

# Investment Fund Evaluation Report: Eligibility Officer Project

Prepared for:  
Laura Lacoursiere.  
Chief Executive Officer (Interim)  
#502 – 201 21<sup>st</sup> Street East  
Saskatoon, Saskatchewan  
S7K 2H6

Submitted by:  
Yelland Research & Evaluation Services  
2610 – 57<sup>th</sup> Avenue  
Lloydminster, Alberta  
T9V 2C8

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# SECTION ONE: OBJECTIVES AND METHODOLOGY

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The Client Satisfaction Research Project Report (2003) suggested that the Saskatchewan Legal Aid Commission (SLAC):

- Improve scheduling procedures to allow appointments to be made during all office hours;
- Expand the use of paralegal personnel to collect and provide information as support to the representation services provided by Legal Aid lawyers; and
- Assess intake procedures to identify improvements in the flow from initial contact to post-outcome, especially in conjunction with consideration of orientation sessions and expanded use of paralegal personnel.

As a result, SLAC developed the Eligibility Officer Project and applied to Justice Canada for Investment Fund project funding to “recruit an additional Eligibility Officer or Legal Assistant at each of the Regina and Saskatoon city offices to determine financial and range-of-service eligibility and to gather information for the lawyers to determine professional merit of the matter” (SLAC 2005).

Evaluation of the Eligibility Officer Project was conducted by Yelland Research and Evaluation Services (YRES) and intended to provide information about the implementation and impact of the Eligibility Officer Project. This evaluation was conducted in the fall of 2005 to the spring of 2006, and was submitted to SAC in September 2006.

## **Evaluation Objectives**

The specific objectives of this evaluation are to:

1. Describe the changes made to the existing eligibility determinations process in Saskatoon and Regina as a result of the Eligibility Officer Project;
2. Discuss these changes in terms of the project’s development, implementation, context, activities, outcomes, impacts, cost, and sustainability;
3. Determine if the Eligibility Officer Project has shortened the eligibility determination process and reduced the waiting time to see a lawyer;
4. Identify the strengths and weaknesses of the Eligibility Officer Project and possible improvements;

These objectives were used to guide the development of the overall evaluation project, the research questions and the interview questions. Information relevant to the first, second and third objectives are contained Section Two: Program Information. The project costing data is somewhat limited and there is no direct discussion about the project's sustainability. However, senior stakeholders within Saskatchewan Legal Aid recognise the importance and potential for the Eligibility Officer Project and some of the respondents suggest they have "no interest" in returning to the previous process – further, they expressed doubt that the courts would appreciate a return to the previous system either. Given these comments, the issue of project *viability* seems less significant than project *sustainability*. Given the resounding appreciation expressed for the project, perhaps, the most important discussion is one of refining and furthering the existing project rather than discussing the need for the project itself. Information relevant to the second, third and fourth objectives is contained in the interview data in Section Three: Data and Analysis.

## **Data Sources**

Data sources for this evaluation included:

- ❖ A review of internal documents and relevant literature
- ❖ Interviews with project stakeholders

Data for this evaluation was gathered between June 2005 and August 2006.

## **Document Review**

Yelland Research & Evaluation Services reviewed internal documents relevant to the Eligibility Officer Project.

This document review assisted YRES personnel in understanding the scope of Saskatchewan Legal Aid's eligibility determination process and the Eligibility Officer Project. This review also aided in the development of the project stakeholder interview guide. Finally, the document review provided YRES and the SLAC evaluation project manager with an appreciation for the differences in the eligibility process and the eligibility officer positions in Saskatoon and Regina.

## **Stakeholder Interviews**

Yelland Research & Evaluation Services and the evaluation project manager identified the stakeholder groups to be interviewed for this evaluation. The evaluation project manager assisted YRES personnel in identifying potential respondents in Saskatoon and Regina. Six individuals were interviewed in Saskatoon (1 responded by email) and 2 individuals were interviewed in

Regina. Further, discussions about the Eligibility Officer Project were also held with senior SLAC staff and the Legal Director in Regina.

In total, 8 people were interviewed using a semi-structured interview guide (see Appendix 1), and discussions were held with 2 more project stakeholders.

## **Sampling**

Potential interview participants were identified using a stratified purposeful sampling to identify the initial potential respondents. Stratified purposeful sampling is a form of non-probability sampling in which the researcher seeks to collect data from specific groups and individuals, who are recognized as having significant knowledge about the project under examination. This approach to sampling facilitates comparison of data by sub-groupings where appropriate. Sub-group comparison was not used in this report but this sampling approach would allow for it in future evaluations.

## **Analytic Approach**

Evaluation of the Eligibility Officer Project included both quantitative (numeric) and qualitative (textual) data. The quantitative data was analyzed with Descriptive Statistics (frequencies and percentages of responses), and the qualitative data was analyzed by examining the responses to the interview questions for common or similar responses. These similar responses were then grouped into themes. The themes and their frequencies are reported in the Data and Analysis section below.

## **Limitations of the Evaluation**

This evaluation was not designed to be generalizable beyond this particular project. It would be inappropriate to apply the lessons learned in this evaluation to the evaluation of other Eligibility Officer projects without first ensuring the similarity of the project's context.



# SECTION TWO: PROGRAM INFORMATION

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The Eligibility Officer Project background information and project description provided below comes from discussions with, and documents provided by, the SLAC evaluation project manager and the REGINA AND Saskatoon Legal Directors. The background information includes details about the state of the eligibility determination process prior to the Eligibility Officer Project. The project description provides an overview of the changes made to the eligibility determination process as a result of the Eligibility Officer Project. The Eligibility Officer Project was implemented differently in Saskatoon and Regina, and these differences are discussed in the project implementation section, which also includes an overview of the Saskatoon Eligibility Officer's duties and responsibilities. Project costs are discussed after the project implementation section.

## **Project Background Information**

As discussed above, the Client Satisfaction Research Project Report (June 2003) included a number of suggestions that culminated in the Eligibility Office Project. Prior to the Eligibility Officer Project the wait to see a lawyer in the Regina and Saskatoon city offices “was about 12 to 16 weeks” or approximately 3 to 4 times the 3.7 week average for all Legal Aid offices in Saskatchewan (SLAC 2005). As a result, SLAC developed a project to increase the number of Eligibility Officers in the Regina and Saskatoon city offices with the primary goal of reducing this wait time. Additionally, individuals within the Saskatoon City office reviewed the existing process to look for ways to opportunities to change the process to make it more efficient. For descriptions of the eligibility process prior to the investment fund project see Appendix 2 for a description of the process in Saskatoon and Appendix 3 for a description of the process in Regina.

## **Project Description**

The stated goal of the Eligibility Officer Project was to “recruit an additional Eligibility Officer or Legal Assistant at each of the Regina and Saskatoon city offices to determine financial and range-of-service eligibility, and to gather information for the lawyers to determine professional merit of the matter” (SLAC 2005). Further, the intent of this project was to “increase access to legal aid by reducing the backlog to get an appointment to see a lawyer” (SLAC 2005). As suggested above, the hope is that increasing these particular resources will result in:

- A more streamlined eligibility determination process;
- A shortened wait time to see a lawyer;
- Increased access to Legal Aid services due to elimination of appointment backlog.

## **Project Implementation**

The additional eligibility officer started effective September 1, 2004 in the Regina City office. This increased the number of possible time slots available for family and criminal matters from 22 to 44 slots every day except for Fridays (due to EDO arrangements). With the additional eligibility officer in the Regina City office, 25 of the increased number of time slots available have been designated to adult and youth criminal matters.

After providing coverage for another legal assistant and taking some leave time herself, the additional Saskatoon eligibility officer started in her new position as of September 20<sup>th</sup>, 2004. Adding the second eligibility officer allowed the Saskatoon office to book between 50 and 60 eligibility appointments each week. Appendix 4 describes the eligibility process in Saskatoon following the initial revisions. In addition to increasing the number of eligibility officers, the Saskatoon office also responded to a request from the court to improve *efficiency* of the eligibility determination procedures. Due to the additional eligibility officer in Saskatoon and the availability of office space in the Saskatoon courthouse the Saskatoon City office revised the eligibility determination process to ensure that an eligibility officer is available at the courthouse every morning, and afternoons from Monday through Thursday for non-custodial first appearance clients. This ensures the eligibility officer is available to assess a potential client's financial and range-of-service eligibility, and provide the client with a letter including the first adjourn date that they can take back into court that same day. This new process results in the eligibility officer taking applications from 4 – 6 people every morning and 12 – 20 people each afternoon for a total of 68 to 110 people per week. Further, the Saskatoon office decided to more strictly enforce the existing range-of-service and financial guidelines. These changes were made after the table in Appendix 4 and are therefore not reflected in Appendix 4. Finally, Appendix 5 shows the eligibility process in Regina following the investment fund change (adding the second eligibility officer).

In summary, the key changes made as a result of the Eligibility Officer Project were:

### Regina

- Hiring and additional eligibility officer

### Saskatoon

- Hiring and additional eligibility officer
- Having the eligibility officer available to see potential clients at the courthouse
- More strictly enforcing the existing range-of-service and financial guidelines

## **Duties and Responsibilities**

As outlined by one of the respondents the duties and responsibilities of the Saskatoon eligibility officer include the following:

### **Court House:**

In Saskatoon, the eligibility officer attends court every weekday morning and afternoons Monday through Thursday. At court, the eligibility officer is responsible for meeting with potential clients who request legal aid service to complete their intake application and assess their financial and range-of-service eligibility. If the client is deemed eligible the eligibility officer provides the client with a letter they take back into court advising the court when the client will meet with the legal aid lawyer.

### **Office:**

At the office the eligibility officer is responsible for:

- Checking each file for potential conflicts
- Ensuring the Crown's position has been received by Legal Aid
- Ensure the contact information and number tracking is as complete as possible
- Open 40 – 50 files/ week
- Close files as necessary
- Enter appointments into calendars
- Enter file info into computerized database
- Contact the Crown and request the disclosure
  - Ensure the disclosure is correctly filed and ready for the lawyer to review
- Liaise with client about appointments and court dates
- If handling file for another office, complete the intake and forward it to the other office (courtesy file)

One of the eligibility officers in Saskatoon estimated that they spent a significant amount of their time covering as the legal assistant for the adult & youth custodial court.

## Project Costs

Table 2.1: Project Expenses presents the budgeted, revised, actual and anticipated costs for the Eligibility Officer Project from 2004 through 2006.

**Table 2.1: Project Expenses**

	<b>Budget</b>		<b>Actual</b>	<b>Variance</b>	<b>%</b>
2003 - 2004	\$0		\$0	\$0	0.00%
		<b>Revised</b>			
2004 - 2005	\$92,550	\$77,142	\$77,166	\$24	0.03%
			<b>Projected</b>		
2005 - 2006	\$127,816	\$108,236	\$119,249	\$11,013	10.17%
<b>Total</b>	<b>\$220,366</b>	<b>\$185,378</b>	<b>\$196,415</b>	<b>\$11,037</b>	<b>5.95%</b>

1) This table is based on data provided by the SLAC (Accounting Department) and covers the cost for the entire project (both Saskatoon and Regina).

2) A full breakdown of project expenses was not available when the report was prepared.

As shown above, SLAC reduced the original budget by \$15,408 (16.65%), and finished the year \$24 over budget. The 2005-2006 expense data is based on projected rather than actual expenses and shows that the Commission anticipates exceeding the revised budget by 10.17% (~\$11,000). If these projected expenses are realized, the Eligibility Officer Project will have, overall, exceeded the *revised* budget by 5.95% in its first two years. Finally, even if the anticipated 2006 expenses are realized the Eligibility Officer Project will still be 10.87% or ~ \$24,000 under budget according to the *original* budget.

Discussions with SLAC in June of 2006 revealed that the wage costs for the Eligibility Officer project (and therefore the total project budget) were impacted by the Saskatchewan Legal Aid Commission settling a union negotiation in October 2005.

## SECTION THREE: DATA AND ANALYSIS

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Section three presents data and analysis of that data for the various sources listed above.

### Document and Related Literature Review

The document review includes data from internal documents, Investment Fund documents, (status reports, etc) as well as tracking data regarding eligibility, adult and youth intake; the number of clients seen by type, and data about the appointments booked and kept for both youth and adult.

The Saskatoon and Regina offices each track their own statistics separately (manually). The data for Table 3.1: Appointment Waiting Times, however, comes from an internal document (April 2005) and shows the average waiting times for criminal and family matters across all Saskatchewan Legal Aid office as of April 2006.

**Table 3.1: Appointment Waiting Times (Regina City Office)**

Area Office	Criminal Matters		Family Matters
	Adult (wks)	YOA (wks)	(wks)
Regina City	9	7	1.5
Regina Rural	1 to 3	1 to 3	3 to 4
Saskatoon City	5	2	1 to 3
Saskatoon Rural	1 to 2	1 to 2	2
Prince Albert	2 to 3	2 to 3	8
Moose Jaw	2 to 3	2 to 3	2 to 3
Swift Current	1.5	1.5	2
Yorkton	4	4	1 to 3
Battlefords	1	1	1 to 2
South East	2	2	2
Melfort	4	4	4
Meadow Lake	2	2	6 to 12
Northern	4	4	4 to 6
<b>Average (April 2006)</b>	<b>3.1</b>	<b>2.8</b>	<b>3.4</b>
At April 2005	3.9	2.7	3.9
At April 2004	4.4	3	3.0
At April 2003	3.7	2.9	2.8
At April 2002	3.9	2.7	3.0
At April 2001	3.3	1.8	3.0
At April 2000	4.4	1.5	2.5

Source: Internal SLAC statistics regarding appointment backlogs current, April 12, 2006

As shown in Table 3.1, the average waiting time for an adult criminal matter appointment has decreased by more than 25% since the inception of the Eligibility Officer Project in 2004.

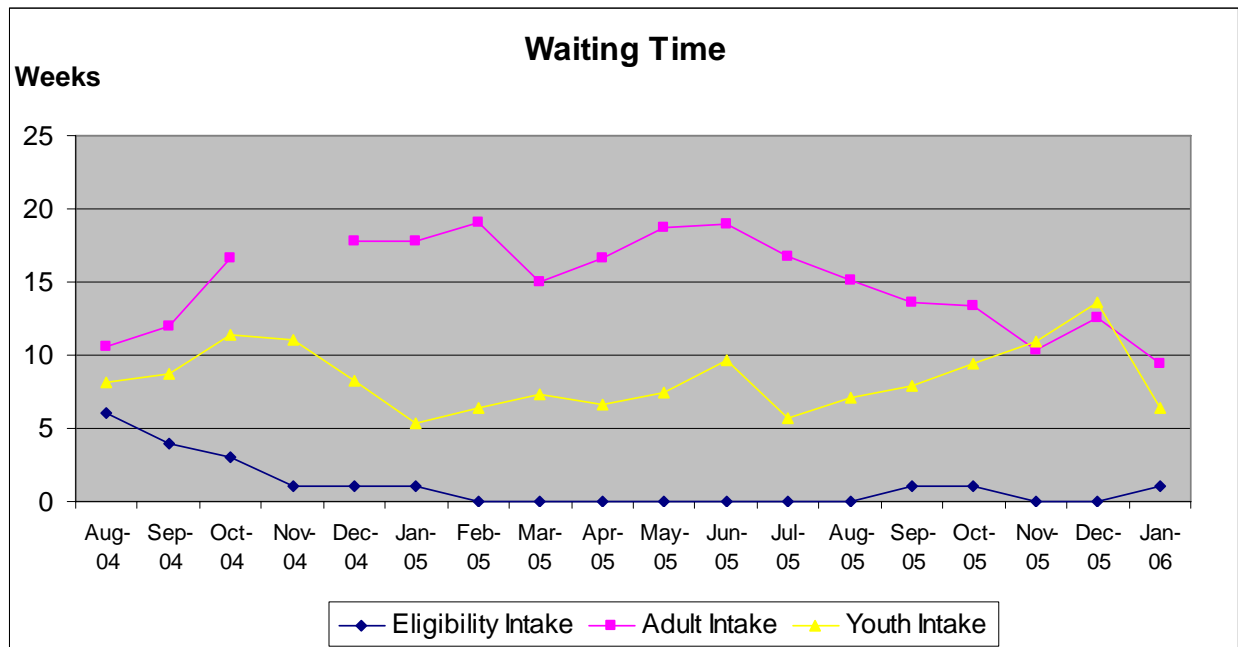
Second, the average waiting time for an adult criminal matter appointment is at its lowest recorded amount since 2000.

In April 2006, the wait time for an adult criminal matter appointment in the Regina City office was almost three times (290%) the provincial average and the wait in the Saskatoon City office was 161% of the provincial average.

Following the implementation of the Eligibility Officer project, internal data shows that the wait time for an adult accused to see an eligibility officer has dropped approximately 7 weeks in Regina and 5 weeks in Saskatoon to virtually same day service in both locations. In Regina, adding a second eligibility officer increased the total number of appointment times available and after a brief time the backlog was eliminated and most clients can see an eligibility officer virtually the day they request service. In Saskatoon, in addition to the second eligibility officer, the availability of office space in the courthouse allowed the Saskatoon office to change their process to ensure that an eligibility officer is availability at the courthouse for accused to see if they wish. The Regina office did not put an eligibility officer in the courthouse because there was no space available. Following these changes the Saskatoon office also decided to more strictly enforce the range-of-service and financial guidelines and according to one individual involved with the process this has reduced the total number of clients represented by approximately 25%.

While comparison numbers were not available from Saskatoon the internal tracking numbers from Regina are shown below in Chart 3.1: Eligibility Intake.

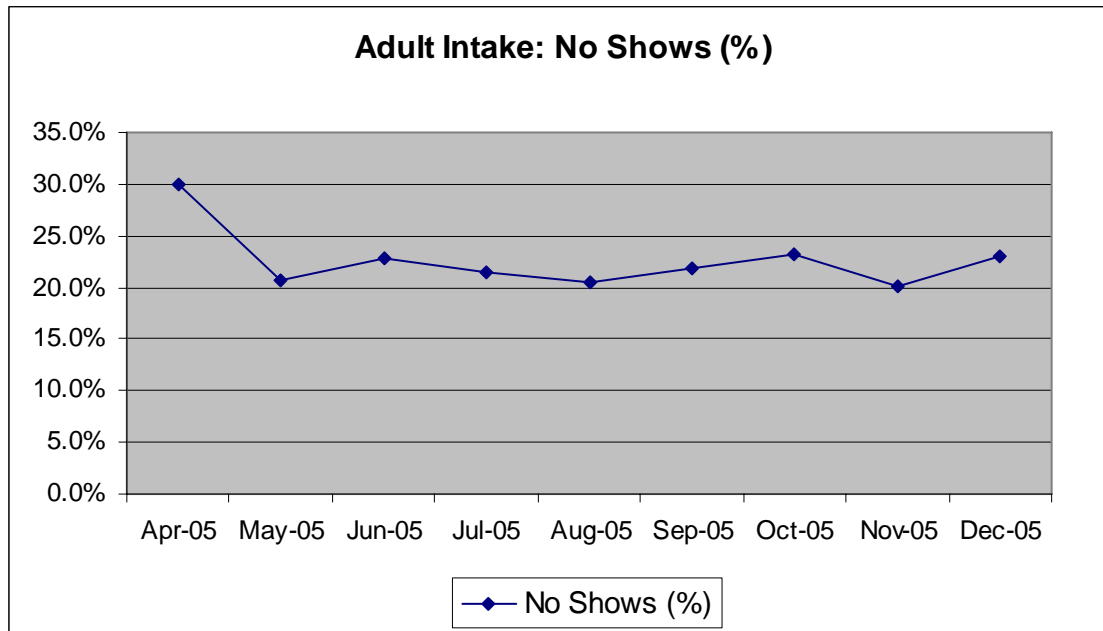
**Chart 3.1: Eligibility Intake (Regina City Office)**



- 1) November 2004 Adult data missing (estimated to be approximately 4 weeks)
- 2) Source: Intake – Federal reporting August 2004 to Current (January 1, 2006) – internal statistics

This chart shows the average waiting time (in weeks) for eligibility appointments, and adult and youth appointments to see a lawyer once eligibility has been determined in the Regina City office. As shown above, the wait time for an eligibility determination appointment decreased significantly following the appointment of the second eligibility officer in Sept 2004. In fact, during the interviews one respondent commented that they had essentially eliminated the backlog and clients were able to book an eligibility appointment with only a 1 or 2 day wait. Second, as shown in Chart 3.1, youth intake has vacillated from August 2004 to January 2006, but has essentially remained the same. The adult intake numbers show a definite increase from August 2004 to June 2005, followed by a marked decrease to January 2006. It is important to note that the lawyer assigned to the youth team was changed in September 2005, which may account for the intake times not changing from September to October, as the new youth team lawyer would have needed at least a little time to get up to speed on the youth team processes.

**Chart 3.2: Adult Intake - No Shows (%) for lawyer appointments (Regina City Office)**



Source: Intake – Federal reporting August 2004 to Current (January 1, 2006) – internal statistics

One perennial issue with the eligibility determination process is the number of No Shows', or appointments not kept by the clients. The internal data from Regina provides an example of the extent of this issue for the Regina City office from April 2005 to December 2005. As shown above, the percentage of adult clients not keeping their lawyer appointments ranged from a high of 30% to a low of 20% and averaged 23%. Saskatoon does not track the same data, as the bulk of their clients see the eligibility officer at court the day they request service from Legal Aid.

### **Stakeholder Interviews**

The stakeholder interviews were designed to elicit information from Eligibility Officer Project stakeholders about their perceptions regarding various aspects of and issues with the Eligibility Officer Duty Project. For reporting purposes, the following text presents the themes that emerged during the analysis. These emergent themes are the result of grouping together responses that are thematically similar. Where possible, the themes were presented from strongest (view shared by largest number of individuals) to weakest (view shared by least number of individuals).

**Question 1: What are the strengths of the Eligibility Officer Project? What are the weaknesses of the Eligibility Officer Project?**

**Strengths**

- The most frequently reported strength of the eligibility Officer project was that it *reduced the waiting time* for a potential client to see a lawyer and have their eligibility determined.
- The next most frequently reported strength was *access* to the eligibility officer at court (in Saskatoon). The respondents commented that this has lead to:
  - Fewer adjournments;
  - Increases client comfort with the process;
    - Therefore reduces the clients stress.
- Other strengths reported include:
  - Help managing the workload and ensuring less clients fall through the cracks;
    - Ensure completeness of files prior to meeting with client = faster service;
  - Maintain on-going communication with the crown;
  - New process enforces the existing guidelines better than old process;
    - One respondent suggested the new process screened out minor cases and probably reduced the totals number of cases accepted by Legal Aid in Saskatoon by 25%;
  - Reduced the lines ups at the Legal Aid office;
    - Other building tenants are happier.

**Weaknesses**

- The most frequently reported response was *none* or *no weaknesses*.
- The next most frequently reported responses concerned the *level of staffing*. The additional eligibility officer in Saskatoon was recognized as bringing the staffing level up to the basic level needed to do the job and additional resources would still be needed to cover for holidays, sick days, Earned Days Off, etc. In Regina, one respondent commented that “now that they are caught up they feel underused”.

**Question 2: How well does the Eligibility Officer Project meet its intended objective to shorten the eligibility determination process and reduced the waiting time to see a lawyer?**

- All respondents reported that the Eligibility Officer Project has met its objective either *well* or *quite well*.

### **What facilitated or impeded the process?**

- Most respondents reported this favourable performance was due to the availability of the eligibility officer at court (Saskatoon only). The respondents felt this increased the clients' access to both the eligibility officer and the eligibility determination process.
- The second facilitating factor raised was the dedicated staffing available to the project.
- A facilitating factor relevant to both offices included:
  - Increased speed and contact with client lead to a better working relationship.
- A facilitating factor relevant to the Saskatoon office included:
  - Revised process – dedicating a lawyer to reviewing disqualified applications;

### **Question 3: To what extent has the Eligibility Officer Project met your organization's needs and expectations?**

- *All respondents* reported the Eligibility Officer Project has met their organization's needs and expectations *quite well*.

### **What has facilitated or impeded this?**

- The most frequent response was the *availability* of the eligibility officer *at the court*.
- The second facilitating factor raised was the *dedicated staffing* available to the project.
- Other facilitating factors reported include:
  - Completeness of file when clients come in for appointment;
  - Revised process – lawyer dedicated to reviewing disqualified applications;
  - Revised process – eligibility officer collects info and lawyers focus on the files;
  - Increased speed and contact with clients led to a better working relationship.

### **Question 4: To what extent has the Eligibility Officer Project met the client's needs and expectations?**

- *All respondents* reported the Eligibility Officer Project has met the client's needs and expectations *quite well*.

### **What has facilitated or impeded this?**

- *Access* to the eligibility officer at court (in Saskatoon) was the most reported facilitating factor. This was seen as very important in terms of revising the process to make it more convenient for the client, and has reduced the line ups of clients at the Legal Aid office.
- The second facilitating factor raised was the *dedicated staffing* available to the project.
- Having a single point of contact for access to information and to start the eligibility determination process was recognized as an important factor.
- Finally, having eligibility officers allowed the lawyers to focus on their files and has resulted in faster service.

### **Question 5: Are there any unresolved issues regarding the Eligibility Officer Project that you would like to see addressed?**

- The most frequently reported response in both Saskatoon and Regina was *none*.
- The next most frequent response concerned the *technological resources* available. Respondents in both Saskatoon identified the following as important issues.
  - Some respondents identified that the ability to access the case management system would improve the process over using hand written notes and having to reprocess that information again when the eligibility officer comes back to the office after court.
  - Similarly, having access to a complete office or at least a wireless laptop (with a high-speed line) would help make the process more efficient.
- Finally, two respondents in Saskatoon commented on the need for additional *staffing* to cover for holidays, sick days, Earned Days Off, etc as well as to expand the project so eligibility officers are available in other court rooms.

### **Question 6: What impact has the Eligibility Officer Project had on your organization? On the clients? On other stakeholders? (Please identify which stakeholder)**

- The respondents reported that the Eligibility Officer Project had the following impact on their organization:
  - Helped *manage the workload & ensure the files are complete*;
  - *Raised the profile of Legal Aid* with the clients and general public.
- The respondents reported that the Eligibility Officer Project had the following impact on the clients:
  - It provided *faster (better) service*; and
  - It increased the *continuity of service* and *reduced the clients stress* by providing a single point of contact.

- The respondents reported that the Eligibility Officer Project had the following impact on other project stakeholders:
  - *Reduced delays and increased the efficiency of the court* by increasing the speed of the eligibility process;
  - Helped manage the workload (*ensure the necessary information is available*);
  - Provided a *single point of contact*;

**Question 7: Have there been any unintended outcomes, positive or negative, for the program stakeholders or the local community? What was the cause? What could be done to mitigate or eliminate the negative outcomes?**

- The respondents were *unable to identify very many unintended outcomes* of the Eligibility Officer Project – positive or negative.
- Some respondents questioned whether the Eligibility Officer Project might also have resulted in an *increased workload for the Crown* and the *courts appointing more private bar* to cover cases no longer addressed by legal Aid.
- One respondent commented they hadn't, and didn't think their organization had, anticipated that the *volume* would be so high. Another respondent commented that they felt the high volume was likely good for Legal Aid (in that it helped justify their existence) and bad for the eligibility officer, due to the constantly high workload.
- One respondent reported that they felt *the new process* (including stricter adherence to the existing eligibility guidelines) *helped Legal Aid to maintain good client service*.
- Finally, one respondent felt there was a need for *additional eligibility officers working on both adult and youth courts* (Saskatoon).

**Additional Comments**

- One respondent in Saskatoon suggested that the *presence* of the Eligibility Officer *at court had helped increase the visibility of Legal Aid*.
- Another respondent concluded their interview by suggesting that Legal Aid “*maintain really good service*”.

# SECTION FOUR: RECOMMENDATIONS and ACTION ITEMS

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This section includes the recommendations and action items that arise out of the analysis as well as any offered by the interview respondents. The action items are presented as a starting point for SLAC management to develop a comprehensive action plan for revising the Eligibility Officer Project. It would be useful for SLAC management, the eligibility officer stakeholders (lawyers and paralegal personnel) and the evaluation project manager to develop this action plan jointly and to prioritize the implementation of these recommendations and action items in terms of the immediacy of the need, resources available and/or resources (including time) required for implementation. Additionally, the Saskatchewan Legal Aid Commission and the eligibility officer evaluation project manager should clearly define the criteria they will use to judge the success or failure of the implementation.

## **Recommendations**

### **I. Planning**

SLAC needs to develop a *common* system for tracking data for all offices regarding the eligibility determination process. Some common information was available, but the Saskatoon and Regina city offices each also collect data manually statistics which, while a useful representation of the local situation, do not facilitate comparison; and as a provincial organization, SLAC needs to be able to access comparative data when necessary.

Action Items:

- Legal Aid eligibility process stakeholders need to meet and design a system for tracking common data regarding the eligibility process. This includes defining:
  - the measures
  - the processes
  - the report structure and schedule

As Regina and Saskatoon seem to track data differently, it will be important that all individuals involved in the eligibility determination process meet and determine the common ground for the data required as well as the location specific data required.

- At a minimum, the tracking system should track the time a client must wait for:
  - Determination of eligibility (financial and range-of-service)

- An appointment with their lawyer once they have been deemed eligible
- The intake volume (broken down by criminal/ family, and adult/ youth)
- The number of appointments kept and missed so the ration of Shows to No Shows can be calculated for each location

## **II: Staffing**

The eligibility officer project increased the number of eligibility officers in Saskatoon and Regina and SLAC now needs to ensure that those levels of staffing are maintained. Various Saskatoon respondents recognized that the staffing level is currently at the bare minimum – there is still no backup support to cover sick days, holidays, conference days, earned days off, etc.

Action Items:

- Now that the backlog has been addressed in Regina they have the opportunity to:
  - Keep the eligibility officer in place on a part time basis to provide backup and support;
  - Investigate reallocating one of the eligibility officers to another team on a part time basis.

## **III: Technological Resources**

Given the dramatically different approaches to the eligibility determination process in Saskatoon and Regina, it is not surprising that the eligibility officers have different needs. However, respondents in both locations identified technological resources as something that would benefit eligibility officers in both locations. The efficiency of the process could be improved in Saskatoon by ensuring the eligibility officers have access to Legal Aid’s computerized case management system and database of files.

Action Items:

- Work with justice partners to provide the eligibility officer with a complete office at the court building.
- Provide the eligibility officers with a wireless laptop and a high speed internet access so the eligibility officer can access their office files as needed.
- Ensure at least the intake portion and contact information of existing client files are computerized so that the eligibility officer (and lawyers) can access this basic information quickly when out of the office.

#### **IV: Communication**

Stakeholder in the eligibility process should discuss existing and unanticipated issues that arise as well as potential improvements to the process.

##### Action Items:

- SLAC should arrange biannual meetings with all eligibility process stakeholders and partners to discuss issues and brainstorm potential solutions.
- Internal SLAC eligibility stakeholders should meet every six months to briefly discuss work flow, resource needs, possible resource reallocation, etc. This will help to ensure that SLAC management is aware of issues as they arise as well as what is being done to address those issues.



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*Status Report for Justice Canada Investment Fund: April 1, 2003 to March 21, 2004 (Report due June 30, 2004)*, Undated

Sigma Analytics Data Mining & Research

*Saskatchewan Legal Aid Commission: Client Satisfaction Research Project Report*, July 2003



# APPENDIX 1 – Eligibility Officer Interview Guide

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## Instructions

*“There is no hidden agenda to this discussion. I will ask a series of questions and would like you to answer the following questions from your own or your organization’s experience. Everything you say is confidential and will be reported anonymously. This meeting will last about 30 to 45 minutes.”*

1. Questions (probe for clarity and depth)
  1. What are the strengths of the Eligibility Officer Project? What are the weaknesses of the Eligibility Officer Project?
  2. How well does the Eligibility Officer Project meet its intended objective: to shorten the eligibility determination process and reduced the waiting time to see a lawyer. What has facilitated or impeded this success?
  3. To what extent has the Eligibility Officer Project meet your organization’s needs and expectations? What has facilitated or impeded this?
  4. To what extent has the Eligibility Officer Project meet the client’s needs and expectations? What has facilitated or impeded this?
  5. Are there any unresolved issues regarding the Eligibility Officer Project that you would like to see addressed?
  6. What impact has the Eligibility Officer Project had on your organization? On the clients? On other stakeholders? (Please identify which stakeholder)
  7. Have there been any unintended outcomes, positive or negative, for the program stakeholders or the local community? What was the cause? What could be done to mitigate or eliminate the negative outcomes?
  8. Finally, is there anything about the Eligibility Officer Project that I have not asked you about that you would like to discuss or comment on?



## APPENDIX 2 – Eligibility Process pre Sept. 2004 (Saskatoon)

	<p>First court appearance <b>(appearance 1)</b> Adjourn (1) for one week to make intake appointment with legal aid</p>	
	<p>Make appointment by phone or in person for appointment dated approximately five weeks later – return to court <b>(appearance 2)</b> to advise when appointment is, and to adjourn (2) to no later than a week after that appointment</p>	
	<p>Attend for appointment at legal aid office</p>	
<p>Deemed financially eligible for legal aid – return to court <b>(appearance 3)</b> with adjourn letter – adjourn (3) for 7 – 9 months to date on which you will appear with a legal aid lawyer to enter plea (typically 7 – 9 months later).</p>		<p>Deemed financially not eligible – return to court to advise <b>(appearance 3)</b> and adjourn (3) again to:</p> <ul style="list-style-type: none"> <li>- seek private counsel and/ or set trial date and</li> <li>- prepare to represent self and/ or</li> <li>- talk to Prosecutors about entering guilty plea.</li> </ul>
<p>One or two days to one or two weeks prior to plea appearance – appointment with legal aid lawyer to review disclosure and discuss case and determine plea.</p> <p>At non-custodial docket appearance <b>(appearance 4)</b> with lawyer, plead not guilty and set trial date – (basically <i>adjourn 4</i>) – typically no less than six months later or plead guilty and set sentencing date (variable wait times for this).</p>		
<p>Return to court <b>(appearance 5)</b> for trial or sentencing</p>		
<p>Minimum elapsed time/ number of court appearances from first appearance to conclusion of trial; <b>58 weeks – 5 appearances.</b></p>		



## APPENDIX 3 – Eligibility Process pre Sept. 2004 (Regina City)

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*initial contact in all instances is made by prospective clients		
	Make appointment by phone or in person for eligibility appointment <b>waiting time 6 weeks</b>	
	Attend for Appointment at the Legal Aid Office	
Attend to Legal Aid for eligibility appointment – deemed eligible for Legal Aid – letter provided which includes lawyer appointment date and adjournment date for <b>2 ½ months</b> at which time assuming client keeps that lawyer appointment will appear back in Court with a Legal Aid lawyer. Financial and range of service determined by Eligibility Officer Conflicts as well determined by Eligibility Officer if apparent at initial interview and when they have been advised there is a conflict – either by other Counsel in the office advising them or otherwise. Disclosure ordered by Eligibility Officers		Attend to Legal Aid for eligibility appointment – deemed not eligible due to financial or range of service and instructed to return to Court to advise Judge.  If client decides to appeal decision not to provide service the Legal Aid Office provides a Notice of Denial and further adjournment required to complete appeal and receive decision from CEO at Central Office – <b>suggested adjournment of 2 to 3 weeks.</b>  In all instances if client is not eligible they are provided information about Court workers or Private Bar by eligibility staff.
Attend to Lawyers appointment – review disclosure and determine pleas and/or enter negotiations with Crown to resolve. Return to Court within <b>one to two weeks</b> of this appointment to enter pleas. <b>Roughly 8 to 12 weeks to resolve.</b>  If plea of not guilty, setting dates for Trial or Preliminary Hearing – <b>not less than six months dependant largely on Court availability for Trials.</b>		If conflict determined – sent to Regina Rural, Moose Jaw, or Weyburn. If lawyer not available from those Area Offices or conflict at any of those offices exists approval for private bar farm out obtained from Legal Director and then with Central Office.

Attend to Trial or Preliminary Hearing – Trial charges dealt with Preliminary Hearing either committed to stand Trial or acquitted due to no evidence to proceed to Trial <b>Roughly 40 ½ weeks to resolve.</b>		

## APPENDIX 4 – Eligibility Process post Sept. 2004 (Saskatoon)

	<p>First court appearance <b>(appearance 1)</b> Stand down and go to interview room outside court to apply for legal aid.</p>	
<p>Deemed financially eligible at court by legal assistant – return to courtroom immediately with adjourn (<i>I</i>) date for plea – currently 2 – 3 months later.</p> <p>Financially eligible applicant is given a letter by the legal assistant with a date on which to phone to speak with a legal assistant to hear if he is fully eligible – on range of service – and/ or has been determined to be a conflict.</p>		<p>Deemed financially not eligible – return to court immediately to advise. May adjourn (<i>I</i>) to seek private counsel or determine other options or:</p> <ul style="list-style-type: none"> <li>- may talk to Prosecutors about options or</li> <li>- may set trial date – if trial date set will be approximately 6 – 9 months hence.</li> <li>- may adjourn to appeal to central office, approximately 2 to 4 weeks</li> </ul>
<p>If fully eligible and not a conflict, client returns to court with his legal assistant on plea adjourn date and enters plea (<b>appearance 2</b>). Not guilty plea/ trial date will be approximately 3 – 6 months later. Guilty plea and sentencing date set (wait time to that varies).</p> <p>If fully eligible but a conflict we will refer client to Saskatoon Rural office or private counsel. Conflict determination is coming much earlier in the process – generally within a month rather than the 6 – 8 months that was common previously.</p>		<p>If not fully eligible because matters fall outside of range of service (Crown proceeding summarily and/ or no chance of incarceration on conviction/ no loss of means of earning livelihood) applicant is advised of this in telephone meeting with legal assistant and will be advised to return to plea court (<b>appearance 2</b>) about 2 – 3 months later at which time legal aid lawyers advises the court that applicant is not eligible. Not eligible applicant will proceed as above.</p>
<p>Return to court with lawyer (<b>appearance 3</b>) for trial or sentencing</p>		
<p>Minimum elapsed time/ number of appearances from first appearance to trial: <b>16 weeks – 3 appearances</b></p>		



## APPENDIX 5 – Eligibility Process post Sept. 2004 (Regina)

<p>*initial contact in all instances is made by prospective clients</p>		
<p><b>PROCEDURES HAVE NOT CHANGED JUST WAITING TIMES</b></p>	<p>Make appointment by phone or in person for eligibility appointment  <b>waiting time 1 or 2 days, and in some instances same day if emergency. *this may or may not be before 1<sup>st</sup> Court appearance depending on when contact is made by prospective client.</b></p>	
	<p>Attend for Appointment at the Legal Aid Office</p>	
<p>Attend to Legal Aid for eligibility appointment – deemed eligible for Legal Aid – letter provided which includes lawyer appointment date and adjournment date for <b>2 months</b> at which time assuming client keeps that lawyer appointment will appear back in Court with a Legal Aid lawyer.          Financial and range of service determined by Eligibility Officer          Conflicts as well determined by Eligibility Officer if apparent at initial interview and when they have been advised there is a conflict – either by other Counsel in the office advising them or otherwise.          Disclosure ordered by Eligibility Officers</p>		<p>Attend to Legal Aid for eligibility appointment – deemed not eligible due financial/range of service and instructed to return to Court to advise Judge.</p> <p>If client decides to appeal decision not to provide service the Legal Aid Office provides a Notice of Denial and further adjournment required to complete appeal and receive decision from CEO at Central Office – <b>suggested adjournment of 2 to 3 weeks.</b></p> <p>In all instances if client is not eligible they are provided information about Court workers or Private Bar by eligibility staff.</p>
<p>Attend to Lawyers appointment – review disclosure and determine pleas and/or enter negotiations with Crown to resolve. Return to Court within <b>one to two weeks</b></p>		<p>If conflict determined – sent to Regina Rural, Moose Jaw, or Weyburn. If lawyer not available from those Area Offices or conflict at any of those offices exists approval for private bar farm out</p>

<p>of this appointment to enter pleas. <b>Roughly 9 to 10 weeks to resolve.</b></p> <p>If plea of not guilty, setting dates for Trial or Preliminary Hearing – not <b>less than five months largely dependant on Court availability for Trials.</b></p>		<p>obtained from Legal Director and then with Central Office.</p>
<p>Attend to Trial or Preliminary Hearing – Trial charges dealt with Preliminary Hearing either committed to stand Trial or acquitted due to no evidence to proceed to Trial</p> <p><b>Roughly 28 weeks to resolve.</b></p>		