

11 April 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 January to 31 March 2005.

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 which was delayed due to staff vacancies and other work priorities has reached a stage where it will be circulated for final approval. It is likely that there will be few changes and that they will be of a minor nature.

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. As with previous reporting periods, assignment percentages continue to be below the forecasted percentages. In particular, the cumulative "on rotation" assignment percentage has been running at less than 50%. In order to restore the cumulative "on rotation" assignment percentage to the permitted 50% threshold, additional assignments were made at the Auckland Court at a rate of 2 to the PDS and 1 to private providers from 2 February until 1 April 2005. This assignment ratio was reviewed at fortnightly intervals.
5. These additional assignments were in accordance with the PDS Assignment Guidelines which set out that on the basis of accumulated totals, the Agency may not assign cases at a rate greater than 2 (to PDS) to 1 (to private providers) in each proceedings category for assignments available on rotation unless an exception has been authorized for a specified period of time.
6. At this time actual assignments from 1 July 2004 to 31 March 2005 at the Manukau office are at 28%. The actual assignments at the Auckland office for this period are at 26%. The variance continues to be due in part to the high level of cases assigned to preferred lawyers in the Auckland Court.

7. Attached to this report are tables showing the total assignments made against those forecast from 1 July 2004 to 31 March 2005.
8. In order to assist with management of lawyers' time, Duty Solicitor sessions at both the Manukau and Auckland Courts have been reduced until the end of June. This decision will be reviewed prior to that date.
9. PDS expenditure continues to be within forecasted expenditure levels allocated to the PDS.

Service delivery

10. There continues to be difficulty in recruiting Criminal Proceedings Category 4 lawyers.
11. 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.
12. The development of the business model to assist in managing and monitoring the performance of the PDS has been completed and is being tested. The Model can be used to provide information to manage resources, caseloads, and project revenues as well as provide reports on individual lawyer performance and financial performance.

Communications

13. Lawyers in the Auckland Court have been notified of the 2:1 assignment ratio for "on rotation" assignments as referred to above.

Evaluation

14. The evaluation of the PDS continues on track since the last report. An interim report on the implementation of the pilot is due in May 2005. Feeding into this report will be the data collected from workshops held with Agency staff, private sector lawyers and key stakeholders over the January to April period. The Evaluation Advisory Group is meeting early in May 2005 to provide its feedback to the evaluators on the draft report.
15. The Agency and Ministry of Justice are ready to sign a memorandum of understanding to share limited personally identifiable data with the evaluation team to progress this aspect of the evaluation. Other financial and relevant data will be provided to the evaluation team from April 2005 to enable the team to calculate the actual and projected cash flows, profitability and required resource mix for the pilot.

Risks

16. Current assignment percentages in both Courts continue to be below the forecast percentage. In order to recoup the shortfall, additional on rotation assignments will

continue to be made, as required. 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.

17. Assignment reports continue to be monitored closely.

Recommendations

18. It is recommended that the Board

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

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Assignments for the period 1 July 2004 to 31 March 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 and 2	1,639	114	739	730	3,222	74%	26%	46%
3	86	4	29	32	151	76%	24%	40%
4	62		14	15	91	84%	16%	32%
Grand Total	1,787	118	782	777	3,464	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 and 2	1,123	54	844	691	2,712	73%	27%	57%
3	67	7	43	37	154	71%	29%	52%
4	11		10	10	31	68%	32%	65%
Grand Total	1,201	61	897	738	2,897	72%	28%	56%