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Legal Aid News is your official regular communication from Legal Aid Services on all matters related to legal aid. *Legal Aid News* is generally published in the last week of every month.

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Fee for Cost Contribution Order submissions

The family justice changes that came into effect on 31 March 2014, introduced a requirement for Judges to consider whether parties should contribute to the cost of services incurred by the court, for applications made under certain Acts.

Where a party is legally aided, it is expected that the legal aid provider will assist in making submissions to the court regarding Cost Contribution Orders (CCOs) as part of this consideration. However, Legal Aid Services recognises that there is no fee available in the family legal aid fees for the work undertaken to lodge CCO submissions.

You may be aware that His Honour Judge Somerville has referred the matter of CCOs and legally aided parties to the High Court, by way of a case stated for the High Court's opinion on the question "Can the Family Court make an order under s 135A (of COCA) against a party who has been granted legal aid?"

An interim solution is being implemented until an opinion has been given by the High Court in response to the case stated. This is:

- a. providers can claim a flat fee of **\$140** for making and responding to CCO submissions
- b. providers claim the fee using **invoice form 36** - Family Legal Aid Fixed Fee Plus Invoice
- c. an invoice is sufficient and providers are not required to submit evidence of the CCO submissions.

The interim solution is effective from Monday, 16 March 2015.

Legal Aid Services are considering changes required to forms, online manuals and fee schedules to support a longer term approach to this issue.

Specialist reports activity in the family fixed fee schedules

The specialist reports activity in the Care of Children/Guardianship and Child and Young Persons fixed fees schedules have had a couple of errors corrected, as well as providing further clarity about what is considered a specialist report.

The corrections are:

- the word 'special' is a typo and has been corrected to read as 'specialist' in the task section
- the s 59 report has been removed from the tasks section of the Care of Children/Guardianship fee schedule as it no longer exists
- there is clarity that the specialist report mirrors the Family Court definition of specialist report (see following link for specific information about Family Court specialist reports <http://www.justice.govt.nz/family-justice/about-us/documents/publications/brochure-and-pamphlets/pdf/moj0602-specialist-reports-in-the-family-court.pdf>)
- the wording of 'report from Counsel for Child' has been changed back to 'Lawyer for Child Report' as this is the actual title of that report. Prior to the Care of Children/Guardianship fee schedule changes in March 2014, the report was listed as Counsel for Child Report (listed as a title) and should have remained that way.

Provider Approvals for Proceeds of Crime work

During our workshops on the criminal fees review providers suggested a streamlined application process for a civil approval limited to proceeds of crime proceedings. We undertook to report back to providers on work to explore this concept in March 2015.

We acknowledge that proceeds of crime proceedings are a discrete area of law that is well within the skills and knowledge of many experienced criminal providers. Many criminal providers probably meet the experience and competence requirements for a civil approval and we welcome applications from them at any time (the regulatory criteria include substantial and active involvement in three civil cases, a minimum of 18 months recent experience working on civil cases, and assisting in preparations of at least two other civil proceedings).

We will notify Criminal PAL3 and PAL4 providers who don't have a civil listing that they can apply for a full civil approval and/or a civil approval limited to proceeds of crime after the amendments to the Legal Aid Services (Quality Assurance) Regulations come into force in mid-2015. The proposed amendments would give us greater discretion to apply new types of conditions, if warranted.

Smarter Scheduling in District Courts

From Tony Fisher, General Manager District Courts, Ministry of Justice

With hundreds of thousands of events scheduled in New Zealand District Courts each year, a smarter approach to scheduling is set to deliver benefits for those that work in and use the criminal courts.

Traditionally district court users have been told to come to court in the morning and wait for their case to be called. The worst case scenario – a wait up to seven hours. This is not a good use of the time of our partners such as Corrections, Police and lawyers. This is also an added stress for victims of crime, and a lot to ask of the family members and friends who come to support them.

All District Courts with sufficient volume are moving to a more efficient approach to scheduling.

Rather than being expected to come to court for the day, people will be asked to come for a block of time. For example, a district court might schedule a day's sentencing events into 3 x 75 minutes blocks. Participants will be asked to be at court by the start of the time block to which their event is assigned. By 1 April 2015 sentencing, crown sentencing, case reviews and jury trial call-over events will be scheduled into time blocks. Lists will also be time-blocked shortly after this.

Court staff will be working with local stakeholders to determine scheduling of time blocks that make sense for each court.

Getting the full benefit from these changes is dependent on all court users coming to court at their scheduled time.

Time-blocking has been made easier by a substantial upgrade to the system used to schedule cases so a time and date for the next hearing can be set before the parties leave the courtroom.

Real time scheduling also paves the way for future developments, such as providing Police and Corrections improved visibility to up to date court schedules and first appearance availability.

Reducing waiting times also needs to be balanced against the best use of judicial time. Initially this will be addressed by a "morning heavy" approach to scheduling to ensure that there are sufficient cases to proceed with. This aligns with the current national judicial rostering capacities set by the Chief District Court Judge.

Smarter scheduling will improve the court experience by reducing the time court users have to spend in court waiting for their case to be heard. This is part of delivering a modern, accessible people-centred justice system.

Police Detention Legal Assistance (PDLA) assignments

This is to let you know about a change to the Legal Aid Services assignment policy as it relates to PDLA assignments.

The requirement that a lawyer must be on the assignment list for the court where a PDLA case will be heard has been removed.

We believe this change is in the aided person's interest and supports the incentive for lawyers to participate in the PDLA scheme.

You will find the updated policy in the online [Grants Manual](#) in the section headed 'Exceptions to rotational assignments'.

Queries?

If you have queries about any article in this newsletter, please contact legalaidnews@justice.govt.nz.