

GWST/POLI4390 Practicum Placement in Public Policy: NGOs and Government Services

Placement Report: Nova Scotia Legal Aid HRM Duty Counsel (Halifax Office)

Placement Organization

For GWST4390/POLI4390, I was placed at the Nova Scotia Legal Aid HRM Duty Counsel. Specifically, I was assigned to the Halifax office which is located on Spring Garden Road. Nova Scotia Legal Aid is an organization which provides free legal service (often to individuals who cannot afford hiring a lawyer), and so increases access to justice for many people. The HRM Duty Counsel works with people who are faced with criminal or drug charges, and are in need of legal support.

For this placement, my supervisor was a lawyer who works for HRM Duty Counsel. This is what my supervisor referred to as “working in the emergency room of the criminal justice system,” as he is given files each day for people who have just been arrested and are in need of prompt legal service. In the bail court system, it is my supervisor's job to defend arrested individuals and attempt to get them out on reasonable release orders. This means that when someone has been arrested and is facing a criminal charge, my supervisor's objective is to get them out of detention so that they are not sent to or kept in prison. To do so my supervisor works with the Crown Attorney to create a reasonable release order, meaning that the arrested individual can be released and that they are subject to certain rules during this release. These rules mean that there is some accountability and pressure placed on the arrested individual, such as the rule that they must show up to their future court dates, and mean that there is still some form of punishment (ex: having a curfew) as a result of their

charge/accusation. A release order is essentially a list of promises that an arrested individual makes to the court which they are subject to so long as the released order is in effect. And if they do not follow these promises, and are caught doing so, they can be subject to paying a fine to the court, facing further criminal charges like a breach of probation, and/or being detained again with a reduced likelihood of being released.

In this placement, I participated with and learned about the NS provincial court and Duty Counsel by accompanying my supervisor in the various steps of his job. There were no specific projects or tasks that I was given, I really was just there as a sort of shadow to witness the work being done. I personally really appreciated this method of learning because I got to see up close what my supervisor's jsupervisor'sand how the court system functions. This method also meant that I did not feel a lot of pressure because I was not expected to complete any projects or do any work for Duty Counsel, so I got to really enjoy being a guest in the space and interacting with the ins and outs of the job/area of law.

Daily Schedule

My supervisor, like most of the Duty Counsel lawyers or court support workers, would start his workdayworkdaynd 8:30 AM (or a bit before) at the Legal Aid office on Spring Garden Road. My supervisor would spend the first few minutes of the workday reviewing the police arrests that had been made the night before or earlier that morning so that he knew what files he would be dealing with that day. The lawyers and court support staff would make their way to the Halifax Provincial Courthouse (which is just down the street from the Legal Aid office, on Spring Garden Road) at around 9:00 AM.

Depending on my timing that day, I would either meet my supervisor at the Legal Aid office before 9:00 AM and walk down with him to the courthouse or I would go straight to the courthouse and join the Legal Aid team there.

The NSLA HRM Duty Counsel has a small office on the first floor of the courthouse, where the Legal Aid lawyers and court support workers stay during the day when they're not actively in court, talking with client in the cells, talking with the Crown Attorney,' or in the meeting room clients' loved ones and potential sureties. When assessing the files for that day's clients, my supervisor would consider their criminal record (the severity of their charges, the circumstances of the crimes, how recently the crimes were committed, etc.), consider their current life circumstances (if the client is unhoused, experiencing substance use issues, employed or not, if they have a support system/loved ones, etc.) and make an assessment about what they feel is a reasonable outcome regarding the charges facing the client.

Then my supervisor would go to the Crown Attorney's office (also in the courthouse) and speak with the Crown Attorney about these files. My supervisor would ask the Crown Attorney for their opinion on each file to understand what the Crown Attorney thinks a reasonable order for each client would be. My supervisor and the Crown Attorney would discuss and negotiate until they reached a decision about what was most feasible for a client. These decisions also must consider what decisions will maintain public confidence in the administration of justice.

After this, my supervisor would go down to 'the cells,' which are cells in the basement of the courthouse where arrested individuals are brought by police when they must appear in court. At the cells, my supervisor would talk to his clients and discuss

with them what is most feasible given the Crown Attorney's position on their file. He would communicate the options they had (plead guilty, seek a bail hearing, agree to the release orders, etc.) and ask them what they wished to do. If the clients did communicate what they wanted to do, my supervisor we take this as direction and state this information later in the courtroom. My supervisor would then return to the Crown Attorney's office and inform the Crown Attorney of what his client was wanting or willing to agree to. This ensured that he, his client, and the Crown Attorney were all on the same page about what would be recommended to the judge in the courtroom later.

Once the court was ready to hear these files, my supervisor and I would go to a courtroom and wait for each file to be called by the judge. When the court was ready to hear a file, the client would be brought up from cells into the courtroom by the sheriffs or, if the client were being detained elsewhere, they could phone call or video call into the courtroom. My supervisor would explain the directions he had received from his client and then would answer questions posed by the judge. The judge would also ask questions to the Crown Attorney and based on the opinions and suggestions of both my supervisor and the Crown Attorney, would make a judgment regarding the file. Almost all the time, the judge would agree with and approve whatever the Crown Attorney and Legal Aid lawyer (my supervisor) agreed on as a reasonable release order.

Typically the court closes at 12 PM for a lunch break, at which time the Duty Counsel team takes their lunch too. Sometimes lunch times or closing times (at the end of day) start earlier or later than usual, depending on how much time it takes the court to get through files. Court typically closes for the day around 3 PM, and the Duty Counsel team (and I) would leave at or just after 3 PM.

Overall Experience & Takeaways

As I said above, I really enjoyed this placement experience and the way that I got to accompany my supervisor and learn by watching. Though I was assigned to one Legal Aid lawyer specifically to be my supervisor, most of the time that I was at the placement I was also around other Duty Counsel lawyers and Legal Aid court support workers, so I feel like I got a broad sense of the work environment as a whole. I really enjoyed all of the lawyers and court support workers there, and I got to learn about each of their jobs.

I also attended a Nova Scotia Barristers' Society meeting in March, as the current Managing Lawyer of HRM Duty Counsel sits on the NSBS Council. I was present at the meeting for a few hours and left when they started an in-camera session, as that part of the meeting is for council members only. Witnessing this meeting gave me insight into how decisions are made which influence legal practising fees, equity in the legal practice and access to justice for citizens.

What stood out most to me from my time in this place is the amount of disadvantage which results in many people entering the criminal justice system. Many arrested individuals who I saw during this placement were unhoused or living on low income, were racialized, were experiencing substance use issues, and/or were coming from stressful/traumatizing living situations. They had made mistakes and/or bad decisions and had been detained for doing so. Many of the people arrested are tired, distressed, and overall, what I can only describe as hurt. Hurt not necessarily as in physical pain, but emotional - like heartbreak. It was not easy to see. And it never could be something that I take lightly; these are real people with histories and futures. I think it

is really important to recognize this and to not let myself/yourself be desensitized to their hurt.

This, I believe, is ultimately the work of Duty Counsel - it is to help people who are hurting. It is to find more productive alternatives for arrested individuals so that they do not remain in detention, having their liberty unnecessarily infringed upon and rarely leading to actual rehabilitation. Primarily, I am extremely grateful for this experience because I had what feels like a rare opportunity to witness the criminal justice system up close. Interacting with detained people was emotionally difficult but allowed me an intimate understanding of how the criminal justice system works – in good and bad ways. Navigating this emotional difficulty felt easier because of the amazing team of Legal Aid lawyers and court support workers who I was placed with, and their ability to be lighthearted and humorous. I think because of the hardship that they witness in these positions for Legal Aid, it is imperative to retain joy. I take away from this placement that these jobs are not emotionally easy but that they are also not devoid of goodness and important wins. I believe that the members at Legal Aid, though working within a system that I believe is so deeply flawed and harmful, work to make the impacts on arrested individuals less demoralizing and advocate for these individuals to have more reasonable outcomes.

Conclusion

I am very grateful for this placement experience and would absolutely recommend it to anyone who wants to be more familiar with the NS provincial court system, and specifically bail support, better. Being in this environment felt incredibly rewarding, even though it was also emotionally taxing, and it has invigorated me to

continue considering the legal field for my future work. This placement would be great for someone who is content to follow along with a supervisor and learn about the aspects of their job without having a specific project or task to complete. Most importantly, I think, this placement would be great for someone who cares about people and cares to understand the ways the criminal justice system does and does not support them.