



**Alcohol and Other Drug Treatment Court (AODTC) Pilot
Auckland and Waitakere District Courts
Duty Lawyer Instructions
Applicable from 8 November 2012**

1. These instructions detail the particular administrative arrangements for the AODTC duty lawyer service at the Auckland and Waitakere District Courts.

Background to the AODTC Court pilot

2. The pilot is part of a wider \$10 million AOD package under the Addressing Drivers of Crime work programme and is funded by alcohol excise tax.
3. The aim of the AODTC Court is to reduce drug use and associated offending through supervising the defendant and providing them with treatment programmes and life skills support and is aimed at defendants who suffer from a moderate to severe AOD addiction or AOD dependency and their offending has been driven by this. It provides selected defendants the opportunity to participate in an AOD treatment programme prior to sentencing.
4. The desired outcomes of the AODTC Court pilot are: reduced offending; reduced AOD use and dependency; reduced imprisonment; positive impact on the offender's health and wellbeing; and cost effectiveness.

Rostering policy at the AODTC pilots at Auckland and Waitakere District Courts

5. In the event an additional AODTC Court duty lawyer ("AODTC Lawyer") is required to fill any vacancy in the AODTC Lawyer teams, then a panel of at least the Senior Duty Lawyer Supervisor, PDS, and at least one AODTC Lawyer team leader may admit an additional person to the AODTC Lawyer roster by:
 - Reviewing the list of original applicants for the positions
 - Identifying a suitable replacement after considering the information listed in the original application material appointment process and the criteria set out in that application material, and taking into account the particular needs of the Court and the AODTC Lawyer team requiring the replacement
 - Approaching the person identified to determine if they have a continued interest in and availability for the AODTC Lawyer roster.

6. Only duty lawyers on the AODTC Lawyer rosters are eligible to act as replacement AODTC Lawyers at the Auckland and Waitakere AODT Courts.
7. Lawyers on either AODTC Lawyer Team are eligible to act as replacement lawyers in either the Auckland or Waitakere AODT Court. Replacement lawyers should come from the same team if possible.
8. Rosters are prepared by AODTC Lawyer Team Leaders, in consultation with ICLS (duty.lawyer@justice.govt.nz), and the Senior Duty Lawyer Supervisor, Northern, Public Defence Service and Ministry of Justice courts staff.
9. AODT Courts will sit each Thursday in Waitakere and each Friday in Auckland from 8 November 2012. The AODT Court is likely to sit over the holiday periods.
10. The AODTC Lawyer Team Leader (“the Team Leader”) will be rostered each AODT Court day to manage the AODTC Lawyers, the flow of work and take overall responsibility for the AODTC Lawyer service.
11. AODTC Lawyer team members will normally be rostered on alternating weeks.

Role of the AODTC Lawyer Team Leader

12. In addition to acting as a team member, the role of the Team Leader is to lead and oversee the AODTC Lawyer service (“the service”) to ensure a high-quality service is provided to participants and the Court. The Team Leader is responsible for:
 - leading the AODTC Lawyer team and overseeing delivery of the service to ensure it meets the needs of the Court and the participants
 - working with the Court and other agencies to develop and refine processes
 - working with the wider team to support the continual up-skilling of team members
 - administrative matters including, managing the roster, arrangement of replacements for the roster, managing attendances outside normal AODT Court days and allocation of participant cases between team members
 - being the first point of contact for concerns or complaints about the quality of the service or about AODTC Lawyer performance
 - reporting to the Senior Duty Lawyer Supervisor, Northern.

Duty lawyer hours of work

13. AODTC Lawyer teams must attend the pre-court meeting starting at 8.30 am on their rostered day.
14. Normal AODT Court operating hours are 8.30 am – 4.30 pm.
15. AODTC Lawyers should schedule other commitments outside their rostered duty lawyer session. If AODTC Lawyers have other commitments on their rostered day, they need to contact the team leader as soon as possible to discuss how those other commitments are managed or whether they need to be replaced for that day.
16. AODTC Lawyers must be available to attend until notified by their Team Leader they are no longer required. If it has been determined that a AODTC Lawyer is not required, they must sign off.
17. AODTC Lawyers should be aware that, as a rostered AODTC Lawyer, their first priority is to the AODTC Lawyer service. On rostered days the Team Leader is entitled to refuse to sign off AODTC Lawyers during busy periods at the AODT Court. If an AODTC Lawyer has other matters on their rostered day, with the Team Leaders consent they can be signed off to attend to those matters.

Late Arrival

18. If a rostered AODTC Lawyer has not contacted the Team Leader and has not signed on 15 minutes after the start time, the Team Leader is entitled to sign on a replacement.
19. Payment may be withheld if a rostered AODTC Lawyer does not appear as required and fulfil the requirements under these instructions, as well as their other responsibilities to the AODT Court.

Record of Attendance Form

20. Hours worked for each rostered day must be accurately recorded by AODTC Lawyers on the *AODTC Record of Attendance* form. The form is used by the Legal Aid Office as the basis for processing payments to AODTC Lawyers. No other invoicing is required.
21. AODTC Lawyers should complete the *AODTC Record of Attendance* form by entering their start and finish times and any time taken on non-AODTC Lawyer matters and the dollar value of service (GST inclusive). This must be verified with their signature. A ready reckoner is available on the back of the *AODTC Record of Attendance* form to assist AODTC Lawyers to calculate payment for the day.
22. The Team Leader will verify the hours recorded by the AODTC Lawyer by countersigning the *Record of Attendance* form. The Team Leader will deliver the *Record of Attendance* to the Legal Aid office and a copy to the Senior Duty Lawyer Supervisor, Northern.

23. Payment will not be made to individual AODTC Lawyers without the signatures on the form of both the AODTC Lawyer and the Team Leader.

Arrangements when duty lawyers are unable to attend on a rostered day

24. AODTC Lawyers are expected to programme other commitments outside their rostered sessions. Where absence from a rostered session is unavoidable, AODTC Lawyers should contact the Team Leader as soon as possible to discuss a replacement. The Team Leader will either:
 - advise the AODTC Lawyer that the Team Leader will arrange for a replacement;
 - request the AODTC Lawyer take responsibility for finding a replacement and discuss acceptable options for replacement; or
 - advise the AODTC Lawyer that a replacement is not required because of the expected workload at the court.
25. Team Leader and court staff member contact details are provided on the cover sheet of the AODTC Lawyer roster.
26. The Team Leader arranging replacements will use their team list to find a replacement. If they are not able to find a replacement off their team list they can use the list of the other AODTC Lawyer team to find a replacement.
27. AODTC Lawyers may not swap their rostered sessions with AODTC Lawyers rostered to appear on another day. Swapping undermines the aims of consistency and accountability of the scheme.

Requirements of duty lawyers while on duty

28. The role of AODTC Lawyers is to:
 - work effectively and collaboratively within the AODT Court team
 - evaluate the participant's legal situation and ensure their rights are protected
 - advise participants on their legal rights and options as these arise in relation to treatment, programme conditions and sentencing outcomes
 - represent the participant in the AODT Court and the general court where required
 - monitor the participant's progress to support their programme participation and collaboratively oversee the appropriate provision of treatment services

- apply knowledge about AOD dependency issues to meaningfully support participants with their compliance and treatment goals
 - contribute to the education of other defence lawyers on the purposes and objectives of the AODT Court
29. From time to time AODTC Lawyers may be called on by the Team Leader, another duty lawyer, or a court staff member to assist an AODT Court participant who is appearing on a breach of bail and/or a new charge in one of the two locations where the AODT Courts sit.
 30. AODTC Lawyers must ensure that a request for disclosure and transfer of the file to the AODTC Lawyer team is provided to the participants assigned or instructed counsel after the determination hearing at which the participant is accepted into the AODT Court.
 31. AODTC Lawyers must ensure that participant files are properly maintained and regularly updated and stored securely.