

Legal Aid Manitoba Notice

Duty Counsel as Agents in Winnipeg and Brandon Adult and Youth Criminal Courts

To reduce the need for attendance of multiple counsel of record in Winnipeg Provincial Court Adult and Youth dockets, LAM consulted with stakeholders, including the CDLAM, LALA and Manitoba Prosecutions. As a result of these consultations, effective Thursday, March 19, 2020, lawyers appointed by LAM will appear in Winnipeg Provincial Court Adult and Youth dockets to act as agents for private bar and staff counsel as set out below. To request duty counsel assistance, counsel must send an email to crimdco@legalaid.mb.ca in accordance with the conditions set out below:

Effective Friday, March 20, 2020, this service will be extended to Brandon Provincial Court. To request duty counsel assistance, counsel must send an email to ryfaw@legalaid.mb.ca and phsie@legalaid.mb.ca before 3:00 p.m. on the day prior to the court sitting in accordance with the conditions set out below.

In order to enhance public safety and reduce the spread of COVID 19 during the current pandemic Legal Aid Manitoba will provide Duty Counsel services for counsel (PB and Staff) as agent, to adjourn matters, conduct bail hearings, and quick Guilty Pleas appearing on the Provincial Judge's Court "in custody" and "out of custody" court dockets at the Winnipeg Law Courts, on the following conditions:

- *Counsel for an accused shall be responsible to provide advice and get clear instructions from their clients, and to relay these fully to the designated LAM duty counsel contact before 9:00 am on the day of an accused's appearance;*
- *Where the instructions relayed to Duty Counsel are unclear or insufficient (as determined by Duty Counsel) a matter will be adjourned for clarification, and the court may require personal appearance by counsel of record;*
- *Duty Counsel are authorized as agent for counsel and to adjourn matters, enter pleas and otherwise conduct the hearings indicated above, as authorized in the instructions relayed to them by counsel;*
- *Where Duty Counsel deems it prudent and/or necessary, they are authorized to speak to an accused as agent for counsel in fulfilling the instructions relayed; and*
- *Counsel of Record shall remain as such and, where counsel have had appropriate contact with an accused and have provided proper instructions to Duty Counsel as agent, counsel of record for an accused shall be paid for any billable work performed by Legal Aid Duty Counsel.*
- *The services are provided on a good faith basis and may be refused if counsel are not using them appropriately.*

The onus is on counsel of record to ensure the appropriate advice has been given to the accused, and appropriate instructions taken, all of which must be properly relayed to Duty Counsel as agent

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An email request is required to ensure that the request is documented properly at LAM. This is required as LAM cannot have our Duty Counsel agents left in an untenable position before the court where an accused does not understand or agree with what is occurring.

We thank all panel lawyers for continuing to deliver legal aid to clients in these difficult times.