

# ENSURING ACCESS TO JUSTICE

December 30, 2019  
Volume 1 Issue 2

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**"Justice will not be served until those who are unaffected are as outraged as those who are."**

*Benjamin Franklin.*

## Services offered by the Legal Aid Council

Every person who is detained or remanded at a police station pickup whether charged or not, may be granted legal aid. Once you have asked the police to contact a Duty Counsel on your behalf, they should wait until Counsel arrives before questioning you.

The Duty Counsel is an Attorney who will:

- Attend at the place where you are being detained or remanded and give you legal advice;
- Attend an identification parade where required;
- Make bail application on your behalf to the police or to the courts;
- Appear for you on your first appearance in court;
- Represent you during your Question and Answer or Identification Parade, session by the police.

The duties of the Duty Counsel end after your first appearance at court if the matter reaches that far. After that you must apply for legal aid if you believe that you need further assistance. For Duty Counsel services, there is no Application form and no cost. For further assistance at court, a contribution may be agreed.

To apply for Legal Aid:

Complete an application form at any Legal Aid Clinic, Court's Office or the Legal Aid Council. If you are in court, indicate to the Judge that you are unable to afford an Attorney and request an assignment of an Attorney.

As a policy, the Legal Aid Council ensures that the provision of its services are tailored to fully meet the needs of children in conflict with the Criminal Justice System. Matters involving minors, which come to the attention of the Legal Aid Council, (LAC) are given priority as the Council endeavours to protect a child's right to first class legal representation at the earliest possible time. Whether a child is a suspect or charged or deemed uncontrollable, the Legal Aid Council will provide legal representation.

In Jamaica, there is no reason for a child to appear before the Criminal Justice System without a lawyer. At the LAC we have a record of always providing Duty Counsel for children, once a request is made. The LAC will make the necessary arrangements to have an Attorney visit a police station at any time, whether on public holiday or night, so that, among other things, if the police wishes to carry out the questioning of a child, they can do so. Accordingly, the LAC's rapid response policy will facilitate the reuniting of child and family in a speedier manner and cause minimum disruption to educational pursuit.

In August 2019 the LAC through its assigned private Attorney-at-Law, Ms. Hazel Gordon, who by representation to the Ministry of Education, Youth and Information, was able to secure placement for a student at a prominent high school in Kingston. The student who had a disability and who was expelled from another prominent High School, commenced attending his new school in September 2019 and continues to attend classes where he is maintaining an eighty percent (80%) average.



*Ms. Hazel Gordon - Attorney-at-Law*

## Just-in-Time Training

The Just-In-Time Training programme is an initiative of The Legal Aid Council that targets the staff of the Courts and Police Stations to ensure that all Legal Aid Services are delivered efficiently and in accordance with the **Legal Aid Act**. Our recent visit took us to the Clarendon Parish Court Holden at May Pen on November 21, 2019.

During these sessions there is an overview of the roles and functions of The Legal Aid Council and the offences which are covered by the Council are highlighted. The Legal Aid forms and their purposes are discussed and Court staff sensitized to complete forms according to various scenarios to ensure accuracy in the gathering of information.

Additionally, our stakeholders are reminded that the Duty Counsel services are free, and that for court assignments there is no mandatory fee. A means test will determine if a contribution is payable by our clients for court matters and if yes, the client will be asked to pay an agreed amount. The Legal Aid Council through this initiative wants to ensure access to first class justice for all.

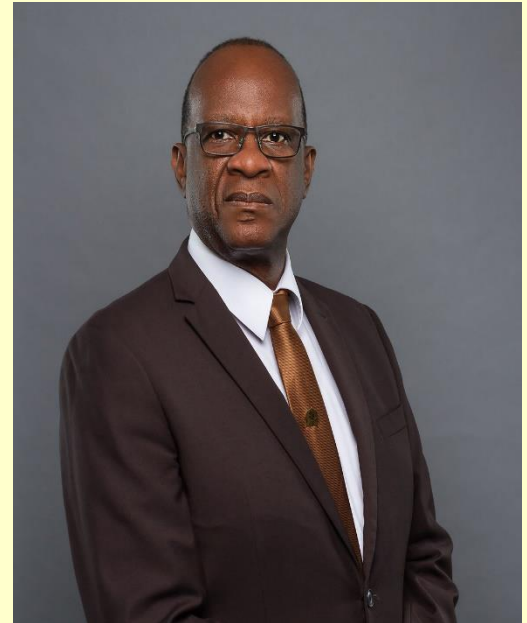


*Members of the Legal Aid Council and members of the Clarendon Parish Court Staff who participated in the Clarendon, Just in Time Training.*



## Mr. Hugh Faulkner

Mr. Hugh Faulkner has been a practicing attorney since November 1996, and was appointed Executive Director of the Legal Aid Council in November 2008. Mr. Faulkner has served on several Boards, and Tribunals including the Board of the Mico University College, The Toll Authority, Jamaica Mortgage Bank and Jamaica Intellectual Property Office. He is a former member of the Teachers Appeal Tribunal. Balaclava All Age, Munro College, CARIMAC University of the West Indies, Mona and University of the West Indies, Cave Hill and Norman Manley Law School, combine to provide training for Mr. Faulkner. In the 1980's Mr. Faulkner was a recording artiste performing under the moniker Hugo Barrington with "Lawdy Lawdy" becoming a top ten hit.



## Human Rights Day 2019

In 1948, the United Nations General Assembly adopted the Universal Declaration of Human Rights. In commemoration of this day, Human Rights Day is celebrated every year by the international community on December 10. This year, the Legal Aid Council celebrated the day with The National Family Planning Board, under the theme, "Communities Make the Difference". The Legal Aid Council also received a Certificate of Appreciation for its invaluable contribution to the staging of the National Family Planning Board's RISPEK TOUR 2019

Messrs. Felton Henry (left) and Kadeem Young (right) HOPE interns at the Legal Aid Council, also participated in the Jamaica Youth Advocacy Network's, Human Rights Training for Youth leaders, held at the Jamaica Conference Centre in Kingston.



Miss Wendy Rose receiving a Certificate of Appreciation, on behalf of the Legal Aid Council, From Mr. Rueben Pages, Community Support Advisor UNAIDS Country Officer



Miss Kerona Spence and Miss Wendy Rose receiving a Certificate of Appreciation, on behalf of the Legal Aid Council, From Ms. Lovette Byfield Executive Director of the National Family Planning Board.

The Legal Aid Council On November 26, 2019 at the Casa Maria Hotel in St. Mary, had another in its series of Justices of the Peace and Police Officers training. During the training session Justices of the Peace and Police Officers were sensitized on the rights of persons held in police custody and the corresponding responsibilities of Police Officers and Justices of the Peace in the observation of these rights.



*Presenters, Mrs. Carolyn Reid Cameron QC and Mr. Hugh Faulkner - Executive Director at the Legal Aid Council.*

On November 28, 2019 The Legal Aid Council had its final Justice Fair for the year at the Claude Stewart Park, Port Maria, St. Mary. Attendees had a wide range of legal aid and consumer service agencies to interact with, seek information and receive advice free of cost.



*Legal Officer, Kerona Spence, and Attorney-at-Law Keisha-Ann Savage giving legal advice at the Legal Aid Council's Justice Fair.*

## Christmas at the Legal Aid

Christmas is a time of love and good cheer as Christmas comes but once a year. This year the Legal Aid Council shared gifts from under its Christmas tree with Attorneys and clients.



*Customers of the Legal Aid Council*



*Attorney-at-Law Kayon Atkinson*

### Reminders:

The Legal Aid Council, not only provides an Attorney for its clients, but in appropriate cases the Council helps in the procurement of an expert or forensic process which will advance the defense of its client

For more information on the Legal Aid Council visit our website at:

<https://legalaidcouncil.moj.gov.jm>

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