

Vendor Number: Removal or Modification of Conditions Policy

Part 1 - Definitions:

“Director” - is the Director, Finance and Corporate Services, or his or her designate

“Investigation” – includes enquiries into audit, lawyer complaint and/or referral eligibility matters

“LSS” – is the Legal Services Society

“Manager” – is the Manager, Audit and Investigation, or his or her designate

“Referral” – is a LSS authorization for a lawyer to provide legal services to a client and to bill LSS for legal fees and disbursements for the case according to the tariff contract

“Representations” – does not include an oral hearing

“Tariff Contract” - the retainer agreement between LSS and referral lawyers, as modified from time to time by LSS, including the contents of the *Guide to Legal Aid Tariffs* (Introduction, General Terms and Conditions, applicable Tariffs, Guides to Billing), and Notices to Counsel and other written instructions that LSS may provide to referral lawyers directly or through the LSS website

“Vendor Number” – a number provided by LSS to the lawyer that enables the lawyer to receive referrals from LSS, and is the lawyer’s permanent identification in the LSS computer system

Part 2 – General Principles:

1. Legal aid clients are entitled to the same quality of service as paying clients.
2. Lawyers are responsible for ensuring:
 - (a) they meet applicable standards; and
 - (b) legal aid clients receive quality service.
3. Relations between lawyers and LSS as described in the “General Terms and Conditions” section of the *Guide to Legal Aid Tariffs* are contractual in nature. LSS as payor is entitled to determine who will provide legal services to legal aid clients.
4. LSS may address quality concerns by providing support and encouragement to help lawyers improve service quality.

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5. A lawyer who previously had conditions imposed on their eligibility to receive referrals from LSS may apply to LSS for removal or modification of these conditions.
6. LSS may refuse to remove or modify conditions imposed on a lawyer's eligibility to receive referrals from LSS.
7. LSS will endeavor to make inquiries and decisions under this policy in a timely manner.

Part 3 –Applying for Removal or Modification of Conditions:

1. A lawyer who holds a vendor number with conditions on their eligibility to receive referrals from LSS may apply to LSS for a removal or modification of these conditions after any applicable review period under the *Referral Eligibility Policy* has expired.
2. A lawyer who is eligible to apply must complete a *Vendor Number Reapplication* form.
3. A lawyer who has applied for a removal or modification of conditions on their eligibility to receive referrals from LSS may not make a new application until the earlier of the following:
 - a. 1 year from the date of the Manager's decision under this policy, where no review by the Director is requested, or
 - b. 1 year from the date of the Director's review decision under this policy.

Part 4 –Application Processing:

1. Upon receipt of a *Vendor Number Reapplication* form, the Manager may conduct an investigation.
2. Where a lawyer's vendor number, pursuant to the *Referral Eligibility Policy*, had conditions placed on their eligibility to receive referrals:
 - a. the lawyer must demonstrate to LSS, that the reasons for the conditions have been addressed,
 - b. the Manager may receive such representations from the lawyer as the Manager deems appropriate and set time limits for this purpose,
 - c. where the Manager is not satisfied that the reasons for the conditions imposed on the lawyer's eligibility to receive referrals have been addressed, the Manager may deny the lawyer's application for removal of the conditions or modify the conditions imposed on the lawyer's eligibility to receive referrals, and
 - d. the Manager will notify the lawyer of his or her decision in writing.
3. A lawyer who has received a decision under this Part may request a review of the decision by the Director within 30 days of the Manager's decision (Part 5).

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Part 5 – Review by the Director:

1. A lawyer, who has been denied the removal or modification of conditions on their eligibility to receive referrals, may request a review of that decision by the Director within 30 days of the Manager's decision under Part 4.
2. The Director may receive such representations from the lawyer as he or she deems appropriate.
3. After completing a review, the Director may confirm or vary the Manager's decision.
4. The Director will notify the lawyer of his or her decision in writing. The Director's decision is final and binding.

HISTORY: December 2, 2008 EMC Approved Policy: New policy.

QUESTIONS TO: Manager, Audit & Investigation Department