

LEGAL AID COMMISSION OF THE NORTHWEST TERRITORIES
Annual Report
2021-2022

COMMISSION D'AIDE JURIDIQUE DES TERRITOIRES DU NORD-OUEST
Rapport annuel
2021 - 2022



Photo taken by Val Watsyk Court Worker



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Executive Summary

The Legal Aid Commission administers the *Legal Aid Act* and the Legal Aid Regulations, and promotes access to justice throughout the Northwest Territories by:

1. providing legal aid services to eligible persons;
2. promoting public knowledge of the law;
3. encouraging flexibility and innovation in the provision of services;
4. recognizing the diversity of legal needs; and
5. operating within an independent but accountable framework.

Over the course of the 2021/22 fiscal year, the Commission oversaw the provision of 1,915 Presumed Eligibility Duty Counsel services, 575 full service criminal matters, 308 full service family matters and 4350 Court Worker services.

Sommaire

La Commission d'aide juridique est chargée de l'application de la *Loi sur l'aide juridique* et de ses règlements, et fait la promotion de l'accès à la justice à l'échelle des Territoires du Nord-Ouest en :

1. fournissant des services d'aide juridique aux personnes admissibles;
2. encourageant la connaissance de la loi;
3. favorisant la souplesse et l'innovation dans la prestation de programmes et de services d'aide juridique;
4. reconnaissant la variété des besoins sur le plan juridique des personnes admissibles;
5. exerçant ses activités indépendamment du gouvernement, mais également dans un cadre de reddition de compte.

Au cours de l'exercice 2021-2022, la Commission a supervisé la prestation de services d'avocats à 1 915 clients présumés financièrement admissibles, en offrant notamment des services généraux en droit criminel à 575 clients, des services généraux en droit de la famille à 308 clients, et des services d'aides judiciaires à 4 350 clients.

Organizational Structure

The following organizational chart reflects the structure of the Legal Aid Commission as of March 31, 2022.



A Message from the Chair of the Commission

It continues to be a privilege to serve the residents of the Northwest Territories in my role as Chair of the NWT Legal Aid Commission. I bring the perspective of the Beaufort Delta region to our discussions and decisions. Thanks are due to the commitment of my colleagues on the Commission:

Joan Mercredi – representing the South Slave region

Paul Parker – representing the Law Society of the NWT

Brad Patzer – Assistant Deputy Minister (Attorney General) representing the GNWT Public Service

Bronwyn Watters – representing the North Slave region

For the second year, we have seen the impacts of the COVID-19 pandemic on the justice system. Last minute requirements to cancel court and cancellations that extended into weeks have resulted in backlogs and case volumes that will require months to address. I commend all Legal Aid staff for their dedication to their clients as they have managed this period of uncertainty.

A number of process changes to are underway at Legal Aid, including the implementation of an electronic disclosure protocol, as well as the movement to the new database, LAIN. Having to navigate these two major changes at the same time as the pandemic has not been easy and we are all extremely proud of the client-focussed approach for which Legal Aid is known.

I would like to extend my thanks to Karen Wilford, Executive Director, who has announced her intention to retire next year. It has been a pleasure working together for the benefit of our clients.

Alana Mero

Chair

NWT Legal Aid Commission

THE LEGAL AID COMMISSION

Commission Members

The Minister of Justice appoints members of the Legal Aid Commission under subsection 4(4) of the *Legal Aid Act*. By convention various regions are represented on the Commission. In accordance with that subsection, the 2021/2022 Commission was composed of the following:

Joan Mercredi	Representing the South Slave
Bronwyn Watters	Representing the North Slave communities
Alana Mero, Chair	Representing the Beaufort Delta
Brad Patzer	Representing the Public Service
Paul Parker	Representing the Law Society of the Northwest Territories

Mandate of the Legal Aid Commission

The Commission sets policy, makes recommendations to the Minister with respect to the hiring of the Executive Director, administers legal aid clinics, maintains a panel of private lawyers for eligible clients for criminal and family matters, and hears appeals in cases where legal aid has been denied or lawyers feel their accounts have been reduced without justification. Additional powers are prescribed under subsection 4(9) of the *Legal Aid Act*.

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.

Three legal aid clinics in Yellowknife continue to offer criminal defence and family law services to clients in all NWT communities. The Outreach Legal Aid Clinic operates from dedicated space and is staffed by one lawyer and one Court Worker. The Office of the Children’s Lawyer is staffed by one lawyer who supervises a panel of private Bar lawyers who deliver legal services to eligible child clients.

The Legal Aid Commission is established as a corporation by the *Legal Aid Act*. The Commission reports to the Minister of Justice, and is a public agency listed in Schedule A to the *Financial Administration Act*. All employees of the Commission are members of the GNWT Public Service.

Legislative Objectives

The purpose of the *Legal Aid Act*, as set out in section 2, is to promote access to justice throughout the Northwest Territories by:

1. providing legal aid services to eligible persons;
2. promoting public knowledge of the law;
3. encouraging flexibility and innovation in the provision of services;
4. recognizing the diversity of legal needs; and
5. operating within an independent but accountable framework.

Commission Meetings

During the 2021-2022 fiscal year, the Legal Aid Commission did not meet in person due to COVID-19. Two substantive Zoom meetings occurred in place of the usual in-person meetings. The Commission also met by teleconference or electronically on four other occasions to conduct appeals.

Association of Legal Aid Plans of Canada

The Association of Legal Aid Plans of Canada (ALAPC) is a voice for Canada's Legal Aid Plans, and provides a national perspective on legal aid and access to justice issues. Every jurisdiction in Canada participates in this voluntary group of Executive Directors, CEO's and senior staff. The objectives of ALAP are to undertake, support and facilitate research concerning access to justice issues; to improve public awareness of access to justice issues; and to undertake such activities, on its own or with others, as may be in the interest of access to justice in Canada.

The Northwest Territories Legal Aid Commission's Executive Director continued in the Chair of ALAP in 2021-2022 and all meetings took place via video and conference call.

A Message from the Executive Director

Karen Wilford

As this report is written, I am embarking on the last six months in the role of Executive Director of the NWT Legal Aid Commission, before my retirement in early 2023. This has led me to reflect on both my eight years in the position of ED, as well as the arc of my legal career, since my call to the bar in 1987.



Photo taken by Kate Cannel, Criminal Law Administrator

Without reservation, I can say that this position is the best job I have ever had. It is also the hardest – the one that caused me the most worry. A wise person once said to me ‘if you’re worried, it’s because you care’ and in no other role has this been so clear. As a young lawyer, I did legal aid work primarily as a way to gain experience quickly and to build a practice. Now, a ‘seasoned’ practitioner, I have a deep commitment to the program and an understanding of its vital role in the administration of justice and civil society. Legal Aid is foundational to democracy.

I have said many times, in many venues, that our legal aid program in the NWT is one of the best in Canada – from our expanded coverage to our generous eligibility. I now add to this: we must not be complacent. We need not look very far to see erosion in democracy that disproportionately impacts those most marginalized. The NWT Legal Aid Commission and its staff will continue to advocate and provide a voice for those who need it most.

Despite the ongoing challenges posed by COVID-19, including significant case backlogs caused by necessary court closures, many good things happened in 2021-2022.

- LAIN database launched
- Outreach promotional videos created
- Electronic Disclosure & Database Co-ordinator position established and staffed
- National Duty Counsel Day event co-chaired with the Hon. Adrienne Clarkson
- Written submissions to the Criminal Cases Review Commission
- Association of Legal Aid Plans of Canada annual meeting

Of course, our main work is the everyday hustle and bustle of covering court points, re-arranging schedules, pivoting mightily (and often!) to many random eventualities and generally making sure that clients who need help get it. The only way this happens is with the incredible team of committed staff: court workers, administrative staff and lawyers.

It has been a privilege.

From The Desk Of The Manager, LAC Program Support

Lacey Black, Program Support Manager

The role of the Manger is to oversee all program areas and administrative positions throughout the Legal Aid Commission. In a sense, I act as the 'second in command' to the Executive Director. I have been with the Legal Aid program, in various roles, for over 15 years and this depth of experience plays a large role in the success of my position.

This year we continued to see the effects of covid and the challenges that come with the continuation of a global pandemic. Court backlogs, staffing vacancies and the underlying uncertainty that has accompanied these last two years are having a noticeable impact. We continue to support staff as they manage a healthy work-life balance. We hope that the end of the pandemic is near and look forward to a year with no covid interruptions.

Despite the challenges, we have moved a number of important initiatives ahead: our new database, LAIN (Legal Aid Information Network) has launched successfully, we have expanded our roster of non-resident counsel, and we have created an approach to address electronic disclosure.

As always, our focus remains client service. At Legal Aid, we have a special role and that is to work with some of the most vulnerable people in the NWT. Every staff member at Legal Aid strives to make a positive difference in the lives of those who require our services. We have an amazing, dedicated team of professionals who all share in this passion and that makes coming to work rewarding even (or perhaps especially) during challenging times.



Photo taken by Val Watsyk, Court Worker

The Legal Aid Outreach Program

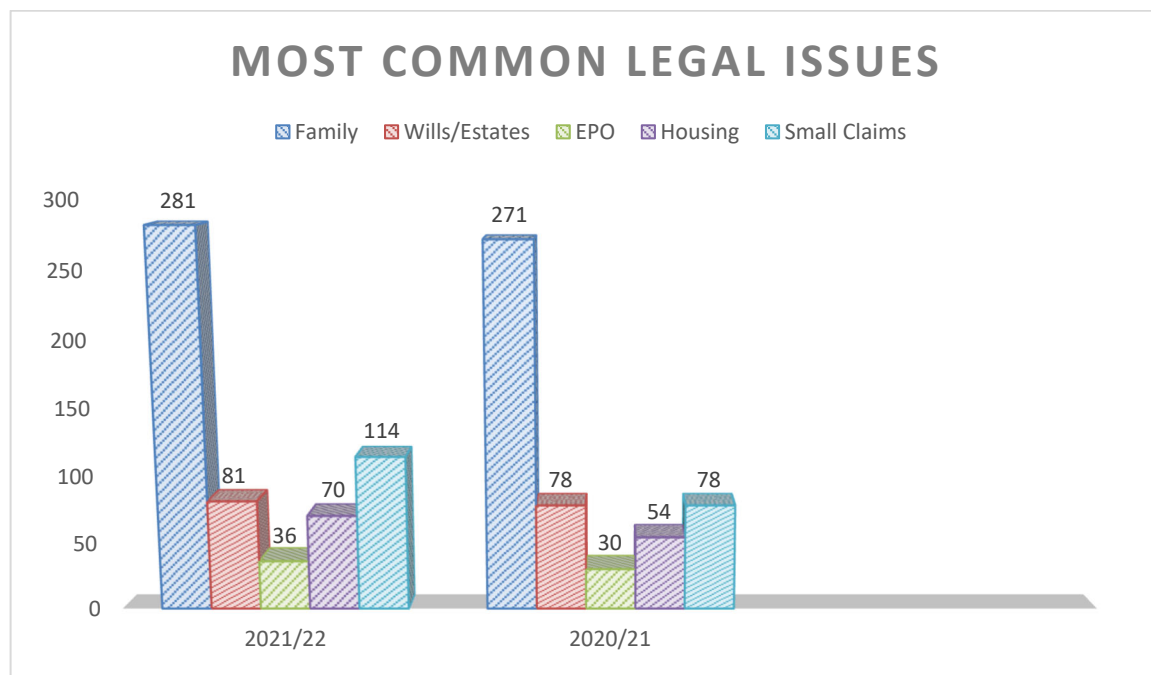
The Outreach Legal Aid Clinic offers up to three hours of free legal advice and coaching to any NWT resident who has a legal problem. (Sometimes non-legal solutions are also discussed.) Two people work in the Clinic: One lawyer and one court worker. This year, the court worker remained through the year and three lawyers worked at different times in the Clinic.

In the 2021-2022 fiscal year, there were **673 separate inquiries for assistance**. Some people called for assistance more than once for the same request. These are captured as one inquiry. Some people called at different times with different requests. These are captured as separate inquiries.

There is often a waiting list for people to speak with a Clinic lawyer, which can be frustrating for the clients who call when they are in immediate need. The Clinic does consider every caller's situation and assigns a level of urgency to each call to ensure that people who need to speak to a lawyer sooner can get help more quickly.

Some people call the Clinic unsure if their current problem is a legal one. Most have a better understanding of their legal rights and obligations after talking with the Clinic lawyer for 30 minutes or less. Some challenges require longer discussions and a small minority use the available 3 hours without getting their legal problem resolved.

The Clinic helps callers with a wide range of legal issues. The five most common areas of concern for callers are: family law (281 cases), small claims (114 cases), wills, estates and power of attorney (81 cases), housing and rental officer hearings (70 cases) and changing or ending Emergency Protection Orders (36 cases).



Some of the most commonly asked questions are:

- What legal steps should I take now that I am separated?
- What do I need to do to get a divorce?
- How can I get child support started or changed?
- I'm having a hard time parenting with my ex. What can I do?
- How can I adopt or custom adopt a child that I care for?
- A social worker is threatening to take my children. Can I stop them?
- What should I do to get a valid will or power of attorney?
- A family member has died without a will. What do I do?
- I have a hearing in front of the Rental Officer and might get evicted. What do I do?
- My landlord is doing things I think are illegal. What are my protections as a tenant?
- I got served with an Emergency Protection Order ("EPO"). What can I do?
- I want to change my EPO. Can I do that?
- Is my situation something that the small claims court would deal with?

In addition to giving people information about their legal rights and responsibilities, the Clinic also encourages people to participate in other GNWT services and programs including the Parenting After Separation course (now available throughout the NWT by webinar) and the Family Mediation Program. Some clients who have multiple points of contact with GNWT programs and services and who have legal problems are referred to the Intensive Case Management Program for their ongoing assistance and support.

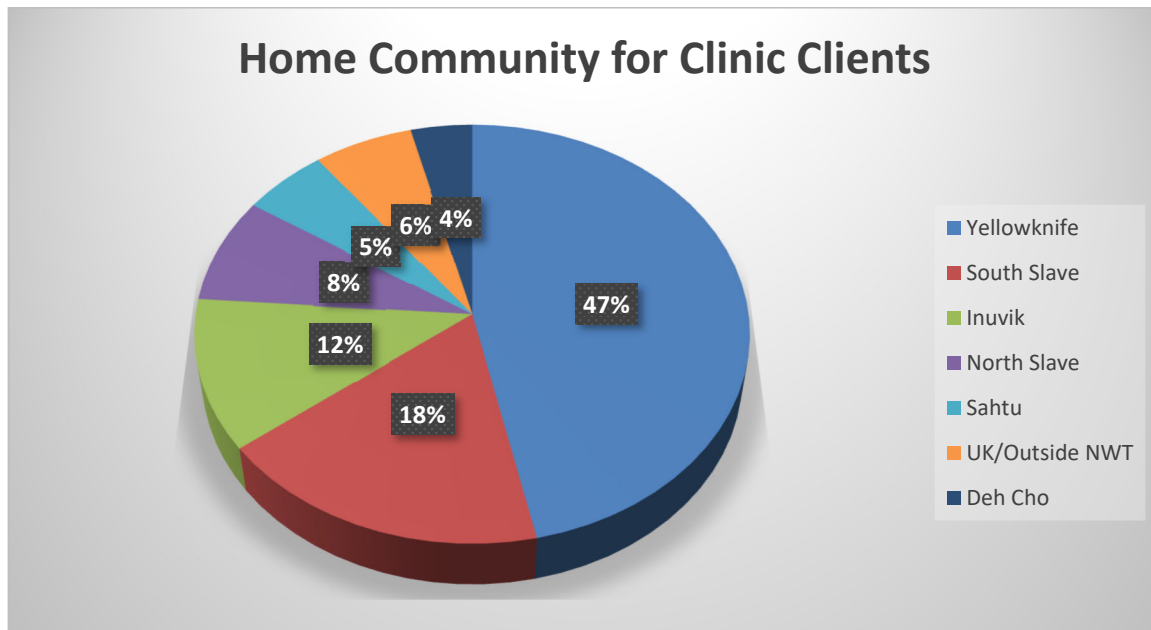
Of the 673 people who contacted the clinic for service in the 2021/22 fiscal year, 429 people (or 64%) identified as Indigenous, Inuvialuit, or Metis.

There were nine people identified as speaking a 2nd official language for the NWT (i.e. Tlicho, North Slavey, Inuktitut). There were eight people who spoke French and five people's first language was not an NWT official language (i.e. Farsi, Chinese, Vietnamese, Somali, Tigrinya).



Photo taken by Kate Cannell, Criminal Law Administrator

Home Community for Clinic Clients



During the pandemic, service has been offered to people throughout the NWT by phone. Often clients get a summary of the steps they must follow and the documents they must prepare by email. Where clients don't have access to a computer or printer, documents and a summary of the steps are sent to them by regular mail.

People call the Clinic at various stages of their legal problem. They have different levels of stress and different levels of ability to understand and respond to their legal problem. Some people show that they are able to take the information they get from the Clinic and resolve their legal problem on their own. Some, however, struggle to be their own advocate either because they do not have the necessary technology, literacy, or emotional stability. Many people experience a high level of emotion about their legal problem that can impair their ability to act at all, or in their best interests. The Clinic offers help to all, at whatever stage and ability they present. Through the individualized advice, direction and assistance given by the Clinic staff, the goal is to help each caller address their situation successfully in or out of court.

A Career at Legal Aid: A Great Way to Get Litigation Experience!

Roopa Mulherkar

I moved to Yellowknife, NWT, in September 2018 after articling at an immigration law firm in Halifax, NS. I wanted to continue to work with people from across the social spectrum. The only experience that I had in criminal law was from law school: criminal law courses, moot competitions and a student clerkship at the Nova Scotia Supreme Court. Though a brand new lawyer, I still felt entirely equipped to take on this role.

I was in for an awakening.

My first assignment was in bail court, often as solo counsel. This was a great introduction to the practice of criminal defense and generally being in the court room. Not only was this an effective way to learn about client management and the law of bail, I learned how to manage a large case load. At that time, it wasn't uncommon to get over 20 files during a single bail week. Spending my early days in bail court gave me the stamina needed to handle the caseload for circuits and Yellowknife-based assignments.

When I started to do more Yellowknife Territorial Court work, I was exposed to a wide variety of files. This included property crime, various types of assault, and driving offences, just to name a few. As a first-year call, I ran trials, argued *Charter* motions, argued contested sentencing, etc. Soon enough, I was put on community circuits, which are extremely fast-paced. During circuit, court will start shortly after the plane lands and you will be greeted by clients waiting to speak to you (often you will only meet clients the day of court). You will be on your feet all day and leave the community shortly after court is finished. Circuit work is a whirlwind, but being able to visit the remote communities of the NWT has been the opportunity of a lifetime.

There are challenging days as a junior legal aid lawyer. Fortunately, the lawyers of the NWT defense bar are not only extremely friendly, but are also great teachers. Even the most senior lawyers are more than willing to answer questions while dealing with their own caseloads. The access to this type of mentorship has been priceless.

In the Northwest Territories, cultural competency is the bedrock of our practice. Almost all of the clients at Legal Aid have suffered from the horrific effects of colonialism. As defense lawyers we must understand our client's unique history to effectively represent them. This means that we are regularly exposed to the immeasurable trauma of our clients, which can be difficult to handle. Notwithstanding this, the most rewarding part of this work has been getting to know our legal aid clients. It is humbling to hear their stories. Our clients are survivors and they are resilient. They too, are my teachers.

During my three years at Legal Aid, I have been exposed to a variety of files, travelled across the Northwest Territories and have had access to excellent mentorship. No matter what unfolds in the future, I will be able to draw on my experience at Legal Aid for the rest of my career.

The Practice of Family Law

Tara Gault, J.D., Staff Lawyer with the Community Legal Aid Clinic

If asked in law school whether I would ever practice family law, my answer would have been a resounding “no”. And yet, after completing six months with the Community Legal Aid Clinic, I frequently tell others how much I enjoy this new role and appreciate the opportunity to practice in this area.

There are challenges: a shortage of family lawyers; demanding negotiations with opposing counsel (though always courteous and respectful); a colonial system that often works against clients; and clients who, despite their best efforts, often find themselves and their families involved in child protection proceedings. It is difficult to witness these clients stumble after working so diligently to better their lives. Despite these challenges, aspects of this job have helped me through those days and made me a better lawyer.

I am grateful for the opportunity to work with mentors. I regularly meet with two lawyers, both of whom practiced family law at the NWT Legal Aid Commission for several years. They help me strategize on difficult files, answer procedural questions, provide helpful resources, and answer last-minute calls when unexpected issues arise.



Photo taken by Kate Cannell, Criminal Law Administrator

I highly value my work with clients. Many of my clients have incredibly difficult life circumstances. Several grew up in foster care and now struggle to raise their own children, never having experienced a stable home environment. Many experience addictions and poverty and face obstacles accessing the supports they desperately want and need to overcome them. Despite these struggles, my clients are friendly and committed to bettering their lives. I am inspired by the way so many remain optimistic in the face of difficult circumstances.

Finally, Legal Aid has a wonderful collegial environment. The lawyers and support staff are welcoming and committed to their roles. We celebrate each other’s success and commiserate when things don’t go as planned. I feel privileged to work with a dedicated group of lawyers who put in long days to ensure every client receives excellent legal representation.

The Court Worker Program

Introducing Val Watsyk, Court Worker

On any given day, Val Watsyk can be found meeting with clients, taking legal aid applications, explaining the court process to worried community members, or getting ready to hop on a small plane enroute to one of the 21 communities where the Territorial Court travels on circuit. Whatever the task, Val embraces it with good cheer, a smile, and a wealth of experience – all of which go a long way in making a stressful experience a little better for those we serve.

Val’s career with the Legal Aid Commission spans 30 years – from a part time court worker in Deline, to summer student during her college years to her current role as supervisor to the program’s seven court workers. She has been to every community where the Territorial Court sits, an accomplishment which has made her both proud and humble. Val recently said, “I feel very lucky to have travelled to these communities – each is beautiful in its own unique and sometimes surprising way.” Highlights include the vast openness of Tuktoyaktuk with its community freezer in the permafrost and the beauty of the church of Fort Good Hope.



The diversity of the land echoes the diversity of its people – being a court worker means that you encounter folks from all walks of life. Meeting and greeting are a big part of Val’s approach to her work. If she can set someone at ease with some conversation and genuine interest, the complexities of the legal process become less daunting. “My job is to simplify – the language, the process, the experience,” Val explains. “A success for me is when an interview begins with someone who is overwhelmed but ends with that person expressing relief and thanks.”

Val has seen lots of changes. One area that gives her hope is the growing interest in and awareness of the Gladue decision. “Every person before the Court should have the opportunity to tell their story. Every participant in the system matters.”

The Legal Aid Commission and its clients are grateful for Val’s dedication, hard work and, most of all, compassion.

Office Of The Children’s Lawyer

Ken Kinnear, Office of the Children’s Lawyer

The Office of the Children’s Lawyer provides legal representation to children and youth (up to age 19), usually upon the appointment of the office to act by a court of competent jurisdiction. Assistance is provided in two circumstances: a family that has had a child protection concern brought before the court by the Director of Child and Family Services, or an unresolved parenting dispute between separated parents that has escalated to court.

Since 2011, the Office of the Children’s Lawyer has seen an overall increase in demand for legal representation for children and youth.

The Office of the Children’s Lawyer strives to foster understanding and cooperation between parties. By working more closely together, yet remaining cognizant of the other’s role, the Office of the Children’s Lawyer promotes better outcomes for their mutual clients.

In 2022-2023, the Office of the Children’s Lawyer plans to implement a new facet of its legal representation for children and youth with the addition of Voice of the Child Reports. The Office of the Children’s Lawyer may now consider different approaches when assisting a child or youth, including providing full legal representation by a lawyer, requesting a Social Worker to complete a Voice of the Child Report, or in very exceptional circumstances, providing both full legal representation as well as a Voice of the Child Report.

Stakeholders such as the Director of Child and Family Services, family lawyers, parents and the courts, have increasingly recognized that early involvement of the Office of the Children’s Lawyer in high conflict matters usually decreases conflict and promotes an early resolution.

At the same time, children and youth gain real opportunities to voice their own views and preferences with respect to issues that affect them. The overall result is increased satisfaction with the litigation process by all participants, more sustainable settlements, and reduced demands on the legal system in general.

Legal Aid Coverage

Brydges Service

The *Brydges* service is a telephone service offered free on a 24-hour basis to individuals in the Northwest Territories who are in custody, are under arrest, or are the subject of an active investigation by law enforcement authorities before arrest, and need immediate advice on their charter rights and criminal law. Translation services are available in 140 languages through the line.

Youth Applications – Youth Criminal Justice Act (Canada), Youth Justice Act (NWT)

The Legal Aid Commission facilitates coverage for youth without the need for financial assessment. The Commission considered the unique circumstances facing youth in the Northwest Territories and looked at approaches to this issue across Canada. The Commission determined that deleting the requirement that the financial means of parents or guardians be considered in assessing youth eligibility best served access to justice.

Adult Applications – Criminal Code

Although an applicant may be financially eligible for legal aid, the Commission or the Executive Director may decline to provide legal aid coverage for certain offences in accordance with the discretion extended by the *Legal Aid Act* and the regulations under the Act, as well as Guidelines established by the Commission.

Presumed Eligibility

Presumed eligibility arises only in the context of criminal law. Clients who first appear in Territorial Court are presumed eligible for legal aid and are assisted with preliminary or straightforward matters that duty counsel can deal with in a summary fashion, including guilty pleas and non-complex sentencing hearings. If the lawyer determines that the matter requires a preliminary inquiry, trial or a more complex sentencing process, the client must apply for legal aid for a determination of their financial eligibility.

Family Law Applications

Legal aid is generally provided to financially eligible applicants in matters involving family breakdowns when there are issues relating to children, spousal support or family violence, and in matters relating to child protection.

After a client completes an application for legal aid assistance involving a family law matter, a request for a legal opinion is made to one of the staff lawyers or to a member of the family law panel. The lawyer advises the Executive Director of the Legal Aid Commission on the merits of the matter. If there is no merit in proceeding, the applicant will receive a “Notice of Denial of Legal Aid” and an explanation of the reasons for the denial.

Approved matters are usually assigned according to the date of application. An exception is made – and matters are given priority in assignment – when the client is facing a court date, if the matter involves family violence, or if the client is facing child protection proceedings.

Civil Applications

The *Legal Aid Act* authorizes the provision of legal aid services on a discretionary basis for some civil matters. The Act and regulations specify that certain civil cases are not covered. Most frequently, civil matters are referred to the Outreach Legal Aid Clinic for summary advice, information and referral.

Residency and Reciprocity

A person who is not ordinarily resident in Canada is not eligible for legal aid coverage except in relation to charges under the *Criminal Code* or the *Controlled Drugs and Substances Act*.

The NWT Legal Aid Commission is a participant in the Inter-Provincial Reciprocity Agreement that allows legal aid coverage to be extended to applicants from any province or territory who require assistance with a family matter arising in another Canadian jurisdiction.

Financial Eligibility

Legal Aid Applications

People must complete an application to receive legal aid. The Commission uses standard forms, and Court Workers take the applications in person or by telephone. Applicants are required to provide detailed financial information with supporting documents. This information includes a statement of income for the applicant and anyone living in the household and is used to determine an individual's eligibility for legal aid.



Photo taken by Val Watsyk, Court Worker

Commission employees review applications in detail to determine the applicant's financial eligibility. Eligible applicants are assigned duty counsel for criminal matters or go into an assignment process for family law matters. Applicants who are not financially eligible are sent a notice of denial. Any applicant may appeal a denial to the Legal Aid Commission.

In some cases, using criteria set out in the Act, regulations and Commission policies, the staff determine that an applicant is able to contribute to the cost of their legal aid services. A conditional authorization for legal aid is given to the applicant subject to a contribution. Applicants usually have a set period to make their contributions. Some applicants are assessed a contribution to be paid on the completion of their file if it is expected there will be a financial gain for the client at that time.

Contributions and recoveries are deposited into the GNWT Consolidated Revenue Fund and are not used to directly offset the cost of legal aid.

Legal Aid Assignments

Panels

The Legal Aid Commission has established both criminal and family law panels of private lawyers who are prepared to accept legal aid assignments. The assignment of cases is determined by section 15 of the *Legal Aid Act*, which provides that the Executive Director must consider the rights of the client, fiscal responsibility, conflicts of interest and in some limited circumstances, the preference of the client. In addition, the Executive Director may consider any other factors that are relevant.

Clients facing Life Imprisonment

Applicants do not have the right to choose a particular lawyer. However, clients who are charged with an offence for which life imprisonment is the maximum penalty (other than break & enter or trafficking), are entitled upon application to indicate their preferred choice of counsel from a list established by the Executive Director. This preference, however, is only one factor that the Executive Director considers in assigning counsel to the matter.

Circuit Counsel

The *Legal Aid Act* requires that the Executive Director arrange to have at least one lawyer (circuit counsel) accompany the Territorial Court on all circuits where a lawyer may be required for the delivery of legal aid. Applicants for such services are subject to the same criteria as all other applicants who need legal services. Presumed eligibility services comprise the majority of the legal aid services provided on circuits.



Photo taken by Kate Cannell, Criminal Law Administrator

Legal Aid Clinics

The Commission has 18 staff lawyer positions: ten criminal lawyers, six family lawyers, one Outreach lawyer, the Children’s Lawyer and Articling Student. On March 31, 2022, 14 positions were filled.

Yellowknife Legal Aid Clinic

The Yellowknife Legal Aid Clinic was staffed at 2021-22 fiscal year end with three criminal lawyers, one family lawyer and one legal secretary. The staff lawyers provide services throughout the NWT.

Community Legal Aid Clinic

This office was staffed at 2021-22 fiscal year end with two family lawyers, three criminal lawyers, articling student and one legal secretary. The staff lawyers provide services to clients throughout the NWT.

Somba K’e Legal Aid Clinic

This office was staffed in 2021-22 fiscal year end with three criminal lawyers, one family lawyer and one legal secretary. The staff lawyers provide services to clients throughout the NWT.

Outreach Legal Aid Clinic

This office was staffed in 2021-22 fiscal year end with one Outreach Court Worker and a part time casual Outreach lawyer. Outreach services are provided in Yellowknife and throughout the NWT by in-person mobile Outreach clinics.

Appeals

Some decisions made by the Executive Director may be subject to an appeal to the Commission. An applicant who is assessed a contribution or is denied legal aid may appeal the decision by providing written notice of his/her intention to appeal, and the Executive Director shall then bring the matter before the Commission for an appeal hearing.

Lawyers also have the right to appeal the Executive Director’s taxation of an account. Written notice is required, and the Executive Director will then bring the matter to the Commission for a hearing. There is no further right of appeal from the Commission’s decision.

There were six eligibility appeals in 2021/22. The results of the eligibility appeals were as follows:

Allowed:	0
Denied:	6

Administration and Finance

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 GNWT 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. In 2021/22 Justice Canada contributed \$3,139,915 to the total cost of \$6,745,966 pursuant to the funding agreement that is in place through to 2022.

Personnel

The staff of the Legal Aid Commission are appointed and employed under the *Public Service Act* and are employees of the GNWT Department of Justice. The Department of Finance provides human resources support to the Commission.

Financial Services

Financial services are generally provided by the Department of Justice, though some services are provided by the Department of Finance. Since the Commission does not hold separate funds, it is audited in conjunction with the Department of Justice. A separate annual



Photo taken by Val Watsyk, Court Worker

independent audit is completed in compliance with the Access to Justice Agreement with Canada.

LEGAL AID TARIFF

<u>Experience</u>	<u>Hourly Rates (\$)</u>	<u>Daily Rates (\$)</u>
Student at law	59	342
Less than 4 years	90	518
4-6 years	106	670
7-10 years	131	780
11 & more years	146	873

The rates are the same regardless of the level of court for which legal aid services are provided.

STAFF LAWYER SALARIES

Staff lawyers, as GNWT employees, are paid according to the pay scales established for GNWT legal counsel. These rates are based on legal experience, and were fixed as follows for 2021-2022:

Staff Lawyer I – 18 (\$103,350 to \$123,454)

Staff Lawyer II – 20 (\$113,119 to \$135,135)

Staff Lawyer III – 22 (\$123,844 to \$147,927)

Staff Lawyer IV – 24 (\$135,427 to \$161,772)

Staff Lawyer V – 25 (\$141,648 to \$169,221)

Financial Report 2021-22

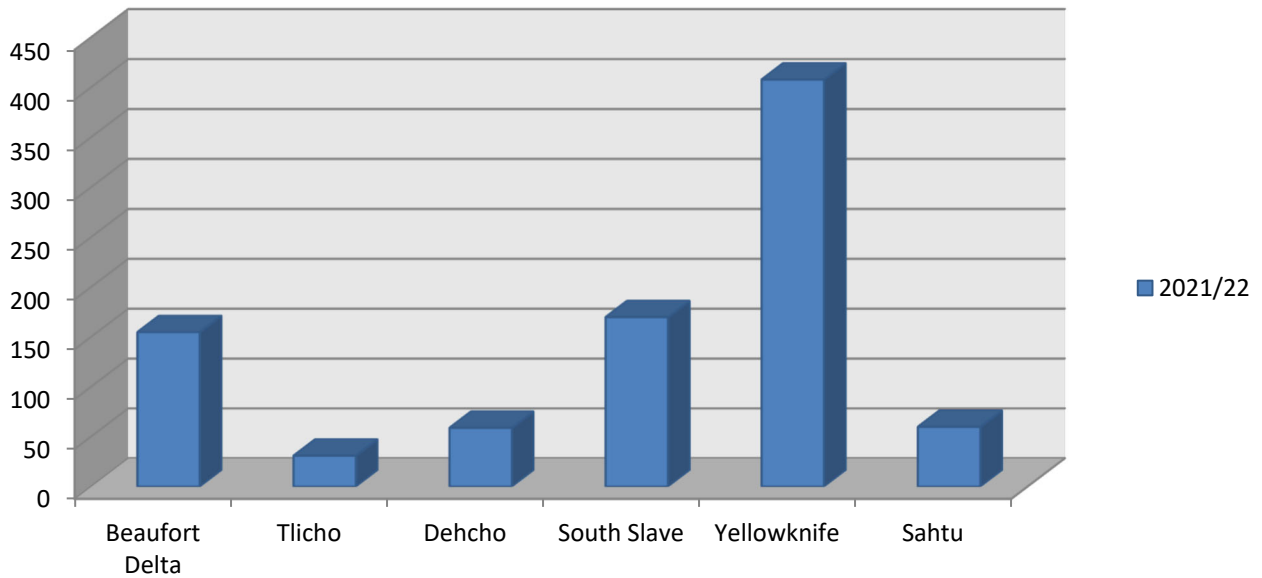
	Actual Expenses	2021-22 Estimate - Budget	Year Variance
Legal Aid Commission Administration (82015)			
Staff Wages & Benefits	847,333.33	792,000.00	(55,333.33)
Operations & Maintenance Expenses	170,114.49	38,000.00	(132,114.49)
Total Administration	1,017,447.82	830,000.00	(187,447.82)
Court Workers (82016)			
Staff Wages & Benefits	955,362.46	1,169,000.00	213,637.54
Operations & Maintenance Expenses	23,009.79	22,000.00	(1,009.79)
Travel	39,154.12	64,000.00	24,845.88
Total Court Workers	1,017,526.37	1,255,000.00	237,473.63
Legal Aid Staff Lawyers (82017, 82070 & 82059)			
Staff Wages & Benefits	2,792,619.84	3,262,000.00	469,380.16
Operations & Maintenance Expenses	276,078.74	480,000.00	203,921.26
Total Staff Lawyers	3,068,698.58	3,742,000.00	673,301.42
Legal Aid Commission			
Commission Expenses	3,087.50		(3,087.50)
Total Commission Expenses	3,087.50	-	(3,087.50)
Legal Aid Fees & Disbursements			
Legal Aid Fees & Disbursements	1,381,195.60	1,019,000.00	(362,195.60)
Travel	258,010.90	336,000.00	77,989.10
Total Legal Aid Fees & Disbursements	1,639,206.50	1,355,000.00	(284,206.50)
TOTAL	6,745,966.77	7,182,000.00	436,033.23

STATISTICAL REPORTS FOR 2021/22

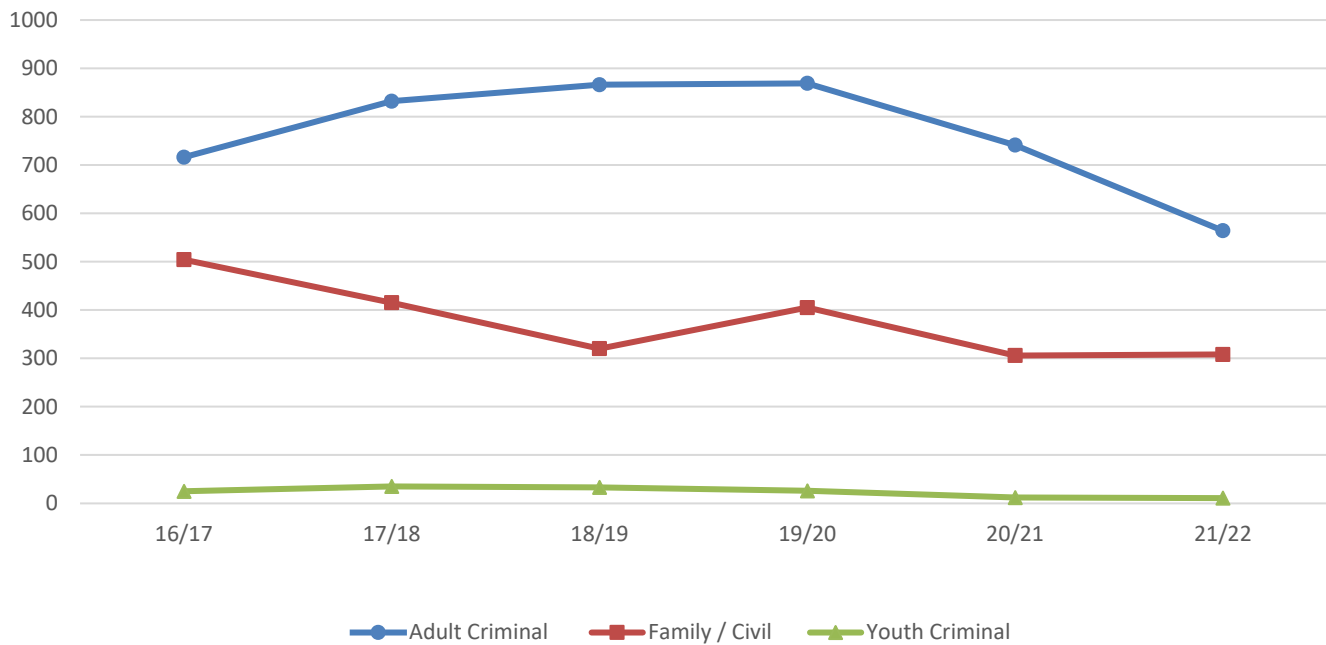
Number of Applications Received by Court Region

	2021/22
Beaufort Delta	155
Tlicho	31
Dehcho	59
South Slave	170
Yellowknife	408
Sahtu	60
Grand Total	883

Number of Applications Received by Court Region 2021/22



Number of Applications Received by Case Type Fiscal Years 2011/12 to 2021/22

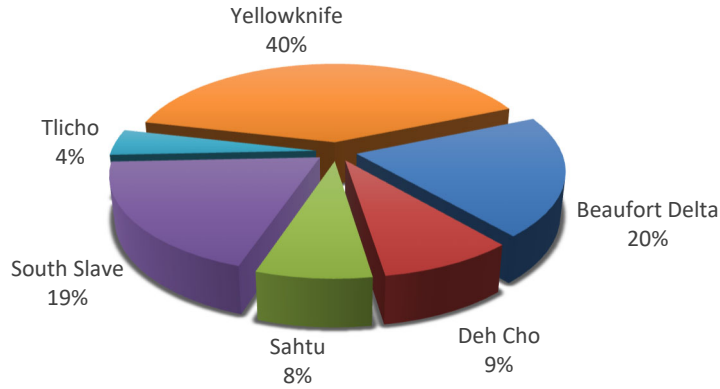


Number of Applications Received by Case Type

	16/17	17/18	18/19	19/20	20/21	21/22
Adult Criminal	716	832	866	869	741	564
Family / Civil	504	415	320	405	306	308
Youth Criminal	25	35	33	26	12	11
Total	1245	1282	1264	1300	1059	883

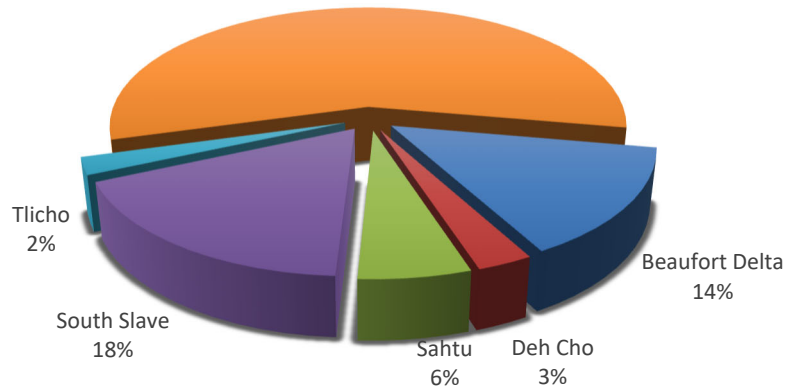
Criminal Applications by Courtworker

Region
2021/22



Family Applications by Courtworker Region

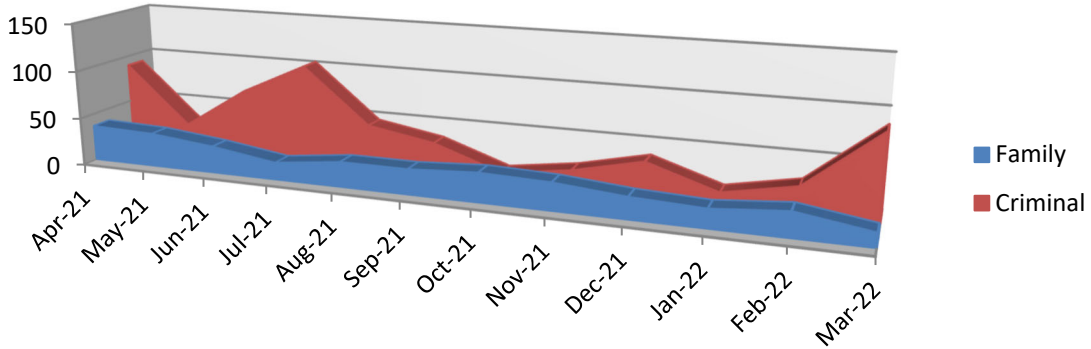
2021/22
Yellowknife



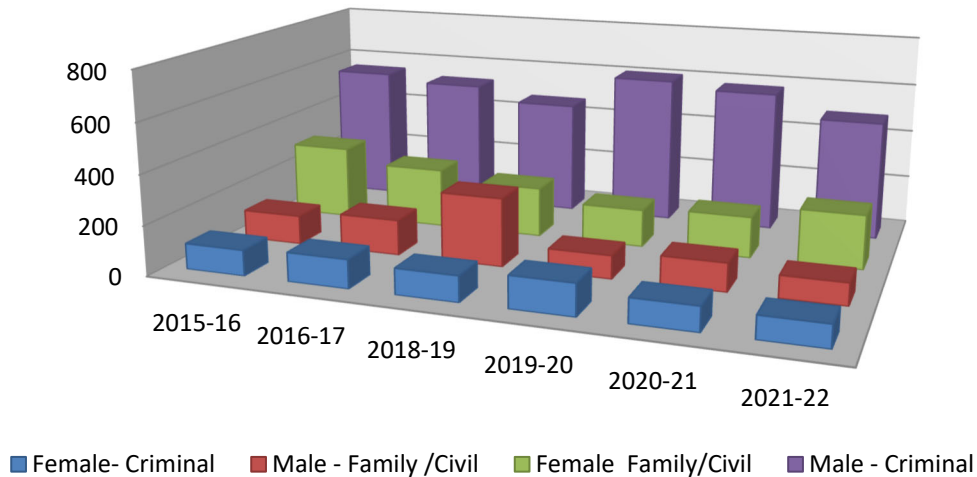
Applications by Courtworker Region

Region	Criminal Applications	Family Applications
Beaufort Delta	111	44
Deh Cho	49	9
Sahtu	42	18
South Slave	106	54
Tlicho	24	7
Yellowknife	221	176
Grand Total	553	308

Applications Received Monthly Fiscal 2021/22



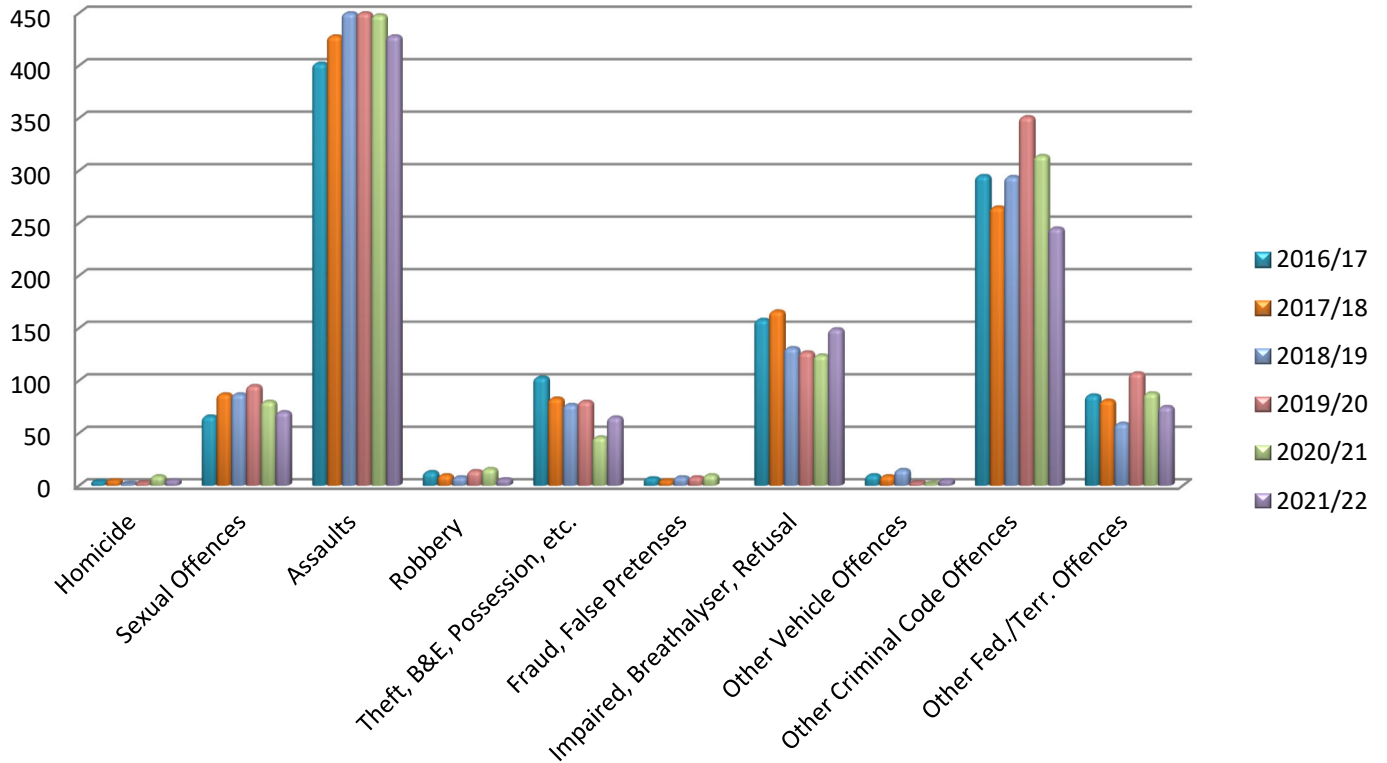
Legal Aid Approval by Case Type and Gender



Legal Aid Approvals by Case Type and Gender

	2015-16	2016-17	2018-19	2019-20	2020-21	2021-22
Female- Criminal	103	115	103	127	97	89
Male - Family /Civil	117	143	275	94	114	89
Female Family/Civil	299	242	203	153	167	219
Male - Criminal	552	524	465	604	577	486
Total	1071	1024	1046	978	955	883

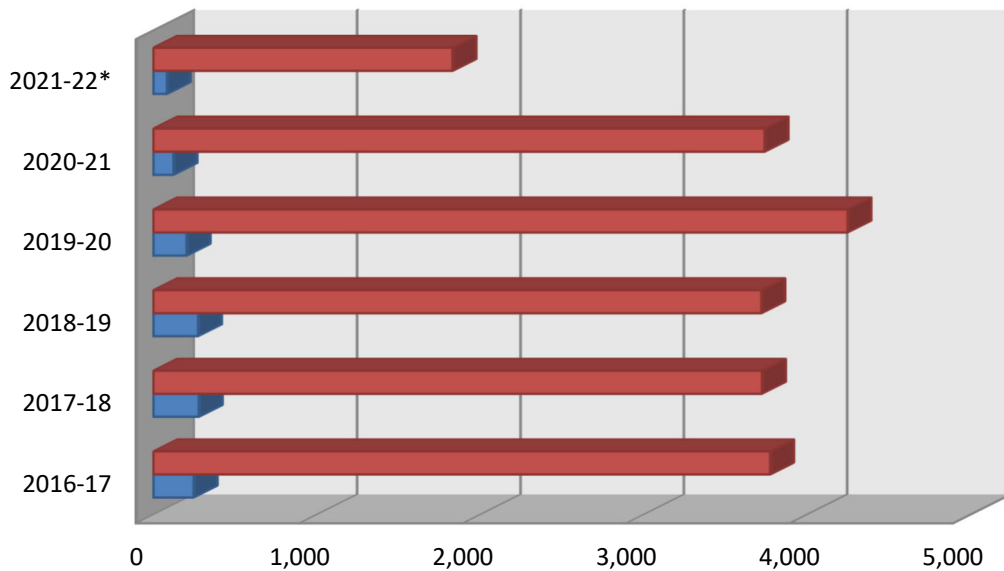
Number of Calls to Brydges Services by Offence Type



Number of Calls to Brydges Services by Offence Type

	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
Homicide	4	5	2	3	9	5
Sexual Offences	66	87	87	95	80	70
Assaults	402	428	450	450	448	428
Robbery	13	10	8	14	16	6
Theft, B&E, Possession, etc.	103	83	77	80	46	65
Fraud, False Pretenses	7	5	8	8	10	
Impaired, Breathalyser, Refusal	158	166	131	127	124	149
Other Vehicle Offences	10	9	15	3	2	5
Other Criminal Code Offences	295	265	294	351	314	245
Other Fed./Terr. Offences	86	81	59	107	88	75
Annual Total	1144	1139	1131	1238	1137	1048

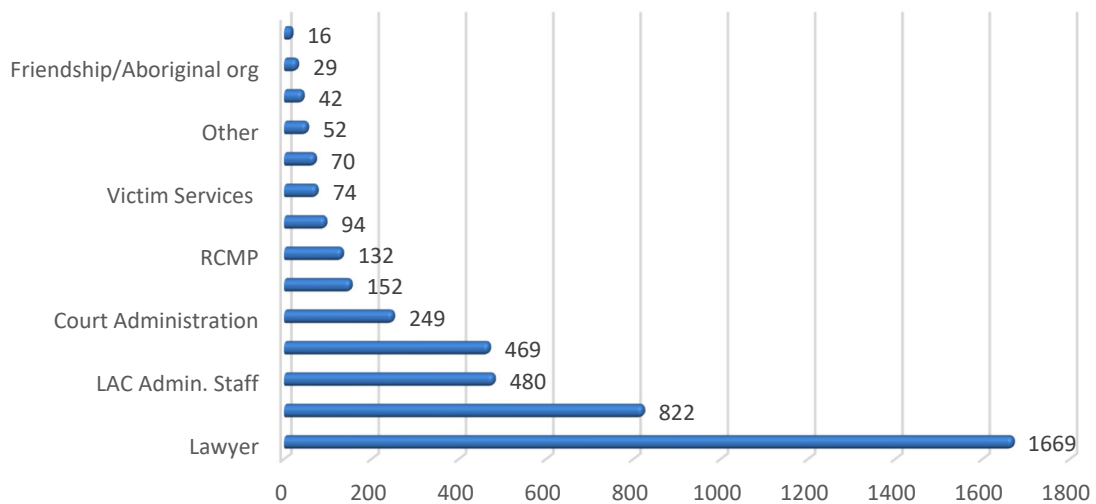
Presumed Eligibility Statistics 2021/22



	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22*
Adult	3,775	3,725	3,721	4,249	3,741	1,831
Youth	248	279	275	205	125	84

* Due to COVID shutdowns and a change of tracking system, only approx 6 months of data was obtained for 2021/22 fiscal year

Court Worker Referrals for 2021/22



MAP OF THE NORTHWEST TERRITORIES



Map of Northwest Territories [by Region]. Retrieved Aug 16, 2018 from <http://www.auroracollege.nt.ca/live/documents/content/FacultyStaffGuidebook.pdf>

OFFICE LOCATIONS AND CONTACT NUMBERS

LEGAL AID COMMISSION

4915 48th Street
3rd Floor, YK Centre East
P.O. Box 1320
Yellowknife, NT X1A 2L9
Tel: (867) 767-9361 ext. 82281
E-Mail: lac@gov.nt.ca

LEGAL AID CLINICS

Community Legal Aid Clinic

8, 4915 – 48th Street
3rd Floor, YK Centre East
Yellowknife, NT X1A 3S4
Tel: (867) 767-9383 ext. 82319

Somba K'e Legal Aid Clinic

5, 4915 – 48th Street
2nd Floor, YK Centre East
Yellowknife, NT X1A 3S4
Tel: (867) 767-9377 ext. 82309

Yellowknife Legal Aid Clinic

4, 4915 – 48th Street
3rd Floor, YK Centre East
P.O. Box 11028
Yellowknife, NT X1A 3S4
Tel: (867) 767-9372 ext. 82299

Outreach Legal Aid Clinic

1, 4915 – 48th Street
3rd Floor, YK Centre East
Yellowknife, NT X1A 3S4
Tel: (867) 767-9384 ext. 82325

COURT WORKERS

Beaufort Delta Region

151 Mackenzie Road, P.O. Box 1100
Inuvik, NT X0E 0T0
Tel: (867) 777-7338
Toll Free: 1-844-836-8050

Deh Cho Region

2nd Floor, Nahendeh Kue Building,
P.O. Box 178
Fort Simpson, NT X0E 0R0
Tel: (867) 695-2106

Fort Smith

195 McDougal Road, P.O. Box 170
Fort Smith, NT X0E 0P0
Tel: (867) 872-6568

Sahtu Region

09 Woodland Ave, P.O. Box 36
Norman Wells NT, X0E 0V0
Tel: (867) 587-7250

South Slave Region

106 – 31 Capital Drive, P.O. Box 4324
Hay River, NT X0E 1G2
Tel: (867) 874-2475

Tlicho Communities

General Delivery
Behchokö NT X0E 0Y0
Tel: (867) 392-6386

Yellowknife Area

3rd Floor YK Centre East, P.O. Box 1320
Yellowknife NT X1A 2L9
Tel: (867) 767-7387 or (867) 767-9359