

Updates to the *Guide to Legal Aid Tariffs*

The *Guide to Legal Aid Tariffs* has been revised. This message contains an outline of the major changes to the guide since the last revision in July 2008.

A PDF of the updated *Guide to Legal Aid Tariffs* is posted on the LSS website at www.lss.bc.ca (Lawyers→Guide to Legal Aid Tariffs). LSS will not be distributing printed copies. From the LSS site, you can update your guide by printing only the tariff sections you need and replacing the full section of your guide.

Detailed list of changes effective July 2009

The Guide to Legal Aid Tariffs has been updated to reflect tariff changes since the last revision in July 2008, including those changes announced in Notices to Counsel #61 – #66. Substantive changes made in this round of revisions are noted in the guide as “April 2009” or “July 2009.”

Introduction

- **Legal aid coverage and eligibility guidelines — Financial eligibility:** clarified that LSS’ current financial eligibility guidelines are posted on the LSS website
- **Legal aid coverage and eligibility guidelines — Criminal cases:** incorporated changes to criminal coverage, as outlined in Notice to Counsel #63
- **Legal aid coverage and eligibility guidelines — Family cases:** incorporated changes to family coverage, as outlined in Notice to Counsel #62; eliminated coverage of family maintenance enforcement committal proceedings if there is a risk of jail
- **Legal aid coverage and eligibility guidelines — Immigration cases:** incorporated changes to immigration services, as outlined in Notice to Counsel #61
- Updated LSS contact list

General Terms and Conditions

- Added a definition of **articled student**
- Added a definition of **vendor number**
- **Items #16 and #17:** updated the LSS contact regarding settlement funds
- **Item #23 (1 – 2):** added a review process for when all or part of a referral lawyer’s account is not paid by LSS
- **Item #34 (5):** clarified that referral lawyers cannot bill an articled student’s time and the lawyer’s time for the same service or appearance
- **LSS Tariff Rates Quick Reference:** clarified that tiered rates are not applicable to criminal duty counsel, as set out in Notice to Counsel #63

- **Appendix 2 (Timesheet):** clarified that use of the sample timesheet provided is optional

Criminal Tariff

- **Important terms — Tariff items:** updated the billing example
- **Important terms — Drug Court:** added information and the billing procedure for referral lawyers whose clients enter Drug Court and opt out of or are removed from the program
- **Important terms — Strategic Case Assessment Program (SCAP):** clarified the language regarding the SCAP process
- **Important terms — Enhanced fees (exceptional matters):** clarified the criteria and processes to reflect LSS' *Enhanced Fee* policy
- **Categories of offences — Category I:** added an explanation that LSS issues Category I referrals only in very limited circumstances, as outlined in Notice to Counsel #63
- **Failure to appear, change of lawyer, or unrepresented diversions:** added that counsel may bill this item when no charge is sworn
- **Represented diversions:** revised the item to be billable when no charges are laid or the client is diverted because of representations. No charge sworn has been separated out from this item
- **No charge sworn (new item):** created an item that counsel may bill on a referral that is obtained pre-charge and no information is sworn or no charges are generated in court because of counsel's representations
- **Stay of proceedings — Complete stay prior to the hearing:** added that the item is billable if the charges are abated
- **Fitness hearings — Contested:** clarified that in order for counsel to bill this item, the fitness hearing must be contested
- **Fitness hearings — Uncontested (new item):** added that counsel may bill this item when appearing at a hearing to determine the client's fitness to stand trial and a decision is made
- **Strategic Case Assessment Program (SCAP):** added a section that describes the program and outlines the process
- **SCAP general preparation:** added an item and tariff codes
- **SCAP daily preparation:** added an item and tariff codes
- **SCAP court attendance:** added an item and tariff codes
- **Cross-examination appointments (section 486 of the Criminal Code) (new item):** added an item to allow counsel to bill when appointed to cross-examine a material witness in court on behalf of a self-represented defendant
- **Administration fee:** noted that this item is eliminated for referrals with a date of assignment after March 31, 2009, as set out in Notice to Counsel #63

- **Criminal Tariff Quick Reference:** updated to reflect tariff changes

Family Tariff

- **General Tariff Information:** clarified the coverage guidelines for family referrals; eliminated coverage of maintenance enforcement committal proceedings if there is a risk of jail
- **Administration fee (Emergency Services):** noted that this item is eliminated for referrals with a date of assignment after March 31, 2009, as outlined in Notice to Counsel #62
- **Opinion for Extended Family Services (Emergency Services):** revised the criteria to reflect Extended Family Services coverage
- **Dispute Resolution referrals:** clarified that Dispute Resolution Services referrals have been eliminated and are not issued for clients who apply after March 31, 2009, as outlined in Notice to Counsel #62
- **Opinion for Extended Family Services (Dispute Resolution Services):** eliminated item, as outlined in Notice to Counsel #62
- **Administration fee (Dispute Resolution Services):** noted that this item is eliminated for referrals with a date of assignment after March 31, 2009, as outlined in Notice to Counsel #62
- **Opinion for Extended Family Services (Extended Services):** revised the criteria to reflect Extended Family Services coverage
- **Administration fee (Extended Family Services):** noted that this item is eliminated for referrals with a date of assignment after March 31, 2009, as set out in Notice to Counsel #62
- **Articling student preparation:** removed items from Emergency, Dispute Resolution Services, and Extended Family Services referrals, as outlined in Notice to Counsel #66
- **Family Tariff Quick Reference:** updated to reflect tariff changes

CFCSA Tariff

- **Articling student preparation:** removed item, as set out in Notice to Counsel #66
- **Administration fee:** noted that this item is eliminated for referrals with a date of assignment after March 31, 2009, as set out in Notice to Counsel #62

Immigration Tariff

- **Attendance at an expedited interview:** updated the name of the tariff item from “hearing” to “interview”
- **Articling student preparation:** removed item, as set out in Notice to Counsel #66
- **Administration fee:** noted that this item is eliminated for referrals with a date of assignment after March 31, 2009, as set out in Notice to Counsel #64

Appeals and Judicial Reviews Tariff

- **Articling student preparation:** removed item, as set out in Notice to Counsel #66
- **Administration fee:** noted that this item is eliminated for referrals with a date of assignment after March 31, 2009, as set out in Notices to Counsel #62 and #63

Duty Counsel and Circuit Court

- **General tariff information — Procedures for taking on duty counsel work:** updated the contact information for the Manager, Legal Services
- **Guidelines for duty counsel — Record keeping:** added a requirement that counsel must keep a record of their start and stop time for each service date
- **Criminal out-of-custody duty counsel (including youth) instructions for referrals:** added a note that the priority for out-of-custody duty counsel is to assist clients who have appearances on counsel's assigned dates in the assigned court
- **Duty Counsel Tariff Guide to Billing:** eliminated the tiered rate for criminal duty counsel for accounts submitted after March 31, 2009, as outlined in Notice to Counsel #63
- **Duty Counsel Tariff Guide to Billing:** added a requirement that counsel must submit billing forms within two months of each service date, as set out in Notice to Counsel #65
- **Circuit Counsel Tariff Guide to Billing:** added a requirement that counsel must submit billing forms within two months of each service date, as set out in Notice to Counsel #65

Disbursements for all Legal Aid Tariffs

- **Incurring Disbursements:** clarified that LSS will not authorize payment for items that are considered general office overhead, unless expressly permitted
- **Custody and access reports:** added that when authorizing this item, LSS will, where appropriate, give preference to clinical counsellors (up to \$75 per hour)
- **Medical records and reports:** increased fees, in accordance with the *BCMA Guide to Fees*
- **Psychologists and psychiatrists:** increased the rate for psychologists to \$130 per hour from \$114 per hour
- **Interpreting for language:** introduced a new rate for certified interpreters (\$35 per hour), up to \$350 without specific authorization. The rate remains at \$25 per hour for non-certified interpreters. When billing the certified rate, counsel is responsible for ensuring interpreters meet LSS certification guidelines. Certification documents must be provided upon request.
- **Interpreting for the hearing impaired:** increased the rate to \$50 per hour from \$35 per hour
- **Miscellaneous items not requiring prior authorization:** removed interpreting and translation for the hearing impaired and added it as a separate item under Interpreting and translation

- **Travel costs for lawyers — General guidelines:** added a requirement that counsel must pro-rate travel expenses when travelling on multiple legal aid files or on both private and LSS files
- **Meals:** increased the per diem rates, in accordance with BC Public Service Agency increases
- **Meterage:** raised throughout to \$0.50, in accordance with BC Public Service Agency rates

We welcome your input regarding the *Guide to Legal Aid Tariffs*. If you have any comments, please e-mail them to lawyersresources@lss.bc.ca.

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