13 July 2006

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 April to 30 June 2006.

Statement of Service

2 The annual review of the Statement of Service has been undertaken with internal feedback incorporated where appropriate. A copy of the Statement of Service containing the proposed amendments has been provided to the NZLS and the Auckland District Law Society for comment before finalisation.

Performance against Planning Forecast and Budget

3 Under the Statement of Service, from 1 July 2005 the maximum percentage of cases to be assigned to PDS is 33%. Actual assignments from 1 July 2005 to 30 June 2006 are at 23% in Auckland and 24% at Manukau.

4 The total number of assignments made for the 2005/06-year is 2331 against the projected annual number of 2000 to 2600. This is made up of 2120 proceedings category 1 assignments, 102 proceedings category 2, 93 proceedings category 3 and 16 proceedings category 4. Attached to this report are tables showing the total assignments made for the quarter and year ending 30 June 2006.

5 As previously reported, due to staffing issues arising from delays in recruitment and allocation of resources to serious and lengthy trial matters, the PDS was unable to maintain its rostered solicitor sessions and therefore not meet the duty solicitor hour projections set out in the Statement of Service. The actual number of duty solicitor hours provided as at 30 June 2006 is 1220 against the projected annual number of 1800 to 2200.

6 As assignment numbers generally in Auckland and Manukau have been greater than those initially projected and the duty solicitor hours not done have been utilised on assignments generally, any impact on notional revenue has been minimised.

7 PDS expenditure continued to be within forecasted expenditure levels allocated to the PDS.

Service delivery

8 Case management, operational and administrative systems and processes continued 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.

Communications

9 An address on the establishment and activities of the PDS was given to the Friends of the Court in Auckland.

10 Manukau PDS staff met with the Criminal Justice Support Unit. The Unit is a Police pilot programme at Manurewa to essentially take over Police file and Administration.

11 As previously advised, the development of a reporting regime for various groups, including the Auckland District Law Society, the Criminal Bar Association, and the NZLS remains outstanding due to resource issues and other work priorities. Once finalised, reports covering the 2005/06-year will be prepared.

Risks

12 While the shortfall in duty solicitor hours did not adversely impact on notional revenue, the risk remains that the Agency/PDS is vulnerable to criticism that the PDS prioritised criminal assignments over duty solicitor commitments.

Recommendations

13 It is recommended that the Board

a) **Note** the content of this status report **YES/NO**

Margaret Pearson
Manager Service Contracts

Assignments for the quarter ended 30th of June 2006

Auckland	Number of Cases and Assignment Type					Assignment Percentages		
Case Category	Private Preferred	PDS Preferred	Private Rotation	PDS Rotation	Grand Total	% Private	% PDS	% Rotation
1	593	41	302	205	1141	78%	22%	44%
2	97	3	42	22	164	85%	15%	39%
3	45	2	17	11	75	83%	17%	37%
4	27		4		31	100%	0%	13%
Total	762	46	365	238	1411	80%	20%	43%

Manukau	Number of Cases and Assignment Type					Assignment Percentages		
Case Category	Private Preferred	PDS Preferred	Private Rotation	PDS Rotation	Grand Total	% Private	% PDS	% Rotation
1	461	56	431	208	1156	77%	23%	55%
2	13	2	11	10	36	67%	33%	58%
3	40	3	9	9	61	80%	20%	30%
4	6		1		7	100%	0%	14%
Total	520	61	452	227	1260	77%	23%	54%

Assignments for the year ended 30th of June 2006

Auckland	Number of Cases and Assignment Type					Assignment Percentages		
Case Category	Private Preferred	PDS Preferred	Private Rotation	PDS Rotation	Grand Total	% Private	% PDS	% Rotation
1	2,319	212	1,205	889	4,625	76%	24%	45%
2	230	7	90	58	385	83%	17%	38%
3	143	4	56	38	241	83%	17%	39%
4	84	1	12	7	104	92%	8%	18%
Total	2,776	224	1,363	992	5,355	77%	23%	44%

Manukau	Number of Cases and Assignment Type					Assignment Percentages		
Case Category	Private Preferred	PDS Preferred	Private Rotation	PDS Rotation	Grand Total	% Private	% PDS	% Rotation
1	1,784	167	1,388	852	4,191	76%	24%	53%
2	69	4	43	33	149	75%	25%	51%
3	141	9	45	42	237	78%	22%	37%
4	24	3	5	5	37	78%	22%	27%
Total	2,018	183	1,481	932	4,614	76%	24%	52%