

ANNUAL REPORT

2018/2019

LEGAL SERVICES BOARD OF NUNAVUT

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MESSAGE FROM THE CHIEF EXECUTIVE OFFICER

When I started in this role in January 2019, we were already well into our final quarter of the reporting period for this annual report. The hard work by our court workers, administrative staff, staff counsel and external lawyers is reflected in the numbers reported in this Annual Report and occurred, for the most part, before I arrived.

The difficulty of that work should not be under-estimated. It is easy to reduce our work to statistics and financial statements. The nature of the cases the Legal Services Board handles can be troubling, and they put a strain on the people who work here. I thank them all for their dedication, hard work and amazing resilience.

The challenges of providing legal aid in Nunavut are significant but they pale in comparison to the challenges that Nunavummiut encounter within the justice system and in accessing meaningful justice for their communities. This can be clearly seen in the Criminal law context.

Except for Iqaluit, no communities in Nunavut have a courthouse with regular sittings. Instead, as it has been doing for the last 70 years the Court conducts circuits, visiting some communities as infrequently as one or two times a year. When the Court party arrives, it sets up *ad hoc* facilities in hotels, community centers and other general use spaces. Some are simply not suitable for the work of the Court. During the course of the circuit week, there is a palpable sense of urgency to get through the docket, putting pressure on the police, the Crown, the Court, defence counsel, the accused, and victims and witnesses who are required to attend, to rush their work.

The data from Statistics Canada suggest that this process is not serving the people of Nunavut.¹ We do not have data from the 2018/2019 year yet, but from 2014/15 to 2017/2018, Nunavummiut have been the subject of criminal proceedings at more than 4 times the rate of the rest of Canada. Once in court, Nunavummiut are between 5% and 10% more likely to be convicted. In the territory as a whole, this means that the rate of guilty decisions in the criminal courts has been as high as 5 times the national average for 2014/15 to 2017/2018.

It gets worse. Once convicted, almost 50% of sentences in Nunavut were custodial or conditional sentences compared to only 42% for the rest of the country. The rate of sentences of imprisonment in Nunavut was between 3 to 5 times the national average. The rate of conditional sentences was 17 to 20 times the national average. And, for the most part, when Nunavummiut are sent to jail their sentences are longer than in the rest of Canada. From 2014/15 to 2016/2017, the average sentence of imprisonment in Nunavut ranged from 7% to 24% longer than in the rest of Canada. In 2017/2018, the average sentence was slightly below the national average. This is a hopeful sign but time will tell if this is an anomaly or true change and part of a larger trend.

¹ Statistics Canada - Table: 35-10-0027-011 - Adult criminal courts, number of cases and charges by type of decision; Statistics Canada - Table: 35-10-0030-01 - Statistics Canada Adult criminal courts, guilty cases by type of sentence; Statistics Canada - Table: 35-10-0031-01 - Adult criminal courts, guilty cases by most serious sentence; Statistics Canada - Table: 35-10-0032-01 - Adult criminal courts, guilty cases by length of custody; Statistics Canada - Table: 35-10-0033-01 - Adult criminal courts, guilty cases by mean and median length of custody

Because of the unique context of Nunavut, over 95% of the people charged with criminal offences in Nunavut are Inuit. In a time where there is increased concern and increased attention being paid to the over-representation of indigenous people in the Canadian justice and corrections systems, these numbers are alarming and troubling.

Nunavummiut deserve safe and healthy communities. But higher rates of arrest, conviction and longer sentences for Inuit undercut the public's faith in the administration of justice and perpetuate a dangerous cycle of reoffending and recidivism. The Legal Services Board, the Public Prosecution Service of Canada and the RCMP all have a part to play in improving this situation. More resources are required to support a more sustained justice presence in the communities but these should include significant investment in community-based programs to provide counselling and support to accused people and victims and witnesses, crime prevention programs, mediation, rehabilitation, and culturally competent efforts to advance restorative justice. The Legal Services Board would welcome an opportunity to support the development of work of this kind.

The problems in the criminal justice system are mirrored in family law, child protection cases, and civil and administrative law matters. Nunavummiut are significantly under-serviced in these areas as well. Access to a court in the communities outside of Iqaluit is severely limited. Only three communities have resident lawyers, and only Iqaluit has private lawyers not employed by legal aid. And the wait times for family and civil lawyers with the LSB are too long. We are working on shortening them.

All of us working in the criminal justice system share responsibility for the current bad state of affairs – a state of affairs that would be unacceptable anywhere else in the Country. We have to reckon directly with the fact that we function within an institution with a particular cultural and social tradition that is not only implicated in the troubling history of colonialism in Nunavut but might be perpetuating it. It is not enough for us to recognize the problem and the unfairness but to continue as we always have. We need to work differently and to do better. We need to work with each other and the communities to offer better access to a justice system that better reflects the restorative and rehabilitative justice principles that operated here prior to our arrival.

For its part, the Legal Services Board is committed to improving the character and quality of the services it offers, reducing wait times and bureaucratic complexity. While remaining responsible stewards of public funding, we will look to ensure greater flexibility with our budget and a more dynamic operating agreement with the Government of Nunavut to ensure we are optimizing our investment in the important work we do. We will continue to provide our clients excellent and zealous representation on a broad range of files. And we will look to raise awareness about systemic issues that erode public confidence in the administration justice. We will propose solutions and look for partners to offer improved supports for access to justice and public legal education in Nunavut.

Benson Cowan

Chief Executive Officer

Legal Services Board of Nunavut

MESSAGE FROM THE CHAIR

As Chair, I am pleased to present 2018-2019 Legal Services Board Annual Report.

This year was another exceptionally busy year for our organization with crime rate increasing by 8% from 2017-2018 which greatly impacts both the work of LSB in 2018-2019 but also has a tremendous effect on the lives of our community members across the territory. While Nunavut has the second highest crime rate across the country, it also has the highest rates of poverty in Canada. It is well understood that any population dealing with high-rates of poverty, overcrowded housing, food insecurity, low levels of education, high-unemployment, addictions and mental health issues – especially with inadequate infrastructure and support services will disproportionately high rates of crime, family discord and breakdowns and suicides. Ideally, more supports would be developed and provided to our people to reduce or eliminate the underlying causes that result in so much of the harms and disharmony in our communities.



During my time as a Board member and Chair of the Nunavut Legal Services Board, the board has advocated for increased financial resources to deal with the significant increases in workload for legal aid in all areas. The organization is appreciative to the Legislative Assembly for these budget increases – and yet, we still struggle to keep up with the demand in all areas. The more public legal education that we and our partners do, the more Nunavummiut seek legal advice and support. In order to achieve a fair, just and equitable society, it is important and necessary to ensure that our residents enjoy the full and equal rights that all Canadians are entitled to under the law.

In the Fall of 2018, I along with Tara Tootoo-Fotheringham, Kivalliq Legal Services Representative on LSB Board and senior staff came before the Legislative Assembly's Standing Committee on Oversight of Government Operations and Public Accounts to provide a general overview of our challenges, our successes, our organization's needs in order to help our clients and our communities. I explained to the committee that in some key areas, LSB does not have the necessary budget to improve Access to Justice, meet the growing demand for legal aid services, address operational risks and fulfill key obligations under legislation and the Nunavut Land Claims Agreement.

LSB is committed to implementing our Inuit Employment Plan, especially to increase our Inuit staff in all areas of management and hiring as many of the graduates from the Nunavut Law School. However, LSB has not been successful in acquiring additional funding either from the Government of Nunavut, Nunavut Tunngavik Inc. or the Federal Government to fully implement our IEP due to the respective priorities or policies. LSB recognizes that the biggest area of Inuit under representation is staff lawyers and that is why LSB has worked hard to provide summer work placements for Nunavut law students, planning for at least 4 articling positions in 2021 and would like to become the employer of choice for those who are called to the bar and wish to practice in criminal law, family law and civil law throughout the territory. In order to achieve our goals in this

area, LSB would like to work with the GN, NTI and the Federal Government on an intergovernmental and interagency program that supports these students to find meaningful legal work and remain in the territory.

LSB absolutely recognizes there are individuals who need to be placed under public guardianship. The complete loss of personal freedom and decision-making over one's life to the state is extreme. Therefore, it is extremely important that the legal threshold is being met when a person is being deemed incompetent under the Nunavut's Guardianship and Trustee Act. Related to this is the necessary ongoing assessments required to ascertain the mental competency regularly and the legislated requirement for full reassessments. LSB will continue to actively provide legal representation to these individuals, wherever possible monitor and assist as requested to ensure the rights of our most vulnerable are respected and protected. Furthermore, Nunavummiut removed from their communities for institutional care, whether under Public Guardianship or medical reasons or children, should reasonably when appropriate and wherever possible be provided the ability to connect with their family and their family with them. The disconnection and isolation bring its own hardships for all affected.

The board identified the need for a senior management position to focus on enhancing and improving Access to Justice in the territory. The role of the Access to Justice Director would work closely with lawyers and most importantly provide much needed support to our Court Workers through mentorship and training. In addition, the Access to Justice Director would oversee, develop, and support the delivery of more and appropriate public legal education within LSB and collaboration with our justice partners. Furthermore, the Access to Justice Director would work closely with our Justice Partners to enhance and support Restorative Justice throughout the territory, thereby reducing the number and kind of matters that can be better handled by the community than through the courts.

In closing, I would like to thank the board, our staff and our partners for working diligently, passionately and unreservedly to serving Nunavummiut.

Your sincerely,



Madeleine Redfern, Chair

"What Nunavut has seen, is by investing in legal aid, they're actually having some positive potential impacts in addition to making the system fairer" The MacDonald-Laurier Institute, 2018

EXECUTIVE SUMMARY

For the 2018-2019 year:

- The LSB's budget was \$12 318 000
- The end of year surplus was \$452,088 or 3.67% of the total budget for a total expenditure of \$11 981 311
- Direct expenditures on criminal cases was \$4 857 077 or 40.5 % of the total expenditure
- Direct expenditures on civil cases was \$1 600 143 or 13.4 % of the total expenditure
- Direct expenditures on civil cases was \$396 422 or 3.3% of the total expenditure
- LSB conducted a total of 389 court weeks a 12.75% increase over the previous fiscal year
- 2482 criminal files were opened
- 383 family files were opened
- 217 civil files were opened
- The three regional clinics were funded as follows:
 - Kitikmeot Legal Centre: \$485 741
 - Kivalliq Legal Services: \$668 629
 - Maliiganik Tukisiniakvik \$1 606 967
- 53% of LSB's staff including legal staff were Inuit
- 100% of regional clinic staff were Inuit
- LSB employed 21 Inuit Court Workers in communities across Nunavut
- LSB employed 20 lawyers including 12 criminal lawyers, 6 family lawyers and 2 civil lawyers
- LSB's private panels included 29 criminal lawyers, 7 family lawyers and 5 civil lawyers

MANDATE

The Legal Services Board (“LSB”) is mandated by section 7 of the *Legal Services Act*:

- to ensure the provision of legal services to all eligible persons;
- to ensure that the legal services provided and the various systems for providing those services are the best that circumstances permit; and,
- to develop and co-ordinate territorial or local programs aimed at
 - (i) reducing and preventing the occurrence of legal problems,
 - (ii) increasing knowledge of the law, legal processes and the administration of justice, and
 - (iii) providing public education and outreach with respect to human rights.

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 2018/2019 fiscal year were as follows:

Madeleine Redfern	Chair, and MT Board Member, Qikiqtaaluk
Julie Bedford	Board Member, Law Society of Nunavut Representative
Erin George	Board Member, Government of Nunavut Representative
Tara Tootoo-Fotheringham	Board Member, Kivalliq Legal Services Representative
Wendy Kootoo-Wood	Board Member, Kitikmeot Legal Services Representative
Eliyah Padluq	Board Member-at-Large, Kimmirut, Nunavut
Vacant	Board Member-at-Large, Nunavut

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; depending on 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:



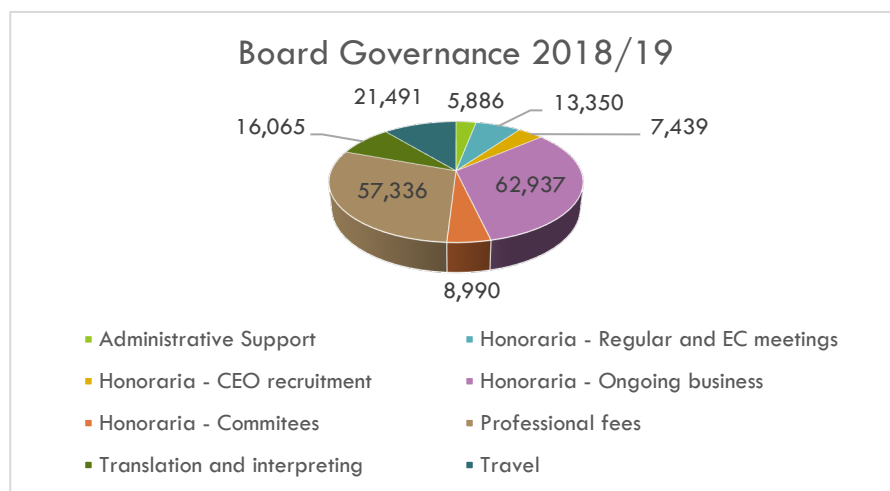
OVERARCHING GOALS OF THE STRATEGIC PLAN

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

THE STRATEGIC PRIORITIES

- Client Services
- Territorial Board Governance
- Corporate Structure
- Communication
- Human Resources

Board governance accounted for \$193,494 of the budget in this reporting period.



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.

The Legal Services Board partnership works closely with its regional offices to ensure affective and efficient response to community needs.



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 also 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

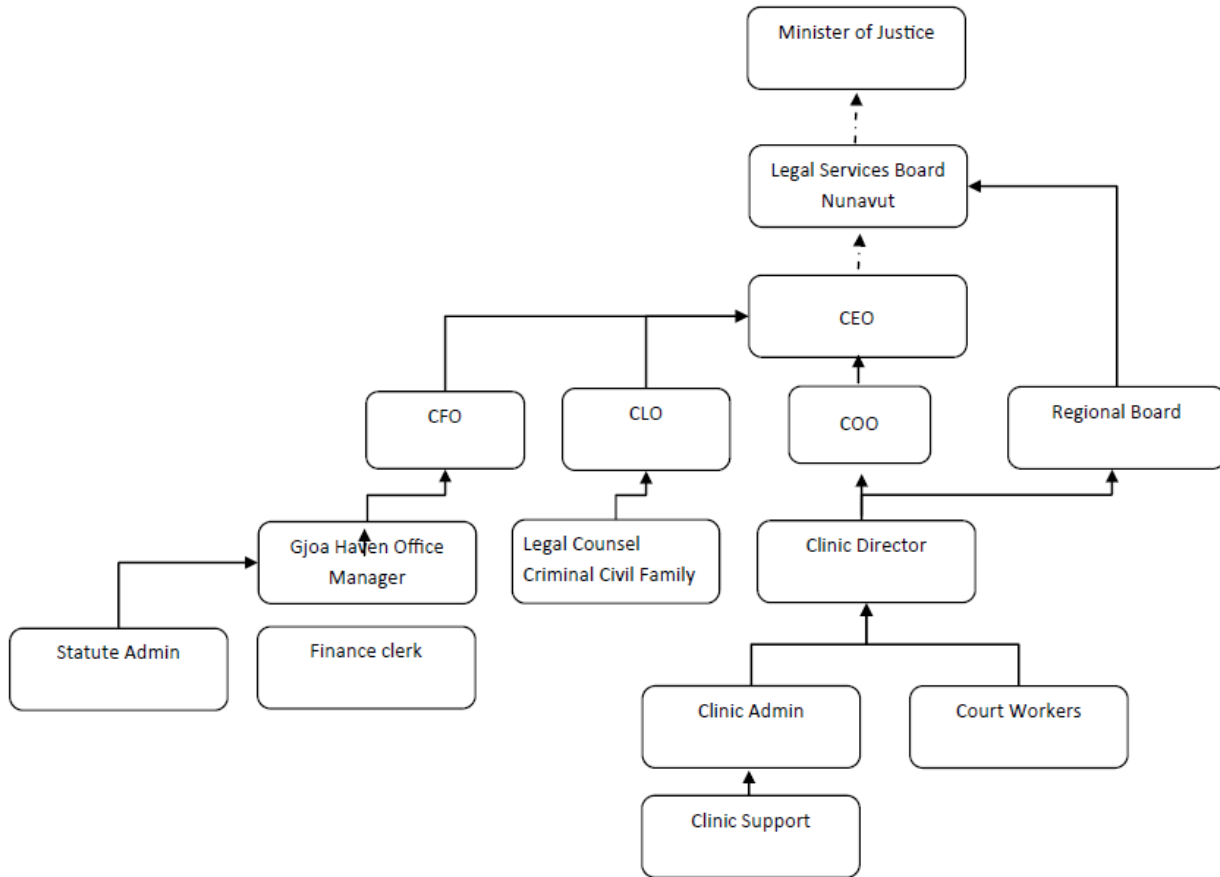
The concept of developing collaborative relationships and working together for a common purpose is vital to achieving the goals of LSB and its regional clinics in fulfilling our mandate. LSB recognizes the importance of balancing the rights of individuals and the broader community, whether within the 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 Chart

Organizational Chart – Hierarchal Structure – LSB



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 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). LSB staff positions for 16 criminal lawyers, 6 family lawyers, 2 civil/poverty lawyers and the CEO who is required by statute to be a lawyer.

Panel lawyers are legal counsel that are contracted to assist LSB in the provision of legal services. In 2018-2019, there were 29 lawyers on the criminal panel, 6 lawyers on the family panel and 5 lawyers on the civil law panel.

Management and Administrative Support Staff

In addition to the staff lawyers, 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 regional director in each region, positions filled by Inuit. In the Gjoa Haven office there are Finance/Office Manager, Senior Statute Administrator and a Finance & Operations Analyst/Statute Clerk.

Court Workers

A fundamental component to LSB's successful service delivery is the Inuit Court Worker Program. In 2018-2019, there were 21 court workers working in most 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, facilitate client and witness meetings, help preparation court appearances, and assist with community clinics, and access to justice and public legal education work.

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.

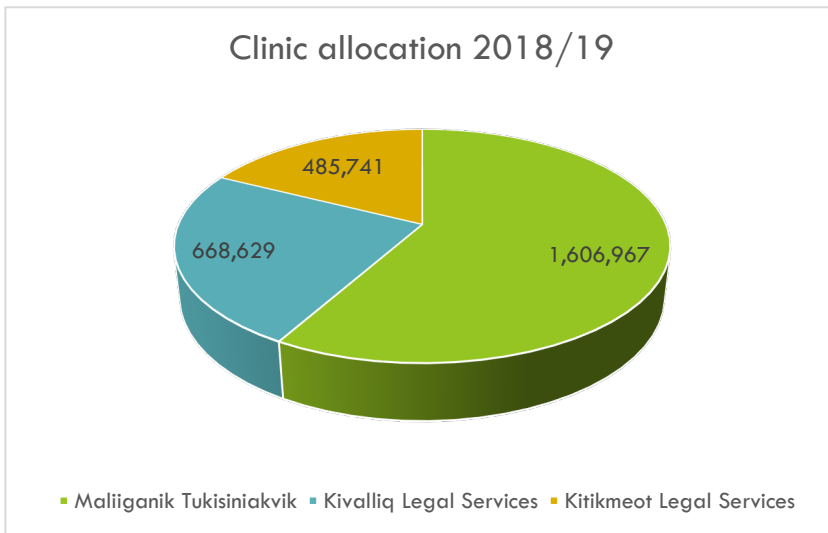
LSB and its three regional clinics completed audits for 2018-2019.

The LSB budget for 2018-2019 was \$12,318,000 however, and largely due to staff position vacancies there was a surplus of \$336,689; utilizing 97.27% of the budget.

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 2018-2019, see the independently Audited Financial Statements attached as Appendix "A".

REGIONAL LEGAL AID CLINICS

Regional clinics are societies pursuant to the *Societies Act*, the clinics are situated in Iqaluit, Rankin Inlet and Cambridge Bay.



The LSB funds the regional clinics (\$2.76 Million per year) by way of contribution agreements. Each regional office is up to date with the reporting requirements in those agreements.

The Clinics serve as access to justice points for their respective regions and provide support services to staff and private lawyers contracted to provide legal services. Each clinic employs support staff and court workers within the Clinic and in the majority of communities throughout Nunavut. If there is not a court worker in a community, the community is served by a

court worker from a nearby community.

Regional clinics boast a 100% Inuit employment rate both with respect to administrative support staff and court workers. All three clinics combined, employ 34 Inuit, the majority of whom are situated in the communities throughout Nunavut.

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 hired three Inuit as regional clinic directors, replacing non-Inuit lawyers who were tasked to do 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.

As the workload increase, so did the number of staff and panel lawyers engaged, requiring more and more time to adequately manage clinic operations. Many of the lawyers tasked to manage clinic operations struggled to work as lawyers while managing clinics. In addition, several of the clinics struggled with stability as lawyers left LSB employment, leaving the clinics with no management. Lastly, from an economic standpoint, it was LSB’s view that given the increasing demand for legal services, it was more efficient to have lawyers solely working on legal work as opposed to administrative tasks. This decision also addressed the risk associated with an understaffed management team, the risk of unstable clinic operations, but also allowed LSB to increase Inuit representation in management positions.

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 53%. 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: many of the LSB’s staff positions can be held **only** by lawyers, and in this reporting period none of those lawyers is Inuk. Inuit occupy all other LSB filled positions except three, and those three are in the executive and financial management levels. The challenge is clear: LSB needs more Inuit lawyers, and more Inuit in management levels.

In addition, this year the LSB had an Inuk co-op placement for a term who eventually accepted an articling position with the LSB

LSB has also committed to supporting the Nunavut Law Program, either through work placements to give students workplace experience through the four years of academic period, and also articling positions for some of the graduates. LSB is proactively planning to develop articling plans for 2021 for graduates of the Nunavut Law Program. 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.

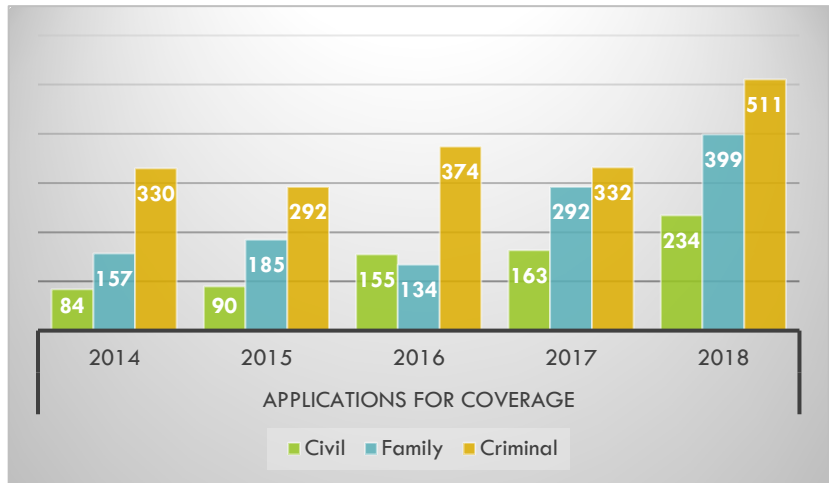
A Board-approved eligibility scale defines the criteria for accessing legal aid in Nunavut, with the income thresholds are defined in the adjacent chart.

"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

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.

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 is the unique and challenging geographical, cultural, and legal landscape that is Nunavut.

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.



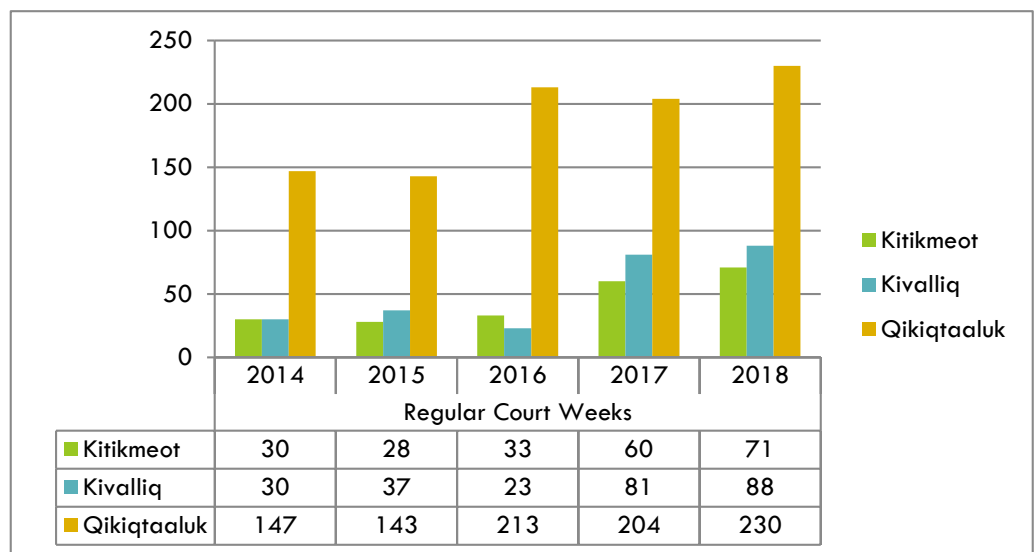
Underlying these principles and our mandate overall is our keen understanding that the vast majority of Nunavut communities have no access to justice resources, information or support. The justice system is one that is only within reach for the vast majority of the population when the court flies into 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, and maintaining court worker positions in more than 20 communities.

Criminal Practice

The criminal practice remained stable this year despite the ongoing challenges of filling vacant staff positions. The LSB provides quality representation to all Nunavummiut while on circuit in Nunavut’s 25 communities. The LSB sends lawyers to communities the Friday prior a circuit week to ensure adequate preparations with clients and negotiations with crown prosecutors can be completed with a view to ensuring efficient use of judicial resources and the best outcomes for our clients. The criminal law practice management model comprises the Chief Legal Officer and

lead counsel in each regional office 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



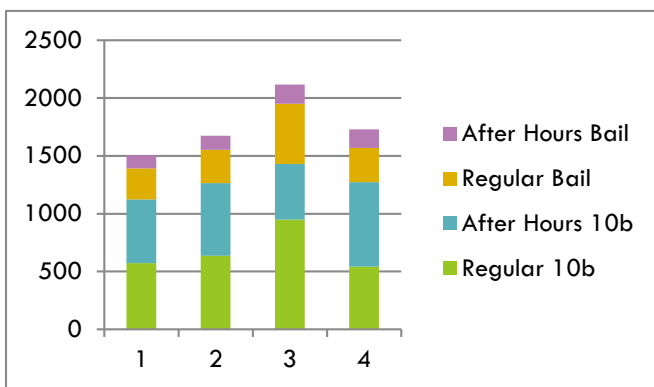
and subsequent elections and plea.

If further help is required and clients are financially eligible, they will receive trial, sentencing, and potentially appellate services too.

In 2018-2019 lawyers attended 389 circuit weeks. The breakdown by region:

Qikiqtaaluk: 230; Kivalliq: 88; and, Kitikmeot: 71.

In addition, the lawyers were assigned to 24 special sitting court weeks (preliminary inquiries, judge and jury trials, judge alone trials and *Charter* applications). In total, legal aid covered 413 Court weeks this year². There were 511 individuals who applied for full coverage, an increase from recent years, the LSB opened 2482 new criminal law files and closed 1627 in this reporting cycle.

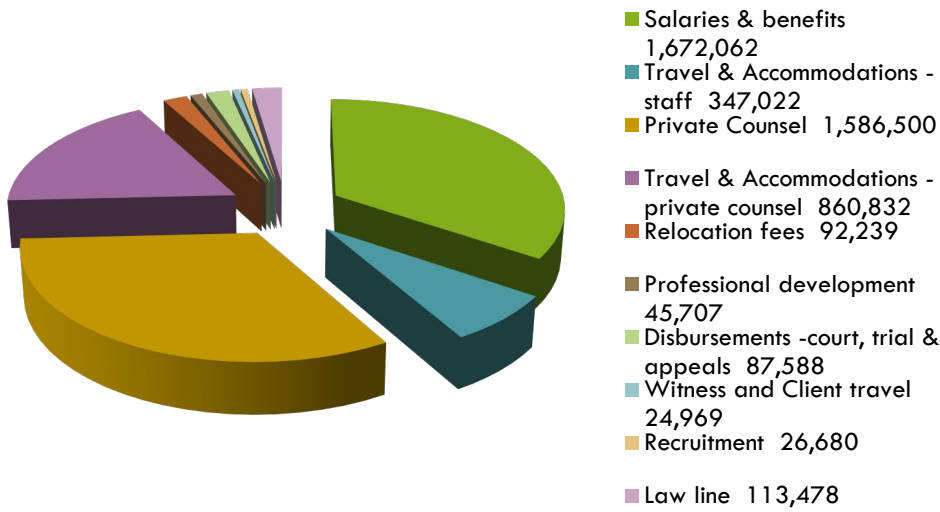


In addition to the circuits attended by staff and private lawyers, the LSB also provides service for individuals who are arrested whether during or outside of office hours, including representation at show cause hearings (bail hearings) that are sometimes scheduled outside of regular working hours. This year there were 543 regular hours arrest calls and 296 bail hearings. There were 701 after-hours calls and 159 after-hours bail hearings, nearly double the previous year.

Section 40 of the Legal Services Act directs that individuals who are charged with offences which could and would likely attract a potential life imprisonment jail term may be allowed to choose the lawyer who will represent them. This process is often referred to as “choice of counsel”. In basic terms these accused are sometimes entitled to choose their own lawyer, so long as the lawyer meets legislative criteria. The LSB administered 100% of these serious charges including homicide and related allegations such as arson endangering life, robbery, choking to overcome resistance, among others.

² Multiple court hearings occur at the same time, within Iqaluit at the three court rooms and court circuits, where judge, crown and legal aid lawyers with support staff travel to the communities to facilitate court hearings.

Criminal Practice Expenditures 2018/19



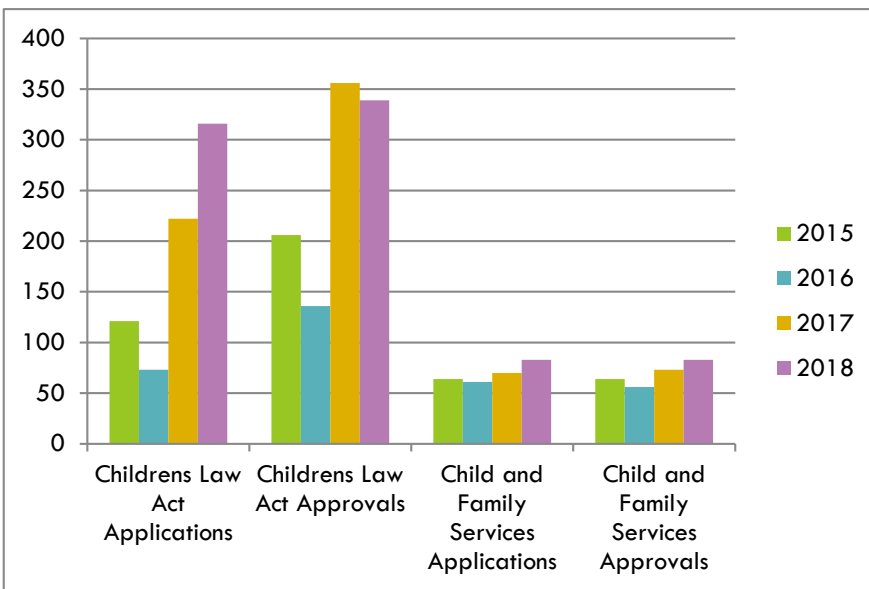
The LSB also provides lawyers to individuals who are the subject of the Nunavut Review Board. These clients' needs arise in the context of being legally unfit to stand trial, and/or those who are deemed not criminally responsible. Individuals in such situations are primarily transferred to southern hospitals and long-term care facilities that have a specialized focus on mental health. LSB remains concerned about the rights of these individuals during

the hearing process, in the institutions and in the mandated reviews which may not being done in accordance with the legislated timeframes.

Finally, the LSB also funds criminal appeals. There were six appeals funded during the reporting period. Appeals are an important means to ensure that procedural 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 \$4,857,077 and are detailed in the chart above.

Family Practice



LSB continues to struggle with the demand of those applying for assistance for non-urgent matters. This resulted in a backlog in the approval of Children's Law Act files but has not affected Child and Family Services assignments. Children's Law Act matters encompass divorce, separation, support, custody and access whenever there are children involved. Child and Family Services files include individual interactions with the government in the context of child apprehension. 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

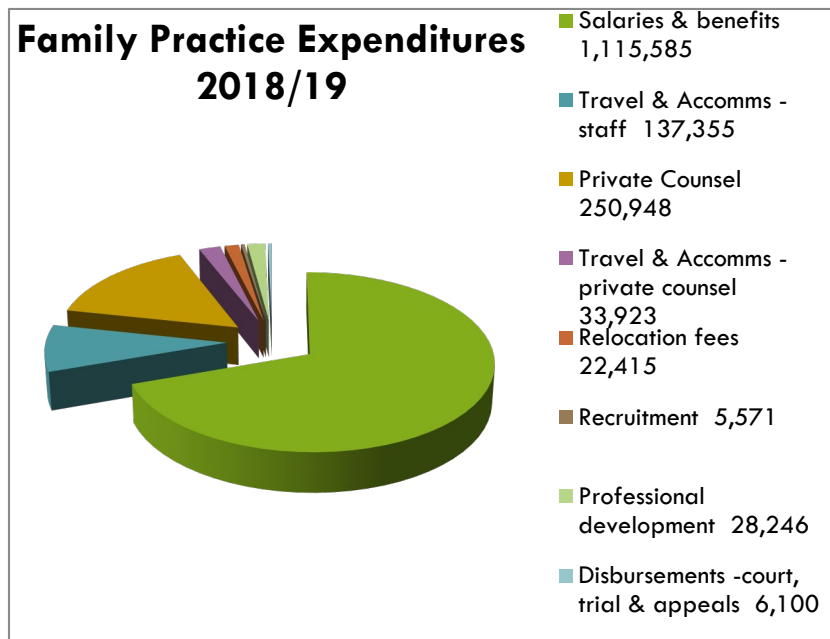
services to Nunavummiut. A toll-free family law information line is supported by LSB for individuals seeking general legal information on family matters.

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 2018-2019, the family law practice, LSB received 389 applications and approved 422. Under the family law practice, some applications are automatically approved under presumed eligibility; 83 were in the direct response to incidents where children were apprehended. The practice management model comprises of counsel, the CLO and the CLO who together manage the daily requirements of this busy and important practice area.



The costs of providing services in family law were \$1,600,143 and are detailed here.

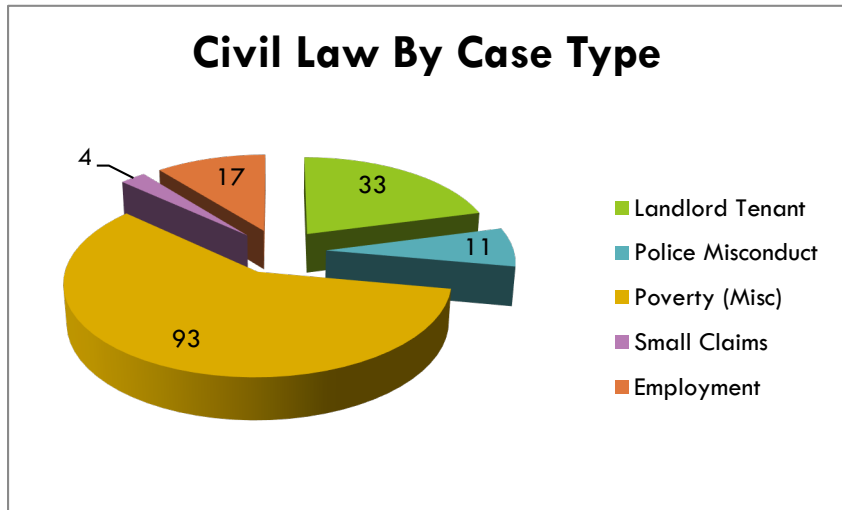
Civil Practice

In 2018-2019, the LSB had two staff civil law positions located in Rankin Inlet and Cambridge Bay. Although caseloads are on the rise, the practice is relative stable and remains an integral core program area for legal aid in Nunavut. LSB provides assistance in the following areas: employment, landlord/tenancy, poverty

miscellaneous, human rights; and, police misconduct. Private panel lawyers were engaged to assist more in this reporting period than ever before due to an increased demand in all civil areas of coverage.

Each year, legal aid assists hundreds of financially eligible Nunavummiut facing eviction or sanctions from residential landlords.

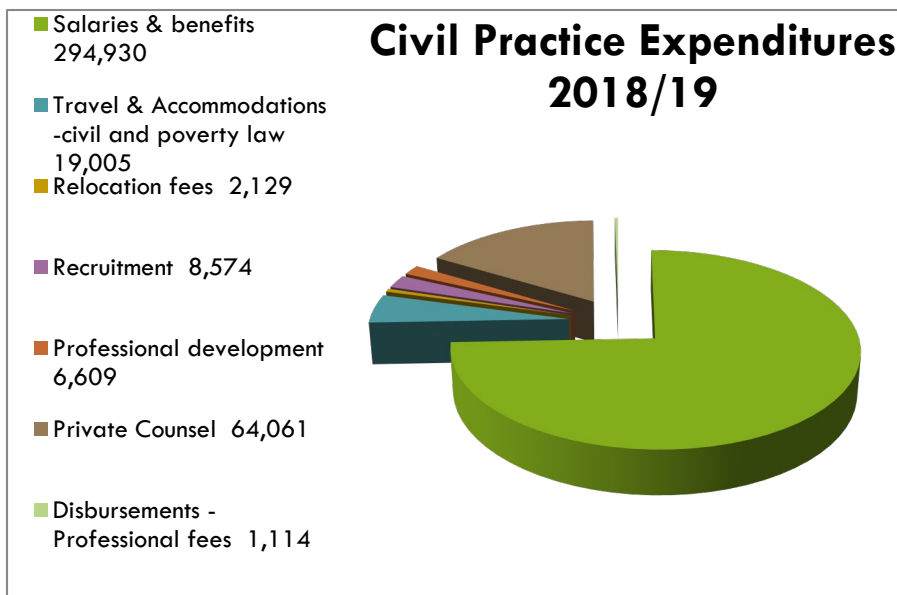
In addition, those who allege harm from unfair conduct from their employer, or allege prejudice from prohibited grounds of discrimination, are eligible to receive LSB's support. LSB has also assisted a number of Nunavummiut across the territory who have sustained injury because of excessive use of force by the police. Most recently, some Nunavut families have asked LSB to assist them through the quasi-judicial process of a Coroner's Inquest where close family members have died while in custody of the police or state.



In 2018-2019 there were a total of 234 applications for civil/poverty legal aid assistance. This is an increase from previous years due to an increased demand.

LSB assigned lawyers to support families in two Coroner's Inquests. Typically speaking, a lawyer is assigned where there is a connection between the cause of death and the areas in which we provide core services, for example – someone who dies while in the custody of the RCMP.

The LSB remains committed to meeting the demand in the civil practice.



The costs of providing services in civil law were \$396,422 and are detailed here.

Practice Conclusion

During fiscal period 2018/19 the Legal Services Board was successful in providing the services pursuant to its mandate. See statistics in schedule b to this report.

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 2018-2019, 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 better and more training, assistance, mentoring and professional development opportunities along with suitable and safe workspaces.

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), which organization comprises senior management and board members of all of 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 participate 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 COO also sits, 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, inter alia, 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. We've partnered with our communities and have 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 of 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 to increase the PLEI program is 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.

Trade Shows, High School – CBA Mock Trial/College, Shelter Visits, GN Liaison, Radio Shows

Kivalliq Legal Services again participated in the trade show in Rankin Inlet enhancing our visibility in that community and region. The office also partnered with the shelter society in providing general legal information to shelter staff, their volunteer board of directors, and participating in the development and distribution of a family violence prevention poster around the region.

Maliiganik Tukisinarvik staff offers sessions at the Iqaluit Women's Shelter, Baffin Correctional and Makigiavik Centers and volunteered with the Canadian Bar Association mock trial project with the local high school in Iqaluit. In September Maliiganik lawyers presented information and provided materials at the annual meeting of GN Liaison officers. In Sanikiluaq there was a presentation in respect of various legal issues and hosted a question and answer session on: what to do when you're arrested; rights to counsel, and search and seizure. Maliiganik also hosted radio shows in Cape Dorset, Pond Inlet, Pangnirtung, Iqaluit and Arctic Bay.

The Kitikmeot Law Centre also built on key partnerships with the Cambridge Bay Wellness Centre and their local high school to deliver PLEI materials and information sessions. The Kitikmeot Law Centre hosted community forums on the role of the Kitikmeot Law Centre and Family Law in Nunavut at the Campus in Cambridge Bay and attended the high school to deliver a presentation on "law as a career".

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. 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.

Family and Civil/Poverty Law Lines

LSB offers a toll-free family law and civil/poverty law information lines.

Policies, Directives and Other Projects

The Board provides senior staff directives as a result of reviewing 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 2018/19 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, 2018 to March 31, 2019.

CRIMINAL PORTFOLIO - GENERAL

CRIMINAL LAW Statistic	Kitikmeot	Kivalliq	Qikiqtaaluk	Totals
Brydges (10b) arrest calls regular hours	107	119	317	543
Bail hearings Regular hours	65	78	153	296
Law line Brydges (10b) calls	121	167	413	701
Law line Bail hearings	21	32	106	159
Law line Youth	3	12	15	30
Criminal Law files opened	403	683	1396	2482
Criminal Law files closed	321	332	974	1627
Circuit weeks	71	88	230	389
Discrete Trial weeks	3	6	15	24

CRIMINAL PORTFOLIO BY OFFENCE

Offences		Number of Applications Received			Number of Approved - Private Counsel			Number of Approved - Staff Counsel	
		Male	Female	Other	Male	Female	Other	Male	Female
1	Homicide (1&2 degree murder, manslaughter, infanticide)	8	1	0	5	1	0	2	0
2	Attempted Murder	4	0	0	2	0	0	1	0
3	Robbery (firearms, other offensive weapon)	6	1	0	1	0	0	6	0
4	Sexual Assault (aggravated sexual assault, with weapon, other)	81	5	0	11	1	0	78	2
5	Sexual Abuse (other sexual offences)	14	0	0	3	0	0	9	0

6	Major Assault (assault with weapon level 2,3,bodily harm)	104	23	0	14	4	0	87	19
7	Simple Assault (Level 1)	108	23	0	13	3	0	95	18
8	Kidnapping (kidnapping and forcible confinement)	0	0	0	0	0	0	0	0
9	Abduction (person <14<16 Contravening custody order, no order)	0	0	0	0	0	0	0	0
10	Arson (arson)	0	1	0	0	1	0	0	0
11	Weapons and Explosives (prohibited weapon, restricted)	7	0	0	1	0	0	8	0
12	Break and Enter (business, residence, other)	12	0	0	2	0	0	11	0
13	Fraud and Related (cheque, credit card, counterfeiting, other)	3	1	0	1	0	0	1	1
14	Theft < or >\$5,000 (bicycles > \$1000, from motor vehicles)	3	1	0	0	0	0	2	1
15	Possession of Stolen Property (have stolen goods)	0	0	0	0	0	0	0	0
16	Property Damage/Mischief	12	6	0	0	1	0	14	2
17	Morals (gambling & betting house, gaming)	0	0	0	0	0	0	0	0
18	Morals Sexual (sexual, procuring, indecent acts)	0	0	0	0	0	0	0	0
19	Public order offences (disturb peace, obstruct, trespass at night)	3	1	0	2	0	0	2	1
20	Offence re Admin of Justice (breach, etc.)	20	0	0	0	0	0	18	0
21	Other Criminal Code Offences (impaired driving, etc.)	41	9	0	5	2	0	32	8
22	Trafficking or importing drugs	2	1	0	1	0	0	1	1

2 3	Possession of Drugs	0	0	0	0	0	0	0	0
2 4	Other Federal Statutes	0	0	0	0	0	0	0	0
2 5	Provincial Offences Excluding / Traffic (Liquor, Securities, etc.)	0	0	0	0	0	0	0	0
2 6	Provincial Statute Offences	0	0	0	0	0	0	0	0
2 7	Criminal Code Offenses Traffic	0	0	0	0	0	0	0	0
2 8	Reserve Local Bylaw	0	0	0	0	0	0	0	0
	Proceedings under Part XX.1 Criminal Code(Mental Disorder)	0	0	0	0	0	0	0	0
	Proceedings under the Extradition Act	0	0	0	0	0	0	0	0
	Appeals								
	a. Crown	2	0	0	0	0	0	2	0
	b. Eligible Person Requested	8	0	0	1	0	0	3	0
	c. Proceedings under Part XX.1 Criminal Code (Mental Disorder)	0	0	0	0	0	0	0	0
	d. Proceedings under the Extradition Act	0	0	0	0	0	0	0	0
Total - Adult Criminal Files		438	73	0	62	13	0	372	53

CIVIL/FAMILY PORTFOLIO

	Civil Matters / Family Matters	Number of Applications Received			Number of Approved - Staff Counsel			Number of Approved Private Counsel	
		Male	Female	Other	Male	Female	Other	Male	Female
1	Divorce	10	10	0	5	2	0	0	1
2	Separation Agreement	1	0	0	1	0	0	0	0
3	Spousal Support	5	12	0	5	9	0	0	0
4	Child Support	10	37	0	9	30	0	0	0
5	Custody	56	139	0	25	70	0	23	43

6	Access	0	0	0	0	0	0	0	0
7	Restraining Order	0	0	0	0	0	0	0	0
8	Possession of Matrimonial Home	0	0	0	0	0	0	0	0
9	Division of Property	0	0	0	0	0	0	0	0
10	Child Welfare	38	45	0	25	30	0	7	23
11	Other Family	18	18	0	15	10	0	6	0
12	Administrative Law	0	0	0	0	0	0	0	0
13	Emergency Protection Order	0	0	0	0	0	0	0	0
14	Other Civil	130	104	0	66	51	0	0	21
15	Immigration and Refugee	0	0	0	0	0	0	0	0
Total Staff Lawyer - Applications / Cost		268	365	0	146	200	0	36	88

DENIALS

	Financial Eligibility	Coverage Restrictions	Lack of Merit	Non-Compliance / Abuse	Other	Total
Federal Criminal Matters	1	0	0	0	0	1
Territorial Statute Offences	0	0	0	0	0	0
Civil Matters:						
Child Protection	0	0	0	0	0	0
Other family	8	7	0	0	1	16
Other non-family	9	6	0	1	1	17
Immigration & Refugee	0	0	0	0	0	0
Subtotal (Civil Matters)	17	13	0	1	2	33
Total Refused Applications	18	13	0	1	2	34

