

## Chapter 28

# Saskatchewan Legal Aid Commission—Providing Legal Aid Services

### 1.0 MAIN POINTS

By August 2024, Saskatchewan Legal Aid Commission implemented the two outstanding recommendations we first made in 2016.

The Commission is using its electronic case management system to accurately record the status of legal aid cases including file closures. Accurately capturing the status of cases can help the Commission monitor and manage lawyer caseloads.

In addition, the Commission conducts annual staff performance evaluations of its lawyers as required by its Performance Management Policy. Where the Commission did not complete evaluations within the specified timeframe, it provided reasonable explanations (e.g., staff on leave). Completing performance evaluations as expected allows the Commission to take timely corrective action, and promotes a supportive culture of professional engagement.

Effective processes to deliver legal aid services help ensure clients receive timely assistance to address their legal issues and protect their rights.

### 2.0 INTRODUCTION

#### 2.1 Background

Under *The Legal Aid Act*, the Saskatchewan Legal Aid Commission is responsible for providing publicly funded legal aid services, as well as for establishing procedures to determine an applicant's eligibility and to assess requests for legal services. The Act also requires the Commission to establish rules and procedures for provision of legal services to persons who do not ordinarily reside in Saskatchewan, and to persons who reside in remote areas of the province.<sup>1</sup>

The Commission provides legal aid services primarily through staff at its head office and 13 area offices located in 11 communities across Saskatchewan.<sup>2</sup> At March 31, 2024, the Commission employed 174 staff positions throughout the province who handled over 18,000 legal aid cases. In 2023–24, the Commission spent about \$34 million providing legal aid services.<sup>3</sup>

<sup>1</sup> *The Legal Aid Act*, s. 6 and 7.

<sup>2</sup> Area offices include: Battlefords, Meadow Lake, Melfort, Moose Jaw, Prince Albert, Regina, Saskatoon, Swift Current, Yorkton, rural areas surrounding Saskatoon and Regina, as well as Northern and South East areas.

<sup>3</sup> *Legal Aid Saskatchewan 2023–2024 Annual Report*, pp. 7, 17, and 30.



As shown in **Figure 1**, the Commission closed 30,871 cases in 2023–24 from all its 13 area offices.

**Figure 1—Total Number of Case Files Closed in 2023–24 by Type from all 13 Area Offices**

	Criminal Adult	Criminal Youth	Duty Counsel Adult	Duty Counsel Youth	Therapeutic Courts	Family	Child Apprehension	Total
Staff	10,728	1,303	8,611	647	735	5,079	676	27,779
Private Bar	2,349	178	0	0	26	402	137	3,092
<b>Total</b>	<b>13,077</b>	<b>1,481</b>	<b>8,611</b>	<b>647</b>	<b>761</b>	<b>5,481</b>	<b>813</b>	<b>30,871</b>

Source: Saskatchewan Legal Aid Commission records.

Timely access to legal aid services improves the effectiveness of the justice system (e.g., may reduce time held in custody, may resolve cases faster).

## 2.2 Focus of Follow-Up Audit

This chapter describes our third follow-up audit of management’s actions on the recommendations we made in 2016.

We concluded the Saskatchewan Legal Aid Commission had, other than the areas of our five recommendations, effective processes to provide legal services to eligible persons for the period of February 1, 2015, to January 31, 2016.<sup>4,5</sup> By August 2021, two of the five recommendations were not fully implemented.<sup>6</sup>

To conduct this audit engagement, we followed the standards for assurance engagements published in the *CPA Canada Handbook—Assurance* (CSAE 3001). To evaluate the Commission’s progress toward meeting our recommendations, we used the relevant criteria from the original audit. Commission management agreed with the criteria in the original audit.

To complete this follow-up audit, we reviewed related policies and procedure manuals and interviewed key Commission staff. We examined case files for individuals receiving legal aid services from the Commission and staff performance evaluations.

## 3.0 STATUS OF RECOMMENDATIONS

This section sets out each recommendation including the date on which the Standing Committee on Public Accounts agreed to the recommendation, the status of the recommendation at August 15, 2024, and the Saskatchewan Legal Aid Commission’s actions up to that date.

<sup>4</sup> Eligible persons are those who meet Saskatchewan Legal Aid Commission eligibility criteria as set out in *The Legal Aid Act*, and *The Legal Aid Regulations, 1995*.

<sup>5</sup> *2016 Report – Volume 1, Chapter 16*, pp. 201–217.

<sup>6</sup> *2018 Report – Volume 2, Chapter 41*, pp. 275–281 and *2021 Report – Volume 2, Chapter 34*, pp. 247–252.

### 3.1 More Accurate Case Status in Electronic Management System

***We recommended the Saskatchewan Legal Aid Commission use its electronic case management system to capture accurately the status of legal aid cases in a timely manner to facilitate monitoring of lawyer caseloads.*** (2016 Report – Volume 1, p. 210, Recommendation 2; Public Accounts Committee agreement January 11, 2017)

#### **Status—Implemented**

Saskatchewan Legal Aid Commission more accurately captures the status of legal aid cases in its electronic case management system and closes files timely after the last case activity (e.g., a final court decision).

We observed the Commission completed an internal review of closed files to promote and ensure compliance with its file-closing policy, which came into effect on April 1, 2023. The internal review considered 208 closed files across the main four file types (i.e., Duty Counsel, Criminal, Child Apprehension, and Family) from all 13 area offices between April to December 2023. The review appropriately considered the following questions:

- Did lawyers complete a closing form?<sup>7</sup>

We found the Commission's review determined its lawyers consistently completed closing forms as expected, except at two area offices. We observed emails management sent to staff from those two area offices summarizing the review's results and plans to improve compliance.

- Did lawyers complete a closing form as soon as possible, and not more than seven days after the conclusion of the case?

We found the Commission's review determined its lawyers completed a closing form within seven days after the conclusion of the court work about 80% of the time (ranged from 76–90%), which is reasonable compliance. Management's review noted lower completion percentages for Criminal and Family case files due to complexity and staff often waiting for Court orders or further legal services on these files beyond seven days.

- Did administrative staff close the file in the electronic case management system as soon as possible, and not more than two days from receiving the concluded file from the lawyer?

We found the Commission's review determined administrative staff closed files in the electronic case management system after receiving the closing form about 89% of the time.

<sup>7</sup> Staff lawyers use the closing form to document and approve client case-file closures after the last case activity (e.g., final court decision) for all case file types.



We assessed the Commission's approach to its internal review including sampling decisions and considered it reasonable.

In addition, we sampled four files that were part of the Commission's review to assess accuracy of the results. For all four files tested, applicant information and case closing dates in the electronic case management system matched information on the legal aid paper applications and closing forms. We found staff closed the four files within 7–9 days; a similar result to the Commission's internal review.

Accurate and timely capture of legal aid case statuses in the electronic case management system helps ensure efficient allocation of resources and effective case tracking, which is crucial for providing timely legal assistance. Additionally, it supports data-driven decision-making to improve overall service delivery.

## 3.2 Staff Lawyer Performance Evaluations Completed

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***We recommended the Saskatchewan Legal Aid Commission conduct written annual performance evaluations of its lawyers.*** (2016 Report – Volume 1, p. 215, Recommendation 4; Public Accounts Committee agreement January 11, 2017)

**Status**—Implemented

Saskatchewan Legal Aid Commission conducts performance reviews of its staff lawyers annually.

The Commission developed a Performance Management Policy in April 2021 and updated it in April 2023. Overall, the policy appropriately provides detailed guidance on how the Commission should assess staff lawyers' performance, including evaluation frequency. For example, the policy states annual performance reviews take place from September 1 through November 30, and appraising managers will send a completed, signed form to the employee and to Human Resources by December 15.

We found the Commission conducted annual performance reviews using standardized templates within timeframes specified by its Performance Management Policy. Where the Commission did not conduct an evaluation within the specified timeframe, we found it had reasonable explanations (e.g., staff on leave).

The Commission appropriately maintains a central tracking spreadsheet that helps it monitor timely completion of lawyers' performance evaluations. We reviewed the tracking sheet and found the Commission completed all 2022–23 evaluations for lawyers who were eligible to be assessed (e.g., completed probation) except in certain instances (e.g., on extended leave).

The Commission had 78 staff lawyers as of July 12, 2024. We tested evaluations of five staff lawyers and found the Commission conducted annual performance reviews within policy timeframes except as follows:

- Two lawyers had performance evaluations completed late (January and June 2024). Management provided reasonable explanations for these delays. For example, offices where these staff work had management understaffed or staff were on leave during the stipulated timeframe for evaluation.
- One lawyer's performance evaluation was not completed because the lawyer was on extended personal leave. We observed evidence of this extended leave.

Completing performance evaluations allow for timely corrective action and promote a supportive culture of professional engagement.

