



MEETING SD 51-20-25

**STANDING COMMITTEE ON SOCIAL DEVELOPMENT**

**THURSDAY, FEBRUARY 6, 2025  
DET'ANCHOGH KÙÉ - EAGLE ROOM / ZOOM  
7:00 PM**

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**AGENDA**

1. Call to Order
2. Prayer
3. Review and Adoption of Agenda
4. Declarations of Conflict of Interest
5. Public Matters
  - a) Public Briefing on Legal Aid Act Statutory Review with Minister of Justice
6. In Camera Matters
  - a) Debrief
  - b) Confidential correspondence
    - 2025-01-20 Honourable Premier RJ Simpson
    - 2025-01-22 Honourable Minister of Justice
  - c) Workplan
7. New Business
  - a)
8. Date and Time of Next Meeting:
  - a) February 12, 10:30am
9. Adjournment



# Department of Justice

## *The Legal Aid Act*

February 06, 2025



Government of  
Northwest Territories

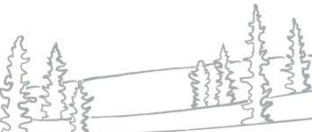
# Legal Aid in the Northwest Territories

- The Government of the Northwest Territories has been responsible for providing legal aid since 1971.
- The Legal Services Board was established and given responsibility for providing legal aid, court worker services, and public legal education and information services throughout the Northwest Territories.



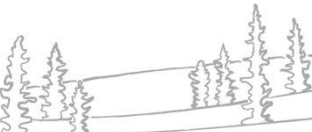
# Legal Aid in the Northwest Territories

- The *Legal Services Act* was replaced with the *Legal Aid Act* in 2014, replacing the Legal Services Board with the Legal Aid Commission of the Northwest Territories.
- The “new legislation provided a modernized governance and operational structure for the delivery of legal aid services using an integrated staff lawyer/private practitioner model.”
- The Act also requires that a review be conducted every 10 years.



# Overview of the Act

- The *Legal Aid Act* exists “to promote access to justice throughout the Northwest Territories...”
- It mandates provision of accessible legal aid services, promotion of public legal education, facilitating alternative dispute resolution processes, and responding to the diverse needs of eligible persons.
- It establishes a public independent agency (the Legal Aid Commission) to provide services.



# The Minister

- The Minister must consider recommendations made by the Commission under the Act.
- The Minister may determine staff levels and programming choices on the recommendation of the Commission.
- The Minister may enter into agreements with the federal government for cost sharing of legal aid services, and with provincial/ territorial governments for reciprocal administration.



# The Legal Aid Commission

- Section 4 of the *Legal Aid Act* establishes the Commission as a continuation of the former Legal Services Board. It's independence (with fiscal accountability) is guaranteed by section 4(3).
- The Commission must consist of three to five members appointed by the Minister to three-year terms, reflecting the NWT's diversity.
  - One member must be a lawyer in private practice nominated by the Law Society; and
  - One member must be part of the public service.



# Duties of the Legal Aid Commission

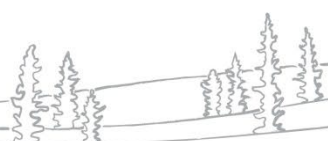
- The Commission's duties include preparing an annual report, receiving and making payment for legal services, hearing and deciding appeals, and supervising the Executive Director of Legal Aid.
- The Commission sets policy, makes recommendations to the Minister, administers legal aid clinics, and maintains a panel of private lawyers.
- Much of the Commission's work consists of hearing appeals in cases where legal aid has been denied.





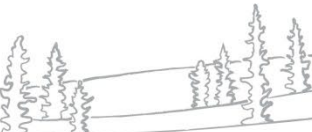
# Powers of the Legal Aid Commission

- The Commission's powers include creating legal aid service guidelines, managing public legal education programs, entering agreements with the Minister for administration of the Act, establishing and evaluating legal aid delivery programs, exchanging program information with other provinces and territories, and advising the Minister on amendments to the Act.



# Executive Director

- The Commissioner must appoint an Executive Director to serve as chief executive officer of the Commission.
- The Executive Director's duties include supervising Commission staff, and other tasks assigned by the Commission.
- The Executive Director's powers include entering agreements and contracts, designating legal aid representatives, and delegation.



# Services Covered

- Legal aid services may be provided for criminal offences; child protection, family and civil matters; offences against NWT Acts; and for prescribed offences.
- Legal aid services may not be provided for defamation, business and real property transactions, labour and election disputes, or other profit-seeking court action.



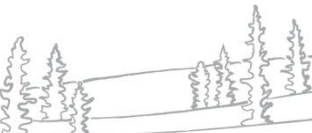
# Eligible Persons

- Individuals may apply to be recognized as eligible persons (to receive services) by the Executive Director.
- Applicants will provide required information to the Executive Director to make a determination.
- Applicants will notify the Executive Director of a change in material circumstances which may result in revocation of eligibility.
- The Executive Director can authorize provision of legal services in accordance with s 10 of the Act.



# Legal Aid Lawyers

- The Commission establishes and maintains panels of lawyers who are not public servants and meet other Commission requirements.
- A person may apply to the Executive Director to be designated as an eligible panel lawyer.
- The Commission (on recommendation of the Executive Director) may suspend or cancel designations.



# Assignment of Cases

- The Act gives the Executive Director the power to “assign a case to either a panel lawyer or a staff lawyer.”
- In determining case assignment, the Executive Director must consider prejudice to the client’s rights, fiscal responsibility, lawyer conflicts of interest and expertise, and any other relevant factors.
- Where there is a breakdown in a relationship between a client and lawyer, the Executive Director may try to mediate a solution, revoke the assignment, or assign the case to another lawyer.



# Legal Aid Clinics

- Three legal aid clinics in Yellowknife continue to offer criminal defense and family law services to clients in all NWT communities.
  - Yellowknife Legal Aid Clinic
  - Somba K'e Legal Aid Clinic
  - Community Legal Aid Clinic



# Outreach Legal Aid Clinic

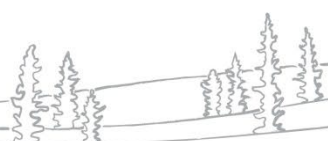
- The Outreach Legal Aid Clinic is staffed by a court worker and an outreach lawyer who hold walk-in and phone clinics, and travel to smaller communities.
- The Clinic offers up to 3 hours of free legal advice and coaching to any NWT resident who has a legal problem in select areas.
- Between January 2023 and November 15, 2023, the Clinic assisted 941 people, 638 of whom self-identified as Indigenous.





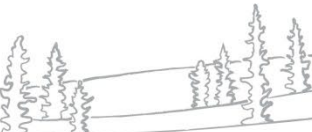
# Funding for the Legal Aid Commission

- The Legislative Assembly allocates money to the Legal Aid Commission to administer the *Legal Aid Act* and provide legal services and other programs under the Act.
- The Northwest Territories also receives funding for the Legal Aid Program, Indigenous Court Work Program, and public legal education, through the Access to Justice Agreement with the Government of Canada.

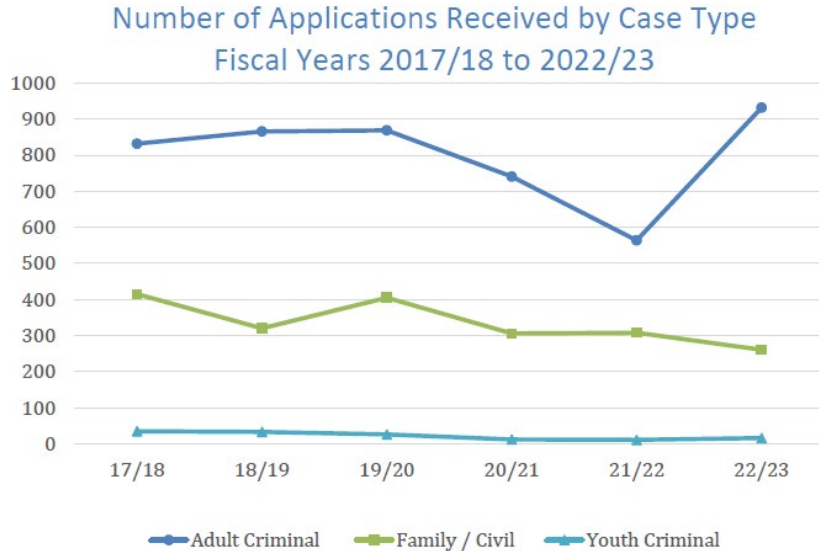


# Funding for the Legal Aid Commission

- There is currently a funding agreement in place with Justice Canada through to 2027.
- In 2025-2026, the budget for Legal Aid Services is proposed to increase \$433,000 over the prior year. The federal contribution in 2025-26 is set at \$4,390,052.
- Uncertainty related to long-term federal funding agreements is an issue, and the Department continues to work with our provincial and territorial colleagues to advocate in this area.



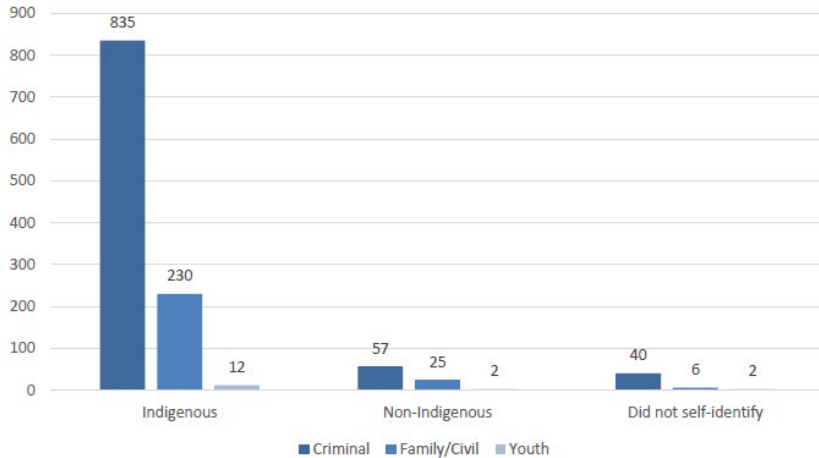
# Legal Aid Statistics



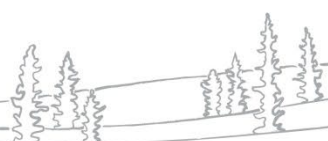
- Applications for Legal Aid are spiking sharply, especially among criminal cases.
- They are now at a historic high.

# Legal Aid Statistics

Legal Aid Approval by Case Type and Self-Identification 2022/23

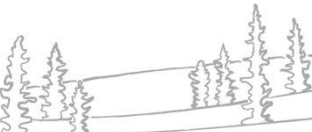


- 89% of approved applicants self-identified as Indigenous in 2022-2023.
- The vast majority of approvals were for criminal cases.



# Overall Considerations

- The Executive Director has indicated the Act has been functioning well since it was brought into force.
- They have also noted that operational concerns such as lawyer recruitment and retention are of a much more pressing nature.
- Secure, long-term federal funding is required to adequately plan and manage legal aid in the Northwest Territories as demand for services increases.



# Questions/Discussion

