



## Eligibility rates

Effective October 12, 2005, LSS increased financial eligibility limits for legal representation as follows:

Household Size	Net household monthly income	Personal property exemption (all cases)
1	\$1,349	\$2,000
2	\$1,888	\$4,000
3	\$2,427	\$4,500
4	\$2,967	\$5,000
5	\$3,506	\$5,500
6	\$4,046	\$6,000
7 or more	\$4,585	\$6,000

As of October 26, the limits for legal advice services were also raised. For more information, see the LSS website at [www.lss.bc.ca/Legal\\_aid/finance.htm](http://www.lss.bc.ca/Legal_aid/finance.htm).

## Category III Offences and SCAP

LSS uses the following criteria to determine whether to place Category III cases under the Strategic Case Assessment Program (SCAP):

1. Is there going to be a lengthy preliminary inquiry or trial (e.g., will it exceed 10 days)?
2. Is there a large number of co-accused?
3. Are there complex legal issues?

To have a Category III referral considered for SCAP, complete a SCAP questionnaire (go to [www.lss.bc.ca](http://www.lss.bc.ca), click For Lawyers, Online resources, Opinion letter questionnaires, SCAP Case Management Questionnaire) and fax it to Tariff Services at (604) 681-7963.

All Category IV cases that exceed 5 days of hearing time must be placed in SCAP.

## BCMA file review update

The BCMA update received by LSS earlier this year (and reflected in the Tariff) states that the fee for file review is \$76, but the BCMA guidelines sent to doctors (and recently posted on the BCMA website) state that \$76 is billable for every 15 minutes the physician spends reviewing the file.

LSS will pay up to \$152 for file review under this item. Please make sure the doctor is aware of this before the review so that it does not exceed 30 minutes.

It would also be advisable to discuss the cost of file reviews when ordering medical-legal letters or similar services, as the physician may include a charge for reviewing the file as well.

## Proceeds of crime

This is a reminder of the LSS policy on financial eligibility and the procedures to follow when a client has assets that may be the proceeds of crime.

In some cases, the client may have substantial resources, but there is a restraining order covering alleged proceeds of crime that prevents him or her from gaining access to those resources.

Under s.462.34 of the *Criminal Code*, a lawyer acting on behalf of a client can make an application for an order to allow payment of a client's reasonable legal expenses from assets under a restraining order covering alleged proceeds of crime. If you feel such an application has merit, please advise us as soon as possible. If this application is successful, apply to LSS for conversion to a private retainer. The situation is analogous to a financial windfall for the client, whether or not the funds vest with the client, and LSS expects that it will recover all fees and disbursements paid on the client's behalf.

According to the General Terms and Conditions of the Tariff, a lawyer who has received a referral must not bill a client privately on any matter related to the case without prior written authorization from LSS.

LSS has begun sending reminder letters to counsel in cases where proceeds of crime applications are more common. These letters are simply reminders, not indications that LSS has any information about particular clients having additional resources.

## Billing tips

- **Administration Fee:** Claim your administration fee on your fee account (not a disbursement account). Administration fees are not billable on duty or circuit counsel referrals. The purpose of administration fees is to offset the time and costs involved in opening a (client) file and other office administration.
- **Interpreters for Limited Scope Referrals:** The restriction on disbursements for Supreme Court Limited Scope Services (Family Tariff) does not prevent billing for interpreters who help you communicate with your client. The limitation in Notice to Counsel #44 does not apply to interpreter accounts submitted in accordance with the Disbursements section of the Tariff.