



The Legal Aid Fax

October 2009

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December/January cheque run schedule

To accommodate the upcoming holiday season, LSS has revised the cheque run schedule as follows:

- December 22, 2009 (moved up)
- December 31, 2009 (cancelled)
- January 7, 2010 (resume regular schedule)

Notice to Counsel #70 — When clients receive a settlement or judgment

Notice to Counsel #70 announced a new Settlements and Judgments policy, which replaces the previous Conversion to Private Retainer policy. The policy provides guidelines for determining the amount of money clients may have to reimburse LSS, and no longer permits referral lawyers to bill clients retroactively for services provided under the referral. Lawyers can enter into a private retainer with a legal aid client, with the client's consent, if authorized in writing by LSS or if the client is no longer eligible for legal aid. The new policy applies to referrals issued after October 15, 2009. Referrals issued prior to October 15 will be subject to the new policy for settlement agreements or judgements made after January 15, 2010.

The new policy addresses concerns raised by clients and lawyers, including:

- the exemption formula was unclear and not in keeping with LSS' financial eligibility guidelines;
- no consideration was given to lump sum and periodic child and spousal support awards or monies paid as court-ordered family debts;
- clients were unaware of the extent of their financial liability for legal fees and disbursements until the conclusion of the case;
- confusion about whether clients are required to repay LSS for legal fees and disbursements paid on all past legal aid referrals; and
- confusion about when a lawyer can privately bill a legal aid client.

The new policy also clarifies when you must advise LSS about a settlement or judgment; when you are required to submit a final bill if a settlement or judgment is received; and when you can release funds to your client. Please review the full policy on our website at www.lss.bc.ca/lawyers.

Improved e-billing for disbursements

Tariff Item Notes is a new feature in e-billing for disbursements that allows us to add to the disbursements list and eliminates the need to submit receipts separately. (Any remaining disbursements will be available this winter.) For items where we need more information, you will be prompted to answer specific questions about your claim. For example, when you claim accommodation expenses, you will be asked to provide the name and location of the hotel, the nightly rate, etc. Enter your answers in the Tariff Item Notes and submit your claim. Please keep your receipts on file; you will only need to submit them if requested by LSS.

Billing tips

GST

Please do not claim GST when billing for disbursements (even if you have been charged GST). Our system automatically adds GST to all disbursement claims. You can claim all other taxes.

Certified vs. non-certified interpretation

LSS recognizes certification through membership status with the Society of Translators and Interpreters of BC (STIBC), completion of the Vancouver Community College Court Interpreter Program, and/or completion of a recognized interpreter certification program. IRB accredited interpreters are not eligible for LSS' certified interpreter rate, as Court Services does not recognize them as certified, nor are they required to undergo the testing and review required by STIBC. Be sure to get the interpreter's certification documents, as they must be provided upon request.

Completion of a recognized interpreter certification program was added to the Tariff to cover certification obtained from other programs, such as government-accredited Canadian colleges or universities.

Resolution of multiple informations

If your client enters a guilty plea or the crown enters a stay to second or subsequent information(s) at the same time as the first plea or stay, you can claim a resolution of multiple informations fee. As always, bill the plea or stay for the information that has the highest category of offence, and the multiple resolution fee at the highest category for all informations addressed at that time.