

Changes to Junior Counsel and Expert Witnesses in Criminal Cases

Effective August 25, 2022, Legal Aid BC is making changes to expert witness fees in criminal cases and to how it assigns junior counsel in serious criminal cases.

Background

In March 2022, the Ministry of Attorney General committed \$8.19 million in new, ongoing annual funding for legal aid services. A portion of the new funding is to:

- assign junior counsel in all murder and manslaughter cases and in other identified cases to ensure that the next generation of criminal defence lawyers is properly trained; and
- pre-authorize a certain number of hours for expert witnesses in criminal cases to reduce the possibility of wrongful convictions because Crown expert evidence is not challenged.

For more information, see [Attorney General news release](#) and [Association of Legal Aid Lawyers announcement](#).

Junior Counsel

Legal Aid BC (LABC) will authorize one junior counsel on:

- all murder cases, including attempted murder and manslaughter (block, Criminal Case Management (CCM), and Large Case Management (LCM)); and
- other CCM and LCM cases as determined in the budget setting process.

Details of this change include:

- LABC will authorize up to 75 hours for junior counsel preparation and court attendance at the applicable junior counsel tier rate on Criminal Standard contracts which meet the criteria above;
- for new CCM and LCM cases, LABC will approve junior counsel, as applicable, as part of the budget-setting process;
- for new Criminal Standard contracts, LABC will include a “Junior Counsel” item on your contract, as applicable, for billing purposes;

- for existing qualifying Criminal Standard contracts or CCM cases, you can submit an authorization request via the Lawyer Portal to ask LABC to authorize junior counsel on your contract;
- for existing qualifying LCM cases, you can submit a request to lcm.support@legaid.bc.ca;
- you can bill for junior counsel services provided on or after August 1, 2022;
- added a new section 46 to the General Terms and Conditions chapter of the *LABC Tariffs*, and revised section 47 to support a broader approach to assigning junior counsel in criminal cases.

See the News from LABC tip in the [Lawyer Portal](#) for further instructions on how to request and bill for junior counsel.

Expert Witnesses

Legal Aid BC (LABC) is introducing a new tariff item to the [Disbursement Tariff](#).

The new tariff item allows lawyers to bill up to 5 hours, without prior authorization, for various expert witness preparation and/or testimony on Criminal Standard contracts. The pre-approval of expert witnesses is intended to ensure early assessment of issues in the case and to provide better information to guide authorizations when further assessments and reports are appropriate. Additional billing rules for this item include:

- you can bill this item where expert evidence has been disclosed to the defence or the case involves expert evidence;
- you can bill up to the hourly rate specified in the [Tariff](#) for an expert on the predetermined list (prior authorization is required to bill a higher hourly rate or for an expert not on the predetermined list);
- prior authorization is required to bill more than 5 hours;
- you must provide the expert's name, description of their qualifications, hourly rate, and a copy of the expert's invoice at the time of billing.

For full details, see the updated Disbursements chapter of the *LABC Tariffs*.

All new Criminal Standard contracts issued on or after August 25, 2022 will contain this tariff item. LABC will add this tariff item to all existing Criminal Standard contracts that have not yet reached their service stop date on August 29, 2022. You can bill this item for expert services provided on or after August 1, 2022.

The updated General Terms and Conditions and Disbursement chapters of the *LABC Tariffs* will be available on August 25, 2022, on the [LABC website](#) at legaid.bc.ca (under Lawyers — LABC Tariffs) and in the [Lawyer Portal](#) under Resources.

Heidi Mason,
Executive Vice President, Legal Services

August 25, 2022

Questions or comments?

Contact our Lawyer Support team:

- Call 604-601-6155; 1-888-401-6206 (no charge), or
- Email lawyer.support@legalaid.bc.ca

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Sent from the traditional unceded territory of the Coast Salish peoples, including the territories of the Musqueam, Squamish and Tsleil-Waututh Nations.



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