

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

BETWEEN:

DAVID C. TARNOW

Applicant

-and-

NORTHWEST TERRITORIES LEGAL AID COMMISSION

Respondent

MEMORANDUM OF JUDGMENT

Corrected judgment: A corrigendum was issued on April 3rd, 2020, the corrections have been made to the text and the corrigendum is appended to this judgment.

Introduction

[1] The Applicant, a lawyer, seeks judicial review of a decision relating to his work for the Northwest Territories Legal Aid Commission ("the Commission"). The nature of that decision is at issue.

Background

[2] The Applicant is a lawyer with over 40 years of experience in the practice of law. He carries on his law practice in Richmond, British Columbia, where he resides.

[3] The Applicant applied to the Commission to be placed on the panel of lawyers who may represent legally aided clients in criminal cases in the Northwest Territories. On May 2, 2018, he was advised by Karen Wilford, the Executive Director of the Commission, that he was "designated to the civil/criminal panel in accordance with s. 14(4) of the *Legal Aid Act*" [S.N.W.T. 2012,c. 17].

[4] Pursuant to that designation, the Applicant attended as counsel on six Territorial Court circuits to communities in the Northwest Territories and was paid for his work by the Commission.

[5] On August 20, 2019 the Executive Director advised the Applicant by email as follows:

(...) we have been reviewing our scheduling for the next year and we anticipate some changes in approach of which I feel you should be aware. As with all legal aid plans, we are always balancing multiple factors, of which financial pressures are unfortunately significant.

In reviewing the membership on our panel, we note that our complement of Alberta counsel has grown. The geographic reality is that this is a much better fit for our program: cost, file management and transportation are all enhanced when we bring in counsel from the Calgary/Edmonton corridor.

I regret to advise that we do not expect to schedule you on circuit during the 2020 year.

I recognize that you have a number of Supreme Court matters which are either set or about to be set. We are content that you continue with those matters, if that is acceptable. If this poses a difficulty, I trust that you will advise Lacey Black forthwith.

I thank you for your service to the NWT Legal Aid Commission and trust that your experiences here have been rewarding. If you have any questions regarding this decision, please do not hesitate to reach out; I would be happy to chat.

[6] On August 21, 2019, the Applicant sent an email message to the Executive Director, expressing his disappointment in her decision and asking her to reconsider it. He also stated:

I note, from the list of non-resident lawyers, there are other lawyers in BC and Ontario. With respect, if there is something that you are not telling me, I would like to know. (...)

[7] The Applicant did not receive a response to his message. On September 5, 2019, when he was in Yellowknife to represent a client, he arranged to meet with the Executive Director.

[8] The Applicant says in his affidavit that at the September 5 meeting, he again questioned the Executive Director's "justification of why I would no longer be on

the NTLAC schedule in 2020", considering that other lawyers from Vancouver and Ontario "were still designated".

[9] The Applicant says in his affidavit that the Executive Director did not have a reply to his concern about other non-resident lawyers still being designated. She explained to him that the Commission wanted more lawyers on the panel from Alberta due to the lower costs of travel-related expenses compared to British Columbia. She also told him that his statements of account for legal services were higher than others and that he was too expensive for their budget. The Applicant asked her to re-consider her decision but she said that she would not do so.

[10] As at September 19, 2019, when he swore his affidavit, in addition to the Territorial Court circuits he had completed, the Applicant had been assigned and completed an aggravated assault jury trial. He was also assigned and had completed a *voir dire* in a sexual assault case. In his written brief, the Applicant says that he has three jury trials scheduled to take place in the Northwest Territories in 2020.

[11] The evidence before me consists of the Applicant's affidavit and the Record. The Commission did not file any affidavit evidence.

[12] Subsequent to the hearing of this application, and before judgment, the Applicant applied to adduce new evidence. I heard that application and indicated that I would render my decision on it in the same judgment as my decision on the judicial review application.

Issues

[13] The issues to be determined are as follows:

1. whether new evidence should be admitted;
2. the nature of the decision for which review is sought;
3. whether judicial review is available for the decision;
4. if judicial review is available for the decision, the standard of review to be applied and the application of that standard.

Whether new evidence should be admitted

[14] On the judicial review application, both parties submitted that if judicial review is available for the Executive Director's decision, the standard of review is reasonableness. The Commission argued that the decision not to assign the Applicant any circuits in 2020 was a reasonable one based on the financial considerations cited by the Executive Director in her communications with the Applicant.

[15] The new evidence that the Applicant asked the Court to admit is a "Tweet", that was forwarded to him after judgment had been reserved on the judicial review application. The Tweet is from an individual who says that he is scheduled to attend on a Territorial Court circuit in early June of 2020. The Applicant has obtained information that the writer of the Tweet is a lawyer in Ottawa who is not a member of the bar of the Northwest Territories. The Applicant has not communicated with that lawyer or otherwise obtained information as to the arrangements he has made, or intends to make, with the Law Society of the Northwest Territories, so as to be able to appear before a court in the Northwest Territories. The Applicant also seeks to submit information comparing airfares for travel from each of Vancouver, Edmonton, Calgary and Ottawa to the Northwest Territories.

[16] The Applicant seeks to have this evidence admitted to show that the Executive Director's decision is not reasonable. He submits that the evidence will demonstrate that he has been replaced on the Commission's panel of lawyers by an Ottawa lawyer whose travel expenses will exceed the Applicant's. The Commission opposes the admission of the evidence.

[17] The test for the admission of new evidence on an appeal involves consideration of four factors:

- (a) the evidence could not, by due diligence, have been adduced at the chambers application;
- (b) the evidence is relevant and bears on a decisive issue;
- (c) the evidence is credible and reasonably capable of belief; and
- (d) the evidence, if believed, taken with the other evidence, would reasonably be expected to have affected the result.

Dechant v. Law Society of Alberta, 2000 ABCA 265, citing *R. v. Palmer*, [1980] 1 S.C.R. 759.

[18] The same factors were applied in *Can-West Development Ltd. v. Parmar*, 2019 BCSC 1816, cited by the Applicant. That case involved an application for the hearing of new evidence after a trial had concluded but before reasons for judgment were delivered.

[19] The Commission says that the due diligence branch of the test is not satisfied. The Record, which was filed more than three months before the judicial review application was heard, contains a document setting out the Territorial Court circuit assignments for the first six months of 2020 (Record, Tab 3). The last name of the lawyer who sent the Tweet, and the circuit assigned to him, are set out in that document.

[20] In my view there is sufficient information in the Record, on the basis of which the Applicant could have, before the hearing of his judicial review application, investigated which lawyers had a circuit or circuits assigned to them, where those lawyers would be traveling from, and the likely cost of their travel. The due diligence aspect of the four-part test is accordingly not satisfied. Since all four factors must be satisfied for new evidence to be admitted, that is enough to dismiss the application.

[21] There is, however, another reason why the new evidence should not be admitted. If judicial review is available, the general rule is that a court can only consider evidence that was before the administrative decision-maker: *Gittens v. Attorney General of Canada*, 2019 FCA 256. That would exclude information about the cost of airfare that post-dates the Executive Director's decision.

[22] The application for admission of new evidence is therefore dismissed.

The nature of the decision for which review is sought

[23] The parties do not agree on the nature of the decision for which review is sought.

[24] In his written materials, the Applicant has characterized the Executive Director's decision of August 20, 2019 in various ways. For example, in his August 21, 2019 email replying to the Executive Director, he referred to her decision that "... I will not be on the 2020 Legal Aid Schedule". In the Originating Notice that commenced his judicial review application, the relief sought refers to the decision "... to remove the Applicant from the non-resident lawyer list"; it seeks an order that the Commission "re-designate the Applicant to the "non-resident" lawyer panel". In paragraph 35 of his affidavit filed in support of the judicial

review application, the Applicant refers to "the decision to exclude me from the 2020 NTLAC circuit schedule". The Applicant's Brief, at paragraph 17, refers to the Commission having removed him from the panel and asks that he be re-instated to all panel work.

[25] In his oral submissions, the Applicant took the position that in excluding him from the 2020 circuit schedule, the Executive Director was in fact removing him from the panel of lawyers to whom legal aid cases may be assigned.

[26] The Commission takes the position that the Executive Director's decision was that the Applicant would not be assigned any court circuits in 2020, however he continues to be on the Commission's panel of lawyers to whom circuits and other work may be assigned.

[27] To put all of this in context, it is necessary to examine the governing statute: the *Legal Aid Act*, S.N.W.T. 2012, c. 17 (the "Act"). The purpose of the Act, as set out in s. 2, is to promote access to justice throughout the Northwest Territories by various means, including:

(a) making available and providing legal aid services to eligible persons in a cost effective and efficient manner;

(...)

(e) providing legal aid services to eligible persons through a public agency that will operate independently from the Government of the Northwest Territories but within a framework of accountability to that government in respect of the expenditure of public money.

[28] The Act establishes the Northwest Territories Legal Aid Commission. The Commission, pursuant to s. 4(3), functions within a framework of accountability to the Government of the Northwest Territories ("GNWT") with respect to the expenditure of public money.

[29] The relevant provisions of the Act relating to lawyers in private practice providing legal aid services are as follows:

4. (9) The Commission may

(...)

(c) establish and maintain panels under subsection 14(1);

(...)

14. (1) The Commission may establish and maintain such panels as it considers necessary.

(2) A person is eligible for designation to a panel if he or she

(a) is a lawyer;

(b) is not a member of the public service;

(c) is capable of providing legal aid services; and

(d) meets any other requirements of the Commission.

(3) A person who is eligible under subsection (2) may apply to the Executive Director to be designated to a panel as a panel lawyer.

(4) The Executive Director may designate a person who applies under subsection (3) to a panel as a panel lawyer.

(5) The Commission may, on the recommendation of the Executive Director,

(a) suspend or cancel the designation of a panel lawyer for cause; or

(b) cancel the designation of a panel lawyer if he or she is no longer eligible for designation under subsection (2).

(6) The designation of a panel lawyer is cancelled if he or she is suspended or disbarred.

(7) A person whose designation is suspended or cancelled may, within 30 days after being so notified, apply to the Supreme Court for judicial review.

15. (1) The Executive Director may assign a case to either a panel lawyer or a staff lawyer.

(2) In determining an assignment, the Executive Director shall consider

(...)

(b) whether the assignment is fiscally responsible;

(...)

16. Where the Executive Director is of the opinion that a lawyer will be required to provide legal aid services on a Territorial Court circuit, the Executive Director shall arrange for at least one lawyer to accompany the circuit to provide those services to clients.

[30] The Act does not provide for an appeal or judicial review of the Executive Director's decision to assign a case to a particular lawyer or arrange a particular lawyer for a Territorial Court circuit. It does provide for judicial review in the Supreme Court of a decision by the Commission to suspend or cancel a lawyer's designation as a panel lawyer, actions which may be taken by the Commission on the recommendation of the Executive Director. However, the circumstances for which the Commission may suspend or cancel do not apply in this case, nor was the Applicant given the notice contemplated by s. 14(7).

[31] A plain reading of the Executive Director's email message of August 20, 2019 indicates that the Executive Director was merely advising the Applicant that she did not expect to schedule him on circuit during 2020. The Applicant, however, relies on certain circumstances which he says indicate that the Executive Director had actually removed him from the panel of non-resident lawyers, or had taken actions that resulted in his removal from the panel.

[32] One of the circumstances he relies on is the last paragraph of the Executive Director's message, in which she thanks him for his work and expresses her hope that his experiences in the Northwest Territories have been rewarding. The Applicant submits that in effect, the Executive Director was bidding him a final good-bye. In my view, however, the inference that she was conveying a final good-bye in the sense of removing the Applicant from the panel is contradicted by the Executive Director's reference to being content that he continue to work on the cases he has pending in the Supreme Court. In the circumstances, her thanks is more consistent with an expression of appreciation for his attendance to date on the Territorial Court circuits, which involve hard work and long hours, than with a final goodbye. In addition, the argument that the Executive Director was removing or had removed the Applicant from the panel is inconsistent with the provisions of the Act (s. 20) and the *Legal Aid Regulations*, R-132-2014, ss. 6-17, that govern payment to lawyers of remuneration and expenses. Those sections refer to payment to panel lawyers and so removing the Applicant from the panel while permitting him to maintain carriage of legal aid cases would create problems from that perspective.

[33] Another circumstance relied on by the Applicant is the Commission's failure to include in the Record a copy of what he refers to as the list of non-resident lawyers who are on the panel. He submits that the absence of such a list from the Record is proof that he was removed from the panel and that the Commission's position is therefore not credible.

[34] Whether the Commission actually maintains a specific document that lists the non-resident lawyers who are on the panel is really beside the point and the Applicant's insistence on it as an issue is illustrative of the contradictions in how he has characterized the Executive Director's position as referred to above. Even if such a list exists, the absence of his name on it would not be effective to remove the Applicant from the panel he was designated to be on. The Executive Director's correspondence of May 2, 2018 makes it clear that the Applicant was designated to the civil/criminal panel in accordance with s. 14(4) of the Act. The Executive Director does not have the power to remove him from that panel; only the Commission can do that and only in circumstances that do not apply in this case, pursuant to s. 14(5). Section 14(6) does not apply either. Therefore, the Applicant has not been removed from the panel because his designation has not been cancelled.

[35] In his written brief, at paragraph 14, the Applicant describes the Commission's position as a "complete artifice and totally disingenuous". He says that the Commission has not filed any evidence to support its position and that it cannot point to "any further evidence of possible new assignments". The evidence in this case is the Record and the Applicant's affidavit; it is not clear what other evidence the Commission could have presented to show that it did not take the steps that the statute says must be taken for the Applicant's designation to the panel to be cancelled.

[36] As for new circuit assignments, the Record contains the circuit assignments for lawyers for the first six months of 2020; those assignments are consistent with what the Executive Director said she expected, in other words, that the Applicant is not scheduled for such assignments in 2020. The Applicant still has carriage of the jury trials in the cases assigned to him. Again, it is not clear what would constitute "evidence of possible new assignments". So long as the Applicant is on the panel, it is possible that cases or circuits will be assigned to him.

[37] I find that the Executive Director's decision was that she did not expect to assign any Territorial Court circuits to the Applicant in 2020. There is no evidence that in doing so she was attempting or planning to recommend or instigate the Applicant's removal from the panel to which he had been designated.

Whether judicial review is available for the Executive Director's decision

[38] I have already noted that the Act does not provide for an appeal or judicial review of the Executive Director's decision to assign cases or circuits to lawyers. This is an indication that the Legislature, in enacting the *Legal Aid Act*

did not intend such decisions to be subject to a court's review, in contrast to the clear intention, expressed in s. 14(7), to make the Commission's decision to suspend or cancel a lawyer's designation to a panel subject to judicial review.

[39] While the Commission is a statutory body that fulfills a public function, some of its decisions, and those of its Executive Director, are private in nature and will not, and should not, attract review by a court. The Supreme Court of Canada commented on this in *Highwood Congregation of Jehovah's Witnesses v. Wall*, 2018 SCC 26, at [14]:

[14] Not all decisions are amenable to judicial review under a superior court's supervisory jurisdiction. Judicial review is only available where there is an exercise of state authority and where that exercise is of a sufficiently public character. Even public bodies make some decisions that are private in nature - such as renting premises and hiring staff - and such decisions are not subject to judicial review: *Air Canada v. Toronto Port Authority*, 2011 FCA 347, [2013] 3 F.C.R. 605, at para. 52. In making these contractual decisions, the public body is not exercising "a power central to the administrative mandate given to it by Parliament", but is rather exercising a private power (*ibid.*). Such decisions do not involve concerns about the rule of law insofar as this refers to the exercise of delegated authority.

[40] *Highwood* was referred to in *Harvey v. Saskatchewan Legal Aid Commission* ("LAS"), 2019 SKQB 191, where a lawyer sought judicial review of Legal Aid's decision to remove her from a panel and not re-appoint her in circumstances where she had resigned from her position as a staff lawyer. The governing legislation did not provide a right of appeal except where a lawyer had been removed from a panel for just cause. The Court adopted the comments set out above in *Highwood* and found that the decision by Legal Aid not to appoint the lawyer to the panel was not a public action, but rather a private action and therefore not subject to judicial review.

[41] The Applicant relies on *Strauss v. North Fraser Pretrial Centre (Deputy Warden of Operations)*, 2019 BCCA 207. The issue in that case was whether judicial review was available for a deputy warden's decision revoking a nurse's security clearance which meant she could not perform her duties at a prison and therefore lost her employment. The Court held that the need for a security clearance was part of a comprehensive regulatory scheme designed to safeguard and serve prisoners, those who work in correctional facilities, and the general public. Although the scheme was not founded on statutory powers, that was held not to diminish its public and regulatory character.

[42] The Applicant also relies on *Wise v. Legal Services Society*, 2008 BCSC 255, in which it was held that judicial review was available for a decision by the Legal Services Society to revoke a lawyer's "vendor's licence", which it had done pursuant to a process it had adopted for its contractual relationships with lawyers. *Wise* sets out a number of factors to be considered on the question of public character, some of which apply in this case, as I will describe in the following paragraph.

[43] The Northwest Territories Legal Aid Commission is created by statute and has the powers and duties set out in that statute. It has a statutory mandate and its activities are carried out in furtherance of that mandate. It is funded by the Government of the Northwest Territories and is accountable to the Government for how it spends those funds. Providing the services of private practice lawyers and paying those lawyers account for much of its expenditures. There is clearly a significant public interest in the Commission's activities, not only because it is funded by the Government but also because it provides essential services to individuals who could not otherwise protect their own legal rights and interests due to lack of financial resources.

[44] That said, not everything the Commission and its Executive Director do will be of sufficiently public character to make judicial review available: *Highwood*. The Executive Director is statutorily mandated to arrange for at least one lawyer to accompany a Territorial Court circuit where she is of the opinion that a lawyer will be required to provide legal aid services on that circuit. I accept that there is a strong public interest in ensuring that the Executive Director complies with that obligation. I will leave for another case the issue whether judicial review would be available in the unlikely event that an Executive Director of the Commission were to decide not to arrange any lawyer at all to accompany a Territorial Court circuit.

[45] However, the task of allocating Territorial Court circuits among the Commission's panel lawyers and staff lawyers does not, in my view, have a sufficiently public character to make judicial review available for the decisions made in that regard. Rather, those are administrative decisions that, while important, are incidental to the Commission's statutory mandate to provide legal services to persons who are eligible. Those decisions should not be subject to judicial review any more than a decision of the Executive Director to assign a particular case to a particular lawyer under s. 15(1) of the Act should be subject to judicial review. The allocation of lawyers' work by the Executive Director is a private, administrative matter and not a public action.

[46] For the above reasons, I find that judicial review is not available for the Executive Director's decision not to assign any Territorial Court circuits to the Applicant in 2020.

If judicial review is available, what is the standard of review and how should it be applied?

[47] Had I found that judicial review is available for the Executive Director's decision, the standard of review is reasonableness. Neither party argued otherwise.

[48] The Executive Director made it clear in her message of August 20, 2019 and the discussions she had with the Applicant, as set out in his affidavit, that financial considerations were at the root of her decision not to assign circuits to him in 2020. She would have been aware that, if he chose to continue with the matters he had pending in Supreme Court, the Commission would be responsible for paying his fees and expenses in accordance with the Act and the *Legal Aid Regulations*, R-132-2014, and that his cases could require that he make at least three separate trips to the Northwest Territories in 2020.

[49] The provisions of the Act referred to above require that financial considerations, while not the only factor, must play a part in the Executive Director's decision-making. In the case of the Applicant, the Executive Director found that cost was a significant factor. He had already attended on six court circuits and conducted a jury trial and a *voir dire*, so she had a basis upon which to assess his fees and expenses and their impact on the budget she had to work with and how that fit in with the remainder of the financial picture and distribution of work for 2020.

[50] The Applicant bears the burden of showing that the decision is unreasonable, which requires satisfying this Court that there are sufficiently serious shortcomings in the decision that it cannot be said to exhibit justification, intelligibility and transparency: *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65. The Executive Director's decision was not a complicated one. Her message advising the Applicant of that decision identified the need to balance multiple factors, of which financial pressures were significant. She stated that the complement of Alberta lawyers on the panel had grown and that use of lawyers from that geographic location fit the program better for reasons that include cost. These are factors that she was in the best position to assess and determine how they would affect the 2020 schedule for circuit work. The Applicant submits that because there were other lawyers from Vancouver and Ontario on the panel, her decision is not justifiable, transparent or intelligible. However, he has provided

no evidence that all those lawyers were assigned circuit work, either prior to or during 2020, nor is there any evidence that the number of circuits set by the Territorial Court for 2020 can accommodate all the lawyers, both resident and non-resident, panel and staff, who are able and willing to accompany the circuits.

[51] The Applicant emphasized his experience as a criminal lawyer, the quality of his work and his commitment to providing legal services to aboriginal people: paragraphs 28, 33 and 34 of his Affidavit. In paragraph 33, he concludes that the Executive Director did not have regard to those factors, but only to the cost of his services. However, her message of August 20 refers to having to balance "multiple factors" and the fact that she was content that he continue with his Supreme Court matters suggests that she did not consider cost to the exclusion of everything else.

[52] The Applicant has not met the burden of showing that the Executive Director's decision lacks justification, intelligibility and transparency. Her decision not to assign the Applicant any circuits in 2020 "falls within a range of possible outcomes which is defensible in respect of the facts and law": *Dunsmuir v. New Brunswick*, 2008 SCC 9. Therefore, if I had concluded that judicial review was available, I would have found that the decision is reasonable.

[53] The Applicant also challenged the Executive Director's decision on the ground of lack of procedural fairness. He relied on the fact that the Executive Director did not notify him or seek his input in advance of making her decision not to schedule him on circuit.

[54] The Executive Director's August 20 message stated that "we do not expect to" schedule the Applicant on circuit. She invited him to contact her if he had questions. On September 5, the Applicant met with the Executive Director and attempted, unsuccessfully, to change her mind about not scheduling him. The circuit schedule for lawyers for the first half of 2020, at Tab 3 of the Record, is dated September 13. The Applicant clearly had the opportunity to present his views to the Executive Director before the schedule was finalized.

[55] I would find that any duty of procedural fairness in these circumstances was minimal. There is no evidence before the Court as to what, if any, representations were made to the Applicant, when he applied to be on the Commission's panel, about the amount of circuit work he could expect to be allocated. The Applicant's main law practice is in Richmond, British Columbia and there is no evidence as to what proportion of his income derives from his legal aid work in the Northwest Territories or how important that work is in the context of his larger law

practice. There is no indication from him that he intends to move his residence and his practice to the Northwest Territories. There is no evidence to suggest that his livelihood or career is at stake. Nor is there any reason to think that the fact he is not assigned circuit work in 2020 will affect his professional reputation, considering that he is continuing with the jury trials he was assigned.

[56] The Executive Director's decision pertains to the circuit schedule for 2020 and there is no bar to it being revisited in the future. The Act leaves it to the Executive Director to consider the statutory factors and assign cases and circuits to lawyers, with no right of appeal or judicial review from her decisions.

[57] In all the circumstances, in accordance with *Baker v. Canada (Minister of Citizenship and Immigration)*, [1999] 2 S.C.R. 817, I would find that had judicial review been available, the duty of procedural fairness in this case was minimal. By meeting with the Applicant and hearing his objections, the Executive Director complied with that duty.

Disposition of applications

[58] For the above reasons, both the application to adduce new evidence and the application for judicial review are dismissed.

Costs

[59] The Commission seeks costs. The Applicant opposed that request, mainly on the basis that the Commission delayed in filing the Record and he eventually obtained an order of the Court imposing a deadline for filing. The Court record indicates that the Originating Notice by which these proceedings were commenced was filed on September 19, 2019 with a return date of October 11, 2019. The matter was adjourned from that date to November 8, on which date the Applicant sought, and was granted, an order that the Record be filed by November 29; it was filed on the 28th. The Pre-hearing Conference required by Rule 604 of the *Rules of Court* was held on January 17, 2020, at which time counsel were directed to submit their available dates for the hearing of the judicial review application. In all the circumstances, I do not find that timeframe out of the ordinary.

[60] Costs are normally awarded to the successful party and I see no reason to depart from that in this case. The Commission will have its costs pursuant to the Tariff in the *Rules of Court*.

“V.A. Schuler”

V.A. Schuler
J.S.C.

Dated at Yellowknife, NT
this 31st day of March , 2020

Applicant:
Counsel for the Respondent:

Self-represented
Karen Lajoie

**Corrigendum of the Memorandum of Judgment
Of
The Honourable Justice V.A. Schuler**

1. An error occurred at paragraph 56

Paragraph 56 reads:

[56] (...) the Executive Director to consider the statutory factors and assign cases and circuits to lawyers, with no right of appeal or judicial review from her decisions.

Paragraph 56 has been corrected to read:

[56] (...) the Executive Director to consider the statutory factors and assign cases and circuits to lawyers, with no right of appeal or judicial review from her decisions.

2. The citation has been amended to read:

Tarnow v NWT Legal Aid Commission, 2020 NWTSC 13.cor1

(The changes to the text of the document are highlighted and underlined)

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Corrected judgment: A corrigendum was issued on April 3, 2020, the corrections have been made to the text and the corrigendum is appended to this judgment.

MEMORANDUM OF JUDGMENT OF
THE HONOURABLE
JUSTICE V.A. SCHULER
