

Contents

- Baywide community law service launched
- Community law centres allocated \$8 million
- New website for CLC Coalition
- Wellington regional legal needs research completed
- Legal Services Amendment (No 2) Bill update
- Litigation experience levels
- PDS assignment
- LARP update
- Agency's next three years

Baywide community law service launched

The official launch on 29 July of the Baywide Community Law Service (BCLS) brought together a cross-section of the community. Dignitaries, representatives from local government, community organisations and the Legal Services Agency, together with trustees and staff of BCLS and members of the local community took part in the celebrations.

The launch featured two ceremonies, one held in Whakatane and the other in Tauranga. The celebrations marked the culmination of the efforts of a community based working group, formed in late 2003, that identified the need for community legal services in the Bay of Plenty.

The newly established BCLS is co-located with the Citizens Advice Bureaux (CABs) in Tauranga and Whakatane, both of which are centrally located. BCLS will work closely with the

CABs in Tauranga and Whakatane to coordinate the complementary services that each organisation provides.

The service is staffed by two solicitors and an administrator. Services are available daily in Tauranga, and two and a half days a week in Whakatane.

Initially the focus of the service will be on casework, including in-depth legal advice and ongoing legal representation. There will be a limited amount of law related education and law reform.

Future expansion of the service will be coordinated with existing community law centres that provide service in the wider area and will involve community participation in the development process.

With service delivery up and running for only a couple of months, BCLS reports that "business is booming".



Baywide staff (from left): Managing Solicitor Roger Gudsell, Administrator Jan Whiting, Solicitor Debbie Cairns



At the Whakatane opening: Legal Services Agency Chief Executive Tim Bannatyne, Baywide Trust Chair Michael Sharp, Baywide Trustee Dick Williams, and Whakatane Deputy Mayor Graeme Hanlen



At the Tauranga opening (from left): Baywide Trust Chair Michael Sharp, with Speaker Margaret Wilson and Special Trustee Beth Bowden,



The opening ceremony in front of the Baywide office in Tauranga

CLC funding provides range of services

The Agency recently completed its annual funding round for community law centres (CLCs). There are now 27 CLCs in New Zealand, including 2 pilot services recently opened in Waitakere and the Bay of Plenty.

The Agency contracts with CLCs to provide community legal services for communities with "unmet legal needs" - in particular to people who cannot afford to pay for legal services.

As independent organisations, individual CLCs may determine the services they will provide and what matters to undertake. The range of legal services that may be offered include 'casework' (legal advice, assistance and representation) as well as legal information, law-related education, and law reform and advocacy work on behalf of the community served.

The 2005/06 service delivery proposals to the Agency provided for a range of services, encompassing both core services and new initiatives.

A total of about 118,000 hours of advice, assistance and representation are planned for 2005/06. In these three service areas 24,000 more hours will be provided by volunteers. Additional time will be spent on general legal information and law-related education, as well as law reform and advocacy work on behalf of the communities being served.

The funding for CLCs is received from the New Zealand Law Society Special Fund (the interest on solicitors' nominated trust accounts) as well as government appropriation and interest on amounts held in reserve. Funding of CLCs has steadily increased since 2000/01 when 24 CLCs were allocated a total of \$5.2 million.

For 2005/06, \$8 million was allocated among 27 CLCs for core services, service extensions, and support and other contingencies (\$7.5 million for core service delivery for 2005/06 and \$0.5 million for additional support and contingencies). This compares with approximately \$6.7 million in 2004/05 and represents an increase in funding for CLCs of approximately \$2.8 million since 2001.

Website for CLC Coalition

A website developed by the Coalition of Community Law Centres of Aotearoa Inc was launched by Minister of Justice Phil Goff in Wellington on 20 July. The website has been developed with a grant from the J.R. McKenzie Trust.

The website highlights the work of CLCs and provides information on a variety of legal topics. It aims to complement the work CLCs do throughout New Zealand.

There are a number of different areas in the site, including contact details for CLCs, legal information that can be accessed directly, along with links to more detailed legal information available online. There is also an opportunity for people to have their say on topical legal issues and to download self-help resources.

For further information, see www.communitylaw.org.nz

Wellington regional legal needs research completed

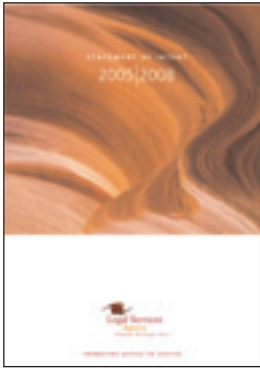
This report is now available on the Agency website under General information/Research. Key findings of the research are summarized at the beginning of the document.

A steering group representing the four Wellington-based community law centres and the Wairarapa community law centre facilitated the research, the findings of which were compiled by Ignite Research.

The Agency wishes to thank all those who participated and assisted in producing this valuable resource.



Agency's next three years - SOI published



The Statement of Intent (SOI) 2005-2008 was published in July and is available on the Agency's website under General Information/Publications. Copies may also be requested from the Agency.

LSA Board Chair Carole Durbin notes in her introduction that of particular importance in the coming period are the amendments to the Legal Services

Act 2000 announced by the Minister of Justice in May 2005, arising out of intended changes to the eligibility criteria for legal aid.

"The Agency welcomes the extended provisions that will improve the equity of access to justice for those who have a need for legal services and the least capacity to pay for them," Carole Durbin said.

The Chair was aware of the impact these changes would have on providers and the amount of their legal aid work. "The Agency is committed to working with providers to ensure that the new eligibility provisions are well implemented for them and their legally-aided clients," she said.

Alongside the intended changes to eligibility for legal aid, Carole Durbin noted that the Board was keen to support the Agency in endeavouring to administer legal aid more cost effectively, and in a way that also benefited providers.

With regard to community legal services, the next three years should see improved coverage of services throughout New Zealand, and the Agency will continue to work with community law centres to enhance the effectiveness of the services.

"We are also conscious that we rely extensively on all of our stakeholders, and we particularly wish to encourage providers and community law centres to join us in the developmental process. We know that our providers and community law centres share a common starting point with us – a commitment to promoting access to justice," Carole Durbin said.

In the Chief Executive's introduction Tim Bannatyne refers to the Agency's new development phase. He outlines four particular issues that the Agency will work through in the next three years:

- the final shape of the system – balancing the rights of clients and, responsibilities to taxpayers with a system that is efficient, consistent, and user friendly.
- working with providers – building a business partnership model that reflects mutual responsibilities.
- targeting and phasing – apart from changes arising from statutory change, reforms to our services and operations will need to target those that will have the biggest impact on effectiveness and to phase the implementation of these over a three-year period.
- getting e-govt/e-business ready – positioning the Agency to implement new technological capabilities.

"Private listed providers will continue to perform the vast majority of all legal aid work. As a result, the viability of legal aid schemes relies on private lawyers and clients rely on them – firstly to access services, and secondly for the quality of service they receive," Tim Bannatyne said.

Legal Services Amendment (No 2) Bill update

As reported in the last LSA News, the Agency continues to work on the implementation project. The terms of reference for the project have been placed on the Agency's website (under General Information), and these guide the project at a high level.

Planning for the Bill development work is almost complete, and this will help determine how much of, and where, streamlining work can be incorporated. This work plan will be subject to change as tasks are completed and more accurate information becomes available. The development team has finished the first piece of work, which was to document the decisions required by the Bill for means assessment for eligibility.

The team has also progressed the first part of the streamlining work. As a result, the Agency hopes to set up a Provider

Advisory Group shortly, for initial consultation on some proposed changes to the granting process, and a possible plan for testing.

Because of the importance of the ongoing communications and consultation aspects of this project, we will establish a specific communications and consultation plan with our stakeholders; including, of course, providers.

Finally, as you are well aware with the election, there is now a hiatus in terms of legislative progress on the Bill. The Ministry of Justice (in consultation with the Agency) continues to work on the Bill and the regulations, in preparation for the select committee process picking up again.

Litigation experience levels

Litigation experience levels are not automatically increased by the Agency, so lead providers need to apply for these.

The Agency has three litigation experience levels, which contribute to the calculation of a lead provider's hourly rate.

These are:

- Level 1 Less than four years' litigation experience
- Level 2 Between four and nine years' litigation experience
- Level 3 Greater than nine years' litigation experience.

The Agency will assess an applicant's employment history, including consideration of any extended period away from the practice of law or employment as a lawyer in another jurisdiction.

To apply for an increase in litigation experience level, an application form is available on the Agency's website at www.lsa.govt.nz on the Listed Provider site under 'How to become a listed provider'.

Applications for an increase need to be made a week or two before the change is due, as litigation experience level changes cannot be applied retrospectively.

Send your completed application form for increase in litigation experience level to:

Provider List Administration,
PO Box 5333, Wellington, or
fax 04 495 5911

PDS assignment update

Since the opening of the Public Defence Service Pilot (PDS) on 3 May 2004 until 12 August 2005, the PDS has undertaken a total of 2,933 cases in all four criminal proceedings categories.

This represents 26% of all available assignments at the Auckland Court and 27% of all available assignments at the Manukau Court, the balance being taken up by private providers.

The above total comprised 1,556 assignments in the Auckland Court and 1,377 in the Manukau Court. Of these, 228 in the

Auckland Court and 118 in the Manukau Court were PDS preferred lawyer assignments.

Of the "on rotation" assignments to the PDS, a total of 1,328 were made in the Auckland Court and 1,259 in the Manukau Court. In this period, 44% of assignments in the Auckland Court and 53% of assignments in the Manukau Court were available on rotation.

Details regarding the assignment numbers and percentages can be found on the Agency website www.lsa.govt.nz.

LARP update

Of the 13 decisions made by the Legal Aid Review Panel in July 2005, 0 upheld the Agency decision, 2 (15%) modified the Agency decision, 4 (31%) reversed the Agency decision, 5 (39%) decisions directed the agency to reconsider its decision and 2 (15%) were for other reasons.

In July 8 (62%) of the 13 decisions were requested by the legally aided person and 5 (38%) by the provider. 2 (15%) of decisions related to an Agency decision to decline a grant of aid, 8 (62%) of decisions related to the amount of legal aid granted, 2 (15%) decisions related to contributions or charges and 1 (8%) decision related to the withdrawal of aid.

