

Legal Services Model Te Whare Whakapiki Wairua

(Alcohol and Other Drug Treatment Court
Auckland and Waitākere)

Final decisions – April 2021



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Foreword

Thank you to everyone who provided feedback on the proposed legal services model for the AODT Court in Auckland and Waitākere.

An updated legal services model was proposed to address one of the recommendations of the [AODT Court Outcomes Evaluation 2018-19](#) which was to review the existing Defence Counsel and Supervisor roles to determine the most effective and efficient structure for the AODT Court. The updated model was also intended to strengthen the legal services support to the permanent AODT Court.

Although we received a small number of responses, your contributions have helped inform my decision on the legal services model for the AODT Court in Auckland and Waitākere.

Overall, your feedback told me we are aligned in our priority to ensure good quality legal representation for AODT participants.

While in principle you did not disagree with our proposal to extend the pool of AODT Court lawyers, you had concerns around alternative weekly attendance of Defence Lawyers. You want to ensure AODT participants are well represented and if lawyers are required to undertake work in the week when they are not in attendance, they are remunerated.

I have considered your comments and have made changes to address your concerns. I'm confident that the updated model will strengthen legal services to the AODT Court in Auckland and Waitākere.

Thank you for your ongoing commitment to ensuring continued quality legal services to the AODT Court.

Brett Dooley
Legal Services Commissioner

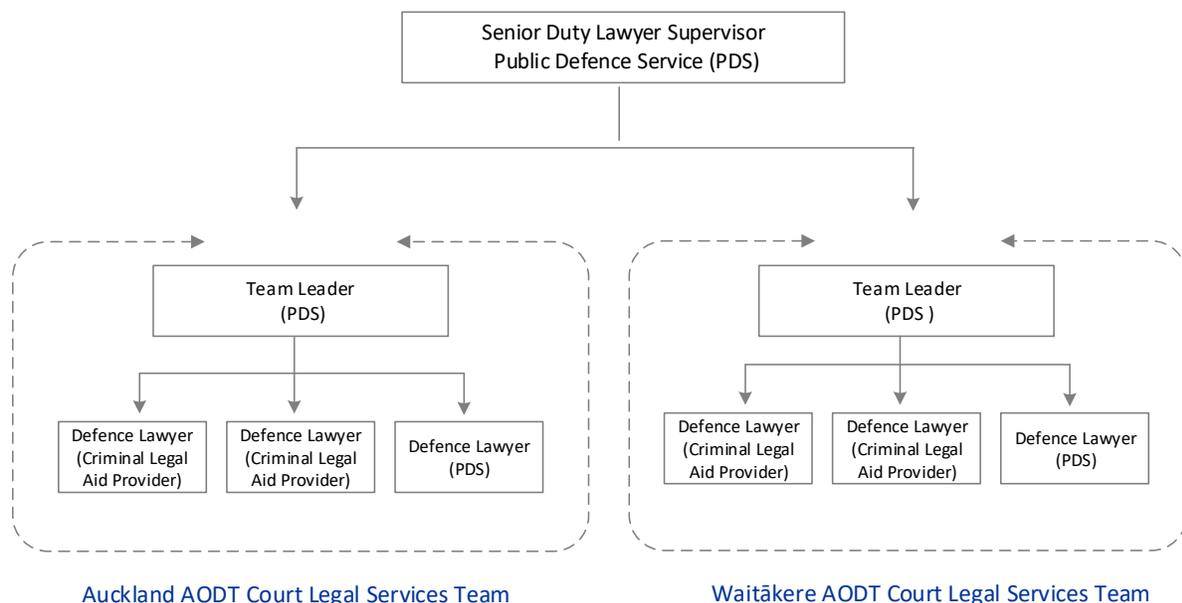
Summary of decisions

After considering your feedback and the advice of the Legal Services working group, I concluded that the key requirements of the updated legal services model should be to:

- provide the AODT Court with good quality legal representation
- provide AODT Court participants consistency of legal representation
- address the recommendation of the AODT Court Outcomes Evaluation Report to determine an effective and efficient structure for legal services to the AODT Court
- be cost-effective to meet the goal of the AODT Court and the legal aid appropriation
- extend the pool of lawyers to ensure succession planning and provide opportunities for defence lawyers with an interest in a therapeutic approach to justice
- be well-positioned for potential future changes including consideration of a single legal services model across the criminal jurisdiction and alignment with the principles of Te Ao Mārama.

In order to ensure consistency of legal representation for AODT Court participants and in line with your suggestions, I have decided the final legal services model will be as outlined below:

Legal Services Team Structure



A summary of your comments and our responses is provided below for your information:

Your comments	Our responses
Defence Lawyer role	
<p>You considered the expectations of the defence lawyer role are reasonable.</p>	<p>We agree.</p>
<p>Some of you considered that the expectations of the AODT Court is not healthy for the lawyers' wellbeing, in terms of the shortened lunch break and long sitting hours.</p>	<p>We will discuss this further with AODT Court judges and explore possible improvements to the number of appearances on a day.</p>
<p>If lawyer attendance was to be changed to alternative weekly attendance, you suggested remuneration for 16 hours to cover additional work that may be needed in the week when lawyers are not in attendance.</p>	<p>The model has been updated to lawyers attending weekly to ensure consistency of legal representation for AODT Court participants.</p>
Team Leader/Supervisor role and case load	
<p>Some of you considered the expectations of the Team Leader/Supervisor role are reasonable.</p> <p>Some of you thought that the supervision component is virtually non-existent due to the nature of the AODT Court.</p> <p>You have proposed that Team Leaders/ Supervisors should carry a full case file load and suggested that the additional remuneration for this role will cover the extra administrative work.</p>	<p>The Team Leader will manage a case load of 5-6 cases as this role has additional expectations compared to the role of the defence lawyer. The expectations of the role include:</p> <ul style="list-style-type: none"> • Providing professional leadership to the team • Managing legal representation of AODT Court participants on the day and allocating cases to Defence Lawyers • Legal representation for AODT participants if their own lawyer is absent or unavailable • Signing timesheets for Defence Lawyers and monitoring and approving time recorded as appropriate • Quality Assurance functions like formal file reviews and court observations.

Your comments	Our responses
Defence Lawyer attendance every alternative week	
<p>You have told us that for the initial weeks and sometimes months, the participant appears every week. In some cases, a weekly appearance is needed on an ongoing basis.</p> <p>You have expressed concern about continuity of care for the participant in relation to legal representation if the lawyer is not going to be in court every week.</p>	<p>In the interests of consistency of legal representation for the AODT participant, the legal services model has been updated to weekly attendances of all lawyers in the team.</p>
Defence Lawyer case load	
<p>You have told us that the total number of Defence Lawyers in the court, their attendance and frequency will determine the case load.</p> <p>In the current model each Defence Lawyer can hold up to 15 cases.</p>	<p>The case load for defence lawyers will remain unchanged.</p>
Additional training	
<p>You were in agreement that no additional training is needed for current team members, but initial training is needed for new lawyers.</p>	<p>We are developing resources for new lawyers to become familiar with the AODT Court.</p> <p>A transition plan is also being developed for new lawyers joining the AODT Court.</p>
Further feedback	
<p>Some of you have suggested that the current model with a team leader and three defence lawyers should be retained with each carrying the same file loads.</p>	<p>To ensure consistency of legal representation for AODT Court participants, the updated model will include one team leader and three defence lawyers.</p>
<p>Some of you have concerns about Public Defence Service lawyers being able to commit the time due to their workloads, based on past experiences.</p>	<p>We will ensure that all AODT Court defence lawyers have appropriate capacity and experience.</p>
<p>You gave us further feedback about ensuring the rule of law is continued by involving judges in the Quality Assurance and Performance Management framework.</p>	<p>The Quality Assurance and Performance Management framework for legal aid is currently under review.</p> <p>The new framework will apply to all courts including the AODT Court.</p>

Your comments	Our responses
You have suggested that lawyer appointments should be subject to review to allow for new appointments to the team.	We agree. The rostering for lawyers in the AODT court in the new model will be for a specified term.

Implementation dates

The plan for implementing the updated legal services model is as shown below:

- Expressions of interest invited from criminal legal aid providers April 2021
- Criminal legal aid providers appointed to the AODT Court May 2021
- A transition plan for new lawyers joining the AODT Court is developed June 2021
- The new model becomes operational July 2021

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