

## New early preparation fee and changes to the arraignment court process fee

### Early preparation fee

Effective July 10, 2007, a new early preparation fee will compensate lawyers for taking steps that reflect best practices and promote early and effective resolution in appropriate cases. The Legal Services Society is introducing the early preparation fee as one of the final steps in the tariff renewal process.

This fee will be billable *once per referral* on accounts received on or after July 10, 2007 (regardless of the date of assignment), if you have taken the following steps *prior* to setting a trial date:

- obtained and reviewed Crown particulars,
- interviewed and received instructions from the client, and
- made reasonable efforts to negotiate with Crown counsel to resolve the matter without a trial or to substantially narrow the issues.

The early preparation fee will be billable at the following tariff rates:

Category	Rate	Tariff code
I	\$50	0691
II	\$100	0692
III	\$150	0693
IV	\$200	0694

### Changes to arraignment court process fee

For all accounts received on or after July 10, 2007, the arraignment court process fee will be billable *once per referral* rather than once per information. LSS will increase the tariff rates for this item by 25% to 33% to match those for the early preparation fee. The following table summarizes the changes to the arraignment court process fee:

Prior to July 10, 2007 Billable once per information		On or after July 10, 2007 Billable once per referral	
Category	Rate	Category	Rate
I	\$40	I	\$50
II	\$80	II	\$100
III	\$113	III	\$150
IV	\$150	IV	\$200

Counsel may claim *either* the early preparation fee *or* the arraignment court process fee on the same referral.

## Background

During the [tariff review](#) (at [www.lss.bc.ca](http://www.lss.bc.ca) under For lawyers > Online resources), lawyers told LSS that the tariffs did not adequately compensate them for achieving early, non-trial resolutions and good results for clients. At present, a significant number of cases are resolved before arraignment (i.e., through an early plea or stay) and thus do not qualify for an arraignment court process fee.

LSS is introducing an early preparation fee to help rectify this situation. The new fee is tied to early preparation rather than early resolution because achieving the latter often depends on factors outside counsel's control – for example, the client's instructions or the Crown's position on sentencing. Nonetheless, early preparation represents good counsel work and increases the potential for an early resolution where appropriate.

To pay for the new fee, LSS is adding about \$500,000 annually to the tariff budget and adjusting the rules governing the arraignment court process fee. The new rules will limit lawyers to billing it once per referral, rather than once per information. In some instances, this change means lawyers will receive less if their referrals include more than one information. To alleviate this impact and to simplify the billing process, LSS is increasing the tariff rates for arraignment court process. We expect, too, that the benefits of the new early preparation fee will help offset the change to the arraignment fee rules. Overall, these changes will enable a better allocation of limited funding to a broader range of cases and promote LSS goals of supporting early preparation and resolution.

## Billing process

For accounts received on or after July 10, 2007, claim *either* the early preparation fee *or* the arraignment court process fee on the same referral. You can bill only one of these fees per referral *regardless of the date of assignment or the service date*.

**Lawyers who have referrals with more than one information and who have already provided arraignment court services for each one, should bill their arraignment court process fees prior to July 10, 2007 to receive compensation under the current rules.**

*Please note:* LSS will make the appropriate deductions from accounts submitted on or after July 10, 2007, if you:

- submit an account claiming both an arraignment court process fee and an early preparation fee on the same referral;
- bill more than one arraignment court process fee on a referral; or
- bill an early preparation fee and our records show that you have previously billed fees for arraignment court process on the same referral.

## Moving forward with legal aid renewal

The tariff changes to be implemented in July 2007 will mark the conclusion of the tariff renewal process that began in early 2005. As discussed in the [May 2007 — Special Edition Legal Aid Fax](#) (at [www.lss.bc.ca](http://www.lss.bc.ca) under For lawyers > Legal Aid Fax), the tariff renewal project has enabled LSS to implement a number of significant improvements for lawyers, and LSS will consider future tariff improvements, within the framework of legal aid renewal, its new strategic priority. As always, LSS welcomes your feedback about its tariff renewal initiatives and other legal aid matters, and you may direct any comments to [lawyersresources@lss.bc.ca](mailto:lawyersresources@lss.bc.ca).

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