



Legal
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The Legal Aid Fax

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Duty counsel update — most services to remain unchanged

After a careful review of our 2009/2010 budget, LSS has found sufficient budget efficiencies to maintain most duty counsel services with some adjustments.

LSS recognizes the important role family and criminal duty counsel play in providing assistance to those who might not otherwise receive legal aid or who might be affected by the recently announced changes to our services. As a result, LSS is giving priority to maintaining existing duty counsel services.

The cuts to legal aid are not ones we want to make and there is no doubt the cuts will have a detrimental effect on some of society's most vulnerable people. However, there is only a finite amount of money available for legal aid.

The provincial government has not cut LSS's funding and is expected to provide a modest increase for large criminal cases. However, more funding is needed to maintain existing services and to meet the increased demand for our services. Because of this, we had to make some difficult decisions about where to spend our limited funding. The changes we are making will direct our available funding and resources to people in greatest need, while minimizing the impact on current clients. Funding will continue for emergency family services and for many criminal matters.

Detailed information on the services LSS continues to offer, as well as the upcoming service and operational changes, is available on the LSS website at www.lss.bc.ca/assets/media/newsReleases/backgroundServiceStaffChangesFeb25.pdf.

New two-month billing deadline for duty counsel services

As announced in Notice to Counsel #65, LSS will require that duty counsel services be billed within two months of each service date. We encourage you to bill promptly after completing services on an assigned date whether or not other service dates remain on the referral. This requirement of timely billing will permit LSS to make adjustments as needed to manage the duty counsel budget and maintain services to clients.

Family duty counsel

LSS has carefully reviewed statistics for client demand at each of the locations serviced by family duty counsel. Of the 48 Provincial Court locations, availability of family duty counsel will be reduced at six locations, increased at three locations, and cancelled at one (Castlegar). A new service will begin on April 1, 2009 at 100 Mile House.

The 15 Supreme Court locations will be cut to 11. One other location will have its service reduced and one will have its service increased.

Advice lawyer services will continue in all eight current locations except Kamloops and Prince George.

Family duty counsel minimum referral hours changed

From April 1, 2009 onward, the minimum referral for family duty counsel will be three hours instead of four, unless otherwise specified. Therefore, unless otherwise specified, referrals will be issued for either a minimum of three hours and a maximum of four hours, or a minimum of three hours and a maximum of seven hours. LSS's expectations regarding family duty counsel service and minimum billing are set out on page 5 of the Family Duty Counsel manual.

Criminal duty counsel

LSS will continue out-of-custody duty counsel in all locations where we currently assign out-of-custody duty counsel. Separate out-of-custody duty counsel assignments will be reinstated in the communities listed for elimination of out-of-custody duty counsel in Notice to Counsel #63. Staff responsible for duty counsel assignments in these locations will contact assigned counsel to confirm their appointments. In all other locations, whenever feasible, LSS will make in-custody and out-of-custody duty counsel assignments in the same location on the same day to one lawyer.