

## **DUTY COUNSEL**

### **POSITION PROFILE**

**Position Title:** DUTY COUNSEL

**Supervisor:** Nokiiwin Tribal Council Executive Director

**Hours of work:** 35 hours per week

**Salary:** To be Determined

**Summary of Duties:**

Nokiiwin Tribal Council has initiated an Access to Justice initiative which has identified the need for Duty Counsel. Working in a team centred environment, the Duty Counsel will work closely with the Community Legal Worker supporting clients who are involved with the Justice System, including Legal Aid Ontario and the courts. Duty Counsel will also work with Nokiiwin Restorative Justice Coordinator and Nokiiwin Support Services Coordinator when appropriate.

**Probationary Period:** 6 Months

**PREFERRED QUALIFICATIONS:**

1. Member in good standing of the Law Society of Upper Canada
2. Minimum of two years' experience in criminal law
3. Knowledge of the Legal Aid Services Act and Regulations
4. Experience in training lawyers or other professionals
5. Knowledge of federal and provincial legislation regarding criminal law
6. Ability to work in a fast-paced environment
7. Ability to work independently
8. Sound judgement and problem-solving skills
9. A demonstrated commitment to social justice or public interest work
10. Extensive travel across Northwestern Ontario with a home base in Thunder Bay, ON
11. Intermediate level skills in Microsoft applications such as Word and Excel
12. Preference will be given to people of Indigenous heritage and people with an in-depth understanding of Indigenous communities and the issues affecting those communities.
13. Proficiency in Ojibway is an asset
14. Must have valid Ontario Driver's License and access to reliable transportation.

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**KNOWLEDGE AND SKILLS:**

- Must be innovative and decisive with high-level organizational, file management, and analytical skills
  - Must demonstrate the ability to work with a high level of tact and discretion
  - Must possess Statistics Management skills and must be able to establish and effectively achieve measurable objectives within directed work plans
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## **ESSENTIAL DUTIES:**

### **Work Plan and Budget:**

- Ensures activities are adhere to the Funding Agreement
- Participates (when available) in Access to Justice Advisory Steering Committee meetings
- Gathers baseline evidence and progress evidence at any occasion.
- Participates at requests of First Nation teams in related activities

### **Assisting Community Members by:**

- Being available for work during regular business hours in the office or in member communities as required during advance, court and summary legal clinic days and to be on call at other times when required
  - Be available in the community on advance and court days to assist legal counsel, duty counsel, community members, Restorative Justice Workers, Support Services Coordinator and Victim/Witness Advocate
  - Ensure community members are aware that duty counsel is available to provide advice to community members
  - As a Commissioner for taking Affidavits, perform all the functions of that office in relation to the fulfillment of the mandate of the position
  - Assist defense/legal counsel and duty counsel in the preparation of cases by:
    - arranging meetings with relevant personnel
    - maintaining an ongoing record of the status of cases
    - explaining any aspect of the case to help members understand the proceedings
    - carrying out all reasonable requests to assist in handling of cases
  - Assist Restorative Justice Coordinator and community Restorative Justice Workers in the development of Justice Committees
  - Assist defense counsel, duty counsel, Restorative Justice Workers and Justice Committee members in identifying potential community diversions; inform Restorative Justice Workers and complete a referral when a matter is diverted; assist with preparations for Restorative Justice circles and ensure that reports are or have been provided to the defense and the offender
  - Assist with Public Legal Education (PLE) by:
    - developing and delivering PLE programs in the communities, serve as a continual conduit of information to communities to ensure Nokiiwin fulfills its access to justice mandate
    - assisting member communities in any reasonable way to better understand and deal with the Euro-Canadian legal system
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- Refer victims to the Nokiwin Support Services Coordinator and / or Victim Witness Advocate for assistance
- Referring clients to Legal Aid Ontario personnel and assisting clients in the preparation of Legal Aid applications
- assisting community members in seeking legal counsel
- assisting community members in the completion of routine forms and providing information and referrals;
- referring legal advice and brief service requests to in house legal advisor and / or duty counsel
- following up on applications to ensure all necessary documentation and information has been submitted
- assisting clients in dealings with justice personnel (eg. probation officers, police officers);

**Liaison:**

- Liaise with other First Nation and Indigenous organizations to ensure mutual understanding, partnership building, and ongoing networking relationships to enhance the Restorative Justice Pilot Initiatives and Activities
- Liaise with member First Nations leadership and/or First Nation representatives to ensure accurate communication and information is properly disseminated;
- Attend information meetings, workshops, conferences and other professional development activities on relevant topics.
- Liaise with court, police, judges, and probation officers to arrange for mechanism to divert charges to available diversion programs

**Administration:**

- Provide monthly activity reports, meeting reports and/or other reports to the Executive Director and Board of Directors as requested
  - Provide briefings on emerging issues, progress and other reports, as needed
  - File once a month on a prescribed form, a report of all the work done and any problems encountered in that month;
  - File on a prescribed form, a report setting out of all courts within seven days of the court sitting;
  - Perform other related duties when and as required by the Area Director, and the Executive Director or their designates, in keeping with the furtherance of the goals and mandate of the Nokiwin
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**RELATED DUTIES**

- Perform other duties as assigned as related to the position
- Participate in the development of the goals, objectives, and the Strategic Direction of Nokiiwin Tribal Council

**ACCOUNTABILITIES**

- Accountable to the Nokiiwin Tribal Council Board of Directors, Executive Director, Professional Certification Bodies or Organizations, member First Nations, their employees and membership
- All Nokiiwin Tribal Council Policy and Procedures to apply

**WORKING CONDITIONS:**

- Work requires travel and interaction with First Nations and legal personnel, requiring a valid drivers license and reliable transportation
- Work may be subject to unscheduled hours.

**IMPACT OF ERROR:**

Errors in omission, analysis, judgment, and in the rendering of advice could lead to inequitable and/or legal and/or financial ramifications.

Errors could lead to duplication and confusion; a breakdown of Nokiiwin Tribal Council Board of Directors and staff relations; and unfavourable public relations.

**CONTROL:**

Subject to policy and direction from the Nokiiwin Tribal Council by-law or resolution, government legislation, and generally accepted financial policies and management practices.

The following signature confirms that the Duty Counsel acknowledges, understands, and agrees to fulfill the duties and activities outlined in this job description.

Approved By: \_\_\_\_\_

Date: \_\_\_\_\_

Accepted By: \_\_\_\_\_

Date: \_\_\_\_\_

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