

Changes to Criminal Law Services

Further to the January 13, 2009 Message to Tariff Bar, this Notice to Counsel confirms the following changes to the Criminal Tariff and related services:

- The administration fee is eliminated for all criminal and criminal appeal referrals with a date of assignment after March 31, 2009.
- Tiered rates for criminal duty counsel services are eliminated for all accounts submitted after March 31, 2009.
- Referrals for adults issued after March 31, 2009 will not include any Category I offences.
- Out-of-custody duty counsel assignments will be eliminated by June 30, 2009 in courthouses where LSS provides separate duty counsel for in-custody clients on the same court date.

Administration fee ending

The administration fee is eliminated from the criminal and criminal appeals tariffs for referrals with a date of assignment after March 31, 2009. You can continue to bill the administration fee on criminal and criminal appeals referrals with a pre-April 1, 2009 date of assignment.

Elimination of tiered rates for criminal duty counsel

The tiered rate increase will not apply to criminal duty counsel accounts submitted after March 31, 2009. You are encouraged to use e-billing to submit accounts for duty counsel services rendered during March to ensure LSS receives the account by March 31, 2009. The elimination of tiered rates will apply regardless of when the duty counsel assignment was scheduled or when the referral was issued.

Adult Category I offences no longer covered

LSS will not include any Category I offences on referrals for adult clients who apply after March 31, 2009. The elimination of adult Category I offences will apply whether or not the client has other outstanding charges. You must bill for all work performed and all disbursements incurred relating to any Category I offences on adult referrals within the six-month billing rule or by March 31, 2010, whichever is sooner. LSS will not pay accounts received after March 31, 2010 if they are related to adult Category I services.

LSS will provide adult clients with a letter stating that we no longer cover Category I offences. Clients who intend to seek an order appointing counsel will be able to use this letter to demonstrate to the court that legal aid is not available. LSS will maintain some discretion when considering Category I coverage for adult clients with mental disabilities that are serious enough to clearly prevent the client from stating his or her case to the court. LSS will make decisions for these cases centrally, through an internal review process; local intake staff will not have the authority to issue these referrals directly.

Separate out-of-custody duty counsel eliminated

LSS will eliminate the assignment of in-custody and out-of-custody duty counsel to separate lawyers on the same date. In most locations, one lawyer will provide both in-custody and out-of-custody services. In Abbotsford, Chilliwack, Kamloops, Kelowna, New Westminster, Port Coquitlam, Surrey, Vancouver (222 Main), and Victoria, out-of-custody duty counsel assignments will be eliminated. These changes will take effect by June 30, 2009. Any out-of-custody duty counsel assignments for service dates after June 30, 2009 in the listed locations are terminated.

LSS will consult with the local bar and court users to determine the impact of these changes. Specific implementation plans for these locations may be adjusted accordingly.

Questions, comments, and suggestions

As always, LSS welcomes your feedback about our services, and you can direct any comments to lawyersresources@lss.bc.ca.

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