



IDENTIFICATION

Department	Position Title	
Justice	Public Trustee	
Position Number	Community	Division/Region
82-2743	Yellowknife	North Slave

PURPOSE OF THE POSITION

The Public Trustee oversees and is responsible and accountable for the management, direction and administration of the Public Trustee Program in the Northwest Territories.

The position is located in Yellowknife. It reports to the Assistant Deputy Minister (Attorney General Branch) for administrative purposes.

SCOPE

The scope of this position is diverse and significant, owing to the wide range of clients and legal and financial duties, as well as program areas.

As a statutory officer, the Public Trustee is a fiduciary authority appointed under the Public Trustee Act by the Government of the Northwest Territories to protect and manage the legal and financial interests of vulnerable residents of the Northwest Territories and administer estates of deceased persons when there is no one else to do so or where it meets the criteria for the Office of the Public Trustee to administer. The powers and duties of the Public Trustee are set out under the Public Trustee Act, the Guardianship and Trusteeship Act the Powers of Attorney Act, the Rules of Court, the Estate Administration Rules, and other legislation, as well as judge- made law.

Many of the cases handled through the Public Trustee Program are legally very complex, often complicated by the diversity of culture, language and geography. Similarly, management of program delivery is made more challenging by these issues, and both require significant analysis and a creative approach particularly for files where the deceased lived outside Yellowknife.

The nature of the duties requires that the Public Trustee has a significant scope of discretion to make decisions, and these have a direct impact on the financial and legal affairs of children and other vulnerable persons, and estates. The recommendations, advice or decisions made and provided by the Public Trustee include:

- Determining what, if any lawsuits should be pursued by an estate, a minor or a person under disability. The nature of the lawsuits can range from debt collection to wrongful death actions, to residential school claims;
- Negotiating settlements of claims;
- Determining if potential settlements are fair and equitable;
- Determining whether or not proposed investments are appropriate.

The Public Trustee oversees the development of policies and procedures in relation to the program and program delivery. They also make recommendations on regulations and for certain legislative changes. These have direct legal and financial implications for the individuals and estates served by the program. This can, in turn, affect the Department of Justice and the Government as a whole in many different ways.

Finally, the Public Trustee has control over and responsibility for a great deal of personal and financial information and must ensure that appropriate safeguards are in place to ensure its confidentiality. Failure to do so will undermine public confidence in the program and could have negative implications for individuals affected by a privacy breach.

DIMENSIONS

In managing the programs, the Public Trustee supervises a staff of three to five individuals and manages an annual O & M budget of approximately \$600,000. They also directly supervise the administration of approximately 300 Public Trustee files and manages the Public Trustee Common Fund, which totals approximately \$8 million, and which has receipts and disbursements each totaling approximately \$3 million plus per year.

RESPONSIBILITIES

The Public Trustee maintains a law practice as well as managing the Public Trustee Program.

Public Trustee Duties

Acting pursuant to the Public Trustee Act, the Guardianship and Trusteeship Act the Powers of Attorney Act, the Estate Administration Rules and other legislation, as well as judge-made law, the incumbent oversees and provides highly specialized legal and financial services and advice to minors and mentally incompetent adults and administers estates when there is no one else to do so or where it meets the criteria for administering according to office policy. This entails making personal financial decisions on behalf of various individuals, providing the required legal assistance and the protecting the individuals' rights, including:

- Ensuring that appropriate legal steps are taken to obtain letters of administration to deal with estates;
- Making final decisions on all matters relating to estates and trusts for which the Public Trustee acts as administrator and in respect to the financial and legal interests of minors and incompetent adults;
- Acting as trustee for minors;
- Acting as guardian ad litem (a person appointed by the court to defend a legal action or other proceeding on behalf of an infant child or person under a disability);
- Acting in such capacity as authorized or required by the Commissioner of the Northwest Territories or a judge of the Supreme Court;
- Acting as legal counsel for the Public Guardian as required;
- Overseeing, researching and analyzing legal matters relating to estates of deceased persons, of children, and of mentally incapable persons and ensuring that matters are properly concluded;
- Ensuring that estates are administered equitably and according to law;
- Ensuring that all assets are located and brought under administration and that all heirs of deceased persons are located;
- Initiating and supervising (or conducting, depending on the nature of the case) litigation on behalf of estates, children and mentally incapable persons;
- Negotiating and finalizing settlements;
- Ensuring that clients and others are appropriately apprised of file status;
- Liaising with governmental departments and other levels of government as required, including close coordination with the Office of the Public Guardian;
- Establishing and implementing policies and procedures;
- Providing advice, recommendations and instruction on the development of new legislation and legislative amendments in the area of estates, trusts and children's law;
- Overseeing the preparation and distribution of materials on estates, wills, trusts, powers of attorney, and other like information for use by members of the public and for public distribution;
- Supervising the staff and activities of the Public Trustee Office and ensuring the appropriate procedures are followed for handling property and trust money;
- Overseeing and ensuring quality of service provided to clients and the public by staff;
- Trains new staff and ensures that existing staff skills are current;
- Assists and answer phone calls from the public and other lawyers regarding estates, supervises or acts as mentor to junior legal counsel as required;
- Assists individuals with obtaining necessary documents and identification;
- Liaises with media as required;
- Managing the Public Trustee Common Fund, which totals approximately \$8 million and which has receipts and disbursements each totaling approximately \$3 million per year.

WORKING CONDITIONS

Physical Demands

No unusual demands.

Environmental Conditions

No unusual demands.

Sensory Demands

No unusual demands.

Mental Demands

The incumbent has the final responsibility for making the legal and financial decisions affecting the lives of persons, including children and incapable adults. There is a lack of control over volume, pace of work, and demands by those for whom services are performed to complete files as soon as possible. The incumbent must deal regularly with persons who are experiencing emotional distress as a result of the death or injury of a family member and who may, as a result, be very emotional and critical, and occasionally hostile.

KNOWLEDGE, SKILLS AND ABILITIES

- Able to work competently in wills, estate, trust, family, real estate, civil procedure and tort law in the Northwest Territories
- Highly developed written and oral communications skills;
- Highly developed litigation and advocacy skills;
- Highly developed negotiation skills;
- Working knowledge of basic accounting principles and accepted standards;
- Working knowledge of current Aboriginal and Northern issues;
- Ability to manage diverse activities and issues, directly and through subordinates;
- Ability to be sensitive to Northern cultures, people and situations and the ability to motivate service users to address difficult issues;
- Ability to solve problems in varying situations requiring analytical, interpretative and evaluative skills;
- Ability to work and act independently, with little or no supervision and subject to governing legislation, law and policies;
- Ability to deal diplomatically and constructively with individuals who may be critical, emotional or hostile;
- Ability to explain complex legal concepts and issues to a diverse array of individuals;
- Excellent organizational skills;
- Ability to supervise, mentor and lead subordinates.

Typically, the above qualifications would be attained by:

A common law degree – J.D. or LL.B. or equivalent;

Membership in or eligibility for membership as an active member of the Law Society of the Northwest Territories;

At least seven (7) years of active law practice with progressive responsibility, in a common law jurisdiction with experience in wills, trusts, estates, litigation, family and property law and related areas.

The following would be considered assets:

- Experience managing a budget and staff;
- Experience handling and accounting for trust monies and trust accounts; and
- Experience working with clients of varied ethnic, linguistic and cultural backgrounds

ADDITIONAL REQUIREMENTS

The Public Trustee must be a practicing lawyer, which requires the incumbent to have a law degree and be an active member in the Law Society of the Northwest Territories.

Position Security (check one)

- ☐ No criminal records check required
- ☐ Position of Trust – criminal records check required
- ☒ Highly sensitive position – requires verification of identity and a criminal records check

French Language (check one if applicable)

- ☐ French required (must identify required level below)

Level required for this Designated Position is:

ORAL EXPRESSION AND COMPREHENSION

Basic (B) ☐ Intermediate (I) ☐ Advanced (A) ☐

READING COMPREHENSION:

Basic (B) ☐ Intermediate (I) ☐ Advanced (A) ☐

WRITING SKILLS:

Basic (B) ☐ Intermediate (I) ☐ Advanced (A) ☐

- ☐ French preferred

Indigenous Language: Select Language

- ☐ Required
- ☐ Preferred