

**Legal Services Board of Nunavut**  
**Annual Report**  
**2012-2013**  
*(Thirteenth 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 a Civil/Poverty Law Line offering general civil law information.

The 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. The GN Minister of Justice appoints all LSB Board members. Legal services are provided through three regional clinics, each of which has a regional board of directors. Although LSB is publicly funded, it is not a government department - it is an arms' length public agency that is independently run.

The administrative offices of LSB are located in Gjoa Haven, Rankin Inlet and Iqaluit. LSB's accounts payable and receivable are primarily handled by the Gjoa Haven office, along with client intake, application assessments, and the financial eligibility analysis.

LSB's regional legal aid clinics are located in Cambridge Bay (Kitikmeot Law Centre), Rankin Inlet (Kivalliq Legal Services), and Iqaluit (Maliiganik Tukisiiniakvik). Each clinic is staffed by a complement of family and criminal lawyers, administrative support, and courtworkers. Courtworkers are based both within the clinics and in most Nunavut communities. Communities without a local courtworker receive telephone and in-person support from assigned regional courtworkers. There are also civil/poverty lawyers on staff at the Iqaluit and Cambridge Bay clinics.

The Chief Executive Officer is located in Rankin Inlet and is supported by a Chief Operations Officer in Iqaluit, an Executive Assistant and a Comptroller.

In addition to its staff lawyers, LSB continues to rely on private counsel (non-staff lawyers) to meet the demands of clients, conflicts, the Court, and a growing circuit schedule. The private lawyers are approved by the Board to LSB's various panels. At first instance, all Nunavummiut who are criminally charged are presumptively entitled to legal aid counsel for their first Court appearance. Legal aid defence representation for subsequent appearances will only be approved by LSB if a client has satisfied the financial eligibility criteria. Similarly, family and civil law applicants must also meet financial eligibility and case criteria prerequisites. Assignment of legal aid counsel will be made following the assessment of a legal opinion. Opinions are not required for child welfare cases or for child clients who require independent representation for their own interests, separate from those of guardians or the state.

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

## MESSAGE FROM THE CHAIR OF THE BOARD

On behalf of the Board of Directors of the Legal Services Board of Nunavut, it is my pleasure to present the 2012-13 Annual Report.

LSB continues to grow and strengthen the organization to ensure that Nunavummiut have access to high quality legal aid representation. The Board continues to work very closely with our management team as they continue to work diligently to fulfill our mandate. The Board is extremely thankful for the tireless commitment provided by our staff and wishes to acknowledge all of their contributions.

The enclosed report illustrates our ongoing commitment to providing a wide range of quality legal aid programs within the Nunavut territory. Key activities for 2012-13 were initiating LSB's first independent financial audits for the years 2010 to 2013, which are expected to be completed in the next fiscal year and presented to the Legislative Assembly. This year, LSB was able to generate better financial and statistical reports from its internal systems. These reports enable LSB to better manage its resources, thereby increasing its effectiveness and accountability. This also permits LSB to fully demonstrate to the Government of Nunavut LSB's uncontrollable costs and secure additional funds, either to cover off shortfalls or acquire additional operational funds in future years. LSB secured an additional \$1.71 million for 2011/12 and \$1.3 million for 2012-13. LSB's annual budget for 2012-13 was \$9.5 million.

The Systemic Organizational Review also began this year. Consultants undertook an in-depth analysis of the structure and processes of all the various entities involved in the delivery of legal aid within Nunavut. All key stakeholders were invited and participated in the investigation and consultation process. The consultants will provide LSB with a report and recommendations to improve LSB's structure. They will also provide processes to address inefficiencies and increase effectiveness with respect to our operations. LSB and its three regional clinics continue to grow with respect to staff size and office space in response to the increased demands and need for legal aid services.

On behalf of the LSB Board of Directors, we thank our partners for working with us to provide quality services and improve access to justice for Nunavummiut.

Thank you,  
***Madeleine Redfern***  
***LSB Chair***

## MANDATE

LSB's mandate is outlined in section 7 of the *Legal Services Act*. 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.*

The territory of Nunavut has seen a tremendous growth in the demand on the justice system in recent years and LSB has responded by increasing its legal resources and developing better internal procedures to ensure that Nunavummiut are well represented in circuit Courts across the territory. In the last few years, LSB has seen increases in the number of applicants for criminal, family, and civil representation. The Nunavut Court of Justice has consistently added Court weeks in recent years and LSB has kept pace by ensuring that counsel are present and available. LSB's ability to keep up with this growth has been supported by additional funding provided by the Government of Nunavut's Department of Justice.

LSB's courtworker program continues to support the delivery of legal services in Nunavut by assisting both counsel and clients at the local level in almost every community in the territory. The courtworkers assist at circuit Court and in file preparation, but most importantly by providing interpretation services to ensure that legal aid clients are participating fully in their Court matters. Their role in helping clients understand the justice system and how the law is impacting their lives is a critical part of ensuring Nunavummiut have access to justice.

Delivering public legal education and information is a challenge in a territory where communities are accessible only by air and where the majority of these communities have no other legal resources available. LSB's toll-free legal lines are an important asset, along with the time that our legal staff contributes to doing community sessions, developing presentations, and identifying legal areas that need to be addressed.

Each year, LSB's dedicated team of lawyers and courtworkers ensure that our mandate is being met with integrity and skill.

## THE YEAR IN REVIEW: 2012 – 2013

**2012-2013** was a busy and productive year for the Legal Services Board. In addition to meeting an increased demand for legal aid, the highest number of Court weeks of any year, and initiating the much anticipated Structural/Organizational Review, LSB is also in the process of undertaking four years' worth of independent financial audits for the very first time. This has been a landmark year for our organization on many fronts and LSB's Board of Directors, executive team, regional boards, legal and administrative staff worked very hard to ensure it was a successful one.

- The number of legal aid applications this year was higher than previous years, and not surprisingly this corresponded with an increased number of Court weeks. The increase was evidenced in our criminal practice, and although there was little change in the number of family law applications, this was offset by an increase in child welfare matters. The total number of Court weeks that were covered by legal aid grew from 235 last year to 326 this year (*Appendix A*). This indicates a significant cost increase for legal resources and travel that was addressed by a funding increase from the territorial government. The Nunavut Court of Justice flies to each Nunavut community to hold circuit Court, and LSB generally provides 1 staff lawyer and 1 private lawyer for each circuit. LSB lawyers usually fly into the communities earlier in order to meet with their clients before court hearings. The growing number of Courts weeks adds a noticeable burden to LSB's budget for legal resources and travel costs.
- The number of criminal law legal aid applications last year was 197, resulting in 168 approvals. Those numbers grew this year to 312 criminal law legal aid applications, with 252 approvals issued (*Appendix A*). For the family practice, 219 applications were received last year with 47 of them being for child welfare matters. In 2012-13, 218 family law legal aid applications were received and 70 of those were for child welfare matters. The increase in child protection files is significant as those are the files that are generally the most complicated and time-consuming for counsel. The civil/poverty practice remains relatively steady with 60 applications last year and 68 for this year. Nunavummiut however, are becoming more aware of these services as last year there were 203 referrals made, compared to the 276 referrals made this year.
- The After Hours Law Line, which handles 10(b) calls, is a service offered by LSB 24 hours a day, 365 days a year. If an accused asserts their right to counsel on arrest, RCMP across the territory use the Law Line to connect the accused with a lawyer. The Law Line is operated by LSB staff lawyers on a rotational basis and is primarily accessible after regular business hours. In addition to providing individuals with advice upon arrest, the Law Line staff member will also handle any after hours show cause hearings that arise from the call. Usage of the After Hours Law Line has similarly increased over the years, both in the number of calls received and the number of bail hearings being held. In 2011-12 the Law Line received 719 calls, and handled 138 after hours show cause hearings. In 2012-13, the Law Line received 909 calls and handled 180 show cause hearings (*Appendix B*).

- In March 2013, the LSB legal team was made up of 12 criminal lawyers, 5 family lawyers, 2 civil/poverty lawyers, and the CEO in accordance with legislation. Staff lawyers were assigned to the Cambridge Bay, Rankin Inlet and Iqaluit regional clinics. Additional funding was approved by the GN late this year to address the increased legal resource needs prompted by the addition of more Court weeks. LSB is now able to add 3 criminal lawyer positions to bring the criminal legal team to a complement of 16. LSB is currently in the process of recruiting for the new positions.
- Legal services are provided through a blended model, which means LSB utilizes private lawyer panels to supplement and support staff lawyers handling client files and litigation. The blended model of service delivery is critical to meeting the volume of files and ensuring that potential conflicts of interest can be addressed in a timely manner. This year, LSB's private criminal lawyer panel sat at 18, while the private family lawyer panel had only 1 lawyer, although efforts to recruit and increase the number of private family law lawyers is underway.
- This past year the Keewatin Legal Services Centre in Rankin Inlet changed its name to Kivalliq Legal Services. This change had been contemplated for some time to reflect regional linguistic identity. The regional board approved the change this year at their annual general meeting.
- Also this year both the Cambridge Bay and Iqaluit clinics moved to new, larger office spaces. Both Maliiganik Tukisiniakvik in Iqaluit and the Kitikmeot Law Centre in Cambridge Bay had been given notice last year that their old locations would no longer be available. After much work by the regional boards and staff, both legal aid clinics secured new space and completed their moves before year end. These moves were much welcomed by legal aid staff and clients in both regions.
- This past year, LSB saw the departure of Board member Siobhan Arnatsiaq-Murphy who served as the GN representative on the territorial board since October 2009. The GN Minister of Justice filled this vacancy with the appointment of Ms. Margaret Hollis who joined the Board in September 2012. LSB acknowledges and thanks Ms. Arnatsiaq-Murphy for her valuable contributions. The territorial board also welcomes Ms. Hollis and the experience she brings to the position.
- The GN Departments of Finance and Justice continue to oversee and control LSB's financial records and key financial processes. The GN continues to process LSB's accounts payable and receivable, compensation and benefits. The progress that LSB has made in recent years has enhanced the work of our GN partners. For the first time in our history, LSB's newly developed internal financial systems supported the undertaking of independent financial audits of the organization. This is a significant development, as the audits now recognize LSB's chart of accounts and records as the official financial records of the organization. The audit process has been many years in development, and this year successfully reconciled LSB's internal records with the GN's Freebalance system. The

ability to sustain internal records that reflect the needs of the organization not only improves the Board's ability to manage the finances, but also supports the additional accountability that accompanies independent financial audits. This LSB audits to be done will be for 2009-10, 2010-11, 2011-12, and 2012-13.

- An additional benefit of LSB's internal record-keeping is our ability to track expenditure trends in key program service areas and produce timely projections. For the year 2012-13, LSB is able to report that our budget was allocated as follows: 56% to the legal practices, 25% to the regional clinics, and 19% to administration and governance. Within the legal practice areas, LSB reports that 73% was spent on criminal law, 22% on family law, and 5% on civil/poverty law. Historically, these numbers could not be produced by the GN Freebalance system, and it is a reflection of LSB's increased capacity that they can now be tracked and reported through our internal financial processes.
- Again this year LSB struggled to maintain pace with the Nunavut Court of Justice and increased Court sittings. In the fall of 2012, LSB submitted a request for increased funding to the GN in order to address an anticipated shortfall for 2012-13 and also to meet increased costs projected for next year. The primary drivers of these cost increases were a higher number of Court weeks which required additional legal and travel resources. The cost of new office space for the Iqaluit clinic was another significant factor that prompted the request for additional funds. Near the end of this year, LSB was pleased to learn that the GN had approved additional monies for LSB for the current and subsequent fiscal years. LSB will continue to monitor the uncontrollable cost drivers to ensure that LSB's expenditures are projected on a timely basis and that LSB is adequately funded to deliver legal aid in Nunavut.
- As indicated earlier, the criminal practice responded to increased applications for assistance and attended additional Court weeks this year. At year end, in addition to that work, LSB carried 10 active criminal appeals (closing 15 appellate files throughout the year) and 18 active s.40<sup>1</sup> (choice of counsel) matters (closing 7 throughout the year). Section 40, or choice of counsel, matters are our most serious files involving murder, attempted murder, aggravated sexual assault, and other offences that carry the risk of life imprisonment.
- Late this year our civil/poverty practice added a second lawyer in Cambridge Bay to assist with the approximately 276 requests for assistance received in the areas of employment, tenancies, and human rights. The absence of legal resources in the majority of Nunavut communities compounds the frustrations, risks, and rights violations created by housing shortages, lack of employment opportunities, and poverty. This area of practice is an important component of LSB's commitment to promoting access to justice for Nunavummiut.

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<sup>1</sup> Section 40 of the *Legal Services Act* states: Where an eligible person is charged with an offence, other than a prescribed offence, for which the maximum penalty is life imprisonment, the eligible person may for his or her defence select any lawyer who is resident in Nunavut and prepared to act on behalf of the eligible person. S.Nu.2011,c.6,s.16(3).

- This year, LSB appeared before the Standing Committee on Legislation in support of a proposal to amend the *Legal Services Act* with respect to legal conflicts and repealing section 40, the choice of counsel entitlement. Section 40 of the *Legal Services Act* allows an accused to select their lawyer, who must be resident in Nunavut, if they are charged with an offence that carries the risk of life imprisonment. Without the internal capacity to have staff lawyers carry these files, and without a resident criminal private bar that has enough practitioners to allow a meaningful selection, LSB cannot practically comply with this provision of the statute. While the Standing Committee was supportive of the proposed amendment to enhance the protection of Nunavut counsel with respect to legal conflicts, they did not agree with the amendment to remove section 40. LSB is grateful for the opportunity to participate in this process with the Department of Justice and also expresses thanks to the Standing Committee for their consideration of the proposal. LSB remains non-compliant to s.40 of the LSA, with the full knowledge of the Nunavut Department of Justice and the Legislative Assembly. This year, LSB undertook a preliminary investigation into potentially increasing the tariff rates for private panel lawyers. These rates are set down in legislation as part of the LSA regulations. LSB was told by the Department of Finance that such a proposal would not be considered as it did not meet the FMB's requirement of being an uncontrollable cost. No further work has been done to advance tariff rate increases at this time.
- The courtworker program is administered through the regional legal aid clinics. Courtworkers play a critical role in the delivery of legal services as they facilitate access to legal aid as community liaisons for lawyers, clients and witnesses for court on circuits. Courtworkers frequently are called upon to assist counsel with interpretation and client interviews as well. At the end of this fiscal year, 19 courtworkers were employed by the regional clinics around the territory. Just as LSB is the only organization offering a legal presence in Nunavut outside of Iqaluit, the courtworkers are often the only legal presence in many of the smaller hamlets where no lawyers reside. Maliiganik Tukisiiniakvik employs 12 courtworkers across the Baffin; Kivalliq Legal Services employs 3 courtworkers in the Kivalliq; and the Kitikmeot Law Centre employs 4 courtworkers across the Kitikmeot.
- Public Legal Education and Information (PLEI) is an important part of LSB's mandate. While LSB's resources are primarily committed to Court work and file management, legal aid staff offered general legal information through the Family Law Line and Civil/Poverty Law Line; attended sessions at Nunavut Arctic College campuses in Iqaluit, Rankin Inlet, and Cambridge Bay; attended sessions at the Iqaluit Women's Shelter, the Baffin Correctional Centre, the Wellness Centre in Cambridge Bay, the Puulaarvik Friendship Centre in Rankin Inlet, and in high schools in various communities across the territory. Courtworkers participated this year in local radio question & answer shows with counsel in attendance. Staff lawyers also assisted by developing materials for distribution in communities on topics ranging from search and seizures, child apprehension, child support, and gun safety laws.
- Development of LSB's database continues. All planned phases of the database are very near completion. The database is the mechanism by which LSB monitors statistics and

assignments of all client matters. All statistical and file management information is monitored and reported through the database and the final step (anticipated for next year) is to train and implement its usage with LSB lawyers across the territory. The information currently provided by the database is critical for financial planning, practice management (including identifying and avoiding conflicts), budgeting, and projections. It is also a critical component in allowing LSB to meet its reporting requirements for our territorial and federal funders.

- In 2010, the LSB territorial Board of Directors began work on a Structural/Organizational Review (SORC) to evaluate the organization's governance, administrative and operational structures and procedures. The purpose is to identify structural and operational problems with a view to improving organizational effectiveness. The first stage, which involved comprehensive interviews of legal aid stakeholders and partners such as the Judiciary, the GN departments of Finance and Justice, Justice Canada, staff, regional legal aid Boards, territorial Board members and courtworkers, was completed this year. The consultants are completing the next phase which is a report of the findings from the interviews. This draft report will be brought before the territorial Board early next fiscal year, with a view to Directors evaluating and (possibly) accepting the recommendations. Also it is hoped that next fiscal year, the recommendations will be prioritized and shared with stakeholders as LSB begins work on implementation. LSB would like to thank all of our partners and colleagues who participated in the interview phase.

## THE FINANCIAL PICTURE

### *Funding Sources & Expenditures*

LSB's budget for 2012-13 was approximately \$9.5 million dollars. As indicated above, LSB's request for supplemental funding was approved by the GN in the third financial quarter thereby assisting LSB to avoid a deficit. The supplemental appropriation submission explained the nature and the amount of uncontrollable factors leading to additional costs such as the increase in Court weeks, subsequent travel cost increases and the loss of subsidized office space in Iqaluit.

In addition to the supplemental funding approval, the GN recognized and approved that those cost increases would be on-going. LSB's request for a budget increase for future years was partially approved with a commitment from the GN to review another request next year if the full amount should be needed.

For the first time, LSB will not be reporting on the GN Freebalance line items as we have in previous annual reports. This year, we are pleased to present the first independently audited statements for LSB (*Appendix C*). This year saw the culmination of an effort that began in 2009 – LSB's development of internal financial reporting mechanisms that support good financial governance, including independent audits.

Following a competition process that followed the GN guidelines for procurement of services, the firm of Mackay Landau in Iqaluit was appointed as the auditor for LSB. Audits for the fiscal years 2009-10, 2010-11, 2011-12, and 2012-13 began toward the end of this fiscal year and expected to be completed in the next year. Historically, the GN maintained that LSB's finances were part of the GN Justice general accounts and, as such, were audited during the government's auditing processes. This year, after several years of implementing internal coding, processes and controls, LSB was able to support an independent audit of its own finances to be reconciled against the GN Freebalance accounts.

The territorial Board of Directors warmly welcomed the opportunity to undertake its first financial audits. These audits are significant not only because LSB can now finally comply with legislation for public agencies, but also because they illustrate the organization's accountability and commitment to transparency. The statements, developed on LSB's internal coding, clearly articulate the financial needs and expenses required to provide legal aid in Nunavut. These statements also represent a much clearer picture of legal aid than could previously be produced by Freebalance.

In 2012-13 LSB allocated fiscal resources primarily to governance and administration (19%), legal practices (56%) and clinic operations (25%). Within the legal practices, 73% of monies were spent on criminal files, 22% was spent on family files, and 5% on civil/poverty files. This is a realistic representation of the costs running a legal aid plan in Nunavut, and a reasonable representation of the legal demand on our organization.

### ***Tariff Rates***

As LSB delivers legal services through a blended model, LSB frequently contracts with private counsel as legal aid panel lawyers to assist with Court circuit and file coverage. The tariff rates that are payable to LSB panel lawyers are statutorily set by Nunavut legislators and are shown below.

#### *◇For resident lawyers*

<b>Tariff Item</b>	<b>Category</b>	<b>Hourly Rate</b>	<b>Daily Circuit Rate</b>
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*

<b>Tariff Item</b>	<b>Category</b>	<b>Hourly Rate</b>	<b>Daily Circuit Rate</b>
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

### ***Eligibility for Legal Aid Services***

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.*

Individuals applying for legal aid are required to submit supporting financial documentation such as pay stubs, receipts, and statements for expenses claimed (except for clothing, food, and transportation) to establish their financial eligibility. Applicants who receive social assistance are automatically deemed eligible without expense statements, once proof of coverage by Income Assistance is received.

LSB's presumed eligibility practice for criminal and child welfare matters also must be considered, as these clients are not required to submit financial information. Presumed eligibility allows LSB to provide legal aid services for all Nunavummiut appearing before the Court for a first appearance. If a client decides 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. Clients who require advice on arrest or a bail hearing are also deemed eligible and no financial eligibility assessment is done at that time.

### *Case Coverage*

LSB offers legal counsel for criminal, family, and a limited number of civil matters as provided for under statute and within civil program areas approved by the LSB Board of Directors.

*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 for those who are financially eligible. All Crown appeals are covered if the client had been represented by legal aid in the first instance and continue to fall with the financial eligibility guidelines. 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. LSB will also provide services for Nunavummiut who require advice on arrest or a bail hearing.

*Family:* All child welfare matters are covered to a 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 only covered if there are children involved with custody related issues. Unreasonably protracted disputes relating to property or corollary issues may be severed as LSB's resources cannot support long, drawn-out disagreements on assets or property.

LSB may also assign counsel for children if appointed by the Court or deemed necessary by counsel for child welfare or custody matters to ensure the rights and interests of the child(ren) are not aligned with that of their guardian(s) and/or the state. 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:* The focus of the civil/poverty practice is landlord/tenant disputes, human rights complaints, employment matters and a limited number of related civil law issues. Representation for financially eligible clients is provided where a legal opinion confirms merit.

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. Courtworkers are based in 19 communities around the territory. They are supervised by and report to the regional clinics. Community courtworkers offer vital support to circuit lawyers, particularly during Court weeks. They provide administrative support in coordinating community legal aid applications, connecting clients with counsel (by phone and/or in person prior to court appearances), maintaining contact with clients who are without phones or computer access, serving documents, and facilitating clients' attendance in court. Courtworkers also provide valuable interpretation for clients who are unilingual. From the clients' perspective, courtworkers are a link to the justice system that is critical in a territory where there are resident lawyers in only 3 communities. Courtworkers are a valuable community resource and cultural bridge for Nunavummiut dealing with a justice system that has no real permanent presence in many of the hamlets in Nunavut.

Courtworkers are employed by the regional legal aid clinics on a full-time or part-time basis as demand requires. This year, 19 courtworkers were stationed around the territory. The Baffin region employed 12 courtworkers, 3 in the Kivalliq, and 4 in the Kitikmeot.

Last year, Justice Canada undertook a nationwide survey of Aboriginal Courtworker Programs across the country. Nunavut's client surveys were conducted in Arviat, Cambridge Bay and Iqaluit. Justice Canada reported that over half of the survey participants indicated that the information, referrals, and language support they received from courtworkers made a real difference in helping them understand their charges and legal processes and communicate with their lawyers. Clearly, the contributions of our courtworkers are an integral part of access to justice for Nunavummiut.

LSB is grateful for the contributions of our territorial courtworkers and is committed to growing this program.

## 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, family, and civil 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; establishing private lawyer panels and assigning legal counsel; offering programs and services that support access to justice (e.g. law lines); building a courtworker program that is skilled and community based; 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 of 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:

<b>Member</b>	<b>Community</b>	<b>Office</b>
<b>Mr. Elijah Padluq</b>	Kimmirut	Member at large; appointed May 2007
<b>Mr. Teddy Carter</b>	Gjoa Haven	Kitikmeot representative; appointed May 2007
<b>Ms. Madeleine Redfern, Chair</b>	Iqaluit	Baffin representative; appointed March 2008
<b>Ms. Siobhan Arnatsiaq-Murphy</b>	Iqaluit	GN representative, appointed October 2009; <i>resigned Sept 2012</i>
<b>Ms. Tara Tootoo-Fotheringham</b>	Rankin Inlet	Kivalliq representative; appointed October 2009
<b>Mr. Chris Debicki</b>	Iqaluit	Law Society of Nunavut representative; appointed August 2011; <i>resigned March 2013</i>
<b>Ms. Sarah Nunia Flynn</b>	Rankin Inlet	Member at large; appointed December 2011
<b>Ms. Margaret Hollis</b>	Iqaluit	GN representative; appointed September 2012

This year, the Board of Directors said good-bye to Ms. Siobhan Arnatsiaq-Murphy who served as the GN Justice representative since October 2009. LSB thanks her for her contributions and commitment to legal aid and wishes her well with future endeavours. Replacing Ms. Arnatsiaq-Murphy as the GN Justice representative is Ms. Margaret Hollis of Iqaluit who joined the Directors in September 2012. The Board warmly welcomes Ms. Hollis and recognizes the experience she brings to LSB.

This year, the territorial Board of Directors met twice in person, largely due to delays with the completion of the financial audits. Work this past year concentrated on organizational oversight, policy development, preparation and review of draft financial audits, budgeting and financial analysis and reporting.

The Executive Committee was comprised of Ms. Redfern, Ms. Tootoo-Fotheringham, Mr. Debicki, and Ms. Arnatsiaq-Murphy. The Executive Committee met 4 times this year by teleconference to address on-going business, human resource issues, and financial statement development.

### ***LSB Chair***

Ms. Redfern as LSB Chair continued to be available on an as-needed basis to LSB's Board of Directors, Executive Committee, and senior management staff, and in particular to LSB's CEO. The Chair's responsibilities include receiving regular organizational updates, providing direction, administrative approvals (CEO travel, expenses, etc), contract signing, political and advocacy work (such as correspondence or meeting with GN Minister of Justice) and on-going/emerging issues sufficiently sensitive to require monitoring, oversight and reporting. The Chair also identified issues to be brought to the Executive Committee and/or the full Board and/or the GN Minister of Justice for awareness, consideration, and/or approvals. Ms. Redfern chaired all Board meetings, reported regularly regarding her activities as Chair, and reported on the activities of the Executive Committee. Throughout the year, she also provided regional representation for the Baffin Region at the territorial Board level. The Chair also reviewed and provided a message for LSB's annual reports on LSB's activities for the fiscal year.

### ***LSB Staff***

The number of LSB staff continues to grow. All lawyers and senior managers are directly employed by LSB. Each of the regional legal aid clinics employs their own administrative staff and courtworkers.

This year LSB bid farewell to staff lawyers Lana Saleh, Diana Fan, and Nick Leeson. Also leaving LSB this year was comptroller Jim Leschuk. The Directors extend their sincere appreciation for the contributions made by these colleagues and wish them well in their future endeavours.

Joining LSB this past year were lawyers Patrick Bruce, Stephen Shabala, Riali Johannesson, and Gloria Song. Tiffany Halstead joined the LSB team as Interim Comptroller and Jordan Bens

became the Interim Clinic Director of Maliiganik Tukisiiniakvik. Jonathan Ellsworth, an LSB employee since 2004 was appointed LSB Chief Operations Officer. LSB Directors welcome all to the legal aid team and are excited about working with each of them in the coming year.

Staff recruitment and retention remains an on-going concern, but LSB notes that a significant number of staff has a minimum of 2 years of experience with the organization. LSB, and more importantly our clients, have long benefitted from the continuity and stability that northern experience and historical corporate knowledge bring to the organization, its legal practice and the legal representation of clients. 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. LSB now boasts a strong complement of senior lawyers (some with over 20 years legal experience), and lawyers who have as much as 10 years of working with the organization.

Practicing law in Nunavut is challenging. Our lawyers struggle with significant travel time, managing files and clients by phone or email access only, making Court appearances by telephone, virtually no specialized legal administrative support, a serious lack of community resources and supports for their clients (such as mental health and addictions specialists), and working to promote the principles of the Canadian common law system in a culturally appropriate manner. Each day our lawyers are asked to do more work with less resources and most do so delivering a consistently high quality of service in very challenging environments.

### THE LSB TEAM 2012-2013

<b>Staff</b>	<b>Location</b>	<b>With LSB since</b>	<b>Position</b>
<b>Teena Hartman</b>	Rankin Inlet	August 2003	Chief Executive Officer, LSB
<b>Jonathan Ellsworth</b>	Iqaluit	May 2004	Chief Operations Officer, LSB
<b>Feliks Gawor</b>	Rankin Inlet	February 2010	Executive Assistant to CEO
<b>Jim Leschuk</b>	Rankin Inlet	April 2011	Comptroller, LSB; <i>until August 2012</i>
<b>Tiffany Halstead</b>	Steinbach, MB	September 2012	Interim Comptroller, LSB
<b>Tony Akoak</b>	Gjoa Haven	February 2004	Acting Financial Supervisor; Office Manager
<b>Sara Takkirug</b>	Gjoa Haven	February 2000	Senior Statute Administrator
<b>Hannah Qirrqut</b>	Gjoa Haven	Fall 2004	Finance & Operations Analyst; Statute Clerk
<b>Jordan Bens</b>	Iqaluit	April 2012	Interim Clinic Director, Maliiganik Tukisiiniakvik
<b>Christian Lyons</b>	Iqaluit	October 2006	Criminal Lawyer; Lead Criminal Counsel
<b>Scott Wheildon</b>	Iqaluit	February 2009	Criminal Lawyer
<b>Naomi Wilman</b>	Iqaluit	February 2009	Family Lawyer
<b>Mandy Sammurtok</b>	Iqaluit	January 2009	Criminal Lawyer

<b>Mark Mossey</b>	Iqaluit	January 2010	Civil/Poverty Lawyer
<b>Norman Boose</b>	Iqaluit	January 2009	Criminal Lawyer
<b>Lana Saleh</b>	Iqaluit	July 2010	Criminal Lawyer; <i>until June 2012</i>
<b>Janet Rowsell</b>	Iqaluit	May 2012	Family Lawyer
<b>Jack Squire</b>	Iqaluit	June 2011	Family Lawyer
<b>Diana Fan</b>	Iqaluit	August 2009	Family Lawyer; <i>until January 2013</i>
<b>Deanna Harris</b>	Iqaluit	January 2012	Criminal Lawyer; <i>transferred to Cambridge Bay October 2012</i>
<b>Mark Christie</b>	Iqaluit	February 2012	Criminal Lawyer
<b>Patrick Bruce</b>	Iqaluit	January 2013	Criminal Lawyer
<b>Stephen Shabala</b>	Iqaluit	January 2013	Criminal Lawyer
<b>Glen Wilson</b>	Rankin Inlet	February 2006	Criminal Lawyer; Lead Criminal Counsel
<b>Andrea Smart</b>	Rankin Inlet	January 2011	Family Lawyer
<b>Susan Switch</b>	Rankin Inlet	March 2011	Family Lawyer; Clinic Director
<b>Kathryn Kellough</b>	Rankin Inlet	August 2011	Criminal Lawyer
<b>Riali Johannesson</b>	Rankin Inlet	February 2013	Criminal Lawyer
<b>Tamara Fairchild</b>	Cambridge Bay	September 2010	Criminal Lawyer; Lead Criminal Counsel; <i>transferred to Iqaluit December 2012</i>
<b>Clare Henderson</b>	Cambridge Bay	September 2009	Criminal Lawyer; Interim Clinic Director; After Hours Law Line Coordinator
<b>Gloria Song</b>	Cambridge Bay	February 2013	Civil/Poverty Lawyer
<b>Nick Leeson</b>	Cambridge Bay	December 2011	Family Lawyer; <i>until October 2012</i>

### ***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.

Maliiganik Tukisiiniakvik continues to be the busiest of the three clinics as it represents the 13 communities of the Qikiqtaaluk region and is located in Iqaluit. This 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 relocate to new office space, prepare a budget increase request, and advocate for more administrative support. The Iqaluit clinic responded to 228 arrest calls and 343 show cause hearings unrelated to the After Hours Line. Maliiganik Tukisiiniakvik still struggles to capture statistics on cold call requests but the clinic still makes efforts to record this number. Maliiganik staff also participated in several PLEI initiatives in their region, which included information sessions at the Iqaluit Women's Shelter, a legal information program at the correctional facility, community radio sessions on firearm regulations, a high school mock trial, a community hall

session in Pond Inlet, and the development of pamphlets for distribution by RCMP at the time of an arrest. Maliiganik Tukisiiniakvik lawyers attended 130 Court weeks this year, which included regular sittings of the JP Court. LSB is currently recruiting new staff criminal lawyers for the Iqaluit clinic to address the high volume of files and Court weeks this region is responsible for. The Qikiqtaaluk regional team of lawyers, courtworkers, and administrative staff are skilled, committed and very busy meeting the legal needs of the clients in their region.

Kivalliq Legal Services in Rankin Inlet serves the 7 Kivalliq communities. These regional lawyers attended approximately 23 circuits in the region this year in addition to a number of discrete trials and special sittings. At year-end, the clinic was staffed with 3 criminal and 2 family lawyers, along with administrative support and 3 courtworkers. Together they responded to 102 arrest calls and 105 show cause hearings. PLEI activities have included school visits, a community session on child support in Rankin Inlet, and information sessions for local outreach and non-profit programs. This year the regional board of directors voted to officially change the clinic name to Kivalliq Legal Services to recognize the regional language preferences. The dedicated staff of Kivalliq Legal Services continues to offer exceptional legal services to the people of their region.

The Kitikmeot Law Centre in Cambridge Bay serves the 5 communities of Nunavut's western region. This past year the clinic relocated to new office space and added a civil/poverty lawyer to their team. The Kitikmeot Law Centre covered 22 circuits this year in addition to a number of discrete trials and special sittings. Staff responded to 172 arrest calls and attended 67 show cause hearings, independent of the after-hours line. Additionally, the KLC staff participated in a number of PLEI initiatives around their region on tenant and employee rights, legal aid, criminal law, and developed pamphlets for distribution on criminal law issues. While the Kitikmeot Law Centre is the smallest of the 3 regional clinics, their staff consistently delivers excellent legal services to their clients and communities.

### ***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 work for and report directly to LSB's Chief Executive Officer. Gjoa Haven staff also work closely with and report to the Chief Operations Officer and Comptroller on various organizational matters related to their respective duties.

Head office is responsible for reviewing and processing accounts payable, as well as entering them 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, family and civil legal aid applications are processed for eligibility at head office, along with counsel assignment for eligible applicants.

Within LSB, the Gjoa Haven staff now fall under the supervision and direction of the Comptroller. Maintaining financial records and ensuring that internal financial oversight procedures and reporting mechanisms are followed has become integral to the work done by head office.

## APPLICATIONS & APPROVALS

Statistical information with respect to client applications, duty counsel services, file assignments and areas of practice are collected and maintained in LSB's database system. This database generates all statistical reports and is a core part of the file management processes. Next year all legal staff will be trained on the system and the final level of docketing and tracking will be implemented. Currently, the database system is being used by a core group of staff to track and report much of the information presented below.

While the information provided by the database is a reliable indication of the services that LSB has provided this year, it should be noted that the numbers do not reflect the total number of persons and clients who requested and/or accessed legal aid assistance. The presumed eligibility protocol allows Nunavummiut to access representation for their first appearances in all criminal and child welfare Court matters. In future, these statistics will also be recorded in the database. Legal aid applications are only taken if the matter is not resolved at the first appearance stage. This is significant for our youth applications, as a high number of these do not proceed beyond first appearances.

- LSB staff lawyers (and LSB approved private panel counsel) attended 174 regular scheduled Court sittings in 2012 and this translates into 326 lawyer weeks. LSB also attended a number of special Court sittings including jury trials and a number of Judge alone trials.
- LSB processed 312 applications for criminal representation of which 252 were approved by March 31<sup>st</sup> 2012.
- LSB processed 9 youth applications for criminal representation this fiscal and all were approved.
- As of March 2013 LSB had 10 active criminal appeals, closing 15 others throughout the year.
- As of March 2013 LSB had 18 active s.40 or choice of counsel matters (serious charges that carry a possibility of a life sentence), closing 7 others throughout the year.
- LSB processed 218 family law applications this year of which 70 were for child welfare matters.
- LSB handled approximately 68 civil/poverty applications this year and responded to an addition 276 requests for referrals and assistance outside of a Court process.

*Note: For those unfamiliar with legal processes, please note that these numbers do not reflect actual caseloads. Many matters (both family and criminal) carry over from fiscal year to fiscal year – particularly the more complicated and 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 as soon as reasonably possible after they have been detained or arrested. This law line has been an excellent resource which satisfies legal requirements and simplifies the process of connecting an accused with a lawyer. LSB staff lawyers operate the line on a rotational basis and perform any necessary bail hearings that occur outside of regular clinic hours.

This fiscal year, LSB lawyers responded to 909 after hours arrest calls, conducted 180 after hours show cause hearings, and assisted 62 young offenders through the law line. None of these services require a legal aid application and this work is in addition to the regularly scheduled file and Court work staff lawyers are responsible for.

The After Hours Law Line is active 24 hours a day, 365 days a year.

### ***Family Law Line***

LSB's toll free line had 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. In 2012-13 LSB's family law line responded to approximately 140 calls. Most of those callers were referred to a courtworker to complete a legal aid application for a legal opinion, an assessment for financial eligibility and possible assignment to counsel.

### ***Civil/Poverty Law Program***

One element of Civil/Poverty law program is the toll free law line that offers general legal information to callers seeking assistance in dealing with various civil legal issues. The civil/poverty law line responses can include an assessment on legal merit, connecting a caller to an appropriate agency or department, assessing whether an issue falls within LSB's civil law coverage, and informing callers about the application process. The law line itself offers only general information and is staffed by a civil/poverty lawyer who administers the files of approved civil clients.

This past year, approximately 276 requests for information were handled through the civil/poverty law line. LSB still does not represent Nunavummiut in many areas of complex civil litigation such as medical malpractice or personal injury files.

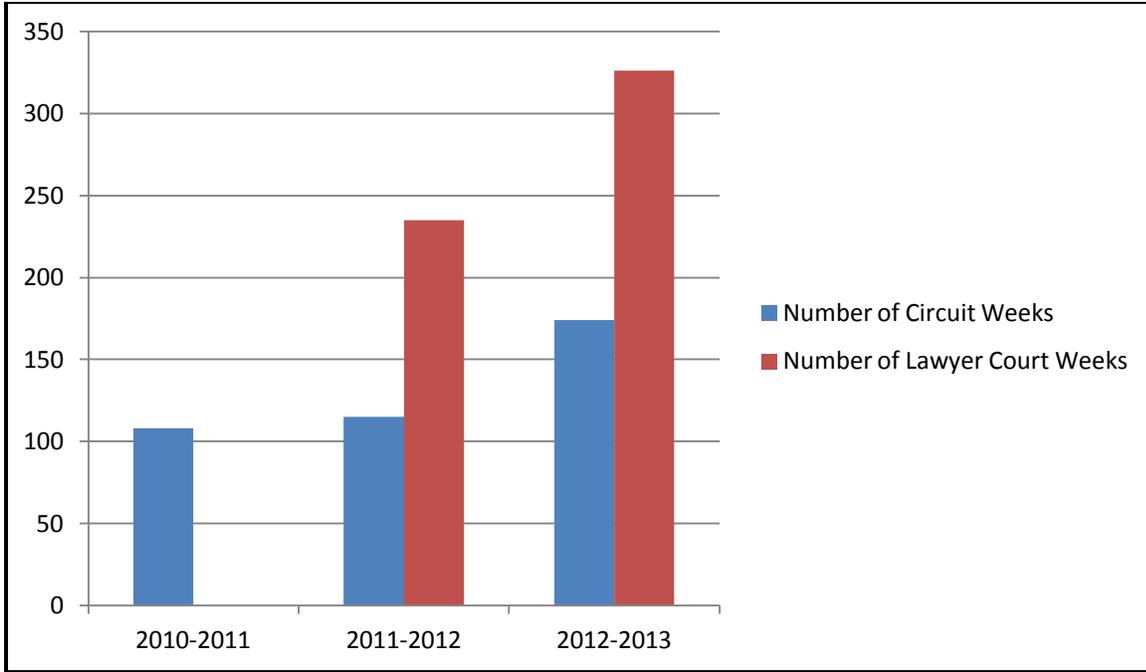
## CONCLUSION

The vast majority of Nunavummiut appearing before the Nunavut Court of Justice require legal aid assistance. Similarly, the overwhelming majority of legal aid applicants are financially eligible. This means that the majority of matters going before the Nunavut Court of Justice are legally aided with representation provided by the Legal Services Board of Nunavut. Without a substantial private bar in the territory even those with means struggle to find legal representation. Access to justice in Nunavut is a core principle of legal aid delivery that is a priority for LSB staff, management, and Directors.

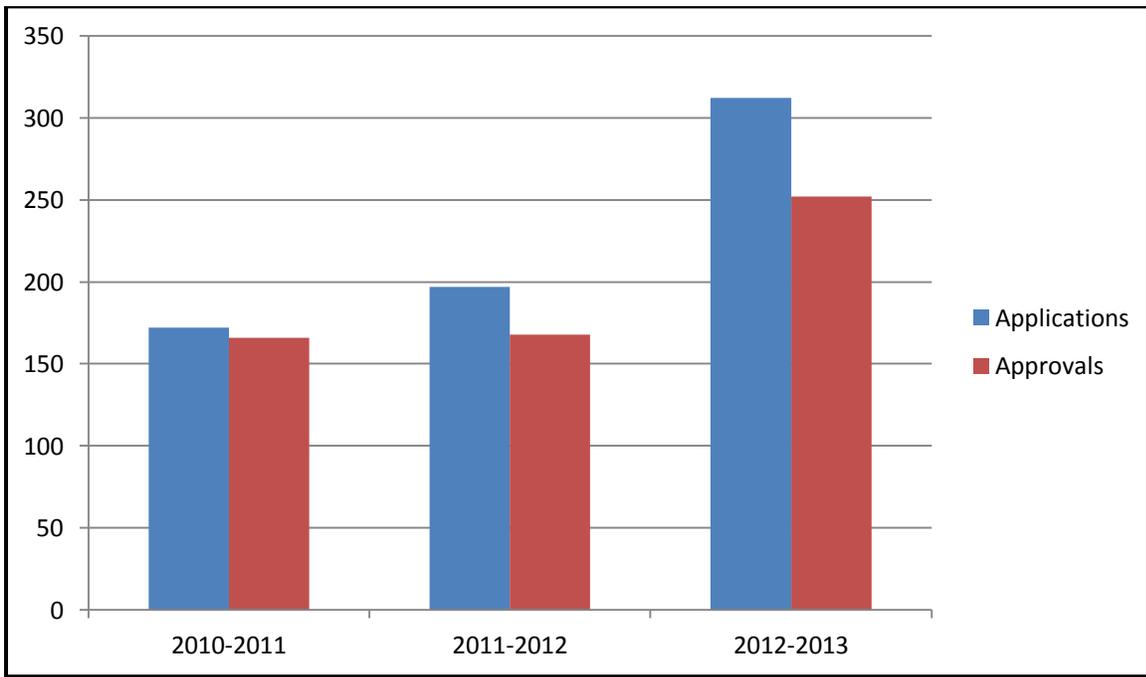
The provision of quality, accessible legal aid resources in Nunavut is LSB's primary goal. Strengthening administrative and financial processes has ensured that LSB is meeting that goal with transparency and accountability. The efforts of our skilled and dedicated staff as well as the commitment of our Directors will continue to assist LSB in achieving this goal.

**Appendix A**

**Table 1: Annual Comparison of Court Weeks**

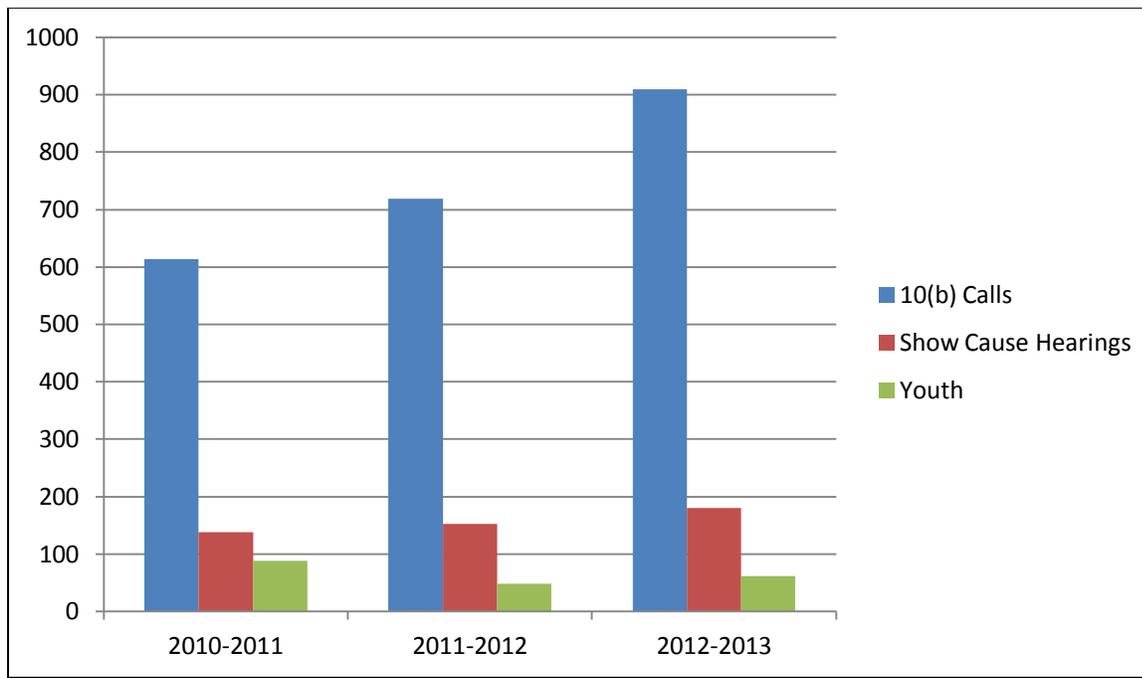


**Table 2: Criminal Applications and Approvals**



## Appendix B

### After Hours Law Line



**Appendix C**

**LEGAL SERVICES BOARD OF NUNAVUT  
FINANCIAL STATEMENTS  
MARCH 31, 2013**



## **Opinion**

In our opinion, these financial statements present fairly, in all material respects, the financial position of the Legal Services Board of Nunavut as at March 31, 2013 and its financial performance and its cash flows for the year ended March 31, 2013 in accordance with Canadian public sector accounting standards.

## **Report on Other Legal and Regulatory Requirements**

We further report, in accordance with the *Financial Administration Act* of Nunavut, that in our opinion the accounting principles have been applied on a basis consistent with the preceding year.

In our opinion, in accordance with the *Financial Administration Act* of Nunavut and the *Legal Services Act* of Nunavut, proper books of account have been kept by the Legal Services Board of Nunavut, the financial statements are in agreement therewith and the transactions that have come under our notice have, in all significant respects, been within the statutory powers of the Legal Services Board of Nunavut.

Iqaluit, Nunavut  
December 12, 2013

  
CHARTERED ACCOUNTANTS

**LEGAL SERVICES BOARD OF NUNAVUT**  
**STATEMENT OF OPERATIONS**  
FOR THE YEAR ENDED MARCH 31, 2013

	<u>2013</u>	<u>2012</u>
<b>Revenues</b>		
Government of Nunavut Contributions		
Contribution agreement	\$ 8,307,000	\$ 8,307,000
Supplemental funding	1,273,000	0
Additional funding	220,604	0
Repayment	<u>(366,404)</u>	<u>(55,852)</u>
	9,434,200	8,251,148
Client contributions	1,943	1,848
Recovery of prior year expenses	<u>7,146</u>	<u>0</u>
	<u>9,443,289</u>	<u>8,252,996</u>
<b>Expenses</b>		
Administrative (Schedule 1)	1,426,461	1,236,234
Board governance (Schedule 2)	313,810	219,832
Criminal law (Schedule 3)	3,749,285	3,381,386
Family law (Schedule 4)	1,157,345	1,663,620
Civil and poverty law (Schedule 5)	271,124	183,444
Legal clinics (Note 6)	<u>2,276,596</u>	<u>1,817,148</u>
	<u>9,194,621</u>	<u>8,501,664</u>
<b>Net Surplus (Deficit)</b>	248,668	(248,668)
Accumulated Surplus (Deficit), beginning of year	<u>(248,668)</u>	<u>0</u>
<b>Accumulated Surplus (Deficit), end of year</b>	<u><u>\$ 0</u></u>	<u><u>\$ (248,668)</u></u>

**LEGAL SERVICES BOARD OF NUNAVUT**  
**STATEMENT OF CHANGES IN NET FINANCIAL DEBT**  
**FOR THE YEAR ENDED MARCH 31, 2013**

	<u>2013</u>	<u>2012</u>
Net Surplus (Deficit)	\$ 248,668	\$ (248,668)
Net Financial Debt, beginning of year	<u>(248,668)</u>	<u>0</u>
<b>Net Financial Debt, end of year</b>	<b><u>\$ 0</u></b>	<b><u>\$ (248,668)</u></b>

**LEGAL SERVICES BOARD OF NUNAVUT**  
**STATEMENT OF FINANCIAL POSITION**  
AS AT MARCH 31, 2013

	<u>2013</u>	<u>2012</u>
<b>Financial Assets</b>		
Accounts receivable (Note 3)	\$ 664,851	\$ 427,384
Due from Government of Nunavut (Note 5)	756,767	389,255
Prepaid expenses	<u>8,009</u>	<u>0</u>
	<u>1,429,627</u>	<u>816,639</u>
<b>Liabilities</b>		
Accounts payable and accrued liabilities (Note 4)	<u>1,429,627</u>	<u>1,065,307</u>
<b>Net Financial Debt</b>	<u>0</u>	<u>(248,668)</u>
<b>Accumulated Surplus (Deficit)</b>	<u><u>\$ 0</u></u>	<u><u>\$ (248,668)</u></u>

**Approved by the Board**

\_\_\_\_\_ Director

\_\_\_\_\_ Director