

16 February 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 October to 31 December 2005.

Performance against Planning Forecast and Budget

- 2 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 to 31 December 2005 at both offices are at 26%.
- 3 Attached to this report are tables showing the total assignments made against those forecast from 1 July to 31 December 2005.
- 4 Under the Statement of Service, the PDS is projected to provide a total of 1,800 to 2,200 duty solicitor hours in 2005/06. The number of duty solicitor hours provided as at 31 December 2005 is 679. PDS expected to provide roughly one half (eg 900 to 1100) of the total projected duty solicitor hours during the first half of the year, but has been unable to do so. This is due to staffing issues from delays in recruitment and allocation of resources to serious and lengthy trial matters.
- 5 A strategy has been developed and agreed (increase the number of law clerks to undertake the majority of the duty solicitor work) so that the ongoing duty solicitor hours can be met. However, as the duty solicitor rostering anticipates that PDS will provide one duty solicitor in each of the Auckland and Manukau courts each day of the week (with private providers making up the balance of the rosters), it is not possible for PDS to make up the shortfall that has accumulated. In this respect, PDS will not meet the projections set out in the Statement of Service.
- 6 As assignment numbers generally in Auckland and Manukau are 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 continues to be within forecasted expenditure levels allocated to the PDS.

Service Delivery

- 8 All case management, operational and administrative systems and processes continue to work well and professional standards are being maintained in terms of the Professional Code of Conduct and the Code of Conduct for PDS Lawyers and Other PDS Employees.
- 9 Two murder trials were completed in this quarter with good outcomes for the clients. These trials also gave PDS positive exposure for its services.

Communications

- 10 It was previously advised that the Agency expected to make available a reporting regime for various groups, including the Auckland District Law Society, the Criminal Bar Association, and the New Zealand Law Society (NZLS) by October. Due to resource issues and other work priorities, this work is outstanding. While a reporting regime has not been established, NZLS has been provided with the information that they had requested.
- 11 An address on the establishment and operations of the PDS was given to the Justice of the Peace Judicial Seminar.

Risks

- 12 While current assignment percentages in both Courts continue to be below the forecasted maximum percentage, the number of total assignments has been greater than initially projected. Should the number of total available assignments reduce and the assignment percentages remain at their current level, then there is the risk that this would adversely impact on notional revenue. In any event, where additional work can be assimilated, additional on rotation assignments are made in accordance with the Agency's PDS Assignment Guidelines.
- 13 While the shortfall in duty solicitor hours is not likely to adversely impact on notional revenue, there is a risk that the Agency/PDS is vulnerable to criticism that the PDS prioritises criminal assignments over duty solicitor commitments.
- 14 Assignment reports continue to be monitored closely.

Recommendations

- 15 It is recommended that the Board:
 - a) **Note** the content of this status report **YES/NO**

Margaret Pearson
Manager Service Contracts

Assignments for the period 1 July 2005 to 31 December 2005

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	1,101	105	527	493	2,226	73%	27%	46%
2	80	2	25	23	130	81%	19%	37%
3	58	1	22	17	98	82%	18%	40%
4	33	0	6	5	44	89%	11%	25%
Grand Total	1,272	108	580	538	2,498	74%	26%	45%

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	852	65	608	457	1,982	74%	26%	54%
2	31	1	21	17	70	74%	26%	54%
3	75	4	27	22	128	80%	20%	38%
4	13	2	3	3	21	76%	24%	29%
Grand Total	971	72	659	499	2,201	74%	26%	53%