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**The Legal Services Amendment Act 2006 is upon us, and it has been a major effort to reach where we have. Special thanks to the New Zealand Law Society for their input into policy, development of forms, organisation of the provider seminars, and the many providers who sat on advisory groups, provided advice, and helped with the testing of forms. Your commitment over and above your regular commitments is greatly appreciated and has led to the development of policies and systems that will work well for everyone involved.**



## MARCH 1: A Big Step for Legal Services in New Zealand

### Communicating the changes

With the changes to legal aid, we are raising awareness with providers and the wider public. The initiatives include:

- advertising on nationwide radio networks, as well as some Access radio stations
- advertising in community newspapers and some magazines
- providing a new 'rights and obligations' information sheet for all applicants with application forms
- updating and distributing the current information sheets and booklet, Legal aid and other legal assistance
- Information packs have been mailed to:
  - i) providers, law societies, and courts with an additional mail-out specifically for Duty Solicitors and another for Family and District Court judges
  - ii) support agencies who may be helping Legally Aided Persons (LAPs), and
  - iii) others who may need to know how and where to refer potential LAPs
- Meetings have been held with Heads of Benches and Executive Judges
- Regional Managers are visiting Duty Solicitors and court staff over the next few months to discuss the changes
- An updated means calculator is being put on the internet to help providers and potential clients see if they might be financially eligible for civil and family legal aid, and what their repayments might be.

### Arranging securities

The changes to legal aid eligibility and the requirement to establish debt will increase the number of repayments against grants of aid, and there will be a corresponding increase in the number of securities arranged by providers on the Agency's behalf.

Providers are currently responsible for arranging securities as part of their legal aid work. This occurs only rarely for criminal matters, but more frequently in family and civil matters.

The requirement to assess all criminal legal aid applications for repayment means that there will be an increase in the number of securities that criminal legal aid providers will need to arrange.

A number of criminal legal aid providers may not be familiar with the process for registering securities, and Barristers sole will need to instruct an agent. The Agency has developed operational guidance resources, which are on the Agency website, to help providers:

- register a statutory land charge
- release a statutory land charge
- register a caveat
- release a caveat

The resources will also include sample letters of likely correspondence and will step you through the information and processes required to complete these tasks, such as:

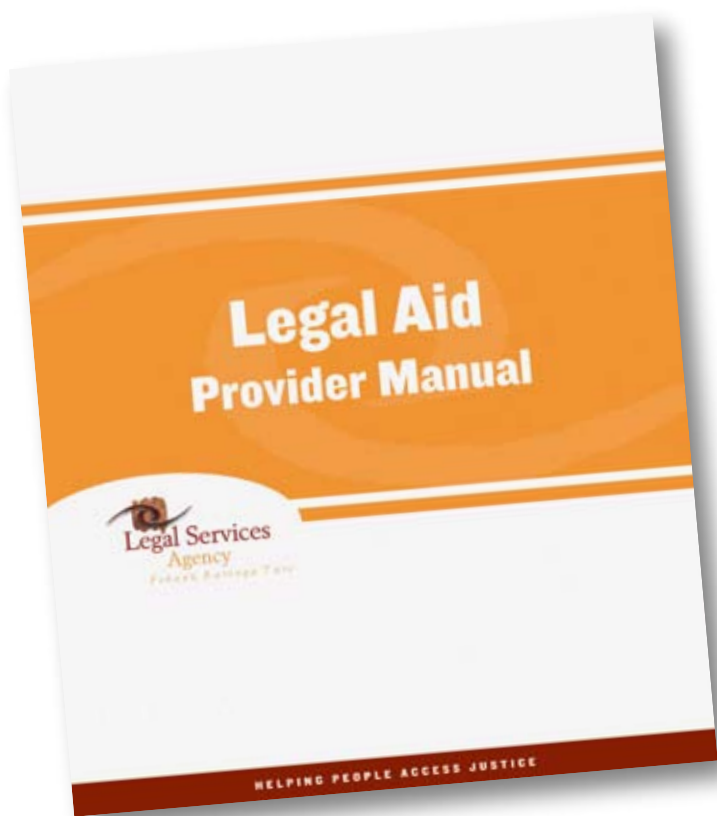
- how to get a copy of the title for the property
- how to prepare the charge/caveat



- what documents to send to the Agency along with the charge
- how to complete registration once the Agency has signed the statutory land charge
- how to engage an agent

The resources will be sent out as an update to the Provider manual, and kept consistent with the requirements of Land Information New Zealand in relation to e-dealing, which takes effect for some transactions from May.

The amount the Agency pays for the registration of a security remains the same, that is solicitor's fees of \$90 (GST inclusive), plus disbursements for search, registration, and agents fees (if applicable).



### Manuals

One copy of the new provider manual has been sent free of charge to all law firms, together with an initial stock of new forms. The complete manual will also be available in the provider section of the Agency website, [www.lsa.govt.nz](http://www.lsa.govt.nz) from 1 March. Additional copies of the manual can be purchased from the Agency.

All legal aid applications that have been made before 1 March will be managed under the current policies and procedures relating to the 2000 legislation. If you have legal aid files from that period that are not closed, and you prefer to use the hard copy manual, you may want to retain the old manual for reference until your pre 1 March cases have been finalised. Copies of the old policies and procedures will also be on the Agency website.

### Provider training

Seminars have now been completed in 12 locations with very good attendance. For those areas where there was no seminar and for

providers who were unable to attend due to other commitments, Regional Managers will be putting in place a timetable of visits over the next three months to update providers on the changes.

### Updated resources

The Agency's information resources are being refreshed and updated for when the Legal Services Amendment Act (LSAA) comes into effect on 1 March 2007.

The updated material includes the law-related education kit and booklet, Legal aid and other legal assistance; information leaflets on criminal and on civil / family legal aid; posters and cards on the duty solicitor scheme and on getting a criminal legal aid lawyer. Only this new material should be used after 1 March.

Relevant sections of the Agency's other law-related education kits have been updated.

The Agency is also delivering sessions for Community Law Centres and other community service providers during March. These sessions are an opportunity to learn about the key changes to legal aid and will focus on process, eligibility and debt management. Sessions will run for 60 to 90 minutes and are available in Auckland, Hamilton, Palmerston North, Wellington, Christchurch and Dunedin early in March.

### Assisting clients with repayments and related matters

The Agency's Debt Management Group (DMG) will, in most cases, directly assist clients with debt issues via the telephone. This includes discussions on:

- changes to the repayment plan, or
- deferring a repayment or stopping it temporarily because of a change of financial circumstances
- an application to write off the debt. There is a simple non-legalistic form available for this, and DMG staff will send it out, discuss it with aided people and help them fill it out over the phone.

### Debt

Debt has a new e-mail address: [Debt@lsa.govt.nz](mailto:Debt@lsa.govt.nz), which is available in the e-mail drop down list.

The Debt Management Group also has a toll-free number from 1 March – 0800 600 090.

### Forms

All of the new forms have been printed, are being distributed and are available for ordering. They are now available in PDF format from the Agency website.

Electronic forms, which can be edited, will be available by 1 March. These forms prompt the user to fill in the fields that need filling in, and can be saved and filed electronically.

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### Interim policy

Grants staff may approve a request for payment for attendances related to repayment only in special circumstances. Special circumstances include situations where:

- the client has special communication needs requiring extra assistance of the provider, eg English as a second language which may mean they have difficulty understanding spoken English over the phone, or a disability affecting their understanding or communication, making phone contact with the DMG too hard for the applicant
- the client's financial situation is unusually complicated and they require extra face to face assistance
- the client has tried but is unable to resolve the issues with the DMG directly. In such a situation, the Agency expects that the client would discuss the issues in the first instance with the DMG.

### Paying providers for debt related matters in special circumstances

The Agency recognises that there may be circumstances in which it is appropriate to make additional payments for providing advice to clients on debt-related matters.

Our initial approach will be as follows:

Providers are required to submit

- an estimate on Form 2 Estimate for criminal proceedings where the substantive matter is criminal;
- an amendment application on Form 9 Application for amendment to Grant where the substantive matter is civil or family.

On the form, providers will need to describe the special circumstances that justify the additional work. For example, if the provider assists the client with a request to temporarily stop or defer payments, the provider will need to outline the reasons why the client was unable to arrange this directly with the DMG.

Note that changes to the repayment arrangements may be agreed in the course of the grant, but a write off of the debt would be less common.

If a payment is agreed, this would be added to the cost of services. If the attendances relate to an application which is successful or partially successful, the amount to be paid to the provider will also be written off the debt.

### Payments to providers

Payment will be made to providers on the basis of actual and reasonable time, up to one hour maximum at GHR, unless there are demonstrated reasons for additional time, which would be considered on their merits.

### Criminal application form Provider confirmation

Some Duty Solicitors have questioned whether they should be signing the criminal application form in respect to:

- their obligation to take all reasonable steps to protect the interests of the Legal Services Agency in relation to charges
- advising the applicant of their lawyer's obligation to notify the Agency of any changes to their address or any increase in their income or assets,

These obligations relate to the period that the provider is advising or representing the applicant. If that is limited to the Duty Solicitor role, on the date they are in court, then the obligations ceases when they are no longer advising or representing the applicant.

However, if they are assigned to represent the client ongoing, then the obligation is in place for the period that they are assigned the case. Consequently, the Agency expects Duty Solicitors to sign this section.

### Help to find a lawyer

The Agency will improve its services to clients by helping potential legal aid applicants to locate a lawyer in family/civil matters if they are having difficulty locating one. In the first instance, people will be referred to the Agency's website. If they still have cannot find a lawyer then Grants staff will use their local knowledge and provide names of local lawyers who have recently been doing legal aid work. Staff will not be making a referral or recommendation and will show no preference in giving out names. Staff will only provide a name and telephone number.

### Police Detention Legal Assistance (PDLA) scheme: clarification about payments

New administrative arrangements being tested for the PDLA scheme in Auckland came into effect from 20 December. The Auckland roster has been restructured and the Police now access the Auckland roster electronically through a website link with the Agency, which ensures updates are available immediately.

Consultation about the proposed changes to the Auckland roster indicates uncertainty about what can be claimed by PDLA lawyers under the PDLA scheme. Consequently, the Agency wishes to draw to the attention of PDLA lawyers outside Auckland that claims for payment can include:

- all telephone calls under the scheme, with an explanation of why multiple calls were required
- reimbursement for mileage when lawyers attend at a place of detention

PDLA lawyers are also reminded that they must advise the Legal Services Agency promptly if they seek an assignment under legal aid after they have provided advice or assistance under the PDLA scheme – otherwise the Agency does not know of this connection. If other requirements are met and the aided person has not nominated a preferred lawyer, the Agency will assign the case to the PDLA lawyer.

### Correction

The caption with the Whitireia award story in the last LSA News should have read: Pictured are Bill Bevan from Whitireia CLC and Lisa Matthews from Wellington CLC at the awards ceremony.

## lsa.govt.nz revamp

The Agency's website is undergoing a major revamp. The focus of the changes has been to organise content, for specific audiences, such as the general public, community providers, and listed providers. The most immediately noticeable change is the layout of the site, and this is how the new home page will look.

Much of the content is the same, but it should be easier to find for people who are not familiar with the site. The web design company, Shift, has built intuitiveness into the structure with Agency staff, PAC, lawyer and community provider input in the planning. The structure is outlined below, and involves more headings to help people find where they want to go, and has a new search engine to help people find what they are looking for in the site.



## LSA Information Architecture: Overview

