

November 2014

25 – 2014

## NOTICE TO THE PROFESSION

### ACCESS TO JUSTICE INITIATIVE

Legal Aid Manitoba's (LAM) legislated mandate is to provide legal services to eligible low income individuals and groups in a cost effective and efficient manner.

In recent years, LAM has significantly reduced operational costs, created and implemented cost saving efficiencies, and increased staff productivity. These measures have in large part provided LAM with the ability to fund more legal matters within its 2014/15 budget.

In the interest of increasing access to justice and legal representation for low income individuals and groups, as of April 1, 2014, LAM has been providing legal aid to applicants in the [Partial Agreement to Pay](#) financial eligibility range without charge.

As of October 1, 2014, LAM has been providing legal aid to applicants in the [Full Agreement to Pay](#) financial eligibility range without charge.

With the approval of Management Council, the Executive Director has been exercising his discretion, and determining that Agreement to Pay contracts (ATP), are not required from applicants whose income falls within the Partial and Full ATP financial eligibility guideline ranges.

On November 25, 2014, Management Council authorized the Executive Director to continue exercising his discretion to determine that ATP contracts are not required from applicants in the Partial and Full financial eligibility guideline ranges indefinitely.

The legal services provided by LAM are fundamental to a fair and balanced justice system. LAM remains committed to ensuring access to justice for eligible low income individuals and groups.

## **ADMINISTRATION OF JUSTICE OFFENCES ENHANCED DUTY COUNSEL PROJECT**

During fiscal years 2011/12, 2012/13 and 2013/14, LAM experienced significant volume increases in the area of administration of justice offences, and in particular breach of probation charges.

In an attempt to explore ways to manage the costs associated with this increase in volume, LAM consulted with its stakeholders, and in particular the Criminal Defense Lawyers' Association (CDLA), Manitoba Bar Association (MBA), Legal Aid Lawyers' Association (LALA), and Justice Innovation.

As a result of these consultations, a Pilot Project commenced on December 1, 2013, whereby select administration of justice offences would at first instance be diverted to staff lawyers providing duty counsel services throughout the Province. Where staff counsel were not available, matters were issued to requested/available private bar counsel. LAM agreed to review the Project on or before December 1, 2014.

The Project's details are set out in [Notice to the Profession 21-2013](#).

LAM commenced a review of the Project in July, 2014 and received further input from its stakeholders. As a result, on November 25, 2014, Management Council directed that the Project be suspended indefinitely effective December 1, 2014.

Management Council and Senior Management greatly appreciate the support and assistance LAM has received from its stakeholders and service providers in meeting its legislated mandate to provide legal services to eligible low income individuals and groups in a cost effective and efficient manner.

People who exceed the guidelines but can afford to pay some or all of the cost for a lawyer, may still qualify for legal aid. This option is more affordable than hiring a private lawyer. People in the following range may be eligible to receive legal assistance but will be expected to pay back some of their fees and disbursements plus the 25% program fee.

<b><u>FAMILY SIZE</u></b>	<b><u>PARTIAL PAY-BACK</u></b>
1	\$16,000
2	\$20,000
3	\$25,000
4	\$29,000
5	\$33,000
6	\$36,000
more than 6	\$39,000

People in the following financial range may get a lawyer if they can pay back all of their fees and disbursements plus the 25% program fee within the lifetime of the certificate.

<b><u>FAMILY SIZE</u></b>	<b><u>FULL PAY-BACK</u></b>
1	\$23,000
2	\$27,000
3	\$31,000
4	\$34,000
5	\$37,000
6	\$40,000
more than 6	\$43,000