

CONTENTS :

A solid year
New Public Defender
CLC Funding Considerations

Dunedin wins College of Law Community Service in Law Award
Tips for lawyers on...
Legal aid supply and demand report released
New family steps

Frequently asked questions
CLC/LSA Annual Meeting
Navigating www.lsa.govt.nz – Word templates
Manual for legal aid lawyers and other providers

A solid year

It is interesting how, when reflecting on a year, they seem to take on some key characteristics.

2007 was particularly notable for the major implementation of the Legal Services Amendment Act and then the bedding down phase. In that respect 2008 was a year of consolidation; but it was overlaid by inexorable growth in the numbers needing legal help from schemes and community legal services and our drive to keep on with streamlining, which has resulted, so far, in Standard Family Granting.

It is gratifying to know how many people in our communities can face the year end knowing that they got the legal help they needed, whether it all turned out the way that they wanted or not.

There are several features of the year I would like to record. We have proceeded with a number of developments this year. They have involved legal aid lawyers and people from Community Law

Centres. We are very thankful for your good spirited contributions. Secondly, our staff have had a very demanding year and the next could be more so. I am grateful for their commitment. Thirdly, 2008 marks the year when the Agency was authorised to directly provide legal services permanently and the permanent Public Defence Service is an integral part of the Agency.

We live in uncertain times and the implications for those that we help will become clearer next year. For everyone's contribution – thank you.



Tim Bannatyne
CHIEF EXECUTIVE
LEGAL SERVICES AGENCY

New Public Defender

On 1 December Jonathan Down became the Public Defender at the Legal Services Agency.

Just prior to that, Jonathan was a barrister in Auckland but had previously been a senior crown prosecutor. Jonathan is originally from the United Kingdom and was, for a number of years, a member of the Kent police force, before a change of career led to his admittance to the bar and work as a barrister.

The Legal Services Agency employs salaried criminal lawyers to take on criminal legal aid cases through its PDS alongside private lawyers. The service currently handles approximately 2,400 criminal cases a year and provides high quality legal services and value-for-money through the use of salaried staff.



Jonathan Down
PUBLIC DEFENDER
LEGAL SERVICES AGENCY

Christmas and New Year arrangements

Legal aid offices

Most Agency legal aid offices will be closed from 24 December 2008 and reopen on Monday 5 January 2009. Legal aid lawyers and other providers will be advised of any local variations.

Where courts are operating and require decisions on granting and assignment for criminal legal aid applications, the Agency will have staff available to make those decisions.

Legal aid provider payments

The last payments in 2008 will be made on 18 December. Direct credit payments will be made and cheques will be posted on this date. The first payment for 2009 will be made on 8 January.

The Legal Services Agency wish you and your families all the best for the festive season and the coming year.

CLC Funding Considerations

The Agency is closely monitoring the Special Fund performance following the downturn in the housing market and the repeated reductions in the Official Cash Rate (OCR). The OCR determines the rate of interest that accrues on the funds in solicitors' trust accounts, and the continuing reduction in this does mean a reduction in revenue for funding CLCs.

The Agency will develop its annual Purchase Plan and use this opportunity to consider all the options for the sustainability of delivery of community legal services. As with previous years, when this is finalised a copy will be distributed to each CLC, and the Agency plans to arrange a meeting early in the new year to discuss the implications for all CLCs.

Dunedin wins College of Law Community Service in Law Award

The Dunedin Community Law Centre (CLC) won both the Community Law Centre section and the College of Law Community Service in Law Award, and then also took the overall Supreme Winner Award in the category at the 2008 New Zealand Law Awards.

The centre, which was established in 1980, won the top honours over 15 finalists comprising five law centres, and 10 law firms. The Dunedin CLC has 80 volunteer lawyers, 120 volunteer student lawyers and eight paid staff, and provides legal services to around 8,000 people a year.

The judging panel was impressed by the winner's position in the community, which included its significant and long-term relationship with local law students, and the outstanding contribution and support provided to it by the local legal community. The judges were also impressed with the sheer numbers of people the winner was advising, people who would otherwise go without legal advice. Deciding the overall winner was no easy task, but the judges decided that the winner's prominent place in its local community was a testament to the way it had developed a community service ethos that embraced the whole community.

Law Centre staff and volunteers were surprised and very pleased to win both awards.

"We have had congratulations from all quarters," said Caryl O'Connor, Dunedin CLC co-ordinator. "Court staff, lawyers,

community organisations, current and former volunteers have been popping in for a 'viewing' and to offer their congratulations. Anderson Lloyd is hosting a morning tea for us this week, and next week we are having a lunch to celebrate and thank the people who support us."

"The Legal Services Agency congratulates the Dunedin CLC for their achievement in winning this annual award," said Margaret Pearson, Manager Services Contracts. "It is great to see the work CLCs do in providing legal services to communities is recognised and honoured. We extend our congratulations to all the finalists, and to the organisers of the New Zealand Law Awards for acknowledging this."



Katie Diehl and Jo Turner from the Dunedin CLC at the Agency/CLC annual meeting.

Tips for lawyers on... incorporating firms under the Lawyers & Conveyancers Act 2006

The Lawyers and Conveyancers Act 2006 came into force on 1 August 2008 and enables lawyers to practise in incorporated firms provided all the directors and shareholders are lawyers actively involved in the practice. Barristers sole can also be incorporated firms, providing the barrister is the only director and shareholder of the firm.

Quick tips from the Agency for newly incorporated companies:

- Please send the Agency a copy of your Certification of Incorporation so we can update our records.
- Let us know if your bank account details change so payments for legal aid services can be re-directed to new bank accounts.
- Send us the names of all listed legal aid lawyers who are either shareholders of the company or employed by the company.
- We will send all your listed legal aid lawyers an updated Schedule B for their Contract for Service. This needs to be signed by a director of the new company and returned to us.
- We will then send the listed legal aid lawyers an updated Schedule A in the new company name to be held with their copy of the Contract for Service.

Legal aid supply and demand report released

The Agency's Analysis of the Supply, Distribution and Assignment of Legal Aid Providers in New Zealand 2007/08 has been released.

Some of the key findings are:

- For criminal legal aid, there was an increase of 3% in the number of active legal aid lawyers and other providers in 2007/08 from 2006/07, while the number of legal aid grants increased by 3%. Seventy-one percent of active criminal legal aid lawyers have nine or more years' experience, and another 19% have between four and nine years' experience.
- For family legal aid, there was a decrease in the number of listed and active legal aid lawyers and other providers in 2007/08 from 2006/07 (2% and 4% respectively), with an increase in the number of grants (6%). Sixty-seven percent of active family legal aid lawyers have nine or more years' experience, and another 22% have between four and nine years' experience.
- For mental health legal aid, the number of active legal aid lawyers and other providers increased by 2% in 2007/08 from 2006/07, while there was an increase in the number of grants of 7%. Eight-five percent of active mental health legal aid providers have nine or more years' experience, and another 13% have between four and nine years' experience.
- For civil-general legal aid, there was a decrease in listed and active legal aid lawyers and other providers in 2007/08 from 2006/07 (5% and 4% respectively). Eighty percent of active civil-general legal aid lawyers have nine or more years' experience, and another 16% have between four and nine years' experience.

The full report Analysis of the Supply, Distribution and Assignment of Legal Aid Providers in New Zealand 2007/08 is available on the Agency's website www.lsa.govt.nz.

New family steps

The simplifications to family legal aid granting project and the new disbursements policy went live as planned on Tuesday 28 October. Updates have been made to forms 6, 9 and 10, and Provider Information Packs were sent to all practitioners with a family legal aid listing. These forms are available as pdfs and are part of the new Word template package available online at www.lsa.govt.nz. Old forms will be accepted until 31 January 2009.

The Agency's legal aid offices are busy implementing the new policies and procedures on both new applications and existing files (granted on or after 1 March 2007). Grants staff around the country are rolling out seminars on the changes for family legal aid lawyers. So far seminars have taken place in Auckland, North Shore, Whangarei, KeriKeri, Rotorua and New Plymouth. Contact your local legal aid office for information on seminars planned in your area.

There has been a positive response to these changes from both legal aid lawyers and Agency staff, and the Agency appreciates how positive practitioners have been about the changes.

Work is continuing on the development of the revised criminal steps, which, like the new family steps, should be much more closely aligned with current court processes. The New Zealand Law Society has been consulted on the steps and the Agency is working towards implementing new criminal steps in 2009.

UPDATE ON CIVIL LEGAL AID FORMS

As a result of changes to family forms due to the simplification project, the amendment and invoice forms for civil legal aid have been separated from the Agency's family forms and renumbered. Forms 19 (civil amendment) and 20 (civil invoice) are available on the Agency website at www.lsa.govt.nz as pdfs and are included in the new Word template package.

The Agency is continuing to work on a separate civil application form, which will replace the requirement to fill in both form 6 and the supplementary form 5. The final civil application form will be available early in the New Year. The Agency will be in contact with all practitioners holding a civil legal aid listing before the new form is implemented.

Frequently asked questions (FAQs) – following the implementation of simplified family granting and the revised disbursement and travel policy.

Q. If one activity takes me outside the steps, do I have to submit an amendment before I can continue through the rest of the steps?

No. A provider can, for instance, stay within the guideline hours for step 1, request additional hours over guidelines at step 2 and then complete any work required at step 3 without a further amendment, provided the hours used at step 3 are within guidelines.

Q. How do I apply for an amendment in family cases?

There are two ways to submit an amendment in family cases:

- Form 9 Amendment to Grant form where the guideline hours are likely to be exceeded (as at present).
- Form 10 Tax Invoice where the hours were exceeded, usually by a small amount.

There is also the option to match overs and unders of time incurred against the guideline hours for activities within a step providing all the activities for the step have been completed.

Q. Do I need to submit an amendment for waiting time?

It is not necessary to submit an amendment for waiting time at a court hearing. The Agency accepts claims for waiting time, as part of claims for actual appearances in hearings – before a judge. To support claims for approval and payment of waiting time, you need to provide a summary of both the waiting time and hearing time on the day of appearance, with the date and times. This includes waiting time for the jury to deliver a verdict, but excludes waiting time where a judge has excused counsel. If waiting time exceeds one hour, please include an explanation of the circumstances.

Q. Do I have to apply for approval for a specialist report?

The Agency does not require 'prior approval' for the special disbursements for specialist reports if they are incurred on matters which will be conducted within the guideline hours specified in the steps for the particular proceedings.

Q. Do I need prior approval for travel if I'm managing cases in other parts of the city?

If you are managing a case which has been transferred to another court in a different part of the city, you do not have to seek prior approval to travel to the other court. This is also the position if your client is detained and you need to travel to see him or her. For any other type of travel prior approval will be required – a form 9 Amendment to Grant will need to be submitted and assessed by your local legal aid office in terms of its 'reasonableness', taking into account, among other things, the assignment policy and the availability of providers in the 'destination' centre. When making claims for travel, lawyers should be aware of the new travel policy, which explains 'local' travel in the context of what may be claimed.

Q. Do I have to submit a claim at the end of a case or as the matter progresses?

The Agency prefers claims to be submitted at the end of the case but, given that some cases can take a long time to complete, claims may be made (as at present) at the end of a completed activity or step.

Q. Will I get an increase for office disbursements when I submit my next amendment on my current files?

The pre-approved office disbursement allowance on files opened prior to the introduction of the new disbursement policy will be increased. However, the Agency will not issue a letter stating that that is the case. This is because the new process will move away from set amounts as the maximum grant. What you will receive as files move into the simplified granting process is a letter referring you to the applicable proceedings step for the work you will be completing. Your Grants Officer will be keeping a separate note of your office expenses on the Agency's file for the matter.

Q. Do I submit one invoice per proceeding or can I put in more than one proceeding on the same form?

You can include a claim for one or more proceedings on the same invoice if it is clearly indicated which proceedings steps and activities are being billed and the cost of matters box is completed.

Community Law Centre/Legal Services Agency Annual Meeting

The CLCs and the Agency held their 2008 Annual Meeting on 18 September in Wellington. There were a number of important issues to discuss, including work done on community legal services definitions, standards and job sizing.

A major piece of work will be completed when the community legal services definitions work is signed off. The Working Party presented draft definitions for each of the contracted community legal services to replace those in schedules 1-6 in the current Contract. These had been distributed to all CLCs and were discussed at the meeting, where there was favourable support for the Working Party's efforts. CLCs were asked to provide feedback by 29 October. The Agency is reviewing all feedback and the final document will be issued by the Agency before Christmas.

The contribution to this work by all members of the Working Party was acknowledged. The Working Party was:

John Hancock	– Youth Law
Murray Henderson	– Wairarapa
Jo Herbert	– Manawatu
Carren Huymans	– Hamilton
Andrew Lawson	– Mangere
Denise Lormans	– Southland
Dana Maniapoto-Moala	– Te Ratonga Ture
Jeanie Richards	– Youth Law
Gordon Strang	– Marlborough
Bryan Fox	– Legal Services Agency

To follow on from the definitions, three different working groups are to be set up to develop Standards for Service Delivery as well as Operational and Governance Standards. CLCs are working independently to agree on a Values statement.

Strategic Pay consultant David Shannon's presentation on job sizing included a sample position description with generic scores to show how different roles can be banded. David specialises in remuneration for not-for-profit organisations and he agreed to send out a package for all CLCs.

There was much discussion on managing the requirements for Rules of Conduct and Client Care under the Lawyers and Conveyancers Act (the Act). There were issues raised relating specifically to work of CLCs and any impact in them from changes under the Act. The Coalition agreed to take up some of these issues with the New Zealand Law Society and to collaborate with the Agency on these to provide better alignment for CLCs.

The Agency's presentations outlined its responsibilities under s31(4) of the Act as an approving agency and in ensuring CLCs comply with legislation.

The Annual Meeting was once again a useful and vital occasion for talking about issues and maintaining good communication and contact, and the Agency thanks all those CLCs that attended.



Left to right: Kevin Campbell (Canterbury), Peter Doddy (Canterbury), Cyril Gilroy [obscured] (Southland), Anita Yorke (Whangarei), Katene Eruera (Whangarei) and Denise Lormans (Southland).

Navigating www.lsa.govt.nz – Word templates

A number of Agency forms are available as Word templates and can be downloaded from our website at www.lsa.govt.nz/lpformstemplates.php. Word templates are a useful tool for legal aid lawyers to enter some recurring information, perform financial calculations and keep electronic client records. These templates are free of charge.

The Word forms have been designed to work as templates with dialogue boxes to guide you and when you complete the forms you can then save them as a document. They are not designed to be filled out from scratch.

An updated Word template package is now online and includes the updated forms 6, 9 and 10, and new forms 19 and 20, and the other existing forms: 1, 2, 3, 4, 6B, 7, 11, 13, 15 and 16.

You will need Windows 2000 or later and Microsoft Office Word 2000 or later to successfully install this package. The forms are not available for Macintosh and, unless you're on a broadband internet connection, the download time may be around 20 minutes.

Manual for legal aid lawyers and other providers

The Agency is developing an improved online Manual or resource which will be better focused towards meeting the information needs of lawyers and other providers. We will no longer maintain the hard copy version, which is now out-of-date, and we intend to survey listed legal aid lawyers and other providers in January 2009 to help guide re-development of the Manual. In the meantime, the current online Manual contains the most up-to-date information.

New Zealand Government

Helping people access justice