

LEGAL AID NEWS

October 2016

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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Legal aid provider contract renewal

The renewal process for the new Provider Contract for Services is well under way. So far we have received approximately 400 signed provider contracts, and we are busy executing and returning them to providers. We would like to thank everyone who has been so prompt with signing and sending through the new contract.

The current contract expires on 30 November 2016. To ensure there is no interruption to your ability to provide legal aid services, please ensure that the new contract is signed and emailed to legalaidprovider@justice.govt.nz as soon as possible.

Update on changes to the administration of legal aid

In September we advised that the Ministry is changing the way granting and debt management are administered.

These changes are designed to improve the Ministry's internal processes and pave the way for digitising the administration of legal aid services in future. The changes will also improve consistency, meaning people will receive the same level of service regardless of who they deal with or where they are in New Zealand.

The new structure to support these changes will come into effect on 1 November and new processes will go live on 7 November.

However, from your perspective it's business as usual and as such you will continue to receive quality legal aid services.

Our recruitment for the new structure is progressing well and the appointees to the new Service Delivery Manager roles will take up their positions in November:

- Mel Gallagher, Call Services Manager in the Ministry's Collections unit, joins the team on 1 November, based out of Auckland
- Robert Ives, Service Delivery Manager at Wellington Free Ambulance, takes up the position on 21 November, based out of Wellington.

These are key roles in the new structure, and both Mel and Robert will bring considerable service delivery and management experience to the Legal Aid Services team.

We will keep you informed of developments and provide information relating to the office closures nearer the time.

Electronic signature requirements

Legal Aid Services can accept electronic signatures on invoices etc, where the following requirements are met:

- the lead provider's name or signature is hand-written or typed in the signature box
- the document was sent electronically from the lead provider's recognised email address.

A recognised email address can be the lead provider's address for legal aid matters, or an email address recognised as belonging to the lead provider's firm.

Pre-hearing matters

This article is to provide clarity about when the *pre-hearing matters* fixed fee can be claimed.

The *pre-hearing matters* fixed fee for all proceedings can only be claimed, once the matter is to progress to the hearing stage, or once the Judge has made a direction for legal representation.

When submitting a claim for this fixed fee, the grants officer will check that a significant number of the relevant tasks as listed in the fee schedule have been completed. The grants officer will refuse a claim where the only work completed was reporting to the client.

On the invoice, the provider must provide an update on the current status of the proceedings or attach copies of the relevant order/agreement/judgment.

Complying with the Court of Appeal 'Criminal Electronic Document Protocol'

The Court of Appeal Criminal Electronic Document Protocol (the Protocol) imposes requirements on legal aid providers when preparing submissions for appeal hearings. To recognise the associated costs, the activity 'Preparation of appeals' activity in the 'Schedule H: Fees schedule for Appeals to the Court of Appeal' now includes complying with the Protocol as a task covered by the fixed fee. The revised fee schedule is in the Criminal fixed fee schedules - 4 July 2016 available on the Ministry website here: <http://www.justice.govt.nz/assets/Documents/Publications/July-2016-Criminal-Fee-Schedules3.pdf>

Delegation of work

Legal Aid Services is reviewing its policies on delegation of work and would like to invite your views on this. Please submit any comments or suggestions by 25 November 2016. The review is being undertaken to address inconsistencies in our policies around the authority that legal aid providers have to delegate work.

In particular, the present policy provides more authority in some circumstances for delegation of substantive matters to supervised providers than to legal aid providers who are approved. The intent of the revised policy is to clarify the circumstances when a lead provider may delegate work without needing the Commissioner's approval.

You can view and comment on the revised draft policy here:

<https://consultations.justice.govt.nz/legal-and-operational-services/756c3863>

Legal aid forms – New installer package available for downloading

On 7 November 2016, a new installer package for Legal Aid forms (version 10.1) will be available for downloading from the Ministry of Justice website. This installer will include the new form 11, Application for Reconsideration.

Changes to the reassessment/ reconsideration process

As part of the Ministry's move to continually improve services for our customers and optimising legal aid processes, our new optimised processes go-live on Monday 7 November 2016. You may have seen this attachment that shows how we are 'changing the way we work' [PDF, 368KB].

From Monday, 7 November 2016, the reassessment process will be removed to leave only the reconsideration process available for challenging Commissioner decisions.

This will mean that any decisions you are aggrieved by will always be reconsidered by someone other than the person who made the original decision, in a timely manner. We encourage you and your clients to use the revised form 11 - application for reconsideration here:

<http://www.justice.govt.nz/assets/Documents/Forms/Form-11-Application-for-reconsideration-27102016.pdf>

If you have any questions, please contact your local grants office.

Queries?

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