

Guidance for lawyers applying for approval as a legal aid provider

Client care information

The purpose of this document is to set out the Ministry's requirements, with respect to client care information, for lawyers seeking approval as legal aid providers.

Making relevant and important information available and accessible to clients at the earliest possible time is an essential component of a quality legal aid system. The Ministry considers that the legal aid client should be informed from the point of instruction about the possible outcomes of an application for a grant of legal aid and the obligations a client may have if they are granted legal aid.

Client care letters, for potential legal aid clients, are therefore required to have reference to legal aid and the client's potential obligations under the legal aid system.

Client care letter / letter of engagement

The client care letter / letter of engagement must, of course, meet the requirements of the Lawyers and Conveyancers Act (Lawyers: Conduct and Client Care) Rules 2008.

Client care letters / letters of engagement must include reference to Legal Aid and current legislation. Letters must correctly refer to the Ministry of Justice, not the Legal Services Agency, and the Legal Services Act 2011 not the Legal Services Act 2000.

Ideally the following information, in respect of legal aid, should be provided to ensure legal aid clients are aware of their obligations:

1. That the client must tell the Ministry of Justice if their contact details, financial details, employment status, or family circumstances change.
2. That the client may have a prescribed repayment amount payable to the Ministry of Justice and, if they receive any proceeds from proceedings, they may need to make a lump sum final repayment towards the cost of services.
3. That the lawyers/firms invoices for services will be forwarded directly to the Ministry of Justice for payment and a copy will be provided to the client.
4. That for more information regarding legal aid they can contact the Ministry of Justice www.justice.govt.nz

As long as client care letter / letter of engagement meets the Ministry's requirements the text of the letter is for the provider to determine.

The Ministry has however produced the following suggested text for guidance.

Criminal and Waitangi Legal Aid Providers

Legal aid is governed by the Legal Services Act 2011 and the associated regulations. Legal Aid is administered through the Ministry of Justice by the Legal Services Commissioner.

I will submit invoices in relation to your grant of aid to the Legal Services Commissioner and provide you with copies. The Legal Services Commissioner will write to you about any conditions or repayment obligations that you may have in relation to the grant of legal aid and your rights as an applicant or recipient of legal aid. You should be aware at this time that legal aid is not always free. You should read these letters carefully and keep them for later reference. You must let the Legal Services Commissioner know if there is any change in your and your partner's contact details, employment status, family circumstances or financial details

Civil and Family Legal Aid Providers

Legal Aid is governed by the Legal Services Act 2011 and the associated regulations. Legal Aid is administered through the Ministry of Justice.

I will submit invoices in relation to your grant of aid to the Legal Services Commissioner and provide you with copies. The Legal Services Commissioner will write to you about any conditions or repayment obligations that you may have in relation to the grant of legal aid and your rights as an applicant or recipient of legal aid.

You should be aware at this time that legal aid is not always free. You may be required to repay your legal aid grant and pay a user charge fee.

If you have to pay a user charge, this will be deducted from my first invoice to the Ministry and I will collect the money from you. The user charge is always \$50; this cannot be changed and you can only be exempt if you are making a specified application for legal aid. I am not allowed to accept any other payments from you.

If you are required to repay your legal aid grant, the Ministry will write to you to tell you how much you are required to pay.

You should read these letters carefully and keep them for later reference.

You must let the Legal Services Commissioner know if there is any change in your and your partner's contact details, employment status, family circumstances or financial details.