

An Act respecting legal aid and the provision of certain other legal services - Sections mentioned

61.1. In a penal or criminal case that is expected to be long and complex owing, among other things, to the anticipated length of the trial, the number of accused, the number and nature of the accusations, the nature of the evidence, the time required to hear the preliminary motions, whether announced or anticipated, as mentioned in the minutes of the pre-hearing conference or the court record, or owing to the length of the investigation leading to the laying of charges, only the Commission shall decide whether a recipient may benefit from the professional services of an advocate in accordance with sections 83.3 to 83.7 and 83.9 to 83.12, and, if so, what the fee structure applicable to the advocate's services is to be.

Sections 56 and 57 do not apply for the purposes of this section.

2010, c. 12, s. 23.

83.1. In addition to the functions and duties assigned to it by Chapter II, the Commission des services juridiques must see that legal services are provided to the accused in a penal or criminal trial whose right to the services of a State-remunerated advocate, arising from their constitutional right to a fair trial, has been recognized by a court order.

The Commission must also see that such services are provided if a court order concerning the designation of counsel has been made under the Criminal Code (R.S.C. 1985, c. C-46), in particular under section 486.3 or 672.24, subsections 8 to 8.2 of section 672.5, section 684 or section 694.1 of that Code.

2010, c. 12, s. 30.

83.7. Subject to section 83.8, if a person to whom section 61.1 or 83.1 applies has not chosen any particular advocate under section 52 or 83.6 or the advocate does not agree to provide professional services in accordance with the regulations and the director general is not able to make available the professional services of an advocate in the employ of the regional centre, the director general shall call upon the Commission, which must procure for the person the professional services of

(1) an advocate not in the employ of a regional centre or the Commission, who agrees to provide professional services for the fee determined by the Commission under the first paragraph of section 83.12;

(2) an advocate in the employ of the Commission; or

(3) an advocate in the employ of a regional centre, with whom the regional centre has entered into a loan of services agreement in accordance with section 83.11.

As far as possible, a recipient may select the advocate of the recipient's choice.

Despite the first paragraph, the Commission may, by way of exception, enter into a professional services contract with an advocate not in the employ of a regional centre or the Commission, if the advocate's expertise is required for the Commission to satisfy its duties under the first paragraph of section 83.1 or if such a contract will ensure efficient management of services and resources.

2010, c. 12, s. 30.

83.8. For the purposes of an order made under section 486.3 of the Criminal Code (R.S.C. 1985, c. C-46), the selection of counsel must alternate, insofar as possible, between an advocate referred to in subparagraph 1 of the first paragraph of section 83.7 and an advocate referred to in the second paragraph of section 83.6 or in subparagraph 2 or 3 of the first paragraph of section 83.7.

2010, c. 12, s. 30.

83.10. The Commission shall draw up and keep up to date, for all of Québec, a list of the advocates described in subparagraph 1 of the first paragraph of section 83.7 and send a copy of it to each regional centre.

The Commission shall make the list available to the public.

2010, c. 12, s. 30.