

## 2.1 Approval and Acquisition of Private Legal Services

### Policy Statement

The Attorney General is responsible for legal services to the Government of Nova Scotia

### Definitions

#### LEGAL SERVICES FOR THE PROVINCE

This does not include legal services to third parties such as are provided under the Nova Scotia Legal Aid and the Worker's Counsellor Program.

#### CORE GOVERNMENT WORK

This entails a continuing relationship of close confidence between ministers and their legal advisers who need to understand the implications of policy options and the public interest factors. Core governmental work includes work that

- has especially sensitive implications
- relates to major policy or constitutional issues
- could affect relations with another government
- affects the long-term interests for more than one department, e.g., claims of public interest immunity, solicitor client privilege
- necessitates Cabinet coordination

### Policy Objective

The objective of this policy is to ensure that government's legal needs are met cost-effectively within a cohesive legal policy framework.

### Application

This policy applies to all government departments and agencies who retain private-sector legal services.

### Policy Directives - Approval Process

#### REQUIREMENT

Acquisition for legal services for the province from the private bar requires the approval of the Minister of Justice.

## **CRITERIA**

The Minister of Justice's approval will be given when

- a Department of Justice lawyer is not available to do the work
- the work requires expertise not available within the Department of Justice
- the use of a Department of Justice lawyer may cause a conflict of interest
- the Minister of Justice is satisfied that the private sector can perform the work more effectively than the Department of Justice (typically, where the work requires a presence outside HRM)

However, even where one or more of these factors is present, approval may be refused where

- there is a risk that the agency or department will become tied to one law firm and competition for legal work lessened as a result
- the matter involves core government work
- a private lawyer's work for a department or agency may allow them to later advise private clients in a manner prejudicial to the department or agency

## **Accountability**

All ministers, deputy ministers, heads of agencies, and Legal Services Division lawyers

## **Monitoring**

Department of Justice, Legal Services Division

## **References**

*Public Service Act, R.S.N.S. 1989, c.376, s.29.*

## **Enquiries**

Legal Services Division, Department of Justice (902) 424-3680

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*Approved by: Executive Council*

*Most recent review: February 10, 2009*

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