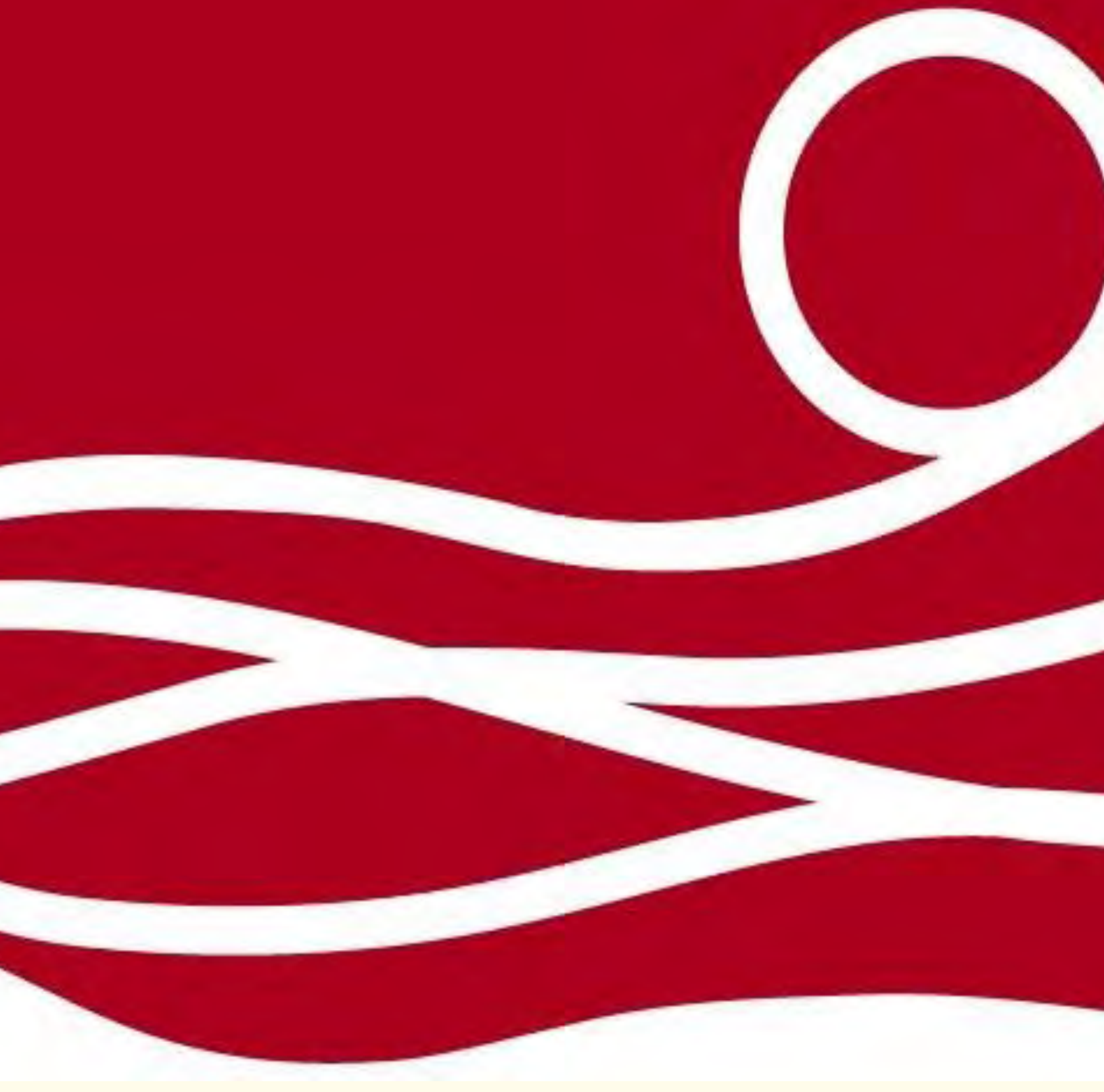
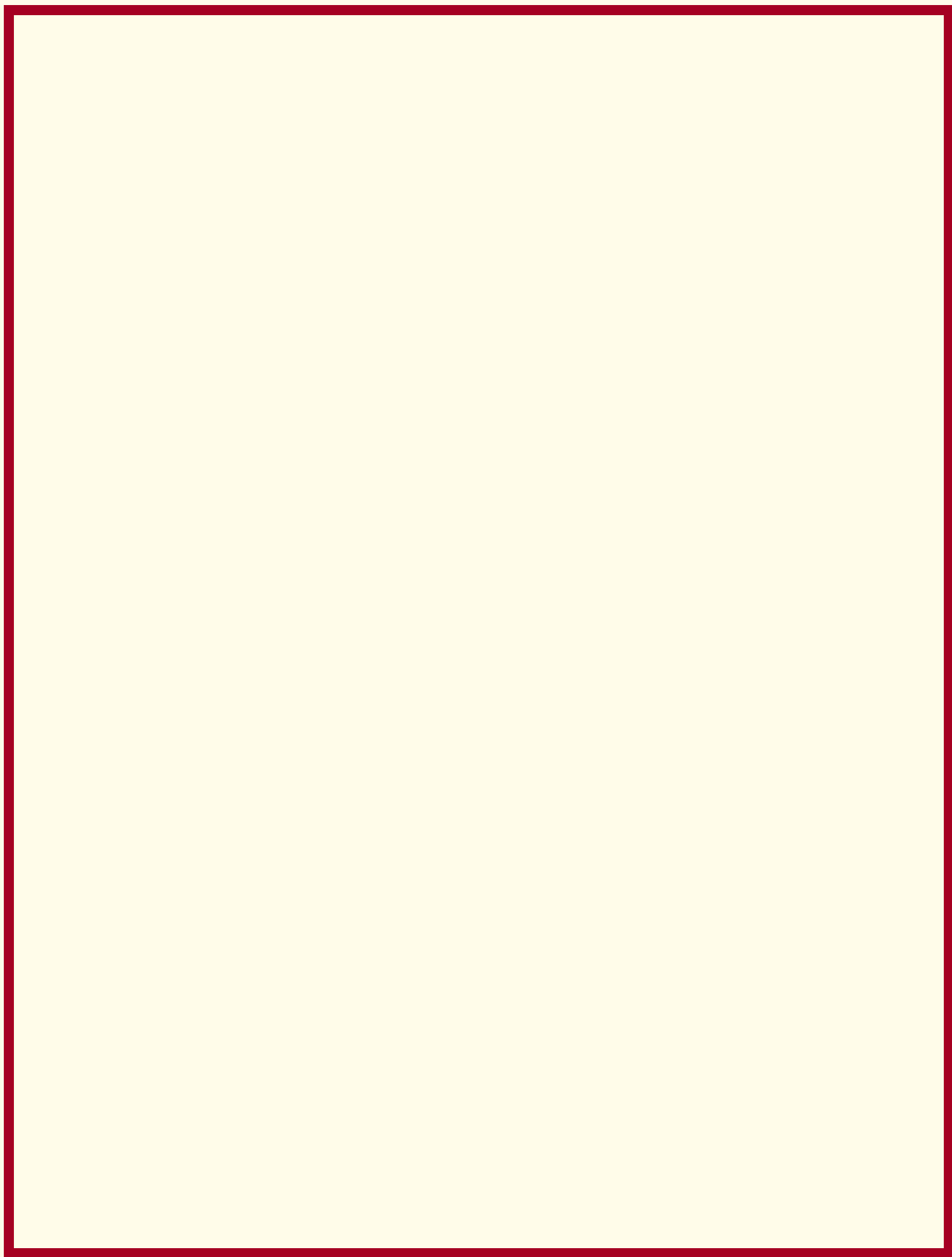


# **Nova Scotia Legal Aid Commission 2013/2014 Annual Report**





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## **MESSAGE FROM THE CHAIR**

I have the privilege to present the 2013/2014 Annual Report of the Nova Scotia Legal Aid Commission.

Legal Aid has completed another year of expanding and improving services in a challenging fiscal environment. The Province of Nova Scotia (with a Federal contribution for part of criminal legal aid) invests in Nova Scotia Legal Aid. Our job is to ensure that Commission values of responsiveness, excellence of service and accountability are being met.

At the Commission level, the Board has successfully completed its restructure. The new structure consists of committees which have clearly defined roles of either basic fiduciary oversight or setting policy and strategic direction. The Commissioners are fully engaged in their new roles and the feedback has been very positive.

The Executive Director will detail in her report various new and exciting service initiatives that have been undertaken in pursuit of the Strategic Plan.

Expansion of services in our three core areas, including social justice to targeted geographic and demographic groups, have been successfully undertaken. The focus has been to provide services on a continuum which permits flexibility and reallocation of resources as required.

Staff retirement has led to recruitment opportunities which permit the Commission to balance maturity with the enthusiasm of youth.

On the national level, through the Association of Legal Aid Plans (ALAP), Nova Scotia Legal Aid is very involved in the improvement and coordination of Legal Aid among provinces. Resources and programs are now shared where possible and Nova Scotia has taken on a leadership role in ensuring that duplication is avoided.

Nova Scotia Legal Aid continues to attach priority to being a valued partner in the Justice system in Nova Scotia. Its role is perceived by the Bench, Government and interest groups as critical to the improvement and proper functioning of the system.

A continued emphasis on efficiencies at all levels continues to ensure that Nova Scotia Legal Aid is sustainable as the services it provides are critical to a fair justice system.

For all the reasons above, I am pleased to submit and endorse the Annual Report for public purposes.

Donald G. Harding, QC  
Chair, Nova Scotia Legal Aid Commission



## **EXECUTIVE DIRECTOR'S REPORT**

### **"HERE TO HELP"**

#### **Setting the Stage**

*"There is a serious access to justice problem in Canada... Legal aid funding and coverage is not available for most people and most problems."* (National Action Committee Report 2013)

#### **The Way Forward**

*"...Research has consistently found on average that \$1 of legal aid spending saved \$6 on other public expenditures."* (CBA 2014)

*"I was reminded recently that Martin Luther King's famous speech did not start with 'I have a plan'. Of course he had a plan but he first needed to persuade people that change was needed and that things could get better. I hope we leave here with a shared sense of the dream and a commitment to do what we can to make it come true..."*  
(Justice Thomas Cromwell, keynote speech at the CBA Envisioning Equal Justice Summit, April 2013)

#### **NS Legal Aid's New Strategic Direction**

*"Without meaningful access to justice, there is no justice. The Nova Scotia Legal Aid Commission makes justice possible."* (NSLAC renewed Vision 2013/2014)

Our Vision is backed up by a Plan. The Plan is forward looking. It has a theme and that is we are "Here to Help".

It incorporates thinking from the *National Action Committee on Access to Civil and Family Justice*; from the *CBA Envisioning Equal Justice Summit*; as well as the focus of the Province on increasing efficiencies and effectiveness in our criminal and family justice systems. It is based on what we have heard from clients and Nova Scotians who struggle with access to justice.

The Plan is ambitious. We see it as achievable as it will be implemented on the planet of fiscal realities. That means, it is based on current resources. Nevertheless, it has new key strategic directions which will mean more access to more justice for more people.

A copy of our Strategic Plan Summary resides on our website [www.nslegalaid.ca](http://www.nslegalaid.ca) under “Publications”. This is a high-level document, a picture created with broad strokes, but it is being followed through with work plans for specific initiatives.

### **Services (What We Do)**

Services are now in 3 core areas:

- Family
- Criminal
- Social Justice (helping Nova Scotians with issues that impact income security and housing stability).



These 3 service areas are delivered on a continuum.



Breaking Down the Continuum:

## Information

We rolled up our sleeves and worked to deliver a better website. This will be rolled out in 2014/2015. It will help provide public legal education and navigation (e.g. to Legal Information Society of Nova Scotia).

## Summary Advice and Limited Retainer

We broadened our front-end help. Summary Advice services are available to help get the right information in the hands of Nova Scotians at the earliest possible opportunity.

It is available without the financial eligibility hurdles that apply to full service legal aid (a lawyer for your case). Our summary service initiatives were focussed on three points of accessibility for Nova Scotians:

- Courthouse based
- In office
- Community based

Courthouse-based services means that Nova Scotia Legal Aid offers Summary Advice Counsel (access to a lawyer for one-on-one summary legal advice specific to **an individual's family law issue or question**). **It also includes access to criminal-focussed Duty Counsel** available in Provincial Courts around Nova Scotia.

We have refreshed our summary advice services delivered in our offices. Nova Scotians come to our offices seeking a lawyer for their case. In the past, if they **were not eligible for Legal Aid, they would be told "sorry"**. **Now, using our** experienced support staff to navigate to community resources and access to a lawyer for summary advice, I am pleased to say that we provided more help for more Nova Scotians.

Community-based. When Legal Aid began in the 1970s, the model adopted was one of community-based offices. This was, and remains, a good idea. Last year, we implemented a new facet of community-based service encompassing not just service from our individual offices, but outreach services within the communities themselves and innovations to better connect with Nova Scotians we are here to serve.

Some examples:

- **Our Antigonish Office now goes into Paq'tnkek (formerly Afton).**
- Our Sydney Office is expanding family services and social justice help into Eskasoni in conjunction with our criminal service outreach.
- Our Halifax Offices go into Spryfield **as part of a 'one-stop shop'** community access Hub program operating out of Chebucto Connections and we go into ISIS (Immigrant Settlement & Integration Services) to provide legal education and one-on-one summary advice to immigrants.



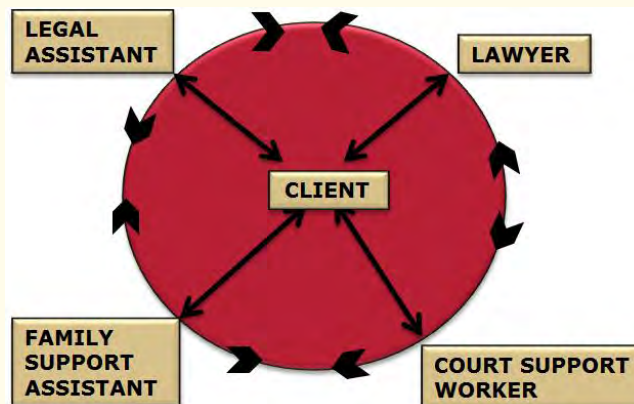
- Nova Scotia Legal Aid's first Aboriginal Justice Initiative. It maps a go-forward plan to better serve Aboriginal Nova Scotians who need legal aid. A copy is included with this report.
- We began planning for our Preston's Community Outreach which will be implemented in 2014. Community consultations were held. What we heard was that the area needed help with legal information and advice on property, wills and estates issues. We approached a private law firm. BOYNECLARKE has helped us plan our Preston communities outreach and will, in cooperation with Nova Scotia Legal Aid, provide more access to justice for this area.

### Full Service

Nova Scotia Legal Aid refreshed its approach to determining full-service financial eligibility by going back to basics. We looked at what Nova Scotians need in the context of our Regulations which govern the Commission. We are allowed, indeed mandated, to exercise discretion in assessing financial eligibility for the working poor when the seriousness of the case dictates that it is the right thing to do. As a result, last year we decreased our rejections by almost 30%.

### **Operations (How We Do Things)**

Operations is client focussed.



A key to our service enhancement is the movement toward a multi-disciplinary team. In Sydney and Halifax, we now use Court Support Workers and Family Support Assistants to work in triage with lawyers and clients (using a medical **analogy, you don't need a surgeon to draw blood**). We also recognized that different skillsets are needed for Duty Counsel, for high-volume full service, for Big Cases, for management. We made changes to match the right person to the position.

We breathed new life into our commitment to racial diversity and competencies. An article submitted and which was published in *Nova Voce* is appended to this Report. I would like to spotlight a quote from Jennifer Cox (Staff Lawyer, Truro) which forms part of the article:

*As a Mi'kmaq woman and legal aid lawyer, I can say that NSLA initiatives to increase racial diversity and promote cultural competence allow me to provide the Aboriginal community with a constructive voice within the Justice system. This promotes a greater sense of Justice for my Aboriginal clients and the community when they feel that their point of view is clearly understood and articulated.*

Last, but certainly not least as the saying goes, I would like to say thank you to the private Bar.

Approximately 20% of Legal Aid full-service cases are delivered by the private Bar. We saw a decline in the number of private Bar lawyers taking Legal Aid cases. We implemented a renewal focus on private Bar engagement. This includes:

- We recommended a \$10/hour increase to the Tariff rate paid to private Bar lawyers taking legal aid cases. This was approved by the Province (took effect May 2014).
- In addition, we provide support and assistance to private Bar lawyers taking legal aid cases through use of our researcher, our Criminal Appeals & Special Cases Counsel and our NSLA CFSA Committee.
- We provide access to our in-house PD.
- We celebrate the commitment of private Bar lawyers who serve as Commission Directors.

## **Technology**

We are getting everyone underneath the umbrella of technology as part of our Strategic Plan.



Umbrella of Technology and Planet of Fiscal Realities

Think:

- Website renewal;
- E-Calendars (when courts call, the Assistant will know if the lawyer is available);

- Email to text client reminders about court dates;
- Remote mobile accessibility – more use of video conferencing and e-disclosure;
- Tracking the right information on our Case Management System (e.g. we now track whether clients self-identify as Aboriginal).

### What's Next:

- Online Application process for Nova Scotians;
- After hours online assistance for family advice. (Nova Scotia Legal Aid already provides 24/7/365 advice to Nova Scotians detained by police).

## **The Right People**

For any organization, people are the key to success. Our lawyers wear many hats. The Society Record in the Fall 2013 did an article about Nova Scotia Legal Aid Staff Lawyers. I am pleased to enclose this article in this Annual Report.

One of our strengths is a great team of experienced support staff who have stayed with the program. The support staff are often the first point of contact for Nova Scotians who need Legal Aid. Here is a word from a friend and support staff colleague, Maureen, who will be retiring after 32 years:



*Still today, I do not have an answering machine to pick up any of my phone lines, as I believe we are here to provide a service to those that may be in a very vulnerable state. Having a person pick up the phone rather than getting an answering machine is crucial for these individuals, and can make all the difference in the world.*

We instituted other operational changes such as splitting the Dartmouth Criminal and Family Offices into two offices to decrease conflicts and opened a Sydney Conflict Office. Both will allow us to meet our values of accessibility, responsiveness and accountability.

Staffing levels remain static, with the exception of adding an IT help desk position. This allowed our IT Coordinator a proactive mandate to help us increase use of technology and ensure that we track the right information.

## **Consultation and Collaboration**

Nova Scotia Legal Aid is here to help Nova Scotians. To do so, we must consult and collaborate.

We work on local, provincial and federal initiatives aimed at increasing the effectiveness and efficiencies of the criminal and family justice systems. Here are just a few examples:

- Early Referral Pilot, Sydney – This is early referral (ER) for child welfare. The Department of Community Services (DCS) Social Worker will refer the parent **to Legal Aid before there is a protection application.** DCS “lawyers up” early on, as does the parent and then case conferencing occurs. It will negate the need for so many protection applications. The pilot started in Cape Breton late in the calendar year.
- Differential Response – We are working with the Department of Justice (DOJ), Court Services and the Judiciary to decrease delays and use concepts of triage (matching resources to need) to better meet the needs of Nova Scotians.
- Here is a photo of several Sydney Office staff receiving the Correctional Services **Executive Director’s Partnership Award** which recognizes the work of our Sydney Office with Corrections and Courts to increase the use of video conferencing:



- Association of Legal Aid Plans of Canada (ALAP) and National Action Committee (NAC) on Access to Civil and Family Justice, and the Canadian Bar Association (CBA) Reaching Equal Justice. ALAP, NAC and CBA are spotlighting the importance of legal aid in making justice accessible. Funding legal aid is an investment that pays good dividends. Legal Aid Plans put few, if any, dollars into PR and so our work with these organizations is key. I am pleased also to continue my efforts with the Federal/Provincial/Territorial Permanent Working Group on Legal Aid. The group is comprised of people committed to more access to more justice for more Canadians.

## **The End**

In summary, for 2013/2014:

- NSLA provides service across the Province in three core areas (criminal, family and now social justice).
- We provided more front-end summary advice (in offices, in courthouses and into communities).

- Our approach to full-service financial eligibility was refreshed and we decreased our rejections for full services.
- Operational changes focussed on connecting better with Nova Scotians we are here to serve. More outreach, using multi-disciplinary service delivery, keeping wait times within 2-4 weeks and smarter use of technology.

We are Here to Help Nova Scotians.

A handwritten signature in black ink, appearing to read 'KH', with a long horizontal line extending to the right.

Karen Hudson, QC  
Executive Director



*the*  
**SOCIETY  
RECORD**

VOLUME 31 | NO.2 | FALL 2013



NOVA SCOTIA  
BARRISTERS' SOCIETY

[www.nsbs.org](http://www.nsbs.org)

# Access to Justice

Enhancing access to legal services and the justice system for all Nova Scotians

*Darren MacLeod, Nova Scotia Legal Aid Commission, Annapolis Royal*

**VISION, LEADERSHIP, EXCELLENCE – THE LEGAL PROFESSION IN NOVA SCOTIA**



Karen Hudson QC, Executive Director  
of the Nova Scotia Legal Aid Commission

## Nova Scotia Legal Aid: WHY SHOULD YOU CARE?

*I*t would be impossible to have a conversation about access to justice and access to legal services in the province without including the efforts of the Legal Aid Commission of Nova Scotia. The Society Record spoke recently with Karen Hudson QC, Executive Director.

SR: Is there a sense that people don't care?

KH: I think it's more that people don't know. We don't put money into public relations. A few years ago, I was asked to speak to the Canadian Chiefs of Police in Toronto. When I looked at the agenda, I saw they framed my topic "Legal Aid, Why Should We Care?". At first I was ticked then I realized okay, starting from basics really is an opportunity. If people don't know WHAT we do, they are not engaged in the more interesting question of what we CAN do.

SR: Ok, so why should *lawyers* care about Nova Scotia Legal Aid?

KH: Here is the bare bones answer: Last year we accepted over 19,000 full-service applications from Nova Scotians facing family, criminal,

poverty administrative law issues (think CPP disability claim denials) and civil hospital commitments. We provided 24,000 limited retainer services (duty counsel and summary advice) in Provincial Courts, Supreme Court Family Division, Family Courts, and telephone duty counsel for Nova Scotians detained by police, 24/7, 365 days a year.

NSLA works against the old adage that "justice is open to the public in the same way as the Ritz Hotel". We are essential for effective outcomes and timely justice. In other words, fairness. Imagine our province without Legal Aid.

SR: Why did you call it the bare bones answer?

KH: I think those are impressive statistics for an organization of 88 lawyers who handle 80 per cent of our full-service applications. But they are only statistics. Like any law firm, the key is attracting and retaining the right people and focusing on providing services the right way.





SR: What makes the “right” Legal Aid lawyer?

KH: Compassion, organization and common sense combined with fearlessness. Compassion for people who have not had our opportunities. Organization and common sense to handle a high-volume caseload and be able to prioritize; the ability to swallow your fear that comes from a high-stakes practice of helping Nova Scotians who face incarceration, loss of their children, involuntary hospital committals and eviction.

Three years ago my colleague Anne Malick QC received the Society’s Distinguished Service Award. This year, E. Ann Marie MacInnes was chosen as a national Legal Aid Leader by the CBA. In February, the Court of Appeal commented in *R. v. Ogden*, “... we have many highly competent and dedicated Legal Aid lawyers in Nova Scotia. By the record it appears that Mr. MacLeod [Annapolis Royal Office] is one of them.”

SR: You said much of the impact of the organization also depends on providing services the right way. What do you mean?

KH: It is important that we continue to provide full service (a lawyer for the case). That seems pretty self-evident, but some legal aid plans have rolled back full service. I think it must be protected. In Canada, if you need surgery you still get a doctor. That being said, we can do a better job of looking at services as a continuum – increasing our efforts to provide Nova Scotians with legal information, navigation to community resources and summary advice.

This year, we will continue to expand Summary Advice Counsel for unrepresented family litigants across the province. This will be done within current resources. This is a service for Nova Scotians who do

not qualify for full service legal aid and cannot afford to retain private counsel. We will also look at providing more services outside of the office. For example, seeing clients in more Aboriginal communities and seeing clients in parent resource centers. We will also make better use of technology – provide email to text reminders to youth and adults re court dates and appointments. Small things can make a big difference.

SR: Access to justice is a huge topic of consternation across the country. You often say Legal Aid is access to justice in motion. Can you explain?

KH: Gloria Steinem said, “Law and justice are not always the same thing.” Legal Aid is the equalizer.

SR: I have heard you say that Legal Aid lawyers wear many hats. What does this mean?

KH: A Staff Lawyer model means lawyers do many things in the course of a day: full service litigation, duty counsel and engagement in broader access to justice focuses. Here are some quick snappers:

- **Rob Gregan**, Managing Lawyer in Amherst, full-service Legal Aid lawyer, is also Secretary to the Canadian Prison Law Association and provides legal aid in Springhill Institution.
- **Jill Perry**, Managing Lawyer (Family), Sydney, is an active child welfare lawyer and Second Vice-President of the Society.
- **Megan Longley**, Managing Lawyer, Halifax Youth Office, facilitated a community access to justice consultation at Phoenix House this year and is working with the Halifax Regional Police and RCMP on preventative outreach for youth.

Kai Glasgow of the Youth Justice and  
Duty Counsel Office, Spring Garden Road





**Darren MacLeod,**  
Nova Scotia Legal Aid,  
Annapolis Royal office



Photo by Stephen Skofte

- **Chandra Gosine** heads our NSLA Racial Diversity Committee, in addition to full-service youth criminal work.
- **Roger Burrill** presents to judges and lawyers and law students in addition to special cases and being our Criminal Appeals Program (although perhaps it's not right to call something a 'program' when it's only one lawyer).
- **Kelly Rowlett**, Mental Health Court Lawyer, organized our Annual Meeting session on recognizing and responding to clients with mental health issues.
- **Gus Postlewaite**, full-time Summary Advice Counsel, Sydney, Supreme Court Family Division, now also provides poverty law help to Nova Scotians.
- **Sam Moreau**, Port Hawkesbury Office, is a full-service lawyer who also provides legal aid in We'Koqma'q and Potlokek, and is helping develop a child welfare DVD for parents.
- **Douglas Lloy** has a heavy criminal caseload in the New Glasgow Office, volunteers as head of the Pictou County Bar, plus authored commentary in *Lawyers' Weekly* re CPP Disability.
- **Krista Forbes** is a Halifax family lawyer and Vice-Chair of the CBA Nova Scotia Family Law Section.
- **Lee Seshagiri**, a full-service criminal lawyer in Halifax, also teaches at the Schulich School of Law at Dalhousie University.
- **Peter Mancini**, Service Delivery Director, is a member of the Law Reform Commission and provides personal attendance at police stations for homicide detainees.

We have 88 lawyers – I could give you 88 examples.

**SR:** What are the biggest current challenges and what is NSLA doing to address them?

**KH:** Recently I presented to the CBA Conference, Envisioning Equal Justice, in British Columbia. Legal Aid Programs in Canada must REACH to the future. This means:

- R** - Legal Aid Plans across Canada must develop more value for money **research**, showing that investment in legal aid makes fiscal sense.
- E** - Expand **eligibility** criteria for full service to include the working poor who are unable to afford private counsel.
- A** - Embrace an **advocacy** role for Legal Aid to speak on access to justice for vulnerable Canadians. Think issues of food security (Income Assistance levels); impact of mandatory minimums; overrepresentation of First Nations children in foster care.
- C** - Value **coverage** beyond criminal into equal service dollars for family and poverty law legal aid. Women and children need this. Family services are more costly but over 75 per cent of Legal Aid family services are delivered to women. Some plans such as in B.C. rolled back poverty and family services when funding was cut.
- H** - Apply **holistic** approaches. Outreach pilots (partnering with parent resource centers and going into marginalized communities) are good first steps but deserving of more intentional support.

**SR:** What are the biggest hurdles ahead?

**KH:** We have a lot of challenges. We need to convince the federal government (which cost shares criminal legal aid) to increase its commitment, which has remained the same since 2003. We need to raise awareness about the value of Legal Aid. We need to look at adequate compensation levels for private lawyers who deliver Legal Aid. We need to better understand how to respond to clients with mental illness. We need to better understand the needs of marginalized and vulnerable Nova Scotians.

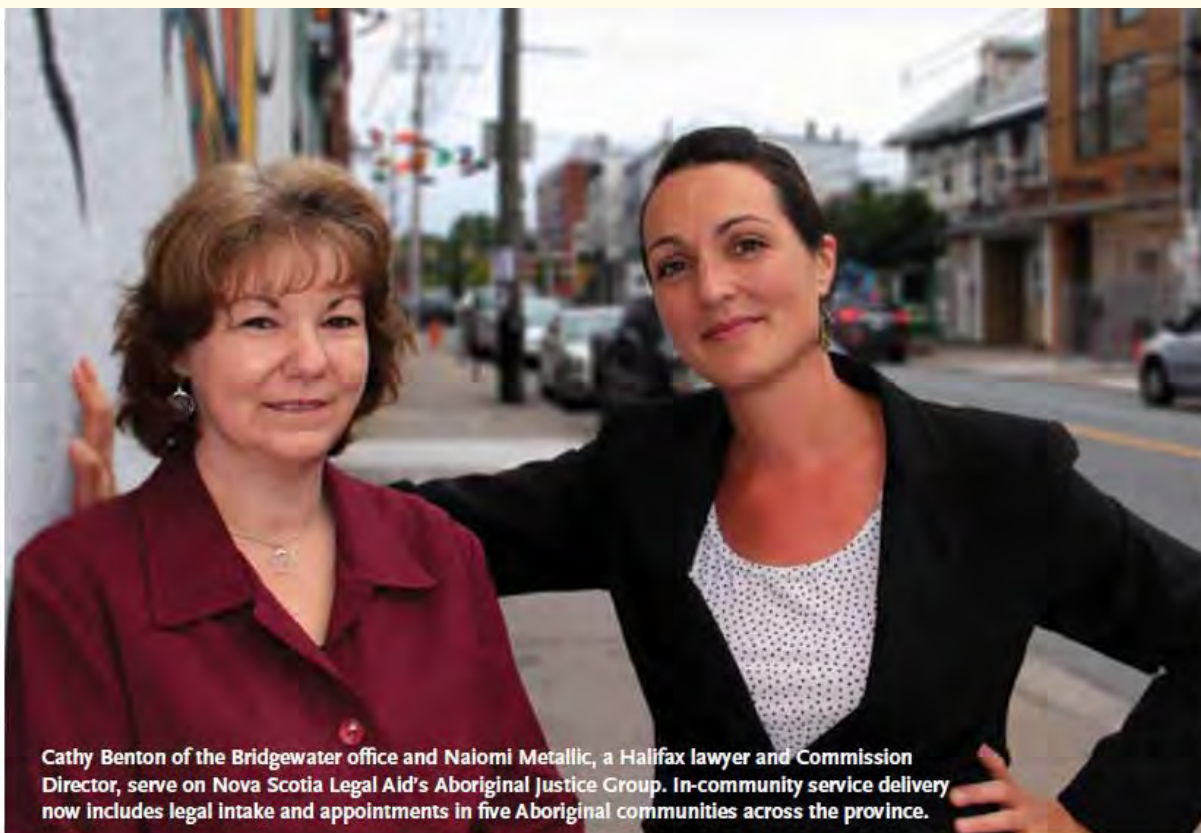
We need a lot. But the first step is to raise awareness about the value of Legal Aid and celebrate the value of Legal Aid lawyers. This includes the private Bar, which delivers 20 per cent of our services. A word of advice: Don't say to a lawyer, "*Are you still with Legal Aid?*" You might be faced with the response that a colleague of mine gave: "*Are you still a partner?*"

**SR:** What are the most rewarding aspects of working with Legal Aid?

**KH:** "Legal Aid makes a difference" is what my colleague Peter Mancini says. Legal Aid often provides people with the opportunity to get not a second chance but a first chance. I want to live in a society that allows us all to have opportunity. Sometimes it comes late. A year ago, I walked into a hair salon and the stylist recognized me. I represented her 20 years ago in a child protection matter. I remember she thought it was funny that we were both pregnant at the same time, although I was older than her mother. I asked her how things were going. Her two kids were now pretty well grown and doing well. She herself had completed her undergraduate science degree, with honours, and was off in September to dental school. Not to be a hygienist. She received a scholarship to study dentistry. 🍀







**Cathy Benton of the Bridgewater office and Naomi Metallic, a Halifax lawyer and Commission Director, serve on Nova Scotia Legal Aid's Aboriginal Justice Group. In-community service delivery now includes legal intake and appointments in five Aboriginal communities across the province.**

## REAL HISTORY, REAL JUSTICE: *Nova Scotia Legal Aid and the NSBS*

**"The provision of legal services is no longer a luxury for the person who can afford to pay."**

Nova Scotia Legal Aid (NSLA) was founded on the philosophy as expressed above to the Attorney General in 1971 by a Committee struck to consider Legal Aid, chaired by William Cox QC.

The Province responded and by agreement with the Nova Scotia Barristers' Society, NSLA was established. In those days it was wide open and no restriction was placed on the areas of service. Ten staff offices were established (today we have 16). NSLA was administered by an Executive Director and a Society Committee.

A review by J. Gunn in the '70s found that "subsidized Legal Aid is an essential service and must be continued". A staff model was wholly endorsed and, with the passing of the Legal Aid Act, the Nova Scotia Legal Aid Commission was born.

Today, Commission Directors are appointed by Order in Council, and an Executive Director is chosen by the Commission to run the program and report to the Commission. Seven Directors are Society nominees; current ones appointed to the Commission are Naomi Metallic (Halifax), George Ash (Dartmouth), Trinda Ernst QC (Kentville), Ronald R. Chisholm (Truro), Hugh Robichaud (Meteghan), Linda Tippet-Leary (Halifax) and Darlene MacRury (Glace Bay).

NSLA and the Society continue to enjoy a close connection. The Executive Directors of both organizations work with the Deputy Minister, the head of the Nova Scotia Public Prosecution Service, Public Prosecution Service Canada and the Judiciary on justice initiatives.

To name just a few examples of the joint efforts, NSLA worked with the Society to develop family

**Donald G. Harding QC**  
Chair, Nova Scotia Legal Aid Commission



law standards and also consulted in the development of Legal Aid Criminal Law Standards to be rolled out this year. Executive Director Darrel Pink addressed our 2012 AGM. Staff Lawyers are encouraged to participate in Council and its committees.

It is noteworthy to point out that the 17 members of the Commission are virtually volunteers as they donate work days for a small stipend, which has been static for decades, all for the legal aid cause. Recently, the Commission enthusiastically embarked on a Board renewal, which has taken considerable time and effort but was long overdue. Focus has been on rationalizing Board functions that are essentially divided between basic statutory fiduciary duty and strategic planning. ♣

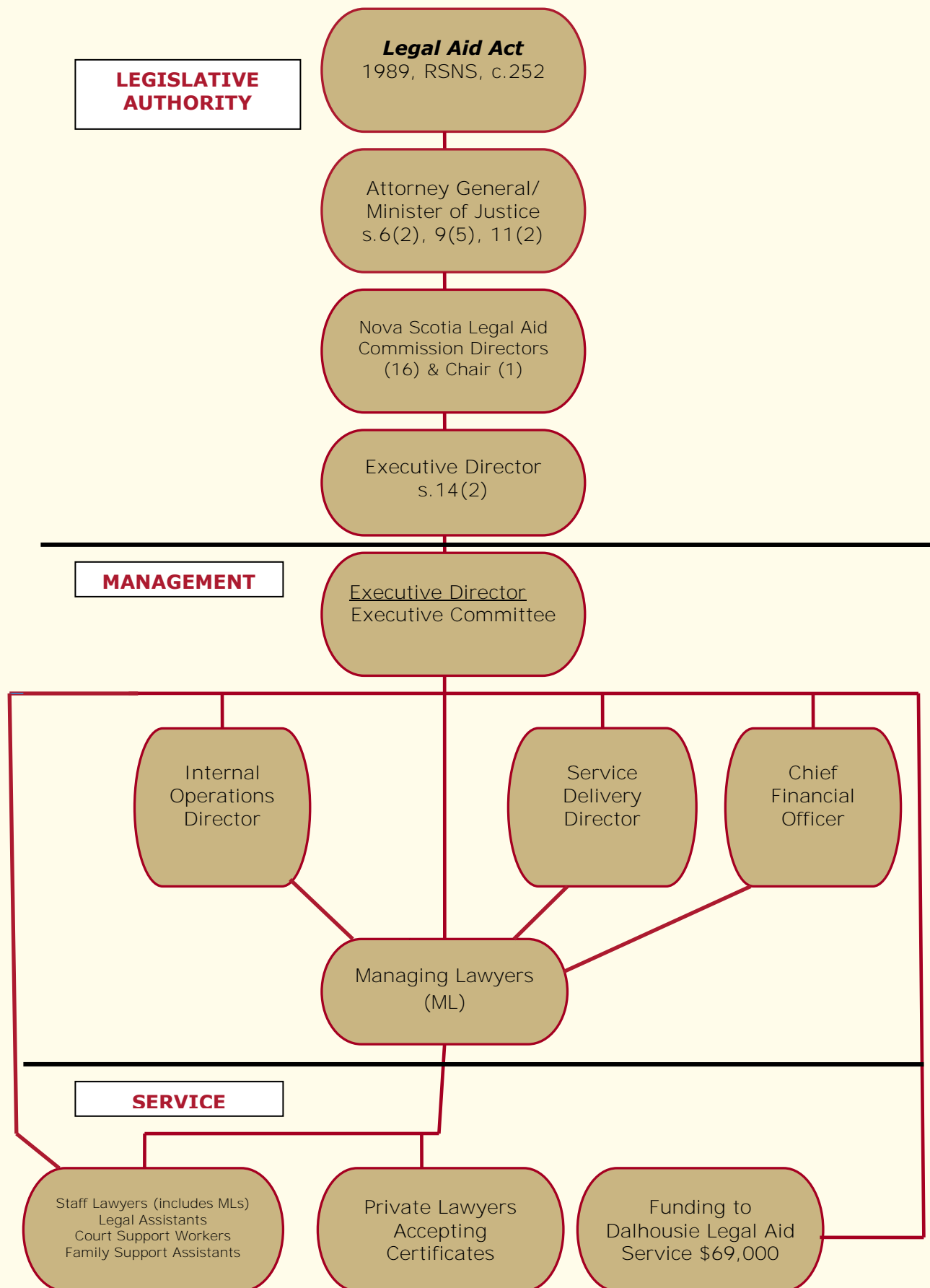


## **COMMISSION MANDATE**

The mandate of the Nova Scotia Legal Aid Commission, in so far as Government funding permits, is:

- (a) To deliver quality legal services [this means information, advice, partial representation and full-service representation – but not to spelled out herein] to qualified applicants with priority for matters involving the liberty and civil rights of individual clients and for matters involving the integrity and protection of an individual's family;
- (b) Such other legal services as Government may contract with the Commission to provide to individuals or groups.

## 2013/2014 NSLA COMMISSION STRUCTURE



## **BOARD OF DIRECTORS AS OF MARCH 31, 2014**

**Donald G.  
Harding, QC**

(Chair)

**George Ash**

Dartmouth

**Ronald R.  
Chisholm**

Truro

**Fred  
Colaiaacovo,  
CA**

Halifax

**Barbara  
Darby**

Bedford

**Trinda  
Ernst, QC**

Kentville

**Kathy Isnor**

Halifax

**Edward  
Kirby, CA**

Halifax

**Darlene  
MacRury**

Glace Bay

**Naiomi  
Metallic**

Halifax

**Richard W.  
Norman**

Halifax

**Hugh  
Robichaud**

Meteghan

**Linda  
Tippett-  
Leary**

Halifax

**Walter I.  
Yeadon**

Brookside

**Vacancy**

**Vacancy**

**Vacancy**

## **MANAGEMENT TEAM AS OF MARCH 31, 2014**

### **OFFICE OF THE EXECUTIVE DIRECTOR:**

**KAREN HUDSON, QC**

Executive Director

**JOSEPH A. CAMERON**

Internal Operations Director

**D. PETER MANCINI**

Service Delivery Director

**JENNIFER CAIN, CA**

Chief Financial Officer

---

### **REGIONAL OFFICES:**

**ROBERT GREGAN**

Managing Lawyer, Amherst

**MEGAN LONGLEY**

Managing Lawyer - Youth  
HRM Youth and Duty Counsel

**DARREN MACLEOD**

Managing Lawyer, Annapolis Royal

**BRIAN VARDIGANS**

Managing Lawyer, Kentville

**CINDY MURRAY**

Managing Lawyer,  
Antigonish & Port Hawkesbury

**STEPHEN ROBERTSON**

Managing Lawyer, New Glasgow

**CATHY BENTON**

Managing Lawyer, Bridgewater

**E. ANN MARIE MACINNES**

Managing Lawyer-Criminal  
Sydney/Sydney Duty Counsel

**SHELLEY HOUNSELL-GRAY**

Managing Lawyer – Family, Dartmouth

**JILL PERRY**

Managing Lawyer–Family, Sydney

**KAREN ENDRES<sup>1</sup>**

Managing Lawyer - Criminal, Dartmouth

**MARIAN MANCINI<sup>2</sup>**

Managing Lawyer, Sydney Conflict

**BRAD SARSON**

Managing Lawyer, Halifax South

**DAVID MAHONEY**

Managing Lawyer, Truro

**WAYNE MATHESON**

Managing Lawyer, Halifax North

**KAREN ARMOUR**

Managing Lawyer, Windsor

**LONNY QUERPEL**

Managing Lawyer-Duty Counsel  
HRM Youth and Duty Counsel

**MURRAY JUDGE**

Managing Lawyer, Yarmouth

**PAUL STORDY**

Managing Lawyer, Information & Advice Services

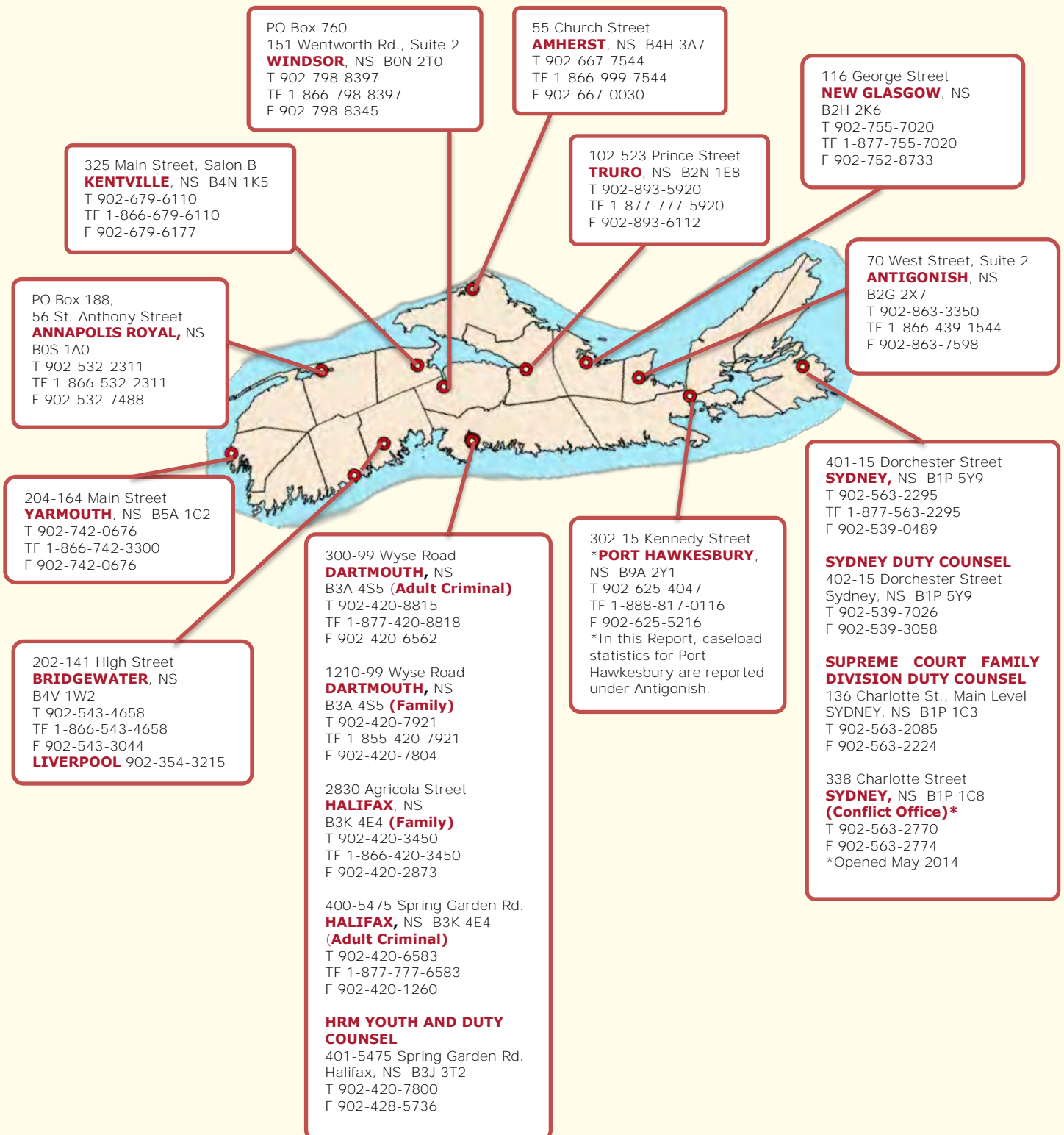
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<sup>1</sup> Effective April 1, 2014

<sup>2</sup> Effective April 1, 2014



## SERVICE OFFICE LOCATIONS



## CLIENT FEEDBACK

*Words mean more than what is set  
down on paper. It takes the human voice  
to infuse them with deeper meaning.*

Maya Angelou

Having Ms. Moore's legal services made a huge difference in my social justice matter. There was guidance in all the areas that were confusing to me. Her help meant all the appointments and paperwork was done properly by everyone involved. Having the help also shed light on my legal rights, as well as all the steps that should be taken for me to be successful. Without these legal services I don't believe I would have been successful in my case.

....I'm searching for words to thank both you and Lola for the deeply conscientious and hard work you put into dealing with my case... Before Lola agreed to take on my case I had very little hope of success and was feeling extremely discouraged...Lola's practical common sense and at the same time personal support helped me to stand back and work with my resources I had at hand rather than wallow in pointless negative emotion.

Every time we left your office we were in awe of your kindness, patience, and focus on your job. Regardless of whatever the outcome, we have wanted to show our gratitude for your integrity. All the more apparent by your having called on a Sunday. Thank you for going the extra mile for us.



## COMMUNITY OUTREACH



Jillian Allen (Windsor Office) and David Daniels (Kentville Office) speaking with NSCC students in the Valley on social justice issues.



Trinda Ernst, QC (Commission Director), Brian Vardigans (Managing Lawyer, Kentville) and Karen Hudson, QC (Executive Director) presenting to Kings County Bar and local media on NSLA outreach.



Peter Mancini (Service Delivery Director) and Reverend Rhonda Britton at NSLA's Social Justice Professional Development Day



Karen Hudson, QC (Executive Director), Cathy Benton (Managing Lawyer, Bridgewater Office and Mi'kmaq woman) and Naomi Metallic (Commission Director and Mi'kmaq woman) - Aboriginal Justice Initiative - Connecting intentionally with Aboriginal Nova Scotians who need Legal Aid.

*Adams Photography Inc.*



Robert Chipman, Linda Joudrey, Joshua Nodelman and Veronica Tanner (Bridgewater Office) at South Shore Legal Exposition



Cindy Murray (Managing Lawyer Antigonish/Port Hawkesbury Offices) and Tracey Sturmy (Port Hawkesbury Office) at St. FX In the Loop Career

## THE RIGHT PEOPLE



*"After 41 years of practicing law and trying to learn from my many mistakes, I take some satisfaction from helping people express themselves. An example is a recent CPP appeal. The client had a grade seven education and was very reticent to talk about himself. We were successful. His comment to me was that I made him comfortable and I was easy to talk to about his issues".*

Gerald MacDonald, QC

Circumstances left a young aboriginal woman stranded in Kentville after a Legal Aid defence lawyer was able to arrange for her release. The young woman indicated that her only available mode of transportation was to hitchhike the 180 kilometers home. This caused great **concern for the young woman's safety.** Jillian Allen, NSLA Windsor, drove the young woman home. Our client was genuinely appreciative of the effort made by Legal Aid to keep her safe and secure her return to Indian Brook.



Jillian Allen, New to Legal Aid's  
Lawyer Team





*"As both an African Nova Scotian and a Mi'kmaw, access to justice is a very real issue to me and in order to tackle that issue in a meaningful way it is imperative that the voices of those most affected by this issue, marginalized individuals, are heard. It is critical for all members of our Canadian democracy to see African Nova Scotian and Mi'kmaq lawyers. This is why I practice law and why I joined the Racial Diversity Committee at NSLA".* David Curry, Staff Lawyer, Yarmouth Office



Mental Health Legal Services  
Connie MacIsaac, Kelly Rowlett

Nova Scotia Legal Aid Mental Health Services (MHLS) has been serving clients in Nova Scotia since 2008 and at this time has three (3) full-time staff, two lawyers and a support person. Connie deals primarily with providing representation to patients in the HRM under the ***Involuntary Psychiatric Treatment Act*** (IPTA) and ***Hospitals Act*** as well as representation in front of the Criminal Code Review Board (CCRB). Kelly provides counsel to clients involved with the Mental Health Court. Both Connie and Kelly, educate, consult and advocate across the Province in the area of Mental Health Law and often represent Legal Aid as stakeholders in all levels of public and private policy and strategic planning.

Connie says:

*"As counsel for individuals who are involuntarily detained under IPTA, I see my role as ensuring detentions are lawful and client's rights are protected. I firmly believe that without Legal Aid providing counsel to persons detained in hospital there would be greater opportunity for abuse and detained persons would remain invisible to those both inside and outside the hospital environment. I've attempted to foster good working relations with hospital staff and community supports by providing information sessions that allow people to become more familiar with legal concepts and processes.*

*Clients I represent before the CCRB and IPTA Boards face numerous legal issues including housing discrimination, problems with Income Assistance, family and criminal matters and as such my practice has evolved to provide legal services for as many legal issues as possible and to facilitate additional legal services where necessary. A central piece to my practice is advocacy for mental health consumers."*

Kelly says:

*"As counsel for the Mental Health Court Program, I am tasked with coordinating alongside community agencies towards the common goal of reducing my clients' future contact with both the Health and Justice Systems. That goal is a lofty one and over the last five (5) years, it has provided many challenges, but also opportunities for growth.*

*My role has grown as well, and includes not only providing counsel to the majority of applicants and participants within the Program but educating and consulting with the legal profession, health profession as well as the Programs' community partners. As counsel for the Program, I also provide Duty Counsel coverage to the Court, as well as, attempting weekly to conclude as many matters as possible for those who do not qualify for the Program so as to relieve some burden from the regular system."*



Vince Calderhead, Senior Staff Counsel at NSLA's Halifax North Office, has been involved in many litigation projects which are all linked by the social justice principle that adequate housing and income are fundamental human rights. During the past year, Vince was on leave from NSLA but took the opportunity to do some writing about his work. He co-authored, with Claire McNeil of Dalhousie Legal Aid Service, a chapter in a book on new approaches to social and economic rights litigation.

Vince's contribution drew on a recent equality rights case from NSLA that innovatively focussed on the expenses side of the ledger in low-income households rather than the income or benefits side which has been the approach taken in virtually all equality claims to this point. The case was made that government regulation of electricity pricing in Nova Scotia must accommodate the very limited capacity of the poor if they, too, are to enjoy equal access to energy as set out in the *Public Utilities Act*. A failure to accommodate the poor and an insistence on treating everyone the same when it comes to pricing means that the poor will continue to face the 'heat or eat' dilemma. The court was asked to strike down the legislative prohibition on an accommodative price structure for those living in poverty—which regimes, by the way, are legislatively provided for in almost 40 US states, including Maine where the utility **is owned by NS Power's parent company, Emera** (i.e., this approach **is** doable). While the courts ultimately denied the claim (on the basis of case law that has since been overturned in *Withler*), the chapter discusses the broader significance of applying the equality rights guarantee in s. 15 of the *Charter* to government-regulated pricing regimes directly effecting fundamental human rights such as the right to housing as well as the continuing struggle that poor people face in having their 'poverty' accepted as a prohibited ground of discrimination.



Bonnie Ste-Croix (Executive Director, Chebucto Connections) and Charlene Moore, (Staff Lawyer, Halifax North Office)

**Charlene's focus is on social justice services at the Halifax North Office and she is instrumental in expanding those services across the Province (within existing resources).**

**Legal Aid's delivery of social justice services** includes everything from the provision of information to full-service representation on housing and income security matters such as residential tenancies, housing grants, Income Assistance, CPP disability and EI claims. Youth services have been extended to include school suspensions, housing, assistance, motor vehicle and protection of property. We have moved forward in providing legal services to communities and thereby removing barriers that may have prevented people from accessing our services. This holistic approach to service delivery extends across the Province in all three core areas. This can be seen in the community office in Spryfield along with partnering in the Eastern Chebucto Hub Organization (ECHO); outreach in the Preston communities; the Yarmouth walk-in clinic and outreach in Aboriginal Communities through the Aboriginal Justice Initiative. There is future outreach planned for Millbrook and Port Hawkesbury.

## **PRESENTATIONS & PUBLICATIONS SPOTLIGHT**

### **“In addition to our daily work”**

Here are some examples of how Nova Scotia Legal Aid staff contributed to continuing legal education and furthered discourse about access to justice issues.

**Roger Burrill** (Criminal Appeals & Special Cases Lawyer, Halifax South) – participated in an advocacy demonstration on cross-examination procedures of one’s own witness at the Annual Nova Scotia Criminal Lawyers Association.

**Vince Calderhead** (Social Justice Lawyer, Halifax North) & **Peter Mancini** (Service Delivery Director) – The Nova Scotia Law Reform Commission published a Discussion Paper in November 2011 and a second Discussion Paper in February 2013 on the Enforcement of Civil Judgements. Comments and suggestions were received and, in August 2014, the Law Reform Commission released its Final Report on the *Enforcement of Civil Judgments*. The Report contained many strong recommendations to protect those living in poverty—whether waged or in receipt of Income Assistance. The Commission acknowledged the repeated contributions made by Nova Scotia Legal Aid which had focussed on increased protection for the income and assets of those living in poverty. In fact, many of NSLA’s recommendations were accepted by the Commission; including those related to the exemption from seizure of a debtor’s home, (this is especially important to poor families living rurally) and bank accounts used for direct deposit of modest wages or Income Assistance. NSLA Executive Committee member, Peter Mancini serves as a Commissioner on the Law Reform Commission of Nova Scotia. The Report: [http://www.lawreform.ns.ca/Downloads/Enforcement\\_of\\_Civil\\_Judgments-Final\\_Report.pdf](http://www.lawreform.ns.ca/Downloads/Enforcement_of_Civil_Judgments-Final_Report.pdf)

**Karen Endres** (Managing Lawyer, Dartmouth Criminal) – Co-authored two papers: “Exigent Circumstances and Warrantless Searches” and “The Conduct of a Judicial Interim Release Hearing”.

**Shelley Hounsell-Gray** (Managing Lawyer, Dartmouth Family) – Co-authored a paper entitled “Family Access After Permanent Care: Is the Door Firmly Closed?” for the National Family Law Program.

**Douglas Lloy, QC** (New Glasgow) – Wrote a book entitled “*Canada Pension Plan Pension and Benefits Guide*” which will be published in early 2015 and will cover all benefits under CPP as a litigation ‘how to’ guide.

**Megan Longley** (Managing Lawyer, Halifax Youth) – Presented as part of a Legal Strategy Roundtable at the Prosecuting HIV Non-Disclosure as Sexual Assault: A Feminist Dialogue conference in Toronto. She also co-presented with Richard Elliott, Canadian HIV/AIDS Legal Network, on HIV Disclosure and the Criminal Law: Evolving Science, Troubling Law at the Nova Scotia HIV-STBBI Knowledge of Exchange.

**E. Ann Marie MacInnes** (Managing Lawyer – Criminal, Sydney) – Recognized by the CBA as a national legal aid leader and presented at the CBA Touchstones Conference regarding women and the law.

**Brad Sarson** (Managing Lawyer, Halifax South) – Presented to the Nova Scotia Criminal Lawyers' Association PD Conference regarding the scope/limitations on expert evidence with a focus on the *Sekhon* decision from the Supreme Court of Canada.

**Lee Seshagiri** (Criminal Appeals & Special Cases Lawyer, Halifax South) – Revised Chapter 18 – Documentary Evidence in *The Law of Evidence in Canada*. Lee also authored Chapter 5 – Sentencing in the *Carswell Annual Review of Criminal Law*.

**Karen Hudson, QC** (Executive Director) – Presented to the Canadian Bar Association (CBA) Envisioning Equal Justice Summit in British Columbia, the National Criminal Justice Symposium, the CBA Nova Scotia Mid-Winter Conference – focusing on the essential value of legal aid in realizing access to justice. Co-authored a paper on parental capacity assessments in child welfare cases for *Canadian Family Law Quarterly*. Authored a paper "NSLA: Valuing Diversity" for *Nova Voce*. Worked with the head of other Legal Aid Plans through the Association of Legal Aid Plans of Canada (ALAP). The website (<http://alap-araj.ca/>) will take you to a link outlining the collaborative work and support for the important National Action Committee Report "Access to Civil and Family Justice: A Roadmap for Change". Here is a Press Release from the ALAP Chair, Bob Ward:

*"Access to justice is at a critical stage in Canada,"* said Bob Ward, Chair of the Association of Legal Aid Plans. *"The Action Committee's report provides a much-needed path for reform of the Canadian justice system"* by highlighting the need for increased civil and family legal aid.

The report, entitled *Access to Civil and Family Justice: A Roadmap for Change*, notes that the poor and vulnerable are particularly prone to legal problems, which can multiply and lead to other legal, social and health-related problems. Left unresolved, these problems have social and economic costs.

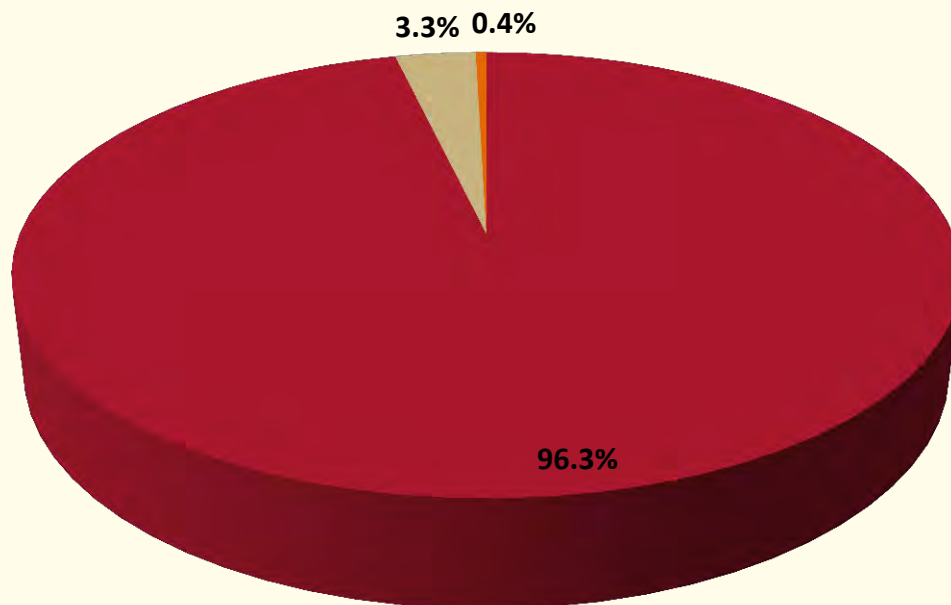


## Accepted Services April 1<sup>st</sup> to March 31<sup>st</sup>

Disposition	2013/2014	2012/2013	Change	
Accepted Services	42,386	43,451	(1,065)	-2.5%
Rejected Services	1,442	2,010	(568)	-28.3%
Pending Decision	190	416	(226)	-54.3%
GRAND TOTAL	44,018	45,877	(1,859)	-4.1%

## Services

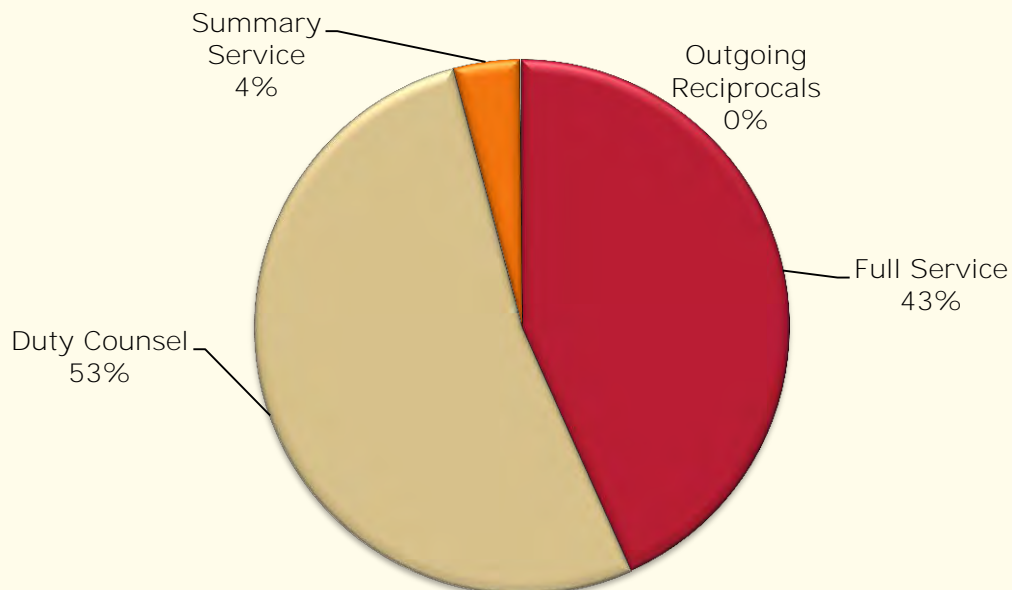
■ Accepted   
 ■ Rejected   
 ■ Pending



## Accepted Services April 1<sup>st</sup> to March 31<sup>st</sup>

Disposition	2013/2014	2012/2013	Change	
Full Service:				
Staff Lawyers	14,842	15,704	(862)	-5.5%
Private Lawyers	3,515	3,624	(109)	-3.0%
<b>Full Service</b>	<b>18,357</b>	<b>19,328</b>	<b>(971)</b>	<b>-5.0%</b>
<b>Reciprocals – Outgoing</b>	<b>72</b>	<b>73</b>	<b>(1)</b>	<b>-1.4%</b>
<b>Summary Service</b>	<b>1,684</b>	<b>1,082</b>	<b>602</b>	<b>55.6%</b>
Duty Counsel:				
Cells	8,649	8,705	(56)	-0.6%
Non-Custodial	6,288	6,531	(243)	-3.7%
SAC	1,608	1,700	(92)	-5.4%
Business Hours Telephone	1,253	1,346	(93)	-6.9%
After Hours Telephone	4,475	4,686	(211)	-4.5%
<b>Duty Counsel</b>	<b>22,273</b>	<b>22,968</b>	<b>(695)</b>	<b>-3.0%</b>

### Type of Service April 1, 2013 to March 31, 2014

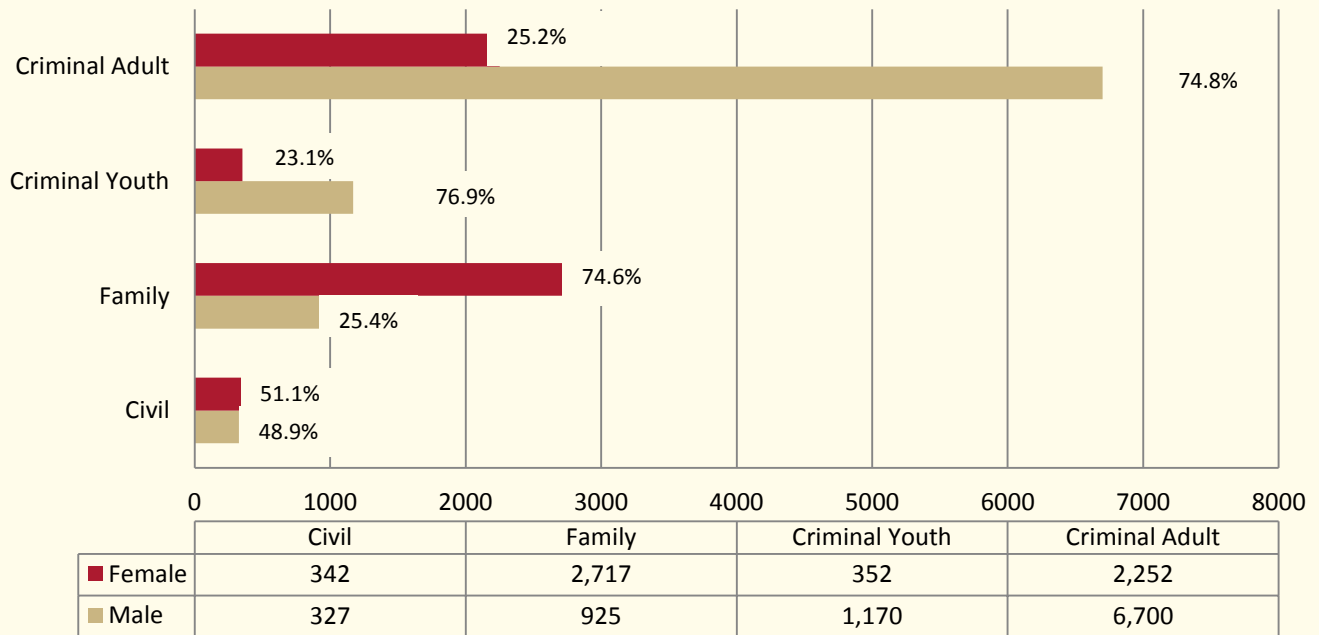


## Services Received by Area of Law April 1, 2013 to March 31, 2014

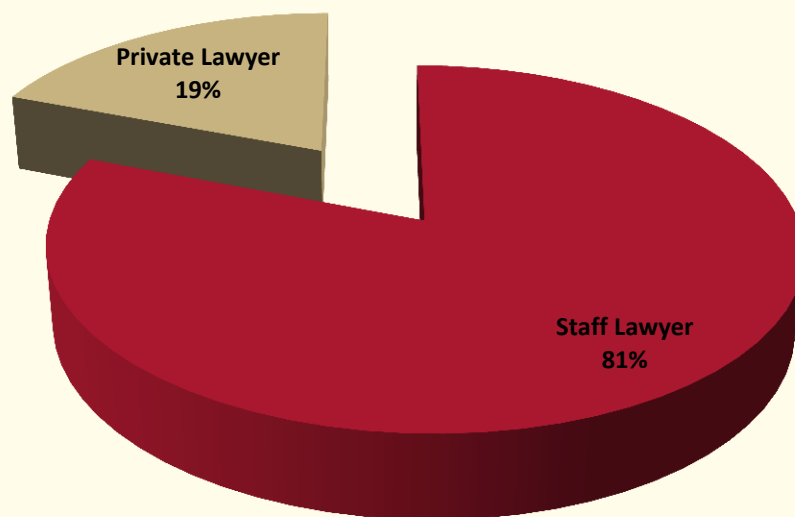
Disposition	Criminal Adult	Criminal Youth	Criminal Age n/a	Family	Civil	Provincial Statutes	Total	%
Full Service:								
Staff Lawyers	8,952	1,522	0	3,642	669	57	14,842	33.7%
Private Lawyers	1,682	166	0	1,583	84	0	3,515	8.0%
<b>Full Service</b>	<b>10,634</b>	<b>1,688</b>	<b>0</b>	<b>5,225</b>	<b>753</b>	<b>57</b>	<b>18,357</b>	<b>41.7%</b>
<b>% Full Service</b>	<b>57.9%</b>	<b>9.2%</b>	<b>0.0%</b>	<b>28.5%</b>	<b>4.1%</b>	<b>0.3%</b>	<b>100.0%</b>	
<b>Reciprocals Outgoing</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>72</b>	<b>0</b>	<b>0</b>	<b>72</b>	<b>0.2%</b>
<b>Summary Service</b>	<b>551</b>	<b>19</b>	<b>0</b>	<b>845</b>	<b>233</b>	<b>36</b>	<b>1,684</b>	<b>3.8%</b>
<b>Duty Counsel:</b>								
Cells	7,849	800	0	0	0	0	8,649	19.6%
Non-Custodial	5,562	313	0	0	0	413	6,288	14.3%
SAC	0	0	0	1,608	0	0	1,608	3.7%
Business Hours Telephone	1,133	118	0	0	0	2	1,253	2.8%
After Hours Telephone	3,914	431	130	0	0	0	4,475	10.2%
<b>Duty Counsel</b>	<b>18,458</b>	<b>1,662</b>	<b>130</b>	<b>1,608</b>	<b>0</b>	<b>415</b>	<b>22,273</b>	<b>50.6%</b>
<b>Accepted Services</b>	<b>29,643</b>	<b>3,369</b>	<b>130</b>	<b>7,750</b>	<b>986</b>	<b>508</b>	<b>42,386</b>	<b>96.3%</b>
<b>Rejected Services</b>	<b>570</b>	<b>5</b>	<b>0</b>	<b>768</b>	<b>73</b>	<b>26</b>	<b>1,442</b>	<b>3.3%</b>
<b>Pending Decision</b>	<b>101</b>	<b>1</b>	<b>0</b>	<b>85</b>	<b>2</b>	<b>1</b>	<b>190</b>	<b>0.4%</b>
<b>GRAND TOTAL</b>	<b>30,314</b>	<b>3,375</b>	<b>130</b>	<b>8,603</b>	<b>1,061</b>	<b>535</b>	<b>44,018</b>	<b>100.0%</b>
<b>% of Total</b>	<b>68.9%</b>	<b>7.7%</b>	<b>0.3%</b>	<b>19.5%</b>	<b>2.4%</b>	<b>1.2%</b>	<b>100.0%</b>	

# FULL SERVICE REPRESENTATION

## Gender Breakdown



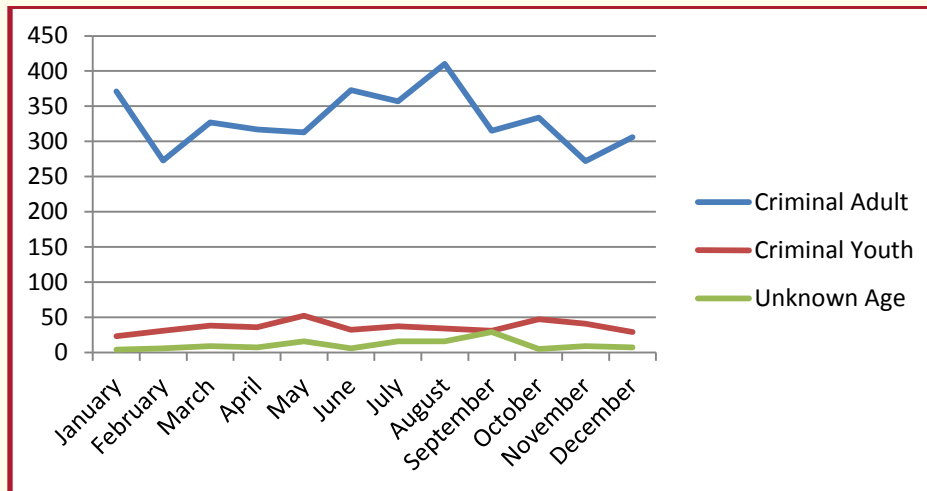
## Staff Lawyer & Private Bar (Certificate)



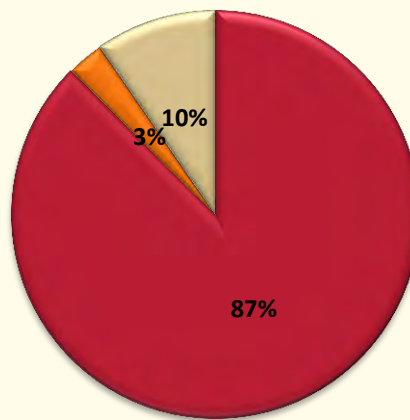
**Certificates Issued to 231 Private Lawyers  
April 1, 2013 to March 31, 2014**

<b>Office</b>	<b>Criminal Adult</b>	<b>Criminal Youth</b>	<b>Family</b>	<b>Civil</b>	<b>Total</b>	<b>%</b>
Amherst	90	5	41	1	<b>137</b>	3.9%
Annapolis Royal	54	2	63	2	<b>121</b>	3.4%
Antigonish	56	2	109	0	<b>167</b>	4.7%
Bridgewater	198	6	140	4	<b>348</b>	9.9%
Dartmouth Family	0	0	220	0	<b>220</b>	6.3%
Dartmouth Criminal	373	2	0	21	<b>396</b>	11.3%
Halifax North	0	0	161	4	<b>165</b>	4.7%
Halifax South	275	0	0	1	<b>276</b>	7.9%
HRM YDC	2	92	0	0	<b>94</b>	2.7%
Kentville	101	17	164	6	<b>288</b>	8.2%
New Glasgow	41	0	87	0	<b>128</b>	3.6%
Sydney	267	19	381	16	<b>683</b>	19.4%
Truro	116	9	108	10	<b>243</b>	6.9%
Windsor	52	6	66	19	<b>143</b>	4.1%
Yarmouth	57	6	43	0	<b>106</b>	3.0%
<b>TOTAL</b>	<b>1,682</b>	<b>166</b>	<b>1,583</b>	<b>84</b>	<b>3,515</b>	<b>100.0%</b>
<b>Percent</b>	<b>47.9%</b>	<b>4.7%</b>	<b>45.0%</b>	<b>2.4%</b>	<b>100.0%</b>	

## After Hours Telephone Duty Counsel April 1, 2013 to March 31, 2014



■ Criminal Adult 
 ■ Unknown Age 
 ■ Criminal Youth 
 ■



### After Hours Telephone Duty Counsel April 1, 2013 to March 31, 2014

Month	Criminal Adult	Criminal Youth	Unknown Age	Total
April	317	36	7	360
May	313	52	16	381
June	373	32	6	411
July	357	37	16	410
August	410	34	16	460
September	315	31	29	375
October	334	47	5	386
November	272	41	9	322
December	306	29	7	342
January	317	23	4	344
February	273	31	6	310
March	327	38	9	374
<b>TOTAL</b>	<b>3,914</b>	<b>431</b>	<b>130</b>	<b>4,475</b>

## FINANCIAL ELIGIBILITY

### Eligibility (Legal Aid Regulations)

1 (1) Subject to the Act, an applicant is eligible to receive civil legal aid and criminal legal aid.

(a) when an applicant qualifies for benefits under the Provincial Social Assistance Act, Part II, or benefits under the Family Benefits Act; or

(b) when the obtaining of legal services outside of the legal aid plan would reduce the income of an applicant to a point whereby the applicant would qualify for benefits as per clause 1(1)(a).

(2) A client who is eligible pursuant to clause (1)(b) may be required by the Commission to make a contribution towards the payment of the costs of the legal services rendered **on the applicant's behalf**.

(3) An applicant shall not be required to dispose of his principal place of residence or assets necessary to maintain his livelihood.

2 Notwithstanding Section 1, where the income of an applicant for legal aid exceeds the amounts specified in Section 1, the applicant may be declared eligible for legal aid if the applicant cannot retain counsel at his own expense without him or his dependants, if any, suffering undue financial hardship such as incurring heavy indebtedness or being required to dispose of modest necessary assets.

### Eligibility Table

Legal Aid may be granted to a person on Social Assistance or in an equivalent financial position where there is merit in providing legal assistance in certain areas of family/civil and criminal law.

A person is in a position equivalent to that of someone on Social Assistance when the gross monthly income of the person and his/her spouse, including common-law spouse, is less than the amount set out below. (Child Tax Credit is not counted in income) and the person's monthly expenses for shelter, food, miscellaneous, transportation and the cost of the legal service requested is greater than the amount set out below. (Maximum allowance for transportation is \$18.00).

HOUSEHOLD	GROSS MONTHLY INCOME	HOUSEHOLD	GROSS MONTHLY INCOME
One Adult	\$1067.00	Two Adults	\$1424.00
and 1 Child	\$1416.00	and 1 Child	\$1708.00
and 2 Children	\$1700.00	and 2 Children	\$1932.00
and 3 Children	\$1924.00	and 3 Children	\$2156.00
and 4 Children	\$2148.00	and 4 Children	\$2380.00
and 5 Children	\$2372.00	and 5 Children	\$2604.00
and 6 Children	\$2596.00	and 6 Children	\$2828.00
and 7 Children	\$2820.00	and 7 Children	\$3052.00

**NOVA SCOTIA LEGAL AID COMMISSION  
FINANCIAL STATEMENTS  
MARCH 31, 2014**



NOVA SCOTIA LEGAL AID COMMISSION  
FINANCIAL STATEMENTS  
MARCH 31, 2014

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# Office of the Auditor General

1888 Brunswick Street, Suite 302  
Halifax, Nova Scotia  
B3J 3J8 Canada

902 424 5907 tel  
902 424 4350 fax  
[www.oag-nb.ca](http://www.oag-nb.ca)

## INDEPENDENT AUDITOR'S REPORT

To the Board of Directors of the Nova Scotia Legal Aid Commission:

### Report on the Financial Statements

I have audited the accompanying financial statements of the Nova Scotia Legal Aid Commission, which comprise the statement of financial position as at March 31, 2014, and the statements of operations, changes in net financial assets and cash flows for the year ended March 31, 2014, and a summary of significant accounting policies and other explanatory information.

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

Management is responsible for the preparation and fair presentation of these financial statements in accordance with Canadian generally accepted accounting principles for the public sector, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

#### **Auditor's Responsibility**

My responsibility is to express an opinion on these financial statements based on my audit. I conducted my audit in accordance with Canadian generally accepted auditing standards. Those standards required that I 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 auditor's judgement, 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 entity'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 entity's internal control. An audit also includes evaluating the appropriateness of the accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

#### **Opinion**

In my opinion, the financial statements present fairly, in all material respects, the financial position of the Nova Scotia Legal Aid Commission as at March 31, 2014, and its financial performance and its cash flows for the year then ended in accordance with Canadian generally accepted accounting principles for the public sector.

Alan Horgan, CA  
Acting Auditor General

Halifax, Nova Scotia  
June 5, 2014

**NOVA SCOTIA LEGAL AID COMMISSION**  
**STATEMENT OF FINANCIAL POSITION**  
**MARCH 31, 2014**

	2014	2013
<b>FINANCIAL ASSETS</b>		
Cash	\$ 586,360	\$ 546,252
Cash - high interest savings accounts (Note 2 (a) and Note 2 (f))	10,547,901	-
Investments (Note 2 (a) and Note 2 (f))	-	10,663,201
Accounts receivable	385,871	322,643
Accrued interest receivable	10,334	113,064
Due from Department of Finance (Note 2 (e))	<u>6,410,800</u>	<u>5,944,100</u>
	<u>17,941,266</u>	<u>17,589,260</u>
<b>LIABILITIES</b>		
Payables and accruals (Note 4 and Note 5)	3,646,831	3,420,500
Long service awards (Note 6)	2,531,900	2,526,800
Employee future benefits (Note 2 (e) and Note 7)	<u>6,410,800</u>	<u>5,944,100</u>
	<u>12,589,531</u>	<u>11,891,400</u>
<b>NET FINANCIAL ASSETS</b>	<u>5,351,735</u>	<u>5,697,860</u>
<b>NON-FINANCIAL ASSETS</b>		
Tangible capital assets (Note 3)	8,465	12,698
Prepaid expenses	<u>143,738</u>	<u>139,938</u>
	<u>152,203</u>	<u>152,636</u>
<b>ACCUMULATED SURPLUS</b>	<u>\$ 5,503,938</u>	<u>\$ 5,850,496</u>

Contingencies and Contractual Obligations (Note 8)

See accompanying notes to the financial statements

On Behalf of the Board

Director

Director

**NOVA SCOTIA LEGAL AID COMMISSION  
STATEMENT OF OPERATIONS  
FOR THE YEAR ENDED MARCH 31, 2014**

	<b>2014 Budget</b>	<b>2014 Actual</b>	<b>2013 Actual (Note 16)</b>
<b>Revenue</b>			
Operating grants - Province of Nova Scotia	\$ 22,181,000	\$ 22,270,040	\$ 21,401,300
Special case grant - Province of Nova Scotia	-	-	82,224
Employee future benefits grant - Province of Nova Scotia	500,000	466,700	426,600
Interest	121,000	159,285	168,624
Other income	-	39,996	10,319
	<u>22,802,000</u>	<u>22,936,021</u>	<u>22,089,067</u>
<b>Expenses (page 15)</b>			
Amortization	-	4,233	483
Directors' fees	45,000	44,599	40,256
Duty counsel fees	265,000	268,970	272,012
Equipment and maintenance	216,000	195,497	177,613
Library	100,000	85,545	83,627
Memberships, meetings and conferences	428,000	387,442	388,467
Miscellaneous	76,500	76,500	76,500
Office disbursements	290,000	305,848	294,055
Private solicitors' fees (Note 5)	4,233,000	4,217,195	4,380,038
Professional and other fees	60,000	36,096	95,135
Salaries and benefits	16,227,660	15,817,526	15,499,538
Special cases	-	-	12,553
Supplies and services	1,665,000	1,655,002	1,593,223
Travel	165,000	188,126	179,300
	<u>23,771,160</u>	<u>23,282,579</u>	<u>23,092,800</u>
Operating deficit before Federal Court Ordered Counsel	<u>(969,160)</u>	<u>(346,558)</u>	<u>(1,003,733)</u>
Federal Court Ordered Counsel recovery (Note 14)	-	131,750	3,042
Federal Court Ordered Counsel expense (Note 14)	-	131,750	3,042
	-	-	-
Operating deficit	<u>\$ (969,160)</u>	<u>(346,558)</u>	<u>(1,003,733)</u>
Accumulated surplus, beginning of year		<u>5,850,496</u>	<u>6,854,229</u>
Accumulated surplus, end of year		<u>\$ 5,503,938</u>	<u>\$ 5,850,496</u>

See accompanying notes to the financial statements

**NOVA SCOTIA LEGAL AID COMMISSION**  
**STATEMENT OF CHANGES IN NET FINANCIAL ASSETS**  
**MARCH 31, 2014**

	2014	2013
<b>Operating Deficit</b>	\$ (346,558)	\$ (1,003,733)
Acquisition of tangible capital assets	-	(12,698)
Amortization of tangible capital assets	4,233	483
Acquisition of prepaid assets	(143,738)	(139,938)
Use of prepaid assets	<u>139,938</u>	<u>81,582</u>
	<u>433</u>	<u>(70,571)</u>
<b>Decrease in net financial assets</b>	(346,125)	(1,074,304)
<b>Net financial assets, beginning of year</b>	<u>5,697,860</u>	<u>6,772,164</u>
<b>Net financial assets, end of year</b>	<u>\$ 5,351,735</u>	<u>\$ 5,697,860</u>

See accompanying notes to the financial statements



**NOVA SCOTIA LEGAL AID COMMISSION  
STATEMENT OF CASH FLOWS  
FOR THE YEAR ENDED MARCH 31, 2014**

	2014	2013
<b>Operating Activities</b>		
Deficiency of revenue over expenses	\$ (346,558)	\$ (1,003,733)
Amortization	<u>4,233</u>	<u>483</u>
	<u>(342,325)</u>	<u>(1,003,250)</u>
Changes in other items:		
Accounts receivable	(63,228)	(51,715)
Accrued interest receivable	102,730	18,123
Due from Department of Finance	(466,700)	(426,600)
Prepaid expense	(3,800)	(58,356)
Payables and accruals	226,331	(194,812)
Long Service Awards	5,100	(51,200)
Employee future benefits	466,700	426,600
Special cases	<u>-</u>	<u>(82,224)</u>
	<u>267,133</u>	<u>(420,184)</u>
	<u>(75,192)</u>	<u>(1,423,434)</u>
<b>Capital Activities</b>		
Acquisition of tangible capital assets	<u>-</u>	<u>(12,698)</u>
	<u>-</u>	<u>(12,698)</u>
<b>Investing Activities</b>		
Net decrease in investments	-	1,041,120
Redemption and transfer to high-interest savings accounts	<u>10,663,201</u>	<u>-</u>
	<u>10,663,201</u>	<u>1,041,120</u>
<b>Increase (decrease) in cash during year</b>	<b>10,588,009</b>	<b>(395,012)</b>
<b>Cash, beginning of year</b>	<u>546,252</u>	<u>941,264</u>
<b>Cash, end of year</b>	<u><b>\$ 11,134,261</b></u>	<u><b>\$ 546,252</b></u>

See accompanying notes to the financial statements

## 1. Authority

The Nova Scotia Legal Aid Commission was established in 1977 pursuant to the Legal Aid Act. The Act and Regulations stipulate that the Commission can provide legal services to persons whose income is derived primarily from municipal or provincial social assistance or to persons in an equivalent position. The Commission is tax exempt under the *Income Tax Act* (Canada).

Commission activities are funded by a grant from the Province of Nova Scotia. The Province in turn receives a contribution from the Government of Canada for legal aid provided by the Commission.

## 2. Accounting Policies

These financial statements are prepared in accordance with Canadian generally accepted accounting principles for the public sector, that for the purposes of the Commission's financial statements are represented by accounting recommendations of the Public Sector Accounting Board (PSAB) of the Chartered Professional Accountants of Canada (CPA Canada).

These financial statements are prepared using the following significant accounting policies:

### (a) Cash

Cash consists of cash on hand and balances with banks, the majority of which is included in high interest savings accounts, currently earning interest at a rate of 1.25% and 1.10%.

### (b) Tangible capital assets

Tangible capital assets are stated at cost and are amortized on a straight-line basis over their estimated useful lives:

Computer equipment	33.33% per year
Furniture and equipment	20% per year
Leasehold improvements	Over term of lease

### (c) Revenue Recognition

- i) Operating grants and other revenue are recorded on the accrual basis.
- ii) Government transfers are recognized as revenue in the period in which the transfer is authorized and all eligibility criteria have been met, except when and to the extent the transfer includes stipulations that give rise to an obligation that meets the definition of a liability.

### (d) Use of Estimates

The presentation of financial statements in conformity with Canadian generally accepted accounting principles for the public sector requires management to make estimates and assumptions that affect the reported amount of assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenditures during the reported period. Actual results could differ from management's best estimates as additional information becomes available in the future. Significant estimates in the financial statements include accruals and expenses related to private solicitors' fees, employee future benefits and long service awards.

**NOVA SCOTIA LEGAL AID COMMISSION**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**MARCH 31, 2014**

**2. Accounting Policies (continued)**

(e) Employee Future Benefits

The Commission adopted the method of accounting for employee future benefits required by PSAB Section 3250, effective April 1, 2012. Costs for employee future benefits other than pensions are accrued over the periods in which the employees render services in return for these benefits. These benefits are for health insurance programs. A liability for employee future benefits of \$6,410,800, (2013 - \$5,944,100) has been included in the financial statements. The liability as at March 31, 2014 and prior years has been assumed by the Province of Nova Scotia so an offset of the same amount has been recorded as a receivable from the Department of Finance. The current year's expense incurred for these employee future benefits is \$466,700 (2013 - \$426,600).

(f) Financial instruments

The Commission's financial instruments consist of investments in high interest savings accounts, accounts receivable and payable, and related accruals. The Commission measures its financial instruments at cost or amortized cost.

**3. Tangible Capital Assets**

	2014			2014	2013
	Computer Equipment	Furniture and Equipment	Leasehold Improvements	Net Book Value	Net Book Value
Cost					
Opening balance	\$ 12,698	\$ 171,553	\$ 91,161	\$ 275,412	\$ 1,267,437
Additions	-	-	-	-	12,698
Disposals	-	-	-	-	(1,004,722)
Closing balance	<u>12,698</u>	<u>171,553</u>	<u>91,161</u>	<u>275,412</u>	<u>275,413</u>
Accumulated amortization					
Opening balance	-	171,553	91,161	262,714	1,266,954
Amortization	4,233	-	-	4,233	(1,004,722)
Disposals	-	-	-	-	483
Closing balance	<u>4,233</u>	<u>171,553</u>	<u>91,161</u>	<u>266,947</u>	<u>262,715</u>
Net book value	<u>\$ 8,465</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 8,465</u>	<u>\$ 12,698</u>



**NOVA SCOTIA LEGAL AID COMMISSION  
NOTES TO THE FINANCIAL STATEMENTS  
MARCH 31, 2014**

**4. Payables and Accruals**

	2014	2013
Supplies and services	\$ 348,776	\$ 388,112
Accrued private solicitors' fees (Note 5)	3,141,482	2,861,817
Employee salaries and benefits	<u>156,573</u>	<u>170,571</u>
	<u>\$ 3,646,831</u>	<u>\$ 3,420,500</u>

**5. Measurement Uncertainty - Private Solicitors' Fees**

Measurement uncertainty is uncertainty in the determination of the amount at which an item is recognized in the financial statements. This exists when there is a variance between the recorded amount and another reasonable possible amount.

Measurement uncertainty in these financial statements is inherent in the recording of both the expense and the liability related to private solicitors' fees. At the end of each fiscal year the Commission has a liability for work conducted by private solicitors that is not yet billed and paid. At March 31, 2014, a liability of \$3,141,482 (2013 - \$2,861,817) was recorded, of which \$2,272,357 (2013 - \$2,409,427) was estimated using a system that incorporates average costs and time frames for similar cases over the last two years. The estimate will vary from the actual billings from private solicitors due to the specific requirements of each case, and the difference between the estimate and the actual billing is adjusted through the Statement of Operations.

**6. Long Service Awards**

The Commission follows the provisions of the Civil Service Act with respect to the payment of long service awards. Employees of the Commission are entitled to long service awards upon retirement. The awards are based on the number of years of service of the employee, and are earned at the rate of one week's pay for every year of service, to a maximum of twenty six weeks.

An actuarial valuation was prepared for the fiscal year ended March 31, 2014 to determine the liability relating to the awards. The valuation was based on a number of assumptions about future events, such as inflation rates, wage and salary increases, and employee turnover. The assumptions used reflect the Commission's best estimates.

The Commission is responsible for the funding and eventual payment of these awards, and has internally restricted assets for this purpose. The assets are included in cash and accrued interest receivable and total \$2,761,204 at March 31, 2014 (\$2,690,554 at March 31, 2013). Based on the actuarial valuation of the accrued benefit obligation for long service awards at March 31, 2014, these assets are sufficient to fund the liability for long service awards.

The significant actuarial assumptions adopted in measuring the Commission's accrued benefit obligations for 2014 and 2013 are as follows:

**NOVA SCOTIA LEGAL AID COMMISSION**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**MARCH 31, 2014**

**6. Long Service Awards (continued)**

	2014	2013
Components of Benefit Cost		
Current service cost (employer portion)	\$ 144,800	\$ 138,300
Amortization of actuarial losses	(100)	-
Interest cost	<u>117,300</u>	<u>118,400</u>
Benefit cost recognized	<u>\$ 262,000</u>	<u>\$ 256,700</u>
Change in Accrued Benefit Obligation		
Accrued benefit obligation at the end of the prior year	\$ 2,525,800	\$ 2,578,000
Current service cost (employer portion)	144,800	138,300
Interest cost	117,300	118,400
Benefits paid	(256,900)	(307,900)
Actuarial gain	<u>(76,000)</u>	<u>(1,000)</u>
Accrued benefit obligation at the end of the year	<u>\$ 2,455,000</u>	<u>\$ 2,525,800</u>
Reconciliation of Funded Status to Accrued Benefit Liability		
Funded status at the end of year	\$ (2,455,000)	\$ (2,525,800)
Unamortized net actuarial gain	<u>(76,900)</u>	<u>(1,000)</u>
Accrued benefit liability	<u>\$ (2,531,900)</u>	<u>\$ (2,526,800)</u>
Weighted-Average Assumptions for Expense		
Discount rate	4.75%	4.75%
Salary increase	2.50%	2.50%
	plus merit & promotion	plus merit & promotion
Weighted-Average Assumptions for Disclosure		
Discount rate	4.30%	4.75%
Salary increase	2.25%	2.50%
	plus merit & promotion	plus merit & promotion
Retirement Age occurs at age 59 (immediate if older than age 59)		



**NOVA SCOTIA LEGAL AID COMMISSION**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**MARCH 31, 2014**

**7. Post-Retirement Benefits**

The Commission provides post-retirement health and dental benefits to its employees. The Commission pays 70% of the cost of the post-retirement health and dental programs. The Commission pays 100% of the premiums of employees on long-term disability.

An actuarial valuation was prepared for the fiscal year ended March 31, 2014. The valuation was based on a number of assumptions about future events, such as inflation rates, interest rates, medical inflation rates, wages and salary increases, and employee turnover and mortality. The assumptions used reflect the Commission's best estimates.

	2014	2013
Components of Benefit Cost		
Current service cost (employer portion)	\$ 288,700	\$ 267,100
Amortization of actuarial gains	8,600	-
Interest cost	<u>290,800</u>	<u>265,900</u>
Benefit cost recognized	<u>\$ 588,100</u>	<u>\$ 533,000</u>
Change in Accrued Benefit Obligation		
Accrued benefit obligation at the end of the prior year	\$ 6,038,900	\$ 5,517,500
Current service cost (employer portion)	288,700	267,100
Interest cost	290,800	265,900
Benefits paid	(121,400)	(106,400)
Actuarial loss	<u>1,030,000</u>	<u>94,800</u>
Accrued benefit obligation at the end of the year	<u>\$ 7,527,000</u>	<u>\$ 6,038,900</u>
Reconciliation of Funded Status to Accrued Benefit Liability		
Funded status at the end of year	\$ (7,527,000)	\$ (6,038,900)
Unamortized net actuarial loss	<u>1,116,200</u>	<u>94,800</u>
Accrued benefit liability	<u>\$ (6,410,800)</u>	<u>\$ (5,944,100)</u>
Weighted-Average Assumptions for Expense		
Discount rate	4.75%	4.75%
Initial medical care trend rate	6.60%	6.67%
Ultimate medical care trend rate	4.50%	4.50%
Year ultimate rate reached	2025	2025
Initial and ultimate dental care trend rate	4.50%	4.50%
Weighted-Average Assumptions for Disclosure		
Discount rate	4.30%	4.75%
Initial medical care trend rate	6.83%	6.60%
Ultimate medical care trend rate	4.50%	4.50%
Year ultimate rate reached	2028	2025
Initial and ultimate dental care trend rate	4.50%	4.50%

**NOVA SCOTIA LEGAL AID COMMISSION  
NOTES TO THE FINANCIAL STATEMENTS  
MARCH 31, 2014**

**8. Contingencies and Contractual Obligations**

- (a) The Commission is contractually obligated to see ongoing cases through to completion for clients being represented by private solicitors. The Commission uses a system that incorporates average costs and timeframes for similar cases over the prior two years, to estimate the future cost related to these ongoing matters. This cost represents the future cost to complete these cases and is for services not yet performed by the private solicitors. The estimate for future case completion at March 31, 2014 is \$1,639,028 (March 31, 2013 - \$1,536,700).
- (b) Lease agreements for office space typically call for payment of a base rent plus a provision for the Commission's portion of operating costs and property taxes. Lease terms vary by office. The Commission also carries leases for office equipment.

Minimum lease payments for the next five fiscal years, not including taxes, are as follows:

2015	\$	1,202,584
2016	\$	1,027,791
2017	\$	843,750
2018	\$	661,706
2019	\$	397,252

- (c) The Commission provides funding to Dalhousie Legal Aid Services. The Commission has agreed to provide a grant of \$69,000 to Dalhousie Legal Aid Services for the year ending March 31, 2015.
- (d) The Commission created a professional development pilot during 2012-13, whereby each lawyer was allowed a set amount of dollars for professional development. The policy allows a carry-over of the amount for one additional fiscal year, if not used. At March 31, 2014, a maximum amount of \$26,530 (2013 - \$45,823) was not used, and may be accessed for the ongoing professional development of lawyers during the 2014-2015 year. Any portion of this amount which is not used by March 31, 2015, will be forfeited. At this time, it is uncertain how much of the funds will be used by March 31, 2015.

**9. Client Trust Funds**

On March 31, 2014, \$1,883 (2013 - \$1,340) was held in trust for clients. These trust funds are accounted for separately and are not reflected in the financial statements.

**10. Pensions**

Pursuant to Section 7 of the Legal Aid Act, all permanent employees of the Commission are entitled to receive pension benefits under the Province of Nova Scotia Public Service Superannuation Act. The plan is funded by equal employee and employer contributions. The employer contributions are included in the Commission's operating expenses in the amount of \$1,035,903 (2013 - \$1,028,762). The Commission is not responsible for any unfunded liability with respect to the superannuation fund.

**11. Risk of Financial Instruments**

It is management's opinion that the Commission is not exposed to significant market, credit or liquidity risks arising from financial instruments.

**12. Economic Dependence**

The Commission is economically dependent upon the ongoing and future funding from the Province of Nova Scotia.

**13. Related Party Transactions**

The Commission is related to all other departments, agencies, boards and commissions included in the Province of Nova Scotia's consolidated financial statements. Transactions related to the Departments of Finance and Justice have been disclosed separately in these financial statements. All transactions have been entered into in the normal course of business. Certain members of the Board of Directors provide legal aid services to clients of the Commission. These members billed the Commission \$168,970 (2013 - \$165,508) during the fiscal year. All transactions have been entered into the normal course of business.

**14. Federal Court Ordered Counsel**

The criminal code makes provisions for people who have been denied legal aid in criminal cases to apply for state-funded counsel. In Federal cases where the judge orders the government to provide counsel, the Commission works with the Federal Government to manage the order of the court if granted. Specific contracts are in place between the Federal Government and the Commission for each individual case. The Commission is reimbursed for the costs associated with providing the court-ordered counsel. In addition, an administration fee of 15% is charged for managing the file and providing counsel. The administration fees are included in other income of the Commission.

**15. Statement of Remeasurement Gains and Losses**

The Commission has no remeasurement gains or losses, therefore, no statement of remeasurement gains or losses has been provided.

**16. Comparative Figures**

Certain of the prior year's figures have been reclassified to conform to the presentation format adopted in the current year.



**NOVA SCOTIA LEGAL AID COMMISSION**  
**EXPENSE SCHEDULE**  
**MARCH 31, 2014**

	Budget 2014	Actual 2014	Actual 2013
Amortization	\$ -	\$ 4,233	\$ 483
Directors' fees	45,000	44,599	40,256
Duty Counsel fees	265,000	268,970	272,012
Equipment and maintenance			
Leasehold improvements	30,000	13,317	5,744
Office furniture and equipment	90,000	92,763	78,980
Office machine leasing	54,000	49,347	49,785
Office machine maintenance	42,000	40,070	43,104
	216,000	195,497	177,613
Library	100,000	85,545	83,627
Memberships, meetings and conferences			
Membership and dues	285,000	256,419	271,228
Meetings and conferences	143,000	131,023	117,239
	428,000	387,442	388,467
Miscellaneous			
Grant – Dalhousie Legal Aid	69,000	69,000	69,000
Public information/legal education	7,500	7,500	7,500
	76,500	76,500	76,500
Office disbursements			
Family	115,000	98,422	125,025
Adult criminal	150,000	175,920	153,028
Other civil/poverty law	10,000	5,000	5,996
Youth criminal	15,000	13,688	10,006
Court ordered counsel - Provincial	-	12,818	-
	290,000	305,848	294,055
Private solicitors' fees			
Civil and family – conflicts	1,978,000	2,063,408	2,103,148
Adult criminal – choice of counsel	400,000	292,698	272,025
Adult criminal – conflicts	1,695,000	1,786,042	1,838,066
Youth criminal – choice of counsel	40,000	10,351	27,097
Youth criminal – conflicts	120,000	64,696	139,702
	4,233,000	4,217,195	4,380,038
Professional and other fees			
Professional fees	30,000	33,604	33,335
Consultant fees	30,000	2,492	61,800
	60,000	36,096	95,135
Salaries and benefits			
Salaries and benefits	15,727,660	15,350,826	15,072,938
Employee future benefits	500,000	466,700	426,600
	16,227,660	15,817,526	15,499,538
Special cases	-	-	12,553
Supplies and services			
General cleaning and office expense	60,000	61,533	84,378
Heat, light and water	30,000	32,744	31,295
Printing and stationery	130,000	135,806	133,088
Rent, insurance and taxes	1,235,000	1,216,484	1,144,537
Communications	210,000	208,435	199,925
	1,665,000	1,655,002	1,593,223
Travel	165,000	188,126	179,300
	\$ 23,771,160	\$ 23,282,579	\$ 23,092,800

**NOVA SCOTIA LEGAL AID COMMISSION**  
**APPENDIX 1 – SUPPLEMENTARY INFORMATION**  
**MARCH 31, 2014**

Under the Public Sector Compensation Disclosure Act, all organizations which are part of the Government Reporting Entity must disclose all compensation paid to any person that totals \$100,000 or more. The following information is being disclosed in accordance with the Act.

Armour, Karen	127,786
Baker, David	103,762
Benton, Catherine	119,242
Black, John	116,050
Brinton, Rickcola	102,486
Burrill, Roger	125,066
Cain, Jennifer	100,773
Cameron, Joseph	136,728
Chipman, Robert	119,055
Cox, Jennifer	106,935
Forbes, Krista	106,050
Fricker-Bates, Patricia	128,818
Gilmer, Lola	116,050
Gosine, Chandrashakhar	125,066
Greer, Kenneth	121,000
Gregan, Robert	125,723
Hounsell-Gray, Shelley	115,921
Hudson, Karen	147,862
Hutton, Patricia	116,050
Jones, Tanya	106,778
Judge, Murray	119,067
Kuna, Michael	116,050
Lacey, Jill	116,050
Lloy, Douglas	116,050
Longley, Megan	119,532
MacDonald, Gerald	113,446
MacInnes, Ann Marie	128,505
MacLaughlin, Shawn	114,698
MacLeod, Darren	122,111
Mahoney, David	120,522
Mancini, Marian	128,818
Mancini, Peter	136,728
Matheson, Wayne	113,857

McDougall, Sheila	113,797
Moore, Charlene	112,043
Moore, Robert	113,591
Moreau, Samuel	114,548
Morris, Jean	116,030
Morrison, Cheryl	116,050
Murray, Cindy	123,917
Nicholson, Allan	123,313
Nolen, Peter	116,050
Patriquin, Kevin	116,050
Perry, Jill	108,698
Postlewaite, Gussie	116,050
Queripel, Lonny	123,143
Rankin, Linda	116,050
Robertson, Stephen	119,532
Rowlett, Kelly	116,050
Ruck-DePeza, Joyce	116,050
Sarson, Brad	119,532
Stordy, Paul	126,483
Vardigans, Brian	124,949
Whynot, Barry	116,050
Zayid, Samira	116,050

Private Lawyers

Craggs, Luke	173,756
MacKinlay, Douglas	117,420
Morrow, Coline	113,208
Stanwick, Alan	108,112
Sutherland, Robert	117,790



# **APPENDICES**

## Number of Full Service Matters Completed April 1, 2013 to March 31, 2014

CRIMINAL ADULT	AM	AR	AT	BW	DR-F	DR-C	HAN	HAS	HRM YDC	KE	NG	SY	SY DC	TR	WI	YA	MH	NEC	Staff Total	Private Lawyer
Homicide	1	0	1	0	0	0	0	2	0	2	0	0	0	1	0	0	0	0	7	19
Attempted Murder	1	1	1	0	0	2	0	3	0	0	0	2	0	2	0	0	0	0	12	18
Robbery	0	1	1	0	0	26	0	28	0	2	3	7	0	5	1	1	5	0	80	68
Sexual Assault	6	2	7	11	0	13	0	10	0	6	4	18	0	3	12	3	2	0	97	54
Sexual Abuse	0	0	0	2	0	1	0	0	0	0	0	0	0	1	0	0	0	0	4	5
Aggravated Assault	4	4	0	5	0	3	0	68	0	7	13	31	0	12	10	9	0	0	166	77
Assault	49	54	74	60	0	244	0	372	0	84	80	267	36	34	71	69	46	1	1541	402
Kidnapping	0	0	0	0	0	1	0	3	0	0	0	0	0	0	0	0	0	0	4	0
Abduction	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	2	0
Arson	0	1	0	3	0	1	0	1	0	1	0	3	0	0	2	3	1	0	16	12
Weapons/Explosives	3	6	3	7	0	30	0	40	0	5	3	24	0	10	7	1	7	0	146	50
Break & Enter	11	18	19	26	0	39	0	67	0	10	20	71	0	13	15	13	6	0	328	120
Fraud/False Pretences	10	6	8	15	0	35	0	74	0	15	10	33	0	10	6	3	7	0	232	35
Theft	30	39	27	73	0	286	0	464	0	114	72	214	0	96	61	25	58	0	1559	93
Possession Stolen Property	6	4	1	12	0	19	0	30	1	11	10	34	0	4	1	4	1	1	139	33
Property Damage Mischief	10	12	11	11	0	47	0	44	1	10	15	84	5	11	18	6	8	0	293	24
Prostitution	0	0	0	1	0	1	0	2	0	0	0	0	0	0	0	0	0	0	4	1
Gaming/Betting	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Public Order Offence	0	0	0	2	0	7	0	22	0	1	0	7	0	6	2	0	3	0	50	5
Administration of Justice	55	0	5	57	0	318	0	39	0	35	0	165	16	88	41	0	4	1	824	54
Traffic/Import Drugs	12	11	7	18	0	63	0	75	0	29	13	60	0	17	12	8	1	0	326	98
Possession of Drugs	4	25	11	16	0	47	0	46	0	23	19	57	0	6	14	11	2	0	281	34
CC Motor Vehicle Offence	4	2	10	5	0	25	0	28	0	16	1	16	0	7	7	1	5	0	127	14
Impaired Driving	11	28	29	19	0	56	0	62	0	55	19	84	0	33	27	11	9	0	443	28
Forgery/Uttering	4	4	0	3	0	2	0	5	0	3	0	0	0	0	1	1	0	0	23	2
Criminal Negligence	0	1	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	2
Uttering Threats	15	5	7	11	0	45	0	83	0	11	13	69	9	10	10	12	24	1	325	94
Conspiracy	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	2	1
Peace Bond	1	0	0	0	0	0	0	0	0	0	0	0	0	3	0	1	0	0	5	1
Breach of Probation/ Order Variation	38	78	64	38	0	144	0	531	2	41	154	304	3	23	28	81	94	2	1625	90
CC Review Board	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	139	0	139	0
Child Pornography	1	1	0	0	0	3	0	0	0	2	1	0	0	0	2	0	0	0	10	3
Appeal	4	0	0	1	0	0	0	49	0	4	0	1	0	2	0	0	0	0	61	15
Other	8	25	38	18	1	5	0	89	0	9	37	10	0	8	15	35	5	0	303	63
<b>Criminal Adult Total</b>	<b>288</b>	<b>328</b>	<b>324</b>	<b>416</b>	<b>1</b>	<b>1464</b>	<b>0</b>	<b>2238</b>	<b>4</b>	<b>496</b>	<b>487</b>	<b>1561</b>	<b>69</b>	<b>405</b>	<b>363</b>	<b>300</b>	<b>427</b>	<b>6</b>	<b>9177</b>	<b>1515</b>

## Number of Full Service Matters Completed April 1, 2013 to March 31, 2014

CRIMINAL YOUTH	AM	AR	AT	BW	DR-F	DR-C	HAN	HAS	HRM YDC	KE	NG	SY	SY DC	TR	WI	YA	MH	NEC	Staff Total	Private Lawyer
Homicide	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3
Attempted Murder	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1	0
Robbery	0	0	0	0	0	0	0	1	47	0	0	1	0	0	0	2	0	0	51	18
Sexual Assault	4	2	0	7	0	0	0	0	17	6	1	2	0	0	3	0	0	0	42	5
Sexual Abuse	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	2	0
Aggravated Assault	0	0	0	0	0	0	0	0	35	0	3	3	0	1	0	0	0	0	42	8
Assault	9	6	8	12	0	0	0	0	102	26	15	24	0	5	13	11	0	0	231	30
Kidnapping	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Abduction	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	1	1	0	0	0	0	0	0	2	0	1	5	0	0	0	0	0	0	10	7
Weapons/Explosives	2	2	1	0	0	0	0	0	25	1	1	4	0	1	1	0	0	0	38	6
Break & Enter	5	2	5	3	0	0	0	0	49	7	20	7	0	7	4	2	0	0	111	27
Fraud/False Pretences	0	0	0	0	0	0	0	0	4	0	0	5	0	1	0	0	0	0	10	1
Theft	9	4	4	22	0	0	0	0	100	11	14	10	0	11	3	5	0	0	193	18
Possession Stolen Property	1	2	1	3	0	0	0	0	23	2	6	5	0	3	0	3	0	0	49	6
Property Damage/Mischief	5	5	4	3	0	0	0	0	54	9	11	15	0	2	8	0	0	0	116	12
Prostitution	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Gaming/Betting	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Public Order Offence	1	0	0	1	0	0	0	0	15	0	0	1	0	1	0	0	0	0	19	1
Administration of Justice	8	0	0	8	0	0	0	0	68	5	0	12	0	22	4	0	0	0	127	18
Traffic/Import Drugs	0	1	4	3	0	0	0	0	25	6	0	3	0	0	3	0	0	0	45	6
Possession of Drugs	1	3	0	7	0	0	0	0	25	3	4	3	0	2	4	2	0	0	54	1
CC Motor Vehicle Offence	0	0	0	2	0	0	0	0	7	0	0	0	0	1	1	0	0	0	11	2
Impaired Driving	0	0	0	1	0	0	0	0	7	1	0	0	0	0	0	0	0	0	9	1
Forgery/Uttering	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Criminal Negligence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Uttering Threats	1	1	2	3	0	0	0	0	34	5	10	8	0	3	3	5	0	0	75	11
Conspiracy	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Peace Bond	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Breach of Prob/Order Var.	17	13	7	14	0	0	0	0	161	6	41	37	0	27	6	3	0	0	332	12
CC Review Board	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Child Pornography	1	0	0	1	0	0	0	0	0	0	0	0	0	0	1	0	0	0	3	0
YCJA Transfer	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
YCJA Review	1	0	0	0	0	0	0	0	4	0	0	1	0	0	0	0	0	0	6	0
Appeal	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	2	0
Other	2	5	3	0	0	0	0	0	16	0	18	2	0	3	1	3	0	0	53	7
<b>Criminal Youth Total</b>	<b>68</b>	<b>47</b>	<b>39</b>	<b>90</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>825</b>	<b>88</b>	<b>145</b>	<b>148</b>	<b>0</b>	<b>90</b>	<b>55</b>	<b>36</b>	<b>0</b>	<b>0</b>	<b>1632</b>	<b>200</b>

## Number of Full Service Matters Completed April 1, 2013 to March 31, 2014

	AM	AR	AT	BW	DR-F	DR-C	HAN	HAS	HRM YDC	KE	NG	SY	SY DC	TR	WI	YA	MH	NEC	Staff Total	Private Lawyer
<b>Provincial Statutes:</b>																				
<i>Wildlife Act</i>	0	3	0	0	0	0	0	0	0	0	0	0	0	0	3	0	0	0	<b>6</b>	<b>0</b>
<i>Motor Vehicle Act</i>	0	4	1	0	0	0	0	0	2	4	0	0	0	0	14	0	0	0	<b>25</b>	<b>0</b>
<i>Liquor Control Act</i>	0	2	0	0	0	0	0	0	3	0	0	3	0	0	2	1	0	0	<b>11</b>	<b>0</b>
Other	0	3	1	1	0	1	0	0	0	0	0	1	0	0	2	3	0	0	<b>12</b>	<b>0</b>
<b>Provincial Total:</b>	<b>0</b>	<b>12</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>5</b>	<b>4</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>21</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>54</b>	<b>0</b>
<b>Family:</b>																				
Separation	11	14	20	30	3	13	39	0	0	25	17	34	0	11	24	21	0	0	<b>262</b>	<b>29</b>
Divorce	11	16	23	15	11	40	48	0	0	37	10	29	0	3	12	22	0	1	<b>278</b>	<b>114</b>
Custody	54	51	49	63	30	245	241	0	0	90	88	243	0	42	48	47	0	16	<b>1307</b>	<b>436</b>
CFSA	10	17	28	19	11	70	63	0	0	25	25	50	0	31	27	16	0	46	<b>438</b>	<b>442</b>
Enforcement	1	0	7	3	0	2	1	0	0	0	1	5	0	1	1	3	0	0	<b>25</b>	<b>10</b>
Application to Vary	27	2	37	44	0	8	57	0	0	42	12	15	0	30	15	28	0	7	<b>324</b>	<b>123</b>
Family Maintenance	14	7	65	49	13	108	61	0	0	23	42	154	0	15	17	40	0	3	<b>611</b>	<b>132</b>
Matrimonial Property	1	0	2	1	1	4	1	0	0	1	5	1	0	4	0	3	0	1	<b>25</b>	<b>11</b>
Access	5	9	11	33	1	30	26	0	0	28	17	35	0	15	11	25	0	4	<b>250</b>	<b>156</b>
Paternity	1	0	0	1	1	2	0	0	0	1	5	0	0	2	1	1	0	0	<b>15</b>	<b>5</b>
Adult Protection	7	4	6	1	7	18	21	0	0	13	9	27	0	10	4	8	1	0	<b>136</b>	<b>5</b>
Appeal	0	0	0	0	0	1	0	0	0	0	0	1	0	0	0	2	0	0	<b>4</b>	<b>13</b>
Other	1	3	11	0	2	6	3	0	0	3	6	9	0	0	3	3	0	0	<b>50</b>	<b>22</b>
<b>Family Total</b>	<b>143</b>	<b>123</b>	<b>259</b>	<b>259</b>	<b>80</b>	<b>547</b>	<b>561</b>	<b>0</b>	<b>0</b>	<b>288</b>	<b>237</b>	<b>603</b>	<b>0</b>	<b>164</b>	<b>163</b>	<b>219</b>	<b>1</b>	<b>78</b>	<b>3725</b>	<b>1498</b>
<b>Civil:</b>																				
Litigation	0	0	1	0	0	0	1	0	0	0	1	0	0	0	0	0	0	0	<b>3</b>	<b>4</b>
Non-Litigation	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	<b>2</b>	<b>6</b>
Admin. Tribunal	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	<b>1</b>	<b>0</b>
Immigration	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	<b>1</b>	<b>0</b>
Review Board	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>	<b>0</b>
IPTA	0	0	0	4	0	0	0	0	0	6	0	17	1	11	0	5	56	0	<b>100</b>	<b>5</b>
Secure Treatment	0	0	0	0	0	0	0	0	0	0	0	0	0	165	0	0	0	0	<b>165</b>	<b>0</b>
Adult Protection	1	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	<b>3</b>	<b>0</b>
POV – CPP	1	0	0	1	0	0	12	0	0	4	1	5	0	0	0	2	0	0	<b>26</b>	<b>0</b>
POV – EI	0	0	0	0	0	0	3	1	0	1	1	0	0	0	1	0	0	0	<b>7</b>	<b>0</b>
POV - IA	4	1	2	2	0	2	38	0	1	3	1	11	0	1	2	0	0	0	<b>68</b>	<b>0</b>
POV - Housing	3	0	3	0	0	0	41	0	0	15	7	4	0	0	2	4	0	0	<b>79</b>	<b>0</b>
POV – Other	5	1	1	3	2	4	23	0	0	7	5	13	0	0	1	3	1	0	<b>69</b>	<b>0</b>
Appeal	2	0	1	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	<b>5</b>	<b>1</b>
Other	4	1	7	0	0	2	5	0	0	7	3	4	0	0	18	4	2	0	<b>57</b>	<b>29</b>
<b>Civil Total</b>	<b>22</b>	<b>4</b>	<b>15</b>	<b>10</b>	<b>2</b>	<b>10</b>	<b>125</b>	<b>2</b>	<b>1</b>	<b>43</b>	<b>19</b>	<b>54</b>	<b>1</b>	<b>177</b>	<b>24</b>	<b>18</b>	<b>59</b>	<b>0</b>	<b>586</b>	<b>45</b>
<b>GRAND TOTAL</b>	<b>521</b>	<b>514</b>	<b>639</b>	<b>776</b>	<b>83</b>	<b>2022</b>	<b>686</b>	<b>2241</b>	<b>835</b>	<b>919</b>	<b>888</b>	<b>2370</b>	<b>70</b>	<b>836</b>	<b>626</b>	<b>577</b>	<b>487</b>	<b>84</b>	<b>15174</b>	<b>3258</b>

## Reciprocals Received April 1<sup>st</sup> to March 31<sup>st</sup>

Province	2013/2014			2012/2013		
	Outgoing	Incoming	Total	Outgoing	Incoming	Total
Alberta	17	4	<b>21</b>	16	7	<b>23</b>
British Columbia	4	3	<b>7</b>	6	3	<b>9</b>
Manitoba	1	0	<b>1</b>	2	1	<b>3</b>
New Brunswick	13	16	<b>29</b>	11	19	<b>30</b>
Newfoundland	9	4	<b>13</b>	7	6	<b>13</b>
Northwest Territories	1	0	<b>1</b>	1	1	<b>2</b>
Nunavut	0	0	<b>0</b>	0	0	<b>0</b>
Ontario	21	13	<b>34</b>	21	8	<b>29</b>
Prince Edward Island	3	0	<b>3</b>	4	3	<b>7</b>
Quebec	2	3	<b>5</b>	3	6	<b>9</b>
Saskatchewan	1	1	<b>2</b>	2	3	<b>5</b>
Yukon	0	0	<b>0</b>	0	0	<b>0</b>
Outside Canada	0	0	<b>0</b>	0	0	<b>0</b>
<b>TOTALS</b>	<b>72</b>	<b>44</b>	<b>116</b>	<b>73</b>	<b>57</b>	<b>130</b>



## **STANDING COMMITTEES AS OF MARCH 31, 2014**

### **AUDIT/FINANCE**

Donald G. Harding, QC (NSLAC Chair)  
Ronald R. Chisholm (Chair)  
Fred Colaiacovo, CA  
Kathy Isnor

Edward Kirby, CA  
Hugh Robichaud  
Karen Hudson, QC (Executive Director)  
Jennifer Cain, CA (Chief Financial Officer)

### **OPERATIONS**

Donald G. Harding, QC (NSLAC Chair)  
George Ash  
Naomi Metallic

Richard Norman  
Karen Hudson, QC (Executive Director)  
Joseph Cameron (Internal Operations Director)

### **SERVICE**

Donald G. Harding, QC (NSLAC Chair)  
Frank Gillis, QC  
Darlene MacRury

Linda Tippet-Leary  
Karen Hudson, QC (Executive Director)  
Peter Mancini (Service Delivery Director)

### **STRATEGIC PLAN**

Donald G. Harding, QC (NSLAC Chair)  
Barbara Darby  
Trinda Ernst, QC

Walter I. Yeadon  
Karen Hudson, QC (Executive Director)

## STAFF DISTRIBUTION AS OF MARCH 31, 2014

OFFICE	Executive Director	Staff Directors	Lawyers	Admin. Support	Legal Assistants	Chief Financial Officer	Court Support Workers	Family Support Assistants	Research Coordinator	MIS	Articled Clerks	Total
Administration	1	2		6		1			1	2		13
Amherst			3		3							6
Annapolis Royal			3		2							5
Antigonish			2.5		2							4.5
Bridgewater			5		3							8
Dartmouth-Family			5		3			1				9
Dartmouth-Criminal			5		3							8
Halifax South			10		5							15
Halifax North			5.5		5			1				11.5
Kentville			4		3						1	8
New Glasgow			4		3							7
Port Hawkesbury			2.5		2							4.5
Sydney			11		6			1			1	19
Truro			3		3							6
Windsor			3		2							5
Yarmouth			3		2.6							5.6
HRM Youth & Duty Counsel			10		3		3					16
SAC Duty Counsel			2									2
Sydney Youth & Duty Counsel			3		1		2					6
Mental Health Legal Services			2		1							3
Poverty Law Services			1.5									1.5
Northeast Corridor			2		.6							2.6
<b>TOTALS</b>	<b>1</b>	<b>2</b>	<b>90</b>	<b>6</b>	<b>53.2</b>	<b>1</b>	<b>5</b>	<b>3</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>166.2</b>



# **NOVA SCOTIA LEGAL AID COMMISSION ABORIGINAL JUSTICE INITIATIVE 2014/15**



## **Introduction**

The Nova Scotia Legal Aid Commission has developed an Aboriginal Justice Initiative to prioritize our commitment to help Aboriginal Legal Aid applicants and clients.

A Working Group of NSLA First Nations Lawyers, Senior Staff Counsel and Articled Clerks was called together to work with the Office of the Executive Director.

This Aboriginal Justice Initiative platform has been developed for 2014/15 as one of the key **operational platforms of the Nova Scotia Legal Aid Commission's Strategic Plan**. It is based on recommendations from the Nova Scotia Legal Aid Working Group and input from the Aboriginal Community.

The Aboriginal Justice Initiative will advance our responsiveness to Aboriginal Nova Scotians who need our services<sup>1</sup>.

## **AJI Platform**

The Aboriginal Justice Initiative has three platforms:

- Community Consultation
- Cultural Responsiveness in Service Delivery
- Cultural Competency of Staff

## **Discussion**

### Community Consultation

1. Nova Scotia Legal Aid (NSLA) now provides outreach services in seven (7) Aboriginal Communities through our In-and-Near Community Service Delivery Initiative which has been developed in recent years. Our In-and-Near Community Service Delivery Initiative focuses on the northeast part of the Province. The central and southwest areas have a larger off-reserve

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<sup>1</sup> NSLA delivers service in 3 core areas: Criminal, Family and Social Justice (help with EI, CPP Disability, Income Assistance, Residential Tenancies and Housing)

population. NSLA will commence a needs assessment/consultation regarding how we can better assist Aboriginal Nova Scotians both on and off reserve. We will ask for a dialogue with:

- Native Council
- The Assembly of Chiefs
- **The Mi'kmaw Native Friendship Center in Halifax**
- **Native Woman's Association**
- The Union of Nova Scotia Indians
- **The Confederacy of Mainland Mi'kmaq**
- **Kwilmu'kw Maw-klusuagn (KMK)**
- Atlantic Policy Congress of First Nations Chiefs Secretariat

NSLA has, as of April 1, 2014, implemented a process for applicants to self-identify as Aboriginal. A brochure has been developed explaining that it is important to self-identify (e.g. the ***Criminal Code***, the ***Youth Criminal Justice Act*** and ***Children and Family Services Act*** all have parts that specifically impact Aboriginal people). A copy of the brochure is attached.

2. NSLA participated in community consultations held in connection with the Review on the Marshall Inquiry<sup>1</sup> recommendations and we will actively **consider recommendations from Dr. Jane McMillan's Review Report**, anticipated in 2014.
3. **In 2013 we consulted with Mi'kmaq Legal Support Network and we will continue to invite opportunities for dialogue and action.**

#### Cultural Responsiveness in Service Delivery

4. We will help develop legal information for Aboriginal Nova Scotians which will be available on our website and made broadly available.
5. We will continue to support development of our In-and-Near Community Service Delivery Initiative in which we go into Aboriginal Communities to provide in-take and appointments and we will look for other outreach opportunities to provide summary advice.
6. We will build upon our work with other Justice System Stakeholders to advance access to justice for Aboriginal peoples in Nova Scotia, with a priority focus on child welfare issues and restorative approaches and sentencing in criminal matters. We have worked with other stakeholders to help develop a Child Welfare video as a parent information tool. We consulted with the Aboriginal Community in development of this video and it **has been translated into Mi'kmaq**. It will be available in 2014 to assist

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<sup>1</sup> Report of the Royal Commission on the Donald Marshall Junior Prosecution.

Aboriginal Nova Scotia parents who are involved with Child Welfare cases. **We are also working with Aboriginal Community leaders, Mi'kmaw Family & Children Services, the Nova Scotia Barrister's Society and the Department of Community Services** to ensure that the Child Welfare system meets the needs of Aboriginal families in Child Welfare matters. We have begun our **work with the MLSN (Mi'kmaq Legal Support Network), Public Prosecution Service of Nova Scotia and others** to increase the use and effectiveness of Sentencing Circles.

#### Cultural Competency

7. Aboriginal focused professional development will be highlighted at our 2014 AGM and other in-house professional development and will be ongoing thereafter.
8. We will develop policy which will speak to the importance of recruiting and retaining Aboriginal lawyers and support staff. We will increase our **connection with the Indigenous Black and Mi'kmaq Initiative at the Schulich School of Law** to raise the profile of NSLA as a career option for Aboriginal law students. As of 2013 NSLA has its highest numbers of First Nations lawyers and Articled Clerks and we recruited a First Nations lawyer for our Commission (Board of Directors).<sup>1</sup>

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<sup>1</sup> Cathy Benton, Bridgewater; David Curry Jr., Yarmouth; Jillian Allen, Windsor; Andrew Kirk, Dartmouth; Jennifer Cox, Truro; Jessie Denny, Sydney; Patricia Fricker-Bates, Sydney, Senior Staff Counsel, involved in Aboriginal justice outreach since 2005 and Naiomi Metallic, Burchells LLP, Commission Director Halifax



# NOVA SCOTIA LEGAL AID: VALUING DIVERSITY

Submitted by Karen Hudson, Q.C.  
Executive Director, Nova Scotia Legal Aid Commission



## Setting the Stage

- “Last year, the United Nations called on Canada to take “urgent measures” to reduce the overrepresentation of aboriginals and blacks in the criminal justice system and out of home care” (Toronto Star – March, 2013)
- “...50% spike in the proportion of black offenders filling federal jails over the last 10 years” (CBC – 2011, Interview with Howard Sapers, Correctional Investigator for Canada)
- “African Canadians are 27 x more likely to be imprisoned [remanded] before their trials on charges of drug trafficking...” (Kafele, University of Windsor Colloquium 2005)
- “Nearly half of children under 14 in foster care in Canada are aboriginal children” (National Household Survey – 2013)
- Foster homes are the “new residential schools” (Jonathan Rudin, Executive Director, Aboriginal Legal Services, Toronto)
- “Culture shock...is the physical and emotional outcome of the inevitable confrontation with the unfamiliar” (Immigrant Settlement Integrative Services 2013 Presentation to Nova Scotia Legal)

- “Racialized communities face high levels of poverty...the problem is especially severe among more recent immigrants” (National Welfare Council of Canada)

I bet the above short-snappers got your attention. They are, sadly, not surprising to Legal Aid Lawyers.

**“As both an African Nova Scotian and a Mi’kmaq, access to justice is a very real issue to me and in order to tackle that issue in a meaningful way it is imperative that the voices of those most affected by this issue, marginalized individuals, are heard. It is critical for all members of our Canadian democracy to see African Nova Scotian and Mi’kmaq lawyers. This is why I practice law and why I joined the Racial Diversity Committee at NSLA”. David Curry, Staff Lawyer, Yarmouth Office**



### **Nova Scotia Legal Aid: Developing a Diversity Action Plan**

As the largest law firm in Nova Scotia providing criminal, family and social justice law<sup>1</sup> it became apparent to me that we needed to do more to increase our cultural competencies and racial diversity. NSLA recognizes that Nova Scotia does not have a homogenous population. Clients need lawyers who better understand and reflect their cultural experiences.

**“In order to effectively discern the goals and needs of clients, advise them of their options and help them achieve their goals, lawyers of today must be...appreciating the social contexts in which clients live and in which they are seeking legal services” (Voyvodic, ‘Lawyers Meet the Social Contexts: Understanding Cultural Competence’)”**

Last year we began a Diversity Refocus.

**“Cultural competence requires that practitioners actually value diversity, not just tolerate it.” (Robert Wright, MSW, 2012 Presentation to NSLA)**

What have we done so far?

- We established a NSLA Racial Diversity Committee chaired by Chandra Gosine. Not another committee you say. But at Legal Aid we like to focus on action and this committee helped us meet two goals. First we raised our profile with Indigenous Black and Mi’kmaq students at the Schulich School of Law. As a result, this year we have welcomed three clerks: Two First Nations and one African Canadian. Second, we focused our Professional Development on increasing our cultural competencies to better serve Aboriginal and African Nova Scotians and immigrants.

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<sup>1</sup> Poverty Admin Law – Income and Housing Security Issues: E.I., CPP Disability, Income Assistance, Residential Tenancies

**"As a Mi'kmaq woman and legal aid lawyer, I can say that NSLA initiatives to increase racial diversity and promote cultural competence allow me to provide the Aboriginal community with a constructive voice within the Justice system. This promotes a greater sense of Justice for my Aboriginal clients and the community when they feel that their point of view is clearly understood and articulated."**  
*Jennifer Cox,  
Staff Lawyer,  
Truro Office*

- We expanded our aboriginal In-Community and Near-Community service delivery. We now go into six aboriginal communities in Nova Scotia for intake and appointments. We developed a closer working relationship with Mi'kmaq Legal Support Network and aboriginal communities.

- Last winter we participated in the Marshall Inquiry Review Community forums. This led us to call together a working group so that Nova Scotia Legal Aid crystalizes an Aboriginal Justice Initiative.

**"At present Nova Scotia Legal Aid has its largest representation of staff lawyers, articulated clerks and commissioners with aboriginal descent".** *Cathy Benton, Managing Lawyer, Bridgewater Office and Lennox Island Band Member*

- This summer, Youth Criminal Justice Duty Counsel Lawyer, Kai Glasgow, facilitated justice system workshops with African Nova Scotian Youth.
- We sought a closer connection this year with ISIS (Immigrant Settlement Integrative Services) by reaffirming our commitment to provide continuing legal education and summary legal advice to immigrants.
- We updated our French Language Services action plan with the assistance of our French speaking lawyers, Patricia Fricker-Bates, Claire Levasseur and Andrew Melvin.
- We increased the cultural diversity of our Board by welcoming First Nations lawyer, Naomi Metallic, Burchells LLP, and African Nova Scotian lawyer, George Ash, Boyne Clarke.



**David Curry, Nova Scotia Legal Aid Lawyer**

Valuing diversity will help us better serve Nova Scotians and advance access to justice. Dr. Melina Buckley, Chair of the CBAs Envisioning Equal Justice Summit, once quoted Tony Judt. I wrote this quote on my office wall and I think it provides an appropriate close to this article.

**"The more equal we get, the more equal we believe it is possible to be".**

## GLOSSARY OF TERMS

**Advice** – Legal counsel provided to people who require only legal advice but no further legal service.

**AM** – Amherst Office

**After Hours Telephone Duty Counsel** - After hours legal advice provided by lawyers.

**AR** – Annapolis Royal Office

**AT** – Antigonish Office

**BW** – Bridgewater Office

**Cells Duty Counsel** – Legal representation provided by a Staff Lawyer at the court. This representation is provided to only those individuals detained in cells.

**Certificate** – Contract entered into between the Nova Scotia Legal Aid Commission and a private lawyer to provide legal representation to clients who qualify for Legal Aid services but cannot be represented by the local Nova Scotia Legal Aid Office due to conflicts of interest. Nova Scotia Legal Aid continues to give individuals charged with offences punishable by mandatory life imprisonment (murder) a choice of defence counsel and this results in Certificates being issued to private lawyers as well.

**CFSA – *Children and Family Services Act***

**CPP** – Canada Pension Plan

**Dalhousie Legal Aid Service** – A Legal Aid Service affiliated with Schulich School of Law and which receives a grant from the Nova Scotia Legal Aid Commission. The Dalhousie Legal Aid Service provides services to its clients through its staff lawyers with the assistance of Schulich School of Law students who are supervised by their staff lawyers while gaining clinical legal experience. Dalhousie Legal Aid Service represents a number of clients who have qualified for Legal Aid on application to the Commission. The Dalhousie Legal Aid Service is compensated for those clients according to the terms of the Legal Aid Certificate issued in the matter and the Nova Scotia Legal Aid Tariff.

**DR-C** – Dartmouth Criminal Office. Please note that some family statistics are found under DR-C as the family/criminal split did not occur until September 2013.

**DR-F** – Dartmouth Family Office

**EI** – Employment Insurance



## GLOSSARY OF TERMS

**Full Service** - Full Service matters are all those matters which require a higher commitment of legal resources than can be serviced as a Summary Service.

**HAN** - Halifax Agricola Street Office

**HAS** - Halifax Spring Garden Road Office

**HRM YDC** - Youth & Duty Counsel Office for the Halifax Regional Municipality

**IA** - Income Assistance

**IPTA** - *Involuntary Psychiatric Treatment Act*

**KE** - Kentville Office

**Matters Completed** - Cases which concluded in the fiscal year.

**MH** - Mental Health Office

**Mental Health Legal Services** - services provided in the area of Mental Health, including representation in the Mental Health Court.

**NG** - New Glasgow Office

**Northeast Corridor Office (NEC)** - conflict services and Summary Advice Counsel to Family Courts provided in the Northeast Corridor of the Province.

**Pending Decision** - Applications for Legal Aid received in the fiscal year for which a decision has yet to be made.

**PH** - Port Hawkesbury Office - For the purposes of this Report, caseload statistics for the PH Office continue to be reported under Antigonish Office.

**POV** - Poverty law

**Private Lawyers** - Members of the private Bar representing clients by way of a Nova Scotia Legal Aid Certificate.

**Reciprocal - Outgoing** - An application for Legal Aid which is forwarded to another Province/Territory where the Nova Scotia resident requires legal representation. All Provinces and Territories, by agreement, participate in this exchange of applications for Legal Aid.

**Rejected Services** - Applicants for Nova Scotia Legal Aid who were not provided with service due to financial ineligibility, lack of merit, or the service requested was outside of the scope of service.

## GLOSSARY OF TERMS

**SAC Duty Counsel** – This is the Summary Advice Counsel (Duty Counsel) provided by two Staff Lawyers located at the Supreme Court, Family Division locations in Halifax and Sydney. SAC provide summary advice in family law matters. This project is an effort to respond to the unmet needs of self-represented family law litigants for legal advice. Further, it is expected that providing summary legal advice to self-represented litigants in the Family Division may result in timelier processing of family law cases involving self-represented litigants. SAC is now provided Province-wide by Staff Lawyers.

**Staff Lawyers** - Lawyers employed by the Nova Scotia Legal Aid Commission.

**Staff Duty Counsel** - Lawyers employed by the Nova Scotia Legal Aid Commission who provide legal representation, either by telephone or in person, to people detained in the Provincial Court Cells or at a police station. The Staff Lawyers also, on occasion, provide Duty Counsel services to family or civil clients as the situation may require.

**Summary Service** - Summary Service matters are those matters which require a lesser commitment of legal resources and are serviced through advice.

**SY** - Sydney Office

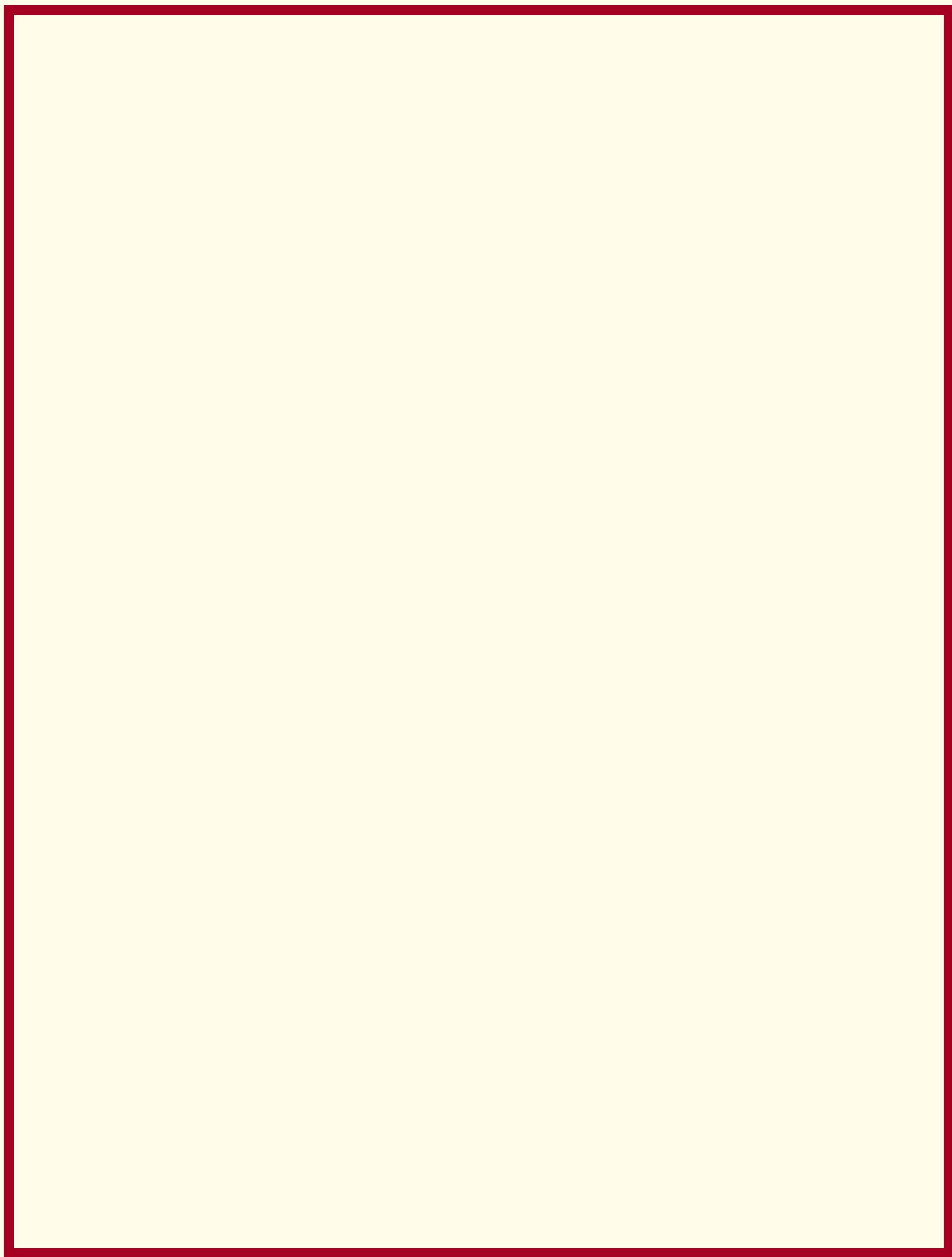
**SYDC** – Sydney Duty Counsel Office

**YA** - Yarmouth Office

**YCJA** - ***Youth Criminal Justice Act***

**TR** - Truro Office

**WI** - Windsor Office





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