31 January 2005

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 2004.

Statement of Service

2. The review of the Statement of Service that was to take place as at 31 August 2004, with any amendments to be effective as from 1 October 2004, remains outstanding due to staff vacancies and other work priorities. While a small number of comments have been received, notably from the New Zealand Law Society, the review of and responses to these comments is now expected to be completed by the end of February.

Performance against Planning Forecast and Budget

3. Under the Statement of Service, caseload and case mix over the first calendar year of the operation of the PDS is to be phased. As from 1 November 2004, the percentage of cases to be assigned to the PDS increased from 28% to 32%.

4. In the previous reporting period, it was noted that assignment percentages for the period 1 August to 30 September were not met, due in part to the high level of cases assigned to preferred lawyers in the Auckland Court coupled with the fact that no assignments were made to the Manukau office of the PDS for a two-week period while staff were on leave.

5. While no additional assignments to recoup the shortfall were undertaken by the Manukau office as previously considered, at this time actual assignments from the commencement of the PDS to December 2004 at the Manukau office are at 27%. The actual assignments at the Auckland office for this period are at25%. The variance continues to be due in part to the high level of cases assigned to preferred lawyers in the Auckland Court.

6. Attached to this report are tables showing the total assignments made against those forecast from 1 July to 31 December 2004.

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

Service delivery

8. Two additional lawyers and two law clerks have been employed. There continues to be difficulty in recruiting Criminal Proceedings Category 4 lawyers.

9. 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.

10. The development of the business model to assist in managing and monitoring the performance of the PDS is underway. It is expected to be available for testing in early 2005.

Communications

11. The PDS continues to be monitored by local practitioners and the New Zealand Law Society in terms of adherence to the Agency's policies and procedures for Listed Providers. There are no known breaches by PDS of Agency policy and procedure.

12. A presentation was made by Eddie Paul to the Police Maori Responsiveness Conference Nga Kia Puawai in November 2004.

Evaluation

13. The evaluation of the PDS being carried out by Victoria University's Crime and Justice Research Centre (CJRC) is on track with an interim report covering the implementation of the pilot and detailing the methodology for the next stage due in May 2005. Since the last report, CJRC have met with private sector lawyers at two public meetings held in Auckland in early November, the Evaluation Advisory Group (EAG) has finalised the evaluation plan, the Agency is drafting a memorandum of understanding between the Agency and Ministry of Justice to examine the possibility of matching Agency and Ministry data, and a small sample of legal aid files was reviewed by CJRC to determine whether costing information could be used in the evaluation.

14. The two public meetings held in Auckland in early November with private sector lawyers resulted in an agreement to expand the number private sector lawyers invited to participate in stage one workshops to capture a wider range of views earlier in the evaluation. Dates for stage one workshops with Agency staff, PDS staff and private sector lawyers have been set for January - February 2005. Key stakeholder interviews are scheduled for February - March 2005. The EAG are assisting the CJRC evaluators to refine the list of key stakeholders.

Risks

15. Current assignment percentages in the Auckland Court continue to be below the forecast percentage. In order to recoup the shortfall, additional on rotation assignments will be made to the Auckland office. The additional assignments will be

in accordance with the Agency's guidelines determining the maximum assignment levels and the maximum proportion of cases on rotation which at any one time will not exceed a ratio of 2:1.

16. Assignment reports continue to be monitored closely.

Recommendations

17. It is recommended that the Board

- **Note** the content of this status report. ***Yes/No***

Margaret Pearson
Manager Service Contracts

Assignments for the period 1 July 2004 to 31 December 2004

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 and 2	1,105	70	550	512	2,237	74%	26%	47%
3	65	2	21	23	111	77%	23%	40%
4	47	0	10	9	66	86%	14%	29%
Grand Total	1,217	72	581	544	2,414	74%	26%	47%

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 and 2	697	33	583	461	1,774	72%	28%	59%
3	48	6	24	25	103	70%	30%	48%
4	12	0	9	9	30	70%	30%	60%
Grand Total	757	39	616	495	1,907	72%	28%	58%