

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 January 2006, including those announced in Notices to Counsel # 48 to 54. Highlights of the changes in this revision include:

- Tiered rates announced in Notice to Counsel #48
- Improvements to the Immigration, Family, CFCSA and Disbursements Tariffs announced in Notice to Counsel #50
- Changes to accommodation and BCMA rates announced in Notice to Counsel #51
- Hourly rates increase announced in Notice to Counsel #52
- Block fee increases announced in Notice to Counsel #53
- New family law initiatives announced in Notice to Counsel #54
- Improvements to Immigration Tariff effective for accounts received on or after November 1, 2006
- Increase to junior counsel rate effective November 1, 2006

The updated [Guide to Legal Aid Tariffs](#), which is the official version, 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.

Revision dates for each tariff item or section reflect the date the tariff item or section was last substantively changed. Changes previously announced in Notices to Counsel show the month and year in which the change took effect as the revision date. Substantive changes made in this round of revisions but not previously announced in a Notice to Counsel have a revision date of November 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 any comments to us at lawyersresources@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 included in this revision

The following is a section-by-section summary of the changes to the *Guide to Legal Aid Tariffs*.

Introduction

- In general, this section has been re-organized to make it easier to follow, and the contents updated to provide current information about LSS policies and services.

- **Guide Contents:** under the Family Tariff heading Dispute Resolution Services has replaced Limited Scope Services, and the reference to the Human Rights Tariff has been removed (as LSS has not issued any human rights referrals since April 2002).
- **Using the Guide:** updated the contents of the shaded box (bottom) to clarify that the official version of the *Guide to Legal Aid Tariffs* (the online version) is updated as Notices to Counsel are issued.
- **Coverage — Criminal cases:** the wording has been changed to clarify that applicants may be eligible if they face extradition or immigration proceedings that could lead to removal from Canada
- **Coverage — Family cases:** the policy has changed to reflect the improvements announced in Notice to Counsel #54
- **Coverage — Appeals and judicial reviews:** the wording has been changed to clarify coverage policies though the policies themselves are unchanged
- **Other Funded Services -** A new item has been added describing the Advice counsel project (for in-custody criminal clients)

General Terms and Conditions

The Society has made substantial changes to the General Terms and Conditions section, which provides the framework for the contractual arrangements between LSS and referral lawyers. The changes include the following:

- Definition of **block fees** added
- Definition of **case cost caps:** reference to holdbacks deleted
- Definition of **eligibility:** replaced “referral” with “legal aid”
- Definitions of **enhanced fee** and **enhanced fee cases** added
- Definition of **exceptional matter** added
- Definition of **holdback** deleted
- Definition of **hourly rate:** reference to \$80 deleted
- Definition of **strategic case assessment program** added
- Definitions of **tariff items**, **tariff rate**, and **tiered rates** added
- Definition of **tariff contract:** the tariff contract includes instructions LSS may provide to referral lawyers directly or through the LSS website
- Paragraphs 6 (4), 12, and 33 (3) modified to reflect new LSS Referral Eligibility policy
- Paragraph 10 was deleted and its terms were incorporated into paragraph 21
- Paragraph 11: deleted reference to holdbacks
- Paragraph 16: added reference to Tariff Helpdesk
- Paragraph 21: revised to incorporate paragraph 10
- Paragraph 26: “last service date” substituted for “conclusion or abandonment of the case”
- Paragraph 30: “tariff contract” substituted for “*Guide to Legal Aid Tariffs*”
- Paragraph 33: added a requirement that a counsel agent have an LSS vendor number
- Paragraph 34: modified terms and conditions relating to articulated students
- Paragraph 36: modified terms and conditions relating to junior counsel. Subject to specific instructions, in enhanced fee cases junior counsel may bill at the Tier 1 hourly rate for preparation and attendance, and in all other cases they may bill at 75% of the applicable tariff rate.

- Paragraph 49: added requirement that referral lawyers must retain records for at least two years from the date of payment
- New **LSS Tariff Rates — Quick Reference** added

Criminal Tariff

As announced in Notice to Counsel #53, LSS made changes to a number of block fee items for non-trial services to better reflect the efforts of counsel and the relative importance of the service, and to encourage early resolution where appropriate. The revisions include changes to the following tariff items:

- **Failure to appear, change of lawyer, or unrepresented diversions:** caution amended to add Guilty pleas and Visits in custody to tariff items that can be billed with this tariff item.
- **No charge sworn/Represented diversions:** all block fees reduced and caution amended to add Visits in custody to tariff items that can be billed with this tariff item
- **Complete stay prior to the hearing:** Category IV block fee reduced and caution amended so this item is no longer billable on the same half day as Bail hearings
- **Complete stay at the hearing:** Category IV block fee reduced and caution amended so this item is no longer billable on the same half day as Arraignment court process and Bail hearings
- **Bail hearings (including bail reviews in Provincial Court):** all block fees increased and caution amended so this tariff item is no longer billable on the same half day as Stays of proceedings
- **Bail applications for murder and other section 469 offences:** block fee increased for subsequent half days and caution amended so this item is no longer billable on the same half day as Complete stay prior to the hearing
- **Bail review hearings in Supreme Court:** Category III block fee increased and caution amended so this item is no longer billable on same half day as Complete stay prior to the hearing
- **Arraignment court process:** Category I and II block fees increased
- **Guilty pleas:** Category I and III block fees increased
- **Resolution of multiple Informations/Indictments:** Category I and III block fees increased and terms amended so this item applies to both Guilty pleas and Stays of proceedings
- **Sentencing:** Category III block fees increased
- **Breaches of conditional sentences:** all block fees increased
- **Preparation for defence applications under section 278 of the Criminal Code:** substituted LSS hourly rate for reference to \$80 rate.
- **Attendance at defence applications under section 278 of the Criminal Code:** substituted LSS hourly rate for reference to \$80 rate
- **Fixing trial dates in Supreme Court:** This tariff item is now billable when counsel attends court to fix a date for a Supreme Court trial or makes other arrangements for the setting of a trial date with the Trial Coordinator
- **Re-election:** all block fees increased
- **First two half days of the preliminary hearing:** caution amended so this tariff item is no longer billable on the same half day as Trials
- **Subsequent half days of the preliminary hearing:** caution amended so this tariff item is no longer billable on the same half day as Trials
- **First two half days of the trial:** caution amended so this tariff item is no longer billable on the same half day as Preliminary Hearings

- **Subsequent half days of the trial — Categories I, II, and III:** caution amended so this tariff item is no longer billable on the same half day as Preliminary Hearings
- **Trials — Category IV:** caution amended so this tariff item is no longer billable on the same half day as Preliminary Hearings
- **Preparation for applications under the Youth Criminal Justice Act:** substituted LSS hourly rate for reference to \$80 rate. Counsel is required to provide time of preparation in addition to the date.
- **Attendance at applications under the Youth Criminal Justice Act:** substituted LSS hourly rate for reference to \$80 rate.
- **Coroners' hearings:** block fee reduced from \$540 to \$500 per half day
- **Preparation for victim/witness representations:** substituted LSS hourly rate for reference to \$80 rate.
- **Attendance at victim/witness representations:** substituted LSS hourly rate for reference to \$80 rate
- **Criminal Tariff Quick Reference:** updated
- **Criminal Tariff Guide to Billing:** updated to reflect new definitions in General Terms and Conditions and billing rules for tiered rates
- **CC Section 278 Victim Representation Billing Form:** CC-7, CC-8, and CC-9 deleted
- **Court location codes -** updated

Family Tariff

As announced in Notice to Counsel #54, LSS has implemented new family law initiatives that feature an emphasis on early consensual dispute resolution and a more discretionary approach to funding. Further details about these changes are detailed in the 'Backgrounder: New Family Law Initiatives' posted on our [website](#). The revisions include changes to the following tariff items:

- **Emergency Services:**
 - **Preparation for a case or settlement conference:** caution added allowing counsel to bill this tariff item per conference or continuation date
 - **Attendance at a case or settlement conference:** tariff item amended to refer to both Provincial and Supreme Courts
 - **Preparation for mediation:** cautions amended
 - **Attendance at mediation:** maximum hours increased and cautions amended
 - **Preparation for collaborative processes:** new tariff item added
 - **Attendance at collaborative meetings:** new tariff item added
 - **Financial statements:** caution amended so that counsel can bill this tariff item up to the maximum amount on each referral
 - **Separation agreements:** Deleted caution that counsel should not bill more than once for this item
 - **Minutes of settlement:** Deleted caution that counsel should not bill more than once for this item
 - **Consent orders:** Deleted caution that counsel should not bill more than once for this item
- **Dispute Resolution Services (replaces Limited Scope Services):**
 - **"Important" box:** updated to explain new initiative

- **Preparation for a case or settlement conference:** this tariff item replaces Preparation for a judicial case conference
- **Attendance at a case or settlement conference:** this tariff item replaces Attendance at a judicial case conference
- **Preparation for mediation:** new tariff item added
- **Attendance at mediation:** new tariff item added
- **Preparation for collaborative processes:** new tariff item added
- **Attendance at collaborative meetings:** new tariff item added
- **Financial statements:** caution amended so that counsel can bill this tariff item up to the maximum amount on each referral
- **Separation agreements, minutes of settlement, or consent orders:** Deleted caution that counsel should not bill more than once for this item
- **Extended Services:**
 - **“Important” box:** updated to explain new initiative
 - **Preparation for mediation:** cautions amended
 - **Attendance at mediation:** maximum hours increased and cautions amended
 - **Preparation for collaborative processes:** new tariff item added
 - **Attendance at collaborative meetings:** new tariff item added
- **Family Tariff Guide to Billing:** revised to incorporate new initiatives, new definitions from General Terms and Conditions, and tiered rates.
- **Family Billing Form — Fees Summary:** FS-7 & FS-23 updated
- **Court location codes - updated**

CFCSA Tariff

- **CFCSA Tariff Guide to Billing:** updated to reflect new definitions in General Terms and Conditions and billing rules for tiered rates
- **Court location codes - updated**

Immigration Tariff

LSS has made some improvements to the Immigration Tariff in an effort to respond to feedback it has received from members of the immigration and refugee bar, these changes are effective for all accounts received on or after November 1, 2006:

- **“Important” box:** New policy on requests for extra legal fees added
- **Preparation for hearing — refugee cases:** maximum hours increased to 10
- **Attendance at a hearing — refugee cases:** maximum hours changed to actual time and caution deleted regarding authorization for hearing time exceeding five hours
- **Preparation for a hearing during meal breaks:** New tariff item added
- **Attendance at an expedited hearing:** maximum hours changed to actual time and caution deleted regarding authorization for hearing time exceeding three hours
- **Preparation for a hearing — non-refugee cases:** Caution amended
- **Attendance at a hearing — non-refugee cases:** maximum hours changed to actual time and caution deleted regarding authorization for hearing time exceeding five hours
- **Travel:** New tariff item added

- **Immigration Tariff Guide to Billing:** updated to reflect new definitions in General Terms and Conditions and billing rules for tiered rates

Appeals and Judicial Reviews Tariff

- **Criminal appeals**
 - **“Important” box:** deleted reference to applicant’s ability to appeal refusal to the manager of the Appeals Section
 - **Preparation for a sentence appeal in the Court of Appeal:** added new caution noting that preparation time includes time spent on applications to extend time
 - **Preparation for an appeal in the Supreme Court of Canada:** Additional preparation time reduced from 16 to 15 hours
- **Family Appeals (including CFCSA)**
 - **Preparation for an appeal in BC Supreme Court:** added new caution noting that preparation time includes time spent on applications to extend time
 - **Preparation for proceedings in the BC Court of Appeal:** added new caution noting that preparation time includes time spent on applications to extend time
 - **Preparation for an appeal in the Supreme Court of Canada:** added new caution noting that preparation time includes time spent on applications to extend time
- **Appeals and Judicial Reviews Tariff Guide to Billing:** updated to reflect new definitions in General Terms and Conditions and billing rules for tiered rates
- **Court location codes** - updated

Duty Counsel (includes Circuit Counsel)

- **Guidelines for duty counsel:** modified the rules regarding touting
- **Criminal out-of-custody duty counsel:** updated
- **Circuit Counsel:**
 - **Court time:** block fee increased to \$500 per half day
 - **Late sitting:** Maximum hours decreased to 3 hours
 - **Travel:** block fee reduced to \$180 and cautions amended to reflect new rules
- **Duty Counsel Tariff Guide to Billing:** updated to reflect new definitions in General Terms and Conditions and billing rules for tiered rates
- **Circuit Counsel Tariff Guide to Billing:** updated to reflect new definitions in General Terms and Conditions and billing rules for tiered rates.
- **Court location codes** - updated

Disbursements for all Legal Aid Tariffs

- **Medical records and reports:** fees increased in accordance with the BCMA Guide to Fees as set out in Notice to Counsel #51
- **Interpreting for language:** amended so that for all tariffs, including immigration, the maximum amount billable without prior authorization is \$250

- **Translation for language:** added term that LSS will authorize translation costs of up to \$361 (1900 words) for each immigration hearing referral.
- **Meterage — Interpreters/Translators:** meterage rate updated and term added that detours to pick and drop off clients are not billable.
- **Mediation:** amended to increase the hours for preparation and attendance and specify the hourly rate
- **Travel costs for lawyers:** the disbursement items for **Accommodation, Meals, and Meterage** have been amended to reflect the LSS policy of matching B.C. government rates (links to the relevant websites have been added). Meals can be claimed as a daily per diem, and meterage is now billable at \$.47 per kilometre
- **Travel costs for witnesses:** amended in the same manner as **Travel costs for lawyers**
- **Transcripts and Transcript categories:** amended to reflect changes in new contracts with transcription firms effective November 1, 2006
- **Disbursements for All Tariffs Guide to Billing:** Updated to reflect change in meterage rates (at D-28)
- **Appendices:** 1– 4 & 6 updated

We welcome your input regarding the *Guide to Legal Aid Tariffs*. If you have comments, please send them via email to lawyersresources@lss.bc.ca.

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