

Supplementary Information on Supreme Court

Application for Leave to Appeal

A new application for legal aid is to be made to the Wellington Legal Aid Office at the time an appellant or counsel applies for leave to appeal to the Supreme Court. The application must be on Form 6 Application Civil/Family Legal Aid accompanied by a completed Form 5 Family/Civil Legal Aid Summary outlining the grounds of the appeal.

On receipt of the application, the Agency will assess the applicant's disposable income and disposable capital to determine financial eligibility. See Eligibility on this website.

The application will also be evaluated against the relevant statutory criteria set out in section 9(3) of the Legal Services Act 2000. To satisfy these criteria, applicants must be able to demonstrate that they have a significant interest in the outcome of the proceedings and will want to pursue the case to achieve the best outcome.

Section 9(4)(e) of the Act is broad in scope and includes a consideration of the wider merits of the case. For example, the Agency may accept that there are reasonable grounds for taking or defending the action, but could still decline to grant aid if the public or personal interest in the matter does not justify the likely cost of the proceedings.

When considering its decision the Agency may review the Court of Appeal decision being appealed against or, in the case of appeals from other courts, the information in the trial file. Grants Officers intending to decline legal aid for the preparation for leave to appeal are required to consult a specialist adviser for an opinion and recommendation.

If the application is declined, the applicant and the provider will be advised in writing of the reasons for the decision and of the options for reconsideration or review.

Subject to the criteria being met, aid will be granted to cover the preparation of the Notice of Application for Leave to Appeal and the written submissions in support of the application.

Assignment

In general, assignment will be to the preferred counsel nominated by the applicant in Form 6. However, the provider must be listed with the Agency and have the appropriate level of experience. That is, providers may only represent legally aided persons in matters for which they hold a current listing approval and be litigation level 2 or above (i.e. have 4 years or more litigation experience).

Further Aid for Substantive Hearing

If the Supreme Court grants leave to appeal, the provider is to submit a Form 9 Application for Amendment to Grant seeking approval for further preparation, an appearance and any disbursements. The application must also include a description the nature of the preparation to be carried out. This form can be returned with the Form 4 Tax Invoice for the preparation of the notice of application.

If more than the standard rate for preparation is requested, (see maximum guideline rates for proceedings type) the provider is also required to submit a covering letter advising of the reasons for the estimate in excess of the guideline rates.

Legal Aid for Opposing an Application

The respondent may apply for legal aid to prepare the submissions in opposition and any cross-appeal. A new application must be made at the Wellington office on Form 6 Application Civil/Family Legal Aid and Form 5 Family/Civil Legal Aid Summary outlining the points in opposition and the grounds of any cross-appeal. The respondent's application will be processed and evaluated as outlined above and in proceeding step 2.

Insert :

[Overview of Supreme Court - Family Legal Aid Process](#)

Then insert:

[Proceeding Steps for Supreme Court - Family Proceedings](#)