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NOTICE TO THE PROFESSION

Domestic Violence Enhanced Duty Counsel Project

Over the past 3 years, Legal Aid Manitoba (LAM) has experienced volume increases as follows:

- in 2015/16, a total of 29,528 legal matters were issued; an increase of 8.8% (+2,386 legal matters);
- in 2016/17, a total of 34,142 legal matters were issued; an increase of 15.6% (+4,614 legal matters);
- in 2017/18, a total of 35,887 legal matters were issued; an increase of 5.1% (+1,745 legal matters).

While there has been growth in many areas of legal aid with respect to legal matters issued, the most significant volume drivers continue to be administration of justice and domestic violence offences, with the majority of the volume increases being handled by private bar counsel.

In order to explore ways to manage the costs associated with this increase in volume, LAM consulted with its stakeholders, and in particular the Criminal Defence Lawyers Association (CDLA), the Manitoba Bar Association (MBA), and the Advisory Committee of LAM.

After consulting with, and receiving input from stakeholders, LAM has established an Enhanced Duty Counsel Project to provide services to eligible accused dealing with domestic violence offences, effective June 1, 2018. The Project will not affect legal matters issued prior to June 1, 2018, and will be reviewed on or before December 1, 2018.

The domestic violence project is based on the same principles as those that were in place in 2013/14 when LAM implemented the Enhanced Duty Counsel project for Administration of Justice offences, (see Notice to the Profession 21-2013).

The details of the Domestic Violence Project are as follows:

- The Project is restricted to eligible adult/youth accused charged with a category ‘C’ domestic violence offence;

- The domestic violence matters that will be targeted by this Project are those where accused persons are alleged to have committed an offence against a person with whom the accused is, or was, in a spousal, conjugal or intimate relationship;

- These matters would at first instance be diverted to available staff lawyers providing criminal defence/duty counsel services throughout the Province;

- Where staff counsel are not available, matters would be issued to requested/available private bar counsel;

- Staff counsel providing services as part of this Project will not be restricted to providing only traditional duty counsel services such as guilty pleas and remands.

Matters that are excluded from the Project are as follows:

- Category ‘C’ domestic violence offences where the client is already pending on a substantive offence with previously assigned counsel;

- Category ‘C’ domestic violence offence matters that appear at circuit points/court rooms where LAM has formally retained private bar counsel to provide duty counsel services.

This Project does not affect the services provided pursuant to the Domestic Violence Full Service Duty Counsel Project which has been in place since June 1, 2009; that project provides services to financially eligible accused whose applications are rejected due to insufficient likelihood of jail (see Notice to the Profession 3-2009 and 24-2014).