

# ANNUAL REPORT

2019/2020

LEGAL SERVICES BOARD OF NUNAVUT

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## EXECUTIVE SUMMARY

### General Overview

The Legal Services Board (LSB), also known as Nunavut Legal Aid, had an incredibly challenging and busy but successful year during 2019-2020. This year not only tested us as an organization, but it also allowed us to demonstrate our strength, endurance, and uncompromised dedication to the highest level of service delivery to Nunavummiut.

Like many other Government of Nunavut (GN) departments, the LSB was subject to the 2019 ransomware attack. This resulted in the infiltration and compromise of the GN network including LSB files, emails, and other electronic data. As a result, our staff were unable to access their accounts. However, the LSB responded by joining our Kitikmeot server based out of Cambridge Bay. LSB issued new email addresses for all our staff across the territory. In short order, LSB managed to continue our day-to-day operations with minimal disruption to our service delivery, which would not have been possible if LSB waited for GN technical support especially to our clinics and offices outside of Iqaluit. Of note, it flagged to the LSB that a more independent telecommunications system is required to maintain autonomy and control over our data and communications.

### Board Activities

The LSB welcomed a new Chief Executive Officer (CEO), Benson Cowan in January 2019. The Board only met once in person in Iqaluit. To respond to some of the travel logistics and delay between board meetings, the Board implemented several committees (Executive, Panel Admissions, Finance) to assist in the timely review and approval of private panel applications, budget matters, human resource issues, and other Board business. Due to some of the ransomware challenges, and global pandemic in March 2020, the Board did not meet again in person during this reporting period.

### Finances

For 2019-2020 the LSB's total budget was \$12,411,313. Majority of this funding, \$4,939,709 was spent on criminal cases, \$1,582,279 was spent on family cases, and \$433,488 was spent on civil cases.

In addition, LSB provides funding to the three regional clinics that provide office space and administrative support including Court Workers in the communities was \$3,161,119:

1. Maliiganik Tukisiniakvik in Iqaluit, Qikiqtani Region received \$1,797,158.
2. Kivalliq Legal Services in Rankin Inlet, Kivalliq Region received \$820,791.
3. Kitikmeot Legal Centre in Cambridge Bay, Kitikmeot received \$543,170.

The LSB takes pride in being a careful steward of the public's monies. The organization ensures its resources are spent effectively and efficiently for Nunavummiut needing legal services. At the end of the year, LSB had a surplus of \$48,264. This was the smallest surplus it has had in the previous five years.

## Law Practice

### *Criminal Law*

For 2019-2020, LSB opened a total of 2,886 criminal files and closed 1,793 files. That is a significant increase over the two previous years, as we saw 2,482 in 2018-2019 and 2,506 in 2017-2018. This means that there has been an increase in the number of charges laid and number of the people charged. In addition, LSB provided representation at circuit and presumed eligibility for 2,423 cases. This is a significant increase over the two previous years, where we recorded 1,971 in 2018-2019 and 2,178 in 2017-2018.

The LSB also provided representation at 1,178 bail hearings, representing a significant increase from 2018-2019, where we recorded 296 bail hearings. This is due to a more accurate and tracking system.

The LSB provided support to 95 circuits in communities outside of Iqaluit and 27 special sittings. These are relatively the same as for the two previous years – any changes reflect the normal year to year variances and are not part of a larger trend.

### *Family Law*

In 2019-2020, the LSB received 253 applications for coverage for Family Law Act<sup>1</sup> matters. The LSB also received 194 Children's Law Act<sup>2</sup> applications and 59 Child and Family Services Act<sup>3</sup> Matters.

Providing timely client service for our Family Law applicants has been a challenge. Given the demand in the territory for representation on low and high conflict files, it has been increasingly challenging for the LSB to keep-up and provide timely assistance to clients applying for family law assistance. The LSB requires full applications for any family law matters. However, any adult or child applicant with a child welfare matter is deemed eligible. These matters usually result from child and family services, a court ordered appointment, or individual application.

The client service processes that the LSB has in place have contributed to backlog and created further barriers to providing service to clients. Some clients who have applied may go months without any contact from LSB or with a lawyer. This is a serious concern. As a result, the LSB is developing changes to its process and a strategy to reduce the backlog for 2020-2021 and connect clients to lawyers – and solutions to their legal problems – in a timelier basis.

### *Civil Law*

In 2019-2020, the Legal Services Board made significant changes to its civil practice. In the past applicants would fill out an application with a court worker and be assessed for eligibility before being contacted by a lawyer. This created a significant delay between the time an application was submitted, and the applicant could speak to counsel. This not only left serious, time-sensitive matters waiting but matters that did not qualify

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<sup>1</sup> Family Law Act matter examples: spousal support, domestic contracts, division of property, and related

<sup>2</sup> Children's Law Act matter examples: child custody, child support and child access and related issues

<sup>3</sup> Child and Family Services Act matter examples: child protection and related issues

legally or for which simple advice or information could be provided occupied the same queue and contributed to a growing backlog.

In this year, LSB hired three new civil lawyers. LSB also changed the intake process so that applicants would speak to lawyers much earlier in the application process and before they were assessed for financial eligibility. This allowed lawyers to identify clients with urgent need and fast track them for approval. It also allowed lawyers to screen out cases that did not meet our legal criteria or which could be resolved with summary advice or simple information. This new process removed the backlog and ensured improved client services for civil applicants.

In 2019-2020, the LSB received 198 civil applications, down a little from the previous year. These applications included 25 employment files, 35 housing matters, 18 police misconduct cases and 3 human rights matters. The remainder were general civil poverty law matters.

### **Inuit Employment & Inuit Employment Plan**

The LSB has continued strive to fulfill our responsibilities pursuant to Article 23 of the Nunavut Land Claims Agreement. Best efforts are made to hire, train, and support the professional development of Inuit frontline staff and with the hiring and promotion of Inuit staff in midlevel management positions and director positions. In 2019-2020, the LSB employed 24 Inuit court workers across the territory who provided a broad range of services to client from intake, translation, community outreach and litigation support. Each clinic had a full-time Inuk Clinic Director. In addition, we also saw the promotion of one of Maliganik Tukisiniarvik's long-time Inuk court workers to a Senior Paralegal Court Worker position within the LSB.

### **Nunavut Law Program**

Throughout 2019-2020, the LSB continued to support the Nunavut Law Program (NLP) in a variety of ways. The LSB hired four of the law students for summer employment between May and August 2019. We also participated in partnering with the law for their clinical placements, hosting six students over the academic year. Our lawyers were paired with the students and provided oversight and mentorship on a variety of projects, including research, legal memo writing, practice management, client intake, and attending court. In addition, we saw significant involvement of our staff lawyers with the students in a volunteer capacity, including as guest speakers, Gale Cup Moot coaches, and as mentors. In addition, one of our LSB's staff lawyers was seconded to manage the Nunavut Law Program when the former Director left to become the Deputy Minister of Justice with the Government of Nunavut.

### **COVID 19 – Global Pandemic**

In March 2020, almost at the end of the fiscal year, the LSB shut down its operations and shifted to provide services by phone because of the COVID-19 pandemic. Therefore, COVID had very little effect on our work and budget for 2019-2020. However, it did impact how LSB responded to client, staff, and community needs for the one month of the 2019-2020 reporting year. Within the first few weeks of the pandemic, the LSB organized toll-free numbers for each of our practice groups, assigned lawyers to monitor the calls and provide advice, waived the requirement for formal legal aid applications, and devised a contingency plan for our operations, practice management, and pandemic management. This would continue throughout 2020 and 2021.

## MESSAGE FROM THE CHAIR OF THE BOARD

With its new CEO at the helm, Benson Cowan led the Legal Services Board through a very busy year in all service areas from criminal law, family law and civil-poverty law throughout 2019-2020.

I'm happy to report that LSB saw the promotion of its longest standing Inuk Court Worker to a Senior Paralegal Court Worker. In addition, LSB was able to assist the Nunavut Law Program by seconding one of its lawyers to be the Northern Director – when the former Director left to become the GN's Deputy Minister of Justice.

In addition, LSB has been an active partner and supporter of the Nunavut Law Program by offering students the opportunity to work at its three clinics in Cambridge Bay, Rankin Inlet, and Iqaluit. The goal is to expose the Law Students to different areas of law with the possibility of interesting some of the students to article and work at Nunavut Legal Aid upon completion of their studies in 2021.

Unfortunately, LSB was also affected by the Government of Nunavut's ransomware. Thankfully, our team was able to respond and put in new communication systems to quickly allow our staff to be able to communicate with each other, with private counsel, clients and partners. The need for LSB to be on its own IT system was very apparent and something that LSB will continue to work on.

When COVID-19 struck end of this reporting year, LSB had to shut-down its operations and shift to remote services. Since COVID hit towards the end of the reporting period, the fiscal impact on our budget was minimal. However, the first few weeks of COVID required LSB staff to find new ways in which to support its staff to work from home and try to minimize the disruptions as best as possible. This included waiving the immediate requirement for legal aid applications, increase our telephone support system so that clients could receive advice by phone and formalize a COVID plan to manage operations and practice management, including pandemic management.

I'd like to acknowledge and thank all our staff for their commitment and dedication to work through the numerous challenges that happened this year. We are lucky to have a team that recognizes that our focus must always be on helping our clients and the communities that we endeavour to serve.

Your sincerely,



Madeleine Redfern, Chair

## GOVERNANCE

The LSB is governed by a Board of Directors with representation from the three regional clinics, two members-at-large, the Law Society of Nunavut, and Government of Nunavut. The Minister of Justice appoints all LSB Board members for a three-year term.

Legal services are provided through three regional legal aid clinics, each of which has a regional board of directors. The Chief Executive Officer is supported by a Chief Operations Officer, a Chief Legal Officer, and a Chief Financial Officer.

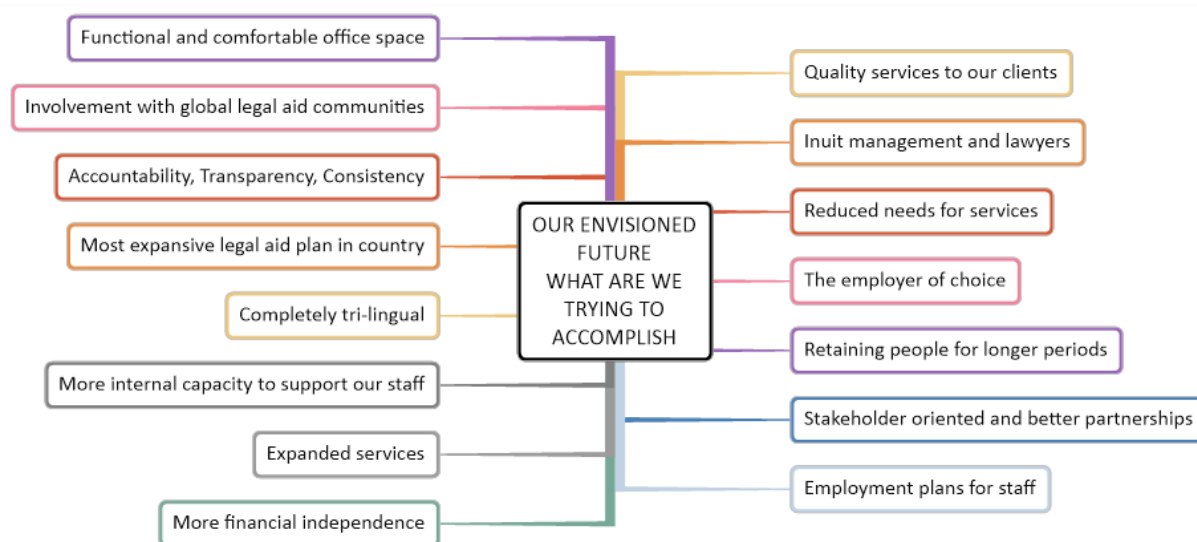
The Board of Directors is responsible for financial management and reporting, policy development, strategic planning and for oversight and accountability of the organization. The Board is also responsible for hearing appeals of denials of legal aid coverage.

The members of the Legal Services Board for the 2019/2020 fiscal year were as follows:

- Madeleine Redfern – Chair and Qikiqtani Representative
- Tara Tootoo-Fotheringham – Kivalliq Nominee
- Julie Ann Bedford – Law Society of Nunavut Representative
- Shauna Angulalik – Kitikmeot Representative
- Erin George – Department of Justice Representative
- Elijah Padluq – Member at Large
- Vacant – Member at Large

There is also an Executive Committee of the Board comprised of at least three board members. The Executive Committee usually meets on an as needed basis, either in person, by teleconference or email, which is dictated by the amount of Board business requiring attention and/or decisions in-between regular Board meetings. The Chair ensures information flow and oversight to the full Board by providing regular updates on Executive business and decisions at the following in-person Board meeting.

Key elements of the LSB's envisioned future, overarching goals and strategic priorities of the strategic plan are described here:



#### OVERARCHING GOALS OF THE STRATEGIC PLAN

- Accountability
- Transparency
- Consistency
- Improve efficiency and effectiveness
- Improve financial processes and controls

#### THE STRATEGIC PRIORITIES

- Client Services
- Board Governance
- Corporate Structure
- Communication
- Human Resources: Professional Development, Inuit Employment Plan

## Application of Inuit Qaujimajatuqangit

Inuit Qaujimajatuqangit has been an essential part of the Inuit way of life that has been passed on from time immemorial. LSB management and staff work in constant awareness of these values and fulfilling them in the workplace and with the clients and communities LSB serves.

### **Pijitsirarniq: Concept of serving**

The concept of serving is central to Inuit, as a measure of the individual responsibility to others, including colleagues and clients. This stems from a sense of maturity and well-being, for oneself but also for others. Key is the understanding that each person has a contribution to make and is or can be a valued contributor to his/her workplace and community. LSB fosters this commitment by having a workplace where staff respect and value each other, priority focus on helping and serving our clients, community, and territory through the provision of legal aid for the common good.

### **Aajiiqatigiingniq: Cooperation & Decision-Making**

The concept of working together to achieve the same goals and objectives relies on strong communication skills, acceptance, and commitment to shared goals. All staff are expected to become contributing members of the

organization and their community, and to participate actively in supporting the wellbeing of Inuit in Nunavut. Being able to think and act collaboratively, and to assist with the development of shared understandings are valued skills at LSB. LSB supports the provision of legal aid services in a manner that helps clients deal with difficulties resulting from criminal charges, family breakdowns, and conflicts with employers, landlords, government for denial of services or human rights violations. LSB is committed to helping clients resolve conflict in ways that are least disruptive to the lives of our clients, their families, and communities, and brings about just outcomes. Staff at LSB and its regional clinics are committed to learning, considering, and respecting that there exists various perspectives and worldviews within the communities and to developing and promoting justice processes that allow for inclusive decision-making - where appropriate and possible.

### ***Pilimmaksarniq: Skills and Knowledge Acquisition***

The concept of skills and knowledge acquisition and capacity building is central to the success of Inuit in a challenging environment. Building personal capacity in Inuit ways of knowing and doing are key expectations for staff. Supporting and demonstrating empowerment to lead successful and productive lives, that are respectful of all, is a powerful end goal of the Legal Services Board. Indeed, growing the skills and knowledge base of all levels of our staff result in better service quality for our clients across the territory.

### ***Qanuqtuurungnarniq: Being Resourceful to Solve Problems***

The concept of being resourceful to solve problems, through innovative and creative use of resources and demonstrating adaptability and flexibility in response to a rapidly changing world, are strengths all our staff continue to develop. Resourcefulness is demonstrated in all aspects of daily operations and thinking that seeks to improve the way the LSB staff and its regional clinics handle problems both within the organization, with its partner agencies, with our clients and challenges within the communities we serve. This is a skill that is vital to our staff. Working in communities where there is a chronic lack of mental health, addictions, educational, counselling, and crime prevention programs, our legal staff are forced to be very resourceful when developing alternative plans for clients to bring before the Court.

### ***Piliriqatigiingniq: Collaborative Relationship or Working Together for a Common Purpose***

The concept of developing collaborative relationships and working together for a common purpose is vital to achieving the goals of LSB and its regional clinics in fulfilling our mandate. LSB recognizes the importance of balancing the rights of individuals and the broader community, whether within the LSB team or with our clients and their families or communities they live within. Nonetheless, LSB recognizes often its primary focus will be and must be the rights of the individuals it serves but does so within the broader community context. Expectations for staff reflect working for the common good, collaboration, shared leadership, and volunteerism. Piliriqatigiingniq also sets expectations for supportive behaviour development, strong relationship-building and working together to achieve good outcomes.

### ***Avatimik Kamattiarniq: Environmental Stewardship***

The concept of environmental stewardship stresses the key relationship Inuit have with the world in which we live. Staff are expected to articulate respect for this mutually interdependent relationship and to demonstrate responsible behaviors that seek to improve and protect the relationship in ways that meet global challenges to environmental wellness.

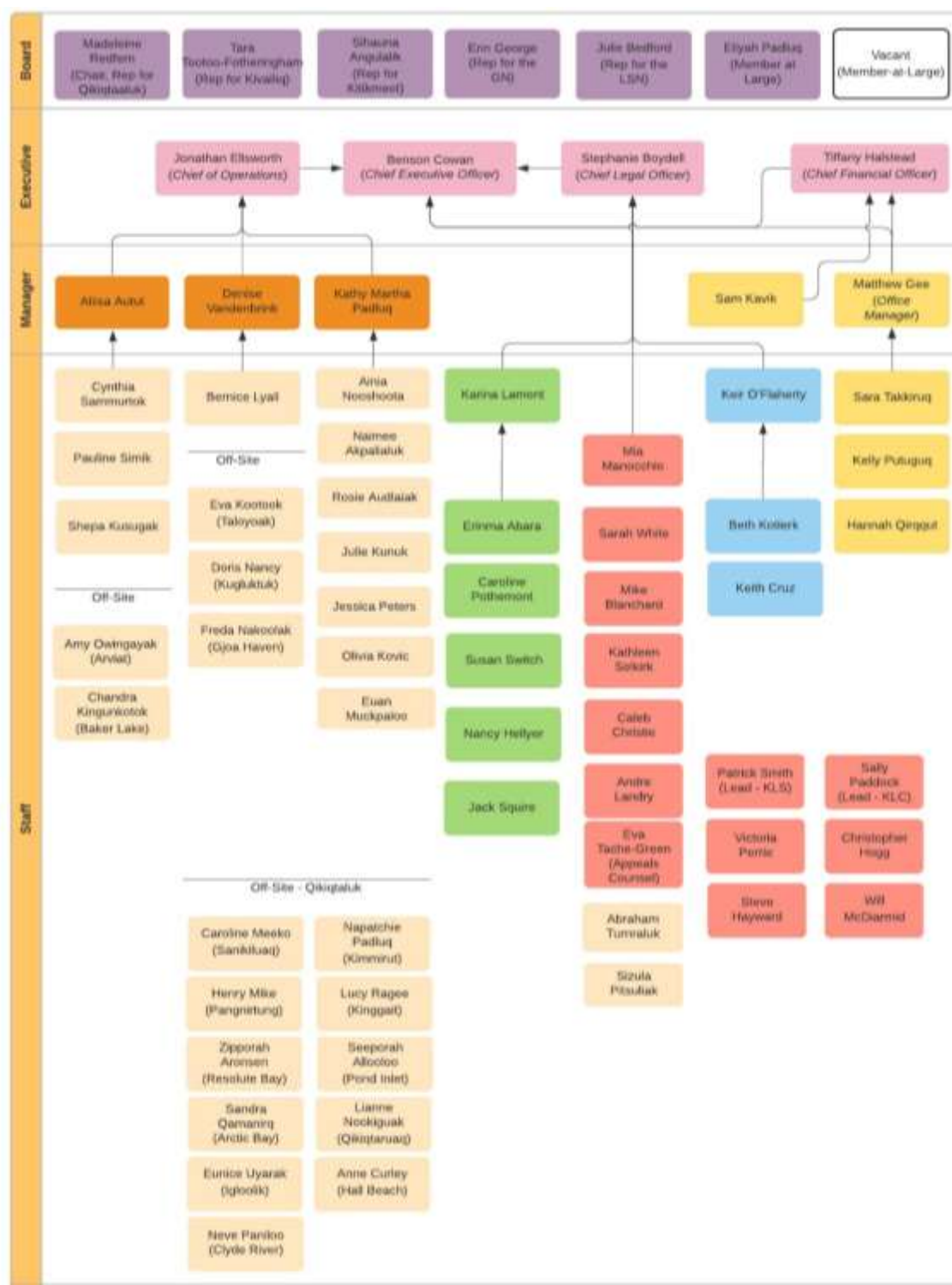
## ORGANIZATIONAL STRUCTURE

LSB's organizational structure is difficult to accurately reflect in an organizational chart. The LSB comprises:

- The Legal Services Board which employs senior and middle managers, staff counsel, and some administrative staff and has overall responsibility for the delivery of legal aid in Nunavut.
- Three regional clinics (each with a separate Board of Directors) in Rankin Inlet, Cambridge Bay and Iqaluit that are responsible for overseeing the work of regional court workers, coordinating, and supporting the work of lawyers, and addressing regional access to justice and public legal education priorities.
- Resident Inuit court workers in most communities in Nunavut.
- Legal Services Board partnership works closely with its regional offices to ensure affective and efficient response to community needs.



## Organizational Chart – Legal Services Board of Nunavut



## **The Team**

The LSB prides itself on its team approach and is comprised by the Board, regional clinic boards, senior LSB staff, GN Gjoa Haven staff, lawyers, and regional clinic administrative staff and court workers. In addition, the LSB uses private lawyers – both resident and non-resident - to meet the workload.

## **Lawyers**

Staff lawyers are based in 3 regional clinics: Maliiganik Tukisiniarvik Legal Services (Iqaluit), Kivalliq Legal Services (Rankin Inlet), and the Kitikmeot Law Centre (Cambridge Bay). For 2019-2020, LSB had staff positions for 16 criminal lawyers, 6 family lawyers, and 3 civil/poverty lawyers. In addition, both the Chief Legal Officer and the Chief Executive Officer are lawyers.

Panel lawyers are legal counsel that are contracted to assist LSB in the provision of legal services. In 2019-2020, there were 29 lawyers on the criminal panel, 4 lawyers on the family panel and 6 lawyers on the civil law panel.

## **Management and Administrative Support Staff**

LSB employs an executive management team comprising a Chief Executive Officer, a Chief Operations Officer, a Chief Legal Officer, and a Chief Financial Officer. LSB also employs a regional director in each region, positions filled by Inuit. In the Gjoa Haven office there is a Finance/Office Manager, Senior Statute Administrator and a Finance & Operations Analyst/Statute Clerk.

## **Court Workers**

A fundamental component of the LSB is the employment of 24 Inuit court workers working in the majority of Nunavut's communities. Court workers provide clients with a critical link to the justice system, and provide lawyers with an important cultural connection to the communities and clients they represent and serve. Court workers coordinate legal aid applications, interpretation and translation services, facilitate client and witness meetings, assist with the preparation for court appearances, assist with community clinics, and access to justice and public legal education initiatives.

## **Acknowledgement of Appreciation**

LSB extends sincere gratitude to all staff for their efforts to deliver high quality legal aid services and access to justice in Nunavut. This team has proven itself to be dedicated, hardworking, and committed to enhancing access to justice for Nunavummiut.

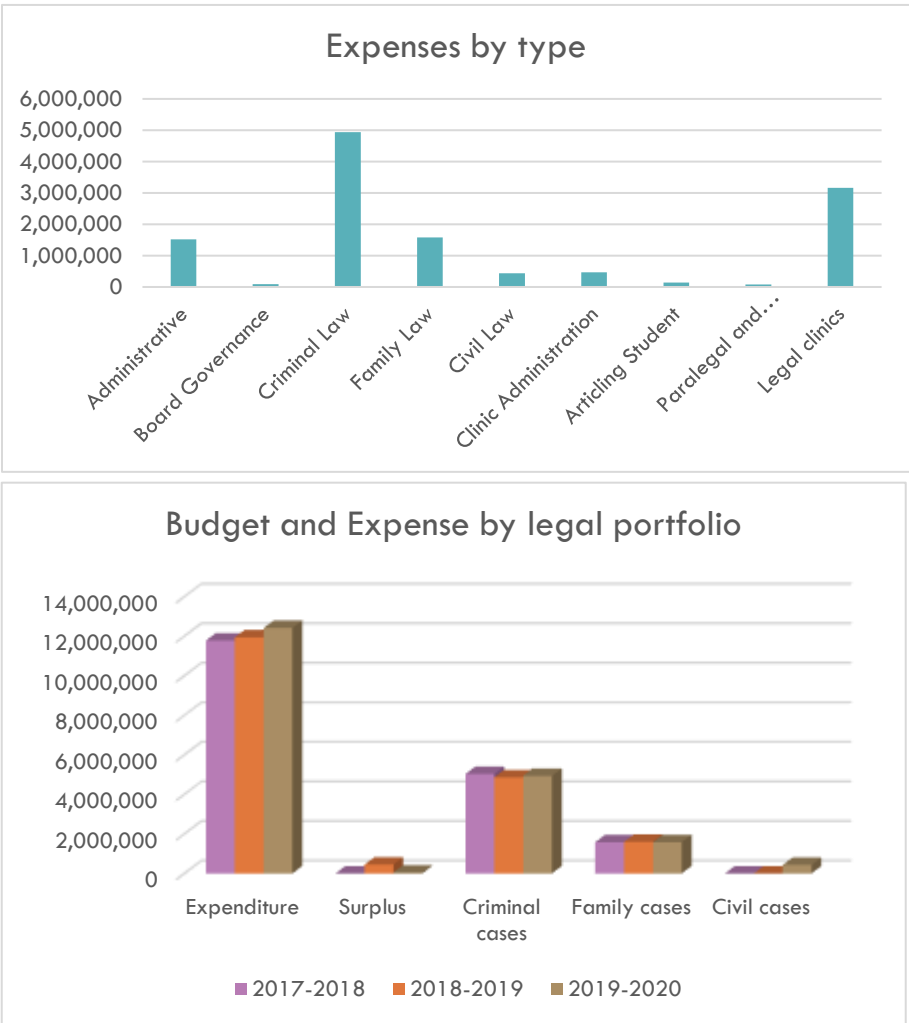
## FINANCIAL STATUS OF THE BOARD

The Legal Services Board of Nunavut is a publicly funded agency. Funding is allocated by the GN Department of Justice through a contribution agreement that incorporates the federal-territorial Access to Justice Agreement between Justice Canada and the Department of Justice Nunavut to the Legal Services Board.

The LSB budget for 2019/2020 was \$12,411,333. The surplus was \$48,264. The LSB utilized 99.6% of its budget.

Regional clinics are societies pursuant to the *Societies Act*. The LSB funds the regional clinics (\$3.16 million per year) by way of contribution agreements.

The audits produced annually are a testament to LSB's pursuit and commitment to transparency and accountability. It is also a clear demonstration of the development of the organization's capacity to manage and report accurately on services and finances responsibly. For additional information on the finances for LSB for the year 2019-2020, see the independently Audited Financial Statements attached as Appendix "A".



## INUIT EMPLOYMENT PLAN

In 2015, the LSB Board of Directors committed to develop an Inuit Employment Plan ("IEP"). The IEP was finalized and approved in 2016-2017. The LSB is committed to the longer-term goal of representative levels of 85% Inuit in all areas and levels within the organization in the foreseeable future.

LSB employs three Inuit as regional clinic directors who have responsibility for clinic administrative duties, overseeing clinic operations, human resources, clinic finances, liaising with LSB management, ensuring adequate support given to both staff and panel lawyers, recruiting, managing, and training court workers in the other communities within their respective regions.

The biggest and most important factor affecting Inuit employment within LSB is outside of its control: Nunavut needs more Inuit lawyers.

LSB is firmly committed to finding ways to hire more Inuit and support retention through the following objectives:

- Increase Inuit employment within LSB and its Regional Clinics to proportional representation levels within Nunavut, as required under the NLCA
- Develop an Inuit Priority Hiring Policy within the organization
- Invest in Inuit employees to improve professional skill sets through training and mentorship
- Foster and sustain a workplace environment reflective of Inuit values and culture
- Promote quality of work life as an integral part of the profession
- Promote the LSB as an Inuit employer of choice in the legal and management profession

Across the whole organization (LSB, three Regional Clinics, and seconded GN employees) Inuit employment is 59.65%. Separating the data for professional and non-professional staff shows a stark difference: The executive and financial management levels, and the lawyers, are predominantly non-Inuit. The administrative, legal support and court worker staff are all Inuit.

Here is the issue: LSB needs more Inuit lawyers, and more Inuit in management positions. For this reporting period, the LSB had filled all of the clinic director, court worker, and support staff positions in accordance with our IEP. However, LSB management positions and staff lawyers were all non-Inuit.

LSB has also committed to supporting the Nunavut Law Program, through work placements for academic credit, hiring students during the 2019 summer term, and have budgeted to hire a number of the graduates as articling students for post-graduation in 2021, and are proactively planning to develop articling plans and a student program. The LSB is committed to securing as many Inuit lawyers throughout its organization both with respect to its various regional office locations and various areas of legal practice.

## THE PRACTICE OF LEGAL AID

Household Size	Gross income
1 person	\$50,400
2 people	\$62,400
3 people	\$88,800
4 people	\$96,000
5 people	\$103,200
6 people	\$110,400
7 people	\$117,600
8 people	\$124,800
9 people	\$132,000
10+ people	\$139,200

LSB provides legal aid services to financially eligible Nunavummiut, in the legal areas of coverage as set out by the *Legal Services Act*. This includes criminal defense representation, child representation, child protection and family law coverage, and civil/poverty representation in the areas of residential tenancy, employment/labour law, poverty related issues, excessive use of force by police, human rights and sometimes Coroner's Inquests.

A Board-approved eligibility scale defines the criteria for accessing legal aid in Nunavut, with the income thresholds are defined in the adjacent chart. As a result, all of those individuals applying for legal aid who are recipients of income support are automatically financially eligible for the services LSB provides.

*"An individual is presumed eligible, and will receive legal aid coverage from the LSB, when that individual has been charged in Nunavut with an eligible offence. Coverage will include the provision of legal advice on a Section 10B Charter call, at a show cause hearing and at a first appearance to enter a plea. Should a plea of guilty be entered at the first appearance, coverage can be extended to allow for the making of submissions on sentencing" – Criminal Law eligibility policy*

LSB is committed to representing eligible citizens of Nunavut in a professional and culturally competent manner. Of primary importance is protecting the guaranteed rights of those who are most vulnerable in our communities – such as those charged with offences, children, or those whose children have been taken from their homes by the state. LSB is committed to ensuring that the services we provide are regionally relevant and of a high quality and at least equal to the legal services found in other Canadian jurisdictions, if not better. As always, the context of this work shaped by the unique and vast geographical, cultural, and legal landscape that is Nunavut. It is important to note, the LSB provides the broadest coverage of any legal plan in Canada throughout the three main practice areas.

Always influencing our policy, program, and delivery development are some of the key founding principles of the territory. These include, but are not limited to, ensuring these services are available to all Nunavut communities, that language support is available for every lawyer, court worker, and client to ensure that clients participate as fully as possible in their matters. In addition, LSB is committed to the hiring, supporting and training of Inuit staff at every opportunity.

Underlying these principles and our mandate overall is our keen understanding that most Nunavut communities have no access to justice resources, information or support. The justice system is one that is only within reach for the vast majority of the population when the court flies into the community for a week at a time, and often, very infrequently. LSB consistently strives to

narrow that access by providing toll free information lines, a 24/7 advice-on-arrest line, ensuring lawyers' early attendance in communities for court weeks, expanding coverage areas in response to community needs, maintaining court worker positions in more than 20 communities, and when possible, community outreach and education programs.

### Criminal Practice

The criminal practice remained stable this year despite the ongoing challenges of filling vacant staff positions. As of the fall of 2019, all 16 staff lawyer positions were filled after an aggressive recruitment effort. The LSB criminal practice provides quality representation to all Nunavummiut while on circuit in Nunavut's 25 communities. The LSB sends lawyers to communities the Friday prior to a circuit week to ensure adequate preparations with clients and negotiations with crown prosecutors. The criminal law practice management model comprises the Chief Legal Officer with oversight by the CEO on complex files.

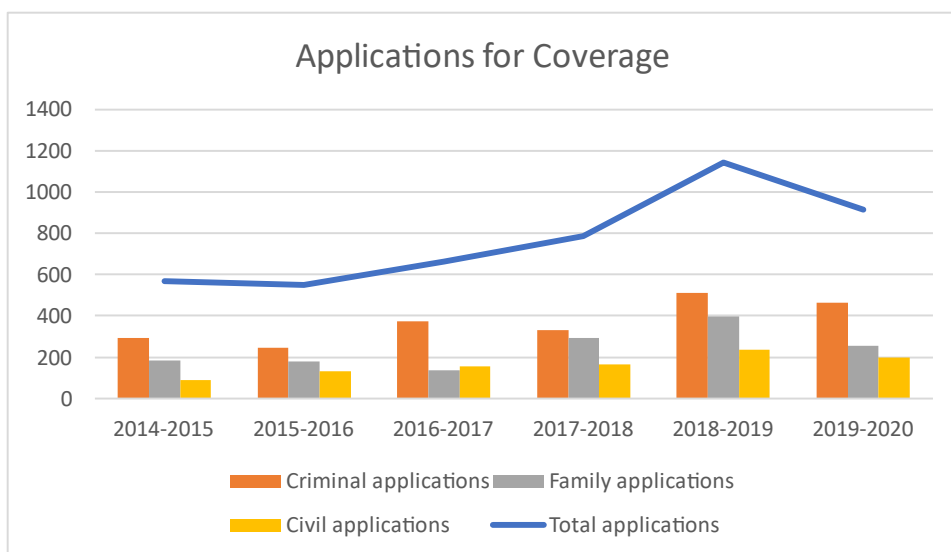
All Nunavummiut who have been charged with a crime are presumptively eligible to receive, and do receive, support from the point of arrest, through the bail hearing stage, first appearance and subsequent elections and plea. If further help is required and clients are financially eligible, they will receive trial, sentencing, and potentially appellate services too.

In 2019-2020 In total, legal aid covered 475 court weeks this year. Our counsel attended 412 regular court and circuit weeks. The breakdown by region:

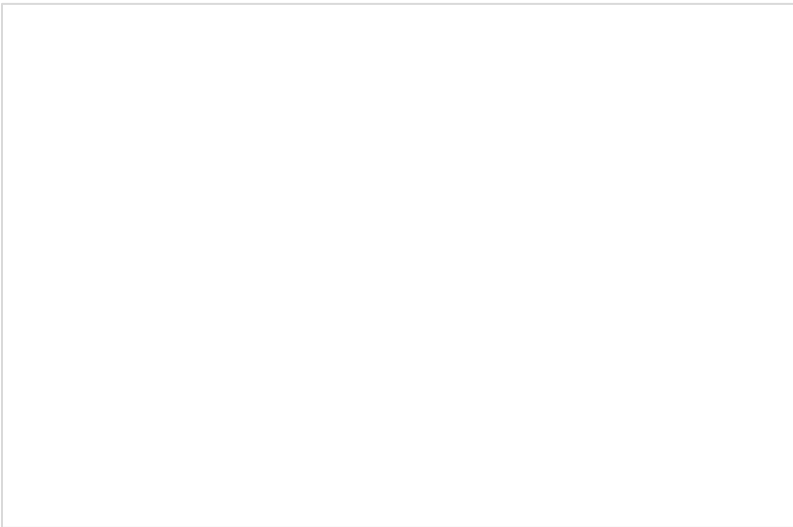
- Qikiqtaaluk (including regular Nunavut Court of Justice sittings in Iqaluit): 247.
- Kivalliq: 88.
- Kitikmeot: 77.

In addition, the lawyers were assigned to 63 special sitting court weeks (preliminary inquiries, judge and jury trials, judge alone trials and *Charter* applications).

There were 463 individuals who applied for full coverage, an increase from recent years, the LSB opened 2886 new criminal law files and closed 1793 in this reporting cycle. This is a significant increase over the two



previous years, as we saw 2,482 in 2018/2019 and 2,506 in 2017/2018. At a simple level, this means that there has been an increase in the number of charges laid and, likely, the people charged.



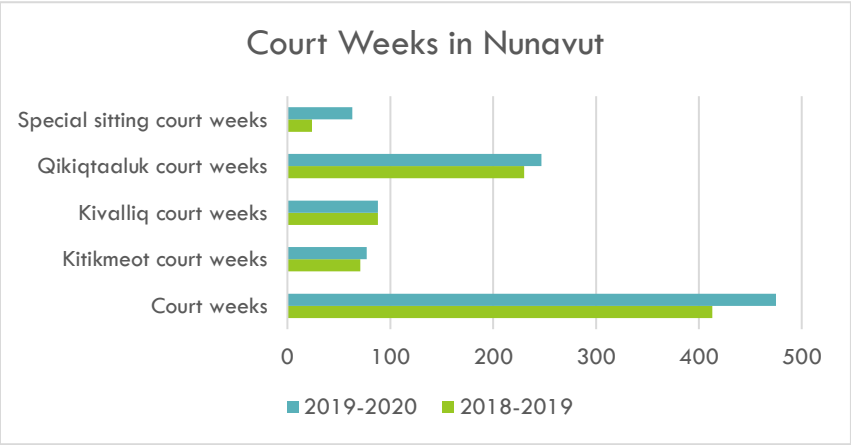
In addition, LSB provided representation at circuit and presumed eligibility for 2,423 cases. This is a significant increase over the two previous years, where we recorded 1,971 in 2018/2019 and 2,178 in 2017/2018.

In addition to the circuits attended by staff and private lawyers, the LSB also provides service for individuals who are arrested whether during or outside of office hours, including representation at show cause hearings (bail hearings) that are sometimes scheduled outside of regular working hours.

This year, there were 688 business-hours arrest calls and 1 178 bail hearings. This is a significant increase from 2018/2019, where we recorded 296 bail hearings. This is more likely due to a more accurate and tracking system.

There were 370 after-hours calls and 240 after-hours bail hearings, nearly double the previous year.

The LSB also funds criminal appeals. There were six appeals funded during the reporting period. Appeals are an important means to ensure that errors in the legal system or unfair or unjust decisions are highlighted and addressed appropriately according to the principles of justice.



The costs of providing services in criminal law were \$4,939,709.00.

## Family Practice

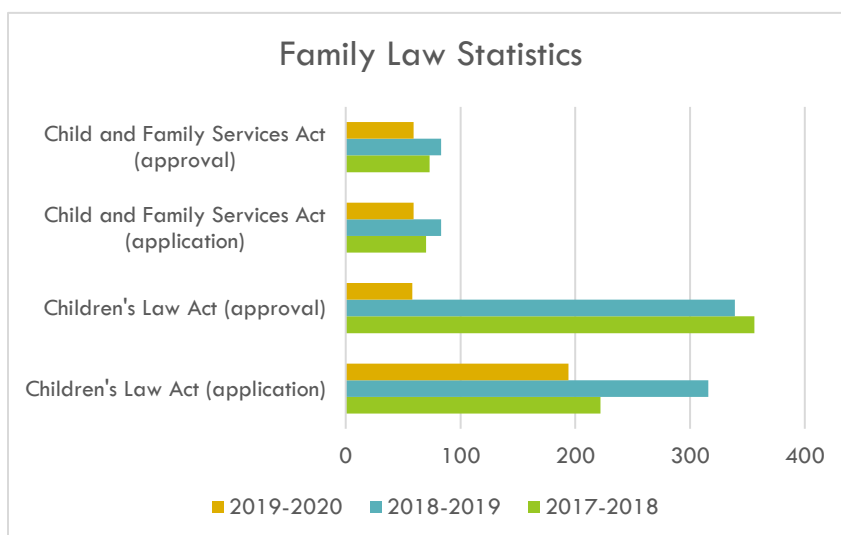
LSB continues to struggle with the demand of those applying for assistance for non-urgent matters. Given the demand in the territory for representation on low and high conflict files, it has been increasingly challenging for the LSB to keep-up and provide timely assistance to clients applying for family law assistance. The LSB requires full applications for any family law matters. However, any adult or child applicant with a child welfare matter is deemed eligible. These matters usually result from child and family services, a court ordered appointment, or individual application.

The client service processes that the LSB has in place has also contributed to the backlog and created further barriers to providing service to clients. Some clients who have applied may go months without any contact from LSB or with a lawyer. This is a serious problem. The LSB is developing changes to its process and a strategy to reduce the backlog for 2020/2021 and connect clients to lawyers – and solutions to their legal problems – faster.

However, the family law backlog has not affected Child and Family Services assignments. Despite a high number of child welfare matters and court ordered appointment of counsel for children, family lawyers continue to offer the legislated range of services to Nunavummiut. A toll-free family law information line is supported by LSB for individuals seeking general legal information on family matters.

All parents who have their children apprehended by the state are presumptively eligible for assistance from legal aid. If desired, that help is available from the moment of apprehension to the first stage hearing, to any and all subsequent motions or trial appearances.

All children who become involved in the legal system, some of whom are required to testify in court or who are able to provide input on a family law matter, will be assisted by legal aid. In addition, all youth in conflict with the law who do not choose private counsel are assisted by legal aid.



Eligible Nunavummiut who are going through a family breakdown receive LSB assistance with matters of support, custody, access, mobility, and contested custom adoptions.

In 2019-2020 LSB received 253 applications and approved 198, of which 59 were approved under the presumed eligibility requirements as the LSB responded to incidents where children were apprehended.

The practice management model comprises of lead counsel, staff counsel, the CLO and the COO who together to manage the daily requirements of this busy and important practice area. The LSB also heavily relies on our private panel counsel to assist with the volume of clients, and any conflict files that LSB staff counsel are unable to assist with. The costs of providing services in family law were \$1,582,179.

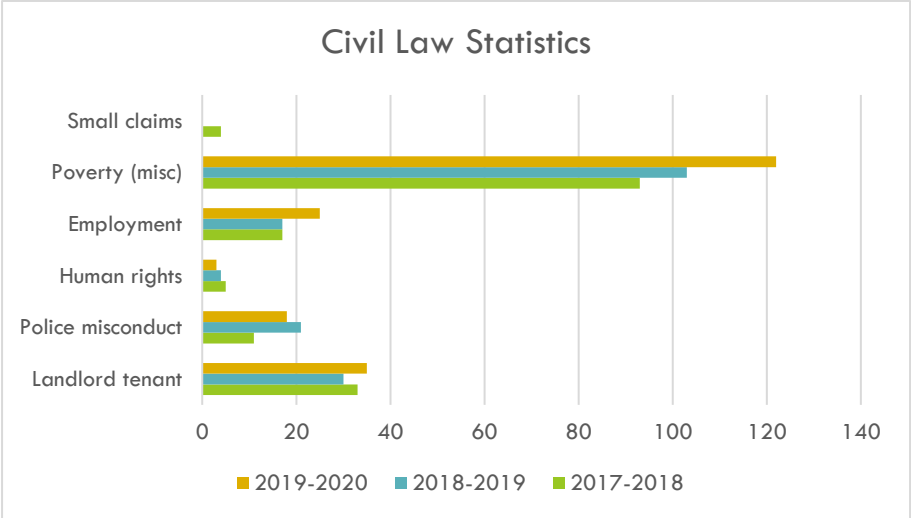
Civil Practice

In 2019/2020, the Legal Services Board made significant changes to its civil practice. In the past applicants would fill out an application with a court worker and be assessed for eligibility before being contacted by a lawyer. This created a significant delay between the time an application was submitted, and the applicant could speak to counsel. This not only left serious, time-sensitive matters waiting but matters that did not qualify legally or for which simple advice or information could be provided occupied the same queue and contributed to a growing backlog.

In this year, LSB hired three new civil lawyers. LSB also changed the intake process so that applicants would speak to lawyers much earlier in the application process and before they were assessed for financial eligibility. This allowed lawyers to identify clients with urgent need and fast track them for approval. It also allowed lawyers to screen out cases that did not meet our legal criteria or which could be resolved with summary advice or simple information. This new process removed the backlog and ensured improved client services for civil applicants.

In 2019/2020, the LSB received 198 civil applications, down a little from the previous year. These applications included 25 employment files, 35 housing matters, 18 police misconduct cases and 3 human rights matters. The remainder were general civil poverty law matters.

The costs of providing service in the civil practice were \$433,448.



## INUIT COURT WORKER PROGRAM

A fundamental component to LSB's service delivery is its support of the Inuit Courtworker Program. While court workers are actually employed by the regional clinics (either full-time or part-time as needed), it is LSB that funds the clinics to support these positions.

Court worker positions are based in clinics and in smaller hamlets throughout the regions. In 2019-2020, the Kitikmeot Law Centre employed five court workers throughout their 5 communities, Kivalliq Legal Services employed 4 court workers for their seven communities, and Maliiganik Tukisiiniakvik employed 15 court workers for their 13 communities.

Court workers provide essential services in ensuring there is access to justice in the territory. Not only do court workers provide vital support to circuit lawyers such as interpretation, client and witness support, they also provide much needed administrative assistance in coordinating community legal aid applications, maintaining contact to clients without phones or computers, and serving documents.

Court workers provide clients with a critical link to the justice system, and provide lawyers with an important cultural connection to their clients and the communities.

All of the demands articulated in the previous sections are also faced by the Court Worker program. Every legally aided matter is assisted and complemented by the Court Workers. Constant pressures and demand for legal services means that Iqaluit, Rankin Inlet and Cambridge Bay Court Workers work on a daily basis providing meaningful services. Court workers are essential and involved in nearly every activity of the LSB.

This year Court Workers participated in a nationwide Court Worker meeting in Ottawa that sought to define a baseline for court worker training and to develop the framework for the sharing of information.

LSB recognizes more supports are required in the Court Worker program, in particular, ensuring increased training, assistance, mentoring and professional development opportunities along with suitable and safe workspaces within the communities. The LSB has prioritized this area for review and will be dedicating resources to ensure the program is adequately funded.

## COMMUNITY AND PROFESSIONAL RELATIONS

The LSB enjoys positive and meaningful relationships with the legal community and inter-related justice organizations in Nunavut and elsewhere in Canada. In addition, our interactions with Nunavut Health, Social Services, Family Services, and more recently Office of the Advocate for Children and Youth have been mutually beneficial.

### Association of Legal Aid Plans

The CEO sits on the Association of Legal Aid Plans of Canada (ALAP). This organization comprises senior management and board members from all the legal aid plans in Canada and is mandated to undertake, support and facilitate research concerning access to justice issues; to improve public awareness of access to justice issues; and, to undertake such activities, on its own or with others, as may be in the interest of access to justice in Canada. The LSB Chair along with other legal aid plan Chairs participates in ALAP meetings when

the agenda pertains to governance or areas deemed important and beneficial both at the regional and national level.

### **Provincial/Territorial Working Group re Access to Justice Service Agreement**

The CEO and COO sit, with officials of the Department of Justice Nunavut, Department of Justice Canada and other provincial/territorial legal aid plans, on the PWG/TWG groups arising from the Access to Justice Service Agreement. The representatives meet regularly to discuss issues arising from the operation of the agreements, funding formulae, and the court worker program(s). The MT Regional Clinic Director, Kathy Pudlaq, participated in the ongoing review of the strategic plan for the National Indigenous Court Worker program.

### **Nunavut Communities and Community Justice Committees**

Most importantly, the LSB engages communities at the community level in a variety of ways, including but not limited to legal counsel and Court Workers. This includes providing legal representation to eligible clients in court but also with justice committees. LSB may also reach out and share public legal information to hamlet councils, schools, mental health service providers and end users. LSB has partnered with our communities and has provided meaningful community based public legal education.

### **Public Legal Education & Information**

Public legal education and information (PLEI) is a mandated responsibility of LSB. This is a challenging task in a jurisdiction with many spread-out communities with different languages or dialects and cultural variances, especially in respect to legal concepts. Each of LSB's lawyers has committed to performing PLEI initiatives, and the result has been some creative and meaningful interaction with Nunavut's communities and their residents. Staff lawyers participated in sessions at high schools and Nunavut Arctic College campuses around the territory. Partnerships are being established with local Inuit organizations and have resulted in community sessions on residential tenancies and wills and estates in the Kivalliq region and the development of mental health programming in the Kitikmeot.

LSB continues to work towards identifying and delivering PLEI in the communities with local partners, especially through our Court Workers, once we have developed sufficient and appropriately PLEI including training and supporting Court Workers to deliver within their communities. This year saw the development of a PLEI strategy document which examined the available resources in Nunavut and identified strategies to develop relationships with Inuit organizations hamlets and citizens. This work was completed through the lens of implementing PLEI initiatives that respond directly to the needs of Nunavummiut. One goal LSB has is to increase the PLEI program by hiring an Access to Justice Director with the expressed mandate to work closely with LSB lawyers and Court Workers to support, enhance, improve, monitor and track PLEI and its potential impacts on increasing demand for legal aid as individuals become more aware of their rights and seek to assert, defend and benefit from their rights being protected and attained.

## Website

This year the Legal Services Board maintained its website by ensuring regular updates were made. Content on the LSB website is in Nunavut's four official languages and can be viewed at [www.nulas.ca](http://www.nulas.ca). The website provides information on LSB's services, policies, annual reports, along with contact information for the three regional clinics and its law lines. The website is regularly updated with revised information as necessary. Despite these efforts, the website is in need of a complete overhaul to better reach and meet the needs of our multiple audiences.

## Family and Civil/Poverty Law Lines

LSB offers a toll-free family law and civil/poverty law information lines. As of March 2020, as the LSB reacted to territory-wide closures as a result of COVID, three toll-free criminal law lines were also implemented and monitored from 9am-5pm.

## Policies, Directives and Other Projects

The Board provides senior staff directives following the review of programs and services at its Board meetings. An ongoing list of policies to be reviewed/developed and other projects are identified throughout the year with a view of assigning tasks to appropriate committees or staff. Due to organizational demands and limitations, LSB sole sourced a consultant on GN Justice's SOA list to review all existing policies and amend policies where required and draft new ones. In addition to the amendments to the Panel Policy, a list of new policies has been identified for development in the next year. Accompanying the policy review project is a plan to engage GN Justice with a view to completing a MoU on a number of administrative matters of mutual interest.

## CONCLUSION

The Legal Services Board of Nunavut is fully committed to fulfilling its mandate and providing legal services to eligible Nunavummiut.

As articulated earlier, LSB's fundamental contributions to the justice system have far-reaching impacts in every community in the territory. For many of our clients who come into contact with the legal and justice system, this is a daunting, scary and intimidating situation. LSB takes pride in providing education and advocacy to our clients during their time in need, not only through legal representation, but also through culturally sensitive supports.

Producing independent financial audits, capturing and reporting accurate statistical information, identifying organizational needs and legal practice trends has all contributed to a more productive and efficient legal aid in Nunavut. This approach has resulted in an organization that is transparent and responsive to its clients, its staff and fully accountable to its funders and public.

The exceptional efforts made by the Board of Directors, the senior management team, the legal staff, regional clinics, regional boards, the regional court workers and administrative staff, the support of our funders and justice colleagues, all have played a role in improving access to justice for Nunavummiut.

## APPENDIX A – AUDITED FINANCIAL STATEMENTS

## APPENDIX B – STATISTICAL SUMMARY

### SUMMARY REPORT FOR 2019/2020 STATISTICAL DATA AND CLINIC INFORMATION

The following is a summary of information contained within the clinic reports, law line report, civil law report and statistical data with respect to the provision of legal services offered by the Legal Services Board and its regional offices for periods April 1, 2019 to March 31, 2020.

#### CRIMINAL PORTFOLIO - GENERAL

CRIMINAL LAW Statistic	Kitikmeot	Kivalliq	Qikiqtaaluk	Totals
<b>Brydges (10b) arrest calls regular hours</b>	210	141	337	688
<b>Bail hearings Regular hours</b>	157	122	899	1178
<b>Law line Brydges (10b) calls</b>	130	208	432	770
<b>Law line Bail hearings</b>	46	57	137	240
<b>Law line Youth</b>	2	0	8	10
<b>Criminal Law files opened</b>	482	756	1648	2886
<b>Criminal Law files closed</b>	426	363	1004	1793
<b>Circuit weeks</b>	77	88	247	412
<b>Full Coverage Criminal Applications</b>	89	98	276	463
<b>Full Coverage Criminal Approvals</b>	83	92	251	426

**CRIMINAL PORTFOLIO BY OFFENCE**

Charge type:		Adult			Youth			Total Clients
		Male	Female	Other	Male	Female	Other	
1	Homicide (1&2 degree murder, manslaughter, infanticide)	2	1	0	0	0	0	0
2	Attempted Murder	0	1	0	0	0	0	3
3	Robbery (firearms, other offensive weapon)	3	0	0	0	0	0	1
4	Sexual Assault (aggravated sexual assault, with weapon, other)	51	4	0	5	1	0	3
5	Sexual Abuse (other sexual offences)	6	0	0	0	0	0	61
6	Major Assault (assault with weapon level 2,3,bodily harm)	81	24	0	1	0	0	6
7	Simple Assault (Level 1)	131	29	0	3	2	0	106
8	Kidnapping (kidnapping and forcible confinement)	1	0	0	0	0	0	165
9	Abduction (person <14<16 Contravening custody order, no order)	0	0	0	0	0	0	1
10	Arson (arson)	0	1	0	0	0	0	0
11	Weapons and Explosives (prohibited weapon, restricted)	8	0	0	0	0	0	1
12	Break and Enter (business, residence, other)	3	1	0	0	0	0	8
13	Fraud and Related (cheque, credit card, counterfeiting, other)	1	0	0	0	0	0	4
14	Theft < or >\$5,000 (bicycles > \$1000, from motor vehicles)	4	1	0	0	0	0	1
15	Possession of Stolen Property (have stolen goods)	0	0	0	0	0	0	5
16	Property Damage/Mischief	2	0	0	0	0	0	0
17	Morals (gambling & betting house, gaming)	0	0	0	0	0	0	2
18	Morals Sexual (sexual, procuring, indecent acts)	4	0	0	0	0	0	0
19	Public order offences (disturb peace, obstruct, trespass at night)	2	1	0	0	0	0	4
20	Offence re Admin of Justice (breach, etc.)	25	1	0	0	0	0	3
21	Other Criminal Code Offences (impaired driving, etc.)	6	2	0	0	0	0	26
22	Trafficking or importing drugs	0	0	0	0	0	0	8
23	Possession of Drugs	0	0	0	0	0	0	0
24	Other Federal Statutes	12	3	0	0	0	0	0

25	Provincial Offences Excluding / Traffic (Liquor, Securities, etc.)	0	0	0	0	0	0	15
26	Provincial Statute Offences	0	0	0	0	0	0	0
27	Criminal Code Offenses Traffic	0	0	0	0	0	0	0
28	Reserve Local Bylaw	0	0	0	0	0	0	0
	Totals:	342	69	0	9	0	0	423

## FAMILY PORTFOLIO

<b>FAMILY LAW Statistic</b>	<b>Kitikmeot</b>	<b>Kivalliq</b>	<b>Qikiqtaaluk</b>	<b>Totals</b>
<b>Family Applications Children's Law Act</b>	41	62	91	194
<b>Family Approvals Children's Law Act</b>	15	13	30	58
<b>Child and Family Services</b>	9	16	34	59
<b>Approvals Child and Family Services</b>	9	16	34	59

## CIVIL PORTFOLIO

<b>CIVIL LAW Statistic</b>	<b>Kitikmeot</b>	<b>Kivalliq</b>	<b>Qikiqtaaluk</b>	<b>Totals</b>
<b>Civil Applications (all)</b>	60	61	77	198
<b>Landlord Tenant</b>	12	8	10	30
<b>Police Misconduct</b>	6	5	7	18
<b>Human Rights</b>	1	0	2	3
<b>Employment</b>	12	4	9	25
<b>Poverty (Misc)</b>	29	44	49	122