

FAMILY CROWN SERVICES OPERATIONAL MANUAL

AD HOC COUNSEL	New	Office of the Attorney General / Family Crown Services	Policy 6
Policy Title	New or Amended	Division / Branch / Section	Policy #

SLT		June 1, 2022	June 1, 2025
Approved by	This policy was approved on:	This version takes effect on:	This policy will be reviewed by:

AD HOC COUNSEL

1. Introduction

From time to time, Family Crown Services will require the assistance of outside counsel to carry out its mandate. Such counsel may be hired by the Crown to act as a Family Crown on a temporary, *ad hoc* basis in order to deal with a conflict of interest or to assist with operational demand.

2. Statement of the policy

2.1 Hiring Ad Hoc Counsel

The Assistant Deputy Attorney General of Family Crown Services has the authority to hire *ad hoc* counsel when necessary, bearing in mind both cost effectiveness and quality of service. When the Assistant Deputy Attorney General determines that it is necessary to hire *ad hoc* counsel, he may do so by selecting a person identified in a list of approved *ad hoc* counsel, without obtaining further approval.

The Assistant Deputy Attorney General should be satisfied that the *ad hoc* counsel hired has experience in Family Law that corresponds to the duties for which he or she is retained to perform.

2.2 List of approved Ad Hoc counsel

Where the Assistant Deputy Attorney General wishes to have counsel added to the list of approved *ad hoc* counsel, he shall submit the name and *curriculum vitae* of said counsel to the Deputy Attorney General for consideration. Where the Deputy Attorney General approves the request, the counsel's name will be added to the list of approved *ad hoc* counsel for that region. The Assistant Deputy Attorney General will also provide the counsel with notice that he has been added to the list of approved *ad hoc* counsel, and that he will be expected to comply with this Manual when acting as an *ad hoc* counsel.

The Assistant Deputy Attorney General shall consider the following criteria before submitting a name to be added to the list of approved *ad hoc* counsel:

- (a) whether the counsel has the authority to practice law in New Brunswick;

- (b) whether the counsel has the appropriate skills, abilities and knowledge of Family Law;
- (c) whether the counsel will follow this Manual; and

- (d) where the counsel has performed previous *ad hoc* duties, whether he has done so in an efficient and competent manner.

2.3 Rates of pay for *Ad Hoc* counsel

An *ad hoc* counsel who has been a member of the Bar for five (5) years or less is paid at a rate of \$80 an hour for services. An *ad hoc* counsel who has been a member of the Bar for more than five (5) years is paid at a rate of \$100 an hour for services.

An *ad hoc* counsel will be reimbursed for any reasonable disbursements incurred, and is subject to the application of the Government of New Brunswick's *Travel Policy*, AD-2801.

2.4 Authority for the matter

Ad hoc counsel receives his or her power to carry out the mandate of Family Crown Services by virtue of subsection 3(3) of *An Act Respecting the Role of the Attorney General*, R.S.N.B. 2011, c.116 which provides that:

The Attorney General may appoint a law officer from private practice as *ad hoc* counsel to serve as the agent of the Attorney General.

The Attorney General has delegated to the Deputy Attorney General the power to add or remove the names of private practitioners from the *ad hoc* list.

The Attorney General retains authority for Family Law matters, including those for which an *ad hoc* counsel is hired.

Ad hoc counsel is required to act in accordance with this Manual.

3. Related Documents

Policy 5 Conflict of Interest
Government of New Brunswick's *Travel Policy*, AD-2801
An Act Respecting the Role of the Attorney General, S.N.B. 2011, c.116