

GUIDE - Legal Counsel at Public Expense - LAPE

All entitlement and criteria noted below are merely summarized from the Treasury Board Policy on Legal Assistance and Indemnification. For definitive information, please consult the policy at:

<http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=13937§ion=tex>

1. Who can make an application for legal fees at public expense?

- All employees of the Crown: RM's, CM's, PSE's
- Former employees and their estates (providing the incident in question occurred while they were employed with the Crown).

2. What types of incidents can you apply for legal assistance for?

- When an employee is required to appear before or be interviewed in connection with a judicial investigation, or other inquest or inquiry.
- When an employee is sued or threatened with a law suit.
- When an employee is charged or likely to be charged with an offence.

3. What types of incidents are excluded from legal fees at public expense?

- Grievances
- Disciplinary actions – Code of Conduct
- Discharge and demotion proceedings
- Alternative Dispute Resolution or Mediation
- Public Complaints (note: if the investigation turns into a Statutory - then a request can be advanced)
- Harassment investigations (if the investigation is revealed to be unfounded, and is pursued in the courts or at a tribunal, as a respondent, a request for legal fees can be advanced)

4. What are the eligibility criteria?

In order to qualify for legal counsel at public expense, three conditions have to be satisfied according to the Treasury Board Policy on Legal Assistance and Indemnification.

- The employee must have acted in good faith.
- The employee must not have acted against the interests of the Crown.
- The employee must have acted within the scope of their duties or course of employment with respect to the acts or omissions giving rise to the request.

5. How do I apply for legal assistance at public expense?

Application Form:

STAT - <http://infoweb.rcmp-grc.gc.ca/form/catalogue/KD5484.pdf>

CIVIL - <http://infoweb.rcmp-grc.gc.ca/form/catalogue/KD5485.pdf>

- To make an application for legal counsel at public expense, for
 - * STAT cases fill in Form KD5484 (link above) OR
 - * CIVIL cases fill in Form KD5485.

THEN either email it in PDF (adobe) format to nwrclaims@rcmp-grc.gc.ca or fax it to 780- 454-4563.

- The application form must be filled in completely and must be signed by your line officer. Your line officer does not need to review your application but merely needs to confirm you are subject to a Statutory Investigation or one of the other circumstances noted above that are eligible for legal fees at public expense.
- The second page of the application form should include a summary of the circumstances leading up to the requirement for counsel. It is important to include as much detail as possible so that the actions can be analyzed in accordance with policy.
- The Regional Claims and Litigation Unit (CLU) analyst will then forward your application along with an information package to the approval authority.
- If you are approved for legal counsel at public expense a formal memorandum will be sent to you setting out the terms and conditions of approval. Any services performed by counsel *before* approval is granted may not be covered by the Force and may likely be the responsibility of the individual.

For more information, contact:

General: 780-670-8555

Email: NWRClaims@rcmp-grc.gc.ca
