



Allocation of SCAP daily preparation (criminal cases)

In response to feedback from counsel, LSS has adopted a new "Proximity Rule." The rule is intended to maintain the distinction between the budget for general prep and the allocation of daily prep on longer criminal files. Previously, daily prep could only be used on the day of a court hearing. This created unintended consequences, especially for weekend preparation and days the court expressly stands down to permit counsel to prepare for hearings on subsequent days. LSS has tried to make reasonable adjustments to accounts to suit these situations but this has sometimes generated confusion.

General prep is allocated to permit counsel to be prepared for the start of the trial and to deal with issues that are anticipated during the course of the trial. Daily prep is for ongoing work and issues that arise during the course of a trial. Under the Proximity Rule, daily prep can't be used for any time expended prior to the start of the trial. Daily prep time that has not been used on the day it accumulates may be attributed to preparation spent on the case during that week, the weekend before, or the weekend after the day it accumulates. A maximum of two hours of accumulated daily prep may be used after the conclusion of the case for appropriate wind-up of the file. Prep time that can't be attributed to daily prep under this rule may still be attributed to unused general prep. We trust that this approach will continue to permit counsel reasonable flexibility in SCAP cases. Questions about the application of this rule may be directed to Helpdesk.Tariff@lss.bc.ca.

Message from Audit & Investigation: Record-keeping requirements

Clarification of the *Record keeping* section of the General Terms and Conditions (GTC) was one of the tariff changes that came into effect on July 15, 2008. Through post-payment reviews of several accounts over the past two years, it has become apparent that a significant number of lawyers don't maintain any time records, or their records are lacking the detail required by LSS, or they aren't keeping their records for at least two years from the date of last payment. Paragraph 49 of the GTC sets out that: *Referral lawyers must maintain adequate accounting and time-keeping records for each referral and retain such records for at least two years from the date of*

payment. This requirement pertains to all referral types, including duty counsel.

While some lawyers may use accounting software that allows them to keep adequate records, we recognize that many lawyers may prefer to maintain manual time-keeping records. To assist lawyers in tracking the information LSS requires, the A&I Department designed a sample timesheet, which can be found in Appendices 1 & 2 of the GTC. While use of the timesheet provided is not mandatory, please ensure you incorporate the type of information listed in the sample timesheet into your own records.

If you have any questions regarding LSS' record-keeping requirements, please contact Nancy Lis at 604-601-6023 or e-mail nancy.lis@lss.bc.ca

Billing tip: Quick references

Did you know that there are three handy quick reference guides in the *Guide to Legal Aid Tariffs*?

- LSS Tariff Rates Quick Reference (pg. 13 of the General Terms & Conditions)
- Criminal Tariff Quick Reference — Frequently billed items (pg. 43 of the Criminal Tariff)
- Family Tariff Quick Reference — Frequently billed items (pg. 31 of the Family Tariff)

Bursary opportunities

LSS and the Continuing Legal Education Society are offering bursaries to lawyers with less than five years' call for upcoming CLE courses relevant to lawyers practicing criminal and family law:

Mastering Family Chambers

Friday, October 3, 2008

Family Law Drafting Bootcamp

Thurs/Fri, November 13 & 14, 2008

Statements of the Accused

Saturday, October 25, 2008

LSS will pay the registration fee for one conference for a limited number of tariff bar lawyers who agree to take 12 referrals in the coming year. To apply, send an e-mail to lawyersresources@lss.bc.ca indicating your call date and the conference you want to attend, and agreeing to accept 12 referrals in the coming year. Spaces are limited, so apply early! Lawyers who don't qualify can still get a 25% discount on the registration fee if they agree to take 12 referrals in the coming year.