

New Tariff Items

As part of our continuing commitment to tariff renewal, the Legal Services Society (LSS) is implementing five significant changes to the *Guide to Legal Aid Tariffs*, effective October 1, 2005. These changes are:

- A flat rate administration fee of \$40 payable per referral
- Compensation for preparing opinion letters for appeals
- Preparation time for Family Relations Act (FRA) applications that are required to resolve Child, Family, and Community Service Act (CFCSA) proceedings
- Compensation for visiting clients in custody
- Compensation for multiple information guilty pleas

Here is a summary of the changes to the tariff covered in this Notice to Counsel. See pages 2 to 5 for more details.

Administration fee: LSS recognizes that the office administration inherent in accepting legal aid referrals is not fully captured by tariff items. Introducing a flat fee of \$40 for every referral you accept is intended to offset these costs.

The administration fee is available for all LSS referrals that have not been final billed as of October 1, 2005.

Opinion Letters for Appeal Requests: LSS regularly asks trial counsel to provide an opinion on the merits of a case when clients are seeking authorization to appeal. This new tariff item will provide up to two hours for preparing such an opinion letter. You are entitled to bill this item when you submit an opinion on the client's behalf requesting an appeal after the trial or hearing, and you can inform us that the appeal has probable merit. You are also entitled to bill this item if LSS requests an opinion from you. LSS will not pay for unsolicited opinions that do *not* conclude that the appeal has probable merit.

Bill this tariff item on your original trial level referral.

Preparation for FRA applications that are required to resolve CFCSA referrals: At times, CFCSA cases require FRA or divorce applications in order to resolve the CFCSA proceeding. If you are required to respond to an opposing party's application about the children or to initiate an application in order to resolve a CFCSA matter, you are entitled to an additional seven hours of preparation to deal with the additional application(s). No prior authorization is required.

Visiting clients in custody: LSS recognizes the extra time you must take when you visit clients in correctional facilities. We are introducing a tariff item for visits to clients in custody in the criminal and immigration tariffs. Visits to clients in custody are relatively rare in family cases. Family counsel are entitled to bill at the hourly rate for time spent in correctional institutions visiting clients. If family lawyers deplete their authorized preparation time on a referral as a result, we encourage you to make a request for extra fees by contacting the managing lawyer, Tariff Services.

This fee is billable once per referral and is available for all referrals that have not been final billed as of October 1, 2005.

Multiple Information guilty pleas: LSS recognizes the additional time and effort required to combine charges on separate files for guilty pleas. Best practice requires resolving multiple Informations when this will serve your client's interests. This tariff item will provide an extra payment of 50% of the guilty plea rate for separate substantive Informations/Indictments dealt with at the same time as a guilty plea on another matter. One additional fee per plea "package" will be permitted.

This item will be billable for service dates after October 1, 2005. Some reprogramming of LSS computer systems is required to make this service billable. You may experience some brief delays for the first week or two.

Note: The cautions found under the guilty plea and sentencing items will be updated in the next tariff revisions to allow you to bill this item on the same half day before the same judge as the guilty plea or sentencing.

Replacement pages for each of the tariffs setting out these new items will be added to the online tariff guide in the next regular tariff update.

If you have any questions about these new items, please contact the tariff helpdesk at helpdesk.tariff@lss.bc.ca or (604) 601-6155.

Administration fee (October 2005)

- Billable once per referral to compensate for the administrative tasks associated with opening a file that are not otherwise covered under the tariff.
- Billable for all referrals that have not been final billed as of October 1, 2005.
- You do not need to record actual time in order to bill this item.

Tariff	Rates	Tariff code
Criminal (category I)	\$40	0221
Criminal (category II)	\$40	0222
Criminal (category III)	\$40	0223
Criminal (category IV)	\$40	0225
Family (Emergency Services)	\$40	1075
Family (Limited Scope Services)	\$40	4200
Family (Extended Services)	\$40	3025
CFCSA	\$40	5001
Immigration	\$40	4000
Criminal appeals	\$40	3500
Family appeals	\$40	3600
CFCSA appeals	\$40	5610
Immigration appeals	\$40	1200

Opinion regarding the merits of an appeal (October 2005)

- Billable per hour for preparing an opinion letter regarding the merit of appealing a court or tribunal decision.
- Billable for opinion letters provided after October 1, 2005.
- Record the actual time spent as specified in your time records.
- Please provide any materials you have to support your opinion.
- Fax the completed form to the LSS Appeals Section at (604) 682-0956.

Tariff	Maximum billable hours	Tariff code
Criminal (category I)	Up to 2 hours	3511
Criminal (category II)	Up to 2 hours	3512
Criminal (category III)	Up to 2 hours	3513
Criminal (category IV)	Up to 2 hours	3514
Family (Emergency Services)	Up to 2 hours	3607
Family (Extended Services)	Up to 2 hours	3609
CFCSA	Up to 2 hours	5501
Immigration	Up to 2 hours	1210

Cautions

- ➔ Bill this item if the Legal Services Society Appeals Section asks you to provide an opinion or if you believe the appeal has merit and is likely to succeed.
- ➔ You may submit either an appeal opinion letter questionnaire or provide a letter that addresses the issues in the questionnaire. The opinion letter questionnaires are available at www.lss.bc.ca/For_lawyers/online_resources.htm#OpinionLetterQuestionnaires.

Additional preparation if an FRA application is required to resolve the underlying CFCSA case (October 2005)

- Billable per hour for general preparation or other work when an FRA application is required to resolve the underlying CFCSA case and LSS has not issued a separate FRA referral.
- Billable for all referrals that have not been final billed as of October 1, 2005.
- Record the actual time spent as specified in your time records.
- Provide the date the application was filed or delivered as the service date for billing purposes.

Tariff	Maximum billable hours	Tariff code
CFCSA	Up to 7 hours	5022

Caution

- ➔ Bill under this item only if you are responding to an FRA application filed in a CFCSA case or if an FRA application is required to resolve the underlying CFCSA case.

Visiting clients in custody (October 2005)

- Billable once per referral when you visit a client in custody at a correctional or detention facility other than a holding facility at a courthouse.
- Billable for all referrals that have not been final billed as of October 1, 2005.
- Provide the visit date and the location where you visited the client.

Tariff	Rates	Tariff code
Criminal (category I)	\$90	2501
Criminal (category II)	\$90	2502
Criminal (category III)	\$90	2503
Criminal (category IV)	\$90	2504
Immigration	\$90	1580

Cautions

- ➡ Do not bill this item for the same date with any other tariff item except **Travel**.
- ➡ Bill this item only once for any one date and location regardless of how many clients you visited.

Resolution of multiple Informations/Indictments (October 2005)

- Billable once when you appear in court and represent a client entering a guilty plea or the Crown enters a stay to a second or subsequent Information/Indictment at the same time as the first guilty plea.
- Billable for service provided after October 1, 2005.
- Provide the date of the guilty plea or stay.

Category	Rate	Tariff code
I	\$60	705
II	\$100	710
III	\$100	715
IV	\$150	720

Cautions

- ➡ Do not bill this item when the second or subsequent Information/Indictment is for a failure to appear (offence code 547), a failure to comply (offence code 356), or a breach of probation (offence code 497).
- ➡ Even if the plea is to a lesser or lesser included offence, bill at the category rate of the original offence, unless your client has been committed to trial on a lesser offence at the preliminary hearing.
- ➡ Do not bill this item on the same half day with any other tariff item except **Guilty pleas, Sentencing, Arraignment court process, Waiving in, and/or Travel**.
- ➡ Do not bill this item if a plea is struck and then re-entered for sentencing to proceed in front of another judge. Claim the fee only for **Sentencing**.

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 and Representation