

**LEGAL AID COMMISSION OF THE NORTHWEST TERRITORIES**  
**Annual Report**  
**2020-2021**

**COMMISSION D'AIDE JURIDIQUE DES TERRITOIRES DU NORD-OUEST**  
**Rapport annuel**  
**2020 - 2021**



Photo taken by Maureen Maurice-Landry Court Worker



Government of Northwest Territories  
Gouvernement des Territoires du Nord-Ouest

## TABLE OF CONTENTS

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Executive Summary	3
Organizational Structure	4
Message from the Chair	5
The Legal Aid Commission	6 - 7
A Message from the Executive Director	8
From the Desk of the Manager, LAC Program Support	9
The Legal Aid Outreach Program	10 – 12
Practicing Criminal Defence in a Pandemic	13
The Practice of Family Law	14
The Court Worker Program	15
Office of the Children’s Lawyer	16
Legal Aid Coverage	17 - 18
Financial Eligibility	19
Legal Aid Assignments	20
Legal Aid Clinics	21
Appeals	21
Administration and Finance	22
Tariff and Salaries	23
2020/2021 Financial Report	24
2020/2021 Statistical Reports	25 -30
Map of the Northwest Territories	31
Office Locations and Contact Numbers	32

## **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 2020/21 fiscal year, the Commission oversaw the provision of 3,866 Presumed Eligibility Duty Counsel services, 674 full service criminal matters, 281 full service family matters and 3,767 Court Worker services.

## **Résumé**

La Commission d'aide juridique est chargée de l'application de la *Loi sur l'aide juridique* et ses règlements, et fait la promotion de l'accès à la justice à l'échelle des Territoire 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 en étant transparent à l'égard de ce dernier.

Au cours de l'exercice 2020-2021, la Commission a supervisé la prestation de services d'avocats à 3,866 clients présumés financièrement admissibles, en offrant notamment des services généraux en droit criminel à 674 clients, des services généraux en droit de la famille à 281 clients, et des services d'assistance parajudiciaire à 3,767 clients.

## ORGANIZATIONAL STRUCTURE

The following organizational chart reflects the structure of the Legal Aid Commission as of March 31, 2021.



## **A Message from the Chair of the Commission**

If there could be only one theme to this year's message, it would be one of significant gratitude to the staff of the Legal Aid Commission: they have come through the Covid-19 pandemic and served our clients seamlessly. Despite Court closures, confusion over scheduling and the requirement to keep on top of Public Health Directives, our legal aid services remained available. There was never a time a client went without answers and support.

The work of the Commission in hearing client appeals was reduced during this year as a direct result of the Courts being closed (other than for emergency matters). This gave us time to orient three new Commission members:

Joan Mercredi, representing the South Slave region

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

Bronwyn Watters, representing the North Slave region.

They join me (representing the Beaufort Delta region) and Paul Falvo, representing the Law Society of the Northwest Territories.

An important piece of policy work was completed this year: the completion of guidelines for the exercise of the Executive Director's discretion in homicide matters. Because these serious cases demand significant resources, it is common for lawyers to request a divergence from the Tariff under the *Legal Aid Regulations*. The new guidelines provide a framework that will ensure that all such requests are treated in the same manner and that lawyers doing this important work have some clarity about how these requests are managed.

As always, it continues to be an honour to serve the people of the Northwest Territories: our legal aid plan is one of the most comprehensive in Canada.

Sincerely;

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 2019/20 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 Falvo	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. In 2014, the new *Legal Aid Act* created the Legal Aid Commission.

Three legal aid clinics in Yellowknife continued 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 2020-2021 fiscal year, the Legal Aid Commission met in person on one occasion in Yellowknife. The Commission also met by teleconference or electronically on seven other occasions.

## **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 ALAPC 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 is currently the Chair of ALAPC, and participates in regular conference calls to address issues affecting all legal aid programs as well as planning the annual meeting and conference of ALAPC. In 2020-2021, all meetings took place via video and conference call. While it was clear that there were wide divergences in Provincial and Territorial responses to the pandemic, it was also clear that every legal aid plan worked tirelessly to ensure that a focus on client service was maintained.

Given the unprecedented circumstances of COVID-19, many national organizations were sought out for input and feedback on how to best address the justice system's responses to the public health crisis. ALAPC was consulted with some frequency and was able to provide helpful perspectives to decision-makers during uncertain times.

## **A Message from the Executive Director**

*Karen Wilford*

The past year has been one that will not be soon forgotten, with the impact of COVID-19 on every aspect of our lives and those of the clients that we serve. It was a year of unprecedented circumstances: the shut down of the Courts, strict travel restrictions within NWT borders and new ways of interacting from behind plexiglass and masks and by video. The pandemic has taught many lessons, not the least of which has been the focus on the essential and the extent to which client-centred practice must always remain our core approach to legal aid services.



The staff at the Legal Aid Commission moved smoothly to remote working arrangements and our ability to do so reflects the ‘can do’ Northern life. And while interacting with clients and the courts over video or teleconference gets the job done, we are reminded of the need to be intentional about checking to ensure that clients understand the process and that their right to be heard is not compromised. The world is

embracing technology – from Zoom court to electronic disclosure. We must ensure that no one is left behind on that journey.

During the Court shut down, there were several administrative projects that were able to be advanced: streamlining our financial reporting and developing new legal aid application forms and processes being the most notable. The important work of advancing our new database has been delayed but remains a priority.

On a personal note, the advent of Zoom meetings has been something of a mixed blessing whereby we are now available to attend every meeting! I quickly learned about the need to pace oneself and feel incredible empathy for students who spent their entire year on-line. The significant upside was the ability to provide feedback to national organizations, including the Supreme Court of Canada’s Action Committee on Court Operations and Justice Canada’s Efficiencies Committee. I participated in the Thirteenth Symposium on Re-Inventing Criminal Justice and was proud to bring the unique perspective of the North to those important conversations.

History will look back on the year of the COVID-19 Pandemic and will note the immense changes it caused: in working expectations, in the differential experience of the marginalized populations, in our economy and our approach to individual freedoms within civil society. For now, I invite all who read this report to take a moment to reflect upon our incredible good fortune to live and work in the Northwest Territories.



## **FROM THE DESK OF THE MANAGER, LAC PROGRAM SUPPORT**

Lacey Black, Program Support Manager

I have been employed with the Legal Aid Commission for over 15 years, dating back to my days as a summer student and the Criminal Law Services Administrator. In 2019 I took on the newly created position of Program Support Manager.

The role of the Manager is to oversee several administrative positions throughout the organization and provide valuable feedback to the Executive Director. It is important to understand each program area of the Legal Aid Commission to be effective in this role.

This past year was very challenging for many, having to manage the effects of the pandemic and remote work conditions (which often included balancing kids, meetings, deadlines and negotiating whose turn it was on the laptop!). We have an amazing group of professionals here at the Legal Aid Commission which makes work here highly enjoyable.

One of the largest projects on my plate for the past two years has been acquiring a new data base, which has been long overdue. The program, LAIN (Legal Aid Information Network), was designed and is successfully being used by Legal Aid Saskatchewan. We have been working closely with that plan as well as the software company that created the program. Phase one of the launch of this new database was planned for late fall of 2020 however Covid-19 threw a wrench into those plans. With the committed work from our team, we were able adjust the plan and our expectations. Although a bit delayed, we successfully achieved our April 1<sup>st</sup>, 2021 soft launch date. LAIN will allow for more efficiency, accurate reporting to Justice Canada and ultimately more user-friendly data collection.



An additional and ongoing priority of my role is to set the Territorial Court circuit assignment schedule for the defence lawyers. With approximately 85 circuits to cover plus over 100 court assignments in Yellowknife, assigning our 9 staff lawyers and a dozen or so private bar lawyers is like an intricate puzzle that changes almost weekly.

Our primary goal at the Legal Aid Commission is client service. We care about our clients and the delivery of Legal Aid to those eligible and in need. I am dedicated to the work that we do at Legal Aid and am proud to be a part of this team that is making a difference to those most vulnerable.

## **The Legal Aid Outreach Program**

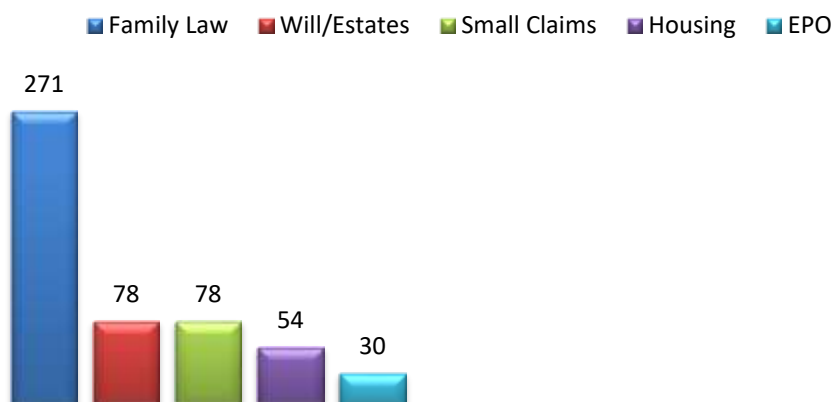
The Outreach Legal Aid Clinic offers up to 3 hours of free legal advice and coaching to any NWT resident who has a legal problem and does not have a lawyer to work with them.

There are 2 people working in the Clinic. One is a lawyer, and one is a court worker. Both are Notary Publics. If anyone needs a formal notarized document, they can get this help free at the Clinic. In the 2020/2021 fiscal year, twenty-two (22) people used this service.

While some people call the Clinic unsure if their current problem is a legal one, the vast majority know their problem has a legal solution and they want help to identify the steps they need to take to resolve it. Most people have a better understanding of their legal rights and obligations after talking with the Clinic lawyer for 30 minutes or less. Some people's challenges require longer discussions and a small minority use the available 3 hours without getting their legal problem resolved.

People call the clinic with different issues.

### **Areas of law most commonly addressed**



We most commonly answer these kinds of questions for people:

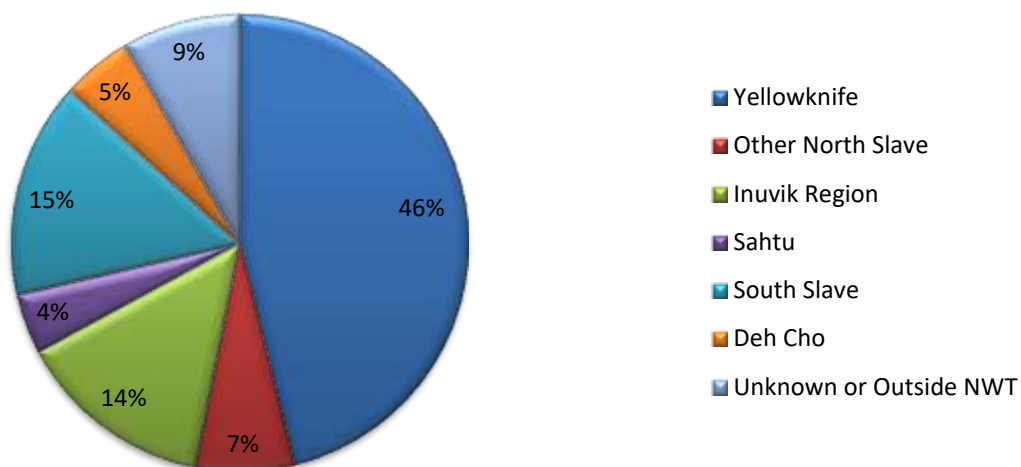
- What legal steps should I take now that I am separated?
- What do I need to do to get a divorce?
- My child support payments need to be updated. How does that happen?
- How can I adopt or custom adopt a child that I care for?
- How can I prepare a valid will?
- A family member has died. What do I do about their property and their debts?
- I have a hearing in front of the Rental Officer and might get evicted. What do I do?
- I got served with an Emergency Protection Order ("EPO"). What can I do?

- Someone has refused to pay me and I'd like to try and get my money. How does small claims court work?

In addition to giving information about 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 have legal problems to address, are referred to the Integrated Case Management Program for ongoing assistance and support.

During the 2020/2021 fiscal year, there were 692 people from across the NWT who contacted the clinic for service. Of that number, 56% (or 389 people) identified as Indigenous, Inuvialuit, or Metis.

## Where do Outreach Clinic clients live?



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.

There is often a waiting list for people to speak with a lawyer. This 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 than others can get help more quickly.

People are calling at various levels of stress and with different levels of understanding of what their legal problem is. Some people show that they have been very capable of addressing their situation and can take the new information they get from the Clinic and resolve the problem on their own. Others get help from the Clinic to prepare their own court papers to ask a judge for help in resolving a problem.

About an equal number of people struggle to be their own advocate. They do not have the technology, or literacy, or emotional stability. In cases where someone has recently died or a relationship has ended, many people experience a high level of emotion that can impair their ability to act at all, or in their best interests. In some cases, lower income individuals can get a lawyer to help them through these life events. Some higher income individuals can afford to hire a lawyer. For those who cannot or choose not to get a lawyer, it remains for them to navigate the system on their own at a time of emotional impairment.

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, we hope to help them become more able to think clearly, to speak clearly, and to resolve their legal problems in and out of court.



## **Practicing Criminal Defence in a Pandemic**

Mallorie Malone, M.A., J.D.

“I hope this message finds you safe and healthy in these unprecedented times.”

It is perhaps an understatement to say that 2020 brought challenges to every facet of our lives. None of us were truly prepared for the world to come to a grinding halt in the wake of the COVID-19 pandemic and the effect that it would have on our personal and professional activity.

I relocated to Yellowknife and joined the Legal Aid Commission in late May 2020, during the height of the COVID restrictions here in the NWT and around Canada. Having practiced criminal law for 5 years prior, it was a jolting experience to adjust to telephone court appearances, video hearings and not being able to sit down face to face with my clients as I tried to steer them through some of the most challenging processes of their lives.

The sudden need to move to a digital practice truly brought home the fact that criminal defence is very much a *human* process. We need to sit down with our clients so that they can see us, understand us, and trust that we're here to support them through their court matters. We need to connect with our colleagues, support and share ideas with one another, and be able to get perspective from a friendly face. It is immensely helpful when we can see our jurists, read their responses to our arguments, and anticipate their questions.

When courts began to open up again in July 2020 and we were able to return to the office, I was grateful to see the care that was being taken to attend to those human needs – those of our clients, colleagues and court – while at the same time protect our communities' health and safety. Self-isolation was hard, particularly for our most vulnerable clients who relied on social services, medical treatment, mental health and addictions care. These clients are still reckoning with the setbacks they experienced.

The Legal Aid Commission was quick to ensure that our clients were still able to get the legal help they needed without any interruption in service. It is truly remarkable to think back and reflect on the incredible speed with which our justice system has been able to adapt to the needs of our public health.

Now in August 2021, we are not quite back to normal, but we are emerging from the woods. It has been an honour to work with the incredible staff of the Legal Aid Commission and know that we all had each other's backs in this time of uncertainty. I know my colleagues and I are excited to continue supporting our clients in this work that we love.

## **THE PRACTICE OF FAMILY LAW**

Candace Seddon, B.A., LL.B.

Reflecting on almost 2 decades of practice in the NWT, a notable feature is the caliber of the colleagues with whom I have had the privilege to work. Many excellent lawyers have practiced at the Legal Aid Commission, and it is clear to me that one thing we all have in common is the desire to help people, and to make a difference.

Young people go into law with a wide range of hopes and aspirations.

The lawyers who practice at Legal Aid in the NWT (and throughout Canada) are the people who got into the law for altruistic reasons. We are in it for the good we can do. We see problems, and we want to help.

My colleagues are some of the most compassionate and caring people that you will ever meet. They dedicate their time and their brainpower to try to improve the lives of others. Standing up for what is right and trying to make change in a challenging Child Welfare system, making sure that our clients' rights are upheld...fighting the good fight, time and time again, even when it sometimes seems hopeless.

It is not uncommon for the uninformed to make an offhand comment, about us being “just” a legal aid lawyer, or worse: “not a real lawyer”. This couldn’t be further from the truth. Each and every lawyer at the LAC has the intelligence, skills, and capability to work in traditional large firm environments. In fact, legal aid lawyers are more skilled, and more capable, by virtue of the intense, hands-on experience you get in the North. We often develop our expertise out of both necessity and opportunity. As a result, I am a proud and true believer that NWT Legal Aid clients are getting the best of the best.

Often, we are far from our families of origin, which has – as it has for everyone - been doubly difficult during the pandemic ... we are also far from our classmates, former friends and mentors, and the familiar places of our youth and education. We are amply rewarded for those sacrifices by the beautiful place in which live, and the quality of life we enjoy.

In our environment we can see the changes and improvements in the systems in which we operate, often because of our hard work. Even when we don’t “win”, we know that we have made a difference. Recently, I was brought to tears by a client who, after I wrote a strongly worded but simple email on his behalf, said to me, “No one has ever stood up for me like that before.”.

That is why we are here. That is why we do what we do. Not just for the love of the law, but for the love of the people we serve: that is what makes our work so important.



## **THE COURT WORKER PROGRAM**

Introducing Rose Lamouelle, Court Worker



For almost 28 years, Rose Lamouelle has been serving the people of the Tlicho Region as a Court Worker. Born and raised in Behchoko, Rose brings a strong sense of responsibility and compassion to her role. She has seen much change over the years: from living primarily on the land with her grandparents as a child to working with the latest technology.

A typical week for Rose is anything but – she can never predict who might walk into her office and what question or problem they might have. From rental issues, to family law matters to criminal court appearances – the Court Worker’s office is the first stop for information, referral, and assistance. The one thing that people can count on is Rose’s commitment to find a way to help.

The Tlicho language is one of Rose’s strengths – every day she spends about 95% of her time speaking to clients in their language – something that particularly assists elders. Understandably, she worries about the decline in usage that

she sees. It is not uncommon for her to provide informal back-up translation during circuits.

Rose has some compelling words of wisdom for new lawyers and staff coming to the North. You must be prepared to learn about the North and the people in a way that is open-minded and compassionate. She recommends getting out and mingling with the community. And she also has great advice to humanity in general – just be nice to people because you never know what they might be going through.

Rose is accomplished in assisting clients through the Court system, has participated in many training events, including at a National level and has been a leader in adapting to COVID-19 protocols. She holds herself to a high standard because she recognizes that she is a role model in the community. Her values of honesty, hard work and respect are evident in all that she does.

For all her accomplishments, Rose’s first and foremost priority is her family. With six children and fifteen grandchildren, there is always something on the go! What a wonderful leader Rose is for her family and her community. The Legal Aid Commission salutes Rose – we couldn’t do it without you!

## **OFFICE OF THE CHILDREN'S LAWYER**

*Ken Kinnear, Office of the Children's Lawyer*

The Office of the Children's Lawyer has provided legal representation to children and youth (up to age 19) since 2011. Assistance is provided in accordance with the mandate of the office, and usually upon the appointment of the office to act by a court of competent jurisdiction. Assistance is typically provided in two circumstances (sometimes in both). The first involves a family that has had a child protection concern brought before the court by the Director of Child and Family Services. The second involves an unresolved custody and/or access (visitation) dispute, between parents, that has escalated to be before a court.

The Office of the Children's Lawyer has seen demand for legal representation for children and youth increase, particularly in child protection matters. In the year 2020-2021, the Covid-19 pandemic initially reduced the number of court appointments being made. Ultimately however, the number of children and youth assisted by the office remained steady, with only a 5% reduction in numbers from previous years. The Office of the Children's Lawyer received an increased number of requests from child protection workers seeking legal assistance for children and youth whose families were pursuing the resolution of a child protection concern outside of a court setting.

The Office of the Children's Lawyer has always strived to foster understanding and cooperation with each party it interacts with. The office recently prepared guidelines designed to promote the delivery of more seamless service by children's lawyers and child protection workers. By working closely together, yet each remaining cognizant of the other's role, better outcomes for their mutual clients are promoted. Relatedly, an ongoing goal of the Office of the Children's Lawyer is for the Territorial Court to accept the filing of the office's standardly worded court appointment order, within child protection proceedings, with the consent of the Director of Child and Family Services.

Stakeholders (the Director of Child and Family Services, family lawyers, parents and particularly the courts) have increasingly recognized that early involvement of the Office of the Children's Lawyer in high conflict matters that are before the court usually will serve to decrease conflict and promote an early resolution. At the same time, children and youth are provided with real opportunities to voice their own views and preferences with respect to outstanding issues, something that is not otherwise usually made available to them. The overall result, it is felt, is increased satisfaction with the litigation process by all participants including parents, children and youth, more sustainable settlements, and reduced demands on the legal system in general.

When representing children and youth in family litigation matters, panel lawyers are guided by a comprehensive Policy & Procedures Manual prepared by the Office of the Children's Lawyer. This Manual provides transparency to all court participants as to how child legal representation is being approached.

## **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 makes coverage for youth available 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. It was determined that access to justice was best served by deleting the requirement that the financial means of parents or guardians be considered in assessing youth eligibility.

### **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 the opinion is that 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.



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 requiring a contribution. Usually, applicants 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.



## **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, 2021, 16 positions were filled.

### **Yellowknife Legal Aid Clinic**

The Yellowknife Legal Aid Clinic was staffed at 2020-21 fiscal year end with two criminal lawyers, two family lawyers and one legal secretary. The staff lawyers provide services throughout the NWT.

### **Community Legal Aid Clinic**

This office was staffed at 2020-21 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 2020-21 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 2020-21 with one Outreach lawyer and one Outreach Court Worker. 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 the subject of 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 ten eligibility appeals in 2020/21. The results of the eligibility appeals were as follows:

Allowed:	2
Denied:	8

## **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 2020/21 Justice Canada contributed \$2,845,711 to the total cost of \$6,905,495 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 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 2020-2021:

Staff Lawyer I – 18 (\$101,829 to \$121,621)

Staff Lawyer II – 20 (\$111,442 to \$133,146)

Staff Lawyer III – 22 (\$122,011 to \$145,743)

Staff Lawyer IV – 24 (\$133,419 to \$159,373)

Staff Lawyer V – 25 (\$139,561 to \$166,725)

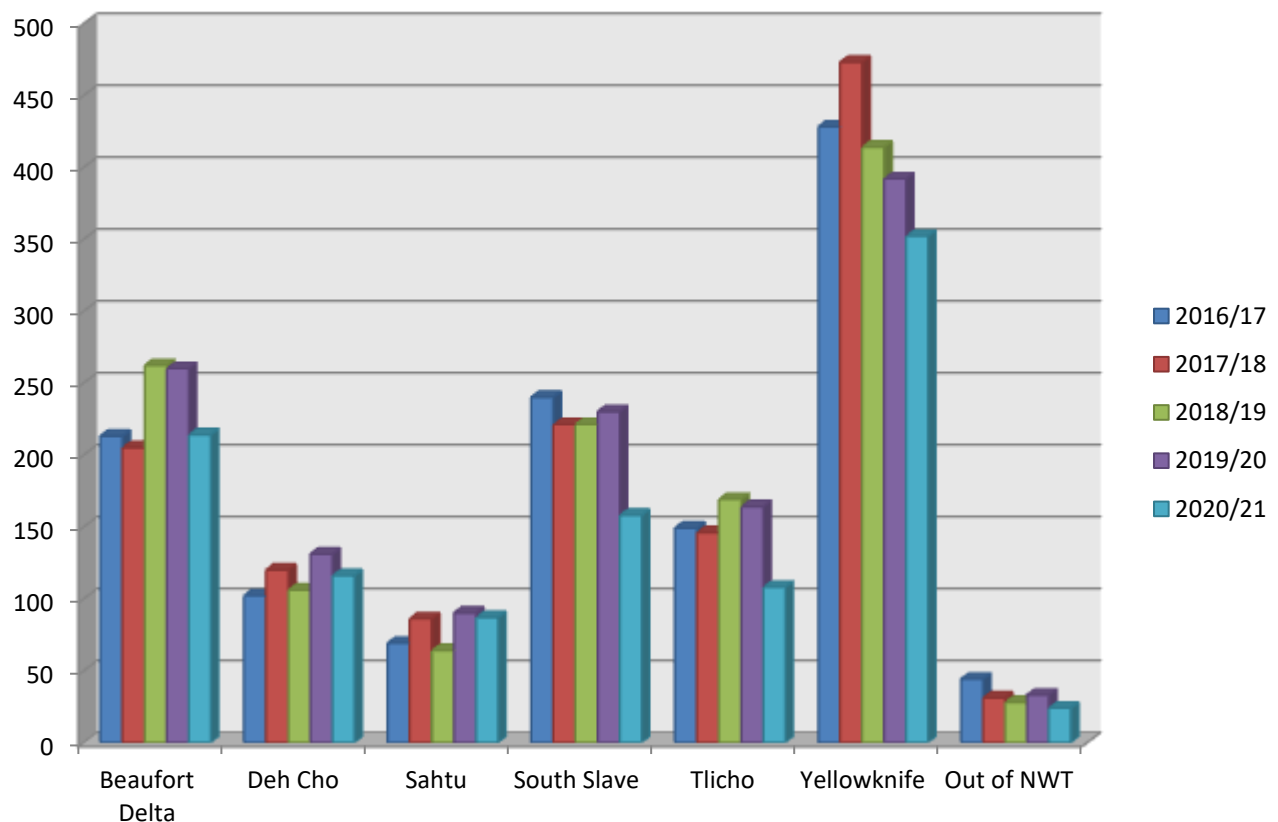
## Financial Report 2020/2021

	Actual Expense	2020/2021 Estimate -Budget	Year Variance
<b>Legal Aid Commission Administration</b>			
Staff Wages and Benefits	837,481	764,000	(73,481)
Operations & Maintenance Expenses	268,194	38,000	(230,194)
<b>Total Administration</b>	<b>1,105,675</b>	<b>802,000</b>	<b>(303,675)</b>
<b>Court workers</b>			
Staff Wages and Benefits	961,759	1,155,000	193,241
Operations & Maintenance Expenses	30,565	22,000	(8,565)
Travel	69,285	64,000	(5,285)
<b>Total Court workers</b>	<b>1,061,609</b>	<b>1,241,000</b>	<b>179,391</b>
<b>Legal Aid Staff Lawyers</b>			
			-
Staff Wages and Benefits	3,024,306	3,213,000	188,694
Operations & Maintenance Expenses	305,779	381,000	75,221
<b>Total Staff Lawyers</b>	<b>3,330,085</b>	<b>3,594,000</b>	<b>263,915</b>
<b>Legal Aid Commission</b>			
Commission Expenses	651	-	(651)
<b>Total Commission Expenses</b>	<b>651</b>	<b>-</b>	<b>(651)</b>
<b>Legal Aid Fees &amp; Disbursements</b>			
Legal Aid Fees & Disbursements	1,112,640	1,019,000	(93,640)
Travel	294,835	336,000	41,165
<b>Total Legal Aid Fees &amp; Disbursements</b>	<b>1,407,475</b>	<b>1,355,000</b>	<b>(52,475)</b>
<b>Total</b>	<b>6,905,495</b>	<b>6,992,000</b>	<b>86,505</b>

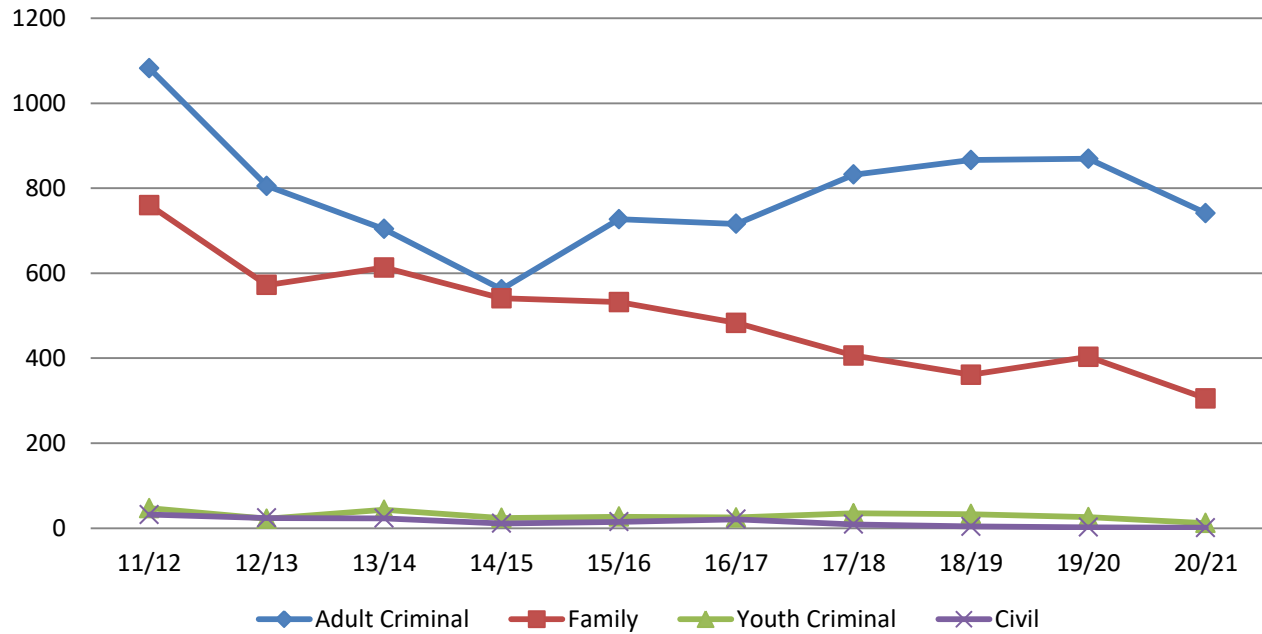
## STATISTICAL REPORTS FOR 2020/21

### Number of Applications Received

	2016/17	2017/18	2018/19	2019/20	2020/21
Beaufort Delta	213	205	262	260	214
Deh Cho	102	120	106	131	116
Sahtu	69	86	64	90	87
South Slave	240	221	221	230	158
Tlicho	149	146	169	164	108
Yellowknife	428	473	414	392	352
Out of NWT	44	31	28	33	24
<b>Total</b>	<b>1245</b>	<b>1282</b>	<b>1264</b>	<b>1300</b>	<b>1059</b>



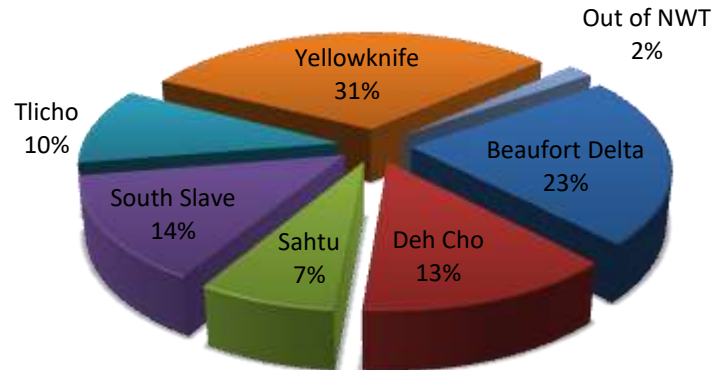
## Number of Application Received By Case Type Fiscal Years 2011/12 to 2020/21



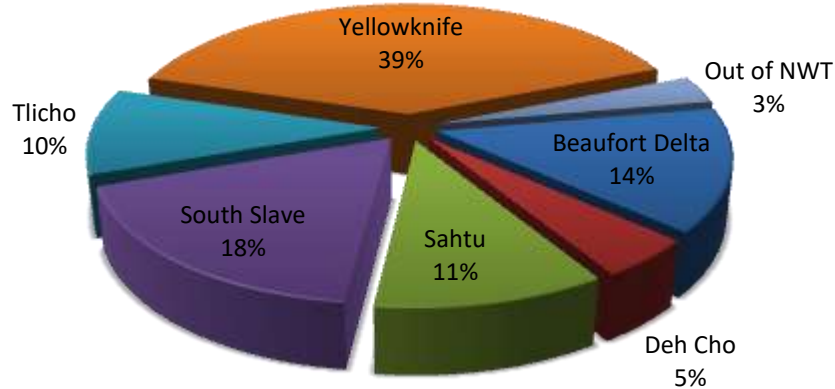
	11/12	12/13	13/14	14/15	15/16	16/17	17/18	18/19	19/20	20/21
Adult Criminal	1082	805	704	562	727	716	832	866	869	741
Family	760	572	613	541	532	483	406	361	403	305
Youth Criminal	47	22	43	24	27	25	35	33	26	12
Civil	32	24	23	11	15	21	9	4	2	1
<b>Total</b>	<b>1921</b>	<b>1423</b>	<b>1383</b>	<b>1138</b>	<b>1301</b>	<b>1245</b>	<b>1282</b>	<b>1264</b>	<b>1300</b>	<b>1059</b>



## Criminal Application 2020/21

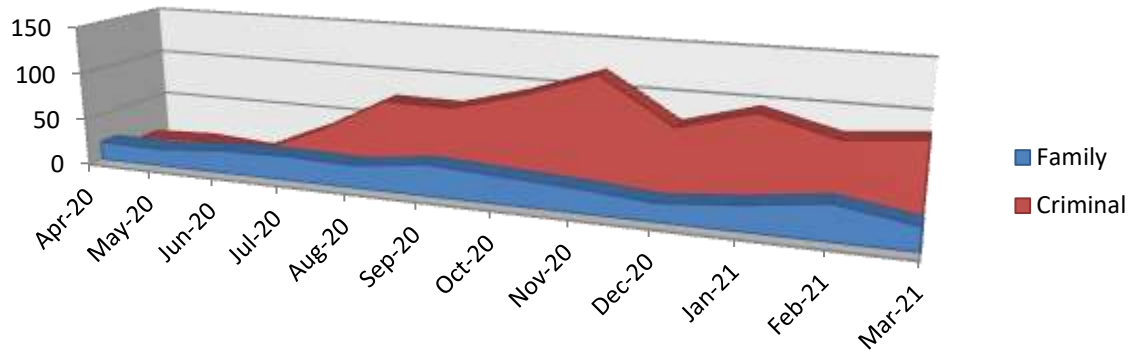


## Family/Civil Applications 2020/21

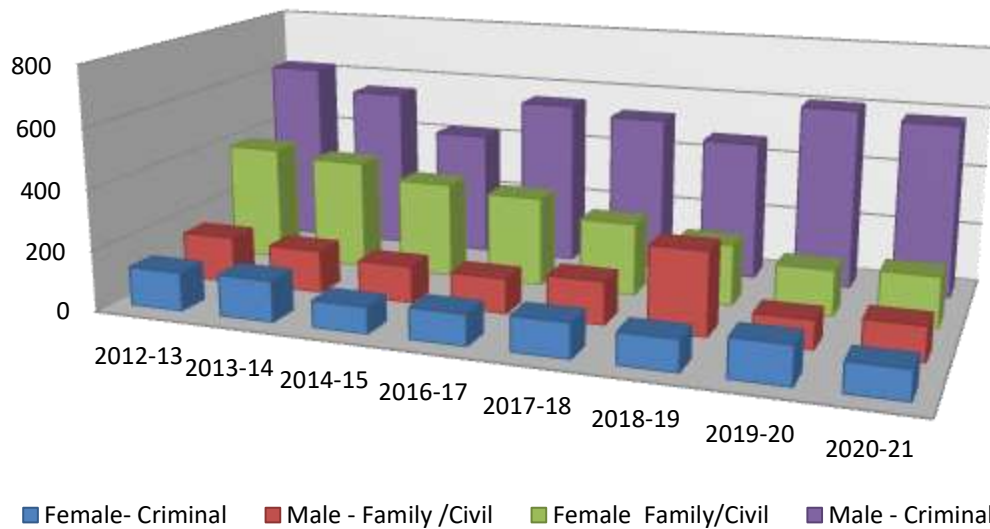


By Regions	Criminal Applications	Family/Civil Applications
Beaufort Delta	187	73
Deh Cho	107	24
Sahtu	67	23
South Slave	151	79
Tlcho	106	58
Yellowknife	256	136
Out of NWT	21	12
<b>Total</b>	<b>895</b>	<b>405</b>

## Applications Received Monthly Fiscal 2020/21

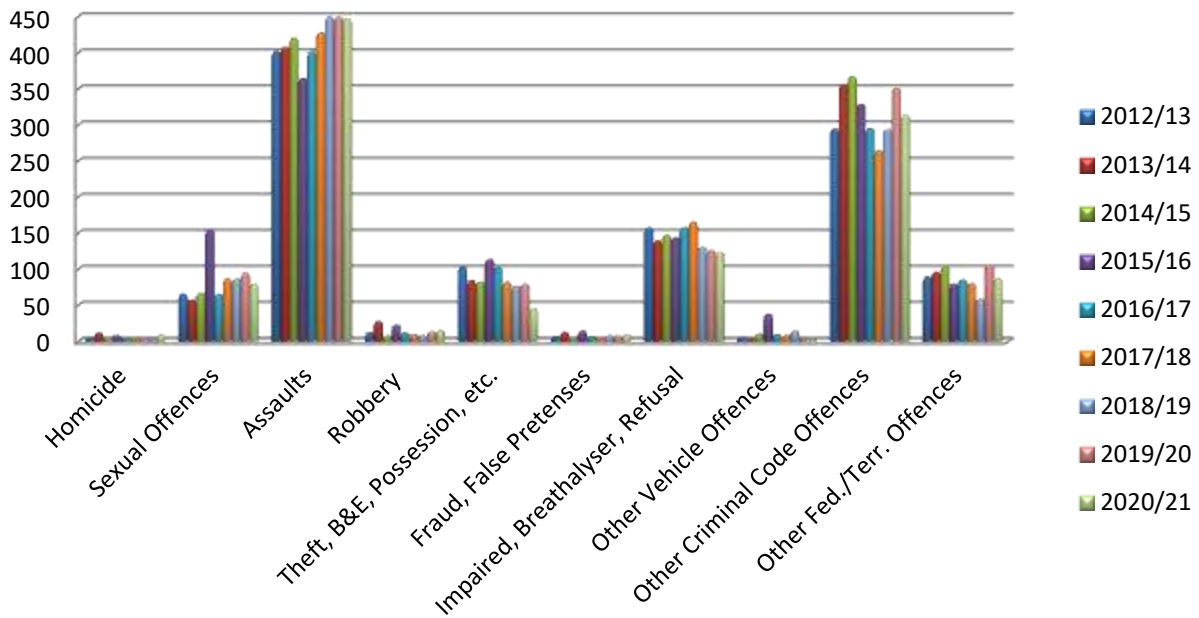


## Legal Aid Approval by Case Type and Gender



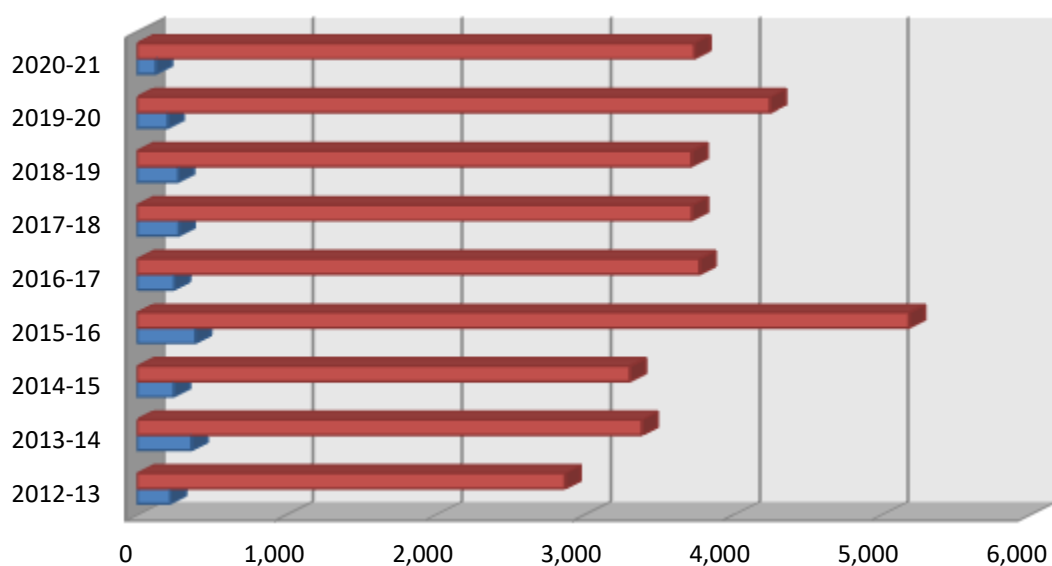
	2012-13	2013-14	2014-15	2016-17	2017-18	2018-19	2019-20	2020-21
Female- Criminal	128	136	88	103	115	103	127	97
Male - Family /Civil	156	142	123	117	143	275	94	114
Female - Family/Civil	390	367	318	299	242	203	153	167
Male - Criminal	622	549	420	552	524	465	604	577
<b>Total</b>	<b>1296</b>	<b>1194</b>	<b>949</b>	<b>1071</b>	<b>1024</b>	<b>1046</b>	<b>978</b>	<b>955</b>

## Number of Calls to Brydges Services by Offence Type



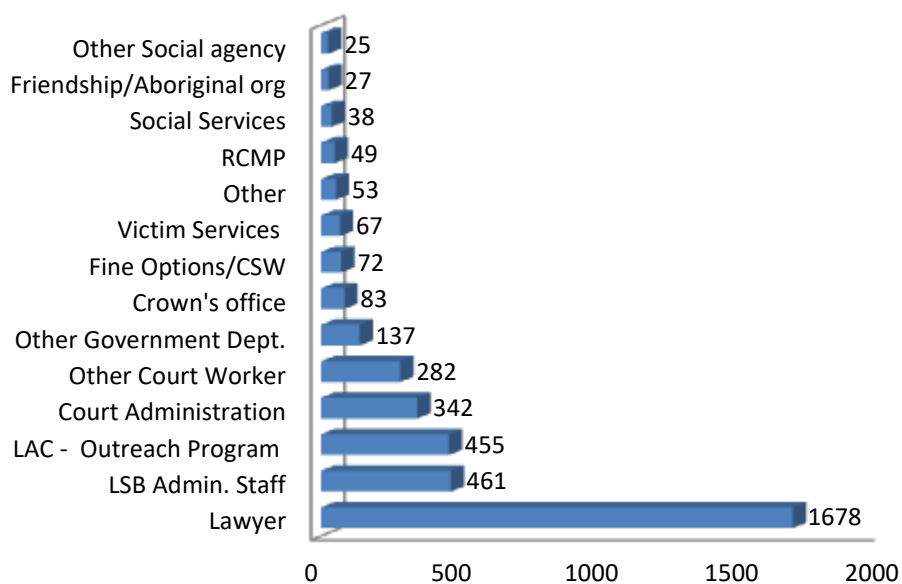
	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
Homicide	4	12	5	8	4	5	2	3	9
Sexual Offences	66	58	67	155	66	87	87	95	80
Assaults	402	408	421	365	402	428	450	450	448
Robbery	13	28	8	23	13	10	8	14	16
Theft, B&E, Possession, etc.	103	85	83	114	103	83	77	80	46
Fraud, False Pretenses	7	13	5	15	7	5	8	8	10
Impaired, Over 80, Refusal	158	140	148	144	158	166	131	127	124
Other Vehicle Offences	6	3	11	38	10	9	15	3	2
Other Criminal Code Offences	295	356	367	329	295	265	294	351	314
Other Fed./Terr. Offences	90	96	104	80	86	81	59	107	88
<b>Annual Total</b>	<b>1144</b>	<b>1199</b>	<b>1219</b>	<b>1271</b>	<b>1144</b>	<b>1139</b>	<b>1131</b>	<b>1238</b>	<b>1137</b>

## Presumed Eligibility Statistics 2020/21



	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Adult	2,871	3,388	3,308	5,189	3,775	3,725	3,721	4,249	3,741
Youth	221	365	247	389	248	279	275	205	125

## Court Worker Referrals for 2020/21



## 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 48<sup>th</sup> Street  
3<sup>rd</sup> 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 – 48<sup>th</sup> Street  
3<sup>rd</sup> Floor, YK Centre East  
Yellowknife, NT X1A 3S4  
Tel: (867) 767-9383 ext. 82319

#### **Somba K'e Legal Aid Clinic**

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

#### **Yellowknife Legal Aid Clinic**

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

#### **Outreach Legal Aid Clinic**

# 1, 4915 – 48<sup>th</sup> Street  
3<sup>rd</sup> 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**

2<sup>nd</sup> 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**

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