

# ANNUAL REPORT



2017/2018

LEGAL SERVICES BOARD OF NUNAVUT

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### EXECUTIVE SUMMARY

Once again, 2017-2018 proved to be a busy year for the Legal Services Board of Nunavut. The Board provided services to approximately 3,463 individuals this year across all three-practice areas: criminal, family and civil/poverty.

In 2017-2018, LSB lawyers attended 345 circuit weeks; 204 in the Qikiqtaaluk, 81 in the Kivalliq and 60 in the Kitikmeot. In addition, LSB lawyers participated in 43 special sitting court weeks (preliminary inquiries, judge and jury trials and judge alone trials and *Charter* applications). In total, LSB provided lawyers to assist in 387 court weeks this year<sup>1</sup>.

Under the criminal practice, LSB received 332 individual applications for continued coverage, similar to that of previous years. Further, LSB opened 2506 new criminal law files and closed 1771 in the same year. The cost to LSB for these services was LSB \$5,034,819.

In the family law practice, LSB received 292 applications and approved 429. Under the family law practice, some applications are automatic and are approved under presumed eligibility. Of those 429 approvals, 73 were in the direct response to incidents where children were apprehended. The practice is currently providing services to some 957 clients at a cost of \$1,580,682 this year.

Under the civil/poverty law practice, LSB received 163 applications, broken down as follows: 17 employment, 33 landlord/tenancy, 93 poverty miscellaneous, 4 small claims, 5 human rights and 11 police misconduct. LSB spent \$408,634 for civil-poverty practice.

LSB employs 25 staff lawyers: 16 criminal lawyers, 6 family lawyers, 2 civil/poverty lawyers and the CEO who is required by statute to be a lawyer. These lawyers work out of the 3 regional clinics: Maliiganik Tukisinarvik Legal Services (Iqaluit), Kivalliq Legal Services (Rankin Inlet), and the Kitikmeot Law Centre (Cambridge Bay).

LSB also uses panel lawyers, these are private legal counsel that are contracted to assist LSB in the provision of legal services. There are lawyers 37 on the criminal panel, 7 lawyers on the family panel and 4 lawyers on the civil/poverty panel. Of the 42 private lawyers on LSB's panels, 7 are residents of Nunavut.

Under our Inuit Court Worker program, an estimated 2506 criminal matters were provided assistance. Our court workers also assisted with applications for 332 new criminal files, 455 new family and civil matters and 957 ongoing matters. Court workers also provided liaison, support and interpretation on 345 circuit weeks

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<sup>1</sup> Multiple court hearings occur at the same time, within Iqaluit at the three court rooms and court circuits, where judge, crown and legal aid lawyers with support staff travel to the communities to facilitate court hearings.

and 42 discrete trial weeks. In sum, The Court Worker team assisted some 3,463 individuals this year, nearly 10% of Nunavut's population.

As part of implementing LSB's Inuit Employment Plan and fulfilling its legal obligations under the Nunavut Land Claims Agreement, three Inuit have been appointed to regional director positions in Iqaluit, Rankin Inlet and Cambridge Bay. This expands the management team from four to seven managers, but also has resulted in the removal of these administrative duties from staff lawyers who had previously held these positions. This, in turn, permits the lawyers to focus on the provision of legal services. This decision has also greatly assisted in stabilizing management at all three clinics, which in turn stabilizes services to lawyers, clinic staff and court workers.

LSB also successfully recruited a qualified Inuk as the comptroller trainee. This endeavor is part of implementing our IEP, with the goal of having a certified CPA Inuk resident in Nunavut within 5 years. These learning and training plans have been developed and implemented despite the lack of funding from Makigiaqta Inuit Training Fund or the Government of Nunavut (GN).

In addition, this year the LSB had an Inuk co-op placement for a term who eventually accepted an articling position with the LSB.

LSB has also committed to supporting the new Nunavut Law Program, either through work placements, summer employment opportunities, and with the goal of hiring some of the students for articling positions upon graduation.

LSB has developed and submitted business cases these past three years seeking additional funding from the GN through the GN Department of Justice. In response to these funding proposals, we have been advised that the Deputy Minister of Justice is of the opinion that LSB's requests for additional funding are not due to forced growth but rather expanded or enhanced areas of established support. In contrast, the LSB Board and management are of the opinion that considerable time and care has been attributed to assessing how LSB can best fulfill its legal obligations under the Nunavut Land Claims Agreement, our obligations under the Inuit Employment Plan and to this territory in the deliverance of legal aid services. These assessments have resulted in the persistent request to the GN for additional funding.

Further, in the last five years, LSB completed both a structural organizational review and strategic plan. LSB was able to implement over 90% of the recommended changes in the structural organizational review; currently, only changes that required GN support and assistance have yet to be done. LSB also identified systemic risks associated with having a restricted management team, especially as LSB saw the resignation of our CEO in the summer of 2017. This followed a significant period of leave, but also encompassed significant efforts to the recruitment for replacement during this time. To ensure our responsibilities as an organization were fulfilled, this resulted in the CEO remaining on contract to provide support in the interim.

The effect of this situation would have resulted in the LSB having only one manager responsible for 60 employees in three offices. From our view, this was an unreasonable and an unacceptable risk. Therefore, increasing management from four to seven was necessary and an efficient use of resources. Ensuring those three new managers were Inuit also ensured greater management and clinic stability, while complying with our responsibilities under Article 23 of the Nunavut Land Claims Agreement.

As a result, LSB respectfully diverges from the views of the Department of Justice regarding LSB's business cases. While LSB has been able to come within budget, it is only due to unfilled staff positions. However, once these positions are filled, LSB will face difficult choices, specifically with regards to potential cutbacks to legal services. This prospect worries and concerns LSB, as cuts will result in reduced legal assistance to Nunavummiut at times of serious need and risk to life and liberty.

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## MESSAGE FROM THE CHAIR

On behalf of the Board and organization, I present the Legal Services Board of Nunavut 2017-2018 Annual Report. This year has been exceptionally busy, especially as the organization began its implementation of its strategic plan, guiding our activities for the next five years to improve legal aid services.

The Board is committed to ensuring the organization has the necessary resources to ensure that eligible Nunavummiut have access to justice in the areas prescribed in the Nunavut Legal Services Act. This is why the Board and management has developed and submitted its businesses cases to the Department of Justice, Government of Nunavut. Unfortunately, these businesses cases were not approved to be included in the Justice budget or supported by the department to go to the Financial Management Board including for supplemental appropriation. The Board and management have been attentive and consciousness in managing LSB's resources, being vigilant to ensure that clients are always represented and served.

Unless, the Legal Services Board gets the extra funding it requires in the next year, the Board will be required to inform the Nunavut Minister of Justice that the organization will have to make cuts to come in budget. Despite the fact, that LSB has no control over how many or the types of crimes committed or how family break-ups happen or the rights violations that occur in the areas of tenancy, labour, police misconduct or human rights. Similar to the Department of Health, which has no control over the number or kind of illnesses or injuries, yet, is required to provide health services for the well-being of sick or injured Nunavummiut.

Some tough choices will need to be in the next year, if the Department of Justice doesn't support or advocate for additional funds for the Legal Services Board of Nunavut. The Board and management will be asking the Minister of Justice to decide what legal services should be reduced or cut on behalf of Nunavummiut. The Board is hopeful that cuts won't be necessary. Access to justice, remains a fundamental principle that the organization truly believes in. Nunavummiut who find themselves needing our legal aid support are often experiencing extreme anxiety and in distress.

The Board truly hopes that it can work with the Government of Nunavut to find a way to continue to provide Nunavummiut the legal aid services that they have relied on for years to protect their legal rights.

Madeleine Redfern, Chair

*"A civilization is measured by how it treats its weakest members." Mahatma Gandhi*



## MANDATE

The Legal Services Board (“LSB”) mandate is articulated in section 7 of the *Legal Services Act*. The organization is mandated to provide legal representation to eligible applicants and deliver public legal education and information to Nunavummiut. *The objects of the Board are to ensure the provision of legal services to those who are eligible.*

*The LSB also ensures that the legal services provided and the various systems for providing those services are the best that circumstances permit.*

*We are tasked with developing and coordinating territorial or local programs; this includes increasing knowledge of the law, legal processes and the administration of justice; and, providing public education and outreach.*

The Legal Services Board of Nunavut remains committed to meeting its legislative obligations that are transparent and accountable to funders, the clients and to Nunavummiut.

## GOVERNANCE

The LSB was incorporated in July 2000, pursuant to the *Legal Services Act*<sup>2</sup> as Nunavut’s legal aid plan.

The LSB is governed by a Board of Directors with representation for the Government of Nunavut, the Law Society of Nunavut, three regional representatives, and two members-at-large. The Minister of Justice appoints all LSB Board members for a three-year term. Legal services are provided through three regional legal aid clinics, each of which has a regional board of directors. The Chief Executive Officer position is located in Rankin Inlet, and is supported by a Chief Operations Officer in Iqaluit, and a Comptroller.

The Board of Directors is responsible for financial management and reporting, policy development, strategic planning and for oversight and accountability of the organization. The Board is also responsible for hearing Appeals in respect of denials of legal aid coverage. This year the Board heard five such Appeals.

Members of the Legal Services Board for the relevant fiscal period were as follows:

Madeleine Redfern	Chair, and MT Board Member, Qikiqtaaluk
Marsha Gay	Board Member, Law Society of Nunavut Representative
Stephen Shaddock	Board Member, Government of Nunavut Representative
Tara Tootoo-Fotheringham	Board Member, Kivalliq Legal Services Representative
Wendy Kootoo-Wood	Board Member, Kitikmeot Legal Services Representative
Vacant	Board Member-at-Large, Nunavut
Vacant	Board Member-at-Large, Nunavut

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<sup>2</sup> *Legal Services Act, RSNWT (Nu) 1988, C L-4*

There is also an Executive Committee of the Board comprised of at least three board members. The Executive Committee usually meets on an as needed basis, either in person, by teleconference or email; depending on the amount of Board business requiring attention and/or decisions in-between regular Board meetings. The Chair ensures information flow and oversight to the full Board by providing regular updates on Executive business and decisions at the following in-person Board meeting.

Key elements of the LSB’s envisioned future; overarching goals and strategic priorities of the strategic plan are described here:



**OVERARCHING GOALS OF THE STRATEGIC PLAN**

- Accountability
- Transparency
- Consistency
- Improve efficiency and effectiveness
- Improve financial processes and controls

**THE STRATEGIC PRIORITIES**

- Client Services
- Territorial Board Governance
- Corporate Structure
- Communication
- Human Resources

Generally speaking, the normal course for the Board is to rotate its in-person meetings throughout Nunavut’s regions, however, for various reasons the in-person meetings were held in Iqaluit on August 19-20, 2017; October 2-3, 2017; and, January 16-17, 2018. The Executive met approximately every six weeks to review and provide direction on ongoing matters.

Board governance accounted for \$303,435 of the budget in this reporting period.

## ORGANIZATIONAL STRUCTURE

LSB’s organizational structure is difficult to accurately reflect in an organizational chart. Despite making headways in the organizational review recommendations the present fundamental organizational structural realities are:

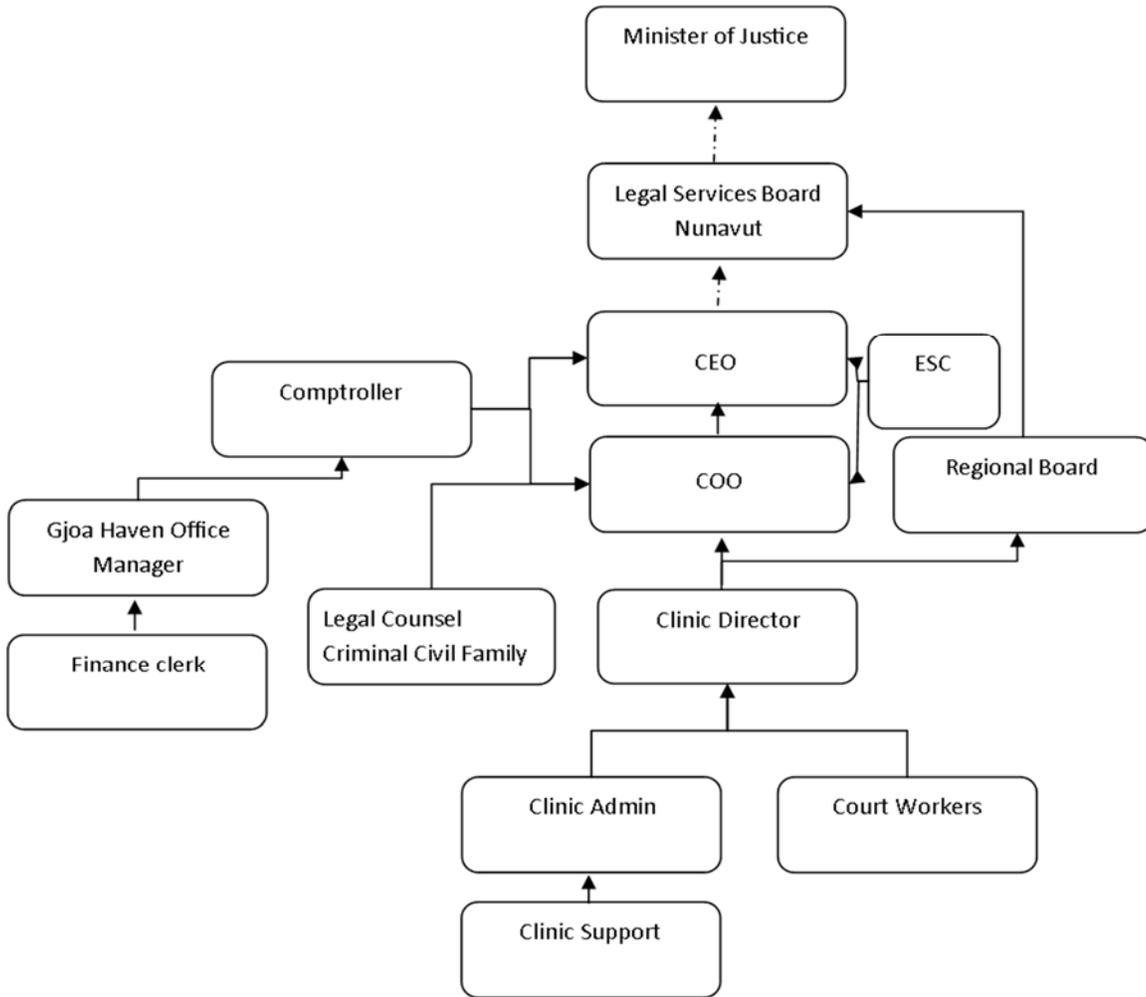
- 4 legal aid entities with 4 Boards (LSB (territory-wide); and, 3 regional societies)
- 4 offices (Gjoa Haven, Cambridge Bay, Rankin Inlet, Iqaluit)
- 5 employers (67 employees): LSB (28), three regional legal aid clinics (36) & GN (3- Gjoa Haven office, GN unionized: 1 manager (exempt), 1 necessity (exempt), 1 union)
- LSB employs 7 managers: executive (3) and middle management (4)
- 7 administrators and assistant with 2 employers in 4 locations: (4 staff) LSB and (3 staff) GN
- LSB employs all staff lawyers (25), who work out of regional clinic offices
- LSB contracts with private lawyers (41) for panels (criminal, family, civil); only 7 are resident of Nunavut
- regional clinic employs their own clinic staff, but the regional clinic directors are LSB employees
- each regional clinic employs court workers within their respective regions:
- most communities have resident court workers, but where no court worker resides those communities are served by court workers from other communities

The LSB is currently bound by legislation adopted from the NWT that is almost 30 years old. This model may have been more functional when LSB and its regional clinics were smaller (less than 10 employees) and less busy (a few hundred cases versus thousands). However, with an increase in workload along with the necessary increase in the number of LSB and regional clinic staff, it is increasingly more challenging and difficult to operate in this outdated model.

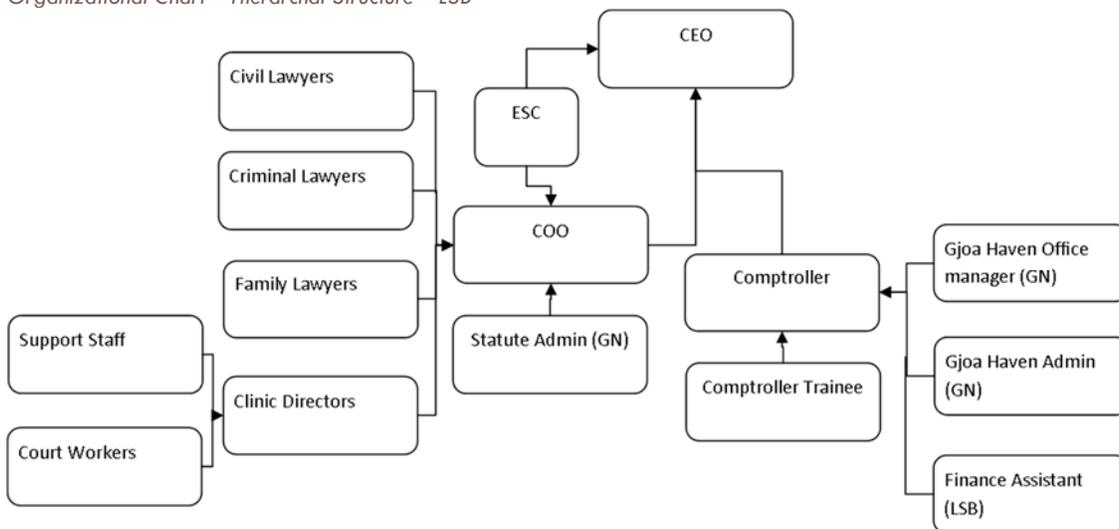
The Legal Services Board partnership works closely with its regional offices to ensure affective and efficient response to community needs.

 <p>Legal Services Board</p> <ul style="list-style-type: none"> <li>• Overall responsibility for legal aid in Nunavut</li> <li>• Staff Lawyers: Criminal, Family, Civil/Poverty</li> <li>• Private Lawyers</li> <li>• Policy Development</li> <li>• Operational &amp; service delivery assessment</li> <li>• Strategic Planning</li> <li>• Public Legal Education</li> </ul>	 <p>Kitikmeot Law Centre</p> <ul style="list-style-type: none"> <li>• Admin support to LSB lawyers for Kitikmeot Region</li> <li>• Regional Board raise regional access to justice issues</li> <li>• Court Workers assist lawyers, clients, court at community level</li> </ul>	 <p>Kivalliq Legal Services</p> <ul style="list-style-type: none"> <li>• Admin support to LSB lawyers for Kivalliq Region</li> <li>• Regional Board raise regional access to justice issues</li> <li>• Court Workers assist lawyers, clients, court at community level</li> </ul>	 <p>Maliganik Tukisiniarvik</p> <ul style="list-style-type: none"> <li>• Admin support to LSB lawyers for Baffin Region</li> <li>• Regional Board raise regional access to justice issues</li> <li>• Court Workers assist lawyers, clients, court at community level</li> </ul>
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## Organizational Charts



Organizational Chart – Hierarchical Structure – LSB



Organizational Chart – Operations – Legal and Admin

## The Team

The LSB prides itself on its team approach to everything Legal Aid and is comprised by the Board, regional clinic boards, senior LSB staff, GN Gjoa Haven staff, lawyers, and regional clinic administrative staff and court workers. In addition, the private lawyers on LSB panels support and greatly assist with the workload. Nunavut resident private lawyers are given preferential consideration in the assignment of legal aid work and receive higher compensation than non-resident panel members per the tariff in the regulatory framework of the *Legal Services Act*.

## Lawyers

Staff lawyers are based in 3 regional clinics: Maliiganik Tukisiniarvik Legal Services (Iqaluit), Kivalliq Legal Services (Rankin Inlet), and the Kitikmeot Law Centre (Cambridge Bay). LSB maintains staff positions for 16 criminal lawyers, 6 family lawyers, 2 civil/poverty lawyers and the CEO who is required by statute to be a lawyer.

Panel lawyers are private legal counsel that are contracted to assist LSB in the provision of legal services. There are 37 lawyers on the criminal panel, 7 lawyers on the family panel and 4 lawyers on the civil/poverty panel. Of the 42 private lawyers on LSB's panels, only 7 are residents of Nunavut. Some panel lawyers practice both criminal and family law. The panel lawyers also assist LSB with choice of counsel matters (section 40 of *LSA*), addressing conflicts and fill in during staff lawyer leave or vacancies.

## Management and Administrative Support Staff

In addition to the staff lawyers, LSB employs an executive management team, a model known as the C-suite; this model consists of a Chief Executive Officer, a Chief Operations Officer, and a Comptroller. LSB also employs a regional director for each region, positions filled by Inuit. In the Gjoa Haven office there are three Government of Nunavut employees assigned to LSB: Finance/Office Manager, Senior Statute Administrator and a Finance & Operations Analyst/Statue Clerk.

## Court Workers

A fundamental component to LSB's successful service delivery is the Inuit Court Worker Program. In 2017-2018, there were 21 court workers working in all 25 communities around the territory. Court workers provide clients with a critical link to the justice system, and provide lawyers with an important cultural connection to the communities and clients they represent and serve. Court workers coordinate legal aid applications, interpretation, finding and arranging client and/or witness-lawyer meetings in preparation for court appearances and assisting community clinics.

## Acknowledgement of Appreciation

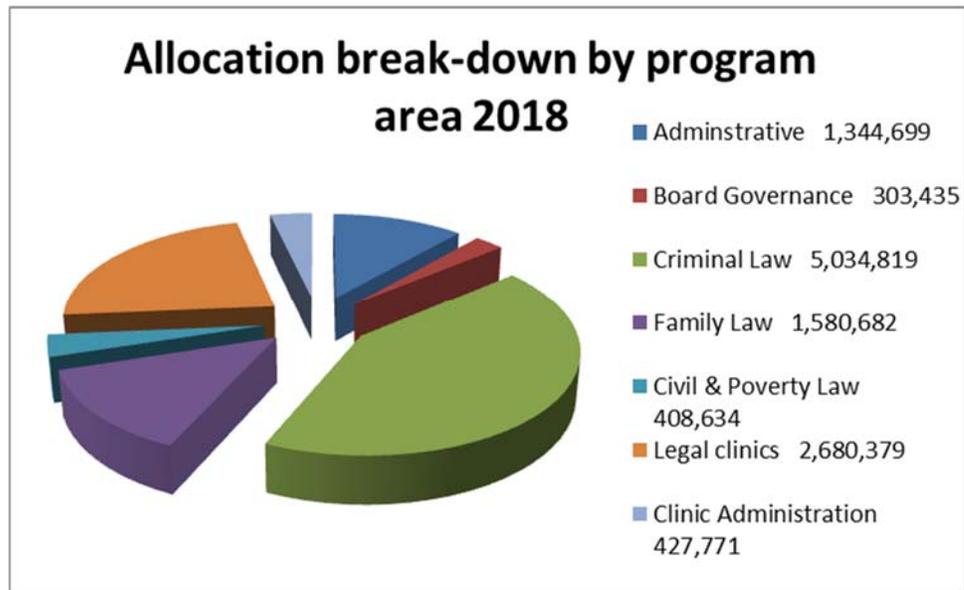
LSB extends sincere gratitude to all staff for their efforts in continuing to deliver high quality legal aid services and access to justice in Nunavut. This team has proven itself to be dedicated, hardworking, and committed to enhancing access to justice for Nunavummiut.

## FINANCIAL STATUS OF THE BOARD

The Legal Services Board of Nunavut is a publicly funded agency. Funding is allocated by the GN Department of Justice through a contribution agreement that incorporates the federal-territorial Access to Justice Agreement between Justice Canada and the Department of Justice Nunavut to the Legal Services Board.

LSB and its three regional clinics successfully completed audits for 2017-2018.

The LSB budget for 2017-2018 was \$12,318,000. Additional funding of \$9,852 was secured to cover a total of \$11,780,419 in expenses and leave a surplus of \$547,433. A surplus was primarily due to unfilled staff positions during the year.

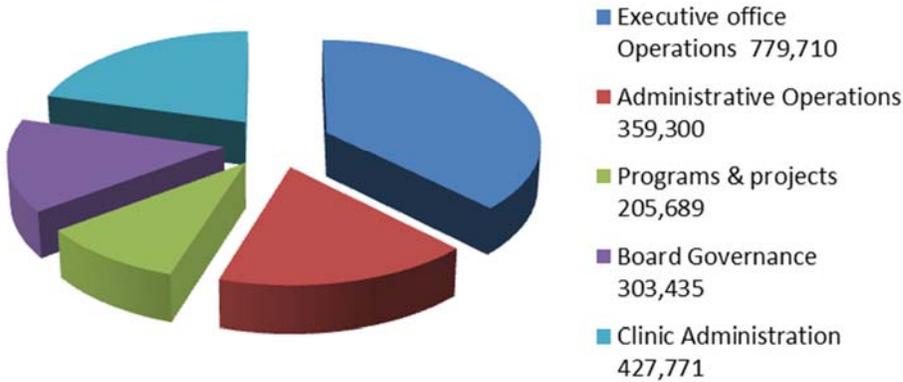


While LSB is fortunate to have a stable and ready compliment of staff lawyers to ensure continued availability and service to legal aid clients, the operational realities result in vacant positions. These positions can sometimes be challenging to fill in such a remote jurisdiction and not unique to LSB.

LSB continues to have two financial systems in place. LSB's internal simply accounting system permits the organization to better manage its finances while enabling LSB to produce a budget with appropriate and sufficient detail.

LSB's payments are still processed through the GN's FreeBalance Accounting System. The LSB and GN Finance teams have worked together to develop coding string specific to LSB's needs. This has greatly improved reporting capacity.

### Administrative Expenditures 2018

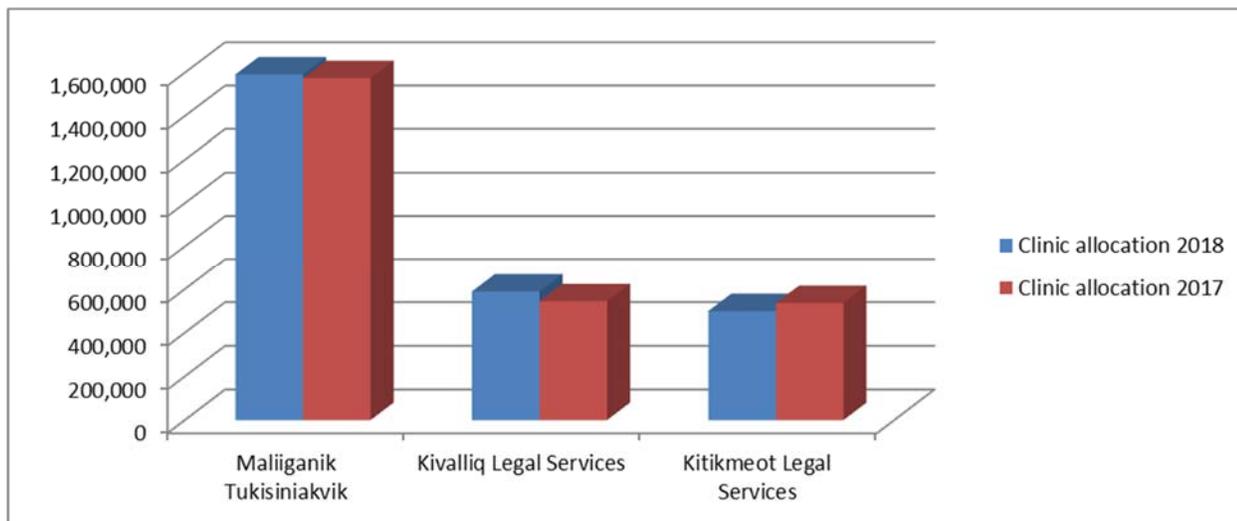


The audits produced annually are a testament to LSB’s pursuit and commitment to transparency and accountability. It is also a clear demonstration of the development of the organization’s capacity to manage and report accurately on services and finances responsibly. For additional information on the finances for LSB for the year 2017-2018, see the independently Audited Financial Statements.

### REGIONAL LEGAL AID CLINICS

Regional clinics are societies pursuant to the *Societies Act* and all are in good standing with the registrar. There are clinics situated in Iqaluit, Rankin Inlet and Cambridge Bay. These clinics are the heart and soul of legal aid in Nunavut by providing lawyers the support services they require along with court workers to help lawyers, clients, legal partners and communities.

The LSB funds the regional clinics (\$2.7Million/per year) by way of contribution agreements. Each regional office is up to date with the reporting requirements in those agreements.



The Clinics serve as access to justice points for their respective regions and provide support services to staff and private lawyers contracted to provide legal services. Each clinic employs support staff and court workers within the Clinic and in the majority of communities throughout Nunavut. If there is not a court worker in a community, the community is served by a court worker from a nearby community.

Regional clinics boast a 100% Inuit employment rate both with respect to administrative support staff and court workers. All three clinics combined, employ 34 Inuit, the majority of whom are situated in the communities throughout Nunavut.

## INUIT EMPLOYMENT PLAN

In 2015, the LSB Board of Directors committed to develop an Inuit Employment Plan (“IEP”). The IEP was finalized and approved in 2016-2017. The LSB is committed to the longer-term goal of representative levels of 85% Inuit in all areas and levels within the organization in the foreseeable future.

LSB hired three Inuit as regional clinic directors, replacing non-Inuit lawyers who were tasked to do clinic administrative duties, overseeing clinic operations, human resources, clinic finances, liaising with LSB management, ensuring adequate support given to both staff and panel lawyers, recruiting, managing and training court workers in the other communities within their respective regions. As the workload increase, so did the number of staff and panel lawyers engaged, requiring more and more time to adequately manage clinic operations. Many of the lawyers tasked to manage clinic operations struggled to work as lawyers while managing clinics. In addition, several of the clinics struggled with stability as lawyers left LSB employment, leaving the clinics with no management. Lastly, from an economic standpoint, it was LSB’s view that given the increasing demand for legal services, it was more efficient to have lawyers solely working on legal work as opposed to administrative tasks. This decision also addressed the risk associated with an understaffed management team, the risk of unstable clinic operations, but also allowed LSB to increase Inuit representation in management positions.

The biggest and most important factor affecting Inuit employment within LSB is outside of its control: Nunavut needs more Inuit lawyers.

LSB is firmly committed to finding ways to hire more Inuit and support retention through the following objectives:

- Increase Inuit employment within LSB and its Regional Clinics to proportional representation levels within Nunavut, as required under the NLCA
- Develop an Inuit Priority Hiring Policy within the organization
- Invest in Inuit employees to improve professional skill sets through training and mentorship
- Foster and sustain a workplace environment reflective of Inuit values and culture
- Promote quality of work life as an integral part of the profession
- Promote the LSB as an Inuit employer of choice in the legal and management profession

Across the whole organization (LSB, three Regional Clinics, and seconded GN employees) Inuit employment is 53%. Separating the data for professional and non-professional staff shows a stark difference: The

executive and financial management levels, and the lawyers, are predominantly non-Inuit. The administrative, legal support and court worker staff are all Inuit.

Here is the issue: 26 of the 60 LSB staff positions can be held **only** by lawyers, and in this reporting period only one of those lawyers is Inuk. Inuit occupy all other LSB filled positions except three, and those three are in the executive and financial management levels. The challenge is clear: LSB needs more Inuit lawyers, and more Inuit in management levels.

LSB also successfully recruited an Inuk as the Comptroller trainee. Learning and training plans have been developed and are being implemented. There is still a need for additional funding to safeguard the continued success of the training plans for all Inuit staff.

In addition this year the LSB had an Inuk co-op placement for a term who eventually accepted an articling position with the LSB

LSB has also committed to supporting the new Nunavut Law Program, either through work placements to give students work place experience through the four years of academic period, and also articling positions for some of the graduates. LSB is committed to securing as many of these Inuit lawyers throughout its organization both with respect to its various regional office locations and various areas of legal practice.

## THE PRACTICE OF LEGAL AID

Household Size	Gross income
1 person	\$50, 400
2 people	\$62, 400
3 people	\$88, 800
4 people	\$96, 000
5 people	\$103, 200
6 people	\$110, 400
7 people	\$117, 600
8 people	\$124, 800
9 people	\$132, 000
10+ people	\$139, 200

LSB provides legal aid services to financially eligible Nunavummiut, in the legal areas of coverage as set out by the *Legal Services Act*. This includes criminal defense representation, child representation, child protection and family law coverage, and civil/poverty representation in the areas of residential tenancy, employment/labour law, poverty related issues, excessive use of force by police, human rights and sometimes Coroner’s Inquests.

A Board-approved eligibility scale defines the criteria for accessing legal aid in Nunavut, with the income thresholds are defined in the adjacent chart. As a result, all of those individuals applying for legal aid who are recipients of income support are automatically financially eligible for the services LSB provides.

LSB is committed to representing eligible citizens of Nunavut in a professional and culturally competent manner. Of primary importance is protecting the guaranteed rights of those who are most vulnerable in our communities – such as those charged with offences, children, or those whose children have been taken from their homes by the state. LSB is committed to ensuring that the services we provide are regionally relevant and of a high quality and at least equal to the legal services found in other Canadian jurisdictions, if not better. As always, the context of this work is the unique and challenging geographical, cultural, and legal landscape that is Nunavut.

Notwithstanding the eligibility criteria it should be noted that 39% of Nunavut's population is on some form of income support.

Always influencing our policy, program, and delivery development are some of the key founding principles of the territory. These include, but are not limited to, ensuring these services are available to all Nunavut communities, that language support is available for every lawyer, court worker, and client to ensure that clients participate as fully as possible in their matters. In addition, LSB is committed to the hiring, supporting and training of Inuit staff at every opportunity.

Underlying these principles and our mandate overall is our keen understanding that the vast majority of Nunavut communities have no access to justice resources, information or support. The justice system is one that is only within reach for the vast majority of the population when the court flies into the community for a week at a time, and often, very infrequently. LSB consistently strives to narrow that access by providing toll free information lines, a 24/7 advice-on-arrest line, ensuring lawyers' early attendance in communities for court weeks, expanding coverage areas in response to community needs, and maintaining court worker positions in more than 20 communities.

*"An individual is presumed eligible, and will receive legal aid coverage from the LSB, when that individual has been charged in Nunavut with an eligible offence. Coverage will include the provision of legal advice on a Section 10B Charter call, at a show cause hearing and at a first appearance to enter a plea. Should a plea of guilty be entered at the first appearance, coverage can be extended to allow for the making of submissions on sentencing"* – Criminal Law eligibility policy

"I would be remiss if I did not acknowledge the fine efforts of Counsel of Nunavut Legal Aid in providing advance attendance and services to the community and our Court. The fact that this is done in the community is a tribute to Nunavut Legal Aid because it sends a message to both the community and the defendants before the court, that the people from this agency are committed to providing high-quality, professional services" – Sharkey J. at Cape Dorset

## Criminal Practice

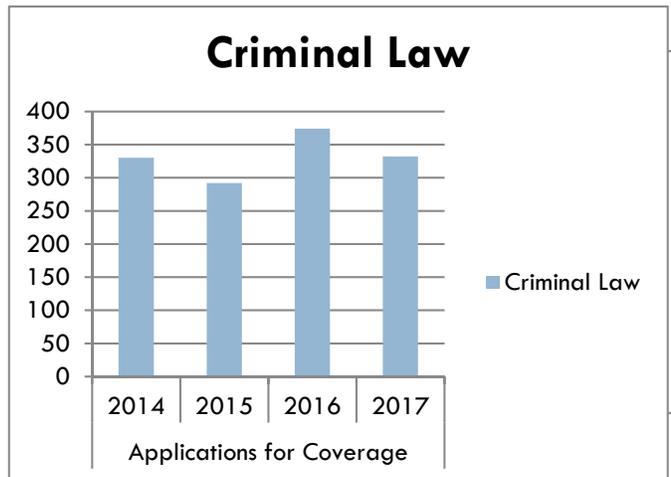
The criminal practice remained stable this year despite the ongoing challenges of filling vacant staff positions. Iqaluit remains the busiest center due largely to the population demographic. The LSB provides quality representation to all Nunavummiut while on circuit in Nunavut's 25 communities. The LSB sends lawyers to communities the Friday prior a circuit to ensure adequate preparations with clients and negotiations with crown prosecutors can be completed with a view to ensuring efficient use of judicial resources and hopefully the best outcomes for our clients. The criminal law practice management model comprises lead counsel in each regional office and the COO's office. Together they manage the file requirements arising from the practice, assign conflict files to private counsel and identify trends to ensure coverage is at adequate levels. Sixteen dedicated staff lawyers and some thirty-seven private lawyers, seven of whom are resident, handle criminal defense work, they attend every circuit and special sitting

of the court scheduled in Nunavut.

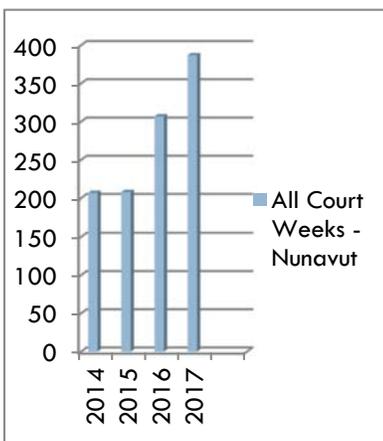
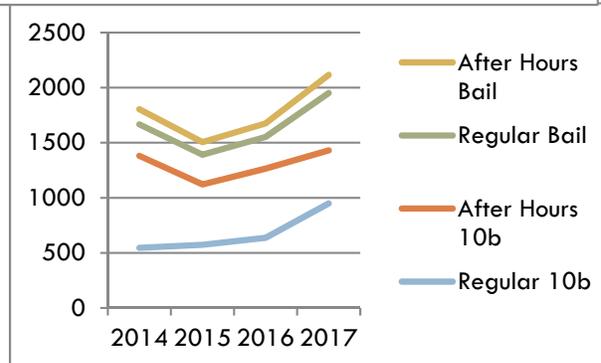
In 2017-2018 lawyers attended 345 circuit weeks. The breakdown per community is:

- Qikiqtaaluk: 204;
- Kivalliq: 81; and
- Kitikemot: 60.

In addition, the lawyers were assigned to 43 special sitting court weeks (preliminary inquiries, judge and jury trials, judge alone trials and Charter applications). In total, legal aid covered 387 Court weeks this year<sup>4</sup>. There were 332 individuals who applied for full coverage, similar to that of previous years, the LSB opened 2506 new criminal law files and closed 1771 in this reporting cycle.



In addition to the circuits attended by staff and private lawyers, the LSB also provides after-hours service for individuals who are arrested outside of office hours, including representation at show cause hearings (bail hearings) that are sometimes scheduled outside of regular working hours. This year's numbers saw an increase from the previous reporting period with 949 regular hours arrest calls and 521 bail hearings. There were 481 after-hours calls and 165 after-hours bail hearings, nearly double the previous year.



RCMP ceased conducting community show cause hearings as of April 2017. It's been the consensus of staff and private counsel that the revised approach has enhanced processing times and efficiency when it comes to bail hearings.

The Court, Crown Prosecutors and the LSB developed a weekend response tactic aimed at reducing wait times for bail hearings relating to allegations that occur after-hours on Friday and throughout the weekend.

During this cycle, Nunavut reported one of the highest CSIs at 297.6 and a crime rates of 34,948 incidents per 100,000 populations, respectively.<sup>5</sup> The impact of this reality for LSB cannot be overstated. We are seeing more serious offences involving multiple accused which require significant

allocation of resources to ensure the rights of Nunavummiut are adequately represented.

<sup>4</sup> Multiple court hearings occur at the same time, within Iqaluit at the three court rooms and court circuits, where judge, crown and legal aid lawyers with support staff travel to the communities to facilitate court hearings.

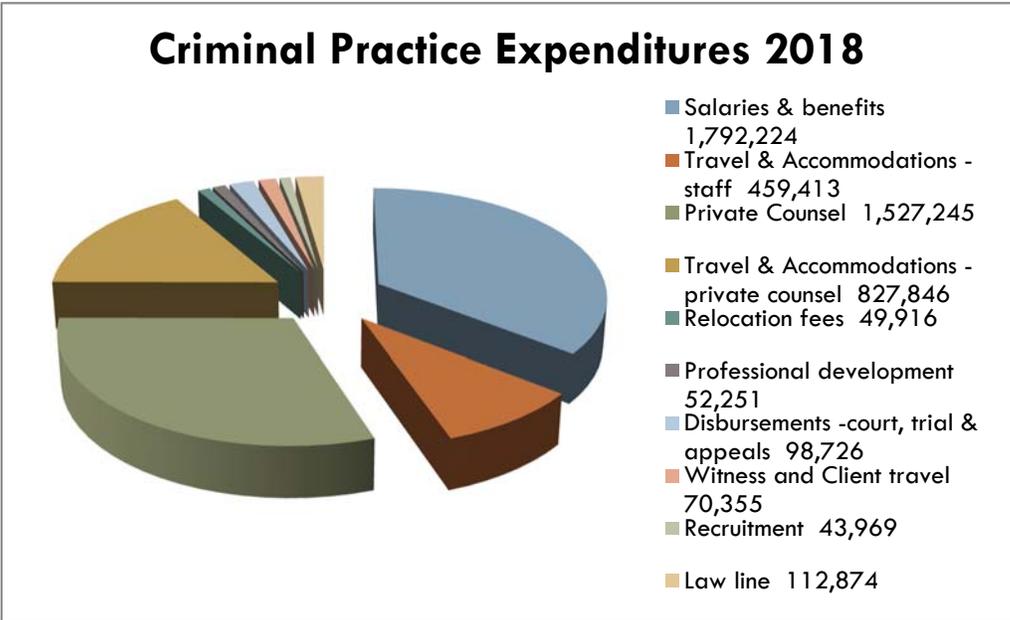
<sup>5</sup> Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey

Section 40 of the Legal Services Act provides that individuals who are charged with offences which could and would likely attract a potential life imprisonment jail term may be allowed to choose the lawyer who will represent them. This process is often referred to as “choice of counsel”. In basic terms these accused are sometimes entitled to choose their own lawyer, so long as the lawyer meets

legislative criteria. The LSB administered 100% of these serious charges including homicide and related allegations such as arson endangering life, robbery, choking to overcome resistance, among other serious charges. This year there were 17 ‘new’ choice of counsel matters arising from incidents in Nunavut. There were approximately 44 ongoing matters at any given time throughout the year of which 24 choice of counsel files were concluded.

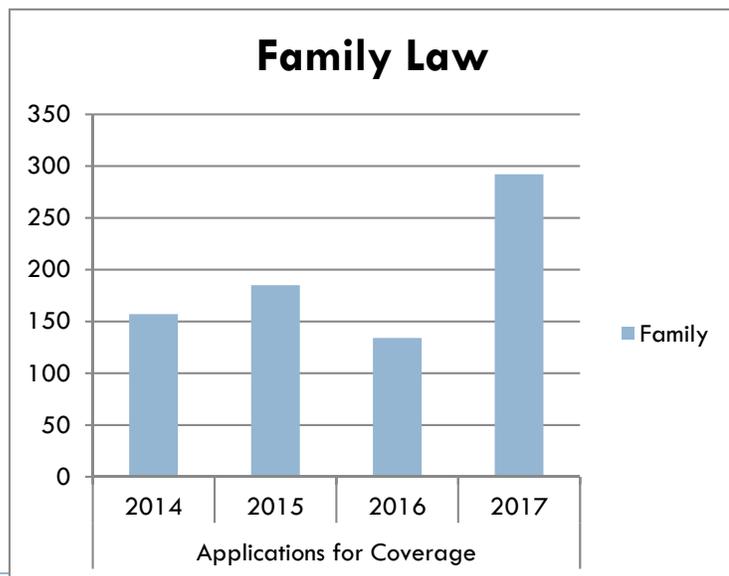
The recent “Report Card on the Criminal Justice System conducted by the MacDonald Laurier institute [http://www.macdonaldlaurier.ca/files/pdf/JusticeReportCard\\_F4.pdf](http://www.macdonaldlaurier.ca/files/pdf/JusticeReportCard_F4.pdf) gave Nunavut’s legal aid plan the highest rating in the context of Access to Justice.

The costs of providing services in criminal law were \$5,034,819 and are detailed here.

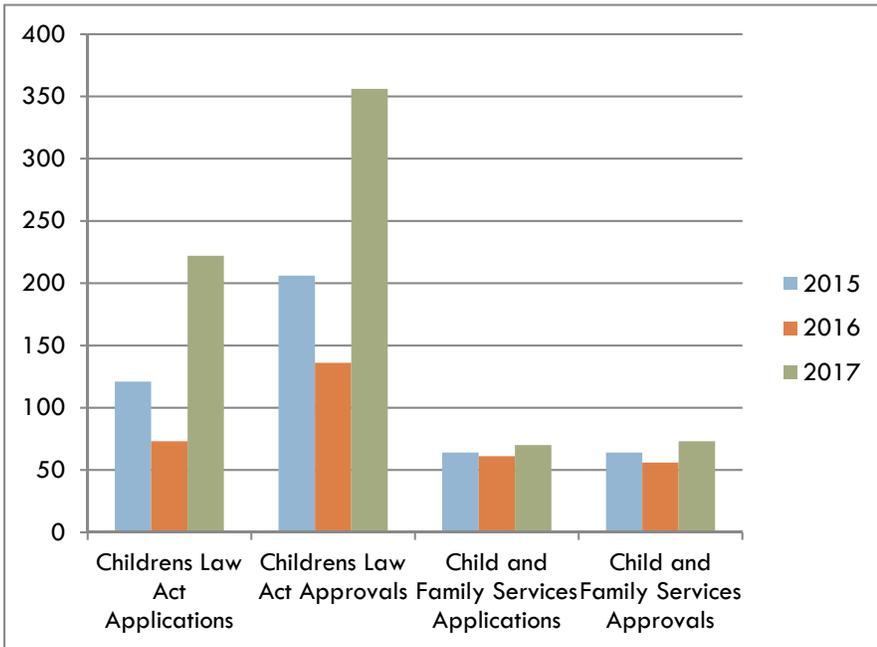


## Family Practice

The family law practice enjoyed a full complement of staff lawyers in this reporting period. Six family law staff lawyers and six family law private lawyers deliver services in this practice portfolio. LSB continues to struggle with the demand of those applying for assistance for non-urgent matters. This resulted in a slight backlog in the approval of Children’s Law Act files but has not affected Child and Family Services assignments. Children’s Law Act matters encompass divorce, separation, support, custody and access whenever there are children involved.

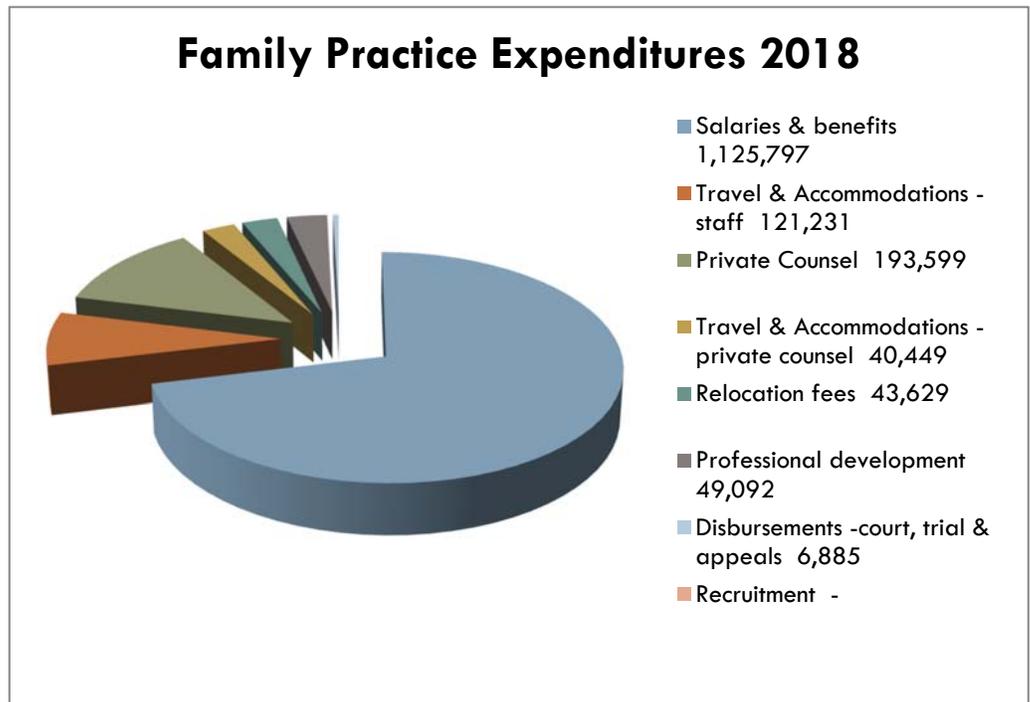


Child and Family Services files include individual interactions with the government in the context of child apprehension. Despite a high number of child welfare matters and court ordered appointment of counsel for children, family lawyers continue to offer the legislated range of services to Nunavummiut. Much like in the criminal practice, private lawyers are important in the context of conflict and managing files with a particular degree of complexity or specialization. A toll-free family law information line is supported by LSB for individuals seeking general legal information on family matters.



In the family law practice, LSB received 292 applications and approved 429. Under the family law practice, some applications are automatic and are approved under presumed eligibility. Of those 429 approvals, 73 were in the direct response to incidents where children were apprehended. The practice is currently providing services to some 957 clients, while 55 matters remain pending and 153 files were closed. The practice management model comprises of counsel, the CEO and the COO who together manage the daily requirements of this busy and important practice area.

LSB has seen a more than 80% increase in travel costs for the family practice area in the last year. There appears to be an increase in Court ordered processes such as judicial dispute resolutions, mediations, case conferences, etc. requiring the attendance of lawyers, clients and sometimes witnesses. These judicial processes are not actually *viva voce* hearings or trials and actually add significant costs to this legal aid



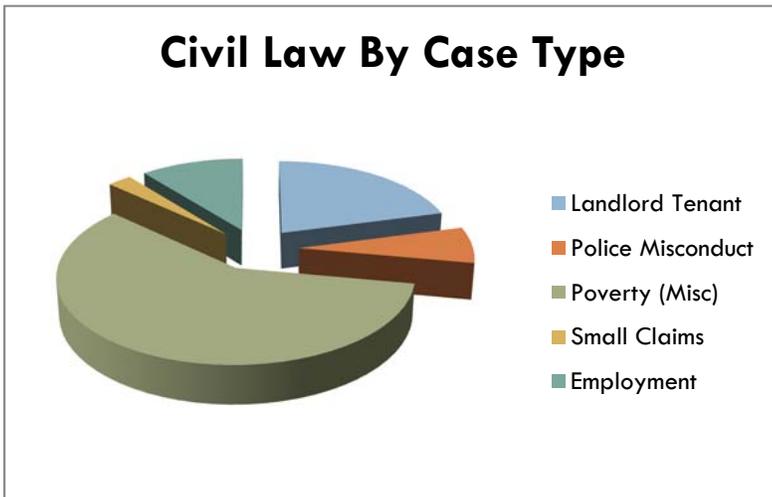
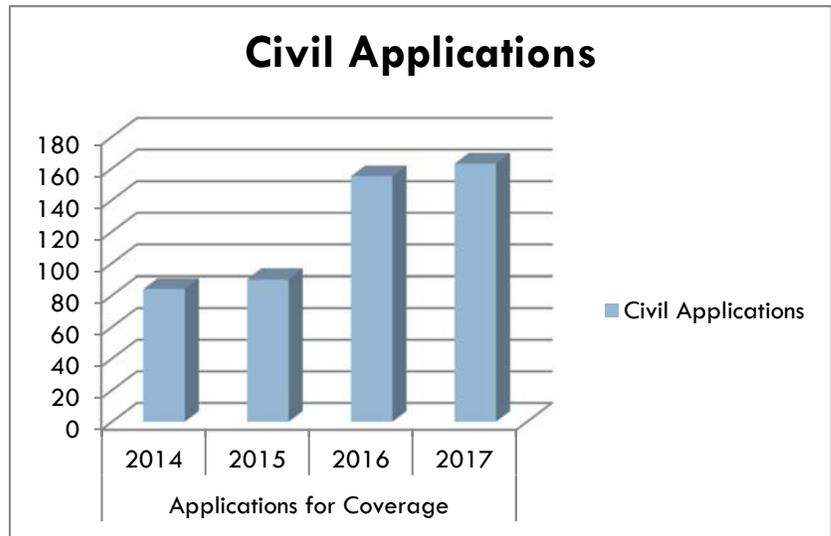
practice area. Many of our family files are now engaged in one or more judicial process beyond the actual trial or hearing. This adds an increased burden to the family practice budget to absorb the costs of travel to attend these processes. As the Court retains control of the processes it orders, LSB must respond as best as it's able.

The costs of providing services in family law were \$1,580,682 and are detailed here.

### Civil Practice

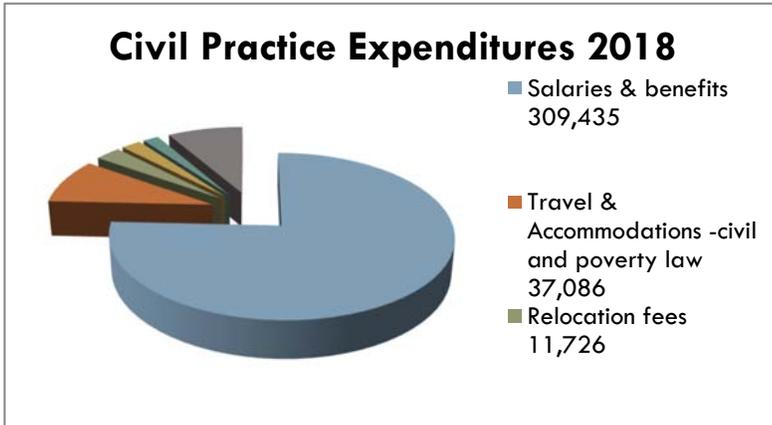
The LSB has two staff civil law positions located in Rankin Inlet and Cambridge Bay. Although caseloads are on the rise, the practice enjoys relative stability and remains an integral core program area for legal aid in Nunavut. Private panel lawyers were called on to assist more in this reporting period than ever before due to an increased demand in all civil areas of coverage.

This year there were a total of 163 applications for civil/poverty legal aid assistance: 17 employment, 33 landlord/tenancy, 93 poverty miscellaneous, 4 small claims, 5 human rights; and, 11 police misconduct. This is an increase from previous years due to an increased demand.



There continues to be a steady and increasing need for services in the areas of residential tenancy, employment law, poverty related issues, human rights, and excessive use of police force matters. In addition, LSB has become increasing involved in inquests. This year LSB assigned lawyers to support families in three Coroner's Inquests. Typically speaking, a lawyer is assigned where there is a connection between the cause of death and the areas in which we provide core services, for example – someone who dies while in the custody of the RCMP.

The LSB remains committed to maintaining current service levels in the civil practice.



The costs of providing services in civil law were \$408,634; and are detailed here:

### Mental Health Review Board

The LSB assigns counsel to individuals who are the subject of the Nunavut Review Board. These clients' needs arise in the context of being unfit to stand trial, and/or those who are deemed not criminally responsible. Individuals in such situations are primarily transferred to southern hospitals and long-term care facilities that have a specialized focus on mental health. In 2017/18, the LSB continued to provide assistance on the 16 outstanding matters from previous years. The cost associated with providing services in this area was \$23,207 outside of salaries.

### Inquest Support

The LSB has undertaken work at Coroner's Inquests as a result of the demand presented by Nunavummiut and provides support to family members by assigning lawyers to represent their interests. With the government's specific acquiescence, this year LSB assigned lawyers to support families in three inquests. Generally, LSB assigns counsel in inquest proceedings where there is a connection between the cause of death and our core service delivery areas. For example, pursuant to the *Coroner's Act*, an inquest is automatic if there has been a death of someone in police custody, or, a child who is a ward of the state. In both of these circumstances, LSB would otherwise be providing assistance to those individuals. The LSB views these matters as civil proceedings because of the legislative provisions in the *Coroner's Act* and the relevant provisions in the *Legal Services Act* around coverage of civil matters. As a result of a higher demand for these services the LSB is working to develop clearly defined terms respecting coverage for inquests by way of policy. The LSB views this service as an integral access to justice matter. This year, inquests and collateral required legal work cost LSB \$41,546 outside of salary expense.

### Application of Inuit Qaujimajatuqangit

Inuit Qaujimajatuqangit has been an essential part of the Inuit way of life that has been passed on from time immemorial. LSB management and staff work in constant awareness of these values and fulfilling them in the workplace and with the clients and communities LSB serves.

### Pijitsirarniq: Concept of serving

The concept of serving is central to Inuit, as a measure of the individual responsibility to others, including colleagues and clients. This stems from a sense of maturity and well-being, for oneself but also for others.

Key is the understanding that each person has a contribution to make and is or can be a valued contributor to his/her workplace and community. LSB fosters this commitment by having a workplace where staff respect and value each other, priority focus on helping and serving our clients, community and territory through the provision of legal aid for the common good.

### ***Aajiiqatigiingniq: Consensus-Decision Making***

The concept of working together to achieve the same goals and objectives relies on strong communication skills, acceptance and commitment to shared goals. All staff are expected to become contributing members of the organization and their community, and to participate actively in supporting the wellbeing of Inuit in Nunavut. Being able to think and act collaboratively, and to assist with the development of shared understandings are valued skills at LSB. LSB supports the provision of legal aid services in a manner that helps clients deal with difficulties resulting from criminal charges, family breakdowns, and conflicts with employers, landlords, government for denial of services or human rights violations. LSB is committed to helping clients resolve conflict in ways that are least disruptive to the lives of our clients, their families and communities, and brings about just outcomes. Staff at LSB and its regional clinics are committed to learning, considering and respecting that there exists various perspectives and worldviews within the communities and to developing and promoting justice processes that allow for inclusive decision-making (where appropriate and possible).

### ***Pilimmaksarniq: Skills and Knowledge Acquisition***

The concept of skills and knowledge acquisition and capacity building is central to the success of Inuit in a challenging environment. Building personal capacity in Inuit ways of knowing and doing are key expectations for staff. Demonstrating empowerment to lead successful and productive lives, that are respectful of all, is a powerful end goal of the Legal Services Board. Indeed, growing the skills and knowledge base of all levels of our staff result in better service quality for our clients across the territory.

### ***Qanuqtuurungnarniq: Being Resourceful to Solve Problems***

The concept of being resourceful to solve problems, through innovative and creative use of resources and demonstrating adaptability and flexibility in response to a rapidly changing world, are strengths all our staff continue to develop. Resourcefulness is demonstrated in all aspects of daily operations and also thinking that seeks to improve the way the LSB staff and its regional clinics handle problems both within the organization, with its partner agencies, with our clients and challenges within the communities we serve. This is a skill that is vital to our staff. Working in communities where there is a chronic lack of mental health, addictions, educational, counselling, and crime prevention programs, our legal staff are forced to be very resourceful when developing alternative plans for clients to bring before the Court.

### ***Piliriqatigiingniq: Collaborative Relationship or Working Together for a Common Purpose***

The concept of developing collaborative relationships and working together for a common purpose is vital to achieving the goals of LSB and its regional clinics in fulfilling our mandate. LSB recognizes the importance of balancing the rights of individuals and the broader community, whether within the LSB team or with our clients and their families or communities they live within. Nonetheless, LSB recognizes often its primary focus will be and must be the rights of the individuals it serves but does so within the broader community context. Expectations for staff reflect working for the common good, collaboration, shared leadership and volunteerism. Piliriqatigiingniq also sets expectations for supportive behaviour development, strong relationship-building and consensus-building.

### ***Avatimik Kamattiarniq: Environmental Stewardship***

The concept of environmental stewardship stresses the key relationship Inuit have with the world in which we live. Staff are expected to articulate respect for this mutually interdependent relationship and to demonstrate responsible behaviors that seek to improve and protect the relationship in ways that meet global challenges to environmental wellness.

### **Practice Conclusion**

During fiscal period 2017/18 the Legal Services Board was successful in providing the services pursuant to its mandate. Attached and appended as Appendix B is the LSB's summary statistics which support this conclusion.

## INUIT COURT WORKER PROGRAM

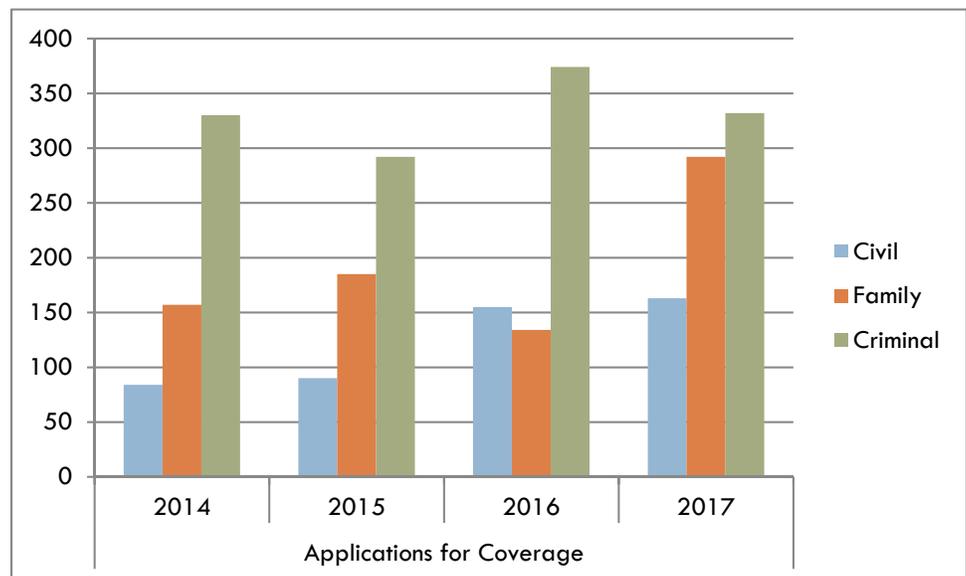
A fundamental component to LSB’s service delivery is its support of the Inuit Courtworker Program. While court workers are actually employed by the regional clinics (either full-time or part-time as needed), it is LSB that funds the clinics to support these positions. This year, LSB is proud to report that there were 24 court workers working in the 25 Nunavut communities.

Court worker positions are based in clinics and in smaller hamlets throughout the regions. The Kitikmeot Law Centre employed five court workers throughout their 5 communities, Kivalliq Legal Services employed 4 court workers for their seven communities, and Maliiganik Tukisiiniakvik employed 15 court workers for their 13 communities.

Court workers provide essential services in ensuring there is access to justice in the territory. Not only do court workers provide vital support to circuit lawyers such as interpretation, client and witness support, they also provide much needed administrative assistance in coordinating community legal aid applications, maintaining contact to clients without phones or computers, and serving documents.

Court workers provide clients with a critical link to the justice system, and provide lawyers with an important cultural connection to their clients and the communities.

All of the demands articulated in the previous sections are also faced by the Court Worker program. Every legally aided matter is assisted and complemented by the Court Workers. Constant pressures and demand for legal services means that Iqaluit, Rankin Inlet and Cambridge Bay Court Workers work almost on a daily basis. Court workers assisted some 2506 individuals on criminal matters; assisted with



facilitating the applications for 332 new criminal files; assisted with facilitating 455 new family and civil matters and 957 ongoing matters; and, provided liaison, support and interpretation on 345 circuit weeks and 42 discrete trial weeks. In sum, The Court Worker team assisted some 3,463 individuals this year, a near 10% of Nunavut’s population. Court workers are essential and involved in nearly every activity of the LSB.

This year Court Workers participate in a nationwide Court Worker Client survey which saw interviews take place between Court Worker supervisors and the clients of Court Workers. The results of the national evaluation were not quite ready in time for production of this report. We look forward to feed-back with regards to how we may be able to improve services.

The LSB recognized that despite the success of the court worker program, it still requires additional supports. LSB undertook an assessment of the program and approved the final recommendations in the 2016/17 fiscal year.

Recommendations for moving forward in relation to the following headings included:

1. Clearer Roles and Responsibilities of the Court Worker
2. Adequate Office Space
3. Assist with Public Legal Education
4. Need for Full-Time Employee to Provide Support – Access to Justice Director
5. Development and Delivery of Training and Increase Capacity
6. Hiring
7. Review of Pay Scale to Ensure Equitable Salary and Benefits

LSB recognizes more supports are required in the Court Worker program, in particular, ensuring better and more training, assistance, mentoring and professional development opportunities. Despite an opportunity to enhance the front line provision of court worker services, the LSB remains under funded in this area to undertake the necessary changes as recommended in the report.

## COMMUNITY AND PROFESSIONAL RELATIONS

The LSB enjoys positive and meaningful relationships with the legal community and inter-related justice organizations in Nunavut and elsewhere in Canada. In addition, our interactions with Nunavut Health, Social Services, Family Services, and more recently Office of the Advocate for Children and Youth have been mutually beneficial.

### Association of Legal Aid Plans

The CEO sits on the Association of Legal Aid Plans of Canada (ALAP), which organization comprises senior management and board members of all of the legal aid plans in Canada and is mandated to undertake, support and facilitate research concerning access to justice issues; to improve public awareness of access to justice issues; and, to undertake such activities, on its own or with others, as may be in the interest of access to justice in Canada.

### Provincial/Territorial Working Group re Access to Justice Service Agreement

The COO also sits, with officials of the Department of Justice Nunavut, Department of Justice Canada and other provincial/territorial legal aid plans, on the PWG/TWG groups arising from the Access to Justice Service Agreement. The representatives meet regularly to discuss, inter alia, issues arising from the operation of the agreements, funding formulae, and the court worker program(s). Kathy Padluq participated in the ongoing review of the strategic plan for the National Indigenous Court Worker program.



### Nunavut Communities

Most importantly, the LSB engages communities at the community level in a variety of ways, including but not limited to legal counsel and Court Workers. This includes providing legal representation to eligible clients in court but also with justice committees. LSB may also reach out and share public legal information to hamlet councils, schools, mental health service providers and end users. We've partnered with our communities and have provided meaningful community based public legal education.

## Public Legal Education & Information

Public legal education and information (PLEI) is a mandated responsibility of LSB. This is a challenging task in a jurisdiction with many spread-out communities with different languages or dialects and cultural issues, especially in respect of legal concepts. Each of LSB's lawyers has committed to performing PLEI initiatives, and the result has been some creative and meaningful interaction with Nunavut's communities and their residents. Staff lawyers participated in sessions at high schools and Nunavut Arctic College campuses around the territory. Partnerships are established with local Inuit organizations and have resulted in community sessions on residential tenancies and wills and estates in the Kivalliq region and the development of mental health programming in the Kitikmeot.

LSB continues to work towards identifying and delivering PLEI in the communities with local partners, especially through our Court Workers, once we have developed sufficient and appropriately PLEI including training and supporting Court Workers to deliver within their communities. This year saw the development of a PLEI strategy document which examined the available resources in Nunavut and identified strategies to develop relationships with Inuit organizations hamlets and citizens. This work was completed through the lens of implementing PLEI initiatives that respond directly to the needs of Nunavummiut.

## Trade Shows, High School – CBA Mock Trial/College, Shelter Visits, GN Liaison, Radio Shows

Kivalliq Legal Services again participated in the trade show in Rankin Inlet enhancing our visibility in that community and region. The office also partnered with the shelter society in providing general legal information to shelter staff, their volunteer board of directors, and participating in the development and distribution of a family violence prevention poster around the region.

Maliiganik Tukisinarvik staff offers sessions at the Iqaluit Women's Shelter, Baffin Correctional and Makigiarvik Centers and volunteered with the Canadian Bar Association mock trial project with the local high school in Iqaluit. In September Maliiganik lawyers presented information and provided materials at the annual meeting of GN Liaison officers. In Sanikiluaq there was a presentation in respect of various legal issues and hosted a question and answer session on: what to do when you're arrested; rights to counsel, and search and seizure. Maliiganik also hosted radio shows in Cape Dorset, Pond Inlet, Pangnirtung, Iqaluit and Arctic Bay.

The Kitikmeot Law Centre also built on key partnerships with the Cambridge Bay Wellness Centre and their local high school to deliver PLEI materials and information sessions. The Kitikmeot Law Centre hosted community forums on the role of the Kitikmeot Law Centre and Family Law in Nunavut at the Campus in Cambridge Bay and attended the high school to deliver a presentation on "law as a career".

## Website

This year the Legal Services Board maintained its website by ensuring regular updates were made. Content on the LSB website is in Nunavut's four official languages and can be viewed at [www.nulas.ca](http://www.nulas.ca). The website provides information on LSB's services, policies, annual reports, along with contact information for the three regional clinics and its law lines. The website is regularly updated with revised information as necessary.

## **Family and Civil/Poverty Law Lines**

LSB offers a toll free family law and civil/poverty law information lines.

## **Policies, Directives and Other Projects**

The Board provides senior staff directives as a result of reviewing programs and services at its Board meetings. An ongoing list of policies to be reviewed/developed and other projects are identified throughout the year with a view of assigning tasks to appropriate committees or staff. Due to organizational demands and limitations, LSB sole sourced a consultant on GN Justice's SOA list to review all existing policies and amend policies where required and draft new ones. In addition to the amendments to the Panel Policy, a list of new policies has been identified for development in the next year. Accompanying the policy review project is a plan to approach GN Justice with a view to completing a MoU on a number of administrative issues of mutual interest.

## CONCLUSION

The Legal Services Board of Nunavut is committed to fulfilling its mandate and providing legal services to eligible Nunavummiut.

As articulated earlier, LSB's fundamental contributions to the justice system have far-reaching impacts in every community in the territory. For many of our clients who come into contact with the legal and justice system, this is a daunting, scary and intimidating situation. LSB takes pride in providing education and advocacy to our clients during their time in need, not only through legal representation, but also through culturally sensitive supports.

All Nunavummiut who have been charged with a crime are presumptively eligible to receive, and do receive, support from the point of arrest, through the bail hearing stage, first appearance and subsequent elections and plea. If further help is required and clients are financially eligible, they will receive trial, sentencing, and potentially appellate services too. Over 90% of individuals appearing before the NCJ receive assistance from legal aid.

All parents who have their children apprehended by the state are presumptively eligible for assistance from legal aid. If desired, that help is available from the moment of apprehension, to the first stage hearing, to any and all subsequent motions or trial appearances.

All children who become involved in the legal system, some of whom are required to testify in court or who are able to provide input on a family law matter, will be assisted by legal aid. In addition, all youth in conflict with the law who do not choose private counsel are assisted by legal aid.

Eligible Nunavummiut who are going through a family breakdown receive LSB assistance with matters of support, custody, access, mobility, and contested custom adoptions.

Each year, legal aid assists hundreds of financially eligible Nunavummiut facing eviction or sanctions from residential landlords. In addition, those who allege harm from unfair conduct from their employer, or allege prejudice from prohibited grounds of discrimination, are eligible to receive LSB's support. LSB has also assisted a number of Nunavummiut across the territory who have sustained injury because of excessive use of force by the police. Most recently, some Nunavut families have asked LSB to assist them through the quasi-judicial process of a Coroner's Inquest where close family members have died while in custody of the police or state.

Producing independent financial audits, capturing and reporting accurate statistical information, identifying organizational needs and legal practice trends has all contributed to a more productive and efficient legal aid in Nunavut. This approach has resulted in an organization that is not only transparent, but responsive to its clients, its staff and fully accountable to its funders and public.

The exceptional efforts made by the Board of Directors, the senior management team, the legal staff, regional clinics, regional boards, the regional court workers and administrative staff, the support of our funders and justice colleagues, all have played a role in improving access to justice for Nunavummiut.

## APPENDIX A – AUDITED FINANCIAL STATEMENTS

**LEGAL SERVICES BOARD OF NUNAVUT  
FINANCIAL STATEMENTS  
MARCH 31, 2018**

**LEGAL SERVICES BOARD OF NUNAVUT**  
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MARCH 31, 2018

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## **INDEPENDENT AUDITORS' REPORT**

To the Minister of Justice, Government of Nunavut and the Board of Directors, Legal Services Board of Nunavut

We have audited the accompanying financial statements of the Legal Services Board of Nunavut, which comprise the statement of financial position as at March 31, 2018 and the statements of operations and changes in net financial assets (debt) for the year then ended, and a summary of significant accounting policies and other explanatory information.

### **Management's Responsibility for the Financial Statements**

Management is responsible for the preparation and fair presentation of these financial statements in accordance with Canadian Public Sector Accounting Standards, and for such internal control as management determines is necessary to enable the preparation of the financial statements that are free of material misstatement, whether due to fraud or error.

### **Auditors' Responsibility**

Our responsibility is to express an opinion on the financial statements in accordance with Canadian Auditing Standards. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditors' judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Board's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Board's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluation of the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

## **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, 2018 and its financial performance and its cash flows for the year ended March 31, 2018 in accordance with Canadian Public Sector Accounting Standards.

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

As required by the *Financial Administration Act* of Nunavut we report that, in our opinion, Canadian Public Sector Accounting Standards have been applied on a basis consistent with that of 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.

Under section 100(1) of the *Financial Administration Act* of Nunavut, the Legal Services Board of Nunavut is required to submit its annual report to the appropriate Minister no later than 90 days after the end of its financial year, or an additional period, not exceeding 60 days that the Minister of Finance may allow. The Legal Services Board of Nunavut was granted a 60 day extension. The annual report and independent financial audit was submitted after the legislated timeline.

Iqaluit, Nunavut  
September 28, 2018



Chartered Professional Accountants

**LEGAL SERVICES BOARD OF NUNAVUT**  
**STATEMENT OF OPERATIONS**  
**FOR THE YEAR ENDED MARCH 31, 2018**

	<u>2018</u>	<u>2017</u>
<b>Revenues</b>		
Government of Nunavut Contributions		
Contribution agreement	\$ 12,318,000	\$ 11,818,000
Transfer to Department of Justice	(500,000)	0
Repayment	<u>(47,433)</u>	<u>(538,882)</u>
	11,770,567	11,279,118
Government of Canada Contribution		
Justice Canada	9,639	50,567
Client contributions	<u>213</u>	<u>0</u>
	<u>11,780,419</u>	<u>11,329,685</u>
<b>Expenses</b>		
Administrative (Schedule 1)	1,344,699	1,371,847
Board governance (Schedule 2)	303,435	301,138
Criminal law (Schedule 3)	5,034,819	5,252,751
Family law (Schedule 4)	1,580,682	1,163,986
Civil and poverty law (Schedule 5)	408,634	397,635
Legal clinics (Note 6)	2,680,379	2,654,797
Clinic administration (Schedule 6)	<u>427,771</u>	<u>187,531</u>
	<u>11,780,419</u>	<u>11,329,685</u>
<b>Net Surplus</b>	0	0
Accumulated Surplus, beginning of year	<u>0</u>	<u>0</u>
<b>Accumulated Surplus, end of year</b>	<u>\$ 0</u>	<u>\$ 0</u>

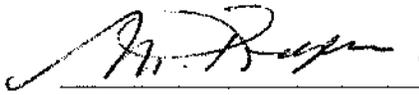
**LEGAL SERVICES BOARD OF NUNAVUT**  
**STATEMENT OF CHANGES IN NET FINANCIAL ASSETS (DEBTS)**  
**FOR THE YEAR ENDED MARCH 31, 2018**

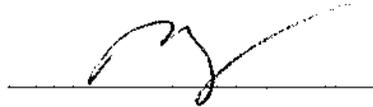
	<u>2018</u>	<u>2017</u>
Net Surplus (Deficit)	\$ 0	\$ 0
Net Financial Assets, beginning of year	<u>0</u>	<u>0</u>
<b>Net Financial Assets, end of year</b>	<u><u>\$ 0</u></u>	<u><u>\$ 0</u></u>

**LEGAL SERVICES BOARD OF NUNAVUT  
STATEMENT OF FINANCIAL POSITION  
AS AT MARCH 31, 2018**

	<u>2018</u>	<u>2017</u>
<b>Financial Assets</b>		
Accounts receivable (Note 3)	\$ 1,170,709	\$ 970,679
Due from Government of Nunavut (Note 5)	930,790	1,162,934
Prepaid expenses	<u>66,218</u>	<u>43,523</u>
	<u>2,167,717</u>	<u>2,177,136</u>
<b>Liabilities</b>		
Accounts payable and accrued liabilities (Note 4)	<u>2,167,717</u>	<u>2,177,136</u>
<b>Net Financial Assets</b>	<u>0</u>	<u>0</u>
<b>Accumulated Surplus</b>	<u>\$ 0</u>	<u>\$ 0</u>

**Approved by the Board**

 Director

 Director

**LEGAL SERVICES BOARD OF NUNAVUT  
NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED MARCH 31, 2018**

**1. NATURE OF THE ORGANIZATION**

The Legal Services Board of Nunavut (LSB) was incorporated in July 2000, pursuant to section 391 of the *Legal Services Act R.S.N.W.T. 1988, C-14* of Nunavut. As the territory's legal aid plan, the 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, the LSB is also mandated to deliver public legal education and information in the territory and to develop and support the Inuit court workers program at the local level. The 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 does not have a bank account and therefore is dependent on the Government of Nunavut to pay all expenses on their behalf. All expenses are paid by the Government of Nunavut through the Consolidated Revenue Fund and reimbursed from the LSB Revolving Fund up to the agreed upon annual contribution. As such, all the books and records are controlled by the Government of Nunavut and recorded in the Free Balance accounting system.

**2. SIGNIFICANT ACCOUNTING POLICIES**

The accounting policies followed by the Board are in accordance with Canadian public sector accounting standards and include the following significant accounting policies:

**(a) Use of Estimates**

The preparation of the financial statements of the Board requires management to make estimates and assumptions based on information available as of the date of the financial statements. Therefore, actual results could differ from those estimates.

**(b) Revenue Recognition and Government Transfers**

Contributions are recognized as revenue in the year received or receivable if the amount to be received can be reasonably estimated and collection is reasonably assured.

Contributions with stipulations that meet the definition of a liability per Section PS 3200 are recorded as deferred revenue. When stipulations are met, deferred revenue is recognized as revenue in the year in a manner consistent with the circumstances and evidence used to support the initial recognition of the contributions received as a liability.

**(c) Accrual Basis**

The financial statements have been prepared using the accrual basis of accounting.

**LEGAL SERVICES BOARD OF NUNAVUT  
NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED MARCH 31, 2018**

**2. SIGNIFICANT ACCOUNTING POLICIES (continued)**

**(d) Expenses**

Direct expenditures which are wholly attributable to a specific program are charged directly to the appropriate program. In circumstances where expenditures are not wholly attributable to a specific program these expenditures are allocated amongst the programs based on management's estimates of the time, effort and resources required to support these activities.

**(e) Financial Instruments**

The Board's financial instruments consist of accounts receivable, accounts payable and accrued liabilities, and amounts due (from) to Government of Nunavut which are reported at their fair values on the statement of financial position. The fair values are the same as the carrying values due to their short-term nature. It is management's opinion that the Board is not exposed to significant interest, currency or credit risks arising from these financial instruments unless otherwise noted.

**3. ACCOUNTS RECEIVABLE**

	<u>2018</u>	<u>2017</u>
Kitikmeot Legal Services	\$ 168,163	\$ 196,378
Kivalliq Legal Services	155,442	180,035
Maliiganik Tukisiiniakvik	<u>200,306</u>	<u>200,306</u>
	523,911	576,719
GST rebate	646,798	392,980
Other	<u>0</u>	<u>980</u>
	<u>\$ 1,170,709</u>	<u>\$ 970,679</u>

**4. ACCOUNTS PAYABLE AND ACCRUED LIABILITIES**

	<u>2018</u>	<u>2017</u>
Legal Clinics - GN funding repayable	\$ 523,911	\$ 576,719
Other accrued liabilities	1,266,375	1,224,182
Accrued payroll	<u>377,431</u>	<u>376,235</u>
	<u>\$ 2,167,717</u>	<u>\$ 2,177,136</u>

**LEGAL SERVICES BOARD OF NUNAVUT  
NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED MARCH 31, 2018**

**5. GOVERNMENT OF NUNAVUT FUND BALANCE**

	<u>2018</u>	<u>2017</u>
Opening balance	\$ (1,162,934)	\$ (1,561,755)
Revenues	(11,780,419)	(11,329,685)
Expenses incurred on behalf of LSB	11,780,419	11,329,685
Changes in:		
Accounts receivable and prepaids	222,725	245,058
Accounts payable and accrued liabilities	<u>9,419</u>	<u>153,763</u>
Closing balance	<u>\$ (930,790)</u>	<u>\$ (1,162,934)</u>

Amounts due (from) to the Government of Nunavut are non-interest bearing, unsecured and have no specific terms of repayment.

**6. LEGAL CLINICS CONTRIBUTIONS**

	<u>2018</u>	<u>2017</u>
<u>Kitikmeot Law Centre operating as Kitikmeot Legal Services</u>		
Contribution agreements	\$ 442,000	\$ 442,000
Reassigned/Supplemental contributions	73,250	138,000
Prior year surplus adjustment	8,621	0
Unused contributions/adjustments	<u>(24,459)</u>	<u>(44,053)</u>
Total used contributions	<u>499,412</u>	<u>535,947</u>
<u>Keewatin Legal Services Centre Society operating as Kivalliq Legal Services</u>		
Contribution agreements	589,000	589,000
Unused contributions	<u>0</u>	<u>(44,715)</u>
Total used contributions	<u>589,000</u>	<u>544,285</u>
<u>Maliiganik Tukisiiniakvik</u>		
Contribution agreements	1,540,000	1,522,598
Rent	<u>51,967</u>	<u>51,967</u>
Total used contributions	<u>1,591,967</u>	<u>1,574,565</u>
	<u>\$ 2,680,379</u>	<u>\$ 2,654,797</u>

## LEGAL SERVICES BOARD OF NUNAVUT

### SCHEDULE 1 - SCHEDULE OF ADMINISTRATIVE EXPENSES

For the year ended March 31	2018	2017
<b>Expenses</b>		
Executive office operations	\$ 779,710	\$ 863,003
Administrative operations	359,300	336,993
Programs and projects	205,689	171,851
	\$ 1,344,699	\$ 1,371,847

### SCHEDULE 2 - SCHEDULE OF BOARD GOVERNANCE

For the year ended March 31	2018	2017
<b>Expenses</b>		
Administrative support	\$ 6,041	\$ 5,250
Honoraria		
Regular and executive board meeting	23,226	21,960
CEO recruitment	17,826	-
Ongoing business	56,605	39,672
Committees	20,498	35,923
Regional board consultation	4,577	-
Professional fees	44,986	30,492
Recruitment	24,990	7,614
Translation and interpreting	7,451	18,785
Travel	97,235	141,442
	\$ 303,435	\$ 301,138

## LEGAL SERVICES BOARD OF NUNAVUT

### SCHEDULE 3 - SCHEDULE OF EXPENSES - CRIMINAL LAW PRACTICE

For the year ended March 31	2018	2017
<b>Expenses</b>		
Salaries and benefits	\$ 1,792,224	\$ 2,360,470
Travel and accommodations - staff	459,413	441,091
Private counsel	1,527,245	1,245,068
Travel and accommodations- private counsel	827,846	803,425
Relocation fees	49,916	1,890
Professional development	52,251	76,152
Disbursements - court, trial and appeals	98,726	139,442
Law line	112,874	109,362
Client and witness travel	70,355	59,555
Recruitment	43,969	16,296
	<b>\$ 5,034,819</b>	<b>\$ 5,252,751</b>

### SCHEDULE 4 - SCHEDULE OF EXPENSES - FAMILY LAW PRACTICE

For the year ended March 31	2018	2017
<b>Expenses</b>		
Salaries and benefits	\$ 1,125,797	\$ 791,360
Travel and accommodations - staff	121,231	124,754
Private counsel	193,599	193,909
Travel and accommodations - private counsel	40,449	74,823
Relocation fees	43,629	( 68,908)
Professional development	49,092	29,645
Disbursements - civil court and child welfare	6,885	4,239
Recruitment	-	14,164
	<b>\$ 1,580,682</b>	<b>\$ 1,163,986</b>

### SCHEDULE 5 - SCHEDULE OF EXPENSES - CIVIL AND POVERTY LAW

For the year ended March 31	2018	2017
<b>Expenses</b>		
Salaries and benefits	\$ 309,435	\$ 275,864
Travel and accommodations - civil and poverty law	37,087	47,990
Relocation fees	11,726	28,863
Professional development	9,037	8,252
Professional fees	15,112	23,710
Disbursements	920	-
Private counsel	25,317	11,840
Recruitment	-	1,116
	<b>\$ 408,634</b>	<b>\$ 397,635</b>

**LEGAL SERVICES BOARD OF NUNAVUT**

**SCHEDULE 6 - SCHEDULE OF EXPENSES - CLINIC ADMINISTRATION**

For the year ended March 31	2018	2017
<b>Expenses</b>		
Salaries and benefits	\$ 401,328	\$ 165,770
Travel and accommodations - staff	11,458	3,526
Recruitment	14,985	18,235
	<b>\$ 427,771</b>	<b>\$ 187,531</b>

## APPENDIX B – STATISTICAL SUMMARY

## SUMMARY REPORT FOR 2017/18 STATISTICAL DATA AND CLINIC INFORMATION

The following is a summary of information contained within the clinic reports, law line report, civil law report and statistical data with respect to the provision of legal services offered by the Legal Services Board and its regional offices for periods April 1, 2017 to March 31, 2018.

## CRIMINAL PORTFOLIO

CRIMINAL LAW Statistic	Kitikmeot	Kivalliq	Qikiqtaaluk	Totals
<b>Brydges (10b) arrest calls regular hours</b>	230	300	419	949
<b>Bail hearings Regular hours</b>	68	147	306	521
<b>Law line Brydges (10b) calls</b>	69	86	326	481
<b>Law line Bail hearings</b>	17	24	124	165
<b>Law line Youth</b>	6	19	12	37
<b>Criminal Law files opened</b>	457	529	1520	2506
<b>Criminal Law files closed</b>	131	721	919	1771
<b>Circuit weeks</b>	60	81	204	345
<b>Discrete Trial weeks</b>	3	11	28	42
<b>Full Coverage Criminal Applications</b>	89	61	182	332
<b>Full Coverage Criminal Approvals</b>	67	39	165	271
<b>Choice of Counsel Active</b>	5	3	14	22
<b>Criminal appeal considered/approved</b>	1/2	2/2	5/6	8/10

## FAMILY PORTFOLIO

FAMILY LAW Statistic	Kitikmeot	Kivalliq	Qikiqtaaluk	Reciprocal	Totals
Family Applications Children's Law Act	47	87	84	4	222
Family Approvals Children's Law Act	87	111	154	4	356
Child and Family Services	17	7	46	0	70
Approvals Child and Family Services	16	8	49	0	73
Family Appeal Considered/Approved	0	0	0	0	0

## ASSIGNMENT REVIEW

- ATP – Authorized to pursue relief applied for and approved following opinion.
- As at 2018/03/31

### Summary

Active opinions:	286
ATP matters:	616
Pending:	55
Total active files:	957
Closed in 17/18:	153

## CIVIL PORTFOLIO

CIVIL LAW Statistic	Kitikmeot	Kivalliq	Qikiqtaaluk	Totals
Civil Applications (all)	43	38	82	163
Landlord Tenant	6	3	24	33
Police Misconduct	1	3	7	11
Human Rights	0	1	4	5
Employment	4	5	8	17
Poverty (Misc)	32	25	36	93
Small Claims	0	1	3	4

## DENIALS

Denials (all)	Civil	Criminal	Family
Income over guidelines	13	8	15
Lack of Merit	5	0	2
Outside scope of coverage	6	0	10
Totals:	24	8	27