NOVA SCOTIA SUPREME COURT – CRIMINAL MATTERS

APPLICATION FOR *ROWBOTHAM* COUNSEL

An application for court-appointed counsel is available under sections 7 and 11(d) of the Canadian Charter of Rights and Freedoms. These sections guarantee an accused person the right to a fair trial. In certain situations, a fair trial requires court-appointed counsel.

In Nova Scotia, an accused person may be represented by a lawyer whom the accused has hired, by a Nova Scotia Legal Aid lawyer, or by a lawyer appointed by the Court.

APPLICATION PROCESS:

1. Apply to the local Legal Aid Office.

2. If denied Legal Aid, keep the denial letter and file an appeal to Nova Scotia Legal Aid Appeal Committee. Appeals must be in writing and may be directed to:
Appeal Committee, Nova Scotia Legal Aid Commission, 1701 Hollis Street, Suite 710 Halifax, NS B3J 3M8

3. If the appeal is denied by Nova Scotia Legal Aid, keep the denial letter and complete the notice of application for a court-appointed lawyer. (Form A)

4. Submit the original application to the court, with a copy of the application sent to the Attorney General of Canada and the Attorney General of Nova Scotia.

5. If a lawyer is helping you with your application for a court-appointed lawyer, complete the Waiver (Form B) and give it to the lawyer.

6. If a lawyer is not helping you with your application for a court-appointed lawyer, complete the Waiver (Form B) and rather than using a lawyer's name put in "Presiding Judge, (Name of City/Town), Supreme Court" and deliver it to the Supreme Court where your case will be heard.

7. Whether you have a lawyer assisting you or not the Waiver (Form B) must be sent to the Executive Director, Nova Scotia Legal Aid, 1701 Hollis Street, Suite 920 Halifax, NS B3J 3M8

8. Prepare an affidavit (Form C). This contains all the evidence and financial information for your application. You will submit the original affidavit to the Supreme Court. A copy of the affidavit is to be sent to the Attorney General of Canada and the Attorney General of Nova Scotia.