

Legal Services Board of Nunavut
Annual Report
2009-2010
(Tenth Annual Report)

INTRODUCTION

The Legal Services Board of Nunavut (LSB) was incorporated in July 2000, pursuant to section 3(1) of the *Legal Services Act, R.S.N.W.T. 1988, c-14*. As the territory's legal aid plan, LSB is responsible for providing legal services to financially eligible Nunavummiut in the areas of criminal, family and civil law. In addition to providing legal counsel, LSB is also mandated to deliver public legal education and information in the territory and to develop and support the Inuit courtworkers program at the local level. LSB programs also include an After Hours Law Line for citizens seeking legal advice on arrest outside of business hours, a Family Law Line offering general family law information, and Civil/Poverty Law Line offering general civil law information.

LSB is governed by a territorial Board of Directors comprised of a Government of Nunavut representative, a Law Society of Nunavut representative, three regional representatives, and two members-at-large. Legal services are provided through three regional clinics, each of whom has a regional board of directors. Although LSB is publicly funded it is not a government department - it is an arms' length organization that is independently run.

The administrative offices of LSB are located in Gjoa Haven. Accounts payable and receivable are handled by this office, along with client intake assessment, counsel assignment, and most of the financial eligibility analysis.

LSB's legal aid clinics are located in Cambridge Bay (Kitikmeot Law Centre), Rankin Inlet (Keewatin Legal Services Centre), and Iqaluit (Maliiganik Tukisiiniakvik). Each clinic is staffed by a complement of family and criminal lawyers and administrative support (including courtworkers). In Iqaluit, there is also a civil lawyer on staff who handles the approved civil/poverty files for the territory.

This year, the Executive Director of LSB was located in Iqaluit until October 2009. Following his departure, an Interim Executive Director was appointed who is working out of the Rankin Inlet clinic. An internal competition for the position of Executive Director is currently underway.

In addition to its staff lawyers, LSB continues to rely on private counsel to meet the demands of clients, the Court, and a growing circuit schedule. At first instance, all Nunavummiut who are criminally charged are entitled to legal aid counsel for their first Court appearance. Subsequent appearances requiring legal representation will only be approved by legal aid if a client has satisfied the financial eligibility conditions. Similarly, family and civil law applicants must also meet financial eligibility prerequisites, and assignment of legal aid counsel will be made following the assessment of a legal opinion.

This is the Legal Services Board's tenth full year of operation.

MESSAGE FROM THE CHAIR OF THE BOARD

This past year I had the honour of serving as Chair of the Legal Services Board of Nunavut from October 2009 until March 2010. I joined this Board at a time when the organization was working hard to recover from administrative challenges which included vacant Board positions and concerns with senior management.

The fall and winter of this past year saw my colleagues on the Board wrestle with some difficult and complicated issues. Each of the Board members rose to the occasion and tackled the work with integrity, determination, and a collaborative spirit. The challenges were met, and with a concerted joint effort the administration of LSB found stronger, more focused footing. I wish to sincerely thank the volunteer Board members for their tremendous work ethic, their dedication to LSB, and the collegial spirit they brought to the table. I am proud of the commitment our Board demonstrated to the organization, the staff, and the delivery of legal services to Nunavummiut.

In addition to the impediments presented by the troubles at the senior management level, LSB staff faced a year of increasing demands and more complicated file matters. Crime rates have been increasing dramatically in Nunavut over the years, and this has translated into growing file loads and increased circuit Court participation for our staff. Likewise the number of family law applicants continues to grow, and the efforts that went into drastically reducing the family law backlog have been achieved. Staff lawyers were faced with more clients, more complicated litigations, and little in the way of increased resources. Despite this, every member of the LSB team delivered the highest quality of legal services to their clients. On behalf of the Board of Directors, I extend our genuine appreciation for the exemplary efforts our legal team put forth this year.

Although this past year has been a difficult one for LSB, the path is now clear for improved administration in the months to come. I have no doubt that the excellent legal services provided by our organization will continue to grow as the organization moves forward. I have enjoyed my time working with the Board and staff of LSB, and extend my heartfelt thanks for the experiences I shared while there. LSB has grown significantly in the past 10 years and I am happy to have been a part of it.

Sincerely,

Janet E. Slaughter

LSB Chair, October 2009 – March 2010

**Please note that Madeleine Redfern served as the Interim Chair of the Board from March 2009 – October 2009.*

MANDATE

LSB's mandate is outlined in section 7 of the *Legal Services Act*. Essentially the organization is to provide legal representation for eligible applicants and to deliver public legal education and information for Nunavummiut.

s.7 *The objects of the Board are*

- (a) *to ensure the provision of legal services to all eligible persons;*
- (b) *to ensure that the legal services provided and the various systems for providing those services are the best that circumstances permit; and*
- (c) *to develop and co-ordinate territorial or local programs aimed at*
 - (i) *reducing and preventing the occurrence of legal problems, and*
 - (ii) *increasing knowledge of the law, legal processes and the administration of justice;*
 - (iii) *providing public education and outreach with respect to human rights.*

Over the past 10 years the demand for legal aid has grown, as evidenced by growing numbers of criminal, family, and civil applicants. So too, our ability to meet this mandate has grown, as seen in our increased participation on Court circuits, growing staff numbers, and an increasing number of complex litigations.

As Nunavummiut have become more aware of their civil and Constitutional rights, they have demanded increased services to protect those rights. LSB's legal team has risen to that challenge with integrity, dedication, and enthusiasm.

2009 – 2010 OVERVIEW

This year has been one of challenge and change for LSB. Over the years, the demand for legal aid services has grown significantly and the organization struggles to stretch its resources to meet that need. As with many organizations in Nunavut, administering a large scale plan across a vast and remote geographical area creates considerable costs and challenges. This past year also saw LSB address some senior management issues and Board vacancies. Despite the challenges however, LSB staff continued to provide quality legal services to those who needed it.

- This past fiscal year, LSB added one criminal lawyer, two family lawyers, and a civil poverty lawyer to the team. These lawyers were assigned to the Cambridge Bay and Iqaluit clinics. The Iqaluit clinic saw the addition of a new clinic director last summer, and an executive assistant was also hired to support the Interim Executive Director late in the year.
- In October 2009, the Executive Director of LSB left the organization. An Interim Executive Director was appointed in November and is currently stationed in the Rankin Inlet clinic.
- The Rankin Inlet clinic had hoped for expanded office space this year, but that plan fell through. Work is underway to achieve that goal before the end of the 2010-2011 fiscal year.
- The territorial Board of Directors experienced 4 vacancies from March 2009 until October 2009, when those vacancies were finally filled. Currently, the Board has a full complement of members and is resolutely addressing their duties for the agency.
- The regional Board of Directors for the Keewatin Legal Services Centre disbanded in 2007, but plans are actively underway to reconstitute that Board and re-draft the by-laws.
- The historical backlog of family law applicants had been sitting close to 500 people waiting for counsel assignment at the start of the fiscal year. The addition of extra family staff lawyers has seen that number reduced to approximately 100. It should be noted that in the family practice area, applicants who are dealing with child protection matters – where children have been apprehended by Social Services – have been (and remain) a first priority for counsel assignment.
- LSB's criminal staff lawyers attended at 55 circuit Courts this year, along with a number of special sittings to address special jury trials and docket backlogs. LSB also funded private counsel for most of these circuits to assist with the client load and where there were conflicts of interest issues. The number of Court circuits has been steadily increasing over the years, and is expected to grow again next year.
- In an effort to address issues of staff recruitment and retention, the LSB Board of Directors approved a new salary grid and benefit package for staff lawyers in March 2010. The new package – on the organization's list of priorities for some time – reflects

a compensation scheme that is competitive and in-line with other northern legal aid plans and employers.

- In March 2010, the territorial Board of Directors set aside 2 days for some much needed policy development. Several new policies in the areas of legal aid eligibility, private panel processes, appeal processes, etc were developed in partnership with senior lawyers. These draft policies will be carried forward into the new fiscal year for final review and approval.
- Given the significant growth of LSB in recent years, the Board of Directors are seeking an independent structural/operational review of the organization to assess whether improvements can be made to enhance efficiency and improve the administration of the legal aid program. A submission to the Department of Justice is in development to seek resources to undertake such a review in the next fiscal year.
- The Board of Directors has also identified some areas that may require legislative changes. For example, a recent NCJ decision has impacted on how LSB fulfills its obligation to provide eligible accused (persons who have been charged with very serious offences such as homicide) choice of counsel. In addition, the tariff rates as set out in the *Legal Services Act* regulations have not changed in over a decade. Consequently, LSB is developing recommendations for legislative changes to this statute to be presented to the Department of Justice next fiscal year.
- The courtworker program has faced some considerable obstacles and setbacks this year. The Coordinator position in particular has been difficult to staff. In the interim, a senior lawyer with LSB has been assigned this task. It is hoped that a suitable candidate will be found quickly who can “intern” for a period of time, learning not only the duties of the program, but the skills of being a territorial and federal advocate for the program as well.
- Despite the obstacles with the Courtworker Coordinator position, the clinics now boast 11 courtworkers in the Baffin region, 2 in the Kivalliq region, and 3 courtworkers in the Kitikmeot region.
- The After Hours Law Line continued this year, ensuring that a defence lawyer is available to citizens who are arrested outside of business hours all year round. In January 2010, the Civil/Poverty Law Line once again became fully operational. Plans are underway to see the rejuvenation of the Family Law Line in the near future.
- LSB continues to struggle in fulfilling its mandate with respect to public legal education and information. Nonetheless, our dedicated staff has done a lot this year. A senior staff lawyer volunteers on a weekly, territorial, call-in radio show. Iqaluit staff lawyers offer regular sessions to the inmates at the Baffin Correctional Centre. Our civil lawyer has offered public sessions in local hamlets. Many of our lawyers participate in high school presentations and career days around the territory. Our staff also offered seminars to various non-profit organizations and justice committees in all three regions. All three of

the clinics also offer notary public services and “walk-in” consultations as schedules and professional obligations allow.

- As of March 2010, the Kitikmeot Law Centre staffs 3 criminal lawyers and 2 family lawyers; Maliiganik Tukisiiniakvik houses 3 criminal lawyers, 1 civil lawyer, 2 family lawyers, and an articling clerk; and Keewatin Legal Services Centre offers 2 criminal lawyers and 1 family lawyer (one family position is temporarily vacant). Recruitment efforts continue for a senior criminal lawyer for the Iqaluit clinic.
- The family and criminal legal practices continue to be supervised by the Senior Family Counsel and the Senior Criminal Counsel, both of whom are located in Cambridge Bay. The practice managers (with well over 40 years of legal experience between them) participate in recruitment, file/circuit assignment, performance evaluation, report writing, and supporting the individual staff lawyers with their case management. The LSB team certainly benefits from our Senior Counsels’ legal experience, their knowledge of the Nunavut Court of Justice, and their understanding of northern practice.
- Three years ago, a computer systems crash destroyed LSB’s internal database. LSB lost all its historical data and the ability to track clients and collect statistics. Since that time, LSB has been working with an IT firm to create a new database. Phase 2 of this project is near completion, and the next phase is slated for development in the coming months.
- On the financial front, LSB once again anticipated a budget shortfall. Contributing to the cost overruns were an increased number of circuit Courts, several expensive homicide trials, and a number of unanticipated service contracts. The Government of Nunavut provided LSB with approximately \$300,000 to cover this shortfall.
- As a publicly funded organization, LSB has fully cooperated with the GN’s internal auditors in their review of LSB’s operations. Several audits are currently taking place in which LSB is assisting. The audits include an operational audit, an audit of the past Executive Director, and an audit of the former Financial Manager. Reports from those audits are pending.
- Increases in crime, Court circuits, and client applications have placed a great demand on LSB. This past year, the efforts of staff, senior administrators, and Board members have been exceptional in working to meet that need. In spite of the challenges, Nunavut’s legal aid plan remains one of the most expansive and innovative legal aid plans in Canada.
- In March 2010, LSB was privileged to have the Honourable Keith Peterson, the GN Minister of Justice and Finance, attend both a Board of Directors’ meeting and a staff meeting in Iqaluit. The Minister noted that legal aid lawyers were “the face of justice” for Nunavut because of the front-line nature of their work. He also expressed support for a legal aid plan that moved away from a regional silo framework to a more unified, team approach.

FINANCIAL ISSUES

Funding Sources & Expenditures

LSB's budget for 2009 – 2010 was approximately \$6.2 million dollars. Although LSB is not a government department, the GN has historically and independently set the organization's budget and line item allocations. This practice has become increasingly difficult and unacceptable since the GN chart of accounts does not accurately reflect the financial operations of LSB.

The current GN budget line items for LSB are not designed for the specialized needs of an organization delivering legal services. Consequently, it has not been possible for the LSB Board of Directors to undertake its own financial planning and management. The GN generated reports do not readily permit the organization to know how much of its resources have been spent on particular activities or services (such as criminal or family representation). Therefore, LSB cannot monitor its expenditures in any given service area or make necessary decisions to adjust allocation of its finances throughout the year.

LSB continues to work towards achieving control over the organization's finances, including its own budgeting and developing accurate reports that reflect its financial reality. Steps are being taken to ensure that next year's budget and financial reports will present a more accurate view of how legal aid funds are allocated and used. While the GN continues to handle LSB finances (processing and paying all invoices, staff salaries, Board honouraria, corporate credit card reconciliation, payment and reimbursements, etc.), additional and significant work must be done to better streamline LSB and GN financial processes. At the same time, the need to have the necessary checks and balances to ensure proper financial management must be respected.

LSB believes that a systemic and structural review, including an assessment of operational and financial systems is necessary to identify more appropriate methods for effective financial management and reporting.

Financial Statement 2009-2010

Expenditures	2009 – 2010			2008 - 2009
	Budget	Actual	Variance	Actual
Salary & Benefits - GN employees	717,000	814,002	(97,000)	467,534
Contract employees	2,063,000	2,057,797	5,203	1,778,411
Professional fees	1,160,000	1,159,248	752	1,120,004
Ongoing Contributions	1,094,000	1,087,200	6,800	1,087,200
Travel and Transportation	967,000	871,410	95,590	856,426
Materials and Supplies	39,000	22,474	16,526	176,789
Purchased Services	152,000	151,574	426	152,748
IT and other expenses	37,000	36,075	925	115,581
Total	\$6,229,000	\$6,199,780	\$29,220	\$5,754,693

Again this year, LSB has no independent financial systems that can be audited separately from that of the Department of Justice (GN) since the GN holds and issues all LSB funds on our behalf. The Office of the Auditor General of Canada (OAG) annually audits the GN financial administration, including LSB transactions. However, this should not be interpreted as the OAG having audited LSB specifically, or having given an opinion on it, unless there is a LSB-targeted OAG audit.

A summary of LSB's operating budget and actual expenses are presented as they appear in the Public Accounts of the GN. Since all banking and accounts payable and receivable functions were handled by the GN, LSB cannot present a complete Balance Sheet or Cash Flow Statement that is useful or helpful to LSB in managing its finances, even on a monthly, quarterly, or annual basis.

Even though LSB's current financial relationship with the GN's Department of Justice creates some pitfalls for the organization, it does offer some support as well. The GN administers LSB's payroll, accounts payable, and provides a corporate credit card for LSB travel. LSB is also supported by the GN's information system for internet and email. Gjoa Haven staff is located in a GN building, and the Department of Justice assists LSB with reviewing/drafting financial submissions. These costs are not necessarily reflected in LSB's financial information. In addition, any funds that are provided by client contribution

agreements are payable directly to the GN and deposited in the GN's general funds, so these are not included in our financial statement.

Tariff Rates

LSB frequently contracts with private counsel as legal aid panel lawyers to assist with Court circuit coverage. The tariff rates that are payable to LSB panel lawyers are statutorily set and have not changed in a number of years. Below are the rates currently in place.

◇*For resident lawyers*

Tariff Item	Category	Hourly Rate	Daily Circuit Rate
1	Student at law	\$60.00	\$348.00
2	Lawyer; less than 4 years experience	\$91.50	\$528.00
3	Lawyer; more than 4 years experience, less than 7 years experience	\$105.00	\$645.00
4	Lawyer; more than 7 years experience, less than 11 years experience	\$129.00	\$774.00
5	Lawyer; more than 11 years experience	\$153.00	\$913.00

◇*For non-resident lawyers*

Tariff Item	Category	Hourly Rate	Daily Circuit Rate
1	Student at law	\$46.00	\$266.80
2	Lawyer; less than 4 years experience	\$70.15	\$404.80
3	Lawyer; more than 4 years experience, less than 7 years experience	\$80.50	\$501.400
4	Lawyer; more than 7 years experience, less than 11 years experience	\$98.90	\$593.40
5	Lawyer; more than 11 years experience	\$117.30	\$700.35

Financial Eligibility

The *Legal Services Regulations* set out the current principles for financial eligibility.

4(1) *Subject to the Act and these regulations, an applicant is eligible to receive legal aid*

- (a) *where the applicant receives all or most of his or her income from social assistance;*
- (b) *where the legal fees for services rendered outside the plan would reduce the applicant's income to a level whereby he or she would become eligible for social assistance, in which case, he or she may be required to contribute towards the payment of the costs.*

Legal aid applicants are required to submit financial documentation such as pay stubs, receipts, and statements for expenses claimed (except for clothing, food, and transportation). Historically, LSB has struggled to consistently collect that information. Food, clothing and transportation costs are set at the amounts used in the social assistance tables based on the number of people in a household.

LSB's presumed eligibility practice for criminal and child welfare matters also must be considered, as it provides legal aid services for all Nunavummiut appearing before the Court for the first time. If a client decided to proceed to trial, then the legal aid application is taken, and the assessment is done to determine their financial eligibility. Similarly, in child welfare matters - where social services has removed a child from his or her home - a staff lawyer will be immediately assigned to deal with the first stage apprehension orders.

In March 2010, the Board of Directors drafted an alternative formula for the analysis of financial eligibility which will be brought forward next year for review and approval.

Case Coverage

LSB offers legal counsel for criminal, family, and a limited number of civil matters.

Criminal: In criminal matters, all indictable offences are covered for financially eligible clients. Summary offences are covered if there is a likelihood of imprisonment or loss of livelihood. All Crown appeals are covered, usually by a LSB private panel lawyer. If a conviction or sentence on a serious offence is to be appealed, approval will be based on a legal opinion and recommendation for representation. For youth in conflict with the law, LSB will provide legal representation on all indictable and summary offences, and meritorious appeals.

Family: All child welfare matters are covered to first stage order. If the child is not immediately returned to the family, LSB will provide legal counsel for the duration of the Court proceedings for financially eligible clients. Custody and access applications are also covered for eligible clients, as are child and spousal support applications. Divorces and their corollary issues are covered if there are children involved with custody related issues. LSB also assigns counsel for children if appointed by the Court for child welfare or custody matters. Contested custom adoptions, contested paternity applications, and exclusive possession of the matrimonial home applications are also covered. Applications under the *Family Abuse Intervention Act* are not covered by LSB unless they are ancillary to approved family or criminal applications.

Civil/Poverty Files: This is a growing area for LSB. General information and assistance is available for matters such as landlord/tenant disputes, employment issues, public agency complaints, social assistance disputes, employment insurance concerns, pensions, public trustee matters, small claims, personal injury, child tax benefits and workers compensation complaints. Limited representation is available in matters where a legal opinion indicating merit is tendered.

It should be noted that section 45 of the *Legal Services Act* requires that a legal opinion be prepared for all civil and family applications, except for child welfare matters.

Courtworker Program

The courtworker program is a fundamental element of the delivery of legal services in Nunavut. Despite the much needed legal and administrative support courtworkers offer lawyers and clients, courtworkers are also a community resource and cultural bridge for Nunavummiut dealing with the justice system. Courtworkers are employed by the regional legal aid clinics - some full-time,

some part-time as demand requires. This year, legal aid is very close to a full complement of courtworkers across the territory.

The Courtworker Coordinator is a LSB employee intended to provide necessary assistance and support (including training) to the courtworkers. The Coordinator duties include federal and territorial advocacy, monitoring Court dockets and client intake, training new hires, and program development. The previous Executive Director hired a consultant to assess the courtworker program and provide recommendations to LSB. Unfortunately, despite the cost, time, and effort, LSB was not provided a useable or useful report.

LSB struggled to fill the position of Courtworker Coordinator this year, and despite the setbacks resulting from the consultant, thankfully one of the senior lawyers resumed the responsibilities of the position on an interim basis.

ADMINISTRATION & OPERATIONAL ISSUES

The objectives of the Board are statutorily mandated under the *Legal Services Act*.

- To ensure the provision of legal services to all eligible persons;
- To ensure that the legal services provided and the various systems for providing those services are the best that circumstances permit; and
- To develop and co-ordinate territorial and local programs aimed at reducing and preventing the occurrence of legal problems and increasing knowledge of the law, legal processes and the administration of justice.

LSB endeavours to meet these objectives by: hiring and situating criminal and family lawyers and courtworkers in all three regional legal aid clinics; providing funding for 3 regional legal aid offices including funds for administrative staff and community courtworkers; responding to applications for legal assistance; assigning legal counsel; offering programs and services that support access to justice (eg law lines); building a courtworker program that is skilled and community based; hiring a Courtworker Coordinator to support the courtworker program; offering staff resources for public legal education and information sessions; and building a team of qualified lawyers that are committed to protecting the Constitutional rights and civil liberties for our clients.

Legal Services Board of Directors

The territorial Board members are volunteers who bring a well-rounded perspective to the administration of the legal aid plan. This past year our members were:

Member	Community	Office
Mr. Elijah Padluq	Kimmirut	Member at large
Mr. Tommy Pigalak	Kugluktuk	Member at large
Mr. Teddy Carter	Gjoa Haven	Kitikmeot representative
Ms. Madeleine Redfern	Iqaluit	Baffin representative; Interim Chair March – October 2009
Ms. Lorraine Land	Iqaluit	GN representative until September 2009
Ms. Siobhan Arnatsiaq-Murphy	Iqaluit	GN representative, appointed October 2009
Ms. Tara Tootoo-Fotheringham	Rankin Inlet	Kivalliq representative, appointed October 2009
Ms. Janet Slaughter	Iqaluit	Law Society of Nunavut representative, Chair as of October 2009

In 2009-2010, the Board of Directors wrestled with vacancies and struggled to meet in this fiscal year. There were differences of professional opinions between the Board of Directors and the previous Executive Director regarding the roles and responsibilities of each - including areas of policy development and approval, budget development including allocation of the organization's

resources, financial reporting, contracting of services and operational approvals. By the fall, the problems were largely rectified by the departure of the Executive Director.

An Executive Committee was established in November comprised of Ms. Slaughter, Ms. Redfern, and Ms. Arnatsiaq-Murphy. The Executive Committee met more frequently by teleconference.

The Board of Directors met on:

October 17–18, 2009: in person, Rankin Inlet

November 9, 2009: teleconference

November 28-29, 2009: in person, Iqaluit

March 20 -21, 2010: in person, Iqaluit

LSB Staff

LSB staff is steadily growing. All lawyers and senior managers are directly employed by LSB. In addition, each of the regional legal aid clinics employs their own administrative staff and hire the courtworkers.

Staff retention has always been a concern. However, some of longer serving members are changing that – and LSB is benefitting from the continuity and stability their northern experience and historical corporate knowledge brings to both the organization and new lawyers. While each of our staff contributes their own special skills, every single member of the team has demonstrated their commitment and dedication to the provision of legal services in this territory. This has never been more evident than this past year – where the delivery of quality legal representation was never comprised despite the most difficult of circumstances at the highest administrative levels. The Board wishes to acknowledge the hard work of the LSB team – and express their appreciation and congratulations on their excellent work this year.

**THE LSB TEAM
2009-2010**

Staff	Location	With LSB since	Position
Jonathan Ellsworth	Iqaluit	May 2004	Clinic Director, Maliiganik Tukisiiniakvik
Christian Lyons	Iqaluit	October 2006	Criminal Lawyer
Scott Wheildon	Iqaluit	February 2009	Criminal Lawyer
Naomi Wilman	Iqaluit	February 2009	Family Lawyer
Mandy Sammurtok	Iqaluit	January 2009	Criminal Lawyer
Paul Lesarge	Iqaluit	July 2009	Family Lawyer
Mark Mossey	Iqaluit	January 2010	Civil/Poverty Lawyer
Norman Boose	Iqaluit	January 2009	Student at Law
Ken Kinnear	Rankin Inlet	January 2009	Acting Clinic Director; Family Lawyer
Glen Wilson	Rankin Inlet	February 2008	Criminal Lawyer
Leslie Moore	Rankin Inlet	December 2008	Criminal Lawyer
Karen Wilford	Cambridge Bay	November 2004	Clinic Director; Senior Family Counsel; Interim Courtworker Coordinator
Peter Harte	Cambridge Bay	January 2005	Senior Criminal Counsel
Gary Magee	Cambridge Bay	March 2009	Criminal Lawyer
Diana Fan	Cambridge Bay	August 2009	Family Lawyer
Clare Henderson	Cambridge Bay	September 2009	Criminal Lawyer; After Hours Law Line Coordinator
Tony Akoak	Gjoa Haven		Acting Financial Supervisor; Office Manager
Sara Takkiruq	Gjoa Haven	February 2000	Senior Statute Administrator
Hannah Qirrqut	Gjoa Haven	Fall 2004	Finance & Operations Analyst Statute Clerk
Ken Harris	Ontario	July 2008	Financial Manager (until March 2010)
Paul Nettleton	Iqaluit	September 2006	Executive Director, LSB (until October 2009)
Feliks Gawor	Rankin Inlet	February 2010	Executive Assistant
Teena Hartman	Rankin Inlet	August 2003	Interim Executive Director, LSB (appointed November 2009)

Private Bar Panel

LSB has been dealing with a diminishing number of resident lawyers in private practice in Nunavut – last year there were only 6. Since then (of that 6), one was appointed as a Judge to the Nunavut Court of Justice, and 2 are not prepared to accept or work on legal aid files.

There are also 3 private counsel residing outside the territory who work exclusively on Nunavut legal aid files. When additional or outside counsel is needed to supplement circuit assignments, LSB contracts with panel lawyers for specific services and cases. For choice of counsel matters, there are 3 private practice criminal lawyers who have the right of first refusal, primarily because of their extensive legal and northern practice experience.

Whilst LSB has worked on developing a policy to meet the legislative and court decision requirements regarding choice of counsel, the lack of sufficient resident criminal counsel (which is beyond LSB's control) compromises LSB's ability to meet its legal obligations. Compounding this challenge is the growing number of eligible applicants for choice of counsel along with its associated costs and resources. To address this issue, LSB has made an application to GN Justice to have the legislation reviewed with a view of amending this provision.

In addition to resident private counsel, last year LSB called on 7 non-resident counsel to provide legal services to Nunavummiut.

With an ever-growing crime rate, increasing circuit Courts, additional Court sittings, increasing family law applications, and an increased awareness and demand for civil law assistance, more and more lawyers are needed to deal with the significant growth on the dockets. As the Nunavut private bar shrinks, LSB has had to cast a wider net in locating additional resources – whether to increase the number of staff lawyers or identify and increase the number of private lawyers to add to LSB's panel of private counsel.

Regional Clinics and Boards

The *Legal Services Act* provides for each region to appoint regional bodies to oversee clinic operations. The regional board model was established to assist the clinics in the delivery of legal services. All three clinics continue to experience increased requests for legal services every year and this year was no different. As a result, each legal aid clinic submitted budgets for increased funding from LSB. Unfortunately, these requests did not result in additional funds for the clinics. It is obvious that the clinics will require additional funds to deal with increasing infrastructure costs associated with growing staff. LSB is preparing financial submissions for the GN to advocate for these increased funds.

Maliiganik Tukisiiniakvik has historically been the busiest of three clinics as it represents the 13 communities of the Baffin region and is located in Iqaluit. As such, the clinic employs the largest number of courtworkers and often takes the lead on important LSB projects. The Maliiganik regional board of directors met regularly throughout the year, and supported the clinic's efforts to improve pay and compensation for their staff. Maliiganik also participated in several PLEI initiatives in their region which included information sessions at the Women's Shelter, a legal

information program at the correctional facility, and a community session in Pangnirtung. In addition to filling several courtworker vacancies throughout the Baffin region, the Maliiganik clinic also took a lead role in the development and delivery of a courtworker training program this year, which was funded by the federal Department of Justice. Although LSB continues to search for a senior criminal lawyer for Maliiganik, the clinic has added a family lawyer and a civil lawyer to their roster this year. Under the leadership of Jonathan Ellsworth, the Iqaluit clinic continues in its commitment to meet the legal needs of Nunavummiut in their region.

Keewatin Legal Services Centre in Rankin Inlet serves the 7 Kivalliq communities. Lawyers attended approximately 20 circuits in the region this year, and that number is expected to increase in the coming months. The Rankin Inlet clinic has been advocating for increased office space in recent years to address the inadequate conditions of their current space. Although this plan had been approved by both the GN Department of Justice and the LSB Board of Directors, the actual fulfillment of the goal fell short in the summer of 2009. While the delay was disappointing, the issue is once again at the forefront and plans are underway to lease new premises during the next fiscal year. This past fall, the clinic director accepted an interim assignment with head office and Ken Kinnear stepped in as acting clinic director. This move also left the clinic with a vacant family law position that has not been filled to date. Keewatin Legal Services employs one full-time courtworker, one part-time courtworker, and one administrative assistant. Two criminal lawyers and a family lawyer maintain vigorous practices within the region, and requests for additional counsel have been made. The Rankin Inlet clinic also assumed responsibility for the Family Law Line which had been non-operational for some time. It is expected that the toll free number will soon be reactivated and available to all Nunavummiut. In the fall of 2007, LSB disbanded the regional board of directors for the Kivalliq. Work is now underway to re-structure that body and draft new by-laws, and it is hoped that the clinic will once again have a regional board in the coming months. Despite the challenges of the past year and the need for additional lawyers (and space) in Rankin Inlet, the dedicated staff at Keewatin Legal Services continued to offer exceptional services to the people of their region.

The Kitikmeot Law Centre in Cambridge Bay houses 5 lawyers, 2 of which serve as LSB's Senior Counsel in family and criminal law. Clinic director Karen Wilford performs several duties for LSB including that of Senior Family Counsel and Interim Courtworker Coordinator. Although historically the smallest of the regional clinics, Kitikmeot Law Centre has assumed greater administrative duties in recent years including the administration of the family law applications, the coordination of the After Hours Law Line, and the momentous task of circuit schedule assignments. Despite this, the 3 criminal lawyers and 2 family lawyers in Cambridge Bay maintain busy practices and organize considerable PLEI activities - including a weekly radio show, information sessions at the Wellness Centre, Nunavut Arctic College and Kugaaruk high school, and participating in a local Youth Panel. The Cambridge Bay clinic also employs 1 full-time courtworker, 3 part-time courtworkers, and an administrative assistant. The clinic struggles with its administrative responsibilities and the workload is taking its toll. LSB has been asked to provide additional resources to support this growth. The Cambridge Bay clinic benefits from having 2 senior, long-serving staff at the helm. It is their experience that allows the Kitikmeot Law Centre to stretch its resources as far as they do and still provide the high caliber of legal services the region has seen this year.

Head Office

LSB's head office is located in Gjoa Haven. It is staffed by 3 full-time employees, all of whom are employed by the GN but report directly to the Executive Director.

Head office is responsible for the review and processing of accounts payable and their entry into the GN's freebalance system for payment. Invoices and expense claims are reviewed, sent for appropriate authorization and then entered into the GN system for payment. In addition, criminal and civil legal aid applications are processed for eligibility at head office, along with counsel assignment for successful applicants.

Historically, the Executive Director was located in Gjoa Haven as well, but that changed in 2008 after a lengthy competition yielded no candidate willing to move to that hamlet. The GN then permitted the successful candidate to be located in Iqaluit, with the proviso that the Financial Manager be situated in Gjoa Haven. Although that condition precedent was made known, the former Financial Manager did not make the required move. As that position is now vacant, the Gjoa Haven office staff remains at 3. The 3 staff currently in Gjoa Haven has the unique designation as being the only government employees on the LSB staff. Each of those individuals report directly to LSB, but are GN employees.

It should also be noted that subsequent to the departure of the Executive Director in October 2009, an Interim Executive Director was appointed for a term of one year. Teena Hartman, a senior LSB staff member with the Keewatin Legal Services Centre, accepted the appointment and is fulfilling that role from Rankin Inlet.

APPLICATIONS & APPROVALS

The ramifications of the loss of LSB's database several years ago are still being felt. Statistical information with respect to client applications, duty counsel services, and areas of practice are still not easily collated, and must be produced manually. Last year, LSB engaged an information technology firm to develop a new system for this purpose. Phase 1 and 2 have been completed, and plans to complete phase 3 have been approved for next fiscal. The information below gives a sense of the services legal aid has provided this year, although we do caution that these numbers may not be comprehensive. It is the most accurate report we can generate from a database that is not yet completed.

- LSB staff lawyers (and LSB approved private panel counsel) attended 55 circuits in 2009, and an additional 6 Court sittings for jury trials of varying lengths.
- LSB processed 215 criminal law applications this year (from both adults and youth), and 190 of those applications were approved.
- LSB processed 330 family law applications this year (excluding child welfare), and 177 of those applications were approved.
- LSB processed 58 child welfare applications this year, and 53 of those applications were approved.
- LSB handled approximately 136 civil/poverty issues this year, the majority of which were completed by year end.
- As of March 2010, 6 criminal appeal matters have been approved to proceed.
- As of March 2010, 190 family files have been assigned to lawyers. There are 7 additional files that have been approved to proceed but are awaiting available counsel. In addition, 105 applicants have been approved for an opinion, but are awaiting available counsel.

For those unfamiliar with legal processes, please note that these numbers do not reflect actual case loads. Many matters (both family and criminal) carry over from fiscal year to fiscal year – particularly the more complicated, time consuming litigations.

ONGOING PROJECTS

After Hours In Custody Law Line

This toll free line has been in operation since December 2003. Nunavummiut, like all Canadians, have a Constitutional right to speak with a lawyer when they have been arrested. If an arrest happens outside of business hours, it is often difficult for an accused or the RCMP to contact a lawyer to satisfy this person's Constitutional rights. The law line has been an excellent tool to fulfill the legal requirements, plus simplifying and speeding up this process. The after hours lawyer also performs any necessary bail hearings that occur outside of regular clinic hours. Following the loss of the internal database, the numbers of calls received have not been tracked adequately, but once the final developmental stages of the new database are completed, this will change.

Originally this line was staffed on a volunteer basis by LSB lawyers. This past spring, a change was instituted to compensate the lawyers for their work on the law line. Increases in case loads for the lawyers began to impact on the number of staff willing to devote their free time to the program. The After Hours Law Line now offers reimbursement to the lawyers who keep the law active 24 hours a day, 365 days a year.

Family Law Line

This toll free line has been largely inactive since 2008, due to operational challenges. Its purpose was to offer general family law information to callers who were trying to assess whether they had viable matters to pursue. This winter, a proposal was submitted by the Keewatin Legal Services Centre to reinstate the program. Given the growing numbers of family law applicants, the proposal was approved and is expected to be operational in the next fiscal year.

Civil/Poverty Law Program

One element of this project is the toll free law line that operates much as the others - it offers general legal information to callers seeking assistance in dealing with various civil legal issues. This can include connecting a caller to an appropriate agency or department, assisting with the preparation of small claims documents, or even assessing whether a matter is actually a legal one. The law line itself offers only general information, but it is staffed by the civil/poverty lawyer who administers the files of approved civil clients.

The civil/poverty law program began as a pilot project some time ago. As Nunavummiut became more aware of their civil rights, and other agencies and government departments became aware of the program, the project has now grown into a viable, needed service offered by LSB. For the most part, files are resolved quickly without litigation or with LSB counsel appearing as *amicus curiae*. There are also a handful of matters that require attendance at administrative tribunals or occasionally at the Nunavut Court of Justice. LSB does not handle any complicated civil litigations such as medical malpractice or personal injury files, but we will assist applicants in locating private counsel who may be able to bring those types of matters to Court. Areas of LSB coverage include landlord/tenant issues for private, staff, and public housing, wrongful dismissal, and human rights infractions. Our civil/poverty lawyer has also assisted in settling public agency

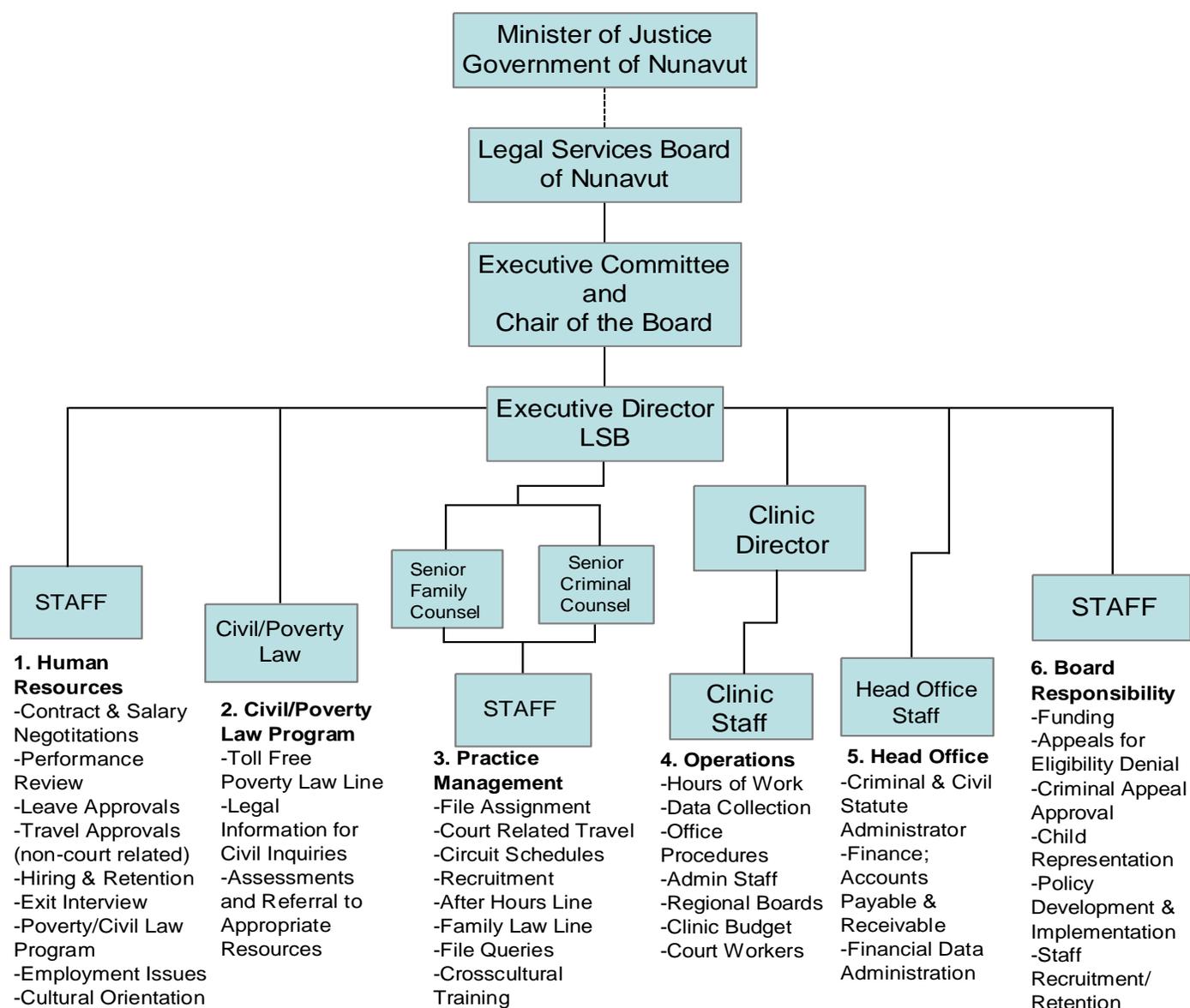
complaints and offered a PLEI session in Pangnirtung. A breakdown of the civil/poverty files can be found in *Appendix D; Poverty Law Matters*.

The number of approved civil files averages around 100 a year. And it is this continuing need that the program seeks to address. LSB is preparing a financial submission to incorporate the civil/poverty program into our core services with appropriate funding attached to it.

Appendix A:

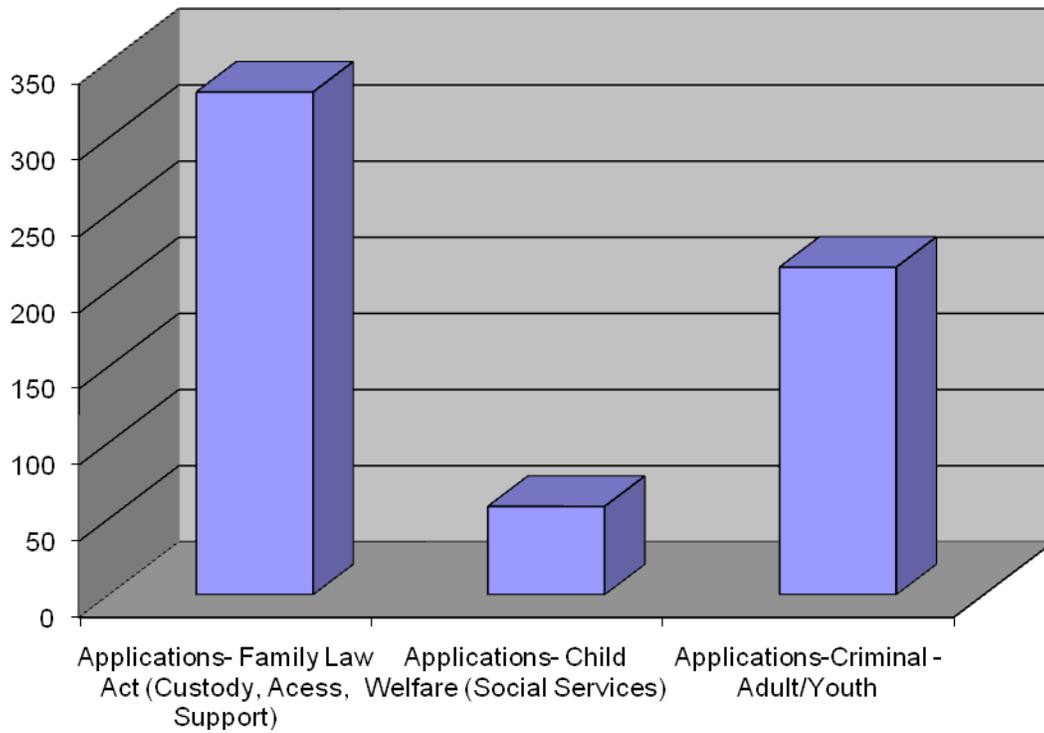
LSB Organizational Chart

March 20, 2010

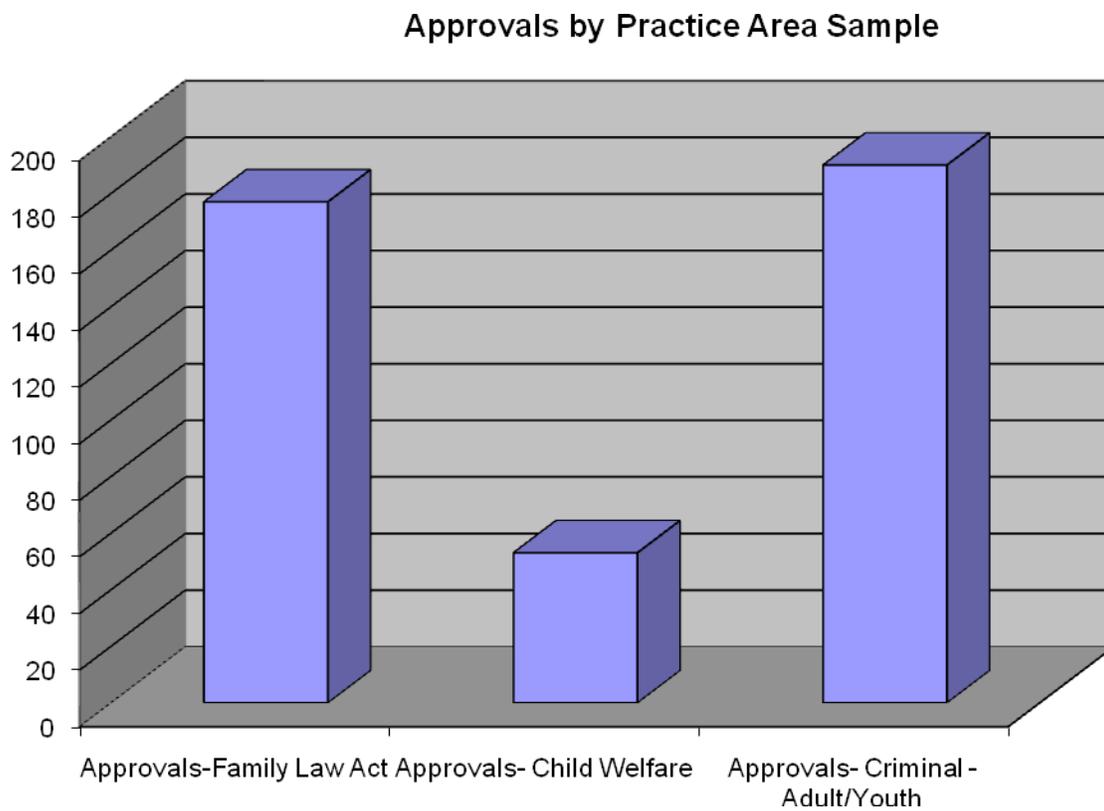


Appendix B:

Applications by Practice Area Sample

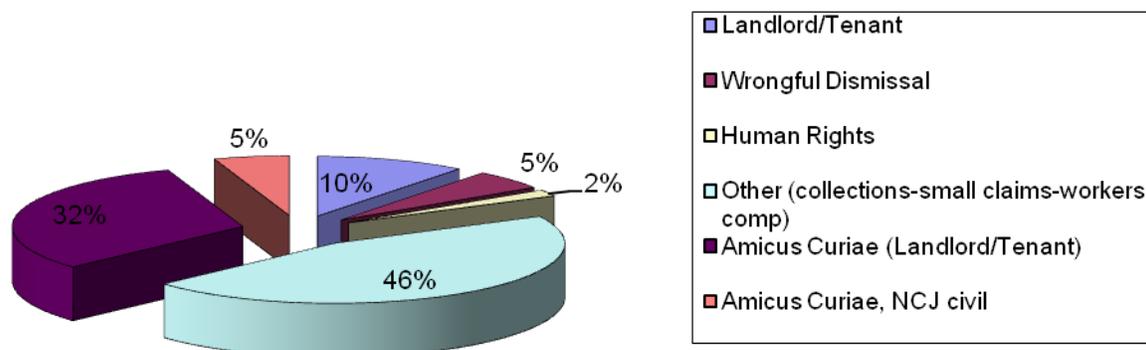


Appendix C:



Appendix D:

Poverty Law Matters -Calendar 2010 to present



Appendix E:

Approvals by type

