife,
 March 28, 1995, at Yellowknife,

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.

1994-95 BOARD OF DIRECTORS

Virginia Schuler, Q.C. Elected Chairperson of the Board April 6, 1994, Nominee of Law Society of the Northwest Territories, re-appointed June 17, 1992, for a two year term which expired June 17, 1994

Shirley Lamalice-Camsell Elected Chairperson of the Board June 3, 1994, Member of the Executive Committee, Member from the South Slave, appointed March 15, 1993, for a three year term

Steven Cooper Member of the Executive Committee, Nominee of Law Society of the Northwest Territories, appointed June 17, 1994 for a three year term

Margaret Mackenzie Nominee of the Attorney-General of Canada, appointed May 26, 1993, for a three year term

Peter Esau Member from the Beaufort Delta Region, appointed March 15, 1993 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

Uriash Puqignak Member of the Executive Committee, Member from the Kitikmeot, appointed June 17, 1994, for a three year term

Bernadette Dean Member from the Baffin, appointed March 15, 1993, for a three year term, resigned October 6, 1994

Susie Ishulutak Member from the Baffin, appointed November 29, 1994, for a three year term

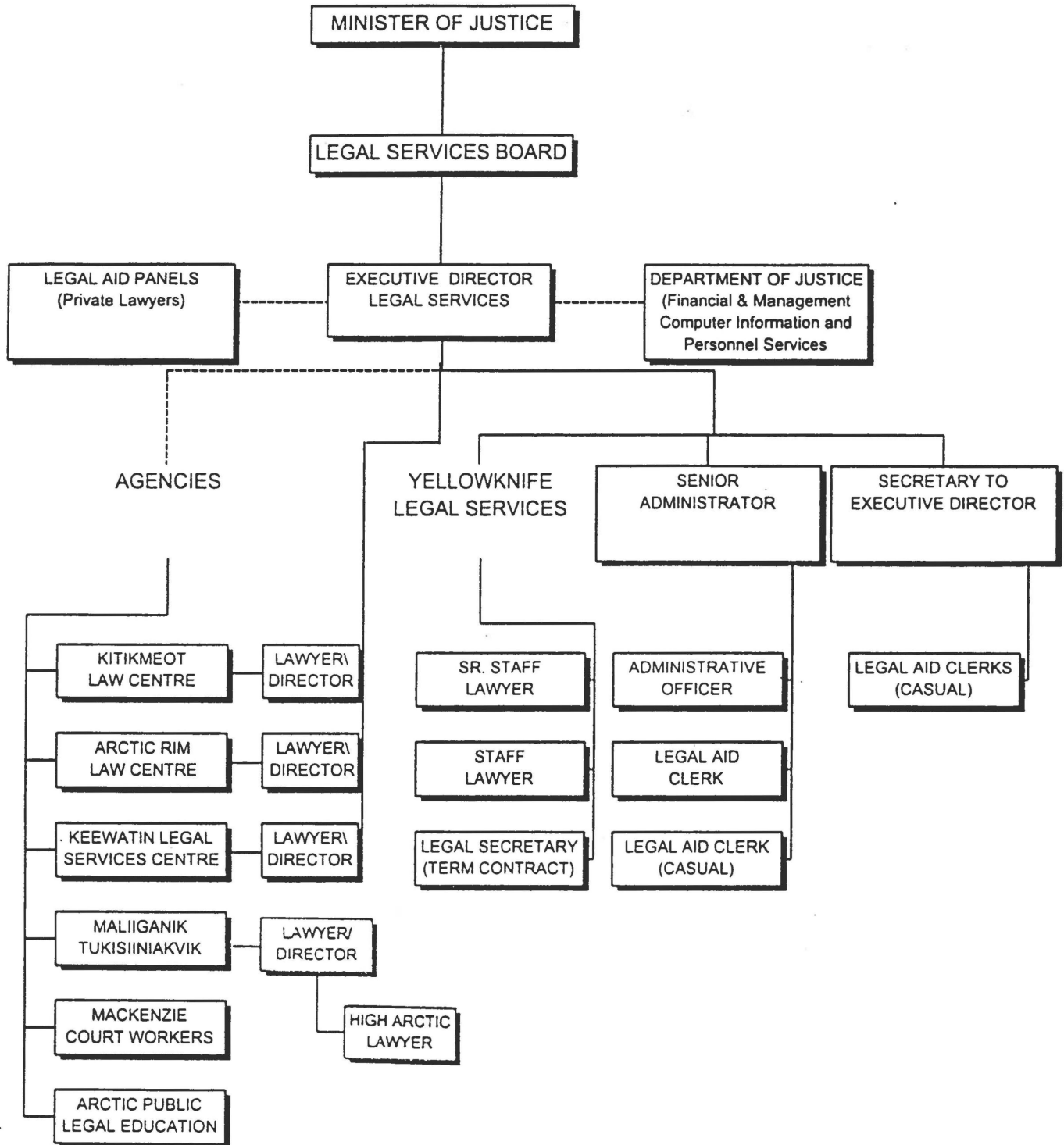
Violet Beaulieu Member from the General Public, appointed May 25, 1994, for a three year term

Miles Pepper, Q.C. Member from the Pubic Service (Assistant Deputy Minister of Justice), appointed May 26, 1993, for a three year term, resigned October 13, 1994

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

Bruce Errol McKay Executive Director & Secretary of the Board, a member of the Board ex officio

ORGANIZATIONAL CHART



OVERVIEW OF THE YEAR

In 1994/95 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 1994/95, 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.

On April 1, 1994, a new "Legal Aid Information System" became operational. The system is a comprehensive data base on which all applications for legal aid are entered, decisions and case status are tracked, legal aid expenditures are entered and cheque requisitions are generated.

At its meeting on June 2 & 3, 1994, the Board adopted a protocol for the relationship between the Clinic Directors hired on contract by the Board and the Boards of Directors of the Regional Legal Services Clinics providing that the lawyers will be seconded to the clinic to be the agents of the regional boards in administering the clinic programs, but that the professional independence of the lawyers will mutually recognized.

At its meeting on September 30 and October 1, 1994, the Board adopted a "Statement of Rights and Responsibilities" of legal aid applicants and recipients. The Statement is printed in this report.

Also, at its meeting on September 30 and October 1, 1994, the Board affirmed that it is the policy of the Board that it and the societies that it funds shall comply, in employment and in the provision of services, with the Fair Practices Act of the Northwest Territories which prohibits discrimination because of race, creed, colour, sex, marital status, nationality, ancestry, place of origin, disability, age or pardoned conviction.

The contract of employment between the Board and the Executive Director was renewed on March 1, 1995, for a further two year period.

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 & 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

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.

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 1994/95, the Board heard 11 such appeals: 4 were allowed, 1 was allowed in part, 5 were denied and 1 was deferred. The Board heard 1 application to reconsider a previous decision which it declined to do.

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. The tariff rates listed below have been in effect since 1987. In 1994/95 considerable time and energy was devoted to the development of a new tariff.

The tariff is contained in Schedule D to the Legal Services Regulations. The hourly rates for lawyer's professional fees are:

\$64.20 for lawyers with less than two years experience,
\$75. for lawyers with less than five years experience and
\$92. for lawyers with five or more years experience.

The daily rates for duty and circuit counsel are:

\$375. for lawyers with less than two years experience,
\$465. for lawyers with less than five years experience and
\$550. for lawyers with five or more years experience.

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

The tariff prescribes few limits on expenditures, but the Executive Director may impose limits in advance. In civil matters, lawyers are authorized blocks of time to complete all or a portion of the case. Additional time is authorized if additional work will be required and the Executive Director believes it is reasonable and justified.

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 1994/95, there were 2 taxation appeals: both were 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 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.

Four regional legal services clinics received contribution payments via the Legal Services Board in 1994/95. These were Maliiganik Tukisiiniakvik, the Arctic Rim Law Centre, the Keewatin Legal Services Centre, 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 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 1994/95.

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, 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, sentencings 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, Sahtu and Delta regions of the Territories. In 1994/95, court workers were located in Yellowknife, Rae-Edzo, Fort Smith, Hay River, Fort Simpson, Fort Good Hope, Inuvik and Aklavik. The head office of the Mackenzie Court Workers is located in Yellowknife.

Maliiganik Tukisiiniakvik

Maliiganik Tukisiiniakvik is the regional legal services clinic for the Baffin Region and in 1994 is completing its 20th year 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 1994/95, 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. In July 1994, Mr. Blais renewed his contract for a three year period. During 1994/95, 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 appointed as Lawyer/Director of the Centre on November 22, 1993, for a two year term. During 1994/95, the society had court worker positions in Tuktoyaktuk, Paulatuk and Holman.

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 1994/95, 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 1994/95, 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 \$89,004. 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

Further to the decision made by the Board in 1992/93 to hire two staff lawyers, Gregory C. Nearing and Jonathan Tarlton commenced on contract with the Board on May 29, 1993, for two year terms. To support these two lawyers, a law office was set up within the Board's office in Yellowknife and a legal secretary was hired on a term contract. In 1994/95 the Staff Lawyers provided legal aid services, mostly in criminal law, in the Yellowknife area, Rae-Edzo, Wah 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

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 1994/95, pursuant to the agreements, the Government of Canada contributed the following amounts to the Government of the Northwest Territories:

Legal Aid Agreement	1,657,242.
Courtworker Agreement	<u>419,000.</u>
Total	\$2,076,242.

Applications for Legal Aid 1994/95

<u>ORIGIN OF APPLICATION</u>	1992/93	1993/94	1994/95
Arctic Rim			70
Kitikmeot			168
Keewatin			224
Mackenzie CW's			2013
Maliiganik			624
YK Legal Aid Office			123
Provinces & Yukon			31
Total			3253
<u>TYPE OF CASE</u>			
Adult Criminal			1949
Youth Criminal			409
Sub-total	2628	2470	2358
Family			750
Other Civil			145
Sub-total	797	782	895
Total	3425	3252	3253
<u>DENIALS</u>			
Adult Criminal			257
Youth Criminal			51
Sub-total	275	283	308
Family			171
Other Civil			63
Sub-total	132	198	234
Total	407	481	542

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

SUMMARY OF EXPENDITURES PAID TO OR ON BEHALF
OF THE PRIVATE BAR FOR THE YEAR ENDED MARCH 31, 1995

Legal Aid Counsel in Criminal Matters for Adults	Number of Persons Assisted	Counsel Fees	Disbursements	TOTAL
Type of Cases				
- Murder	6	52,159.42	12,043.70	64,203.12
- Attempted Murder	5	13,873.04	4,222.36	18,095.40
- Sexual Offenses	180	271,773.62	113,527.97	385,301.59
- Weapons	29	53,909.94	33,058.02	86,967.96
- Possession of Stolen Property	7	1,457.10	378.99	1,836.09
- Robbery	15	23,617.80	6,004.69	29,622.49
- Break and Enter	64	42,618.41	16,554.18	59,172.59
- Theft over \$200	8	10,580.64	2,099.92	12,680.56
- Theft under \$200	11	2,136.44	79.47	2,215.91
- Assault	149	82,395.24	18,857.85	101,253.09
- Fraud	6	11,619.64	3,810.34	15,429.98
- Property Offenses	8	2,664.86	307.71	2,972.57
- Conspiracy	0	0.00	0.00	0.00
- Kidnapping	5	5,487.08	594.98	6,082.06
- Motor Vehicle Offenses	21	6,987.23	2,178.68	9,165.91
- Federal Law/Escape Custody	5	5,392.94	935.05	6,327.99
- Territorial Ordinance	2	128.80	1.39	130.19
- NCA and FDA	20	8,224.98	1,534.63	9,759.61
- Manslaughter	2	8,359.28	2,298.79	10,658.07
- Appeals	0	0.00	330.00	330.00
- Breach	18	14,010.14	6,129.13	20,139.27
- Others	32	332,952.11	37,194.09	370,146.20
SUB-TOTAL	593	950,348.71	262,141.94	1,212,490.65
PLUS: Tariff for Court Circuits	1,573	263,687.26	92,576.10	356,263.36
TOTAL	2,166	1,214,035.97	354,718.04	1,568,754.01

SUMMARY OF LEGAL AID EXPENDITURES PAID TO OR ON BEHALF OF THE PRIVATE BAR FOR THE YEAR ENDED MARCH 31, 1995

Legal Aid Counsel in Criminal Matters for Young Offenders

Type of Cases	Number of Persons Assisted	Counsel Fees	Disbursements	TOTAL
- Murder	1	3,543.88	563.30	4,107.18
- Attempted Murder	0	0.00	0.00	0.00
- Sexual Offenses	8	4,928.78	1,807.16	6,735.94
- Weapons	1	1,327.50	16.10	1,343.60
- Possession of Stolen Property	3	1,476.60	1,828.29	3,304.89
- Robbery	0	0.00	0.00	0.00
- Break and Enter	30	19,561.00	1,489.12	21,050.12
- Theft over \$200	4	1,232.28	44.76	1,277.04
- Theft under \$200	3	742.02	10.97	752.99
- Assault	7	8,148.76	4,038.25	12,187.01
- Fraud	0	0.00	0.00	0.00
- Property Offenses	2	620.60	69.51	690.11
- Conspiracy	0	0.00	0.00	0.00
- Kidnapping	0	0.00	0.00	0.00
- Motor Vehicle Offenses	0	0.00	0.00	0.00
- Federal Law/Escape Custody	1	312.80	0.00	312.80
- Territorial Ordinance	0	0.00	0.00	0.00
- NCA and FDA	1	1,259.40	134.30	1,393.70
- Appeals	0	0.00	0.00	0.00
- Breach	0	0.00	0.00	0.00
- Juvenile Delinquents	0	0.00	0.00	0.00
- Others (criminal)	2	62,800.36	4,548.68	67,349.04
SUB-TOTAL	63	105,953.98	14,550.44	120,504.42
PLUS: Tariff for Court Circuits	356	59,688.71	20,955.68	80,644.39
TOTAL	419	165,642.69	35,506.12	201,148.81

SUMMARY OF LEGAL AID EXPENDITURES PAID TO OR ON BEHALF OF THE PRIVATE BAR FOR THE YEAR ENDED MARCH 31, 1995

Legal Aid Counsel in Civil Matters

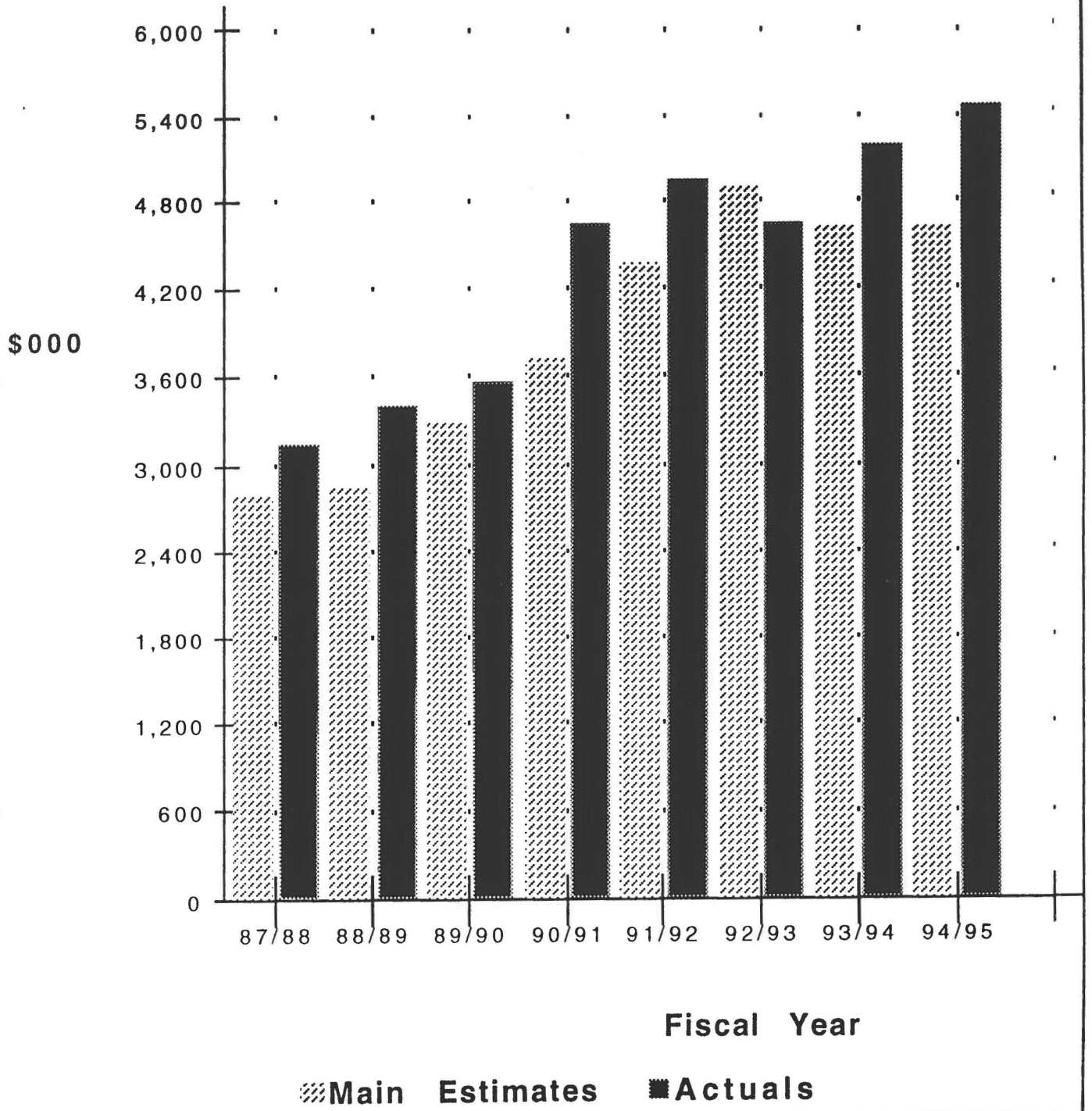
Type of Cases	Number of Persons Assisted	Counsel Fees	Disbursements	TOTAL
- Divorce	9	4,130.88	5,585.85	9,716.73
- Separation	2	1,825.24	177.31	2,002.55
- Maintenance	3	3,494.88	606.19	4,101.07
- Child Support	139	77,235.56	11,194.67	88,430.23
- Custody	262	239,979.65	34,825.49	274,805.14
- Access	12	6,980.12	541.94	7,522.06
- Child Welfare Matter	40	35,946.82	8,990.33	44,937.15
- Claim for Damages	9	7,395.00	1,633.72	9,028.72
- Claim for Injuries	22	11,153.14	3,868.62	15,021.76
- Division of Property	20	19,336.88	2,179.85	21,516.73
- Restraining Order	1	57.78	0.00	57.78
- Corollary Relief	0	0.00	0.00	0.00
- Possession of Matrimonial Home	0	0.00	0.00	0.00
- Other Family	2	682.50	2,296.18	2,978.68
- Wrongful Dismissal	10	2,308.24	179.35	2,487.59
- Psychiatric	2	937.62	36.44	974.06
- Admin Offences	19	21,274.64	8,482.29	29,756.93
- Other Civil	27	102,467.59	8,472.02	110,939.61
SUB-TOTAL	579	535,206.54	89,070.25	624,276.79
PLUS: Tariff for Court Circuit	5	842.97	295.95	1,138.92
TOTAL	584	536,049.51	89,366.20	625,415.71

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

	1993-94 Revised Budget	1993-94 Actuals	1994-95 Revised Budget	1994-95 Actuals
Salaries/Benefits	194,000.	203,350.	184,000.	242,547.
Wages/Benefits	<u>140,000.</u>	<u>134,035.</u>	<u>40,000.</u>	<u>99,097.</u>
	<u>334,000.</u>	<u>337,385.</u>	<u>224,000.</u>	<u>341,644.</u>
<u>Contributions</u>				
Mackenzie Ct. Workers	698,000.	698,000.	704,000.	698,004.
Maliiganik Tuk.	572,000.	552,000.	556,000.	552,000.
Arctic Rim	208,000.	198,252.	203,000.	198,996.
Arctic PLEI	89,000.	80,350.	90,000.	89,004.
Keewatin Legal Ser.	255,000.	235,000.	239,000.	234,996.
Kitikmeot Law Centre	<u>258,000.</u>	<u>197,800.</u>	<u>242,000.</u>	<u>238,163.</u>
Total Contributions	2,080,000.	1,961,402.	2,034,000.	2,011,163.
<u>Operations</u>				
Travel/Transport.	596,000.	508,531.	386,000.	509,312.
Materials & Supp.	8,000.	11,574.	8,000.	16,574.
Purchased Services	35,000.	68,378.	35,000.	54,299.
Utilities			0.	503.
Contract Services	90,000.	35,764.	470,000.	481,316.
Fees & Payments	1,834,000.	1,917,556.	2,325,000.	2,021,969.
Other Expenses	3,000.	14,050.	10,000.	17,517.
Computer Chargeback	0.	27,355.	0.	0.
Furniture/Equipment	<u>2,000.</u>	<u>10,206.</u>	<u>2,000.</u>	<u>19,802.</u>
Total Operations	<u>2,828,000.</u>	<u>2,891,898.</u>	<u>3,236,000.</u>	<u>3,121,292.</u>
TOTAL	5,242,000.	5,190,685.	5,494,000.	5,474,099.

Legal Services Board Expenditures 1987/88 to 1994/95



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

Legal Services Board of the NWT
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 Bruce Errol McKay
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 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

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 High Arctic Office
 General Delivery
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 Desmond Brice-Bennett
 Lawyer

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 Darrell Blais
 Lawyer/Director

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