



The Provincial Court of Saskatchewan

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## **PRACTICE DIRECTIVE V**

## ***Application for Court-Appointed Counsel***

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An application for court-appointed counsel arises under ss. 7 and 11(d) of the Canadian Charter of Rights and Freedoms, which guarantee an accused person's right to a fair trial. In Saskatchewan an individual may be represented by a lawyer who they paid for legal services, or by a Legal Aid lawyer, or a lawyer appointed by the Court.

### **APPLICATION PROCESS**

1. Apply to the local Legal Aid Office.
2. If denied legal representation by the local Legal Aid Office, keep the denial letter and file a complaint to Central Office, Legal Aid Saskatchewan.
3. If the complaint is denied by Legal Aid Saskatchewan, keep the denial letter and complete the application for a court-appointed lawyer. (Form A)
4. Send the application to the Crown Prosecutor, the Attorney General of Canada and the Constitutional Law Branch, Ministry of Justice.

You will need to show the judge that you have made this application. One way to do this is to fax your application to each agency and bring copies of the fax confirmation sheets to your hearing.

5. Complete the Financial Information sheet (Form B) and send it to the Crown Prosecutor, the Attorney General of Canada, and the Constitutional Law Branch, Ministry of Justice. Take the Financial Information sheet to your hearing before a judge.
6. If a lawyer is helping you with your application for a court-appointed lawyer, complete the Waiver (Form C) and give it to the lawyer.

7. If a lawyer is not helping you with your application for a court-appointed lawyer, complete the Waiver (Form C) and rather than using a lawyer's name put in "Presiding Judge, (Name of City/Town), Provincial Court" and deliver it to the Provincial Court point where you are appearing.
8. Whether you have a lawyer assisting you or not the Waiver (Form C) must be sent to the Chief Executive Officer, Legal Aid Saskatchewan, 502, 201 - 21<sup>st</sup> Street East, Saskatoon, Saskatchewan, S7K 0B8.



**IN THE PROVINCIAL COURT OF SASKATCHEWAN**

**NOTICE OF APPLICATION FOR A COURT-APPOINTED LAWYER**

\_\_\_\_\_  
(Print your Name)

Take notice that I make application to obtain a remedy pursuant to section 24(1) of the *Canadian Charter of Rights and Freedoms* and ask that this application be heard on my next appearance before this Court, which is:

\_\_\_\_\_ at \_\_\_\_\_ in \_\_\_\_\_, Saskatchewan.  
(Month/Day/Year) (Time) (City/Town)

This notice is pursuant to section 8(2) of the *Constitutional Questions Act* and is directed to:  
(A copy of this notice must be sent to each of the following 3 places. Notices may be sent by fax at the numbers provided.)

(1) The Attorney General of Canada  
10<sup>th</sup> Floor, 123 - 2<sup>nd</sup> Avenue South  
Saskatoon, SK S7K 7E6  
Fax: (306) 975-4320 or (306) 975-4030

(2) The Attorney General for Saskatchewan  
c/o Crown Prosecutors' Office  
Address \_\_\_\_\_ (Obtain from Court Clerk or RCMP)  
City \_\_\_\_\_  
Saskatchewan (Postal Code) \_\_\_\_\_

(3) Constitutional Law Branch  
Ministry of Justice  
820 - 1874 Scarth Street  
Regina, SK S4P 4B3  
Fax: (306) 787-9111

I seek appointment of a lawyer pursuant to sections 7 and 11(d) of the *Charter* for the following charge(s): *(List below all charges for which you seek a lawyer.)*

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The reasons for this application are: *(Place an X before the reason(s) that apply to you.)*

- 1. I have been denied Legal Aid. I have filed a complaint regarding that decision and my complaint has been denied.
- 2. I have no money to hire a lawyer.
- 3. I do not feel capable of representing myself.
- 4. The Crown has said that it may seek a jail sentence.
- 5. I believe this is a complex matter.
- 6. Other, Please explain \_\_\_\_\_

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\_\_\_\_\_  
*Date*

\_\_\_\_\_

*(Sign above the line)*  
*(Print your name below the line)*



**IN THE PROVINCIAL COURT OF SASKATCHEWAN**

**FINANCIAL INFORMATION**

*If you were financially eligible for Legal Aid, please tell the judge. It may reduce the amount of information that you need to provide on this form. If you have been denied for financial reasons please complete this entire form.*

*Please send this form to the three offices listed on Form A, Notice of Application for a Court-Appointed Lawyer, a few days before your trial date. Sharing this information will help speed up the process.*

**Number and Ages of Dependents:**

<b>Income:</b>	<i>(Please bring pay stubs to prove these amounts)</i>	<b>Amounts</b>
Do you receive social assistance?	Yes _____ No _____	
Salary after deductions		_____
Other Sources of Income: <i>(Please specify)</i>		_____
_____		_____

**Total Income:** \_\_\_\_\_

<b>Expenses:</b>	
Rent/ mortgage	_____
Utilities	_____
Child Care	_____
Food	_____
Clothing	_____
Transportation	_____
Debt Payments	_____
Child/Spousal Support you pay	_____
Other: <i>(Specify)</i> _____	_____

**Total Expenses:** \_\_\_\_\_

<b>Assets:</b>	<b>Value</b>
Cash/Savings	_____
Stocks/Shares/ Bonds/ RRSP/ etc	_____
Accounts Receivable ( <i>Money owed to you</i> )	_____
Property/Real Estate	_____
Vehicles ( <i>Specify make and model</i> )	_____
_____	_____
Farm Assets	_____
Business Assets	_____
Other: ( <i>Specify</i> ) _____	_____
<b>Total Assets:</b>	_____



**IN THE PROVINCIAL COURT OF SASKATCHEWAN**

**WAIVER**

I, \_\_\_\_\_ of \_\_\_\_\_, Saskatchewan,  
*(Print your Name)* *(City/Town)*

hereby authorize and direct Legal Aid Saskatchewan to release to:

\_\_\_\_\_  
*(Please print the name of the lawyer who is helping you with the application or the name of the judge who is hearing your case. If you do not know the name of the judge that will be hearing your case you can address the form to Judges' Chambers. If possible, please include the date, time and courtroom where your case will be heard.)*

\_\_\_\_\_ at \_\_\_\_\_ at \_\_\_\_\_, Saskatchewan.  
*(Month/Day/Year)* *(Time)* *(City/Town)*

\_\_\_\_\_  
*(Address of Courthouse & Courtroom # if applicable)*

the following information for the purpose of my application for court-appointed counsel, namely:

1. All financial information;
2. If I was denied Legal Aid services, the reason(s) why I was denied Legal Aid services; and/or
3. The status of my application for Legal Aid.

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*(Sign above the line)*  
*(Print your name below the line)*

*Deliver to: Judges' Chambers*  
*Provincial Court location where you are to appear*