



The Legal Aid Fax

September 2011

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Coming soon — A brand new Legal Aid “Fax”!

In our last tariff satisfaction survey, you told us overwhelmingly (81%) that you want to receive this publication via email. We got the message! This is the last issue of the Legal Aid Fax and next month, a new **Legal Aid Brief** will arrive conveniently in your inbox. You’ll find the same timely news and tips, but in a new electronic format, with a fresh look and the addition of useful links and other features. Look for your first issue at the “general email” address in Your Profile. Thank you for encouraging this exciting new change!

Farewell Allen

Allen Vander Linde, Manager, Criminal Law Services, has retired after a long and productive 30-year career with LSS. Allen will be greatly missed as we all appreciated Allen’s knowledge and sincere commitment to his work for legal aid clients.

Welcome to LSS

Rolfe S. Horne is joining LSS as Managing Lawyer, Large Criminal Cases. This is a new position that will oversee the allocation of resources, quality assurance, and budget accountability of large and complex criminal cases. Rolfe is a Victoria lawyer with 21 years of experience including a significant number of complex cases.

Malcolm S. Jeffcock, QC, is joining LSS as Managing Lawyer, Criminal Law Services (replacing Allen Vander Linde). Malcolm has almost 30 years experience in legal aid as a staff lawyer and manager with Nova Scotia Legal Aid. He will be responsible for the operation and quality assurance of our criminal law tariff and contracted services, which include prisoners’ legal services, the Brydges Line, and the mental health law program.

Chair’s Award for Distinguished Service

LSS has selected Sandra Smaill, QC, of Kimberley, and Ken Wyllie of Castlegar to receive the LSS Chair’s Award for Distinguished Service for the Kootenay region. The awards will be presented at the Kootenay Bar Association’s fall meeting in Rossland on October 1st. The Chair’s Award for Distinguished Service is presented on a regional basis to lawyers who have made significant and sustained contributions to legal aid in BC. Our congratulations!

Gladue Report — Client evaluations

When we approve a request for a Gladue report, we will send you a form for your client’s evaluation of the Gladue report process. We encourage you to give the form to your client, as the feedback will help us determine the effectiveness of this pilot project.

Change for LAO Law memoranda

LSS provides legal aid lawyers with Legal Aid Ontario (LAO) Law legal research memoranda to help with the preparation of legal aid cases. Upon a request from LAO, the catalogue and the memo request form are now only accessible in the secure [Lawyer e-services](#) section of the LSS website. You’ll find all the links on the e-services What’s New page.

Criminal billing tips

The non-trial resolution fee is payable when you attend a trial confirmation hearing, or the trial is within 60 days and your client-solicitor relationship has truly ended because the client failed to appear.

If the client reappears and, procedurally, you have to start over, the fee billed for the earlier FTA is not affected. As you proceed with the case, you can bill whatever you are entitled to under the tariff — e.g., bill the trial if a new date is set and the trial proceeds, or bill non-trial resolution if the original trial date is lost and your client subsequently enters a plea. If you were able to keep the original date, expect an adjustment to your account (reversing the NTR fee).

Improvements to financial eligibility

Effective September 1st, more people with low incomes in BC may qualify for legal aid. LSS is improving its [financial eligibility guidelines](#) for legal representation and advice services with a 2.4% cost of living increase. This will ensure people do not lose access to legal aid due to inflation. Our guidelines are based on Human Resources Development Canada’s “Market Basket Measure” of goods and services and are among the most generous in the country. By way of comparison, the monthly net income allowed for a one-person household is \$1,450, while in Alberta it is \$1,348, and in Ontario it is \$900 gross income. (These provinces however, may provide services to clients with higher incomes if they make financial contributions.) To see the new guidelines, go to Legal Aid – Legal Representation on our website.