



Legal Aid Newsletter 2022

Legal Aid Information

LEGAL AID

Nishnawbe Aski Legal Services Corporation's Legal Aid Program can issue Legal Aid Certificates for NAN community members/ clients, residing in the NAN territory, who qualify under the Legal Aid Ontario's Financial and legal eligibility guidelines (see chart below)

NALSC assist in certain legal matter's which include Criminal Law (if custody is probable), Youth Criminal Justice Act, Family, Child Welfare, and some Administrative Law.

Legal Aid does not cover civil law, employment lawyer, human rights, housing, and social assistance. NAN members can contact NALSC Community Legal Worker to apply for Legal Aid in person, on Advance Day or Court Day. Persons can also contact our office and speak to an Legal Assessment Officer to apply.

Toll Free: 1-800-464-2422

Phone: (807) 622-1413

Fax: (807) 622-3024

www.nanlegal.on.ca

LEGAL AID ONTARIO FINANCIAL ELIGIBILITY GUIDELINES

Number of Family Members	The amount of money your family earns in a year	For domestic abuse cases
1	\$18,795	\$22,720
2	\$32,131	\$32,131
3	\$39,352	\$39,352
4	\$45,289	\$45,440
5	\$50,803	\$50,803
Single boarder	\$12,330	

For more detailed information visit **www.legalaid.on.ca**



Duty Counsel & Advance Days

DUTY COUNSEL

NALSC schedules the Duty Counsel for all NAN Northern Courts. Advance Court is held the day before court. Clients can speak to Duty Counsel and apply for Legal Aid prior to their court date. Please email our office at **legalaid@nanlegal.on.ca** if you would like to be added to the distribution list for the Northern Court Calendar.

NALSC have two Staff Lawyers available to provide Summary Legal Advice on various legal matters. To contact our Advice Lawyers you can call our office:

Toll Free: 1-800-465-5581

Email: advicelawyer@nanlegal.on.ca

WHERE TO FIND COURT INFORMATION DOCUMENTS

Documents are posted on our website's homepage on a monthly basis:

www.nanlegal.on.ca

Click the highlighted links provided on the home page labelled:

**NALSC Advance Court – Virtual
Zoom Connection >> NALSC
Northern Duty Council Calendar**

**Remember to check back frequently as updates can be made throughout the month.*

WHAT DO “DUTY COUNSEL” DO?

Duty Counsel is a lawyer who works for Legal Aid Ontario who can provide general legal advice in the areas of criminal, family and immigration law.

A Duty Counsel lawyer is not someone's lawyer, but they can assist with various stages of the criminal process for individuals who don't already have a lawyer or who choose to represent themselves in court. There will always be a Duty Counsel lawyer in court, and you can ask to speak to them if you have questions about your charges. You do not need to be eligible for Legal Aid to speak to Duty Counsel. However, if you already have a lawyer representing you, you will need to speak to your lawyer, not Duty Counsel.

WHAT ARE ADVANCE DAYS?

Advance Days are sessions on zoom, that are scheduled one day before Court in Northern communities. The Crown, Duty Counsel, Community Legal Workers, Restorative Justice workers, accused persons, and sometimes other Lawyers will attend “Advance Day” to discuss matters on the docket, for court the next day. Advance Days are like a “dress rehearsal” before court so that everyone knows what will happen in court. It provides an opportunity for different parties to update each other on how matters are progressing. Ultimately, this helps court run more smoothly and efficiently.

Information on Criminal Matters

WHAT TO DO IF YOU ARE ARRESTED FOR A CRIMINAL OFFENCE

If you are arrested for a criminal offence, it is important to stay calm and to comply with the instructions given to you by police. Failure to do so may result in additional charges. Once you are arrested, police will have two choices depending on the circumstances: they can release you with conditions, or they can keep you in jail (detention).

If you are released, it is important to keep the documents given to you by police in a safe place and to follow the conditions you have been given. Your documents will also include your next court date, and it is important that you attend your court date either in person or virtually, depending on how courts are proceeding in your area. Your documents will have more details on court location if you are asked to attend in person, or they will have more information on how to log on or call in to court if you are asked to attend virtually.

If you are detained, you have a right to speak to a lawyer under the Canadian Charter of Rights and Freedoms. Until you have spoken to a lawyer, it is best not to say anything to police as what you say may be used against you in court. You will have a court appearance as soon as possible after you have been arrested, usually on the day following your arrest. There, the Crown and a Justice of the Peace will decide if you can be released with appropriate conditions. If you are released, you will be given a next court date with instructions on how to attend court, as well as your release conditions. If you are not released, you will continue to be detained until your next court appearance.

If you have been charged with a criminal offence, and would like more information on what to do next, please contact NAN Legal's Main Line (807-622-1413) and ask to speak to a criminal lawyer. You can ask to speak to Duty Counsel on your court date to determine next steps.

WHAT TO DO IF THIS IS YOUR FIRST CRIMINAL OFFENCE

If this is your first offence, and depending on your offences, you may be eligible for Diversion. Diversion is an alternative stream to the criminal justice system, which allows you to complete programming and / or a Restorative Justice circle along with agreements, so that your charges can be withdrawn. Successful completion of a Diversion program means that you will not receive a criminal record for the charge(s) that were diverted. Not all offences are eligible for diversion, and this will depend on the severity of the situation. You will also need to take responsibility for your actions and be prepared to repair harm.

NALSC offers Diversion through our Restorative Justice Program, if you want more information on eligibility, visit Restorative Justice webpage:
nanlegal.on.ca/restorative-justice

OR

Contact Restorative Justice Manager, Chantelle Johnson
cjohnson@nanlegal.on.ca or
rjreferrals@nanlegal.on.ca

Information on Bail

If you are arrested for a criminal offence and police decide to keep you in jail (detention), you have a right not to be detained without just cause. This means that you have a right to a bail hearing as soon as possible for a Justice of the Peace to determine if you can be released with appropriate conditions.

It is important for you to find a lawyer to represent you for your bail hearing so that you can determine a bail plan to secure your release. If you are eligible for Legal Aid, you can find a lawyer to represent you for your bail hearing once you have your Legal Aid certificate. Please speak to your Community Legal Worker about applying for Legal Aid.

A bail plan will usually involve a set of conditions that you need to be prepared to follow, and that will be related to the circumstance of your offence to prevent future offences from being committed. These conditions can include asking you to reside at a particular location, not contacting an individual involved in the offences you are charged with, not possessing weapons, not consuming alcohol (some exceptions can be requested), etc.

For more serious charges, you may also need a SURETY as part of your bail plan, which is someone who is willing to supervise you while you are released, and who is also responsible for making sure you attend your court appearances to deal with your charges.

VISIT OUR WEBSITE FOR INFORMATION ON NALSC'S

- Indigenous Bail Verification & Supervision Program
- Community Release & Reintegration Program:
<https://nanlegal.on.ca/bail-community-release-and-reintegration/>

There you will find our Guided Criteria, Brochure and Staff Contact Information

RECORD SUSPENSION ("PARDON")

If you have a Criminal Record due to convictions for criminal offences that happened a long time ago, you may be eligible for a RECORD SUSPENSION (previously known as a "pardon"). Record suspensions are administered by the Parole Board of Canada (PBC).

As of January 1st 2022, the fee to apply for a record suspension has been reduced to \$50.

**Note that there may be other expenses to gather all documents required for your application.*

For more information on record suspensions, visit

<https://www.canada.ca/en/parole-board/services/record-suspensions.html>

You can also contact

John Howard Society of Thunder Bay & District

info@johnhowardtbay.on.ca

Phone: 807-623-5355

What is a Surety?

A surety is a person who promises the court to supervise an accused person, while they are released on bail. A surety will be named in the accused person's release papers and pledges or promises an amount of money to the court by signing the release order. This amount of money will only be collected if there is a breach. A breach occurs if the accused person does not follow one or more of the bail conditions. A separate court process will be required to obtain the money. This is not automatic and will depend on a number of factors, including whether the surety was complicit in the breach.

TO BECOME A SURETY, THE FOLLOWING CRITERIA MUST APPLY TO YOU:

- Be over the age of 18
- Be a Canadian citizen or a landed immigrant
- Ability to sign a release order
- Not be involved in the offence the person has been charged with
- Not have any outstanding criminal charges
- Not have a criminal record
- Ability to monitor the accused to make sure they are complying with the conditions of their release
- Willingness to report a breach should it occur
- Ability to pledge sufficient money as a pledge to the court in case there is a breach

THE RESPONSIBILITIES OF A SURETY INVOLVE:

- Making sure the accused person attends court as required
- Making sure the accused person follows the bail conditions of their release (e.g. if they have a "no contact" condition with a given individual, the surety would also need to make sure they do not contact that individual, etc.)
- Monitoring the accused person could require any of the following:
 - Calling them regularly
 - Visiting them regularly
 - Living with them (most common)
- Calling the police if the accused does not follow any of the bail conditions
- Being prepared to lose the money that has been pledged in the event of a breach (This would involve a separate court process, and will also depend on whether the surety

was complicit in the breach).

IF YOU DO NOT WISH TO BE A SURETY ANYMORE, YOU HAVE TWO OPTIONS:

1. You can bring the accused person to court personally and ask to be relieved of your responsibilities as surety. This will result in the accused person being taken to jail.
2. You can apply to the court in writing to be relieved of your duties. The court will issue an order for the arrest of the accused person.

Meet our Legal Aid Staff



DON RUSNAK **MANAGER OF LEGAL SERVICES**

Don Rusnak is a lawyer and politician who served as the Member of Parliament (MP) for the riding of Thunder Bay–Rainy River in the House of Commons of Canada from 2015 to 2019 as a member of the Liberal Party of Canada. Born and raised in Northwestern Ontario, Don has deep roots and has lived, worked and learned in the North for most of his life. He studied Political Science and Integrated Forest Resource Management at Lakehead University. In 2001, he attended the University of Manitoba, Robson Hall Faculty of Law, and during his final year, attended Osgoode Hall Law School to study in the Intensive Program in Aboriginal Lands, Resources and Governments.

Don has extensive professional experience drawing from his work in the forestry industry, the public sector, and from his own legal practice. While working with Manitoba Health, Don helped to improve the delivery of healthcare services for Northern Manitobans, and as a Crown Prosecutor in Eastern Alberta, he prosecuted criminal and regulatory offences for the Province of Alberta. Don served as the interim Executive Director for Grand Council Treaty # 3 in Kenora, where he helped restructure the organization. Prior to entering politics he operated a small but successful law firm based on the Fort William First Nation.

Over the years Don has volunteered his time with many organizations, such as the Ontario Justice Education Network, Thunder Bay Community Foundation, Thunder Bay Law Association, TBRHSC Research and Ethics Board and the Martin Aboriginal Education Initiative.

In 2015, Don was elected to represent the riding of Thunder Bay–Rainy River in the federal election, defeating the incumbent Member of Parliament. He was the only First Nation Member of Parliament elected in the province of Ontario and served as the first ever chair of the Liberal Indigenous Caucus.

In September 2017, Don was appointed as Parliamentary Secretary to the Minister of Indigenous Services. While in Parliament Don served on Standing Committee on Indigenous and Northern Affairs, Standing Joint Committee of the Library of Parliament and Director-at-Large Canada-Ukraine Parliamentary Friendship Group. In 2019 Don left politics in order to spend more time with his young and growing family.

Today, Don resides in Thunder Bay with his wife and their 4 young children.

HEATHER BAILLIE

LEGAL AID COORDINATOR

Heather Baillie is the Legal Aid Coordinator for Nishnawbe-Aski Legal Services. She has been with NALSC since 1993, working from the Thunder Bay office. As coordinator, Heather oversees the daily operations of the legal aid department.

The last two years have been challenging for the staff. Due to COVID restrictions, the Legal Aid team began working from home. During this time staff were unable to travel to the communities or attend courts to help clients in person. Working in a fast-paced environment, the staff learnt to adjust working independently from home and learning modern technology to provide services to the communities, courts, and connecting with our clients. The staff in our department are dedicated employees to NALSC and the clients they serve.



DOREEN STONE

SENIOR LEGAL AID ASSESSMENT OFFICER

Doreen Stone is a member of Eabametoong First Nation., and she has been with Nishnawbe-Aski Legal Services for 23+ years working in the Legal Aid Department. Doreen graduated from the Aboriginal Law and advocacy program and the Business Administrative Program. In her free time, she enjoys playing slopitch, golf and hiking and fishing outdoors. Doreen looks forward to assisting people from all across NAN territory.

JOCELYN RAE

LEGAL AID ASSESSMENT OFFICER

Jocelyn Rae is originally from Sandy Lake First Nation, and has been with NAN Legal for 12 years, though it feels much shorter to her! Jocelyn first started with NAN Legal as the Restorative Justice Assistant. She then transitioned to a new role when a position opened up before her contract ended. Jocelyn now serves as the Legal Aid Assessment Officer and she operates from the Thunder Bay office. It is never a dull moment for sure, and Jocelyn always finds herself busy and she misses heading to communities for court. The pandemic has changed how the work is done, but the Legal Aid team are still managing to help NAN communities.

MARY KAKEPETUM

LEGAL AID ASSESSMENT OFFICER

Mary Kakepetum is from Keewaywin First Nation. She was raised by her grandparents Adam and Annie Kakepetum. She has worked for NAN Legal for 10 years as an Assessment Officer in the Legal Aid Department. Mary assists people in NAN territory and enjoys helping clients who need help. In her free time, she enjoys curling in winter and going fishing in summer.

MEGAN WOOD

STAFF LAWYER

Born and raised in Thunder Bay, Megan Wood is thrilled to work in her hometown and assist people from all across NAN territory as one of NAN Legal's new Staff Lawyers.

Megan has always wanted to use her law degree to provide legal advice to individuals who would not otherwise have access to a lawyer. Since joining the Legal Services team in January, she has enjoyed providing sound and practical family law advice, assisting NAN members with their IDS claims, and collaborating with her great colleagues across the organization. In her free time, she enjoys playing cards, kayaking (...on calm waters), and spending time with her dogs.



SARAH MUNSCH

STAFF LAWYER

Sarah joined NAN Legal as a staff lawyer in March 2022, and she is looking forward to supporting NAN Legal's mandate to encourage and develop community-led justice initiatives across the NAN Territory. Sarah is also excited to be returning to a focus on criminal justice, after spending a few years working on bills and regulations at the federal level. She was previously a Crown prosecutor in Thunder Bay and learned about the many challenging realities of the criminal justice system in Northwestern Ontario. Outside work, Sarah enjoys spending time outdoors with her partner and his kids. Sarah has spent many years living in different parts of Ontario and Quebec, but living in Kaministiquia for the past few years has turned Sarah into a country mouse! She enjoys splitting wood in the summers, hiking, backcountry canoe trips, and living closer to nature more generally.

Community Legal Workers

JACOB MEKANAK

*Serving Bearskin Lake, Cat Lake,
New Slate Falls, Sachigo Lake,
North Caribou Lake (Weagamow)*

THUNDER BAY OFFICE

Tel: (807) 622- 1413

Cell: (807) 630-9503

Email: jmekanak@nanlegal.on.ca

LLOYD COMBER

*Serving Big Trout Lake
(Kitchenuhmaykoosib Inninuwug),
Muskrat Dam, Lac Seul*

KENORA OFFICE

Tel: (807) 467- 3225

Cell: (807) 464-3065

Email: lcomber@nanlegal.on.ca

EVANGELINE MEEKIS

Evangeline Meekis is from Sandy Lake First Nation. She is the Community Legal Worker, and serves Sandy Lake, Poplar Hill, Deer Lake, Keewaywin and Fort Seven. If you have any questions, you can reach Evangeline at (807) 464-5599.

SANDY LAKE

Email: emeekis@nanlegal.on.ca

DON SAINNAWAP

Don Sainnawap is the Community Legal Worker for the following Shibogama communities: Wunnumin Lake, Kingfisher Lake, Wapekeka, Kasabonika Lake, Wawakapewin.

Don is based out of Sioux Lookout, and has been working for Nishnawbe-Aski Legal Services Corporation since 2002.

SIoux LOOKOUT OFFICE

Tel: (807) 737- 5201

Cell: (807) 738- 5076

Email: dsainnawap@nanlegal.on.ca

ROBERT OSTAMAS

Robert Ostamas is an Anishinaabe-inini and a proud member of Eabametoong First Nation. Robert was born and raised in Eabametoong (aka Fort Hope), and the second of 11 siblings. He has two children, Macaulay & Coleman, now in their 20s and living productive, healthy, happy lives. Robert started working for NALSC in late October 2021 as a Community Legal Worker. He serves Eabametoong, Martin Falls, Neskantaga, Nibinamik and Webequie. His primary role is to provide legal services to individual members who need help to navigate the justice and legal systems. He also provides referral services on NALSC services and programs. Robert enjoys reading Indigenous history and current events, Anishinaabe teachings and Indigenous newspapers such as Wawatay News, Wind Speaker, Turtle Island News and First Nations Drum. He also takes time to learn how to read syllabics in Ojibwe & Anishinaabemowin languages. When he's not reading about culture, events and language, he is a big fan of John Grisham.

*Serving Eabametoong, Webequie,
Nibinamik, Ogoki Post, Neskantaga*

THUNDER BAY OFFICE

Tel: (807) 622- 1413

Cell: (807) 632- 6339

Email: rostamas@nanlegal.on.ca

STELLA KIOKE - KOOSTACHIN

Stella assists clients with Legal Aid and in getting a Lawyer. Her role also involves setting up Advance Days for clients who do not have a lawyer or for any clients wishing to speak with Duty Counsel. She also assists in navigating in the legal process and court procedures. Stella can provide referrals to C&C or to any Nan Community members. She acts as a translator with clients, duty Counsel, or defense lawyers when there is a language barrier. She can also assist clients to completing various forms, such as Firearms applications, name changes, and Commissioning Delayed Statements of Births. She is also a Commissioner for taking Oaths and Affidavits.

*Community Legal Worker for James Bay
Communities Peawanuck, Attawapiskat,
Kashechewan, & Fort Albany*



ATTAWAPISKAT

Tel: (705) 997- 7234

Fax: (705) 997- 7234

Email: skoostachin@nanlegal.on.ca

ROBERTA WESLEY

Roberta Wesley (Queen of the Land!) has been with NALSC for 13 Years. She is a Community Legal Worker for the Matawa Drive-in Communities such as Constance Lake where she lives. She also serves Hornepayne, Ginoogaming, Longlac 58, and Aroland.

Roberta is fluent in her Ojibway language, and the Matawa drive in Communities are her homeland, and she loves going home to Aroland as the dialect for her native tongue. Robert truly enjoys her role, and never gets tired and hasn't yet thought of not wanting to go to work. She has been a service provider for well over 32 years, and she's come to know a lot of people in her time. All the roots connect to our people. She is a very resourceful asset to her community members, and goes out of her way to help everyone, even the non-native, as they struggle just as much as our people.

Roberta is a Mother of two boys and a daughter, & the Grandmother of three grandsons. She is a very powerful, strong, independent Anishnawbe Kwe. In her spare time she does Healing Workshops and Entertainment such as Karaoke. Robert believes that we must continue to help our lost people find their path and move forward.



CONSTANCE LAKE

Tel: (705) 463- 1155

Cell: (705) 373- 2100

Fax: (705) 463- 2255

Email: rwesley@nanlegal.on.ca

JACKIE EDWARDS

Jackie Edwards is from Attawapiskat First Nation, and grew up there. She has been working with Nishnawbe Aski Legal Services as a Community Legal Worker since 2013. Jackie speaks Cree fluently, and it has been a great asset and opportunity to help clients that cannot speak English. She enjoys helping people that can't understand about our justice court system. She is there to assist and direct clients to resources that are needed and make referrals within our NALSC programs or direct them to other stakeholders. Jackie is grateful to be part of Nishnawbe Aski Legal Services, and appreciates the supportive colleagues & staff.

*Serving Takway Tagmou,
Wahgoshig, Moose Factory,
Moosonee*

TIMMINS OFFICE

Tel: (705) 268-5544 ext. 204

Cell: (705) 221- 1112

Fax: (705) 268-0012

Toll Free: (877) 859-3887

Email: jedwards@nanlegal.on.ca

MADELAINE KIOKE

Madeleine is the Community Legal Worker for Timmins, Gogama and Chapleau courts; serving the First Nations of Beaverhouse; Brunswick House; Chapleau Ojibway; Chapleau Cree; Matchewan and Mattagami.

She is a member of the Attawapiskat First Nation, lived in Timmins for 29 years, originally from Moosonee and Moose Factory. She served Moosonee/Moose Factory in 2009/2010, and Timmins since 2019 as the Community Legal Worker. She loves the outdoors; enjoys camping, canoeing, hiking, walking, beading, moccasin making and music.

She can be found at the office, Monday to Friday, 9am to 5pm or by cell at (705) 221-1113.



TIMMINS OFFICE

Email: mkioke@nanlegal.on.ca

DARLENE SUGGASHIE

Darlene Suggashie is the Community Legal Worker in Pikangikum. She has been working for NAN Legal Services for 3 years now, and first started working as a contract employee until receiving an offer of full time only last year, which she thought was great!

Darlene assists people to fill out applications for Legal Aid assistance, and assists with calling a lawyer for them, if they don't have a phone at home, or are not that fluent speaking in English. Darlene also acts as a translator for clients when they have a conference call with their lawyers, and vice versa with the lawyers.

Darlene enjoys working for NAN legal Services, and enjoys helping people who need it, and her co-workers who also help each other when needed, as Covid has been holding many people back from getting together. She has yet to meet the new co-workers that started working during this time, and looks forward to hopefully getting together in the near future.



PIKANGIKUM

Tel: (807) 773- 5587

Cell: (807) 620- 5441

Email: dsuggashie@nanlegal.on.ca

Legal Aid Assistants

ASHLEY RICHARDS

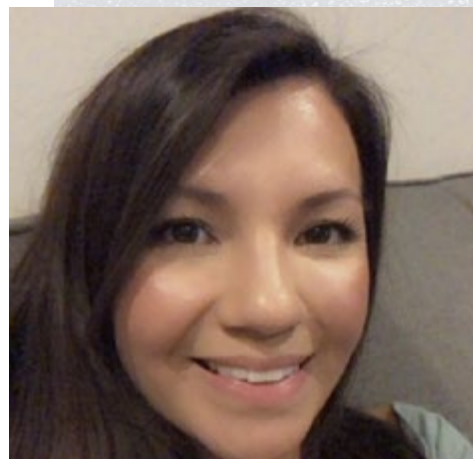
Ashley Richards is the new Legal Aid Assistant located in Thunder Bay. Currently, she is still learning her role, but Ashley provides administrative assistance to the Legal Aid Manager and Legal Aid Department. She is very excited to start this new journey with Nishnawbe-Aski Legal Services Corporation!

Nishnawbe-Aski Legal Services Corporation

1805 Arthur Street East, Unit 100

Thunder Bay, ON

P7E 2R6



LEGAL AID ASSISTANT

Email: arichards@nanlegal.on.ca

SYLVIA SAKANEE

Sylvia Sakanee is from Neskantaga, and has been with NALSC since 2019. She started off working as a Casual Receptionist, and in January of 2022 her title changed to "Legal Aid assistant." Sylvia enjoys working with the people of NALSC, as they became her work family and good friends, too. She has learned a lot since I have been here with the organization.



A SPECIAL LETTER FROM ROBERTA WESLEY

I would like to acknowledge my Colleagues whom we lost during the Pandemic and haven't yet been able to Grieve as a group in Person with our other colleagues.

The Late Rita Chapman.

The late Evelyn Boissoneau.

As well I lost my best satellite Judge, Justice Giuseppe. He had the utmost respect for ME in Court and always made sure of it.

I am dedicated to our people, try not to miss court, nor have my people on Bench Warrants. I Love my Work and I plan to retire when I am 55.

Have yourselves a Wonderful Day because YOU deserve it.

Amen GOD Bless, Much Love Always,

Roberta



ADVICE LAWYER HOURS:

Monday - Friday

9:00 am - 5:00 pm EST

Email: advicelawyer@nanlegal.on.ca

Toll-Free: 1-800-465-5581

Tel: (807) 622-1413

Fax: (807) 622-3024

**Collect calls are accepted*