

Investment Fund Evaluation Report: Duty Counsel Project

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SECTION ONE: OBJECTIVES AND METHODOLOGY

The Duty Counsel Project was modeled after similar initiatives in other Canadian provinces, in particular Manitoba; the Saskatchewan Duty Counsel Pilot Project was initiated in February 2001 in Regina and in September 2001 in Saskatoon. The original Duty Counsel Project began in Saskatchewan in 2001 and continued through 2005. The purpose of the Duty Counsel pilot project was to “ensure that accused adult persons detained in custody would have the benefit of legal advice and assistance at the earliest possible time” (Yelland Research and Evaluation Service, 2003). This purpose has not changed, and this evaluation was designed to evaluate the Duty Counsel Project following the changes made with the Investment Fund financing.

This evaluation was conducted by Yelland Research and Evaluation Services (YRES) with the intent of providing the Saskatchewan Legal Aid Commission an update on the continuing success of the Duty Counsel Project as well as an evaluation of the Investment Fund changes. This evaluation was conducted in 2005/06 and was submitted to the Saskatchewan Legal Aid Commission in June 2006.

Evaluation Objectives

The specific objectives of this evaluation are to:

1. Describe the objectives, resources, implementation, activities, outcomes, desired impacts, and costs;
2. Describe the nature of the services provided, and provide some initial statistics about the service provision;
3. Identify the strengths and weaknesses of the Duty Counsel Project, and;
4. Where possible, provide recommendations for improvement.

These evaluation objectives were used to guide the development of the research design, research questions, and the interview questions.

Information about the first objective can be found in the first evaluation of the Duty Counsel Project (Yelland 2003) – see Appendix 1 and Section Two: Program Information. The current evaluation is primarily concerned with evaluating changes to the Duty Counsel Project since the 2003 report made with Investment Fund money. Changes made with the Investment Funds did not change the essential nature of the services provided; therefore, readers are referred to the 2003 report for an overview of the basic objectives, resources, implementation, activities,

outcomes, and desired impacts of the Duty Counsel Project. Current costing data is described below in Section Two: Program Information. Section Two also includes updated statistics about the Duty Counsel Project. The project's strengths and weaknesses are described in the interview data in Section Three: Data and Analysis. Finally, recommendations are provided in Section Four: Recommendations and Action Items.

Data Sources

Data sources for this evaluation included:

- ✓ A review of internal Duty Counsel documents and relevant literature, and
- ✓ Interviews with Duty Counsel stakeholders.

Document Review

Yelland Research & Evaluation Services reviewed internal and external documents relevant to the Duty Counsel Project and the Investment Fund changes. This review assisted YRES in determining the current state of the Duty Counsel Project, as well as changes made with Investment Funds project funding. This information was then used to revise the interview guide.

Stakeholder Interviews

Yelland Research & Evaluation Services and Saskatchewan Legal Aid Commission personnel worked together to identify the stakeholder groups and individuals to be interviewed for this evaluation. Interviews were conducted in Saskatoon and Regina.

Saskatoon interviews:

- 8 individual interviews (2 respondents replied by email)

Regina interviews:

- 9 individual interviews (2 respondents replied by email)
- 1 group interview by email (summary of group's responses)

In addition, one group interview was conducted by telephone with staff and management from the Aboriginal Court workers' program. Three individuals were involved in this group interview.

Discussions about the Duty Counsel Pilot Project were also held with senior Saskatchewan Legal Aid Commission staff and the Legal Directors in both Regina and Saskatoon.

In total, 24 people were interviewed using a semi-structured interview guide (see Appendix 1).

Sampling

This evaluation used stratified purposeful sampling to identify potential interviewees based on their involvement (direct or indirect) with the project. Stratified purposeful sampling is a form of non-probability sampling in which the researcher seeks to collect data from specific groups and individuals. This illustrates sub-groups and facilitates comparison.

Analytic Approach

This evaluation includes quantitative (numeric) and qualitative (textual) data. The quantitative data was analyzed with Descriptive Statistics (frequencies and percentages of responses), and the qualitative data was analyzed by examining the responses to the interview questions for common or similar responses. These similar responses were then grouped into themes. The themes and their frequencies are reported below.

Limitations of the Evaluation

This evaluation was not intended to be generalizable beyond the evaluation of the specific changes made by the Saskatchewan Legal Aid Commission as a result of the Investment Fund project funding and it would be inappropriate to apply the lessons learned in Saskatchewan to other Duty Counsel Projects without first ensuring that the project contexts are sufficiently similar.

SECTION TWO: PROGRAM INFORMATION

The background information and original project description of the Duty Counsel Project were described in the Duty Counsel Pilot Project Evaluation Report (Yelland Research and Evaluation Services, 2003). The current report is the result of the evaluation designed to report on the impact of the changes the Saskatchewan Legal Aid Commission (SLAC) made as a result of the Justice Canada Investment Fund financing.

Project Description

The key change made to the Duty Counsel Project with the Investment Fund financing was the hiring of additional staff. The new staff increased the project teams in Saskatoon and Regina each to three lawyers and one legal assistant (plus additional staff assigned for relief) and the Legal Director. This increase in project resources was supported by the recommendations in the 2003 evaluation report (Yelland Research and Evaluation Services, 2003).

Project Implementation

Implementation of the original Duty Counsel Pilot Project was outlined in the 2003 evaluation report (Yelland Research and Evaluation Services, 2003). The implementation issues addressed in this evaluation include the expansion of the Duty Counsel teams in Saskatoon and Regina. According to an interim Investment Fund report, “additional staff [lawyers] w[ere] hired in July and August 2004 on term appointments to March 31, 2006” (SLAC 2005).

Project Costs

Table 2.1: Project Expenses (below) outlines the budgeted, revised, and actual/projected costs for the Duty Counsel Project for 2003 through 2006.

Table 2.1: Project Expenses

	Budget		Actual	Variance	%
2003 - 2004	\$555,535		\$555,535	\$0	0.00%
		Revised			
2004 - 2005	\$726,521	\$815,085	\$817,030	\$1,945	0.24%
			Projected		
2005 - 2006	\$236,512	\$296,804	\$300,334	\$3,530	1.19%
Total	\$1,518,568	\$1,667,424	\$1,672,899	\$5,475	0.33%

- 1) This table is based on data provided by the SLAC (Accounting Department).
- 2) A full breakdown of project expenses was not available when the report was prepared.

As shown above, the SLAC have been able to operate the Duty Counsel Project very close to their projected budget. The Commission operated the project within a balanced budget in 2003-2004, its first year of operation. The budget was revised in March 2005. Following this revision the Duty Counsel Project finished the 2004-2005 year slightly over budget (less than ¼ of 1%). The 2005-2006 expense data is based on *projected* rather than actual costs and shows an anticipated overage of 1.19% (~\$3,500). Overall, the total project is anticipated to be 1/3 of 1% (\$5,475) greater than the revised budget. Discussions with SLAC personnel revealed that the primary factors affecting the budget costs were:

- 1) Temporary Salary Supplement of 10% in January 2005 and 5% in April 2005.
- 2) Settling of a union negotiation in October 2005.
- 3) Personnel changes in August 2005 which reduced project-related wage cost.

SECTION THREE: DATA AND ANALYSIS

Document Review

Internal documents and project status reports (both internal and external) were reviewed in order to fully understand the scope (breadth and depth) and purpose of the Duty Counsel Project. This document review assisted in development of the semi-structured interview guide (see Appendix 1), as well as the financial data reported above and the intake data below.

Intake Data

Table 3.1: Duty Counsel Service presents data about the number of clients serviced from 2001 to 2005 according to the 2004 – 2005 Annual Report (SLAC 2005). The number of clients served by the Duty Counsel Project has grown from 2075 in 2001-2002 to 3349 in 2004-2005.

Table 3.1: Duty Counsel Service

Client Service	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06
Duty Counsel	–	2,075	3,152	3,009	3,349	3,084

Source: Saskatchewan Legal Aid Commission 2004-2005 Annual report (2000 – 2005)
Case Management System (2006) – As at March 31, 2006

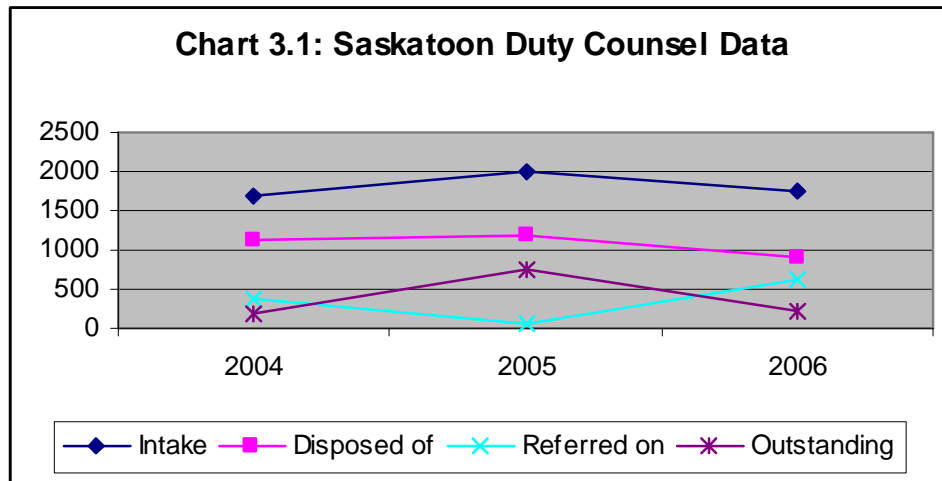
- The system of tracking Duty Counsel files changed from 2001 – 2006:
 - 2001-02: manual data was used for tracking and reporting Duty Counsel data
 - 2002-03: manual and CMS data was used.
 - 2003-04: CMS data was used – there were no manual numbers for comparison
 - 2004-05: CMS data
 - 2005-06: CMS data
- Regina and Saskatoon offices track Duty Counsel data differently. In an attempt to use data that is as comparable as possible, this report includes only the CMS data provided by the Commission.
- As a result of difficulties tracking data during the switch from manual to CMS data the 2004 intake numbers indicated in Table 3.1 (3,009) and Table 3.2 (2,490) do not match.

Table 3.2: Case Management System Data

	2004 Intake	Disposed of	%	Referred on	%	Outstanding	%	Total
Saskatoon	1682	1110	65.99%	382	34.41%	190	11.30%	111.70%
Regina	808	308	38.12%	270	87.66%	230	28.47%	154.25%
Total	2490	1418	56.95%	652	45.98%	420	16.87%	119.80%
	2005 Intake	Disposed of	%	Referred on	%	Outstanding	%	Total
Saskatoon	1996	1182	59.22%	56	2.81%	758	37.98%	100.00%
Regina	1353	677	50.04%	518	38.29%	158	11.68%	100.00%
Total	3349	1859	55.51%	574	17.14%	916	27.35%	100.00%
	2006 Intake	Disposed of	%	Referred on	%	Outstanding	%	Total
Saskatoon	1756	898	51.14%	624	35.54%	234	13.33%	100.00%
Regina	1328	518	39.01%	558	42.02%	252	18.98%	100.00%
Total	3084	1416	45.91%	1182	38.33%	486	15.76%	100.00%

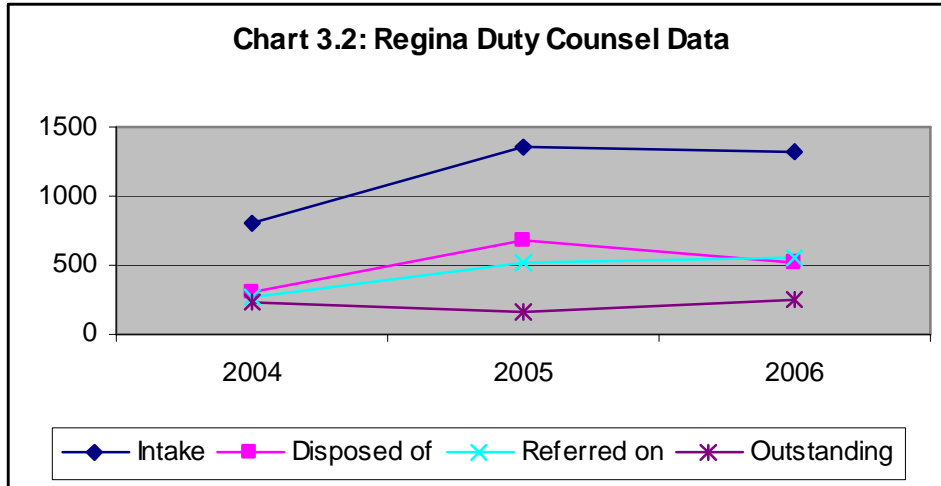
Source: Case Management System – as at March 31 of each year.

Table 3.2: CMS Data shows the number of files opened during intake, disposed of, referred on, or outstanding at the end of 2004, 2005 and 2006. Due to carryover from previous years it is possible for the total number of files disposed of, referred on, and left outstanding to be greater than the number of files opened in any particular year.



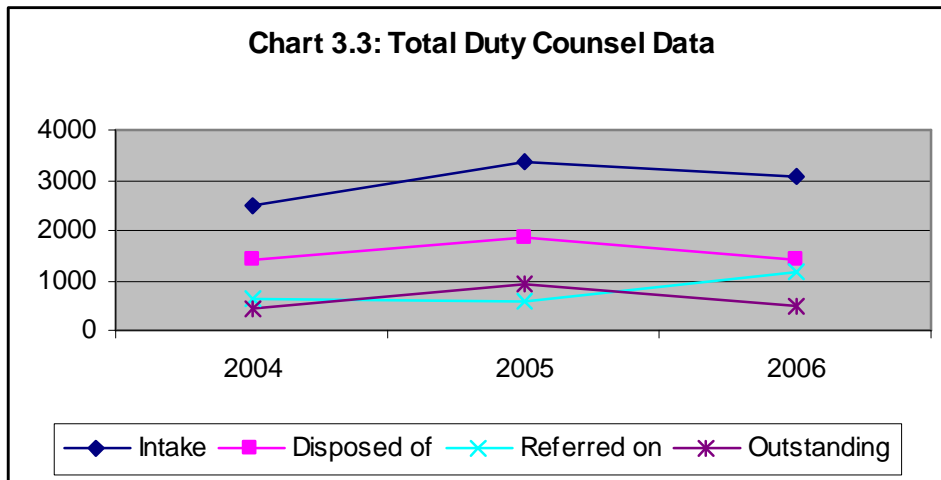
Source: Case Management System

- In 2005 over 2004, the number of files:
 - Opened – increased by 18.7%
 - Disposed of – increased by 6.5%
 - Referred on – decreased by 85%
 - Outstanding – increased by 299%
- In 2006 over 2005, the number of files:
 - Opened – decreased by 12%
 - Disposed of – decreased by 24%
 - Referred on – increased by 1114%
 - Outstanding – decreased by 69%
- The dramatic increase in files referred on in 2006 may correlate with the Duty Counsel team deciding to stick more closely to the Duty Counsel range-of-service guidelines.



Source: Case Management System

- In 2005 over 2004, the number of files:
 - Opened – increased by 67%
 - Disposed of – increased by 119.8%
 - Referred on – increased by 92%
 - Outstanding – decreased by 31%
- In 2006 over 2005, the number of files:
 - Opened – increased by 1.8%
 - Disposed of – decreased by 23.5%
 - Referred on – increased by 7.7%
 - Outstanding – increased by 59.5%



Source: Case Management System

- In 2005 over 2004, the number of files:
 - Opened – increased by 34.5%
 - Disposed of – increased by 31%
 - Referred on – decreased by 12%
 - Outstanding – increased by 118%
- In 2006 over 2005, the number of files:
 - Opened – decreased by 7.9%
 - Disposed of – decreased by 23.8%
 - Referred on – increased by 105.9%
 - Outstanding – decreased by 46.9%

Stakeholder Interviews

The stakeholder interviews were designed to elicit information from Duty Counsel Project stakeholders about their perceptions of various aspects of, and issues relating to, the Duty Counsel Project. For reporting purposes, the following text presents the themes that emerged during the analysis. These emergent themes are the result of grouping together responses that are thematically similar. Where possible, the themes were presented from strongest (view shared by largest number of individuals) to weakest (view shared by least number of individuals).

Question 1: What are the strengths of the Duty Counsel Project? What are the weaknesses of the Duty Counsel Project?

Strengths

- Most respondents were quite able to identify strengths of the Duty Counsel Project itself but were not able to identify strengths specific to the Investment Fund changes. However, the key themes relevant to this evaluation are:
- Consistency of lawyers (both Legal Aid and Crown) leads to:
 - Greater level of preparedness = *better service/ representation*
 - Increased ability to build *good working relationships* with Client, Crown, Court and Support service staff
- *Efficiencies* (Duty Counsel lawyers need less prep time – especially with repeat accused)
- Duty Counsel lawyers and staff have increased *familiarity with support services*
- More matters resolved without going to trial = *increased efficiency* of court

Weaknesses

- Most respondents were quite able to identify weaknesses of the Duty Counsel Project itself but were not able to identify strengths specific to the Investment Fund changes. However, the key themes relevant to this evaluation are:
- *Workload* was identified as the key issue, the impact of which extends beyond the typical staffing/personnel (internal) issues into increases in the number of short (1/2 day) adjournments and the volume of clients serviced.

- Aspects of this theme included concerns over scheduling (clients missing meetings or too many clients for the time available); the necessity for clients to be remanded for 48 rather than 24 hours (an issue in Regina); uneven distribution of the workload over the week; and some respondents reported that the current staffing levels are almost sufficient to handle the daily tasks but there is no excess to cover the existing people for days off, holidays, conference days, sick days, etc.
- Suggestions were made to:
 - § Change to a 4 day week (12 hours a day)
 - § Increase the Duty Counsel team by another lawyer and paralegal
- *Access* was reported to be an issue.
 - Some Legal Aid respondents reported they still experience difficulty accessing the disclosure from the Crown as quickly as they would like. These respondents commented that they felt this was likely a staffing issue.
 - Access to clients before court is still difficult.
 - § This correlates with the comment about increases in transportation issues and the difficulty for Duty Counsel lawyers to be ready for court on time.
- Real or perceived *discontinuity of service* was reported as an issue for some respondents, who expressed concerns that clients may perceive having to apply for service once their bail issue has been dealt with as a lack of service. They were concerned that some clients may fall through the cracks and end up with no counsel. Further, they suggested that increased shuffling of files from one lawyer to another leads to increased delays and an increased need for Duty Counsel.

Question 2: How well does the Duty Counsel Project meet its intended objective to ensure that accused adult persons detained in custody have the benefit of legal advice and assistance as early as possible?

- *All* respondents reported that the Duty Counsel Project had indeed met its objective of ensuring that adult persons detained in custody have the benefit of legal advice as early as possible.

What facilitated or impeded the process?

- The respondents all agreed that the Duty Counsel Project was successful because the Duty Counsel team:
 - Had staff who were dedicated to the Duty Counsel Project;
 - Had sufficient staff to deal with the volume;

- Had team members with the experience, enthusiasm, and ability to develop good working relationships with their partners.

Question 3: To what extent has the Duty Counsel Project met your organization’s needs and expectations?

- Most respondents reported that the Duty Counsel Project had either fully met their organization’s needs or helped their organization meet its own needs.
- A few respondents were unsure of the impact of the project beyond their own work and therefore had no opinion about the project’s impact on their organization.
- One group of respondents stated the Duty Counsel Project had not met their expectations, but they also readily admitted they had not had any expectations of the project.

What has facilitated or impeded this?

- Most of the respondents who felt the Duty Counsel Project had met their expectations felt that the dedicated staffing, staff experience, and ability to work with others in the process and Legal Aid’s *accommodation* of difficult clients facilitated the project’s ability to meet their organization’s needs.
- The respondents who stated the Duty Counsel Project had not met their needs focused primarily on their *lack of expectations* about the project as the primary reason for their comment.

Question 4: To what extent has the Duty Counsel Project met the client’s needs and expectations?

- Aside from one respondent who felt unprepared to discuss how well the Duty Counsel Project met the clients’ needs and expectations, *all the respondents* stated that, on average, they felt the project did meet the clients’ needs, and, in general, their expectations.
 - Some respondents commented that meeting the clients’ needs could be quite different from meeting their “hopes and expectations”.
- One respondent commented that the process is almost as good as it could get – 75 or 80 out of 100. Increasing this percentage only requires some fine tuning (i.e. resource reallocation, such as longer days and shorter weeks, etc).

- ✓ One respondent recalled an instance where the client definitely felt the project had not met his/her needs but it was unclear when this occurred so it is impossible to state if this occurred before or after the Investment Fund-related changes.

What has facilitated or impeded this?

- As stated in question 3 (above), most respondents felt the Duty Counsel Project was successful as a direct result of the dedicated staff on the Duty Counsel team, their experience, and their ability to work with others. As a result, the clients:
 - Were eligible to be released sooner;
 - Resolved their matters sooner.
- ✓ The respondent who recalled a client who was definitely dissatisfied with the Duty Counsel service provided stated that the client's untreated mental illness was the dominant factor that impeded the process.

Question 5: Are there any unresolved issues regarding the Duty Counsel Project you would like to see addressed?

- Most respondents did not identify any unresolved issues with the Duty Counsel Project.
- The second theme identified revolved around *resources* such as ensuring there would be enough staff, human and technological support, and of course, continued funding.
- The third theme concerned comments about how to *fine-tune* the work-flow of the Duty Counsel Project process. These comments included suggestions such as:
 - Develop additional computerized resources to speed up the intake process and ensure all the necessary data is collected and confirmed;
 - Look for ways to redesign the work-flow to:
 - § Spread the workload out over the week, as much as possible;
 - The goal is to reduce the number of adjournments and transportations issues.
 - § Reduce the wait time before court starts;
 - This suggestion will likely require working with partners in the process.
 - § See more clients off-site rather than in the court interview rooms; and
- Finally, for all concerned, clarify:

- The project’s objectives;
- Each partner’s (including the client’s) roles and responsibilities;
- Definitions (i.e. “earliest possible”);
- The content of all working relationships and partnerships.

Question 6: What impact has the Duty Counsel Project had on your organization? On the clients? On other stakeholders? (Please identify which stakeholder.)

- Almost all the respondents felt the Duty Counsel Project had had a positive impact on all parties involved in the process.
 - In addition to generally providing faster, high-quality service, the respondents reported that the Duty Counsel Project:
 - § Reduced the in-custody waiting time for service;
 - Matters are dealt with both sooner and faster;
 - § Supported early case resolution;
 - § Improved the efficiency of the Justice system;
 - § Helped make it easier to manage the workload;
 - § Improved the relationship between all parties in the process;
 - Complimented how the Crown wanted to do business; and
 - § Improved the quality of service provided to the clients.
- The single negative impact identified was the impact on the work-flow of various court staff. The days in court were longer as a result of larger dockets and more court appearances (due to short [1/2 day] adjournments), which lead to increased transportation and clerking (paper work) issues.

Question 7: Have there been any unintended outcomes, positive or negative, for the program stakeholders or the local community? What was the cause? What could be done to mitigate or eliminate the negative outcomes?

- The most frequent response was “no” or “none that I can identify”.
- Unintended outcomes identified by some responses included the following:
 - The Duty Counsel Project is recognized by some respondents as a good training ground for junior lawyers;
 - There seem to be more private bar counsel in docket court now;
 - Delays in the process lead to increased recidivism – one respondent suggested this was due to discontinuity of service over the long term (i.e. the client having to apply for service once the bail issue has been dealt with);

- The additional number of lawyers allows Legal Aid counsel to take more substantial holidays;
- The large volumes of cases can lead to a busier court, Crown, and to increased security issues;
- Some respondents recognized this project is training courts and clients to expect this level of efficiency and volume. This will become a serious concern if:
 - § The resources are not maintained, or;
 - § The volumes increase beyond the capacity of the existing teams.
- Similarly, the increased efficiency leads to increased requests for service both from clients and as a *strong suggestion* from the courts
 - § While this is certainly validating for the program, it can be bad for the Duty Counsel team’s workload.
- Prioritizing an interview room for Duty Counsel lawyers may increase stress for non-Duty Counsel lawyers needing to talk to their clients before court as well.
- The current process results in an unintended delay in dealing with late-week and weekend arrests/remands.
- Finally, the Duty Counsel Project has resulted in an increased number of requests for the bail program (bail reports, probation services, etc).

Question 8: Finally, is there anything about the Duty Counsel Project that I have not asked you about that you would like to discuss or comment on?

- The most frequent response was “no” or “none that I can identify”.
- The second theme consisted of a variety of comments about the Duty Counsel Project from positive to *very positive*. Such as:

“I believe that the Duty Counsel project is extremely valuable to the whole community. ... that it meets the constitutional rights of [the] clients.”

“There is a cadre of remarkable legal professionals that I have had the pleasure to work with at [office name deleted] over the past two decades. ... They do a fabulous job! And they do it with heart and mind! They are open to consultation to us which is most useful given the extreme cases that we encounter. I want to salute them.”
(Emphasis in original).

SLAC interviewee

SECTION FOUR: RECOMMENDATIONS and ACTION ITEMS

This section includes the recommendations and action items that arise out of the analysis as well as any offered by the interview respondents. The action items are presented as a starting point for SLAC management to develop a comprehensive action plan for revising the Duty Counsel Project. It would be useful for SLAC management, the Duty Counsel Project stakeholders (lawyers and paralegal personnel), and the evaluation project manager to develop this action plan jointly and to prioritize the implementation of these recommendations and action items in terms of the immediacy of the need, resources available, and/or resources (including time) required for implementation. Additionally, SLAC and the Duty Counsel evaluation project manager should clearly define the criteria they will use to judge the success or failure of the implementation.

Recommendations

I: Planning and Communication

SLAC management and Duty Counsel Project stakeholders need to be aware of issues and steps being taken to address them as early as possible. Increasing the amount of communication is important for ensuring the continued success of the project.

Action Items:

- Increase communication and planning among stakeholders (within Legal Aid between the two Duty Counsel teams and SLAC management, and between Legal Aid and its external Duty Counsel Project stakeholders) in order to ensure that *all* partners are aware of the issues and are part of developing solutions by holding biannual planning meetings with all Duty Counsel stakeholders.
- Investigate ways to strengthen existing partnerships and build new ones relevant to the Duty Counsel process. In particular, SLAC management should look for ways to partner with the community in a meaningful way.
 - Ensuring Duty Counsel members have time (and the mandate) to participate in community justice meetings and projects would be a good start.
- The individuals involved in the two Duty Counsel teams should meet at least once a year to discuss what is working, what is not working, and any unanticipated issues that have arisen and their approach to dealing with them. This will improve the synergy within Legal Aid.

II: Staffing

It is very important to maintain the current level of staffing available to the Duty Counsel Project. In fact, some respondents expressed concerns that the current level is still minimal and does not ensure that there is backup support for sick days, holidays, conference days, etc.

Action Items:

- Explore the possibility of reallocation of resources within the current staffing complement. For example, longer days (12 hours) and shorter weeks (4 days) might allow the current staff more time to address their office duties as well as their court duties.
- SLAC management needs to ensure that Duty Counsel team members feel adequately supported and that there is support to cover for them if they are sick, need to attend a conference, are taking holidays, etc. Without this, the high and constant volume may very well jeopardize the health and well-being of the Duty Counsel team members.
- Duty Counsel stakeholders should meet and discuss potential options equalizing the workload over the week, where possible.
 - One option suggested was to shorten the work week (4 days) and lengthen the work day (12 hours) as a means of providing team members with time to accomplish all their court and office duties in a constantly demanding situation without burning out.

III: Resources

Given the different approaches to Duty Counsel in Saskatoon and Regina it is not surprising that the Duty Counsel teams have different needs. However, respondents in both locations identified various technological issues as a concern.

Action Items:

- Ensuring that the Duty Counsel teams have access to computerized resources for intake could help to make the process more efficient.
- Second, provide a wireless laptop and high speed internet access so the Duty Counsel team can access their files away from the office.
- Investigate having an interview room dedicated to Duty Counsel in both locations so that Duty Counsel can rotate through the interview rooms as quickly as possible, which could help reduce the delay prior to court.

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Yelland Research and Evaluation Services

Duty Counsel Pilot Project: Evaluation Report for the Saskatchewan Legal Aid Commission, January 2003

Duty Counsel Pilot Project
Evaluation Report

For the

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SECTION ONE: OBJECTIVES AND METHODOLOGY

Modeled after similar initiatives in other Canadian provinces, in particular Manitoba, the Saskatchewan Duty Counsel Pilot Project was initiated in February 2001 in Regina and in September 2001 in Saskatoon. Despite slight differences in how the Duty Counsel Pilot Project has been implemented in each community, the basic rationale for the Duty Counsel Pilot Project was to “ensure that accused adult persons detained in custody would have the benefit of legal advice and assistance at the earliest possible time.” The Duty Counsel Pilot Project relies on the partnering with and active participation of the Judiciary, Crown Prosecutions, Aboriginal Court Workers, Court Administration, Court Security, Corrections and other related agencies.

This evaluation was conducted by Yelland Research and Evaluation Services (YRES) and intended to provide information about how the Duty Counsel Pilot Project was implemented and is operating, progressing toward its proposed outcomes, meeting its overall objectives and to inform future actions. This evaluation was conducted in the summer to fall of 2002 and was submitted to the Saskatchewan Legal Aid Commission in January 2003.

Evaluation Objectives

The specific objectives of this evaluation are to:

5. Describe the Duty Counsel Project’s development, implementation and context, its activities, outcomes and impacts, as well as its cost and sustainability;
6. Determine if the Duty Counsel Project is the most effective and efficient method to provide service to accused persons in custody;
7. Identify the strengths and weaknesses of the Project and possible improvements;
8. Identify the differences and similarities between the Duty Counsel Project and prior legal aid practices;
9. Determine if the Duty Counsel project should be expanded to:
 - a. Other locations in the province
 - b. Youth court
 - c. Adult accused who are not in custody

These evaluation objectives were used to guide the development of the research design, research questions and the interview questions. Information specific to the first objective is in the project background, description, and implementation section, the interview data, and the

recommendations. The project costing data is somewhat limited and as a result there is no direct discussion about the project sustainability. However, the senior project stakeholders within the Saskatchewan Legal Aid Commission recognise that the project is highly valued by the courts and have even commented that there is “little chance” that the courts would accept the disappearance of the Duty Counsel project, even though the project’s existence does cause tension within the staff of the Saskatchewan Legal Aid commission. Hence, it appears to be less important to discuss the viability of sustaining the project. Rather, the important discussion appears to be related to the project partner’s need to define the level of service acceptable (or required) by the project partners. Thus the sustainability discussion is more in terms of the desired level of quality rather than of the project itself.

Information related to the second objective is in the project background, description, and implementation section as well as the interview data. Information related to the third objective is primarily in the interview data. Information related to the fourth objective is in the project description and implementation section. Finally, information related to the fifth objective is found in the interview data.

Guiding Questions

This evaluation focused on gathering and analyzing information relevant to the implementation and enhancement of the Duty Counsel Pilot Project. The following questions guided the evaluation:

- 1) Program Quality
 - a. What are the strengths and limitations of the Duty Counsel project, and for whom?
- 2) Program Suitability
 - a. To what extent does the Duty Counsel project meet the needs and expectations of the clients, and other stakeholders?
 - b. To what extent have the other stakeholders within the Duty Counsel Court met the needs and expectations of Legal Aid?
- 3) Program Effectiveness
 - a. How well does the Duty Counsel project meet its intended objective: to ensure accused adult persons detained in custody have the benefit of legal advice and assistance as early as possible?

- 4) Program Effects
 - a. What impact does the Duty Counsel project have on accused persons who are detained and those impacted by their actions, including Court personnel and other stakeholders?

- 5) Program Efficiency
 - a. What impact has the Duty Counsel project had on legal aid, Provincial Court Judges, Provincial Court staff, prosecutions, corrections, Police, and other stakeholders?

Data Sources

Data sources for this evaluation included:

- ✓ A review of internal Duty Counsel documents and relevant literature
- ✓ Interviews with Duty Counsel stakeholders
- ✓ Participant observation of the Duty Counsel project in action (in court)

Data for this evaluation was gathered between June and December 2002.

Document Review

Yelland Research & Evaluation Services reviewed internal and external documents relevant to the Duty Counsel Pilot Project.

This document review assisted YRES in understanding the scope of the issues involved with the Duty Counsel Pilot Project and in uncovering issues relevant to the evaluation that needed to be addressed in the stakeholder interview guide. The document review also provided YRES and the SLAC Project Steering Committee with an understanding of the Duty Counsel Pilot Project in Saskatoon and Regina as well as other Duty Counsel programs in Canada.

Stakeholder Interviews

Yelland Research & Evaluation Services and the Project Steering Committee identified the stakeholder groups to be interviewed for this evaluation. The Project Steering Committee identified potential respondents in Saskatoon and Regina.

Saskatoon interviews:

- 10 individual interviews (1 email interview)
- 2 group interviews (Duty Counsel lawyers [3] and Aboriginal Court workers staff [4])
- Observation of Duty counsel in court

Regina interviews:

- 13 individual interviews (1 email interview)
- 1 group interview (Aboriginal Court workers staff [4])
- Observation of Duty counsel in court

Discussions about the Duty Counsel Pilot Project were also held with senior Saskatchewan Legal Aid Commission staff and the Legal Directors in both Regina and Saskatoon.

In total, 37 people were interviewed using a semi-structured interview guide (see Appendix 1).

Participant Observation

The Duty Counsel Pilot Project was observed in both Saskatoon and Regina.

Analytic Approach

As the model for Duty Counsel implementation varied in Saskatoon and Regina, site-specific data was collected in each community. Comments from a co-director of the Law Society of Saskatchewan were also collected in Regina. Quantitative and qualitative information from each site were analyzed separately. Issues and themes emerging across sites were analyzed collectively.

Limitations of the Evaluation

This evaluation was not designed to be generalizable beyond the Duty Counsel Pilot Project implemented in Saskatoon and Regina by the Saskatchewan Legal Aid Commission. Therefore it would be inappropriate to apply the lessons learned in this evaluation to other Duty Counsel projects without first examining to see that the context the projects work within are sufficiently similar.

Second, the individuals interviewed for this evaluation were chosen because of their involvement (direct or indirect) with the project. This evaluation used stratified purposeful sampling to identify the initial potential respondents. Stratified purposeful sampling is a form of non-probability sampling in which the researcher seeks to collect data from specific groups and individuals. This illustrates sub-groups and facilitates comparison. Some snowball sampling also occurred as participants identified other individuals who needed to be interviewed because of their particular views – positive or negative.

SECTION TWO: PROGRAM INFORMATION

The Duty Counsel Pilot Project background information and project description provided below comes from discussions with, and documents provided by, the Duty Counsel Pilot Project evaluation steering committee. Most of the individuals on the evaluation steering committee were intimately involved with the basic research into and design on the Duty Counsel Pilot Project implemented in Saskatoon and Regina. The background information includes details about the origin of the Duty Counsel Pilot Project while the project description provides an overview of the original design of the Duty Counsel Pilot Project. Some aspects of the Duty Counsel Pilot Project were altered during or shortly after the implementation phase. Alterations to the original project design are discussed below. The final piece of data in this section is the data regarding the Duty Counsel Pilot Project costs.

Project Background Information

In the spring of 1999, the Department of Justice funded Don Rosten (D. Rosten Enterprises Inc.) to provide a strategic needs assessment for the Saskatchewan Legal Aid Commission for the upcoming 5 years. Mr. Rosten worked with a steering committee composed of John Whyte, Deputy Minister of Justice, John McIntosh, Law Society Representative, Jane Lancaster, Saskatchewan Legal Aid Commission and Keith Laxdal, Associate Deputy Minister of Justice. The final report was released in October 1999. One of the recommendations was that the Commission should further investigate the use of expanded duty counsel, especially in Saskatoon, Regina and Prince Albert.

The Rosten Report indicated that an expanded duty counsel system was being used by legal aid in other provinces, most notably Manitoba. In this system, a legal aid lawyer represents all accused at their first appearance in Court, regardless of financial eligibility. Duty Counsel handles all “quick turnover” cases, and is instructed to deal with those cases, which can be resolved early. More complex cases are referred to the legal aid office or to the private bar.

The Rosten Report indicated there would be costs with regard to training and several benefits including:

- More cases handled with the same number of staff
- More cases concluded in a more efficient and timely manner with fewer adjournments and systemic delays
- Better and more timely service to legal aid clients

The Rosten Report recognized that the bail process involves other segments of the justice system, and observed that the bail process in larger centres such as Prince Albert, Saskatoon, and Regina were a bottleneck with significant delays, adjournments and inefficiencies which compromised client service and the effective use of resources.

The Rosten Report recommended changes to the Crown's practices, the handling of prisoners, and the court scheduling that were necessary to support any changes that legal aid would make.

In March and April 2000, CEO, Jane Lancaster, Legal Directors, Michael Ryan and Kathy Grier and staff lawyer, David Gonzo observed duty counsel operations in Winnipeg and Edmonton. The consensus of the group was that the Manitoba expanded duty counsel provided the most effective service with regard to assisting accused persons in the justice system. All the components of the system (court services, judges, prosecutors, legal aid) co-operated to ensure effective service. The recommendation was to look at a model similar to that in Manitoba in Saskatoon and Regina as it appeared that Prince Albert was involved in a pre-charge screening project that had some of the elements that duty counsel would be addressing.

In addition to the recommendations of the Rosten Report, Saskatchewan Justice also had serious concerns about the increasing use of court-appointed counsel, which they felt could lead to a dual legal aid plan. The courts were reacting to a practice by Saskatoon City legal aid lawyers of capping the numbers of bails that they would handle daily, as well as the long delays clients encountered in seeing counsel in Regina. This had resulted in considerable increases in costs for court-appointed counsel, which was paid for out of the Court Services budget of the Department of Justice.

In the 2000-01 Budget, the Commission received additional funding. Two additional lawyer positions were 'ear-marked' for the Duty Counsel project.

In late April and early May 2000, Saskatchewan Justice and Saskatchewan Legal Aid Commission began discussions on how to improve the current system of representing persons in custody, and on May 4, 2000, the parties signed a letter of intent, which included:

- The Commission will use reasonable efforts to have duty counsel in place in Regina and Saskatoon as soon as may be practicable with a view to reducing the number of court-appointed counsel orders for both young offenders and adults. The Department will use reasonable efforts to work with the Commission in developing an appropriate duty counsel model for Saskatchewan.

- The Commission and the Department will explore a common approach to engage the judiciary and the private bar in a meaningful dialogue on concerns around the increasing use of court appointed counsel.

On May 18, 2000, the Department of Justice and the Commission met to discuss issues on the implementation of Duty Counsel. The Commission prepared an issue paper on the duty counsel in August 2000. This involved discussions regarding recruitment of staff in Saskatoon and Regina, need to change statistical gathering and tracking caseload, renovations, equipment and space at the two court houses.

In September, Jane Lancaster met with main stakeholders: legal aid offices, city police, crown prosecutors, provincial judges, and officials of Department of Justice including court services. At this meeting, Ms. Lancaster outlined the rationale for legal aid to provide duty counsel services in Saskatoon and Regina and indicated that it would increase service to clients but may also assist other stakeholders in the court process. In order for the duty counsel project to work, it would be necessary for all the stakeholders to co-operate. All of the participants at the meeting indicated a positive response to the initiative and a willingness to work with the Commission to implement duty counsel in Saskatoon and Regina.

Ms. Lancaster also met with the individuals responsible for and working in the Aboriginal Court Workers Programs in both Saskatoon and Regina. At this meeting, she outlined the Duty Counsel Pilot Project and discussed potential impacts of the project on the role of the Aboriginal Court Workers Programs in Saskatoon and Regina.

Project Description

The Duty Counsel Pilot Project was implemented in Regina in February 2001 and in Saskatoon in September 2001. The basic rationale of the Duty Counsel Pilot Project was to ensure that accused adult persons detained in custody would have the benefit of legal advice and assistance at the earliest possible time.

According to the original project design:

- The Regina City and Saskatoon City Legal Aid offices would dedicate a team of two lawyers and one legal assistant to the Duty Counsel Pilot Project.
- Team members would be assigned for a period of one year.

- Duty Counsel lawyers would be available to meet with accused adult persons in custody before court to provide advice as well as appear on behalf of their clients for limited purposes.
- The guidelines governing financial eligibility for regular legal aid services would not apply to potential Duty Counsel clients. All accused adult persons in custody would be entitled to Duty Counsel representation regardless of their financial means.
- Saskatchewan Justice would provide office space at the Regina and Saskatoon courthouses for the Duty Counsel teams.
- Saskatchewan Prosecutions would assign two prosecutors to bail hearings.
- These prosecutors would be assigned to the Duty Counsel Pilot Project for a six-month term.

Additionally, the Rosten report identified that the Bail Process in larger centres is a “bottleneck” and recommended that the following changes be addressed.

- The prisoners should arrive earlier, by 8:30 a.m.
- There should be more interview rooms
- Crown disclosure should be delivered by 1:00 p.m. to the appropriate legal aid office
- Crown prosecutors should be more flexible in their scheduling, allowing lawyers who are prepared to move ahead of lawyers who need more interview time
- Dismiss guilty pleas and cases that are straightforward as quickly as possible
- Legal aid should represent all first time appearances
- Legal aid should have two offices at the courthouses in Saskatoon, Regina and Prince Albert - one for youth court and one for adult court.
- Finally, the Rosten report recommended an additional 13 staff to assist with the current workloads (this report did not contemplate expanded services).

Project Implementation

The Duty Counsel Pilot Project was implemented in February 2001 in Regina and in September 2001 in Saskatoon. The Saskatchewan Legal Aid Commission received additional funding in the 2000-2001 budget for two additional lawyers – one in Regina and one in Saskatoon. Table 2.1 compares the original design for the Duty Counsel Pilot Project with the project as it was implemented (this includes the changes that occurred during or shortly after the projects

implementation). Table 2.2 below presents a brief breakdown of the costs of the Duty Counsel Pilot Project. Due to how some of the costs were tracked some of the “costs” are estimates.

Table 2.1 Project Implementation

Duty Counsel Variable	Original Design	Implementation
Staffing – Legal Aid	2 lawyers & 1 legal assistant	2 lawyers & 1 legal assistant ¹
Staffing – Prosecutions	2 Prosecutors ²	2 Prosecutors ³
Office Space – Adult court	Office provided in Courthouse	Office provided in Courthouse
Office Space – Youth court	Not included in the original Duty Counsel Pilot Project.	
Prisoners arrival time	It was hoped that the prisoners would arrive and be available for interviews by 8:30 or 9:00 a.m.	There has been no significant change in when the prisoners arrived for court. Therefore the DC lawyers have not been able to interview their clients prior to the beginning of court.
Interview Rooms		There has been no change in the number of interview rooms in Saskatoon or Regina.
Interviews	The Duty Counsel lawyers would meet with their clients before court to provide advice.	In Saskatoon, the legal assistant attempts to see the accused before their first appearance in order to get some initial information for the lawyer.
Disclosure	It was discussed with (and expected by Legal Aid) that the Crown would provide their position (on release and sentencing) along with the disclosure and that this would not delay delivery of the disclosure.	This has not happened and the prosecutors feel that they never agreed to this. They suggested it would be impossible to provide their “position” that quickly. They suggested they could provide the disclosure and their “unofficial” position by 4:00 pm.
Straightforward cases	It was hoped that guilty pleas and straightforward cases would be dealt with as quickly as possible.	Some prosecutors have been flexible in dealing with guilty pleas and straightforward cases. Others have been quite inflexible.
Representation	DC lawyers would represent all clients unless they stated otherwise.	Regina DC lawyers would represent DC clients that ask to be represented at their first appearance. Saskatoon DC lawyers would represent all DC clients unless they state otherwise.

Duty Counsel Variable	Original Design	Implementation
Financial requirements	All accused adult persons in custody would be entitled to Duty Counsel representation regardless of their financial means.	The project was implemented as planned.
Term assigned	One year ⁴	One year
Case Scheduling		Prosecutors are willing to allow lawyers who are prepared to go ahead of those who are not.
Days in court/week		Regina DC lawyers split up the court time over the week. Both lawyers are in court the first day of the week then they alternate days (each are in court 2 more days that week). They use the days they are not in court to prepare cases in their offices. Saskatoon DC lawyers both appear in court every day of the week.
Legal assistant functions		Provide support services to the DC lawyers. The Saskatoon legal assistant also appears for some clients (summary matters only). ⁵

1 – The project was implemented as planned in Regina. However, in Saskatoon, shortly after the projects implementation an additional lawyer began working part time with the Duty Counsel team. In fact, “many days throughout the year there were more than two lawyers doing Duty Counsel.” To complicate matters further, the legal assistant in Saskatoon also appears before the court for some clients (summary charges). In effect, because of the part time assistance by another lawyers and the legal assistant appearing in court, the Saskatoon Duty Counsel team has had the approximate equivalent of 2.3 or 2.4 lawyers and one legal assistant since shortly after the projects implementation.

2 – Prior to the implementation of the Duty Counsel Pilot Project Prosecutions would normally assign one prosecutor to Bails court. At particularly busy times, a second prosecutor would also appear in bail court.

3 – Beginning in September 2002 and more in October, Prosecutions began informally assigning only 1 prosecutor to the Saskatoon bail court. In the interviews, some respondents suggested that unless the Duty Counsel lawyers had met with their client before court and were prepared to deal with the cases without making the court wait there was no need for more than one prosecutor. It is important to note that this may have been a temporary reaction to the 2002 summer staffing situation in Saskatoon city where often relatively new private bar lawyers were providing Duty Counsel service while the Legal Aid Duty Counsel lawyers were unavailable due to illness. In many cases, the private bar lawyers interviewed Duty Counsel clients during court hours rather than in the preceding afternoon or evening. This often meant that Judge and prosecutors would be waiting until the interviews were completed. In any event, there have been 2 prosecutors assigned to bails since the end of October and there is no formal indication that the Crown Prosecutors office in either Regina or Saskatoon plans to make any permanent staffing changes.

4 – Prior to the Duty Counsel Pilot Project, Legal Aid lawyers rotated through the bail court. In Regina, the lawyers rotated into the bail court for a 2-week period 7 – 8 times each year (depending on the number of lawyers). In Saskatoon, the lawyers were scheduled into bail court for two 3-day periods in a seven-week schedule. This meant that they would do 45 days in adult bail court per year. This schedule was inevitably thrown off by vacation, EDO entitlements and sick days.

5 – Both legal assistants in Regina and Saskatoon provide support services for the DC lawyers. However, the legal assistant in Saskatoon appears for the clients on some summary matters. This complicates any calculation regarding comparative work/case load and will need to be addressed in any revisions to the data collection system.

Duties and Responsibilities

The original project design included the following list of duties and responsibilities for the Duty Counsel lawyers.

1. Give advice to accused adult persons in custody prior to their appearance
2. Provide legal services regarding judicial interim release.
3. Where an adult accused person wishes to enter a guilty plea, provide legal advice to the person as to the options available, enter into plea negotiations with the Crown if instructed by the accused person to do so, and speak to sentence.
4. If it appears that the matters can be resolved appropriately and to the client's satisfaction, Duty Counsel should retain the file for continuing discussions with the Crown even if the client is released from custody.
5. If it appears that it is appropriate for the matter to proceed to a trial, the person should be referred to the appropriate legal aid office so that the normal legal aid [eligibility] criteria can be applied.
6. Duty Counsel should not become involved in trials.
7. Serious matters such as homicide should be referred immediately to the appropriate legal aid office so that eligibility for legal aid and referral to counsel can be made.
8. Files referred back to the legal aid office should be handed off in a timely manner, and will include proper notes. When the file has been referred back to the legal aid office, the accused person will be advised of an appointment time for eligibility, and the name of the lawyer assuming conduct of the file.

There was no written list of duties and responsibilities for the Duty Counsel legal assistant available. However, it was expected that the work would be typical of the work performed by other legal assistants in the Saskatoon City and Regina City offices. This was essentially the case except for the legal assistant in Saskatoon City who, in addition to her normal duties, also appeared before the court for some (summary) cases. More importantly, there was no written list of duties and responsibilities for the other project stakeholders (groups and / or individuals).

Project Costs

Table 2.2 presents the annual costs for the Duty Counsel Pilot Project as provided by the Saskatchewan Legal Aid Commission. This information is current as of November 2002. It is important to note that some costs are “estimates” while others are not available at all.

Table 2.2 Estimated Annual Duty Counsel Pilot Project costs

	Regina City	Saskatoon City
Salaries and Benefits	196252	241979
Direct operating costs @ DC office		
Telephone (not including Long Distance)	912	441
Cell Phone	1034	917
Data Communication line	329	348
Consumable Office Supplies	1000	1000
Direct operating costs @ AO office		
Telephone (not including Long Distance)	1411	1380
Telephone Long Distance toll estimate	171	183
Other Office Overhead		
Accommodation and Insurance	19979	11441
Consumable Office Supplies	6500	7600
	227587	265290
Total Estimated Annual cost		\$492,877

NOTES:

- Saskatchewan Justice provides office space at the Courthouses without charge to The Saskatchewan Legal Aid Commission.
- The table above does not include any costs for administration time by the Legal Director or support staff.
- There is an assumption that no costs are being incurred for client disbursements.
- The capital equipment cost is excluded in the above calculations.

It is important to note that the Table 2.2 above does not include the private bar costs for farm outs. This is primarily because the private bar, Legal Director and administrative support (for the Saskatoon city office) cost were not tracked and attributed to the Duty Counsel Pilot Project. However, there were a significant number of farm “for cases other than a conflict” so the private bar, Legal Director and administrative support cost for June – August 2002 was significant.

The Authorized Disbursement Records (ADR) show that the farm out alone costs for June – August 2002 will be a minimum of \$39,312.55 of this \$19,692.55 has already been paid and there is still \$19,620 remaining. By comparison, only \$12,961.83 was paid for June – August 2001. The 2002 farm out costs for this period were more than three (3) times the amount for the same period in the previous year.

SECTION THREE: DATA AND ANALYSIS

This section of the report presents the data and analysis of the various data sources listed earlier. For presentation purposes the data sources are presented and analyzed in the same order as previously identified.

Document and Related Literature Review

Data from internal project documentation, the Rosten Report, (Strategic Needs Assessment for the Saskatchewan Legal Aid Commission, 1999) and other relevant information (such as the information about the other Canadian Duty Counsel programs, and the evaluation report of the Manitoba Duty Counsel program) was used to:

- Ø Gain a sufficient understanding of the Duty Counsel Pilot Project to ensure that the analysis was grounded in the reality the project operates within; and
- Ø Guide the development of the issues to be addressed in the interview guide.

The internal documents also included data regarding the estimated Duty Counsel Pilot Project costs and information about the case/work load for the two Duty Counsel teams.

Intake Data

According to internal tracking data the Duty Counsel Pilot Project handled just over 2800 Duty Counsel files from September 1, 2001 to August 31, 2002. Chart 3.1 below shows the number of files opened in Regina and Saskatoon from September 2001 to August 2002. Table 3.1 provides a monthly breakdown of these numbers.

Chart 3.1 Duty Counsel Files Opened in Regina and Saskatoon

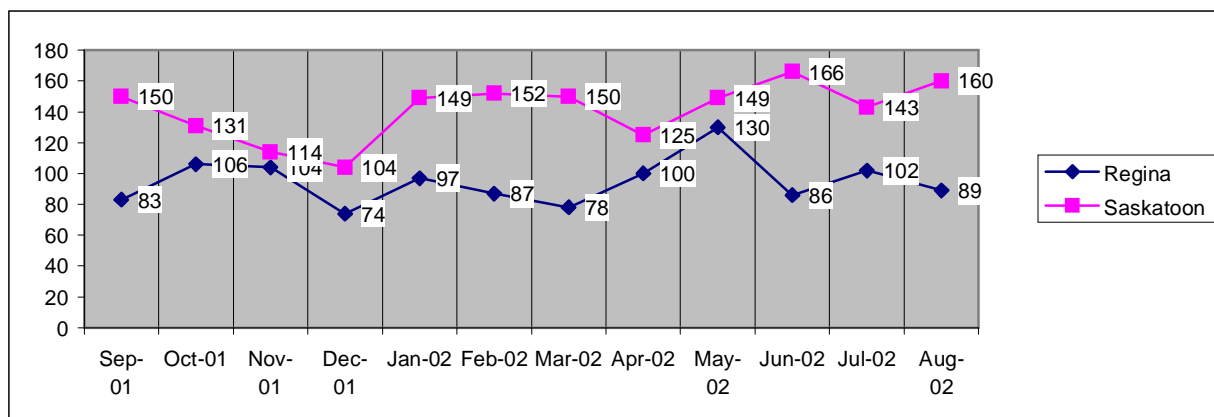


Table 3.1 Number of Duty Counsel Files Opened – Monthly breakdown

Month	Regina	Saskatoon	Total	Difference
September-01	83	150	233	29%
October-01	106	131	237	11%
November-01	104	114	218	5%
December-01	74	104	178	17%
January-02	97	149	246	21%
February-02	87	152	239	27%
March-02	78	150	228	32%
April-02	100	125	225	11%
May-02	130	149	279	7%
June-02	86	166	252	32%
July-02	102	143	245	17%
August-02	89	160	249	29%
Total	1136	1693	2829	20%

- The Regina and Saskatoon City offices track different data concerning the Duty Counsel Pilot Project.
- The Files Opened data is presented as indications of the “volume of clients” each Duty Counsel team office dealt with from September 2001 and August 2002.
- The intake information shows that between September 2001 and August 2002 the Saskatoon Duty Counsel team opened more files every month than the Regina Duty Counsel team.
- The smallest difference (November 2001) was 5% and the greatest difference was March 2002 and June 2002 (32% each).
- On average, the Saskatoon Duty Counsel team opened 20% more files than the Regina team did between September 2001 and August 2002.

Table 3.2 below shows the number of Duty Counsel files opened each month /Duty Counsel team member. This provides an indication of the volume of files each team deals with but not an accurate indication of any one individual team member’s workload. Also, unfortunately, because of estimates of the time spent doing Duty Counsel work by an unofficial part time Duty Counsel team member in Saskatoon this is not a truly accurate picture of the situation in Saskatoon. The Regina team information is accurate shown at 3 members (2 lawyers and one legal assistant) the

Saskatoon team is estimated to be 3.5 members (2 lawyers, one legal assistant plus another lawyer on a part-time basis).

Table 3.2 Duty Counsel Files Opened per Team Lawyer – Monthly breakdown

Month	Regina			Saskatoon			Difference
	Files	Lawyers	Files/lawyer	Files	Lawyers	Files/lawyer	
September-01	83	2	41.50	150	2	75.00	33.50
October-01	106	2	53.00	131	2.5	52.40	-0.60
November-01	104	2	52.00	114	2.5	45.60	-6.40
December-01	74	2	37.00	104	2.5	41.60	4.60
January-02	97	2	48.50	149	2.5	59.60	11.10
February-02	87	2	43.50	152	2.5	60.80	17.30
March-02	78	2	39.00	150	2.5	60.00	21.00
April-02	100	2	50.00	125	2.5	50.00	0.00
May-02	130	2	65.00	149	2	74.50	9.50
June-02	86	2	43.00	166	2	83.00	40.00
July-02	102	2	51.00	143	2	71.50	20.50
August-02	89	2	44.50	160	2	80.00	35.50
Total	1136	2	47.33	1693	2.3	62.83	15.50

- Table 3.2 shows that between September 2001 and August 2002 the Regina Duty Counsel team opened from 37 files/lawyer in one month (December 2001) to as many as 65 files/lawyer (May 2002).
- The average number of files opened by the Regina Duty Counsel team for this time period was 47.33 files/lawyer.
- Table 3.2 shows that between September 2001 and August 2002 the Saskatoon Duty Counsel team opened from 41.60 files/lawyer in one month (December 2001) to as many as 83 files/lawyer (June 2002).
- The average number of files opened by the Saskatoon Duty Counsel team for this time period was 62.83 files/lawyer.
- In every month except for October and November 2001 the Saskatoon Duty counsel team opened more files than the Regina Duty Counsel team.

- In October 2001 the Saskatoon Duty Counsel team opened 0.60 less files/lawyer than the Regina Duty Counsel team and in November 2001 the Saskatoon Duty Counsel team opened 6.40 fewer files per lawyer than the Regina Duty Counsel team.
- In April 2002, both Duty Counsel teams each opened 50 files/lawyer, on average.
- During this time period, on average, the Saskatoon Duty Counsel team lawyers opened from as few as 4.60 (December 2001) more files per team member in a month to as many as 40 files/lawyer (June 2002).
- On average, the Saskatoon Duty Counsel team opened 15.5 files per lawyer more than the Regina Duty Counsel team.

Stakeholder Interviews

The stakeholder interviews were designed to elicit information from Duty Counsel Pilot Project stakeholders about their perceptions regarding various aspects of, and issues relating to, the Duty Counsel Pilot Project. For reporting purposes, the following data present the emergent themes (thematically grouped responses that emerged during the analysis of the interview data). Where more than one theme emerged during the analysis the strongest theme (most shared viewpoint) is presented first followed by the themes supported by progressively smaller groups of individuals.

Question 1: What are the strengths of the Duty Counsel project? What are the weaknesses of the Duty Counsel Project?

Strengths

- Many respondents recognise that the Duty Counsel Pilot Project provides better service in docket court than was previously provided.
- Many respondents report that the service is better because the same lawyers are in docket court for an extended period of time. This allows the lawyers to develop good working relationships with the Crown, court personnel, detention staff and the individuals involved in the Aboriginal Court Workers program. The Duty Counsel lawyers are also able to develop a relationship with repeat offenders. (This relationship may not be viewed as positive by some accused, especially by those waiting for their trial date in remand).
- Many respondents reported that the increased number of lawyers assigned to Duty counsel was an important strength of the project.
- A significant number of respondents reported that they felt the personal dedication and attitudes of the Duty Counsel lawyers were an important strength of the project.

- Some respondents saw eliminating the financial eligibility requirement as a strength of the Duty Counsel Pilot Project.
- Some respondents felt the Duty Counsel Pilot Project was instrumental in decreasing both the number of people waiting for bail service and the amount of time accused individuals spent in remand.

Weaknesses

- Most respondents reported that a real weakness of the Duty Counsel Pilot Project is that it is understaffed. Most respondents reported that, as a result, the lawyers assigned to the Duty Counsel team appear overworked and often appear too busy to meet their client's needs.
 - Both Duty Counsel and non-Duty Counsel lawyers recognised that a high volume of clients does increase their level of work related stress.
 - The volume related stress was increased by the lack of coverage for holidays and sick time.
- Many respondents felt that the duration (1 year) was too long. Most of these respondents identified 3 – 6 months as the ideal duration for assignment to the Duty Counsel team.
- Many respondents reported concerns about two access issues.
 - Access to the disclosure
 - Access to the clients
- Some respondents also commented they felt the project could be more successful if the Duty Counsel staff had better equipment available (cell phones, computers, etc).
- A few respondents commented that the (Justice) system itself is under resourced/funded and the lack of people/money/equipment available to Legal Aid and the Duty Counsel project was merely an indication of this larger problem.
- A few respondents speculated that eliminating the eligibility requirements increased the volume of clients seen by the Duty Counsel Pilot Project by 15 – 25%.

Question 2: How well does the D.C. project meet its intended objective to ensure accused adult persons detained in custody have the benefit of legal advice and assistance as early as possible?

- Most respondents felt the Duty Counsel Pilot Project met its intended objective quite well.
- A much smaller group felt that the project had not or had only partially met its objective.

What facilitated or impeded the process?

- The respondents who reported that the Duty Counsel Pilot Project met its intended objective quite well stated that this was because of the additional lawyers available to the Duty Counsel project.
 - Having the extra staff dedicated to the Duty Counsel Pilot Project has meant that clients are able to see a lawyer and to have access to advice earlier, which has been instrumental in getting people through the system faster.
- The respondents who reported that the Duty Counsel Pilot Project had not or had only partially met its intended objective felt this was due to problems with access. In particular, access to the disclosure and access to the clients (impacted/determined by when the clients arrive at the court house and the number of interview rooms available).

Question 3: To what extent has the D.C. project met your organization's needs and expectations?

- Most respondents reported that they felt the Duty Counsel Pilot Project had met their organization's needs and expectations.
- A much smaller group of respondents felt that the Duty Counsel Pilot Project had not had any effect on their organization's needs and expectations with regards to the docket court.
- An even smaller group of respondents felt that the Duty Counsel Pilot Project had no impact on their organization's needs and expectations with regards to the docket court.

What has facilitated or impeded this?

- The respondents who reported that the Duty Counsel Pilot Project had met their organization's needs and expectations commented that the Duty Counsel Pilot Project had made "things more efficient". This was a result of increasing the number of lawyers providing Duty counsel services so the accused were able to "get legal assistance earlier".
- The respondents who reported that the Duty Counsel Pilot Project had not met their organization's needs and expectations reported that this was because it (Duty Counsel) had not met their organizational needs as well as was initially expected.
- Some respondents commented that the Duty Counsel Pilot Project had increased the amount of work required by administrative (court) and detention staff. These respondents reported that the Duty Counsel Pilot Project had resulted in an increase in the number of "short-term" (morning-to-afternoon or day-to-day) adjournments.

Question 4: To what extent has the D.C. project met the client's needs and expectations?

- Many respondents reported that they were not in a position to say if the Duty Counsel Pilot Project had met the client's needs and expectations.
- A slightly smaller group of respondents reported that they felt the Duty Counsel Pilot Project had met the client's needs and expectations.
- An equal number of respondents felt the Duty Counsel Pilot Project had not met the client's needs and expectations.
- A much smaller group of respondents reported that they had not heard or received any complaints from clients.
 - They also indicated that they were not sure the clients had any particular expectations of the Duty Counsel Pilot Project.

What has facilitated or impeded this?

- The respondents who reported that Duty Counsel Pilot Project had met the client's needs and expectations commented that the Duty Counsel project provided thorough and competent service to clients sooner than is normally available.
- These respondents also commented that the clients were comforted by the idea that a lawyer was available if they wanted one.
- Finally, some respondents recognized that the clients had more time with counsel as a result of increasing the number of Duty Counsel lawyers working the bail docket.
- The respondents who reported that Duty Counsel Pilot Project had not met the client's needs and expectations commented that the client volume was too high for the lawyers to be able to spend enough time with each client to be able to properly address their needs.
- Some respondents also commented that the client volume prevented the Duty Counsel lawyers from having adequate time to prepare which also reduced the level of service they were able to provide.

Question 5: Are there any unresolved issues regarding the D.C. project you would like to see addressed?

- Most respondents reported that they felt the volume of work was too high for the number of lawyers assigned to the Duty Counsel project.
 - This high volume was seen as impeding the Duty Counsel lawyers (and ultimately the Duty Counsel project) from achieving the desired goals of providing clients with better access to lawyers.
 - § There was no agreement about the number of lawyers necessary for the

Duty counsel project to function smoothly. Suggestions ranged from adding 1 to 3 lawyers. When asked if simply more lawyers were the answer, most respondents expressed that there was also a need to clarify the roles, tasks and duties of all Duty Counsel team members and project stakeholders.

- Some respondents commented that the (Justice) system itself was under resourced and adding more lawyers to the Duty Counsel project could not make up for shortages in things like: the number of interview rooms available for lawyers at the court houses and the time that lawyers have available with their clients at the courthouse (partly because of the number of interview rooms but also because of transportation issues).
- Many of these respondents expressed an interest in using technology to overcome these facility related problems. They felt that video conferencing could be used effectively for some accused so that only those who need to be transported to the courthouse are. This could help to reduce the stress involved with transport and detention of accused persons.
- The secondary themes regarding unresolved issues relates identified by the respondents were:
 - Some lawyers are not prepared in advance so the interview takes longer than the time available and court is delayed.
 - Some clients should be contacted at detention rather than waiting to see all the clients in the limited number of interview rooms at the courthouse.
 - The police should release more people, this would decrease the number of people held in custody
 - Some respondents expressed concerns about the forms (initial interview and tracking, etc) used by the Duty Counsel team.
 - § They suggest that standardized forms need to be developed and used to ensure that the files are as complete as possible and the necessary statistics are tracked.
 - Some respondents felt that it might be possible to improve the flow in the courtroom if both the DC team and the Crown were better organized regarding the order of the accused to be dealt in court. This would allow time for those involved to complete interviewing clients or negotiate with each other.
- Some respondents commented that Legal Aid should provide an eligibility officer at the courthouse so the client can have their eligibility determined before they leave the courthouse the day of their bail hearing or the day they are released. It is important to note that changing the eligibility process for non-duty counsel client's was never intended to be part of the Duty Counsel Pilot Project. Nevertheless, some respondents clearly felt that the Duty Counsel Pilot Project included changes to the eligibility process for those clients that receive Duty Counsel service then go on to apply for regular Legal Aid service. Given this discrepancy the Duty Counsel Pilot Project steering committee may want to examine this issue with their project partners so that everyone is fully aware of what is/ is not within the scope of the Duty Counsel Pilot Project.

Question 6: What impact has the DC project had on your organization? On the clients? On other stakeholders? (Please identify which stakeholder)

- Some respondents reported that Duty Counsel has made the system run more efficiently. The examples they cited were that having 2 lawyers dedicated to the bail docket had:
 - Increased the quality of the representation the clients received
 - Improved the relationships the duty Counsel lawyers have with other court personnel (Judges, Crown Prosecutors, detention staff, etc)

- A slightly smaller number of respondents reported that Duty Counsel has actually increased their workload (volume of clients, complexity of cases, and ancillary tasks). Examples cited by these respondents included:
 - Increased number of adjournments lead to increased work for administrative (court) and detention staff.
 - § Some respondents felt the Duty Counsel lawyers could decrease this by holding people over for longer periods of time (until they had time to deal with the client’s matters).
 - § Some respondents also identified that the clients’ stress level (and acting out incidents) was increased more by having to deal with many short adjournments (i.e., morning to afternoon) than by fewer times for longer periods of time (i.e., 1 – 2 days).
 - § Some respondents also wondered if the crown having to work longer hours did not jeopardize the relationship building aspect of the Duty Counsel project.

- A third group of respondents identified that the client volume had increased but they were unsure why. They did not think that the Duty Counsel project had caused the increase but rather they suspected that the increased client volume was due to external factors such as the Police making more arrests or in fact, an increase in people committing crimes.

Question 7: Have there been any unintended outcomes, positive or negative, for the program stakeholders or the local community? What was the cause? What could be done to mitigate or eliminate the negative outcomes?

- Many respondents could not identify any “unintended outcomes” – positive or negative.

- The most frequently identified unintended outcome was the high volume of clients, which was seen as leading to a high level of work related stress for the Duty Counsel lawyers. Many respondents perceived the client volume and the resulting stress as having taken a high toll on the Duty Counsel lawyers. Which in turn, increased sick time in Saskatoon and increased hours worked and “burn out” in both offices.

- Some respondents commented that they felt the volume and stress has increased intra-office stress and that the project costs were higher than necessary because of the increased farm outs to private counsel.

- Some respondents reported that the Duty Counsel Pilot Project had increased the operational costs for some of the project stakeholders.
- Some respondents also described the Duty Counsel lawyers work environment as abusive in that the duty counsel lawyers receive more abuse from their clients than non-duty counsel lawyers do.
- Finally some respondents commented that some of the expected efficiencies and clearing up of the court backlog have not been realized (or realized to the extent they could have been) because of the high client volume.

Question 8: Do you think the DC project should be expanded to:

Other locations in the province

- The primary location identified by the respondents for Duty Counsel expansion was Prince Albert. This corresponds with the finding in the Rosten Report (1999). The reason given for choosing Prince Albert was the respondent's understanding of, or expectation that, the client volume in Prince Albert was sufficiently high.

Youth Court

- Many respondents believe that the youth courts in Regina and Saskatoon already use an informal Duty Counsel approach.
- Those who do not believe that the Regina and Saskatoon youth courts already use an informal Duty Counsel system expressed that they felt the youth courts would benefit from using a Duty Counsel approach.

Adult accused who are not in custody

- Some respondents were strongly opposed to this because they it would make the current legal system unworkable.
- Some respondents felt that the non-custody docket could benefit from using a Duty Counsel approach but they agreed that this would require a significant change in both Legal Aid resources (a dramatic increase) and in stakeholder (court, prosecution, detention & security, legal aid, etc) processes of working together.

Additional Comments

Four themes emerged during the analysis of the “Additional Comment” interview data. As above, these comments represent the perceptions of the respondents.

- The most predominant theme involved Planning. Most respondents had some comment or suggestion to make regarding the planning of the Duty Counsel Pilot Project. These included:
 - It might be useful to have the project stakeholders meet to discuss issues and obstacles
 - The project would have benefited from more communication initially between The Commission and other project stakeholders
 - There should have been a small process check (evaluation) earlier (at 6 months)
 - Duty Counsel lawyers should move from the court to the police station – could intervene early – it could be an early resolution strategy

- A second type of planning comment was raised by respondents who were primarily concerned with The Saskatchewan Legal Aid Commission’s approach to justice [role in the justice system] rather than the practicalities of planning the Duty Counsel Pilot Project. These respondents expressed concern with such issues as:
 - Is Duty Counsel consistent with the government’s direction regarding community justice? Alternative measures?
 - Does the Duty Counsel Pilot Project fit with the overall framework of accessibility issues as an accessibility strategy?
 - Does Legal Aid know who their clients are & what their long-term objective is?
 - Legal Aid needs to become innovative - how could they best provide service to their target group?
 - Legal Aid needs to evaluate their overall effectiveness and how they hope to meet their objectives.

- The next most prominent theme was related to the issue of resourcing. Some respondents felt the cure to the problems of the Justice system was more resources. As evidence of this some respondents pointed out that pilot projects tend to show a fairly dramatic effect because they are better resourced than regular parts of the system.
 - In addition to having enough resources some respondents were concerned that the resources currently available were put to “proper” use. Essentially, there was some concern that the Duty Counsel Pilot Project was not as efficient as it could be because some of the individuals involved, while certainly working hard, were not focused on the correct tasks. An example of this was the need to clarify the duties and responsibilities of the 2 legal assistants. The legal assistant in Saskatoon appears before the court on some summary cases while the legal assistant in Regina does not – they suggested that it should be determined which approach is more efficient and the legal assistants duties should be standardized in both locations.

- Some respondents raised the concern that it will be difficult to attract high quality senior lawyers into Duty Counsel, as the job appears to be fairly steady and routine work. It was also seen as unattractive because it would not provide much skill development.
- The final resourcing comment was that “so far there has been high quality, consistent Duty Counsel personnel” from both Legal Aid and the Crown assigned to the Duty Counsel Pilot Project.
- The third major theme involved suggestions for increasing the efficiency of the project. These suggestions included:
 - Have an eligibility officer available at the courthouse.
 - Consider the concept of a “one-stop” Justice shop – where major Justice system stakeholders are available in one place – the courthouse. In addition to Legal Aid and Crown Prosecutors, stakeholders such as the John Howard Society and Elizabeth Fry Society, and Probation Services should be available at or near the courthouse.
 - The need for more front-line workers (legal assistants, court workers, etc) was voiced.
 - Clients/accused should have access to eligibility, trial date and lawyer information when they are released. It was expected that this would speed up the process by 1-2 months.
 - Finally, the Duty Counsel lawyers should interview their clients before they go back to remand. The accused are/ could be available in detention from noon-2: 30 p.m.
- The fourth major theme was expansion. In addition to the expansion options discussed in the interview questions some respondents felt that Duty Counsel should be expanded to Family Service Matters.

Participant Observation

The Duty counsel Pilot Project was observed so that YRES evaluators could develop a clear understanding of the work processes and client volumes of the Duty Counsel lawyers in Regina and Saskatoon.

The participant observation data was not analyzed separately.

SECTION FOUR: RECOMMENDATIONS and ACTION ITEMS

This section includes the recommendations and action items that arise out of the analysis as well as those offered by the interview respondents. The action items are presented here as a starting point for The Saskatchewan Legal Aid Commission to use to begin implementing these recommendations. It would be useful for The Saskatchewan Legal Aid Commission and the Duty Counsel Pilot Project steering committee to prioritize the implementation of these recommendations and action items in terms of the resources available, the resources required or the time frame required to implement the recommendation or action item. In addition to prioritizing these recommendations and action items as part of the implementation plan, it would be very useful to The Saskatchewan Legal Aid Commission and the Duty Counsel Pilot Project steering committee to determine (and very clearly define) the criteria by which they will judge the success or failure of the implementation of each recommendation and action item.

Recommendations

The following recommendations arise out of the analysis or reflect suggestions presented by the respondents.

I. Data Tracking: Determine (or clarify) what information is needed by the project stakeholders, determine the appropriate indicators and develop a data tracking system that will measure observable data relevant to those indicators.

Action Items:

- Track all project costs. Separately track client disbursements, private bar costs, and if possible and appropriate (depending on how this is handled with other service areas within Legal Aid), the administration time of the Legal Director and/or support staff.
**The Commission should examine the issue of tracking the Legal Director's time quite closely before deciding to do so.
- Standardize the tracking system across sites so similar project statistics are collected and available from all project locations.
- Collect information on complaints. This information is useful for future impact evaluations.

- Track Duty Counsel client’s eligibility status so that project managers can determine what percentage of Duty Counsel clients would not qualify for regular service. This will help in planning resource allocation in the long term.
- Identify and track when and why Duty Counsel team members report they are overworked. Team members and The Commission will need to define observable indicators for “overworked”. The indicators chosen should be broad enough to address the “quality of the service provided” component of the “overworked” issue.
- Track the number, cost and reason for farm-outs to the private bar.
- The Commission and the Duty Counsel Pilot Project steering committee should discuss tracking the amount of time each lawyer spends with each client.
- It should be determined if Duty Counsel Pilot Project has increased the number of short-term adjournments. If it has, then the project stakeholders should discuss if this is an acceptable outcome and/or if changes could be made to minimize any negative impacts of the project.

II: Staffing and Scheduling: Determine what and how much staff is necessary to provide the level of service The Commission wants to provide and develop a plan for acquiring the necessary staff resources.

Action Items:

- Due to the ongoing nature of Duty Counsel (court is open 52 weeks/ year) The Commission needs to have staff available to cover sick days, holidays and EDOs.
- The current case tracking indicates a significant disparity between the number of files opened in Regina and Saskatoon. If this continues to be the case it appears that Saskatoon may have a high enough volume to warrant more lawyer time than is required in Regina.
 - a. Given the problems with the tracking system currently used it is difficult to ascertain how much more lawyer time is appropriate in Saskatoon.
- The recommendation for increasing the amount of lawyers in Saskatoon is made with the strong caveat that the information currently available (files opened) does not account for efficiencies that may result from reallocation of Duty Counsel resources (i.e., legal assistant duties, access to the disclosure [with relevant position information], and time to interview the clients)

- Respondents reported that the Duty Counsel personnel began to “burn out” after six months. Duty Counsel team members should be assigned for a 6-month term. It is important to note however, that there are significant issues and costs related to the transfer of files at during staff transition – this is the same for holidays as well. It is highly likely that transitioning lawyers in and out of Duty Counsel on a six-month basis simply won’t work due to these transition issues and the increased costs likely to be incurred due to increased farm outs required during the transition phase.
- The Duty Counsel team members and prosecutors should examine ways to schedule their time so personnel on both sides can be kept busy either appearing in court, interviewing clients, or negotiation with each other. If the prosecutors are not kept busy there will be significant pressure for them to reduce to having one lawyer cover docket court.
- A comparison between the Duty Counsel teams in Regina and Saskatoon (based on the current data about the number of files opened, other statistics, and comments from the respondents) indicates that The Commission should consider seeking funding to provide another lawyer to the Saskatoon Duty Counsel team.

III: PLANNING: The Commission should adopt and use a project planning methodology which can be used to support all future planning efforts, even in situations where The Commission is dealing with external pressure and/or a time crunch.

Action Items:

- The project planning (and management) process needs to be standardized and transparent. For example, the roles, tasks, duties and responsibilities, expectations, needs, etc of Duty Counsel team members needs to be clarified and communicated internally then discussed with all project partners in order to achieve consensus among the project partners as to the formation of solutions to cross partner problems.
- Additional planning for the Duty Counsel Pilot Project should include discussions with the project partners about the outstanding issues identified by the evaluation respondents.

IV: MEETINGS: The Duty Counsel Pilot Project steering committee should communicate with their project stakeholders more frequently. This can help the project partners to see the effort that the Saskatchewan Legal Aid Commission is investing in the Duty Counsel Pilot Project and will help to reduce barriers that The Commission has been struggling with.

Action Items:

- The individuals assigned to Duty Counsel (lawyers, legal assistants, administrative staff, etc) should meet, at least every 6 months, to discuss issues, obstacles and potential solutions in the ever-changing context.
- In addition to internal Duty Counsel team members meeting, key stakeholders in the Duty Counsel Pilot Project should meet annually (at the minimum) to discuss issues, barriers, opportunities, etc.

V: Clarification: The project stakeholders and partners should clarify certain lingering issues such as access to the disclosure (with the Crown’s position), access to clients, and the roles of the project stakeholders.

Action Items:

- Clarify the needs and expectations of all stakeholder groups.
- Clarify the roles of all Duty Counsel team members and project stakeholders. For example, YRES was unable to find information concerning the duties and responsibilities of any stakeholder other than the Duty Counsel lawyer.
- All the stakeholder groups should meet to determine what they are willing to commit to provide as a project input. For example, Saskatchewan Justice provides free office space at the courthouse. What are the Detention staff, the Judiciary, Police, Aboriginal Court Workers, etc. willing to commit to provide?
- Clarify terminology. It is important that the language used is explicitly understood, especially as it related to data tracking. Terms like “efficient and timely manner” and “better and more timely service” need to be clarified so they can be quantifiable and therefore useful for tracking.

- The Commission and the Legal Directors need to develop a list of “competencies” necessary for people to be successfully involved with the Duty Counsel Pilot Project. These competencies need to become part of the personnel evaluation of the individuals assigned to the Duty Counsel Pilot Project. The competencies should be developed with the assistance of the Duty Counsel team members.

VI: Evaluation: The Saskatchewan Legal Aid Commission, The Duty Counsel Pilot Project steering committee and their project partners need to develop an evaluation and monitoring system that will address the intricacies of the Duty Counsel project operating at multiple sites in Saskatchewan.

Action Items:

- The Commission needs to develop an overall evaluation framework within which each type of service (i.e., Duty Counsel, Family, Criminal, etc) can be evaluated. This evaluation framework should be based on a logic model that includes all Legal Aid services, real and potential partners in service delivery, and the development of a Performance Measurement system that measures staff performance as well as service delivery. It is important to note that “one size *does not* fit all” with regards to Performance Measurement.
- One outcome of developing the Evaluation framework and Performance Measurement system should be the development of an evaluation and monitoring system that includes personnel evaluation. This personnel evaluation system needs to recognise that the expectation that “a lawyer is a lawyer is a lawyer” is not true in all cases. For example, in addition to being competent lawyers, Duty Counsel lawyers need to be able to work in a high volume, intense and unrelenting situation. Clearly, this requires a lawyer with a particular set of competencies.
- While development of an evaluation framework was outside the scope of this project YRES has provided some basic information in Appendix 2, which The Commission can use in designing an evaluation process.
- Identify “efficiency points” in the Duty Counsel process. This could be done by developing a process flowchart and would help identify points in the docket process where changes will have the greatest impact.

VII: General Recommendations/ Action Items

- Discuss the “attractiveness” of working on Duty Counsel with senior personnel to become aware of the intricacies of the issue.
- Consider the concept of a “one-stop” Justice shop – where major Justice system stakeholders are available in one place – the courthouse. In addition to Legal Aid and Crown Prosecutors, stakeholder such as the John Howard Society and Elizabeth Fry Society, and Probation Services should be available at or near the courthouse.
- Clients/accused should have access to eligibility, trial date and lawyer information when they are released. It is expected that this would speed up the process by 1-2 months

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APPENDIX 1 – Stakeholder Interview Guide

1. Instructions

“There is no hidden agenda to this discussion. I will ask a series of questions and would like you to answer the following questions from your own or your organization’s experience. Everything you say is confidential and will be reported anonymously. This meeting will last about an hour to an hour and a half.”

Does anyone have any questions before we begin?

2. Focus Statement

“The purpose of this meeting is to discuss the Duty Counsel project here in Regina/Saskatoon. I have been contracted by the Saskatchewan Legal Aid Commission to conduct an evaluation of the Duty Counsel project and you have been identified as someone I should talk with.

3. Questions (probe for clarity and depth)

1. What are the strengths of the Duty Counsel project? What are the weaknesses of the Duty Counsel project?
2. How well does the D.C. project meet its intended objective: - to ensure accused adult persons detained in custody have the benefit of legal advice and assistance as early as possible? What has facilitated or impeded this success?
3. To what extent has the D.C. project meet your organization’s needs and expectations? What has facilitated or impeded this?
4. To what extent has the D.C. project meet the client’s needs and expectations? What has facilitated or impeded this?
5. Are there any unresolved issues regarding the D.C. project you would like to see addressed?
6. What impact has the D.C. project had on your organization? On the clients? On other stakeholders? (Please identify which stakeholder)
7. Have there been any unintended outcomes, positive or negative, for the program stakeholders or the local community? What was the cause? What could be done to mitigate or eliminate the negative outcomes?
8. Do you think the D.C. project should be expanded to:
 - Other locations in the province
 - Youth court
 - Adult accused who are not in custody
9. Finally, is there anything about the Duty Counsel project that I have not asked you about that you would like to discuss or comment on?

APPENDIX 2 – Designing a Program Evaluation Project

1. Conduct an “Evaluability Assessment” of the program (service) before developing the evaluation to determine its level of readiness for a complete systematic evaluation. The following is a short list of key issues in assessing the Evaluability of a program/service.
 - Availability of staff and resources;
 - Amount of money allocated/available for evaluation work;
 - Determine what type of evaluation each specific program/service needs;
 - § Formative: Development or restarting of a program;
 - § Process: During the first couple of years of implementation;
 - § Summative/Outcome: After the program has been operating a few years.

2. For a program to be ready to be evaluated it must have:
 - Defined goals and objectives;
 - Clearly specified success indicators and outcomes;
 - Clearly defined audiences/target(s);
 - Well defined activities that are implemented in a prescribed manner;
 - Plausible causal linkages between the activities and outcomes; and an
 - Organizational structure that can support the collection of information.

3. The Commission needs to develop an “evaluation framework” to use for evaluating all of its programs and services then outline an evaluation schedule of which services/programs to evaluation and when. The Commission needs to keep in mind that a general rule of thumb is that evaluations cost approximately 10% of the cost of the program.

4. Stakeholders:
 - Clearly define who your stakeholders are;
 - Understand their interests and expectations;
 - Engage their participation.

5. Determine the appropriate Procedures and Methods of Measurement:
 - Qualitative data;
 - Quantitative data;
 - Sample design;
 - Analytic framework;
 - Resources – Personnel;
 - Data currently collected or available elsewhere (for example: literature review).

6. Develop your Work Plan, Budget, and Timeline:

- Costs may differ by data collection method and analytic approach;
- Do you have the capacity in-house or do you need to out-source;
- Conduct a Pilot test of the evaluation to fine-tune the processes and costs.

7. Analysis:

- Analytic approach must fit with overall Evaluation work plan (for example, if your audience requires statistically validated information do not use a qualitative approach);
- All stakeholders should be given the opportunity to review, discuss and refute the initial interpretation of the results. Presenting the findings from this perspective helps to ensure that the information is as correct as possible but, more importantly, that any “action items” developed as a result of the evaluation will be acted upon by all stakeholders rather than sabotaged;
- Disseminate the results as widely as possible – and ASK FOR FEEDBACK!

8. Action:

- Prioritize the action items that are the most important and feasible to implement;
- Decide who is responsible for which action items;
- Develop a mechanism for ensuring that each action item is carried out.

The Commission may want to consider developing the capacity to carry out the monitoring function internally; either with the assistance of external evaluators or after an external evaluator has conducted the Evaluability Assessment.

- Determine the level of interest and skill of individual staff members prior to assigning the monitoring task.

Remember that program monitoring typically focuses on outputs rather than outcomes while full evaluations consider both. Hence, even after monitoring is fully implemented it will be necessary to periodically undertake a full evaluation of a specific program/project or service. The timeframe will differ by program/service but generally a program/service should be evaluated every five years. Note: if you have in-house staff conducting the monitoring it is likely beneficial to out-source the periodic full evaluations in order to bring a fresh understanding and source of ideas to the analysis.

APPENDIX 2 – Duty Counsel Interview Guide

Instructions

“There is no hidden agenda to this discussion. I will ask a series of questions and would like you to answer the following questions from your own or your organization’s experience. Everything you say is confidential and will be reported anonymously. This meeting will last about an hour to an hour and a half.”

Do you have any questions before we begin?

Questions (probe for clarity and depth)

1. What are the strengths of the Duty Counsel project? What are the weaknesses of the Duty Counsel project?
2. How well does the Duty Counsel Project meet its intended objective: to ensure that accused adult persons detained in custody have the benefit of legal advice and assistance as early as possible? What has facilitated or impeded this success?
3. To what extent has the Duty Counsel Project met your organization’s needs and expectations? What has facilitated or impeded this?
4. To what extent has the Duty Counsel Project met the client’s needs and expectations? What has facilitated or impeded this?
5. Are there any unresolved issues regarding the Duty Counsel Project you would like to see addressed?
6. What impact has the Duty Counsel Project had on your organization? On the clients? On other stakeholders? (Please identify which stakeholder.)
7. Have there been any unintended outcomes, positive or negative, for the program stakeholders or the local community? What was the cause? What could be done to mitigate or eliminate the negative outcomes?
8. Finally, is there anything about the Duty Counsel Project that I have not asked you about that you would like to discuss or comment on?