



Criminal case management

Effective and efficient case management

In 2003, LSS developed a large criminal case management program in response to the growing number of lengthy criminal proceedings.

Cases that fall within the large case management program typically involve multiple accused and co-conspirators, voluminous disclosure, and may take years to complete.

LSS provides large case management services to the provincial Ministry of Attorney General and federal Department of Justice on a fee-for-service basis for large criminal cases not funded by legal aid (see funding section below).

There are two parts to the Large Case Management program:

Strategic Case Assessment Program (SCAP): Under SCAP, counsel in all criminal cases anticipated to take longer than 10-days of court time, regardless of projected fees and disbursements, must provide LSS with an outline of evidence, issues, and the time required for preparation. The outline is then reviewed by case review lawyers and a budget is set proportionate to the needs of the case.

SCAP helps the society develop budgets and predict costs for lengthy cases. It also encourages earlier assessment and preparation. There are about 100 cases a year managed under SCAP.

Large case management: Cases identified through SCAP with projected fees and disbursements over \$50,000 are subject to additional management by LSS. Counsel must prepare a trial plan that allocates hours to specific areas of the case and sets periodic reviews to ensure the budget remains current. There are about 30 cases per year managed under this program.

Benefits of large case management:

- ensures the budget is applied to the specific items it has been allocated to;
- ensures work is carried out by most appropriate person (e.g., research work can be budgeted for a researcher rather than lead counsel);
- allows budgeting flexibility if trial strategy changes;
- continued cost predictability as trial circumstances change; and
- ensures timely billing.



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Funding large criminal cases

Under the Memorandum of Understandingⁱ, criminal cases costing more than \$175,000 are funded by the Ministry of Attorney General, not legal aid. This is done to ensure that the cost of large cases does not draw upon the funding for legal aid which is used to provide services for BC’s neediest people facing family, criminal, immigration and child protection problems.

The following chart illustrates the funding formula:

Criminal Case Funding			
	Case Costs and Source of Funding		
	\$0 - \$75,000	\$75,001 - \$175,000	\$175,000+
Client approved for legal aid	LSS responsibility – criminal tariff	LSS-responsibility – exceptional case fund	MAG responsibility
Court-appointed counsel	LSS-responsibility – exceptional case fund	LSS-responsibility – exceptional case fund	MAG responsibility

Court-appointed counsel includes cases where counsel is appointed pursuant to a provision in the Criminal Code or pursuant to the Charter.

ⁱ Every three years, LSS and the Ministry of Attorney General negotiate a Memorandum of Understanding (MOU) that sets out the roles for both parties, the society's anticipated provincial government funding, and the priorities for how it should be spent. LSS determines the services it will provide within this framework.