

Form field analysis - legal aid provider approval form

29/10/19

Question analysis of current form vs proposed			
Question	Kept?	If kept, it has been varied to:	Justification
PART ONE			
A copy of your valid Legal Aid Provider Certificate of Standing	✓	Included in the list of attachments required	One complete list as a checklist is now at the back of the form
Title (Mr, Ms, Mrs, Miss, Dr, Other)	✓	These three questions have been combined	Consistency with the other legal aid forms
Surname			
First Names (s)			
Preferred first name	✗		Unnecessary as there is only one space in the management system to record a name
Name of your practice / employer	✓	Phrased as 'Firm/Chambers' name	Chambers includes Barristers
Email - Direct business email for all correspondence	✓		Required for Legal Aid
Alternate email	✗		Unnecessary as correspondence can only be generated to one email in the management system
Phone - Direct dial	✓		Required for Legal Aid
Phone - Mobile	✓		Required for Legal Aid
Fax	✗		No longer used in Legal Aid
Street address	✓	Phrased as 'Firm/chambers' address	Chambers includes Barristers
Postal address			
If you're applying for Police Detention Legal Assistance (PDLA)	✓	Asks for the police stations that the applicant wants to service	It removes the need for Provider Services to send another form after approval asking this question
Have you been approved as a legal aid provider:	✗		This does not bear any weight to the application. The provider name appears in the management system when the administrator enters the approval so that a duplicate entry is not recorded

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I'm applying for approval as a lead provider in the following area(s) of law:	✓	These questions have been merged. It now also includes 'if you're applying for criminal please name the court cluster'	It removes the need for Provider Services to send another form after approval asking this question. Applicant needs to specify what the application is for
I'm applying for approval in the following specified legal services:			
I'm applying for approval as a supervised provider in the following areas of law:	✓		
Do you have a current practising certificate?	✓	Included in the list of attachments required	One complete list as a checklist is now at the back of the form
Is your practising certificate subject to any conditions or any undertakings made to the NZ Law Society?	✓		To ensure that Legal Aid does not assign a lawyer that is not allowed to practice in that area
Are you a member of the Employment Law Institute of New Zealand (ELINZ)?	✓	Included in the confirmation section that states by signing the form, the applicant is confirming they are a member	This is verified by the Provider Services team by checking the website
Have you ever been convicted of any offence not covered by the Clean Slate Act 2004?	✓	Included in the list of attachments required	One complete list as a checklist is now at the back of the form
Has the NZ Law Society (NZLS), Lawyers and Conveyancers Disciplinary Tribunal, the Legal Complaints Review Officer or the Ministry of Justice upheld or substantiated any complaints about you?	✓		Provider Services needs to be aware of any previous complaints, and wont have access to these. Included in the checklist at the back of the form
Have your approvals ever been suspended or cancelled?	✗		Administrator will be able to check this. This is rare
Have you ever been declared bankrupt or been the director of a company that has been put into receivership or liquidation?	✓		It provides information that can be used when assessing eligibility

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Are you an existing legal aid provider? You might not have to fill in this section If there haven't been any changes to your service delivery systems (except those included in section 1 of this form) go to section 6. If there have been changes and you've already given us a Change of Details form, go to section 6.	✘		This is verified by the Provider Services team by checking the website
Do you have an office?	✘		By submitting a signed application, the applicant confirms that they have service delivery systems that provide and account for legal aid services or specified legal services in an effective, efficient and ethical manner. The Secretary does not prescribe these systems.
Do you have a trust account?	✘		
Do you have support personnel and systems?	✘		
What do you use to manage client contact?	✘		
Please describe your time recording system	✘		
Please describe your accounting (invoicing) system	✘		
Client care letters	✓	A copy is not required for submission. However the confirmation section will confirm that the letters have been updated	It is to ensure that legal aid clients do not receive letters from their lawyers requesting payment etc. We also provide exemplars in the approval guidance
Do you have indemnity insurance?	✓		Lawyers who do not have insurance are a risk as the Legal Services Commissioner could be financially liable
Dat of admission	✘		The date of admission is not relevant in assessing eligibility. However, the information is included on the certificate of standing which is required.
Describe your relevant work experience (position held)	✘		Not relevant when assessing eligibility
Did you hold a practising certificate?	✓	Included in the confirmation section	By signing the application you confirm you have a current practising certificate issued by NZLS

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Did you represent clients as a barrister or solicitor?	✘		
Employer	✘		Not relevant when assessing eligibility and is not recorded in the management system
Start date	✘		
End date	✘		
Tell us about any publications you've written	✘		
How long have you practised (post admission) in this area of law?	✓		Required when assessing eligibility
How long have you practised (post admission) in criminal law?	✓	Three questions combined, now ask 'What are your years of practice in the main area of law'	
How many years of experience (post admission) do you have in the family law, criminal law or mental health cases?	✓		
Have you previously been on the duty lawyer/solicitor roster?	✘		
Are you or have you been a District Inspector of Mental Health?	✘		This not relevant for most applicants. However it should be included in the 'Additional information' section when applicable as it can be relevant when assessing eligibility
Do you have other relevant experience?	✘		Can be included in the 'Additional information' section.
How many years of litigation experience (post admission) do you have?	✘		Can be included in the 'Additional information' section.

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Please indicate the approximate number of cases in which you have appeared as counsel with substantial and active involvement within the last five years? (where there are more than 10 in any one year, please write "10+").	✓		
Please indicate the approximate number of Mental health cases in which you have observed or appeared as counsel within the last five years, as well at the approximate number of Criminal and Family Court cases in which you have appeared as counsel with substantial and active involvement within the last five years. (where there are more than 10 in any one year, please write "10+").	✓	These questions have been combined and the grid has been amended to include whether involvement was as lead or supervised counsel	Required when assessing eligibility
Summary of experience outside the last five years	✘		This not relevant for most applicants. However it should be included in the 'Additional information' section when applicable as it can be relevant when assessing eligibility
PART TWO			
You must provide the following case examples. All examples must be from within the last five years.	✓		
What were the significant features of this case? Describe	✓		
What was your key contribution to this case? Describe	✓		
Drafting documents (every law type expect duty lawyer and mental health	✓		
List of documents drafted _____	✓		
Percentage for this matter _____	✓	Appears on the work sample coversheet	Required when assessing eligibility
Legal/factual issues	✓		
If you are applying for approval as a lead provider or provider of specified legal services in this area of law, please attach two of the following as samples of your work	✓		
If you are applying for approval as a lead provider or provider of specified legal services in this area of law and others, please attach only attach one of the following as samples of your work	✓		
Indicate whether you have completed the course below or an equivalent course	✘		It is not required when assessing eligibility, however information can be included in the 'Additional information' section when relevant

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Tick your level te Reo : Reading	✘		
Tick your level te Reo : Writing	✘		
Tick your level te Reo : Speaking	✘		
Please tell us about your knowledge and experience of tikanga Maori, including your engagement with your local tangata whenua, and your established relationship with Maori.	✘		This not relevant for most applicants. However it should be included in the 'Additional information' section when applicable as it can be relevant when assessing eligibility
Please tell us about your knowledge of the Treaty of Waitangi and Waitangi Tribunal Jurisprudence, eg courses of study, experience in cases (Please note this is applicable to Waitangi Tribunal only)	✘		
Please tell us about your knowledge of Waitangi Tribunal jurisprudence and Maori land law, eg courses of study, experience in cases (Please note this is applicable to Maori Land Court only)	✘		
PART THREE			
I'm applying for approval as a lead provider in the following area(s) of law:	✘		This question is asked once at the beginning of the form
As a referee you will need to comment on the applicant's professional knowledge and skills as a provider of legal aid or specified legal services. To be in a position to do that it is expected that a referee is one of the following: <ul style="list-style-type: none"> • Lawyer • Judge • Applicant's employer • Person with legal experience and knowledge, e.g. law lecturer, law tutor (supervised only). 	✓		References are required to assess eligibility
If you are not one of the above, please describe your credentials for commenting on the applicant's professional knowledge and skills as a provider of legal aid or specified legal services. <hr style="width: 20%; margin-left: 0;"/>	✘		This is rare. However, the referee is required to note their relationship to the applicant
Within the last five years I have observed the applicant undertaking a substantial and active role in the following jurisdictions and can comment on the applicant's skills and knowledge in these jurisdictions:	✓	The reference is required to sign the declaration	References are required to assess eligibility
Within the last five years I have observed the applicant undertaking a substantial and active role in the following activities and can comment on the applicant's skills and knowledge in these activities:	✘		Repetitive to question asked above

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From your experience with the applicant please state your level of confidence that the applicant can meet these requirements in the area of law for which they are applying.	x		The Secretary would not accept a reference that gave a rating of 'not confident'. The reference declaration now confirms the reference is confident and can attest to the applicants' skill and knowledge
Legal knowledge	x		This is included in the guidance, and is now incorporated in to the reference declaration. If a referee has any concerns, they are encouraged to contact legalaidprovider@justice.govt.nz directly
Professional Judgement	x		
Court Conduct (not required where applying as an employment advocate)	x		
Communicating with clients	x		
Working with clients	x		
Professionalism	x		
PART FOUR			
I'm applying for approval as a lead provider in the following area(s) of law:	x		This question is asked once at the beginning of the form
Are you employed under an employment contract?	x		Not relevant when assessing eligibility
Who will be responsible for the supervision of your work?	✓	Included in the supervisors undertaking	Provider Services need to ensure that the applicant has an approved legal aid lawyer supervising them
How will you be supervised and how often will you be supervised?	x		This is included in the guidance, it is the supervisors responsibility to ensure that they have oversight over the applicants work. Also in the Grants Handbook
Is/are the person/s a lead provider/s with approvals in the areas of law for which you are applying?	✓	Included in the supervisors undertaking	Provider Services need to ensure that the applicant has an approved legal aid lawyer supervising them
If no, are there any other lead providers who can supervise your work, with approvals in the areas of law for which you are applying? Please provide name/s	✓		
How long has/have the lead provider/s you have named held lead approval/s in the area/s of law for which you are applying?	x		Not relevant for assessing eligibility. If there are concerns the management system records these details.

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I _____ confirm that supervision will be provided _____ in these activities	x		The guidance states that all work should be supervised. We do not expect a breakdown of the activities
Please provide the names/s of the lead providers who will be supervising your work	✓	Included in the supervisors undertaking	Provider Services need to ensure that the applicant has an approved legal aid lawyer supervising them
How long has/have the lead provider/s you have named held lead approval/s in the area/s of law for which you are applying?	x		Not relevant for assessing eligibility. If there are concerns, the management system records these details.
How will the lead provider/s you have named supervise and review your work?	x		
How often will this supervision occur?	x		
How will the lead provider/s supervise you in the following activities? Providing advice and information to clients Preparation of cases Undertaking court proceedings Producing documents/ correspondence Communicating with Judges, other lawyers, experts, court staff Working with people from different cultural backgrounds Engaging in peer review discussions Other (please state)	x		