

Vendor Number Reactivation Policy

Part 1 - Definitions:

“Director” - is the Director, Finance and Corporate Services, or his or her designate

“Investigation” – includes enquiries into audit, lawyer complaint and/or referral eligibility matters

“LSS” – is the Legal Services Society

“Manager” – is the Manager, Audit and Investigation, or his or her designate

“Referral” – is a LSS authorization for a lawyer to provide legal services to a client and to bill LSS for legal fees and disbursements for the case according to the tariff contract

“Representations” – does not include an oral hearing

“Tariff Contract” - the retainer agreement between LSS and referral lawyers, as modified from time to time by LSS, including the contents of the *Guide to Legal Aid Tariffs* (Introduction, General Terms and Conditions, applicable Tariffs, Guides to Billing), and Notices to Counsel and other written instructions that LSS may provide to referral lawyers directly or through the LSS website

“Vendor Number” – a number provided by LSS to the lawyer that enables the lawyer to receive referrals from LSS, and is the lawyer’s permanent identification in the LSS computer system

Part 2 – General Principles:

1. Legal aid clients are entitled to the same quality of service as paying clients.
2. Lawyers are responsible for ensuring:
 - (a) they meet applicable standards; and
 - (b) legal aid clients receive quality service.
3. Relations between lawyers and LSS as described in the “General Terms and Conditions” section of the *Guide to Legal Aid Tariffs* are contractual in nature. LSS as payor is entitled to determine who will provide legal services to legal aid clients.
4. LSS may address quality concerns by providing support and encouragement to help lawyers improve service quality.

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5. A lawyer who previously held a vendor number may apply to LSS for reactivation of their vendor number.
6. LSS may refuse to reactivate a lawyer's vendor number or reactivate a lawyer's vendor number with conditions.
7. LSS will endeavor to make inquiries and decisions under this policy in a timely manner.

Part 3 –Applying for Reactivation of a Vendor Number:

1. A lawyer who previously held a vendor number may apply to LSS for a reactivation after any applicable review period under the *Referral Eligibility Policy* has expired.
2. A lawyer who is eligible to apply must complete a *Vendor Number Reapplication* form.
3. A lawyer who has been denied reactivation of their vendor number under this policy may not make a new application for reactivation of their vendor number until the earlier of the following:
 - a. 1 year from the date of the Manager's reactivation decision, where no review by the Director is requested, or
 - b. 1 year from the date of the Director's reactivation review decision.

Part 4 –Application Processing:

1. Upon receipt of a *Vendor Number Reapplication* form, the Manager may conduct an investigation.
2. Where a lawyer's vendor number was, pursuant to the *Referral Eligibility Policy*, previously deactivated:
 - a. the lawyer must demonstrate to LSS, that the reasons for the deactivation have been addressed,
 - b. the Manager may receive such representations from the lawyer as the Manager deems appropriate and set time limits for this purpose,
 - c. where the Manager is not satisfied that the reasons for the lawyer's vendor number deactivation have been addressed, the Manager may deny the lawyer's application for vendor number reactivation,
 - d. the Manager will notify the lawyer of his or her decision in writing.
3. Where a lawyer's vendor number was previously deactivated for reasons other than under the *Referral Eligibility Policy*:
 - a. the Manager may conduct an investigation to determine if the lawyer's vendor number should be reactivated,

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- b. the Manager may receive such representations from the lawyer as the Manager deems appropriate and set time limits for this purpose, and
 - c. the Manager will notify the lawyer of his or her decision in writing.
4. The Manager's decision referred to in Part 4, Section 2(d) and Section 3(c) may include conditions imposed on the lawyer's eligibility to receive referrals.
 5. A lawyer who has received a decision under this Part, may request a review of that decision by the Director within 30 days of the Manager's decision (see Part 5).

Part 5 – Review by the Director:

1. A lawyer, who has been denied the reactivation of their vendor number, or had their vendor number reactivated with conditions, may request a review of that decision by the Director within 30 days of the Manager's decision under Part 4.
2. The Director may receive such representations from the lawyer as he or she deems appropriate.
3. After completing a review, the Director may confirm or vary the Manager's decision.
4. The Director will notify the lawyer of his or her decision in writing. The Director's decision is final and binding.

HISTORY: Updated Policy EMC Approved January 25, 2011: Clarification that Part 4, Section 3 includes all reasons for deactivation of vendor numbers other than under the *LSS Referral Eligibility Policy*. December 2, 2008 EMC Approved Policy: New policy.

QUESTIONS TO: Manager, Audit & Investigation Department