



January 18, 2023

Applicant c/o
Access and Privacy Officer
Corporate Information Management, ATIPP Office

Final Response ATIPP Access Request 22-568

Decision

The Department of Justice has searched the Legal Services branch and has located records responsive to Access Request #22-568. Our final response on the information is as follows:

Access Granted in Full

The Department of Justice has provided access in full to information relating to the request noted below:

I would like to determine how much the Department of Justice pays independent legal counsel when they are contracted by YG. I would also be interested in understanding the fee structure for hiring outside counsel, especially for outside counsel hired from BC - particularly the hourly rate paid per year of call to bar. Timeframe: January 1, 2012 - November 25, 2022

ADDITIONAL INFORMATION:

QUESTION: As I read this, it relates to outside counsel hired by YG (which is legal services, and could possibly apply to other branches such as PGT). Although the word "independent" is included, I don't think the wording is clear enough to be specific to the ILA program of Victim Services- though as the request is currently worded, it is likely that VS ILA program would fit within a larger ask.

The wording "outside Counsel" and the date range are the two factors that make me suspect that it is a larger request than VS- the date range is far longer than the Victim Services ILA program (2020), and anyone looking at that program would easily be able to google the start dates.

Could the applicant be specific? Are they looking at a specific program (and if so can they name it)?

RESPONSE: We do not require any information from Victim Services or the PGTO in respect of the rates at which they pay independent legal counsel as we already have that information within our possession.

QUESTION: We need to clarify what they mean by “independent legal counsel”, then. I see this question as being in two parts:

1. I would like to determine how much the Department of Justice pays independent legal counsel when they are contracted by YG.
2. I would also be interested in understanding the fee structure for hiring outside counsel, especially for outside counsel hired from BC - particularly the hourly rate paid per year of call to bar.

Underlining added. Do they maybe mean 1. Counsel outside of YG in Yukon, and 2. Counsel outside of YG from outside Yukon? Counsel outside of YG retained by YG is not “independent”, though.

RESPONSE: In response to your email, I wish to clarify our ATIPP request as follows:

1. "Independent legal counsel" means lawyers who are not employees of Yukon Government, but who are contracted by Yukon Government to provide legal services to the Government.
2. What is the established fee structure, including hourly rate based on year of call to the bar, at which the Yukon Government pays independent legal counsel to provide legal services to the Government.
3. Understanding that the ADM of the Department of Justice may exercise their discretion to pay independent legal counsel at a rate above the established fee structure, what was the rate of pay, including their hourly rate based on year of call to the bar, which Yukon Government actually paid independent legal counsel in 2021 to provide legal services to the Government.
4. We do not require information from either Victim Services or the Public Guardian and Trustee Office in respect of their remuneration of independent legal counsel.

NARROWING #1: Could I please refine my ATIPP request to be for ONLY that "one policy document", including the 2016 version? If so, I would not require the other estimated 500 contracts with retainer letters.

Final Costs

There is no cost for this request.

Right to Complain

You have the right to make a complaint in respect of this response to the Yukon Information and Privacy Commissioner under Section 66 of the ATIPP Act, no later than 30 business days after you receive this response. To make a complaint, contact:

Yukon Information and Privacy Commissioner
3162 3rd Ave.
Whitehorse, YK Y1A 1G3
E-mail: intake@yukonombudsman.ca
Phone: (867) 667-8468; toll free (in Yukon) 1-800-661-0408 (ext. 8468)

Contact Person in Department

If there are any questions, please contact Mia Archambault, Access and Privacy Analyst for the Department of Justice at (867) 667-9448 or jus.atipp@yukon.ca

Reviewed by:	Signature:
Jeff Ford, Acting Deputy Minister	