

9 November 2007

Legal Services Agency Board

Report on Public Defence Service Pilot against the Statement of Service

Purpose

- 1 This report informs you of the performance of the Public Defence Service pilot (PDS) against the Statement of Service for the period 1 July to 31 October 2007.

Performance against Planning Forecast and Budget

- 2 Assignment numbers and duty solicitor hours are both tracking towards achieving the performance measures in the Statement of Intent.
- 3 Actual assignments from 1 July to 31 October 2007 were at 26.8% in Auckland and 22.7% at Manukau. This represents 481 assignments in Auckland and 479 in Manukau. Attached to this report are tables showing the total assignments made for this period.
- 4 Duty solicitor hours for the period from 1 July to 31 October 2007 were 645.
- 5 PDS notional revenue exceeds forecasted year to date levels and expenditure is within forecasted expenditure levels allocated to the PDS.¹

Service delivery

- 6 Case management, operational and administrative systems and processes continue to work well. Professional standards were maintained in terms of the Professional Code of Conduct and the Code of Conduct for PDS Lawyers and Other PDS Employees. Client files reviewed by the Public Defender and Deputy Public Defender for overall judgment, timeliness, quality of preparation and communication, and technical proficiency did not give rise to issues requiring special attention.
- 7 The personal grievance taken by a PDS lawyer (Manukau office) was resolved.
- 8 The complaint that was under investigation by the Auckland District Law Society was found to be unwarranted. There are no outstanding complaints.

¹ Notional revenue for 2007/2008 has been established at a level that should be achievable; however, there continues to be a risk that the overall financial objective of the PDS as set out in the Cabinet paper (CAB Min (03) 28/2A), ie that PDS would be fiscally neutral within five years, will not be met.

Communications

9 Legal staff have attended a number of professional development training programmes including the annual Te Hunga Roia Maori o Aotearoa – Maori Law Conference in Auckland.

Evaluation

10 As a result of the Minister of Justice’s request for information and advice, some minor changes have been made to the evaluation plan. The changes leave the original evaluation intact but add an additional examination of the private sector lawyers’ cohort study and an additional interim report in February 2008. The Crime and Justice Research Unit has agreed to the additional report and work is already underway. As the timeframe for achieving this is limited, the Agency is monitoring progress on a weekly basis.

11 The New Zealand Law Society has advised that it does not agree that the proposed changes are minor, and has re-visited previous criticisms about the level of consultation with the profession, the lack of level playing field and raised concerns about the evaluation itself.

Recommendations

12 It is recommended that the Board

a) **Note** the content of this report

YES/NO

Margaret Pearson
Manager Service Contracts

Case Assignments - Auckland and Manukau Courts

For the period 1 July 2007 to 31 October 2007

Auckland Court		Number of cases and assignment type					Assignment percentages		
Case Category	Private Preferred	PDS Preferred	Private on Rotation	PDS on Rotation	Total Number of Cases	% Private Providers	% PDS	% Available on Rotation	
1	699	82	442	357	1,580	72.2%	27.8%	50.6%	
2	75	5	16	16	112	81.3%	18.8%	28.6%	
3	44	3	14	17	78	74.4%	25.6%	39.7%	
4	20	0	4	1	25	96.0%	4.0%	20.0%	
Grand Total	838	90	476	391	1,795	73.2%	26.8%	48.3%	

Manukau Court		Number of cases and assignment type					Assignment percentages		
Case Category	Private Preferred	PDS Preferred	Private on Rotation	PDS on Rotation	Total Number of Cases	% Private Providers	% PDS	% Available on Rotation	
1	862	99	646	347	1,954	77.2%	22.8%	50.8%	
2	38	5	18	9	70	80.0%	20.0%	38.6%	
3	37	4	18	13	72	76.4%	23.6%	43.1%	
4	9	1	4	1	15	86.7%	13.3%	33.3%	
Grand Total	946	109	686	370	2,111	77.3%	22.7%	50.0%	