

Your Responsibility to Legal Aid

Yukon Legal Services Society (YLSS) has an obligation to all Yukon residents to ensure that legal aid resources are managed responsibly. To fulfill this obligation, YLSS must enforce certain rules and responsibilities for individuals receiving legal aid. When you apply for legal aid, you agree to accept the following responsibilities:

- Be truthful in providing information with your application.
- Advise Yukon Legal Services Society of any change of information provided with your application for legal aid (address, phone number and/or financial situation).
- Keep all appointments required for an update/review of eligibility for legal aid.
- Contact your lawyer's office once you have been approved for legal aid assistance and have been assigned a lawyer.
- Keep all appointments arranged by your lawyer and assist your lawyer in the preparation of your case.
- Maintain contact with your lawyer.
- Attend court as required by the Court or as requested by your lawyer.
- Pay any contributions promised to Yukon Legal Services Society as part of your approval for legal aid.
- Pay any money promised to Yukon Legal Services Society resulting from money you received from a settlement or judgment.

If you do not fulfill your responsibilities to Yukon Legal Services Society, your legal aid assistance may be cancelled. You may also not be able to receive legal aid in the future.

Yukon Legal Services Society

Working With Your Lawyer and Your Responsibility to Legal Aid

Your Questions Answered

Contact:

Administration Office
Suite 203, 2131 Second Avenue
Whitehorse, Yukon Y1A 1C3
Phone: (867) 667-5210
Toll Free: 1-800-661-0408 ext 5210
Fax: (867) 667-8649
Email: administration@legalaid.yk.ca

Hours of Operation:
Monday to Friday
8:30am – 12:00pm
1:00pm – 4:30pm

For more information, please contact our office or visit our website at www.legalaid.yk.ca



Working With Your Lawyer and Your Responsibility to Legal Aid

When you apply for Legal Aid, you accept certain responsibilities. It is important to know and understand what is expected of you, as well as what you can expect from your lawyer.

What is expected of me?

Initiating and Maintaining Contact

Once you have been approved for Legal Aid and have been assigned a lawyer, you must promptly contact your lawyer's office to schedule an appointment. Be sure to schedule your appointment for a time you are able to attend. If you are going to be late or need to reschedule your appointment, call your lawyer's office immediately.

You may be asked to fill out forms with information about you and about your legal problem before scheduling an appointment or speaking with your lawyer. Provide all information requested by your lawyer – the information you provide will help your lawyer to better assist you.

Your lawyer keeps a busy schedule in and out of the office, so do not expect to meet with your lawyer without an appointment. You are expected to make and keep appointments. If you have an emergency, talk to your lawyer's secretary for assistance.

You must keep regular contact with your lawyer. If you do not maintain contact, your eligibility for legal aid assistance could be cancelled.

Providing Information

Sometimes, talking about a legal problem may be uncomfortable. Remember that your lawyer is there to help you, not judge you. For your lawyer to provide the best legal service to you, they need to know all the facts.

Be honest and answer all questions as fully and accurately as possible. If you are asked to find out more information or to bring in specific documents, promptly do so and provide the requested information or paperwork to your lawyer.

Being Prepared and Organized

Even though you are receiving legal assistance at no cost or at a low cost, think of your lawyer's time and other resources as if you were paying for them in full. Your time with your lawyer may be limited, so make the most of the time you have by being prepared and organized.

Legal problems can often seem overwhelming, but being organized can make the situation more manageable for both you and your lawyer. It will also help you to maintain clear and accurate communication.

You can be prepared and organized by:

- Writing down the details of your legal problem before the meeting
- Listing the questions you would like to ask your lawyer in the meeting
- Taking notes during the meeting
- Keeping copies of all papers, notes, and documents relating to your legal matter in one place and bringing them with you to meetings

What can I expect from my lawyer?

The role of your lawyer is to help you with your legal problems only. He or she will only be able to help you with the legal matters approved with your application to legal aid. As your legal representative, your lawyer can speak, write, and appear in court on your behalf.

You can expect your lawyer to talk to you about:

- Your legal options
- Your legal rights
- The law as it relates to your legal matter
- Risks and possible outcomes
- The limitations of your legal aid certificate
- What he or she can and will do to help you
- Confidentiality

Your lawyer has a responsibility to you to:

- Follow your reasonable instructions
- Return your calls in a reasonable amount of time
- Keep his/her appointments with you, or reschedule if necessary
- Answer your questions regarding your legal matter
- Provide you with any documents or information reasonably requested
- Complete his/her work for you in a timely manner
- Maintain confidentiality

Sometimes your lawyer may give you advice or instructions you may not agree with or like. Remember that your legal counsel is obligated to give you the best legal advice given his or her understanding of your situation and the law.

What do I do once I am approved?

If you are approved, you will be notified once a lawyer has been assigned to assist you.

Once you have been assigned a lawyer, contact the office where your lawyer is working to schedule an appointment.

What can I do if I am turned down for legal aid?

If your application for legal aid assistance is refused, you have the right to appeal the decision to Yukon Legal Services Society's Board of Directors. You will receive by mail a letter indicating why you have been refused along with an appeal form, which you must complete and return to our office prior to the next scheduled appeal meeting (usually the fourth Thursday of each month). The date for the Board meeting will be included in the letter.

In your appeal to the Board of Directors, state why the decision should be reconsidered. If you would like the Board to consider financial information not provided to the Intake Coordinator, you should provide additional proof of your circumstances. Be prepared to demonstrate why your situation either falls within the eligibility guidelines or is exceptional.

You have the right to present your appeal to the Board in person or by telephone during the scheduled appeal meeting. The Board will consider the reasons you have given for appealing the refusal and will review your file and application for legal aid. The Board will either grant you legal aid assistance or uphold the refusal.

Contact:

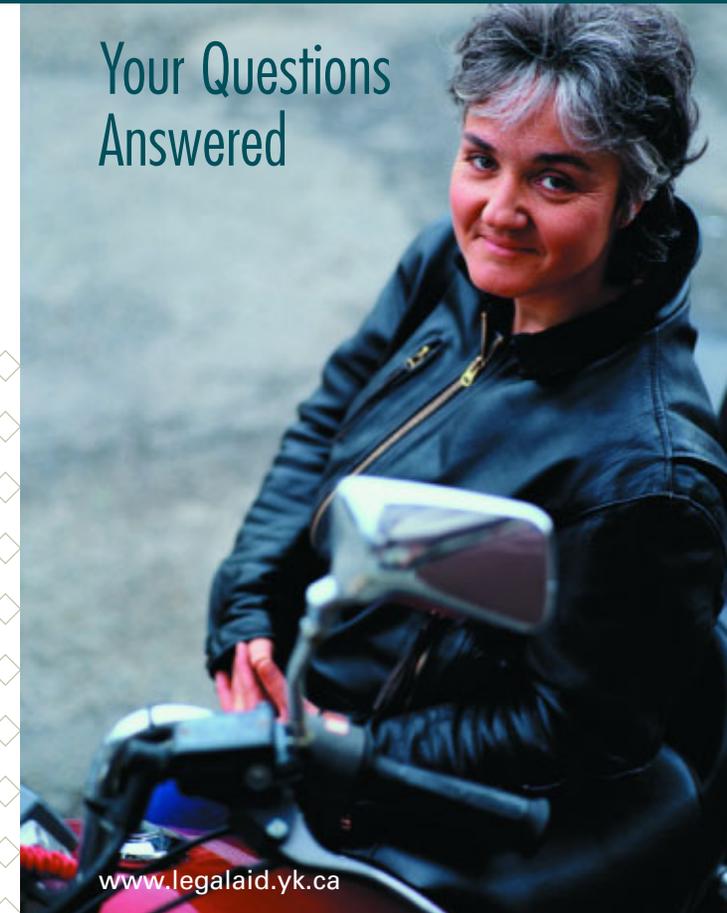
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Applying for Legal Aid

Your Questions Answered



Yukon Legal Services Society

Yukon Legal Services Society (YLSS) is Yukon's legal aid service provider. If you need a lawyer but cannot afford to pay, we may be able to help by providing a lawyer at no cost or at a very low cost to you.

Areas of Coverage

Criminal Matters:

Legal Aid is provided to eligible persons for the following criminal matters:

- Criminal offences where there is a reasonable likelihood of jail;
- Proceedings pursuant to Part XX.1 of the Criminal Code (the Mental Disorder Provisions);
- Proceedings under the Extradition Act or the Fugitive Offenders Act;
- Proceedings under the Youth Criminal Justice Act;
- An appeal by the Crown in any of the above matters;
- An appeal by an eligible person in any of the above matters where, in the opinion of the Executive Director, the appeal has merit.

Legal Aid covers all usual procedures in the above criminal matters. Any special applications, such as bail reviews, constitutional challenges or curative discharge applications are only covered where, in the opinion of the Executive Director, the application has merit.

Civil Matters:

Legal Aid is provided to eligible persons for the following civil matters:

- All Child Protection proceedings;
- Interim proceedings in cases of family breakdown where children are involved and resulting in issues of custody, access, child support, restraining orders and exclusive possession of the matrimonial home and where:
 - > there are no pre-existing orders of the court or other lawfully binding resolution, or
 - > where the health or safety of a child or parent, or an established parent/child relationship is at risk.
- Proceedings under the Mental Health Act.

The Executive Director may require an independent assessment of merits before extending or continuing Legal Aid coverage in any of the above-noted matters.

Who can receive legal aid?

Every Yukon resident can apply to Yukon Legal Services Society (YLSS) for legal assistance. However, to receive legal aid:

- You must have a legal problem that we cover.
- Your income and the value of your property must be below a certain limit.
- You might have to pay a contribution to Yukon Legal Services Society.
- In some civil matters, there must also be a strong reason (merit) for providing legal aid to assist you.
- The legal problem is something that a reasonable person of modest means would, if financially able, pay a lawyer to do.

How do I apply for legal aid?

To apply for legal aid assistance, you must contact Yukon Legal Services Society's Administration Office to schedule an appointment for an interview with our Intake Coordinator.

If you live in a Yukon community outside of Whitehorse, you can contact our office to schedule and attend a telephone interview by calling our toll-free number: 1-800-661-0408, extension 5210.

For criminal and wardship matters, you must attend your first court appearance and have the duty counsel lawyer, provided by Legal Aid, assist you. Once you have attended your first court appearance and have been scheduled for a second appearance, contact Legal Aid for an appointment.

What do I need to bring with me?

You MUST provide the following information in order to apply for legal aid:

- Any documents relating to your case, including court orders, agreements, served papers or your copy of the Duty Counsel Appearance Form.
- Proof of your household income for the past 6 months, including pay stubs, social assistance budget sheet, EI statements, Record of Employment (ROE), or current financial statements if you are self-employed.
- Proof of any Child Support paid or received for the past 6 months.
- Proof of Child Tax Benefit income.
- Proof of unusual expenses such as medical/dental costs.