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Public Defence Service Auckland expansion

The Agency held a meeting in Waitakere with local lawyers and representatives from the New Zealand Law Society and the Waitakere District Court on 27 August to discuss the expansion of the PDS in Auckland.

Alison Hill, the Policy and Development Manager, and Public Defender Jonathan Down gave an overview of the expansion project and the operation of the PDS. Lawyers at the meeting were interested in the detail of the proposed PDS caseload parameters, which are a maximum of 33% of total assignments including up to 50% of rotation cases. They also wanted to know about the day-to-day operation of the PDS, including the way that cases are allocated within the 33% overall maximum, whether PDS lawyers are required to seek amendments on grants and how debt is handled.

While grant and debt arrangements are the same for PDS clients as for other legally aided people, the service is funded on the basis of the cost of legal aid for a similar range and number of cases, so PDS lawyers do not need to seek amendments to grants of aid.

Recruitment and conditions of work for PDS staff were also of interest and Jonathan Down described the mentoring and training opportunities that the PDS structure offers.

'We consider training a very important part of what we do here and while we know that is attractive to young lawyers, in fact lawyers at all levels of experience can benefit. We also have a good career structure in place and offer mentoring and continuing legal education opportunities.'

The Waitakere PDS office will open on 23 November 2009 and the expansion to Albany, Pukekohe and Papakura remains on schedule for next year. Positions for PDS staff at the Waitakere, Auckland and Manukau offices have been advertised and we are seeking applications from criminal lawyers at all levels of experience.

The administration of the reformed duty lawyer schemes and the Police Detention Legal Assistance scheme will be based in the expanded PDS Manukau office from early November. We are pleased to announce that Brian Dreadon, currently the Regional Manager, Midlands Region, has been appointed Manager of the Initial Criminal Legal Services and will take up this position in mid October.



Jonathan Down
Public Defender

Community Law Centre and Agency meeting focused on future

Towards the end of 2008 community law centres (CLCs) faced a significant drop in the funding that is sourced mostly from interest earned on solicitors' nominated trust accounts, which declined due to a slowing housing market and lower interest rates. The Minister of Justice announced an interim top-up for the CLCs in the 2009/10 financial year to enable the existing level of services to be maintained. CLCs are continuing to work with both the Agency and the Ministry of Justice on ideas for a more sustainable funding model and service delivery.

All 27 CLCs were represented at this year's Agency/CLC meeting in Wellington in August. The representatives provided feedback about the development of standards for the delivery and management of community legal services, and prioritising of legal information initiatives. They also heard a Ministry of Justice presentation on options for future funding of community legal services and contributed their ideas and feedback. The projects discussed indicate a strong support for the continuing delivery of community legal services by community-based organisations.

CLCs are reporting an influx of work generated by the economic downturn and in particular there has been a large increase in requests for help with employment matters and financial issues. CLCs are extending their collaborations with other community providers and establishing formal agreements for handling the increased number of referrals of clients between themselves and budget services.

New initiatives such as the pro bono programme established between Bell Gully and the Grey Lynn Neighbourhood Law office and the Waitakere Community Law Service are also in response to the economic recession. In the other parts of the country, including ongoing projects in Canterbury and South Auckland, there is effective and continuing co-operation between the community legal services and members of the legal profession.

The Agency thanks the CLC representatives who were able to attend the meeting this year and acknowledges their support and participation in planning the development of sustainable and effective community services.

LSMS goes 'live' end of November

In the June issue of *LSA News*, we told you about the Agency's new legal aid management computer system. The new system (called the Legal Services Management System or LSMS) is expected to be in use from 30 November 2009.

The main reasons for developing a new system are that the current system will no longer be supported by the developer, it is cumbersome to use and it restricts the extent to which the Agency can adapt and streamline its processes.

The main advantage for lawyers and other legal aid providers at this stage is that the Agency will be able to give you better information about the status of a legal aid grant, which will help you prepare invoices and determine if an amendment is required.

From 30 November, we will attach a schedule to each grant or amendment letter – see the concept below. The schedule will:

- list the activities approved as the maximum grant as set out in the Agency's "steps"
- show the guideline hours as well as any approvals to exceed the guideline hours
- show you the amounts claimed to date, and the remaining hours up to the maximum for each activity
- show you the current criminal charges or civil/family matters covered by the approved activities
- be a quick reference for you to work out whether you may still claim against an activity or if an amendment is required
- describe the activities and steps in the words that you should enter on your invoices.

If your invoice descriptions align to the steps, then processing of invoices is much easier. If staff cannot easily recognise an activity being claimed, then the invoice must be held back while clarification is sought from you.

You will continue to provide us with GST inclusive figures on the LSA invoice forms but LSMS will convert these to GST exclusive for accounting purposes. The only change you may notice will be some small differences in cents between the amount calculated by you on your invoice totals and the amount paid by the Agency, caused by the rounding during inclusive to exclusive processing.

We appreciate your co-operation during this time. We do understand that making changes to the processes we both use is disruptive to you, so we have worked to minimise the effect. However, we do expect some delays in the processing of applications, amendments and invoices in the initial transition period as staff become familiar with the new system and teething problems are resolved. We will endeavour to keep these to a minimum but some initial slowing down is to be expected with the introduction of any new IT system.

We will email you before the new system is in place, confirming the date of introduction, reminding you of the changes that you will see with LSMS and outlining the likely impacts. We will update our website to include LSMS FAQs and tips, and we will include these in more detail in the December *LSA News*.

LSMS Tips for Lawyers:

Before and during the changeover to our new system some processing delays may occur in handling applications,

amendments and invoices. To minimise delays and ensure prompt processing:

- please describe the activities you are claiming for on your invoice in the same way that they are described in the Agency's proceedings steps and activities
- please reduce the frequency of billing if you can – the more often you submit a claim, the more transactions that need to be processed.

LSMS Hot Facts

LSMS will produce a new schedule of approved activities that summarises the status of your grant.

LSMS improves the Agency's capability to introduce more efficient business processes in the future for staff and lawyers, and to respond to changes in court and legal practices.

LSMS replaces an obsolete system with one that will support any future moves to e-business.

LSMS Hot Tips

Use the information on the new activities schedule to describe the activities you are claiming for – this will ensure prompt and accurate processing of claims

Provide us with your GST number if you haven't already done so – send to gst@lsa.govt.nz.

Look out for the Agency email in November – make sure that we've got your current email address.

Check our website for LSMS news and tips in November

Legal Services Agency
Pūkāpū Rauanga Tūre

Grant Schedule
Issued 15/09/2009 11:15am

Provider Firm: Joe Bloggs Bloggs, Smith Barristers	Legal Aid No: 07004567
Postal Address: Private Bag 1500 Christchurch 5120	Court: Civil
Provider No: 3453	Law Type: FC1
Firm No: 6767	Client No: 123456
	Client: Fred Brown

Steps, Activities and Disbursements	Guideline Hours (H)	Maximum Grant (Maximum \$)	Total Paid (to date) (\$)	Remaining (to date) (\$)
Step 1 Pre-review assessment				
Review file and prepare opinion on prospects of success	3 hrs	3	3	0
Step 2 ACC Review				
Preparation for Review	11 hrs	11	6	3
Hearing	actual hrs	actual		
Disbursements				
Office disbursements	100 (\$)	100	45.32	54.68
Specialist medical report	750 (\$)	1200	1200	0

Matters covered by Grant

Matters granted full	Completed?	Date	Impairment?
ACC Review	Active		

1 Decisions made and invoices paid after the issue date/time of this schedule are not included.
 2 Remaining hours indicated are for actual and reasonable time only.
 3 Only activities and disbursements that our records show have not been completed are listed.
 4 Hours may not be carried over to other activities or steps.

Grant Schedule

Forms update

Alongside the introduction of LSMS we are making a minor change to our criminal and civil amendment and invoice forms. We're updating the forms so that you can enter activities claimed for as described in the steps. The forms will then be simpler and clearer for you to complete, and consistent with the recently updated family forms. The revised forms will be available online and pre-printed from 30 November 2009. We will email or write to you about the updated forms before the end of November.

Fundamental review of the legal aid system discussion paper released

In April this year the Minister of Justice, the Hon Simon Power, announced a fundamental review of the legal aid system. Dame Margaret Bazley was appointed to lead this and the discussion paper released on 1 September marks the first stage of work in the review.

'Improving the Legal Aid System: A public discussion paper' is on the Ministry of Justice's website at www.justice.govt.nz/policy-and-consultation/legal-aid-review. Submissions are invited – the closing date for these is 9 October 2009.

Website update

New online forms and resource order form

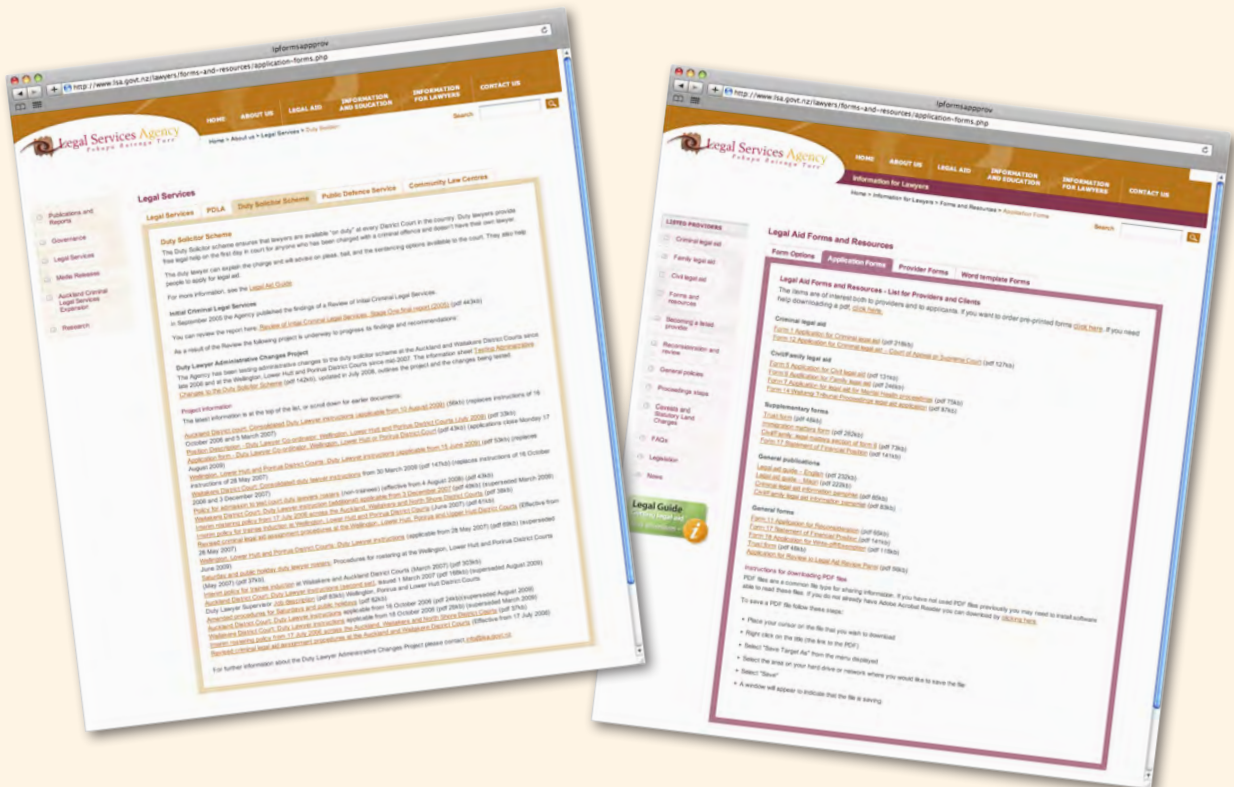
We have a new process for ordering legal aid forms and Agency resources online. This new process enables us to include all the resources available in translation, and is a more efficient reporting system so we can better measure both form and resource usage.

When you first use the site you will need to create a username and password when you fill in the 'First Time Customer' section. This will take a few seconds but then for all future visits you will only need to enter your username and password in the 'Returning Customer' section before making your order.

Please see www.lsa.govt.nz/lawyers/forms-and-resources/forms-options.php for all our online form options.

Recent website updates include:

- At www.lsa.govt.nz/about-us/legal-services/duty-solicitor.php: Auckland District Court consolidated duty lawyer instructions
- At www.lsa.govt.nz/about-us/legal-services/public-defence-service.php: Public Defence Service Code of Conduct and assignment policies
- At www.lsa.govt.nz/about-us/publications/agency-reports.php: Payments to Firms from the start of July 2008 until the end of June 2009. This report lists all Agency payments to legal firms for the most recent government financial year, and the payments are ordered alphabetically by firm name and include GST.



Lawyer and other legal aid provider audits

Each year the Agency undertakes audits of around 110 listed provider files, selected at random. The aim of these is to check how well providers are complying with statutory and contractual requirements. The audits are undertaken by senior legal aid providers. The 2008–09 programme included 51 Criminal files, 54 Family files and 6 Civil files.

Overall, there was a good level of compliance, particularly with:

- recovering fees from the aided person if aid is withdrawn
- invoicing accurately
- protecting the Agency's interests in relation to charges and proceeds of proceedings.

All those who took part have been given feedback on the overall results, as well as discussing any issues that are specific to them. We acknowledge the co-operation of all lawyers and other legal aid providers who were audited, and thank them for their assistance.

Tips

There were a number of recurring issues, and we suggest all legal aid lawyers and other providers check that they:

- maintain accurate time records, which makes reconciliation with billing easier
- reconcile invoices with the time records provided
- notify Courts and other parties of a legal aid grant for Family and Civil cases
- keep clients informed of progress on their cases – there were a significant number of cases where there was no evidence of this.

The Agency sent requests in September for the next provider file audit.



Craig Bennett
Internal Auditor

Listing process in online manual for lawyers and other legal aid providers

The Agency's online manual for lawyers and other legal aid providers now includes a number of processes not outlined in the March 2007 version. No substantive changes have been made to the actual processes but the revised sections of the manual – Part 1 & 2 Listed Provider Approvals Process – now incorporate the following processes and documents:

- Applications for listing approvals – including the decision making process
- Conditional approvals
- Agency's review of applications – revised decisions and Application review hearings
- Contract process – extension and expiry of contracts
- Reinstatement of approvals
- One-off approvals for listing
- Link to the Criteria for Approval as Listed Provider
- Link to the flowchart detailing the Listing Process
- Link to the Listed Provider Application Form
- Link to the Litigation Experience Level Guidelines
- Link to the flowchart detailing the one-off listing approvals process

Please see www.lsa.govt.nz/lawyers/provider-manual.php for details.

Email addresses

Do we have your email address? The Agency is now communicating more often with lawyers and other legal aid providers through email so please make sure that we have an up-to-date email address for you, and one that you're happy for us to contact you on.

Over the next few months we will be trialling sending change of detail letters and listing approval notifications by email. This will save time in transit for listed providers, but in order for this to be a successful trial we require an up-to-date email address.

If you think your email address could be incorrect please email the Provider List Administration team at provider@lsa.govt.nz and we can check and/or update it for you.

The Service Contracts Team



New Zealand Government

Helping people access justice