

KNOW YOUR RIGHTS - SPEAK TO DUTY COUNSEL!

By Mary Jean Robinson
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WHAT IS DUTY COUNSEL???

Duty Counsel are lawyers who are present in the communities on the advance and court days. They are there to advise people about their rights and ensure that those rights are protected. If you don't have a lawyer and you have to appear in court or simply have a question, Duty Counsel can assist you. You can approach Duty Counsel yourself or ask your Community Legal Worker to help. Any matter in a court requires legal expertise and you are entitled to receive legal advice before deciding what it is you would like to do. Community Legal Workers and Court Workers can assist by providing information but cannot offer legal advice.

Duty Counsel and Advice lawyers are paid by Legal Aid Ontario to assist people by providing legal information, advice and representation (remands & adjournments) at no direct cost to the individual.

Duty Counsel in Criminal Matters:

- Attend on advance day and for scheduled courts;
- Assist in applying for a remand, adjournment or bail hearing;
- Attend for a pre-trial with a judge and the crown prior to a person entering a guilty plea (this ensures there are no unexpected outcomes);
- Assist a person with an application to have a matter diverted to restorative justice or alternative measures;
- Speak on behalf of a person wishing to enter a guilty plea and advise the court of the circumstances that impact on a sentence.
- Refer people to their Community Legal Workers where a legal aid application is required to permit a person to hire his or her own lawyer.

Duty Counsel in Family Matters:

- Attend for advance day and for scheduled courts;
- Advise people of their rights;
- Explain court procedures;
- Prepare or review family court documents;
- Assist in obtaining adjournments;
- Represent people at motions or interim hearings; concerning custody, access, child protection or support;
- Assist in the negotiation of settlements, consent orders and mediation.

Advice Lawyers:

- Advise people of their rights;
- Prepare and review letters or documents (brief service);

- Refer people to Legal Aid or other agency for assistance.

Providing Services to low-income People:

Duty Counsel are expected to provide legal services (remands & adjournments) to everyone having business at the court. Duty Counsel do not assist with trials and, while the purpose is to assist low income people, they are available to everyone in the remote courts where they are often the only legal service available.