

7 March 2008

## **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 November 2007 to 29 February 2008.

## **Options for the future of the PDS**

- 2 A separate paper seeking a decision on the future of the PDS is being prepared for the Minister of Justice. Comments provided by the Ministry of Justice have been incorporated as appropriate. The Ministry has sought a Crown Law opinion on whether a decision on the future of the PDS can be made in advance of receiving the evaluation's final report. Finalisation of the paper is being held pending the Crown Law opinion.

## **Performance against Planning Forecast and Budget**

- 3 Assignment numbers and duty solicitor hours are both tracking towards achieving the performance measures in the Statement of Intent.
- 4 Actual assignments from 1 November 2007 to 29 February 2008 were at 481 in Auckland and 387 at Manukau. This represents 28.6% assignments in Auckland and 19% in Manukau. Attached to this report are tables showing the total assignments made for this period.
- 5 Duty solicitor hours for the period from 1 November 2007 to 29 February 2008 were 558.
- 6 PDS notional revenue exceeds forecasted year to date levels and expenditure is within forecasted expenditure levels allocated to the PDS.<sup>1</sup>

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<sup>1</sup> 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.

## Service delivery

- 7 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 for Auckland files. Some issues were noted for Manukau files and have been addressed accordingly.
- 8 No new complaints have been received against PDS lawyers.

## Communications

- 9 Some PDS legal staff attended the New Zealand Law Society residential litigation skills course in Wellington.
- 10 The Deputy Public Defender, Eddie Paul, has left the PDS to take up a role as a District Court Judge at the Auckland District Court.

## Evaluation

- 11 As a result of the Minister of Justice's request for information and advice, some minor changes were made to the evaluation plan. The changes left the original evaluation intact but added an additional examination of the private sector lawyers' cohort study and an additional (third) interim report. That interim report has now been finalised and is awaiting consideration by the Minister before public release.

## 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 November 2007 to 29 February 2008

<b>Auckland Court</b>	
Case Category	
1	
2	
3	
4	
<b>Grand Total</b>	

<b>Number of cases and assignment type</b>				
Private Preferred	PDS Preferred	Private on Rotation	PDS on Rotation	Total Number of Cases
642	99	412	358	1,511
53	1	25	9	88
33	0	15	10	58
13	0	7	4	24
<b>741</b>	<b>100</b>	<b>459</b>	<b>381</b>	<b>1,681</b>

<b>Assignment percentages</b>		
% Private Providers	% PDS	% Available on Rotation
69.8%	30.2%	51.1%
88.6%	11.4%	38.6%
82.8%	17.2%	43.1%
83.3%	16.7%	45.8%
<b>71.4%</b>	<b>28.6%</b>	<b>50.0%</b>

<b>Manukau Court</b>	
Case Category	
1	
2	
3	
4	
<b>Grand Total</b>	

<b>Number of cases and assignment type</b>				
Private Preferred	PDS Preferred	Private on Rotation	PDS on Rotation	Total Number of Cases
889	112	654	256	1,911
36	1	14	4	55
29	4	10	8	51
15	1	1	1	18
<b>969</b>	<b>118</b>	<b>679</b>	<b>269</b>	<b>2,035</b>

<b>Assignment percentages</b>		
% Private Providers	% PDS	% Available on Rotation
80.7%	19.3%	47.6%
90.9%	9.1%	32.7%
76.5%	23.5%	35.3%
88.9%	11.1%	11.1%
<b>81.0%</b>	<b>19.0%</b>	<b>46.6%</b>

**Notes:**

Only cases from 3 May 2004 onwards are included in PDS reports.

This report runs for the previous day as that is the latest data available from the reporting database.