



# Backgrounder

*December 15, 2005*

## **Legal aid tariff renewal: 2005**

Throughout 2005, the Legal Services Society (LSS) implemented a number of improvements to the tariffs – the system that governs what work lawyers are paid for and their rates of pay when they provide advice or representation to legal aid clients.

These improvements enhance client services, better recognize the actual work lawyers do, and reflect a shift toward a more results-based approach to tariff management. Results-based management means ensuring the tariff system supports best practices and quality services by lawyers and promotes better results for legal aid clients, the society, and the justice system as a whole. Improvements implemented this year include:

- Eliminating the holdbacks system (effective June 2005)  
Introduced in 1994 to provide more fiscal stability for LSS, holdbacks were amounts deducted from accounts at the time of payment. At year-end the LSS board determined whether funds were available in the tariff budgets to pay any portion of those amounts.
- Compensating lawyers for work previously not covered by the tariffs (effective October 2005)
  - an additional 7 hours of preparation time when they need to initiate or respond to family law procedures such as custody and access applications (under the Family Relations Act or Divorce Act) to resolve the client's child protection matter;
  - up to 2 hours of work to prepare an opinion letter on the merits of a case when clients are seeking authorization to appeal;
  - visiting criminal and immigration clients in custody (\$90 per referral);
  - additional work involved when charges on separate files need to be combined for a resolution of the client's case (i.e., multiple information guilty pleas); and
  - administration costs incurred by accepting legal aid referrals, as these are not fully captured by other tariff items (\$40 per referral).
- Increasing the number of general preparation hours (from 8 to 14) for lawyers to provide eligible family clients with emergency services (effective February 2005)

These changes complement quality assurance initiatives that provide a range of resources to private bar lawyers, such as access to a new expert database on the LSS website and to Continuing Legal Education case digests.

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**Benefits include:**

*Elimination of holdbacks*

- Clients – encourages lawyers to accept legal aid referrals
- Administrative – eliminates the need for year-end calculations and payments when funds are available to pay some or all of the holdbacks
- Fairness – lawyers are paid up front for the full rate set for the work they do for clients

*Additional preparation time to initiate or respond to family law applications so the client's child protection matter can be resolved*

- Clients – encourages lawyers to do this work for clients when it is integral to resolving the issues, rather than refer clients to advice services for self representation
- Administrative – eliminates the need for lawyers to request extra fees for this work
- Fairness – lawyers no longer have to do this work pro bono

*Additional tariff for interviewing in-custody clients*

- Clients – improves case preparation by encouraging lawyers to conduct early and thorough client interviews, rather than postpone meetings to coincide with court appearances
- Administrative – better preparation leads to more efficient use of court time
- Fairness – recognizes the work required to provide quality services to clients

*Additional funding for resolving multiple charges at a single court appearance*

- Clients – encourages good practice in criminal cases when it is appropriate to consolidate outstanding charges to improve the prospects for a more favourable overall disposition than if the charges were resolved separately
- Administrative – reduces the justice system costs associated with repeated appearances on different files on different days (often in different courts)
- Fairness – recognizes and compensates lawyers for efficient resolution of cases