

Photo provided by Jonny Vu

LEGAL AID COMMISSION OF THE NORTHWEST TERRITORIES

Annual Report 2022-2023

COMMISSION D'AIDE JURIDIQUE DES TERRITOIRES DU NORD-OUEST

Rapport annuel 2022-2023

Government of Northwest Territories
Gouvernement des Territoires du Nord-Ouest



TABLE OF CONTENTS

EXECUTIVE SUMMARY 3

ORGANIZATIONAL STRUCTURE..... 3

A MESSAGE FROM THE CHAIR OF THE COMMISSION 5

THE LEGAL AID COMMISSION..... 6

A MESSAGE FROM THE EXECUTIVE DIRECTOR..... 8

FROM THE DESK OF THE MANAGER, LAC PROGRAM SUPPORT 10

THE LEGAL AID OUTREACH PROGRAM 11

WHAT MAKES A GOOD CRIMINAL LAWYER IN THE NWT? 14

THE PRACTICE OF FAMILY LAW 16

THE COURT WORKER PROGRAM 17

OFFICE OF THE CHILDREN’S LAWYER..... 18

FINANCIAL ELIGIBILITY 21

LEGAL AID ASSIGNMENTS..... 22

LEGAL AID CLINICS..... 23

APPEALS 23

ADMINISTRATION AND FINANCE 24

LEGAL AID TARIFF 25

FINANCIAL REPORT 2022-23..... 26

STATISTICAL REPORTS FOR 2022/23..... 27

MAP OF THE NORTHWEST TERRITORIES..... 36

OFFICE LOCATIONS AND CONTACT NUMBERS..... 37

Executive Summary

The Northwest Territories Legal Aid Commission (LAC) administers the *Legal Aid Act* and the *Legal Aid Regulations*. The LAC 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 2022/23 fiscal year, the Commission oversaw the provision of 5,417 Presumed Eligible Duty Counsel matters, 948 full service criminal matters, 261 full-service family matters and 3,359 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.

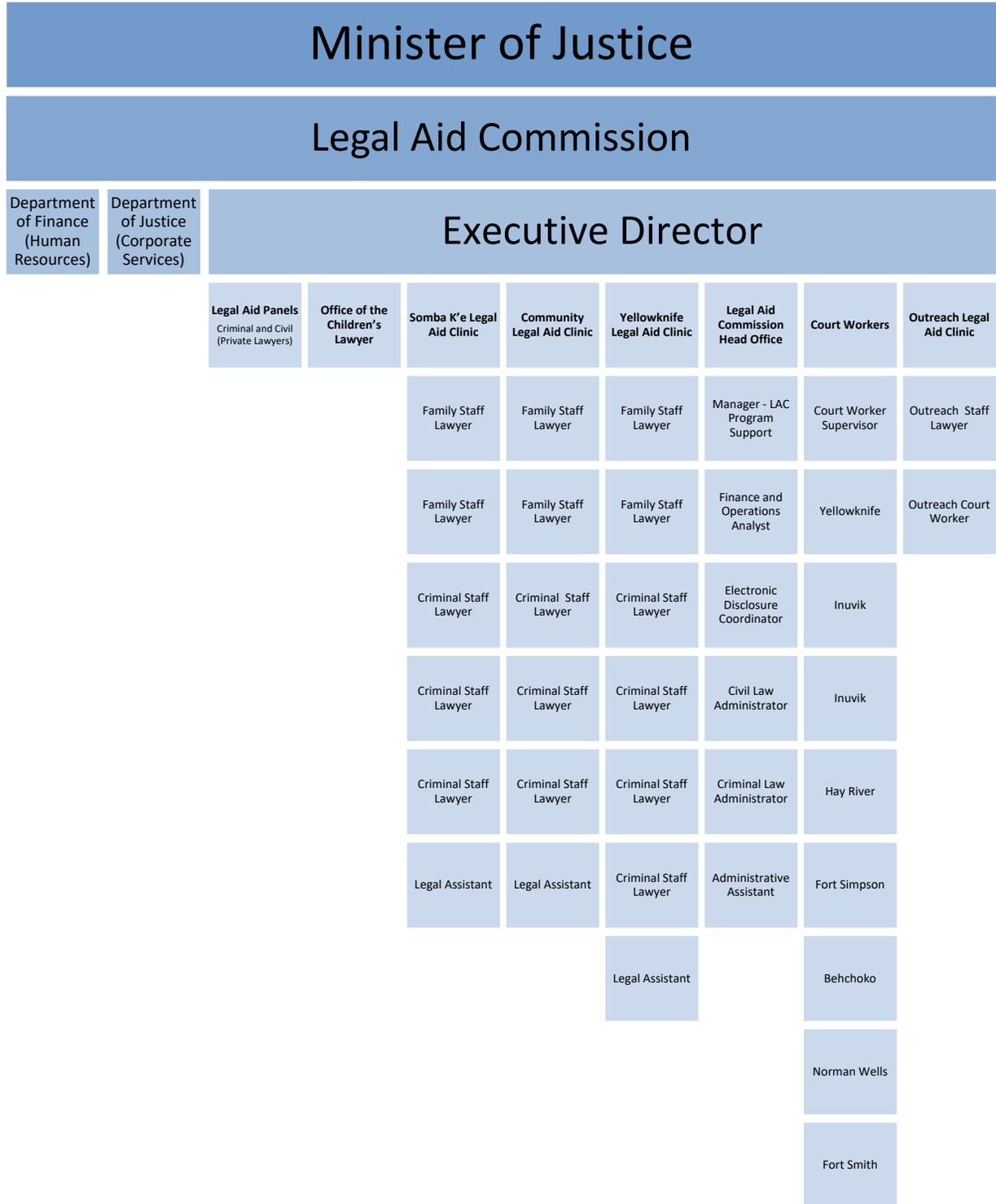
Au cours de l'exercice 2022-2023, la Commission a supervisé la prestation de services d'avocats à 5,417 clients présumés financièrement admissibles, en offrant notamment des services généraux en droit criminel à 948 clients, des services généraux en droit de la famille à 261 clients, et des services d'assistance parajudiciaire à 3,359 clients.



Photo provided by Jonny Vu

Organizational Structure

The following organizational chart reflects the structure of the Legal Aid Commission as of March 31, 2023.



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 – represented the North Slave region until her sudden passing on June 24th. Bronwyn's compassion, dedication to bettering the lives of the people of the NWT and advocacy for social issues were hallmarks of who she was. She is missed.

As the impacts of the COVID-19 pandemic lessened the justice system returned to more normal operations. I commend the Legal Aid staff for their dedication in meeting the needs of clients both during the pandemic and as the court system became operational once again.

Tracy Bock has replaced Karen Wilford as the Executive Director. Tracy's previous experience as a staff lawyer for the LAC gives him a unique understanding of the challenges the lawyers face in meeting the needs of 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. The 2022/2023 Commission was composed of the following:

Joan Mercredi	Representing the South Slave
Bronwyn Watters	Representing the North Slave
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 believe 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 defense and family law services to clients in all NWT communities. The Outreach Legal Aid Clinic operates from dedicated space, 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 as 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 2022-2023 fiscal year, the Legal Aid Commission had two substantive meetings by Zoom and one in person. The Commission also met virtually on eight other occasions to conduct appeal hearings.

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. It provides a national perspective on legal aid and access-to-justice issues. Every jurisdiction in Canada participates in this voluntary group of Executive Directors, CEOs 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.

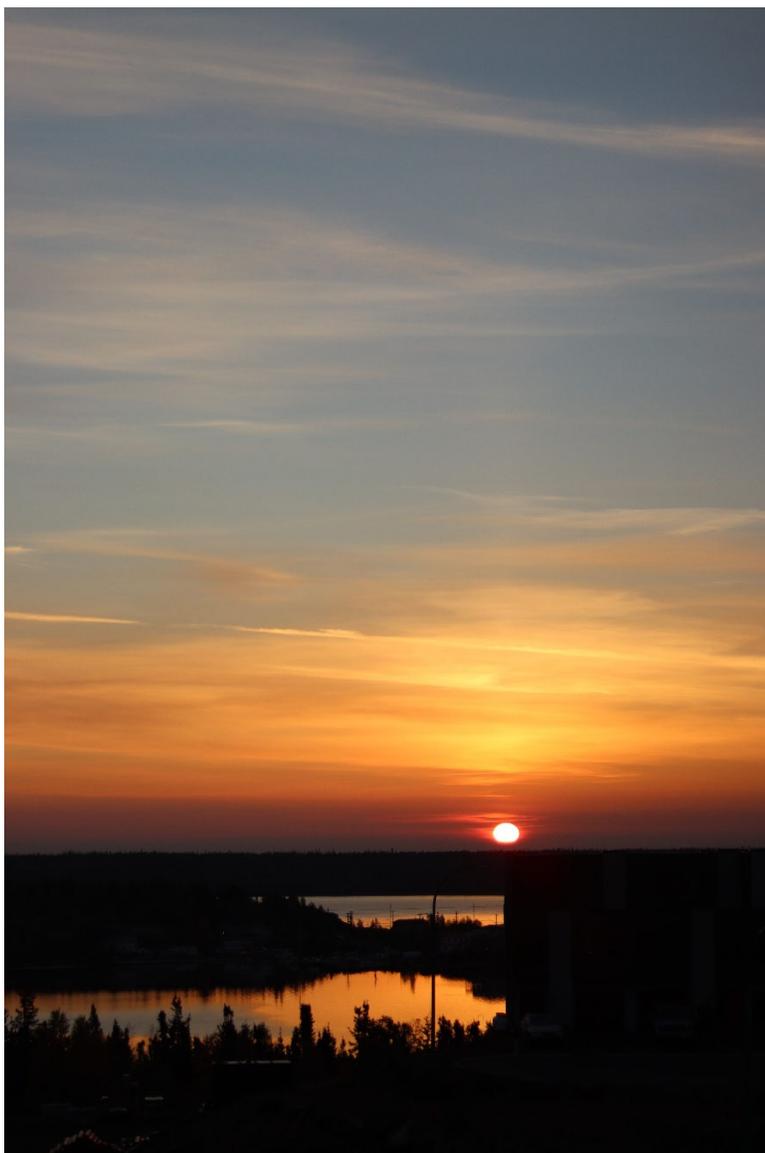


Photo provided by Jonny Vu

A Message from the Executive Director

Tracy Bock

It was and remains a privilege to take on the role of Executive Director, in November 2022. I look forward to the work ahead.

To begin, I would like to thank Karen Wilford for her years of hard work, dedication, and leadership as the previous Executive Director of Legal Aid.

From our comprehensive coverage to our generous eligibility, I believe our legal aid program in the NWT is one of the best in Canada. Professional and committed service to our clients and access to justice remains our focus. I am grateful for the diligence and dedication of all our staff – lawyers, court workers, and administration staff – who make our program so successful.

The NWT Legal Aid Commission consists of several core program areas: Criminal, Family and Civil law, Court Worker program, Outreach Services, Office of the Children’s Lawyer, and Public Legal Education.

Highlights from this past year include:

- Family Court Worker position staffed in Inuvik to help residents throughout the Beaufort Delta region;
- Aboriginal Legal Services contracted to undertake a study on how best to introduce *Gladue* Reports in the Northwest Territories;
- A reduction in the wait times experienced by NWT residents seeking family and civil counsel, due to the designation of additional panel lawyers;
- The Outreach Clinic resumed Community visits, increasing service volumes to pre-COVID levels;
- Three criminal staff lawyers and two-family staff Lawyers hired, bringing our clinics to nearly fully-staffed.

The NWT Legal Aid Commission uses a hybrid Staff Lawyer and Private Panel model. I would like to acknowledge the assistance and commitment of the private Bar (both resident and non-resident), without whom we would not be able to cover Court schedules.

The Legal Aid Commission is an active participant in several national meetings: the Federal-Provincial-Territorial Permanent Working Group on Legal Aid, the Tri-partite Working Group on the Aboriginal Court Work Program, the Association of Legal Aid Plans of Canada, and the various sub-committees of these groups.

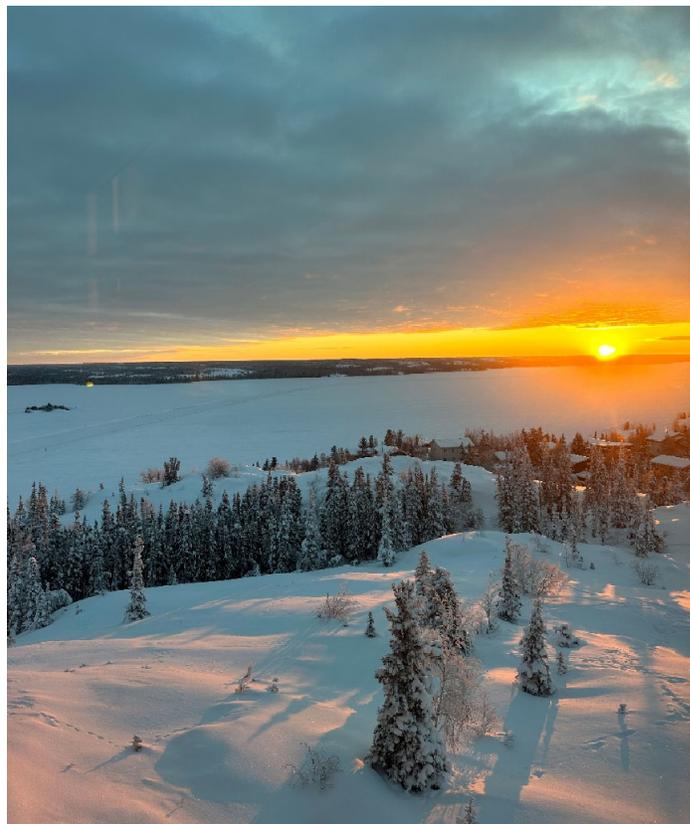


Photo provided by Brandon Blatz

Over the next year, we will continue work on lawyer recruitment and the expansion of both our family and criminal panels. We will continue to digitize our records and modernize our computer and technology resources to build a more efficient and resilient system.

The NWT Legal Aid Commission provides a voice for those who need it most. We serve an often-marginalized population as they navigate the justice system. At times, we face great challenges in our efforts, particularly in the areas of scheduling and capacity. With compassion, innovation, and cooperation, we have, and will continue to overcome those challenges.

I invite you to read through the *Annual Report* to discover more about our Legal Aid program in the Northwest Territories.



Photo provided by Brandon Blatz

From The Desk of The Manager, LAC Program Support

Lacey Black, Program Support Manager

For well over 15 years, starting all the way back as a summer student, I have been with the Legal Aid Commission. Throughout this time, I have performed various roles within the organization, from fill-in court worker, Criminal Law Services Administrator, and now as Manager. The Manager's role here at the Legal Aid Commission is to oversee several administrative positions as well as to provide valuable feedback to the Executive Director. Understanding every program area of the organization is the key to success.

One of my main tasks is scheduling the Territorial Court Circuit Schedule. This year's challenges proved to be primarily a diminished private panel (both local and non-resident) as well as not being fully staffed – lending itself to an increasingly smaller pool of lawyers to choose from. This coming year, we look forward to focusing our time on staffing and recruiting opportunities.

Work on our newly acquired database, LAIN (Legal Aid Information Network), continues as we focus on enhancements to improve the program. These consist of making wish lists, creating additional areas in the program to increase efficiencies, as well as ensuring that we are fostering a user-friendly program. These enhancements will be a year long project but remain one of my main priorities.

I am happy to announce that LAIN is not only in use at the Legal Aid Commission, but as of this summer, it was launched in the Office of the Children's Lawyer. This program will help the office track the work done and support future evaluations. We hope to soon have the Outreach Office online with LAIN. Stay Tuned.

One of our priorities for next year is to digitize the Legal Aid Commission and increase our technological abilities. With the onboarding of our Electronic Disclosure and Data Management Clerk, a new position, it was glaringly obvious to us that the rest of the program areas in our division ought to be on board with advancing technologies. We look forward to seeing what options are available for our offices to modernize the way we do business, whether it be in the office, away on court circuits, or simply to adjust our workflow processes.

Lastly, it goes without saying that client services remain our number one priority and I can confidently say that this area in our organization remains our strongest point. This, of course, could not be done without our hard-working team – administration, court workers and lawyers – all of whom I am very proud to call my colleagues.

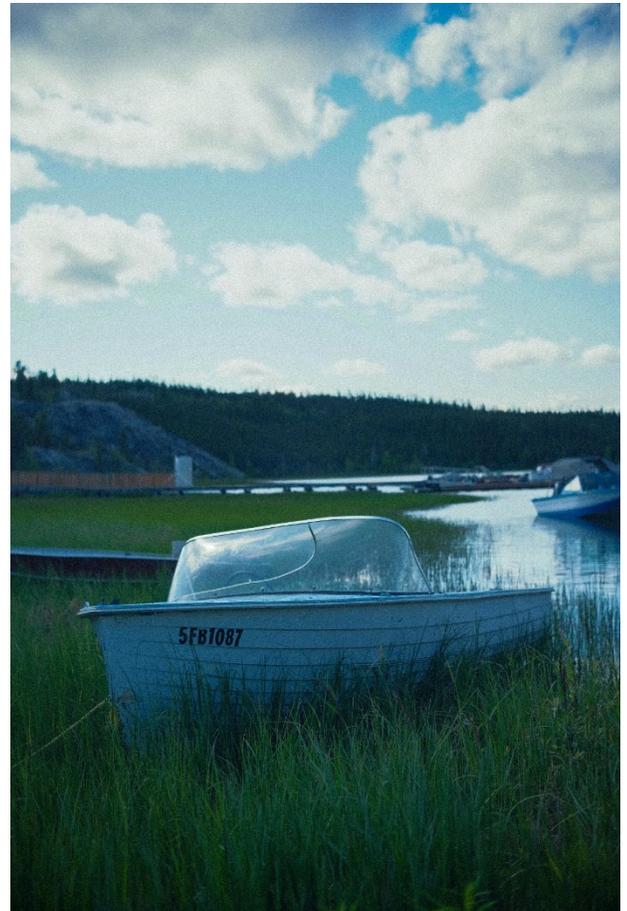


Photo provided by Jonny Vu

The Legal Aid Outreach Program

The Outreach Legal Aid Clinic is a 2 person office, staffed by a court worker and an outreach lawyer. A new full-time outreach lawyer started in the Clinic on September 1, 2022.

The Clinic offers up to 3 hours of free legal advice and coaching to any NWT resident who has a legal problem in the following areas:

- a. Tenant rights;
- b. Family law, including child protection, separation and divorce;
- c. Disability, CPP, EI and Income Support claims and appeals;
- d. Employment rights;
- e. Mental Health;
- f. Debtor/Creditor/Small Claims; and
- g. Wills and Estates advice.

Persons seeking assistance from the Clinic do not undergo a financial eligibility test.

Walk-in clinics are held twice weekly, on Tuesday afternoons and Wednesday afternoons from 1:30 p.m. to 4:30 p.m. Advice is given by telephone appointments on Tuesday and Wednesday mornings.

In 2023, the outreach lawyer conducted Clinics in Norman Wells, Hay River, Fort Smith, Inuvik, Dettah and N'Dilo (3 Clinics).

Between January 2023 and November 15, 2023, the Clinic assisted 941 persons, a figure that might have been higher, but for the wildfire evacuation in August 2023. There is often a waiting list for persons to speak with the outreach lawyer, which can be frustrating for those on the call back list. The court worker plays a pivotal role in triaging calls and inquiries to ensure that persons with urgent needs speak to the outreach lawyer as a matter of priority.

In an effort to get through the call back list, a decision was made to suspend the Tuesday walk-in clinics for one month, between October and November 2023.

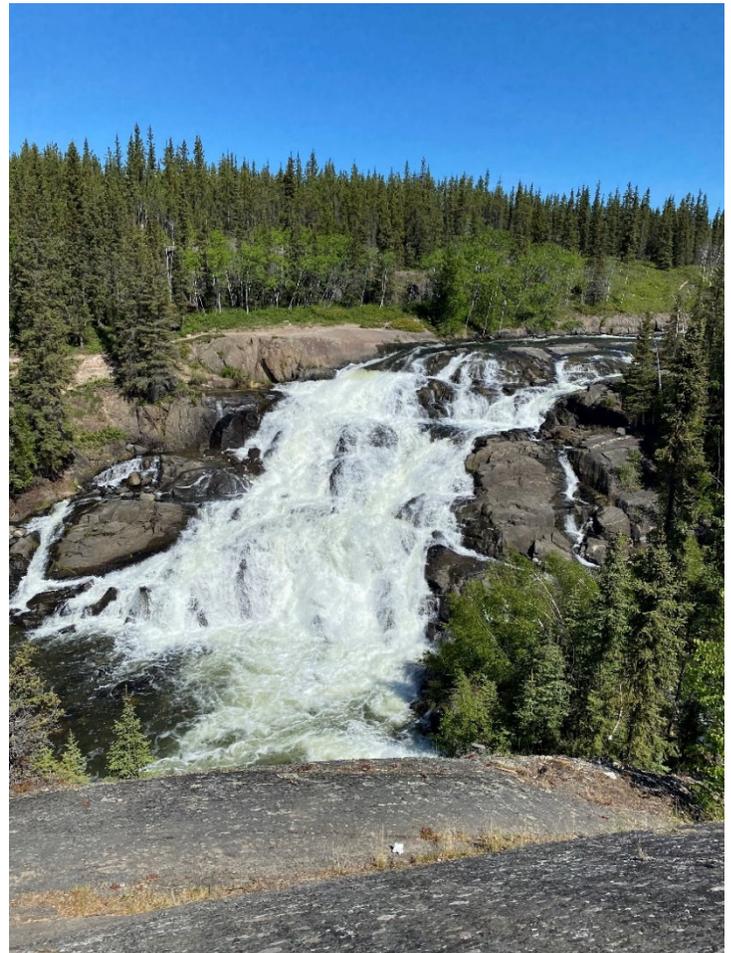


Photo provided by Brandon Blatz

However, this had the unintended consequence of increased demand at the Wednesday walk-in clinics. The Tuesday walk-in clinic has been reinstated.

Some persons who call the Clinic are unsure whether their problem is a legal one. Most persons have a better understanding of their legal rights and obligations after talking with the outreach lawyer for 30 minutes or less. Some matters require longer discussions, and a small number of persons use the available 3 hours without getting their legal problem resolved.

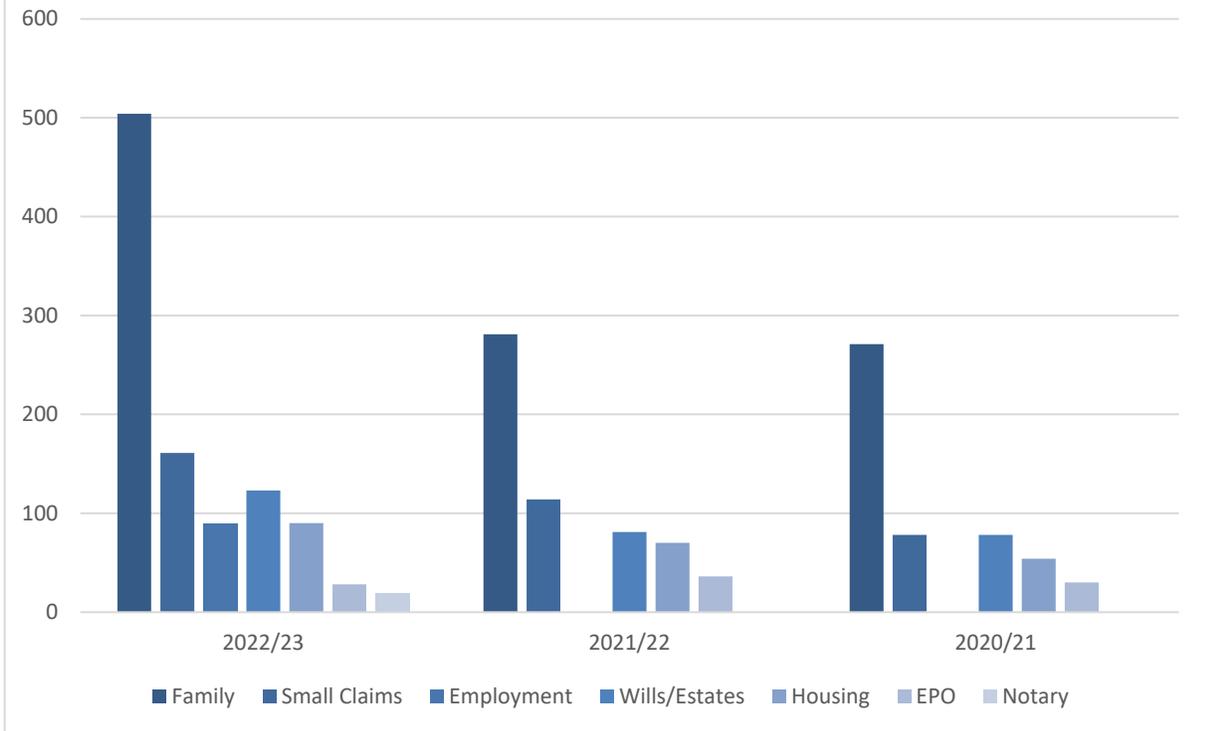
Some of the most frequently asked questions by persons who contact the Clinic are:

- 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?
- What steps do I need to take to relocate with my child?
- 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 been named executor in a will. What do I do?
- I have a hearing in front of the Rental Officer and might get evicted. What do I do?
- Can I appeal an order made by the Rental Officer?
- 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?

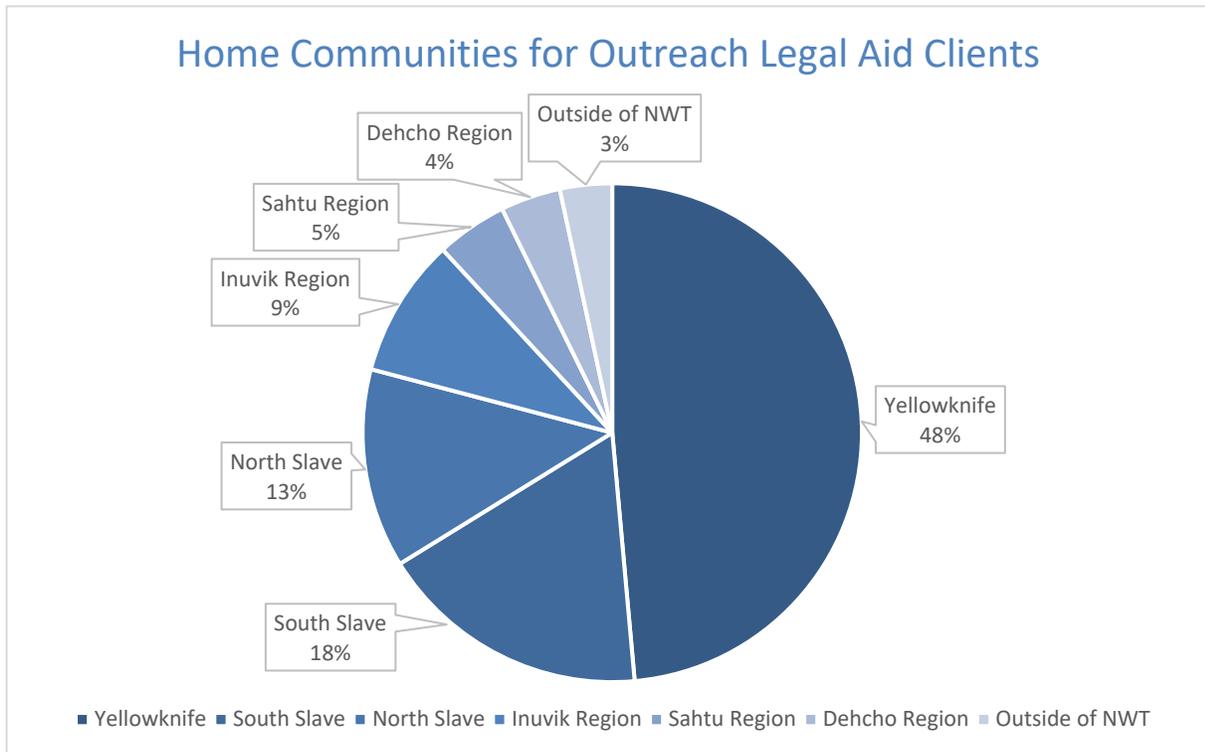
In addition to giving information about legal rights and responsibilities, the Clinic also encourages the participation in other services and programs including the GNWT's Parenting After Separation course (now available throughout the NWT by webinar), the Family Law Mediation Program and the YMCA's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

In the 2022-2023 fiscal year, 638 persons self identified as Indigenous, Inuvialuit, or Metis; 12 persons self identified as speaking a second official language for the NWT, namely Tlicho, North Slavey and, Inuktitut; 6 persons self identified as being French language speakers and 7 persons indicated that their first language was not an NWT official language. These persons said their first language was Italian, Chinese, Vietnamese and Somali, respectively. In the upcoming year, the Clinic will strive to continue to deliver services in an efficient and timely manner. Through individualized advice, direction and assistance, the goal is to help each person address their situation successfully in or out of court.

Most Common Legal Issues



Home Communities for Outreach Legal Aid Clients



What Makes a Good Criminal Lawyer in the NWT?

Peter Adourian

I envy TV lawyers: tailored suits, snazzy make-up, and killer retorts in the courtroom.

So is that really how we do it at Legal Aid in the NWT?

Of course, it is. Seriously though, the highest drama in a real-life lawyer's practice is cultivating relationships of trust with all the other justice participants. At Legal Aid, we strive to earn the trust of our clients, communities, and colleagues in our pursuit of just outcomes for our clients.

Our highest duty is to our clients - ordinary people from our communities who have been arrested, charged with a crime, and compelled to address in Court the allegations against them. Our job starts with listening to the client and understanding their priorities. It requires us to maintain the highest degree of objectivity (just because our client "did it" or has a lengthy criminal record, doesn't mean they deserve lesser service). Trust is earned, which often requires the lawyer to develop a rapport with each client individually. Without the client's trust, we cannot be effective advocates (no matter how stylish our suits might be).

The solicitor-client relationship often requires gaining a deeper appreciation for the client's personal circumstances. We meet their friends and family members, who volunteer to bail out their loved ones. Cultural sensitivity goes a long way. In particular, acquiring an understanding of how colonialism, racism, poverty, homophobia, and prior trauma have brought our client to this point in their life. We cannot be effective lawyers if we are not well-versed in the history and present circumstances of the peoples of the NWT, particularly the many diverse Indigenous nations and communities, including its culturally diverse settlers.



Photo provided by Brandon Blatz

Every story matters. Prioritizing those stories in our work develops the confidence of our communities that Legal Aid is not simply performing a government function but meeting actual needs.

Our job requires us to engage with Crown prosecutors. Contrary to what we see on TV, litigation is not warfare. It is far more like a tactical search for the truth - finding the issues on which we agree, and identifying the issues where we need a judge to make a final determination. This process is impossible without the trust which puts us in the best position to get the optimal outcome for our clients.

The same is true of the judge. If we arrive in their courtroom late, unprepared, or ill-equipped, we lose the judge’s trust in our abilities and it reflects poorly on our clients. In extreme cases, a lack of professionalism can thwart the truth-seeking function of a trial. Especially in the NWT, where we regularly travel with judges and court staff on chartered aircrafts on our community circuits, earning and maintaining good relationships with judges is foundational to achieving just outcomes.

None of our successes in court are possible without our incredible support staff. Legal Aid is lucky to have a full complement of assistants, file managers, and court workers who keep us organized and up to speed. Without these relationships of trust (and the occasional box of doughnuts when we lawyers have given one-too-many “urgent” requests), we cannot succeed in the courtroom.

Finally, there is the lawyer’s relationship to themselves. Every lawyer at Legal Aid is highly competent and exceptionally dedicated; but in order to provide that high level of service consistently, we need to take good care of ourselves. Our profession is plagued by high rates of imposter syndrome, burnout, addiction, and ultimately attrition. We can be overwhelmed by systemic barriers to justice, high caseloads, and sustained exposure to evidence of horrific acts of violence and complex moral issues. Therapy is a necessity. Meaningful time off is a necessity. We need to maintain an honest self-inventory of our capacity and prioritize our rest. This point cannot be overstated. Without a full cup, we have nothing to pour into this job.

The “trustworthy lawyer” sounds like the punchline to a joke, but it really is the only way to do this job justice. Don’t trust the great suit, great hair, or mic drops in court - trust the trustworthy lawyer. They are the ones who push the system in the right direction.



Photo provided by Shari Olsen

The Practice of Family Law

Catherine Akello LL.M., Staff Lawyer with the Somba K'e Legal Aid Clinic

When I was asked to contribute to the annual report, it was specifically for my reflection as a newer family law lawyer.

I moved to Yellowknife from Alberta in January 2023, for a family law lawyer position. Six months down the road with the Somba K'e Legal Aid Clinic, which may seem like a short time to some people, I have new insight and appreciation of many legal issues.

My clients are predominantly Indigenous; many do not live in Yellowknife. I have never physically met many of them. All our communications have been by electronic mail, telephone, regular mail, or through the exceptional court workers. Many are working through significant life challenges such as addiction. This alone has changed the way I practice and manage my clients. I have learned so much already yet have so much more to learn, being mindful of these experiences as they unfold, always focusing on the ever-meaningful access to justice.

Indeed, there is a richness of experiences here – to be in court and receive great feedback from bar and bench –that is rare in Southern Canada. I am grateful for the opportunity to work with very exceptional people who have helped me strategize on complex files, provided constructive feedback, and have enlightened me on some procedural changes. I have been exposed to different proceedings, styles of drafting and advocacy.

Finally, I am experiencing the opportunity of a lifetime to work and live in the North. I am evolving, looking forward to more work and adventures.



Photo provided by Jonny Vu

The Court Worker Program

Introducing Jeannie Snowshoe, Court Worker

Jeannie Snowshoe is a born and raised Northerner. She is a member of the K'ahsho Got'ine Dene Band. Born in Inuvik (because babies weren't born in the small communities). Jeannie was raised in Fort Good Hope until she was 15 years old; moved to Inuvik for high school and headed south to Fort Smith for a few years. Jeannie eventually returned to Inuvik and has remained there since. Her heart though, has always remained in her childhood community.

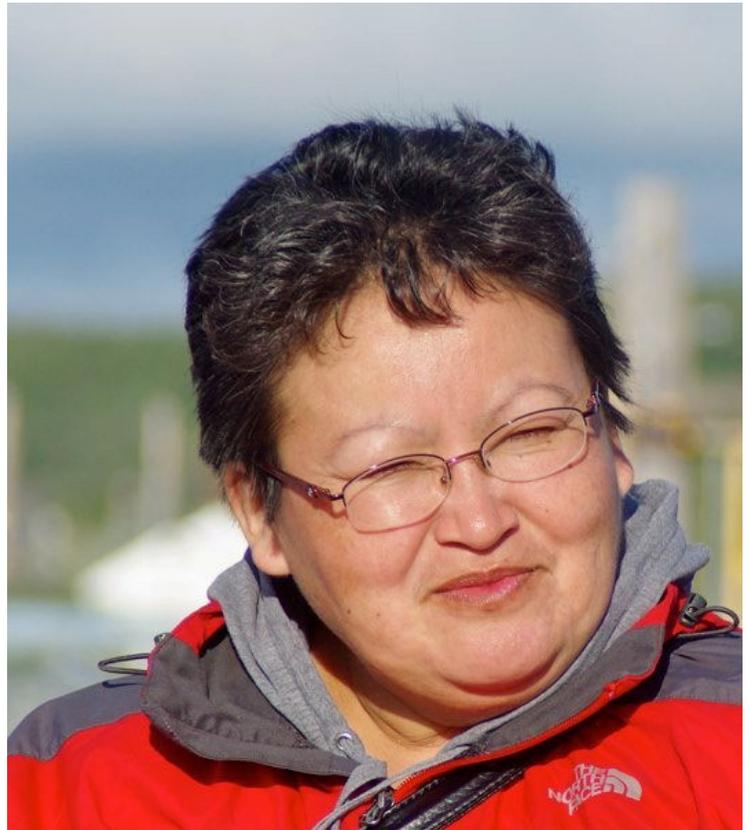
Jeannie joined the Court Worker program ten years ago and has enjoyed the role. She came to the program from the Prosecutor's office, where as a Crown Witness Co-ordinator, she found she worked on her own. She likes the teamwork she gets from the other Court Workers and has appreciated all the training opportunities in the program. She recently enjoyed the Outreach program, travelling to Inuvik and working with clients on wills.

Jeannie works in the very busy Beaufort Delta region of the Northwest Territories. That office covers six of the northern most communities: Inuvik, Aklavik, Fort McPherson, Tuktoyuktuk, Paulatuk and Sachs Harbour. She is happy to have Lena join her there to help with the workload. Her favorite part of the job is traveling to communities for circuit Court. She hopes she can cover some of the other regions for Court one day, as she finds that clients in each community are unique in how they manage the court process.

Prior to the pandemic, Jeannie had clients knocking on her door constantly. Now she finds that people are more likely to phone or message her rather than coming down to the office. She says there seems to be a lot more paperwork and she gets frustrated at the length of time it takes for some matters to move through the court system.

Jeannie has been married for 33 years, has 3 children and two grandchildren, all very precious to her. She and her husband have raised one of their grandchildren.

In her spare time, Jeannie enjoys baking and going on road trips with her husband.



Office Of The Children’s Lawyer

Ken Kinnear, Office of the Children’s Lawyer

The Office of the Children's Lawyer (OCL) provides legal assistance to children and youth whose families are engaged in court proceedings that involve child protection concerns, parenting time disputes, or decision-making disputes.

The Children’s Lawyer administers the OCL, one of several clinics under the umbrella of the Legal Aid Commission. The OCL provides legal assistance through six experienced family lawyers retained on a contractual basis.

A comprehensive Policy and Procedures Manual (“Manual”) defines the role of the panel lawyers. This Manual was completed after consultations with interested stakeholders, a cross jurisdictional review, and input from two internationally recognized experts. Furthermore, commentary was added to the Law Society’s *Code of Professional Conduct* to allow panel lawyers who follow the Manual to also meet their other professional obligations. The Manual is subject to ongoing revision and adjustment.

The OCL acts when appointed by a court. The number of court appointments lagged during the COVID-19 crisis. During this time, the office focused on resolving matters outside of the court process and increased panel lawyer training. Panel lawyers were encouraged to complete the *Living Well Together* program, and to virtually attend a two-day child legal representation conference held in Edmonton, Alberta in October 2022. The Children’s Lawyer also presented at this conference.

The OCL is studying the implementation of “*Voice of the Child Reports*” (“VOCR”). A VOCR is prepared by a private social worker and can be provided, depending on the nature of the case, in addition to, or in lieu of, full legal representation by a panel lawyer. The report is “non-evaluative,” meaning it reports the views and preferences of a child or youth but does not offer recommendations or conclusions.

The OCL will conduct an evaluation of its program in the fiscal year 2025-2026, previously scheduled for the fiscal year 2015-2016. The completion of a new database, the Legal Aid Information Network (LAIN), delayed the evaluation.

Stakeholders such as the Director of Child and Family Services, family lawyers, parents and the courts, have increasingly recognized that early involvement of the OCL 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, and reduced demand on the legal system in general.



Photo provided by Jonny Vu

Legal Aid Coverage

Brydges Service

The *Brydges* service is a free telephone service offered 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 this line.

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

The Legal Aid Commission makes coverage available for youth without the need for financial assessment. The Commission considered the unique circumstances facing youth in the Northwest Territories and looked at approaches from across Canada to this issue. It was determined that access to justice was best served by deleting the requirement where 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 as such, 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 and a review of other determining factors.

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, family violence, or 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 sent 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” with 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 an imminent 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 the *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.

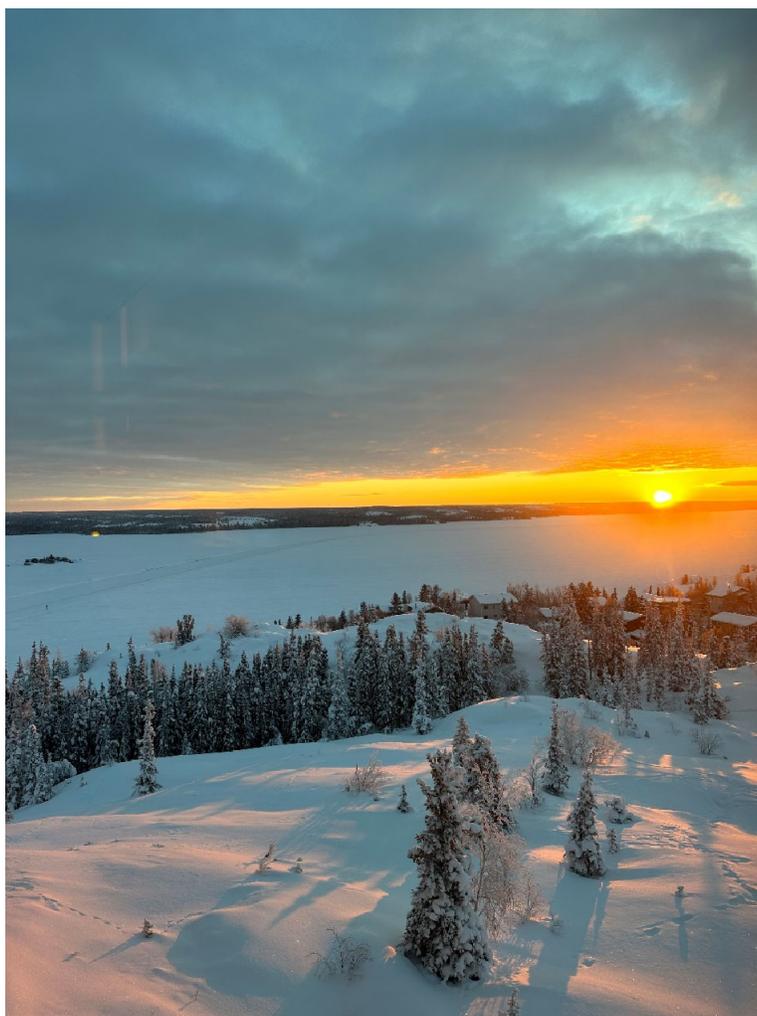


Photo provided by Brandon Blatz

Financial Eligibility

Legal Aid Applications

Potential clients must complete an application for each matter for which they are requesting legal aid. Court Workers take the applications either in person or by telephone. Applicants are required to provide detailed financial information with supporting documents to determine their eligibility for legal aid. This information includes a statement of income for the applicant and takes into account anyone else living in the household.

Commission employees review applications in detail to determine an applicant's financial eligibility. Eligible applicants are assigned duty counsel for criminal matters or go into an assignment process for family law matters. Applicants 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*, its *Regulations* and the Commission's policies, staff determine that an applicant can contribute to the cost of their legal aid services. A conditional authorization for legal aid is given to the applicant requiring them to make a contribution. Usually, applicants have a set period assigned to make these contributions. Some applicants can be 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.



Photo provided by Brandon Blatz

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 relevant factors.

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 a given 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 each circuit 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 most of the legal aid services provided on circuits.

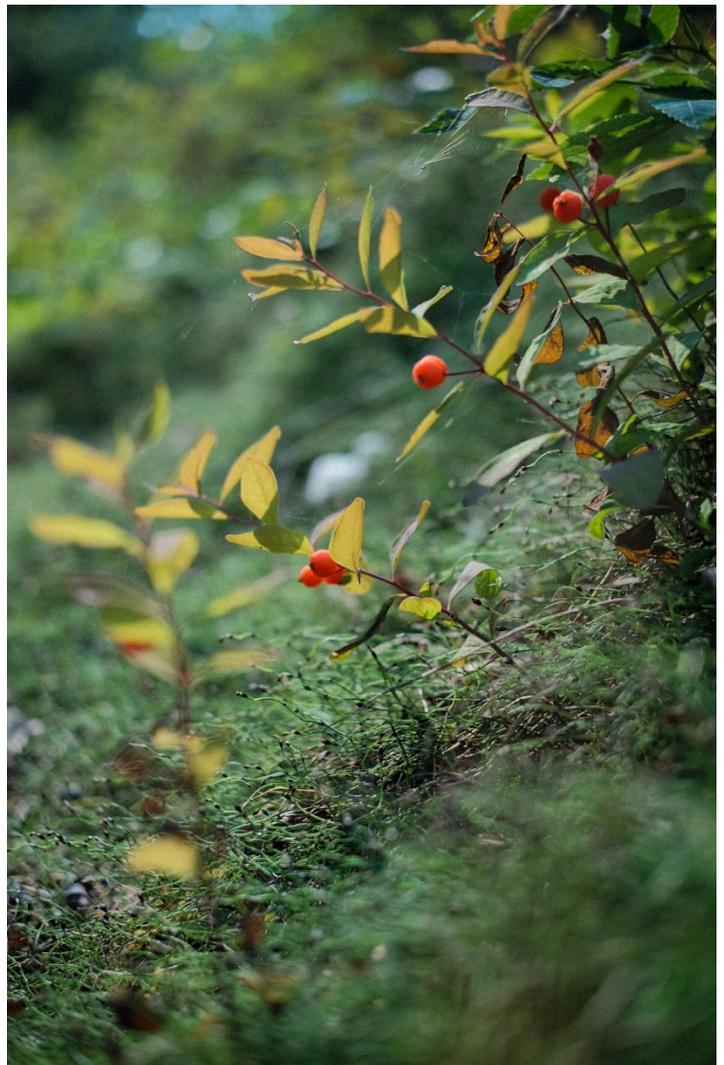


Photo provided by Jonny Vu

Legal Aid Clinics

The Commission has 18 staff lawyer positions: ten criminal lawyers, six family lawyers, one Outreach lawyer, and the Children’s Lawyer. On March 31, 2023, 15 of these positions were filled. Staff lawyers provide services throughout the NWT.

Yellowknife Legal Aid Clinic

The Yellowknife Legal Aid Clinic was staffed at 2022-23 fiscal year end with 3 criminal lawyers, 1 family lawyer and 1 legal assistant.

Community Legal Aid Clinic

This office was staffed at 2022-23 fiscal year end with 1 family lawyer, 3 criminal lawyers, and 1 legal assistant.

Somba K’e Legal Aid Clinic

This office was staffed in 2022-23 with 3 criminal lawyers, 2 family lawyers and 1 legal assistant.

Outreach Legal Aid Clinic

This office has been staffed since September 2022 with one Outreach Court Worker and an Outreach lawyer. Outreach services are provided in office and throughout the NWT by in-person mobile Outreach clinics.

Appeals

Any decisions on coverage 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 their intention to appeal. 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. 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 2022/23. The results of the eligibility appeals were as follows:

Allowed:	0
Denied:	10

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 2022/23 Justice Canada contributed \$3,566,323 to the total cost of \$8,457,000 pursuant to the funding agreement in place through to 2027.

Personnel

The staff of the Legal Aid Commission are appointed and employed under the *Public Service Act*. They 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.



Photo provided by Brandon Blatz

LEGAL AID TARIFF

Experience	Hourly Rates (\$)	Daily Rates (\$)
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 2022-2023:

	Pay Scale	\$
Staff Lawyer I	18	\$104,910 to \$125,307
Staff Lawyer II	20	\$114,816 to \$137,163
Staff Lawyer III	22	\$125,697 to \$150,150
Staff Lawyer IV	24	\$137,456 to \$164,190
Staff Lawyer V	25	\$143,774 to \$171,756



Photo provided by Shari Olsen

Financial Report 2022-23

	Actual Expenses	2022-23 Budget	Year Variance
Legal Aid Commission Administration (82015)			
Staff Wages & Benefits	1,164,860.71	920,000.00	(244,860.71)
Operations & Maintenance Expenses	214,944.15	648,000.00	433,055.85
Total Administration	1,379,804.86	1,568,000.00	188,195.14
Court Workers (82016)			
Staff Wages & Benefits	929,338.06	1,143,000.00	213,661.94
Operations & Maintenance Expenses	30,519.83	41,000.00	10,480.17
Travel	143,591.25	29,000.00	(114,591.25)
Total Court Workers	1,103,449.14	1,213,000.00	109,550.86
Legal Aid Staff Lawyers (82017, 82070 & 82059)			
Staff Wages & Benefits	2,707,060.07	3,456,000.00	748,939.93
Operations & Maintenance Expenses	305,137.01	521,000.00	215,862.99
Travel	405,755.54		(405,755.54)
Total Staff Lawyers	3,417,952.62	3,977,000.00	559,047.38
Legal Aid Commission			
Commission Expenses	3,250.00		(3,250.00)
Total Commission Expenses	3,250.00	-	(3,250.00)
Legal Aid Panel Lawyers (82015)			
Panel Lawyer Tariff Fees	1,782,488.73	1,363,000.00	(419,488.73)
Travel	338,620.77	336,000.00	(2,620.77)
Total Panel Lawyers	2,121,109.50	1,699,000.00	(422,109.50)
TOTAL	8,025,566.12	8,457,000.00	431,433.88

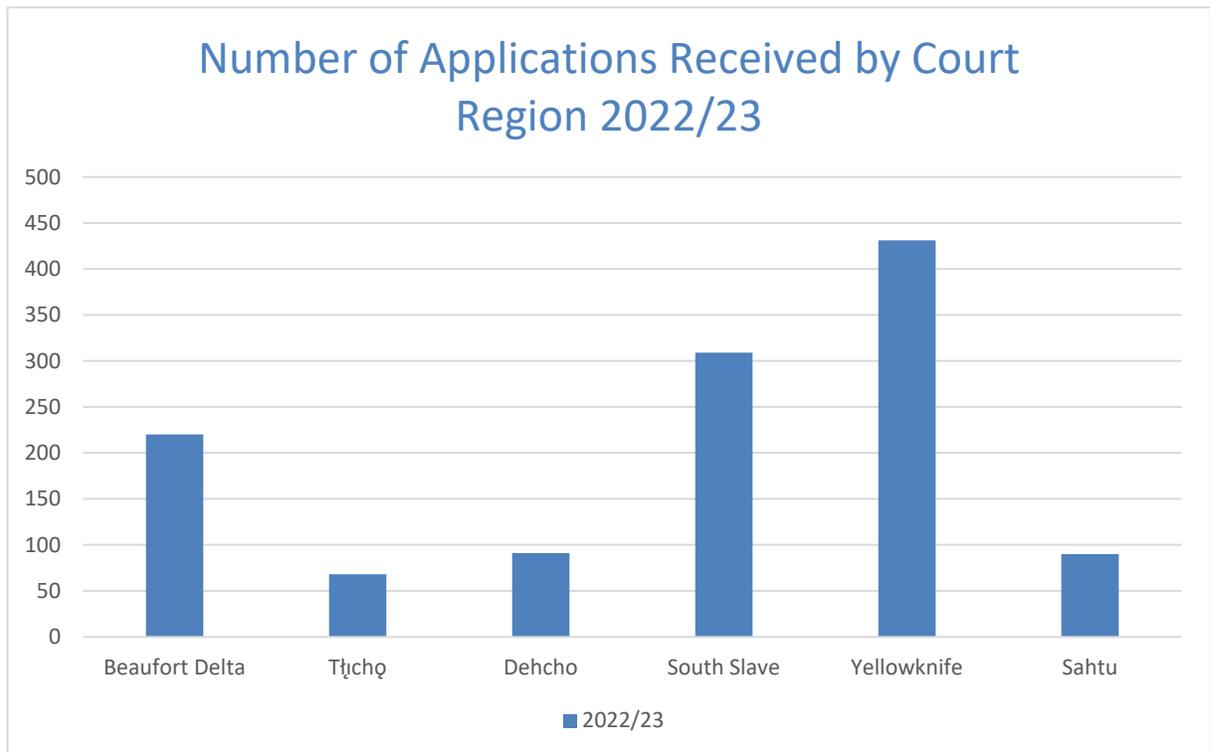


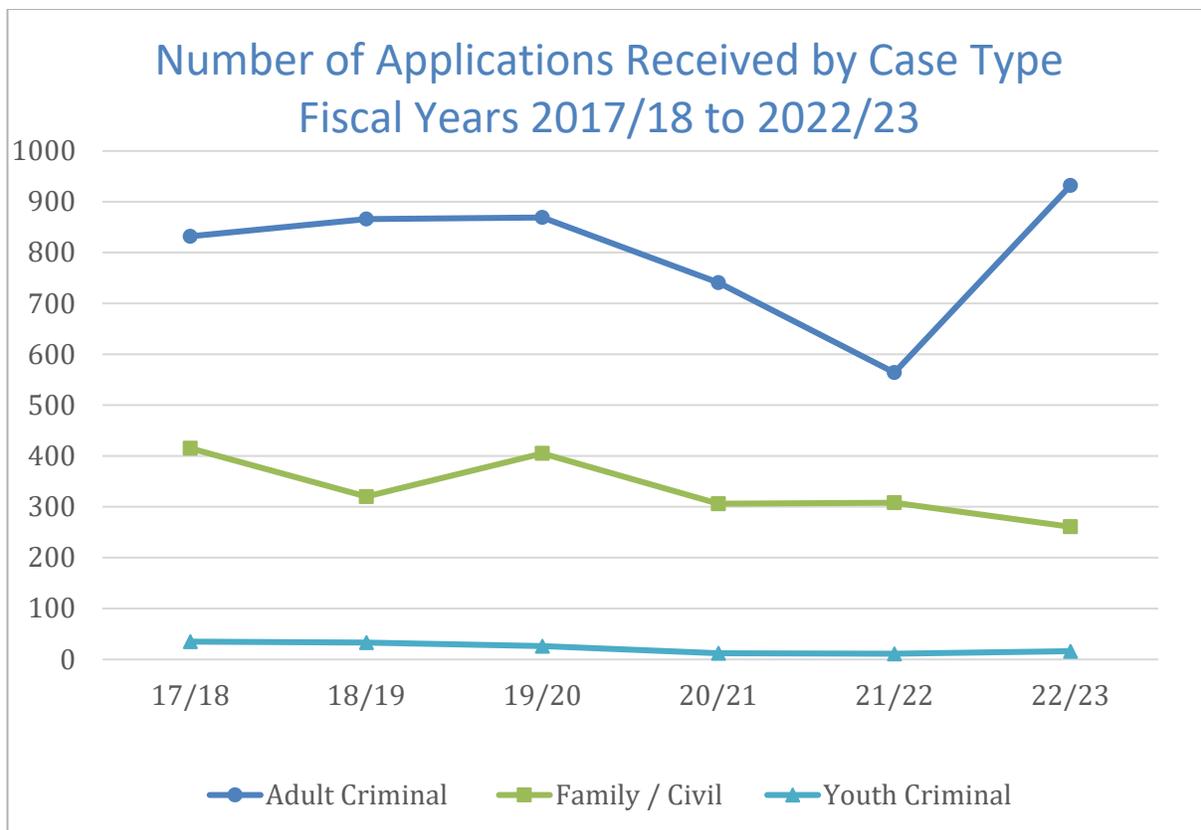
Photo provided by Brandon Blatz

STATISTICAL REPORTS FOR 2022/23

Number of Applications Received by Court Region

	2022/23
Beaufort Delta	220
Tłchq	68
Dehcho	91
South Slave	309
Yellowknife	431
Sahtu	90
Grand Total	1209

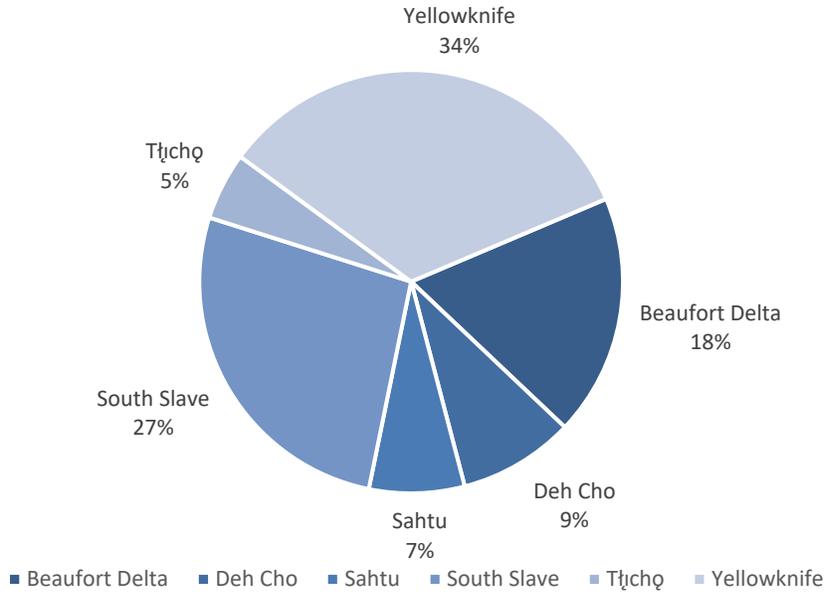




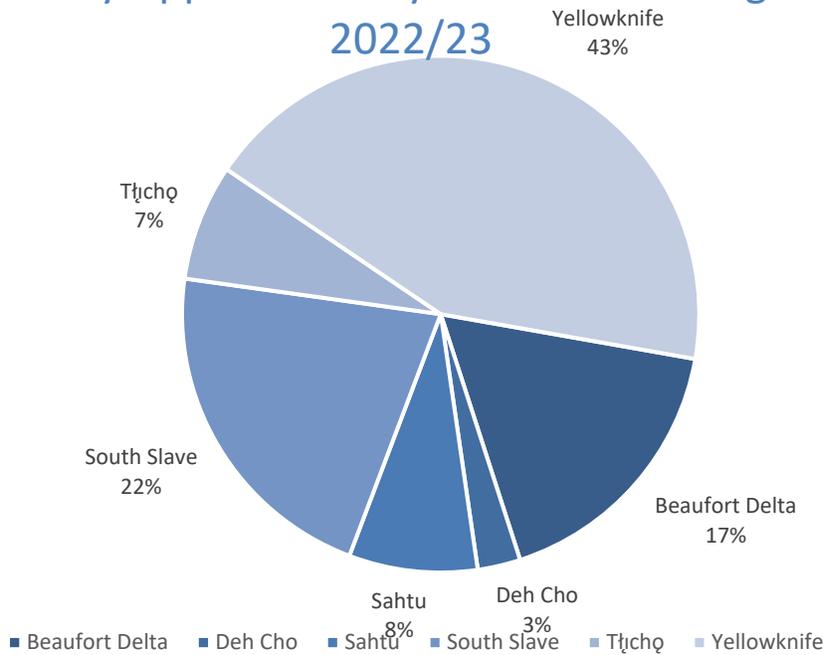
Number of Applications Received by Case Type

	17/18	18/19	19/20	20/21	21/22	22/23
Adult Criminal	832	866	869	741	564	932
Family / Civil	415	320	405	306	308	261
Youth Criminal	35	33	26	12	11	16
Total	1282	1264	1300	1059	883	1209

Criminal Applications by Courtworker Region 2022/23

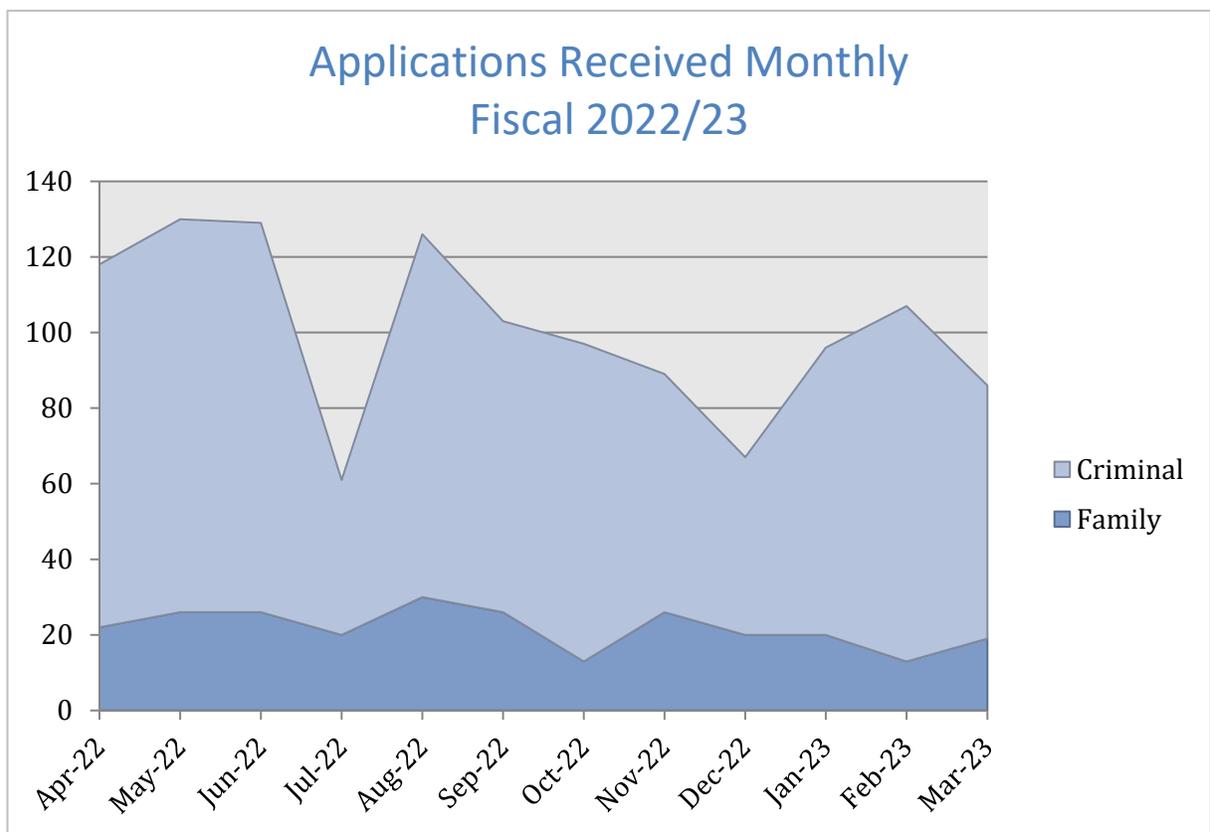


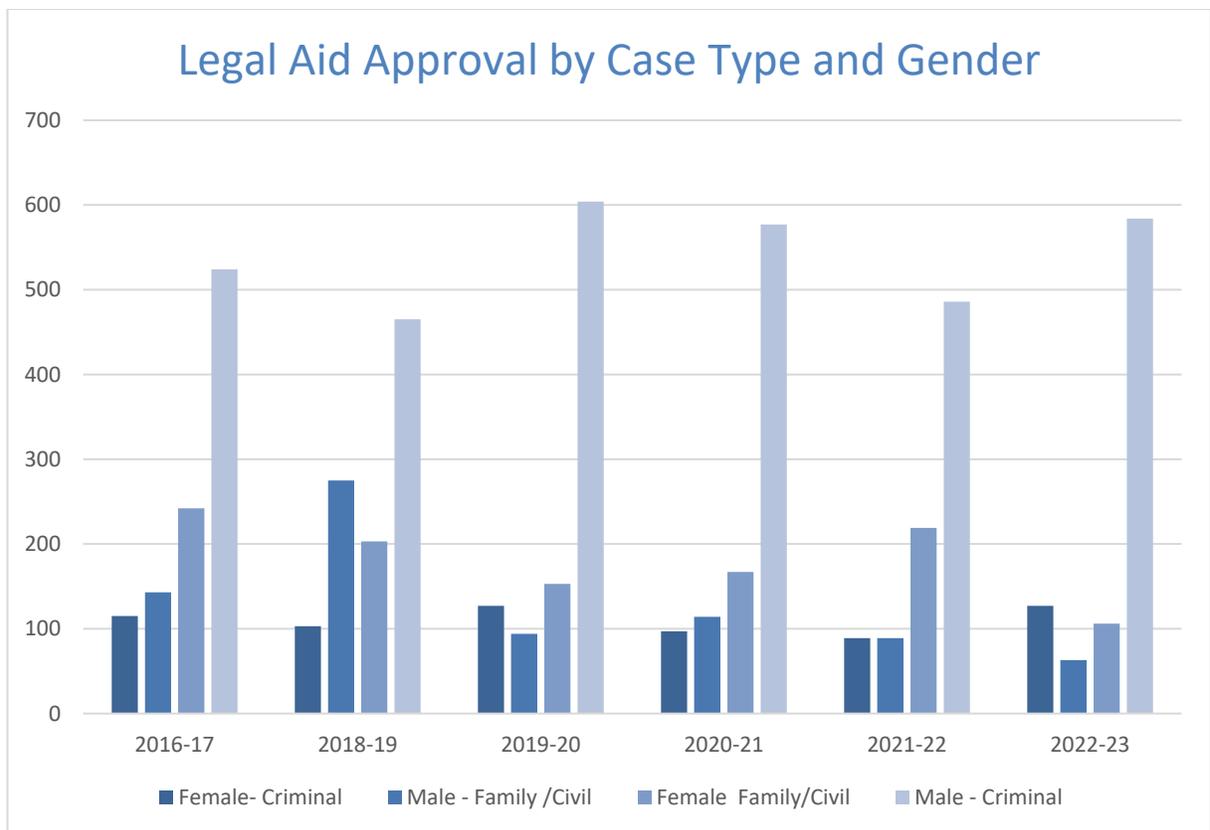
Family Applications by Courtworker Region 2022/23



Applications by Courtworker Region

Region	Criminal Applications	Family Applications
Beaufort Delta	175	45
Deh Cho	84	7
Sahtu	69	21
South Slave	253	56
Tłıchǫ	49	19
Yellowknife	318	113
Grand Total	948	261

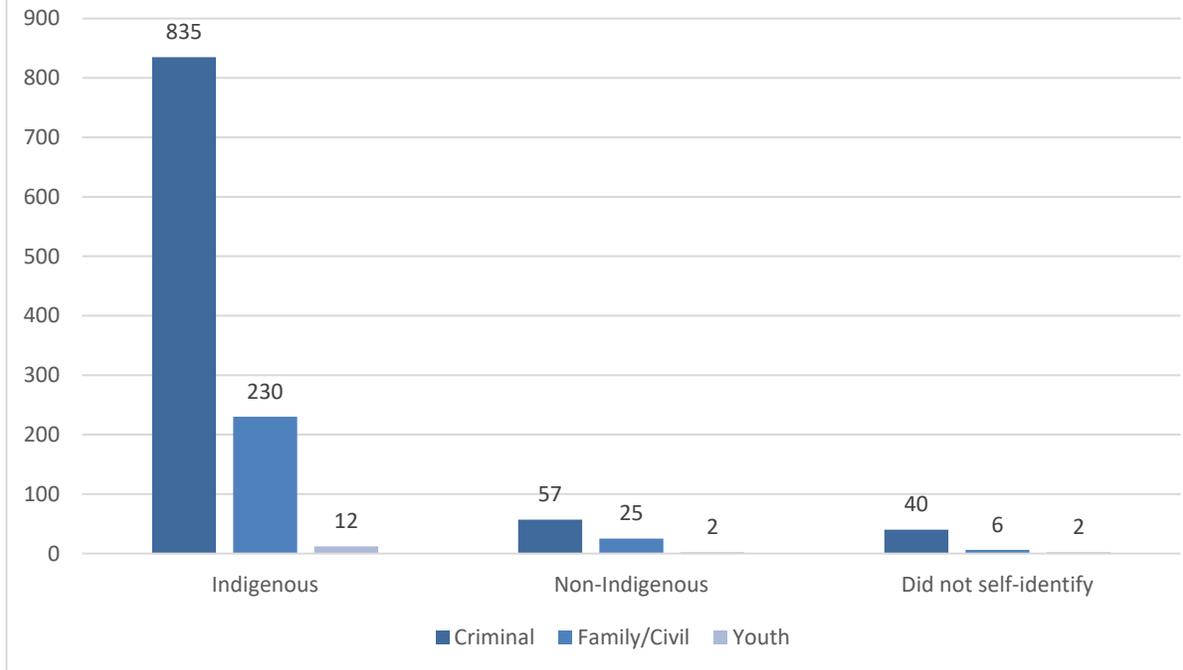




Legal Aid Approvals by Case Type and Gender

	2016-17	2018-19	2019-20	2020-21	2021-22	2022-23
Female- Criminal	115	103	127	97	89	127
Male - Family /Civil	143	275	94	114	89	63
Female Family/Civil	242	203	153	167	219	106
Male - Criminal	524	465	604	577	486	584
Total	1024	1046	978	955	883	880

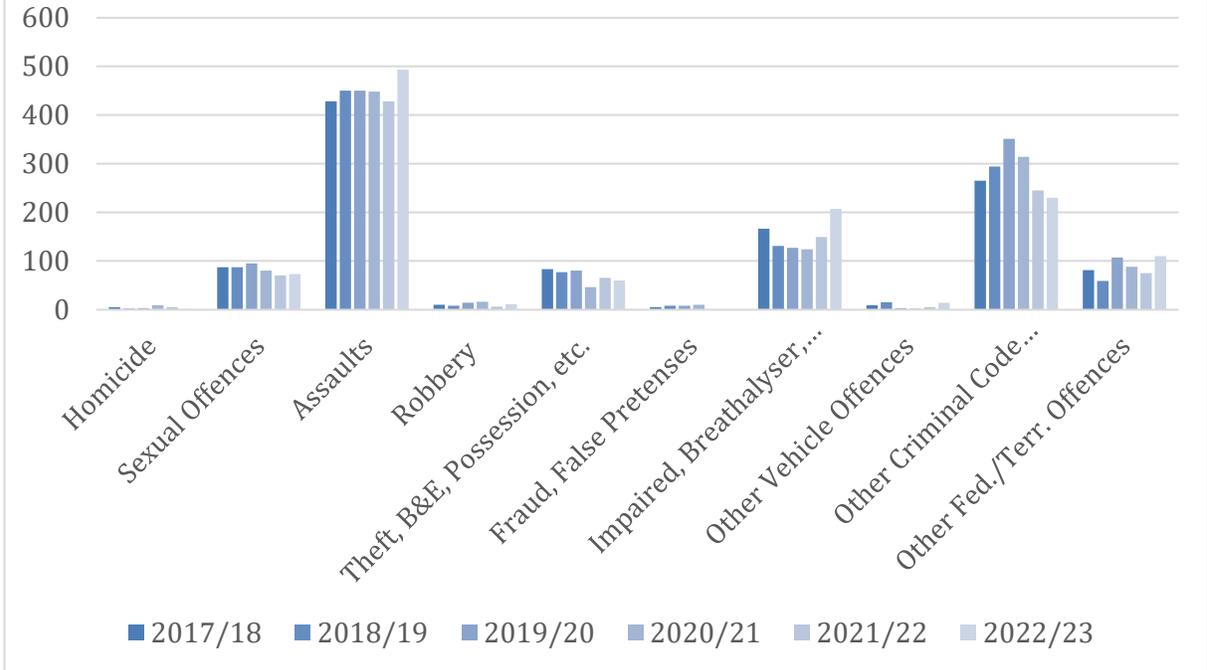
Legal Aid Approval by Case Type and Self-Identification 2022/23



Legal Aid Approval by Case Type and Self-Identification

	Indigenous	Non-Indigenous	Did not self-identify
Criminal	835	57	40
Family/Civil	230	25	6
Youth	12	2	2
Annual Total	1077	84	48

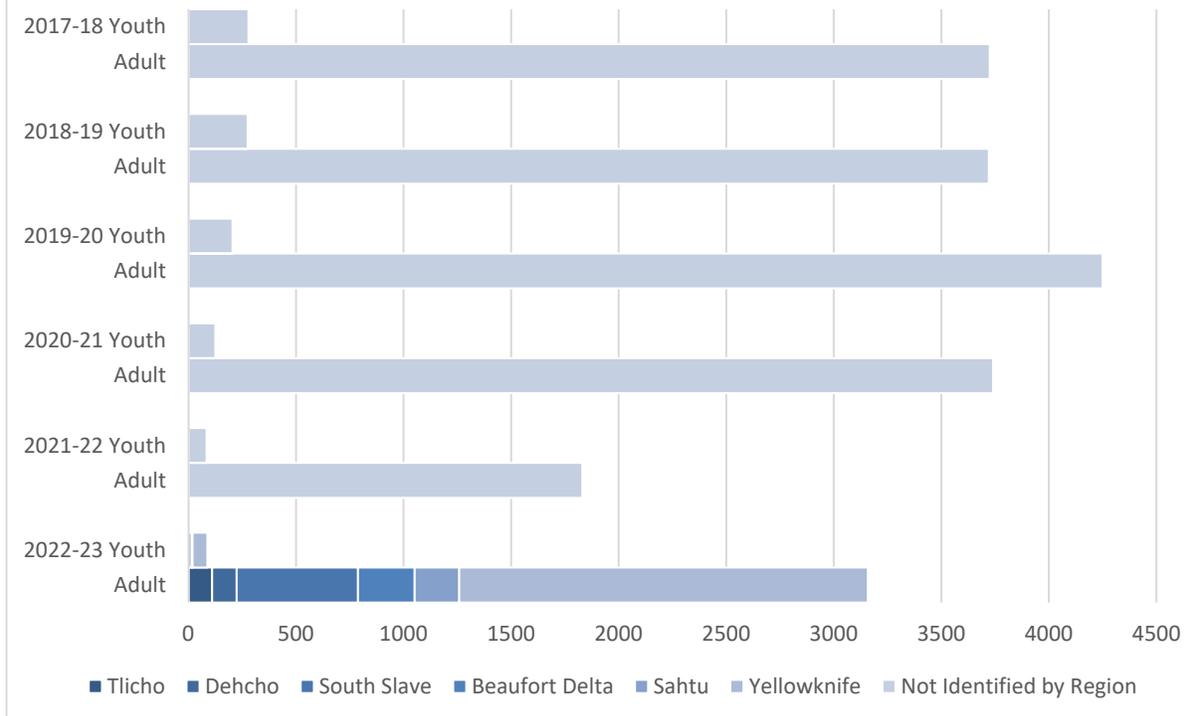
Number of Calls to Brydges Services by Offence Type



Number of Calls to Brydges Services by Offence Type

	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
Homicide	5	2	3	9	5	1
Sexual Offences	87	87	95	80	70	73
Assaults	428	450	450	448	428	493
Robbery	10	8	14	16	6	11
Theft, B&E, Possession, etc.	83	77	80	46	65	60
Fraud, False Pretenses	5	8	8	10	0	0
Impaired, Breathalyser, Refusal	166	131	127	124	149	207
Other Vehicle Offences	9	15	3	2	5	14
Other Criminal Code Offences	265	294	351	314	245	230
Other Fed./Terr. Offences	81	59	107	88	75	110
Annual Total	1139	1131	1238	1137	1048	1199

Presumed Eligibility Statistics 2022/23



Presumed Eligibility Statistics by Year

	2017-18	2018-19	2019-20	2020-21	2021-22*	2022-23
Youth	279	275	205	125	84	88
Adult	3725	3721	4249	3741	1831	3158

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

Presumed Eligibility Statistics by Region

	Adult	Youth
Tłı̄chǫ	134	2
Dehcho	118	0
South Slave	570	14
Beaufort Delta	324	1
Sahtu	222	4
Yellowknife	2035	78
Annual Total	3403	99

Court Worker Referrals for 2022/23

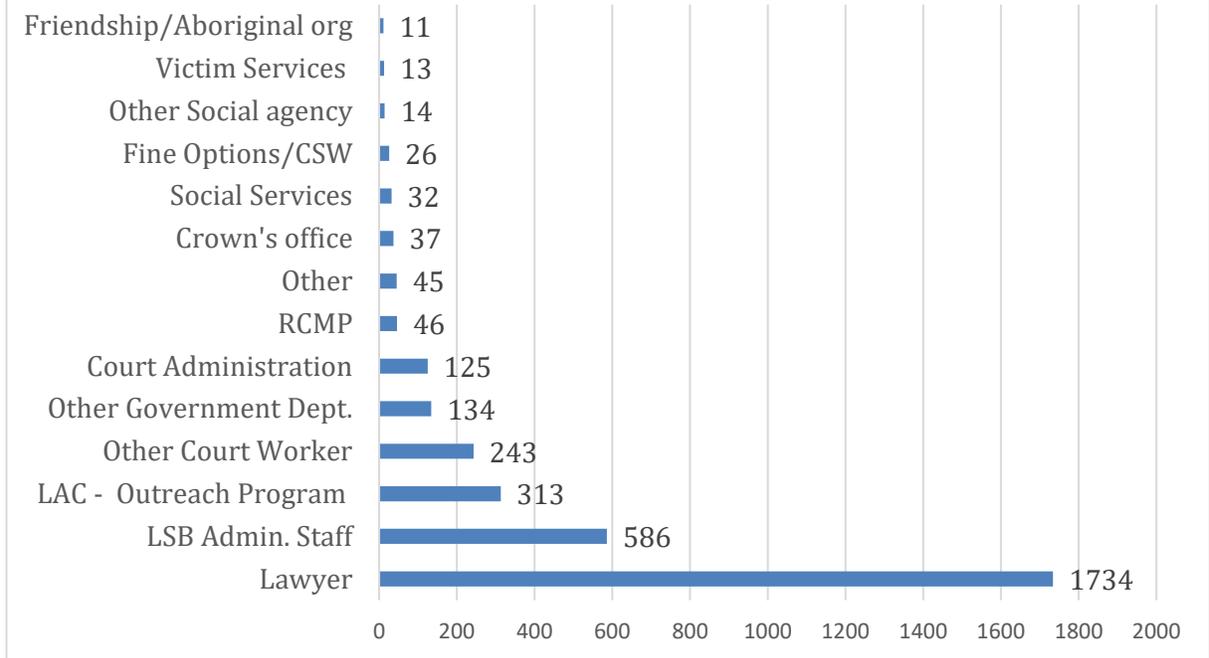


Photo provided by Jonny Vu

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

Tłı̄chǫ 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