

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 February 2005.

The updated [Guide to Legal Aid Tariffs](#) is posted in PDF on the LSS website at www.lss.bc.ca (Click “For lawyers,” then “Guide to Legal Aid Tariffs”). LSS will not be distributing printed copies of the revised pages. From the LSS site, you can update your guide by:

- printing only the tariff sections you need and replacing the full section in your guide,
- or
- clicking “What’s new in the *Guide to Legal Aid Tariff*,” which contains PDF files of only the revised pages of the guide. Print the revised pages and file them in your version of the guide following the filing instructions. Note that blank pages and the reverse sides of revised pages have been included to ensure that the pagination of your guide remains correct.

Revision dates for each item or section reflect the date the item or section was last substantively changed. Changes announced in Notices to Counsel show the month and year of the notice as the revision date. Substantive changes made in this round of revisions are noted as January 2006.

We have tried to make the revised pages easy to access, print, and file. If you have any comments on how we can improve this process, we would be happy to hear from you. Please e-mail us at helpdesk.tariff@lss.bc.ca. If you are unable to access or print the online version of the guide, CD-ROMs of the *Guide to Legal Aid Tariffs* are now available by e-mailing helpdesk.postmaster@lss.bc.ca.

Detailed list of changes effective January 2006

The Guide to Legal Aid Tariffs has been updated throughout to reflect the new internal structure at the Legal Services Society. The wording on all the billing forms has also been updated to make them consistent with the E-billing forms. Direct links from the tariff guide to the LSS website have been added.

Introduction

- Updated information on using the guide, processing accounts, and audit and investigations
- Funding and financial limitations updated to reflect amendment to the Legal Services Society Act
- Updated LSS contact list

General Terms and Conditions

- Definition of **attendance time** added to clarify that waiting time may be included in attendance time and that meal breaks are not included
- Definition of **E-billing** added
- Definition of **general preparation** added to clarify that counsel cannot bill travel time as part of general preparation
- Item #7: lawyers must respond to all requests from LSS within 30 days
- Item #29: referral lawyers are not permitted to bill for two services provided at the same time or half day unless the tariff explicitly permits this
- New item added: #52, which sets out LSS policy regarding costs. Costs awarded in favour of the client must be paid to LSS and costs awarded against the client are the responsibility of the client

Criminal Tariff

- Complete stay prior to hearing: counsel may bill bail hearings with this item
- Complete stay at the hearing: counsel may bill bail hearings with this item
- Bail hearings (including bail reviews in Provincial Court): counsel may bill stays of proceedings with this item
- Arraignment court process: counsel may bill Resolution of multiple Informations/Indictments with this item
- Guilty pleas: counsel may bill Resolution of multiple Informations/Indictments with this item
- New tariff item: Resolution of multiple Informations/Indictments, as announced in Notice to Counsel #47, was added to permit counsel to bill an additional fee for resolving separate substantive Informations/Indictments at the same time
- Sentencing: counsel may bill Resolution of multiple Informations/Indictments with this item
- Preliminary hearings: counsel may bill for more than one preliminary hearing or trial on a half day for the same client
- Trials: counsel may bill for more than one trial or preliminary hearing on a half day for the same client
- Youth court services: instructions for billing when counsel does not know the offence code added
- New tariff items: Administration fee (including referrals for s.278 victim/witness representation), Visiting clients in custody, Opinion regarding the merits of an appeal, as announced in Notice to Counsel #47, added
- Criminal quick reference chart updated

Family Tariff

- Organization of This Section: information updated
- Emergency Services — general preparation: increased to 14 hours as announced in Notice to Counsel #40
- Emergency Services — preparation for and attendance at Judicial Case Conferences: reference to early intervention hearing deleted
- Emergency Services: Attend mediation item added
- Emergency Services: clarified that tariff code 1040 is for travel fees and code 1045 is for out-of-office fees
- Extended Services added as part 5 of the Family Tariff, as announced in Notice to Counsel #42
- Limited Scope Services added as part 4 of the Family Tariff, as announced in Notice to Counsel #44
- Limited Scope Services disbursement item: counsel may bill interpreter time, if required, in accordance with the Disbursements section
- Billing form instructions #FS-7: new instructions added
- New tariff item: Administration fee, as announced in Notice to Counsel #47, added to all family cases
- New tariff item: Opinion regarding the merits of an appeal, as announced in Notice to Counsel #47, added to Emergency Services and Extended Services cases
- Family Tariff quick reference chart removed

CFCSA Tariff

- Preparation for mediation and attendance at mediation cautions changed
- Attend an aboriginal extended family meeting: caution deleted
- New tariff items: Administration fee and Opinion regarding merits of an appeal, Additional preparation if an FRA application is required to resolve the underlying CFCSA case, as announced in Notice to Counsel #47, added

Immigration Tariff

- New tariff items: Administration fee, Visiting clients in custody, and Opinion regarding merits of an appeal, as announced in Notice to Counsel #47, added

Appeals and Judicial Reviews Tariff**Criminal appeals**

- New tariff items: Administration fee and Visiting clients in custody, as announced in Notice to Counsel #47, added

Family appeals, including CFCSA

- Clarified that opinion letters tariff item will only be authorized where appeal counsel is not the same counsel that acted at trial
- New tariff item: Administration fee, as announced in Notice to Counsel #47, added

Immigration appeals

- New tariff items: Administration fee and Visiting clients in custody, as announced in Notice to Counsel #47, added

Duty Counsel and Circuit Court

- Procedures for taking on duty counsel work: updated
- Criminal duty counsel: information regarding youths in temporary or permanent care of the Director of Children and Family Development clarified
- Family Duty counsel: general information updated. Paragraph #9 added to clarify that counsel cannot bill minimum number of hours and a specific tariff service at the same time. Paragraph 10 added to clarify billing rules on conflict of interest referrals.
- Billing form amended to note that to bill travel on duty counsel referrals counsel should use the travel item in the criminal or family tariffs as applicable
- Circuit counsel: clarified that travel fees referred to in this section are only available for circuit counsel referrals, not for duty counsel travel referred to in the bullet above

Disbursements for all Legal Aid Tariffs

- Meterage raised throughout to \$0.46 in accordance with Notice to Counsel #46
- Computer-assisted legal research amount increased to \$300.00 without prior authorization
- Blood and alcohol experts rate increased as set out in Notice to Counsel #46
- Medical records and reports: fees increased in accordance with the BCMA Guide to Fees as set out in Notice to Counsel #46
- Miscellaneous items requiring prior authorization: added specific experts, including nurses, dentists, veterinarians, forensic anthropologists, chartered accountants, and engineers, as set out in Notice to Counsel #46
- Travel costs for lawyers' meterage: clarified that lawyers may bill travel from their office to a court house or a detention facility
- New tariff item added for printing of electronic disclosure
- Transcript service providers, Appendix 6: updated

We welcome your input regarding the *Guide to Legal Aid Tariffs*. If you have comments, please send them to the attention of the managing lawyer of Tariff Services by fax to (604) 681-7963.

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