



MINISTRY OF LEGAL AFFAIRS

OFFICE OF THE MINISTER OF LEGAL AFFAIRS

**MINISTERIAL RESPONSE TO
THIRD REPORT OF THE
JOINT SELECT COMMITTEE OF PARLIAMENT
ON MINISTRIES (GROUP) I AND ON
THE STATUORY AUTHORITIES
AND STATE ENTERPRISES
ON THE
ADMINISTRATION OF THE
LEGAL AID AND ADVISORY AUTHORITY**

Office of the Minister of Legal Affairs

Ministerial Response

To the Findings and Recommendations

In the

**Third Report of the Joint Select Committee of Parliament on Ministries,
Statutory Authorities and State Enterprises on the Administration of the
Legal Aid and Advisory Authority (Group 1)**

As Minister of Legal Affairs it is my pleasure to submit the following responses and updates on the findings and recommendations contained in the *Third Report of the Joint Select Committee on the Administration of the Legal Aid and Advisory Authority*.

In so doing I wish to place on record my sincerest regrets over the delay in providing this Response to the Joint Select Committee and to apologise for such delay.

On the following pages are my responses to the Findings and Recommendations of the Joint Select Committee.

Respectfully submitted,

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Hon. Prakash Ramadhar
Minister of Legal Affairs

RECOMMENDATIONS

RECOMMENDATION 1 – ESTABLISHMENT OF DUTY COUNSEL

Your Committee agrees with several of the initiatives identified in the One-Year Action Plan and wishes to support the completion of these projects within the next fiscal year.

Your Committee therefore recommends that the following steps be taken to address the matters which are retarding the progress of the Authority in the delivery of effective legal aid and advice.

(a) The Minister of Justice should table in the Parliament, post-haste, relevant legislation to provide for:-

the establishment of a panel of lawyers, exemplified on the United Kingdom and Canadian method of operation. This panel will perform dedicated duties for the Authority for a settled monthly fee. The Authority itself should develop this preferred model to be approved by the Minister.

the implementation of the duty counsel scheme to provide “round the clock” availability of legal aid services.

RESPONSE 1 – ESTABLISHMENT OF DUTY COUNSEL

I am pleased to report that the legislation which was pending for the Authority as discussed at the Meeting of the Joint Select Committee was passed in both Houses of Parliament and assented to on May 3, 2012.

The Legislation addressed, inter alia, increased fees to Attorneys-at-Law on the Panels of the Authority doing criminal matters, by approximately one hundred per cent.

Since the meeting, the Authority has increased the number of in-house Legal Officers with full-time Court duties who help to offset the shortage of Attorneys on the Panels willing to accept legal aid briefs.

The Duty Counsel Scheme was implemented in June of 2012. It provides legal advice at police stations or other places of detention and representation at the initial hearing of a matter, for minors detained on suspicion of having committed any offence and for adults detained on suspicion of having committed a capital offence.

NOTE: A summary of statistics on the operations of the Duty Counsel Scheme is appended to this document.

RECOMMENDATION 2 – POSITIONS FOR NEWLY-QUALIFIED ATTORNEYS

(b) The Ministry of Justice should enter into negotiations /collaborative action with the relevant Ministries and educational institutions, e.g. Hugh Wooding Law School, in relation to the allocation of new positions in the Legal Aid Authority for newly qualified lawyers as junior attorneys under the supervision of a senior attorney.

RESPONSE 2 – POSITIONS FOR NEWLY-QUALIFIED ATTORNEYS

The Authority has expanded to thirty (30), its in-house capacity of Legal Officers who advise and represent applicants.

Seven (7) Legal Officers are based at the San Fernando Office; Three (3) Legal Officers at the Tobago Office; Two (2) Legal Officers at the Couva Office; Two Legal Officers are rostered daily at the Arima Office and the remaining fourteen (14) are based at the Barataria Head office with most of them having full-time Court Schedules.

The Authority has recently employed the services of a professional in the position of Head Legal Services whose responsibility it is to manage the performance of the legal team through mentoring, coaching, sharing knowledge and best practices and ensuring effective Case Management.

Additionally, the Authority is exploring partnership arrangements with the Hugh Wooding Law School's Legal Aid Clinic to set up clinics in both Criminal and Civil matters which would provide additional training for students and assist the Authority in carrying out its mandate.

RECOMMENDATION 3 – ALTERNATIVE FORMS OF COMPENSATION

(c) The Authority should explore alternatives to compensate attorneys which are not purely monetary for legal aid services.

RESPONSE 3 – ALTERNATIVE FORMS OF COMPENSATION

While the alternatives for compensating Attorneys other than by monetary means have not been fully explored, with the 2012 amendment to the Act, fees paid to Attorneys on the Panel of Attorneys doing criminal matters have been increased by 100% approximately. (Fees in Civil High Court Matters have always been at the discretion of the Director of Legal Aid and Advice)

Further, Legal Notice No. 180 dated August 27, 2013 provides for the payment of a monthly fee to Attorneys for the duration of the trial of a capital matter, where there are three or more jointly-charged accused. Such a case is presently in progress before the Port of Spain Assizes. Advocate Attorneys are paid \$30,000.00 and Instructing Attorneys are paid \$20,000.00 per month. Two (2) Legal Officers attached to the Authority have been assigned as Instructing Attorneys in the on-going matter.

The Authority is also proposing developing training courses for in-house and external Attorneys-at-Law on the Panels of Attorneys to expand the number of Attorneys signing up to provide legal aid and to serve as a system of providing updates and refreshers in the various areas of law.

The Authority is to explore how this is to be done within the ambit of its enabling legislation and the financial implications of such a programme.

RECOMMENDATION 4 – COMMUNITY OUTREACH PROGRAMMES

(d) The Authority should revitalize its community outreach programmes, with the particular agenda of educating the public about alternative dispute resolution techniques and the advantages of mediation.

RESPONSE 4 – COMMUNITY OUTREACH PROGRAMMES

The Authority has always recognized its responsibility to sensitize and educate the public on the work of the Authority by reaching out to communities outside of the main towns and cities.

Within the last three years, the Authority completed two major outreach activities in Tobago 2011 and 2012 and planning is on-going for a continuous outreach programme to be commenced in 2014.

Additionally, the Authority has embarked on a programme of Mediation Training for all of its Legal Officers.

In 2013, eight (8) Legal Officers received basic mediation training and eight (8) advanced mediation training.

The Authority has approved a pilot project to have at least five (5) of its Legal Officers trained to become certified mediators.

This thrust will continue during this fiscal year.

RECOMMENDATION 5 – TRAINING PROGRAMMES FOR PARLIAMENTARIANS

(e) Third Report of the Joint Select Committee on Ministries, Statutory Authorities and State Enterprises (Group 1)20(e) The Authority should conduct regular training programmes on accessing Legal Aid services, for the benefit of Parliamentarians who require such knowledge to effectively assist/ advise their constituents.

RESPONSE 5 – TRAINING PROGRAMMES FOR PARLIAMENTARIANS

The Director/Chairman and Members of the Authority are to conduct training programmes on accessing Legal Aid services for the benefit of Parliamentarians at their convenience.

RECOMMENDATION 6 – EXPANSION OF LEGAL AID CLINICS

(f) The Authority, in collaboration with the Ministry of Justice should consider the introduction of Legal Aid Clinics along the East/West Corridor, Siparia and Chaguanas. A selection of staff with the duty to deal with minor matters such as providing information, assisting to fill out forms etc. should be employed to ensure an effective and continual service.

RECOMMENDATION 6 – EXPANSION OF LEGAL AID CLINICS

The Legal Aid and Advisory Authority is now under the portfolio of the Minister of Legal Affairs.

The Vision is for the Authority to have several district offices located throughout Trinidad and Tobago to facilitate easy access to the public to its services.

Presently there are five (5) full-time offices at Barataria, Arima, Couva, San Fernando and Scarborough.

The Authority is actively pursuing getting a new Port of Spain location, as well as suitable offices in Chaguanas and Sangre Grande.

Once the Authority is able to be accommodated by a Ministry or Regional Body in the areas of Siparia, Tunapuna, Rio Claro and Mayaro, the Authority will be able, in the first instance, to operate part-time offices on specified days where information, legal advice and assistance can be provided to members of the public.

RECOMMENDATION 7 – LOCATION OF HEAD OFFICE, LAAA

(g) Your Committee further recommends that the Head Office of the Legal Aid and Advisory Authority remain in the capital city of Port of Spain.

RECOMMENDATION 7 – LOCATION OF HEAD OFFICE, LAAA

Unfortunately, despite efforts over the last ten (10) years to locate a suitable building to purchase or lease for the Head Office of the Authority and not having been successful, the Authority was forced in August 2013, to relocate to Barataria at the TTMA Building, 42 Tenth Street, Barataria.

Efforts are being made to source a smaller building to house a Port of Spain District office where the public from the North and North Western environs can be accommodated for legal advice and representation and for Legal Officers with full-time Court practices to have suitable offices and easy access to the Port of Spain Courts.

Appendix
STATISTICS
ON THE OPERATIONS OF
THE DUTY COUNSEL SCHEME
JUNE 2012 – FEBRUARY 2014

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LEGAL AID AND ADVISORY AUTHORITY
DUTY COUNSEL SCHEME

2012

Month	Minor		Adult		Remarks
	Male	Female	Male	Female	
JANUARY	0	0	0	0	
FEBRUARY	0	0	0	0	
MARCH	0	0	0	0	
APRIL	0	0	0	0	
MAY	0	0	0	0	
JUNE	1	0	0	0	Start
JULY	18	6	24	2	
AUGUST	7	2	24	2	
SEPTEMBER	16	3	17	4	
OCTOBER	24	0	11	1	
NOVEMBER	50	8	10	3	
DECEMBER	29	2	5	0	
TOTAL	129	21	86	12	

Note – Programme started on 1st June, 2012.

LEGAL AID AND ADVISORY AUTHORITY

DUTY COUNSEL SCHEME

2013

Month	Minor		Adult		Remarks
	Male	Female	Male	Female	
JANUARY	74	4	15	1	
FEBRUARY	48	0	15	0	
MARCH	65	0	12	0	
APRIL	63	0	15	0	
MAY	45	0	9	0	
JUNE	75	0	10	0	
JULY	34	1	22	0	
AUGUST	33	2	5	2	
SEPTEMBER	71	1	8	0	End of fiscal year
OCTOBER	64	3	13	1	
NOVEMBER	77	0	13	1	
DECEMBER	50	0	6	0	
TOTAL – 1/1/13 - 30/9/13	508	8	111	3	
GRAND TOTAL June 2012 to September 30th , 2013	637	29	187	15	
Total – 1/1/13 to 31/12/13	699	11	143	5	

LEGAL AID AND ADVISORY AUTHORITY

DUTY COUNSEL SCHEME

2014

Month	Minor		Adult		Remarks
	Male	Female	Male	Female	
JANUARY	63	11	8	1	
FEBRUARY	59	4	7	0	
MARCH	85	0	8	0	
APRIL					
MAY					
JUNE					
JULY					
AUGUST					
SEPTEMBER					
OCTOBER					
NOVEMBER					
DECEMBER					
TOTAL	207	15	23	1	

PAYMENTS MADE UNDER THE DUTY COUNSEL SCHEME

[illegible]

