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Tariff review report

Message from LSS Chair Geoffrey Cowper, QC:

I am pleased to announce that the LSS Tariff Review Working Group's report, *Managing for Results: LSS Tariff Renewal* is now available on our website. This report was received by the LSS Board of Directors in October 2005 following an extensive review of the society's tariffs (the system that governs how we pay lawyers who accept legal aid referrals).

In 2004, the LSS board asked the society to review the tariffs in response to concerns that the steadily decreasing number of lawyers willing to accept legal aid referrals may be impeding our ability to respond to the needs of low income people. This report recommends changes that are designed to encourage lawyers to take referrals and to support them in providing quality services.

The LSS board has made tariff renewal one of the society's long term strategic priorities. We have already implemented some of the recommendations and are beginning to take a results-based approach to tariff management. As this new approach is implemented, we will monitor our achievements and the problems we encounter.

The report makes a strong case for a principled tariff rate. The board has asked LSS management to further evaluate how this might be achieved, for its future consideration.

Our objective is to make legal aid services more effective and sustainable, and put LSS in a better position to support access to justice in British Columbia. Tariff renewal will require considerable effort and significant new resources. The LSS board and staff are committed to working with our partners in the justice system to secure the resources needed to realize these changes.

This report was informed by the views of many people at LSS as well as hundreds of others who work in the justice system, including numerous judges and lawyers. The board is grateful for the ongoing support of everyone who committed their skills, experience, and time to this endeavour. We particularly thank the members of the Tariff Review

Working Group, who were directly responsible for conducting the review and writing this report.

You can read the full report on our website at www.lss.bc.ca. Go to For lawyers button and click on [Online resources](#).

December cheque run schedule

To accommodate the holidays, LSS has revised the cheque run dates as follows:

- December 21, 2005 (in lieu of December 22)
- December 29, 2005 (cancelled)
- January 5, 2006 (resume regular schedule)

LSS introduces mentoring pilot projects

Responding to feedback from the Tariff Review and as part of our Quality Assurance initiative funded by the Law Foundation, LSS is pleased to introduce two new pilot projects to promote mentoring within the tariff bar.

Mentoring assistance

LSS will support referral lawyers with less than five years experience to obtain mentoring assistance on LSS cases from experienced counsel. If approved, the referral lawyer will pay the mentor directly and claim the mentor's fees as a disbursement when billing LSS.

The authorization will allow the experienced lawyer to spend up to 10 hours at \$80 per hour to provide guidance on trial-related matters such as drafting documents, witness preparation, trial preparation and strategy, and advocacy skills.

Apprentice counsel

Lawyers with less than five years experience may arrange with an experienced lawyer to act as apprentice counsel on one of the experienced lawyer's LSS cases. The purpose is to offer a practical learning experience for the apprentice lawyer. LSS will authorize the apprentice counsel to bill up to 75 hours at \$40 per hour, while the experienced lawyer may bill up to 15 hours at \$80 per hour for time spent mentoring. It will be up to the two lawyers to decide how to allocate the apprentice counsel time on the case. If approved, the referral

lawyer will pay the apprentice counsel directly and claim the apprentice's fees, as well as his or her own mentoring time, as a disbursement when billing LSS.

LSS will not authorize extra fees nor will disbursements be payable on mentoring authorizations.

To request authorization for mentoring assistance or apprentice counsel, submit a request to the Managing Lawyer, Tariff Services by fax at (604) 681-7963. More information regarding these pilots will be posted shortly on our website at www.lss.bc.ca on the Online resources page.

Appellate advocacy skills workshop

LSS will pay the enrollment fee of \$894 for a limited number of tariff bar lawyers to attend a 1.5 day skills training workshop at UBC Law School on Feb 17 and 18, 2006. Apply to the Managing Lawyer, Appeals by fax at (604) 682-0956. Funding is provided as part of the LSS Quality Assurance initiative funded by the Law Foundation. Spaces are limited so apply early!

Billing tip

- **Meals/Travel:** LSS will reimburse you for meal costs up to the maximums listed in the Disbursements Tariff for all necessary meals for referrals where travel is authorized and you stay overnight for court hearings. This includes meals required during travel time.

Reminders

Administration fee

- Claim the administration fee on the same account that other services are billed (a separate account is not required).
- Claim the fee on a fee account, not a disbursement account.
- The fee is billable once per referral, not once per information/indictment.
- A service date is not required.
- The fee is not billable for duty counsel or circuit counsel referrals.

Visits to clients in custody

When you claim a fee for visiting a client in custody, please attach an e-bill note advising of the location of the custody visit.

Justice call centre

The Justice of the Peace Call Centre has asked us to inform criminal defence counsel that if you wish to link into a telephone bail hearing, you can advise the Centre that you are representing an accused in custody by contacting the Justice Centre Court Clerks at the following numbers:

Phone: (604) 660-3263

Fax: (604) 775-3355

Please note that these hearings would not normally be compensated on the LSS Criminal Tariff since the bail hearing item requires an attendance in court. However, if you are able to affect the release of a client by attending the teleconference, LSS is prepared to treat this as a bail hearing. Please advise us in writing when requesting a referral for the client on the new charge.

Custody and access reports

Custody and access reports require prior authorization from the Tariff Services Section. Increasingly, we have seen requests for full psychological testing of various family members when less extensive assessments would resolve the issues. LSS policy is to ensure that assessments are funded at an appropriate level. We expect you to explore reasonable cost alternatives to full psychological assessments and to provide reasons why such alternatives are inappropriate when requesting a psychological assessment.

When the case can be resolved by obtaining the views of the child, LSS expects you to try to retain a Master of Social Work or a Registered Clinical Counsellor. In general, where the issues and the age of the child require psychological assessment, such assessments will not require psychological testing of the parents. Assessments will generally be limited to time spent with the child and the parents and will not include interviews with collaterals. Most of the time, there should be only one assessment per case. If your request seeks authorization beyond these standards, you should spell out why additional approval is required.

All requests for expert opinions in family cases should state how the costs will be shared between the parties. If the costs are not to be shared equally, your request should spell out why.

If you require help locating experts who are available for custody and access reports, contact Stephanie Lightfoot, Disbursements Coordinator by fax at (604) 681-7963. Your comments and suggestions on expert reports or other disbursement issues are always welcome.



LSS wishes you and your staff a safe and happy holiday. Thank you for your ongoing commitment to helping low income people in British Columbia with their legal needs.