

Legal Services Society of BC
Quality Assurance Initiative
Final Evaluation

Prepared by:



August 17, 2006

Legal Services Society of BC

Quality Assurance Initiative Final Evaluation

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Legal Services Society of BC

Quality Assurance Initiative Final Evaluation

Executive Summary

In spring 2006, LSS conducted the final evaluation of the Quality Assurance Initiative. The initiative was started in 2001 with the objective to determine the most effective elements for a quality assurance system that ensures that legal aid services meet professional standards consistent with those provided to private paying clients. Another objective was to determine what initiatives were effective in addressing the needs of clients and how they could be delivered in a way that reflects the circumstances of low income people.

The two main elements of the program are quality improvement, which seeks to promote best practices among all legal aid lawyers through education and other means, and quality control, which attempts to identify and remedy specific instances of substandard service. This evaluation measures the effect of various quality improvement initiatives initiated to date, with the exception of one quality control measure, the client expectation form.

The project was funded by the Law Foundation of British Columbia.

Response:

108 tariff lawyers answered an online survey, 14 completed the evaluation via in-person interview to solicit further qualitative feedback. The survey was conducted over the course of three months.

Over half the respondents were senior lawyers, having practiced for more than 15 years. The majority were from the Lower Mainland. Criminal law and family law were the practice areas cited as those respondents focussed on, either by representing legal aid clients or private clients.

Results:

Initiatives that lawyers felt made the most positive impact on service quality were, in order:

1. CLE Case Digest Connection subscription service
2. CLE course discounts
3. LSS website improvements

Initiatives that had the least impact on service quality were, in order:

1. Client expectation form
2. Bar recognition events
3. Practice checklists

In fairness, some of the initiatives have been launched recently. Lawyers may need time to become familiar with them or find a reason to use them specifically (e.g. LAO Law Memoranda and TLABC list-serve).

A significant proportion of respondents were neutral about quality assurance in general.

Recommendations:

1. That LSS continue funding quality assurance initiatives that are well-received by the tariff bar. These include the CDC subscription service, CLE course discounts, LAO Law memoranda, TLABC list-serve, LSS website improvements and development of an orientation manual and mentorship program.

2. That LSS improve communication of initiatives to the bar in order to increase awareness of the objectives and availability of programs. This could be done by improving existing communications such as LAF and the website and instituting new methods, such as an electronic newsletter in html format.

For example, lawyers should be aware of how QA fits into the overall service plan for the organization.

3. That LSS help tariff lawyers take advantage of some of the initiatives. Not all tariff lawyers are familiar with how to access QA resources, such as the LAO memoranda, expert witness database and other website improvements. Some may require on-site training. This would be a good will gesture on the part of LSS, but would increase consumption and positive effects on service quality.

4. That LSS lobby government for increase tariff rates and funding for disbursements.

5. That LSS either greatly improve distribution of the client expectation form or stop using it entirely.

6. That LSS carefully consider holding further Bar Recognition events in light of tariff bar perceptions of remuneration and LSS administration.

7. That the Expert Witness Database should be updated with new experts and that lawyers should be notified when updates have been made.

8. That the impact of the initiatives be re-evaluated every three years.

Natasha Chetty,

Principal – Isis Communications

August 17, 2006

Quality Assurance Initiative Final Evaluation

The evaluation was divided into three sections: 1) demographic information (which was not asked of participants in the 2002 survey); 2) evaluation of each initiative and; 3) general feedback about quality assurance.

Section 1: About your Practice

1. Year of call to the BC Bar

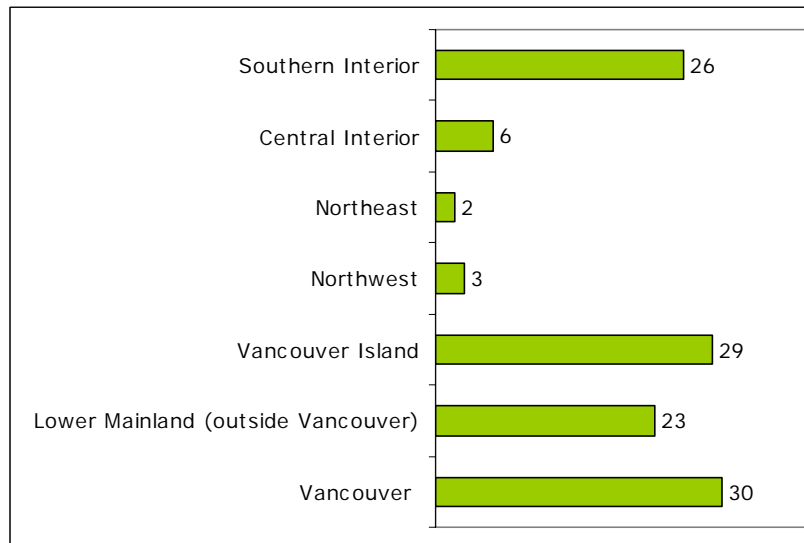
55% of respondents have been called longer than 15 years, 25% less than 10 years.

Call to BC bar	# respondents	% of total
2000-2005	12	10%
1995-1999	19	15%
1990-1994	15	12%
1985-1989	25	20%
1980-1985	13	11%
1970-1979	15	12%
Skipped question	23	18%
Total	122	

2. Regional Location

The majority of respondents are from the lower mainland (19% indicated "lower mainland, 25% indicated "Vancouver").

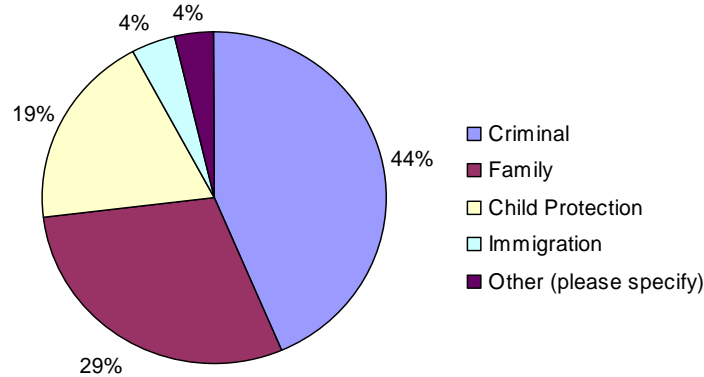
119 respondents answered the question, 3 skipped it.



3. Main areas of legal aid practice

44% indicated criminal law was their main area of legal aid practice, 29% indicated family law and 19% are child protection lawyers. Respondents could choose multiple answers, if applicable.

117 respondents answered this question, 5 skipped it.



Other areas of law practiced:

- Prison law (2)
- Civil litigation
- KRCC disciplinary hearings

4. Main areas of practice other than legal aid:

Criminal law, family law and civil litigation were the main areas of law practiced outside of legal aid files. Most respondents are litigators.

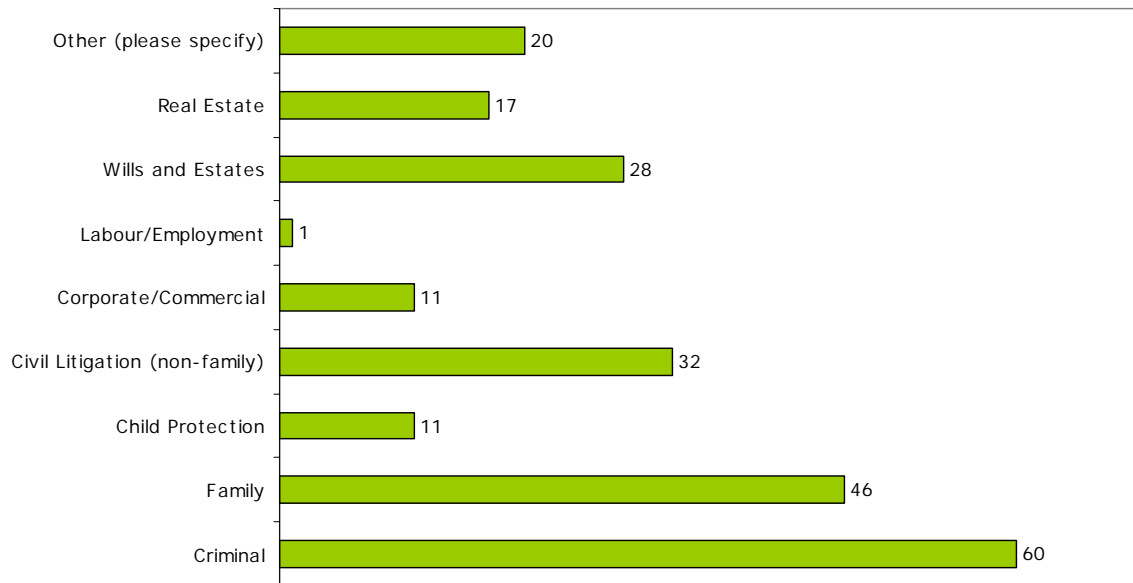
Of the 112 respondents who answered this question, 29 (26%) indicated that they concentrate only on criminal law and 10 (11%) indicated that they concentrate only on family law, regardless of whether the matter is generated via private retainer or via LSS. The number of years in practice and the regional location of those who concentrate on one area of law were varied.

This question was not asked in the 2002 QA survey.

Other areas of practice indicated in the responses:

- Personal injury (3)
- Criminal
- Immigration (5)
- Prison law
- Parole
- Municipal
- Administrative law (3)
- Human rights

Question 4 continued...



5. On average, what percentage of your practice is represented by legal aid work?

Approximately 50% said that tariff work represented more than half their practice; 27% indicated that it represented more than $\frac{3}{4}$ of their practice.

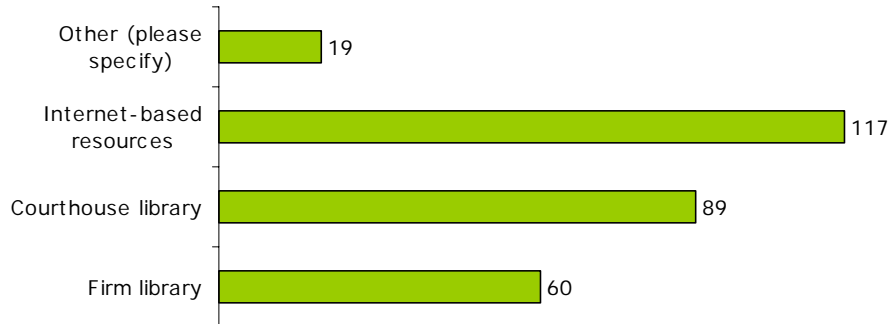
% of practice	#respondents	
0%	4	
5% or less	6	18%
10%	11	
11-24%	4	28%
25%	7	
26% - 49%	19	
50%	14	27%
51-74%	15	
75%	7	
76-89%	8	27%
90-99%	8	
100%	5	
Total respondents	108	

Comments from extended interviews:

- Legal aid work only comprises less than 10% of my practice because I only accept Category IV cases now.
- 60% time, 40% income (criminal, Victoria)
- Duty Counsel – 1 to 2 dozen cases. Doing less legal aid than before because billing LSS is “a pain”.

6. Which legal resources do you use for your practice?

The use of web based resources rose since 2002. Libraries remain popular.

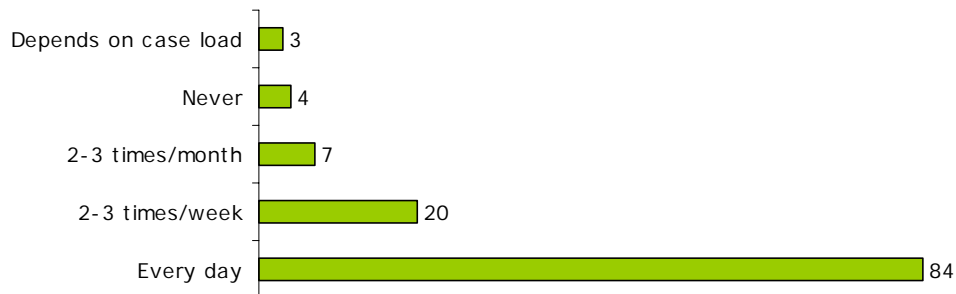


Other resources used:

- CLE digest (3), CLE (2), CLE publications (3)
- Quicklaw (4)
- The IRB document centre (2)
- Subscription CD's from Carswell
- CBA
- TLABC
- Lawyer's weekly (2)
- The Advocate
- LSS
- Lawline and law link
- I am now using the Ontario LAP memos and I extensively use the case briefs provided through CLE and website.
- Brainstorming with colleagues
- Purchased materials
- UBC Biomedical Library and Law Library

7. How frequently do you use email for your practice?

71% indicated they use email every day, 17% indicated at least 2-3 times per week, which implies heavy usage and receptiveness to electronic communications. 4 respondents did not answer.



***7.1: Do you have internet access at the office? (Asked only of extended interviewees)**

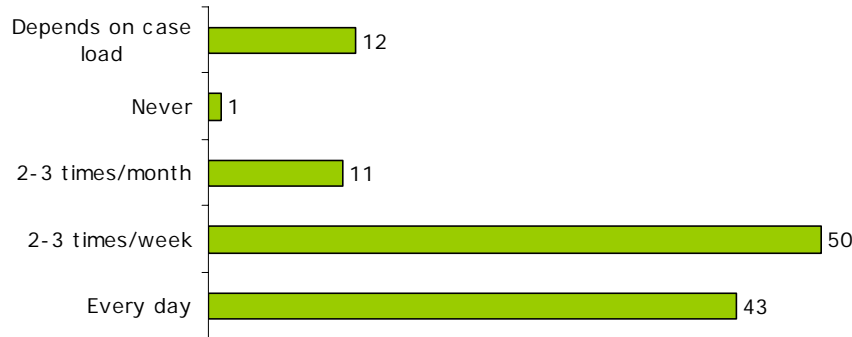
Internet access	
Yes	10
No	0

8. How frequently do you use web-based legal resources for your practice?

37% indicated they use web based resources every day, 43% indicated they use them 2-3 times per week. The survey medium was online, which implies that users who are somewhat web savvy.

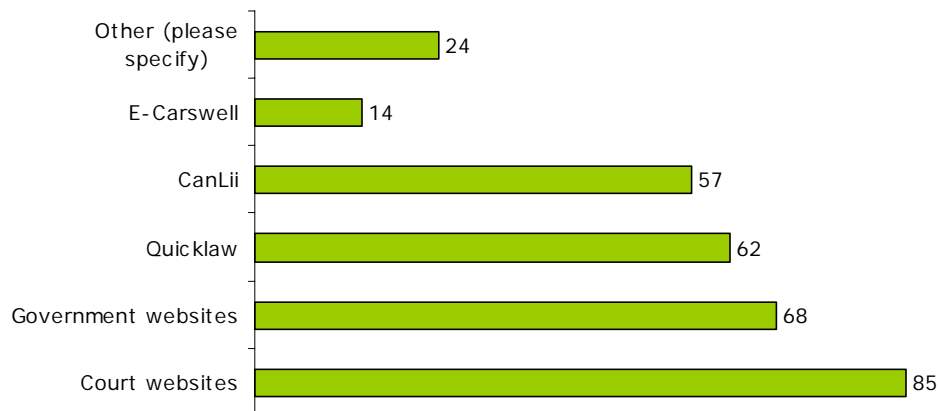
Please also see answers to Section 1, questions 6 and 7.

117 respondents answered the question, 5 skipped it.



9. Which web -based legal resources do you use most frequently?

This question was not phrased in the same way for the 2002 survey because it was co-sponsored by CLE, who were curious about usage of other legal organization websites. There was an open ended question, however that polled which sites or resources would be helpful – Quicklaw was the most popular choice in 2002.



Question 9 continued...

Other (please specify):

- CLE digest (4), CLE (3), CLE family law sourcebook for BC, CLE news
- DOS; HRW; Amnesty International; BBC News; Manchester Guardian; The Nation; etc
- CBA news
- Law library
- Non-government websites
- I use other search engines -- Google and ask and then follow up.
- LSS website (2)
- QP Legaleze
- Human rights organizations; News services;
- Have used the Alberta courts website

Section II: Quality Assurance Initiatives

A. CLE Case Digest Connection

Analysis: there is high awareness and consumption of the Case Digest Connection (CDC) subscription initiative. It is the initiative that lawyers are most satisfied with, and also has the highest recognition. The format of CDC is easy to follow, lawyers who subscribe to it expect to receive it on a regular basis and it offers practical help with research.

While satisfaction with the service was higher than in 2002, perceptions of the effect of the CDC on improving quality of service were relatively the same.

Questions: Since 2002, lawyers who agree to accept 12 or more legal aid cases per fiscal year have been offered a free subscription to the electronic Family Law and Criminal Law versions of the Continuing Legal Education Society of BC's *Case Digest Connection*.

1. Are you aware of this initiative?

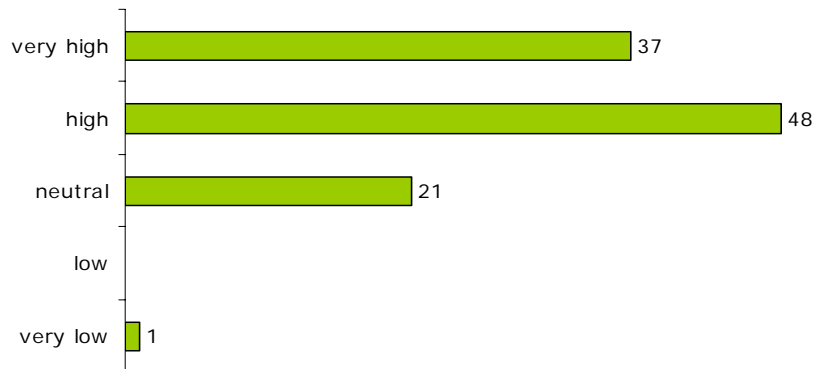
Aware of CDC initiative?		
yes	105	89%
no	13	11%
total	118	

2. Do you subscribe to the CDC through LSS?

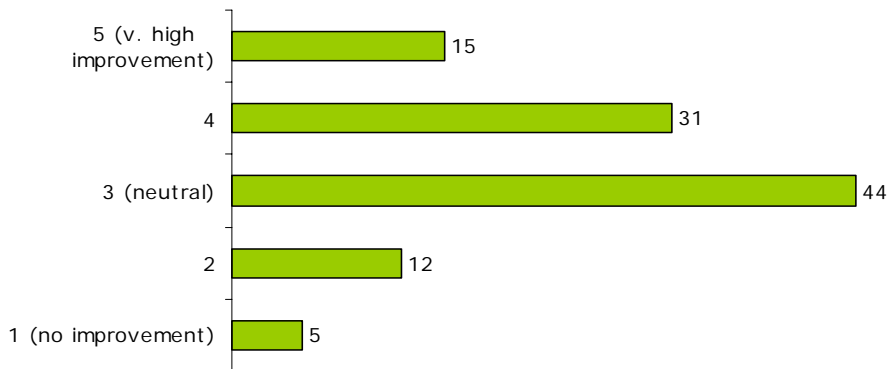
In 2002, only 37% subscribed to CDC through LSS. The balance either did not subscribe to it at all, or paid for it on their own.

Subscription to CDC?		
yes	100	85%
no	17	15%
total	117	

3. Please rate your overall satisfaction with the CDC



4. Please rate how effective this service is in improving the overall quality of your legal aid work.



5. If you do not subscribe to the CDC please indicate the reasons why

- Neglected to be informed about how comprehensive the CDC data is; and all the other internet services seem to have been adequate so far.
- I wasn't aware it existed (2)
- I only signed up for CDC a few days ago so I can't rate my satisfaction with it or the effectiveness of it
- I'm not sure whether I subscribe. LSS e-mails them to me.
- The learning curve of figuring out how to do it.
- The CDC is not relevant to my area of practice
- I like Butterworth's *Hot Letter*

6. Should LSS continue to provide access to the CDC to legal aid lawyers?

Continue to provide CDC?		
yes	106	94%
no	1	
unsure	6	5%
total	113	

7. Comments (extended interviews only):

- It's an easy way to keep current on BC law
- I don't use it. Gold's is an extremely useful resource instead and it's in Quicklaw format.
- Helpful to a junior – can get a “flavour” from the cases that can't get from Manuals.
- I am trying to get it back.

B. LAO Law Memoranda

Analysis: Half the respondents were aware of the memoranda, but $\frac{3}{4}$ of the respondents hadn't used them. This could be a reflection of how new the initiative is, or perceptions of difficulty accessing the service or simple lack of need for it.

The majority of those who answered questions regarding satisfaction with the memoranda or impact on improving quality indicated that they were neutral (probably because they hadn't used it and couldn't make an informed answer) or negative (because information was not relevant to BC law or because of difficulty accessing memoranda). LSS could publish positive testimonials of lawyers who have used the memoranda on promotional material.

Questions: In November 2003, LSS contracted with Legal Aid Ontario (LAO) to grant BC tariff lawyers the use of topical research memoranda for help with specific legal aid files. LAO Law memos are designed to help lawyers prepare cases by providing detailed research on common legal issues. There are over 300 memos addressing Charter issues, common defences, evidentiary issues, common offences, criminal procedure and sentencing. There are also memos in family, child protection, prison law and immigration law.

1. Were you aware that you could request LAO memoranda?

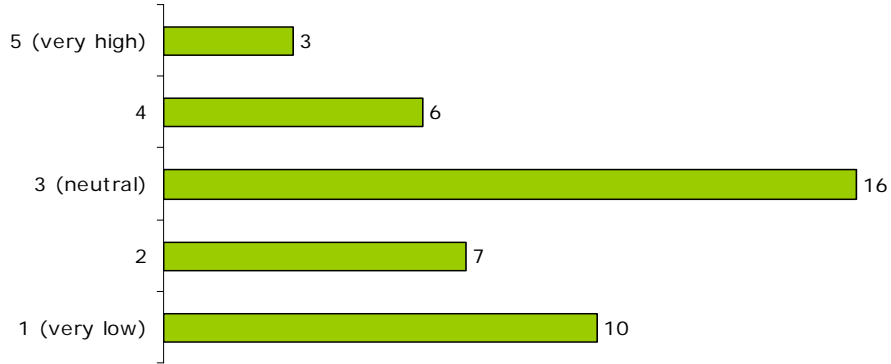
Aware of LAO memoranda		
yes	61	52%
no	56	48%
total	117	

2. Have you used this resource?

Used LAO memoranda		
yes	27	24%
no	84	76%
total	111	

3. Please rate your overall satisfaction with the LAO law memoranda:

We might assume that those who were neutral regarding the memoranda had not used it, given the response to question #2. 80 people skipped this question.

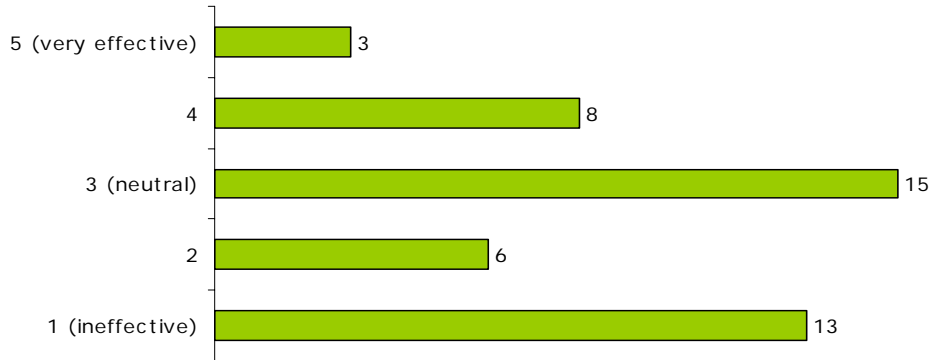


Comments from extended interviews:

- Would like to see more BC oriented content – wonders if a large BC firm would donate some memos.
- Have you changed it? I’m not sure how to re-hook up to it

4. How effective is this service in improving the overall quality of your legal aid work? Please rate on a scale from 1 to 5, where 1 indicates 'ineffective' and 5 indicates 'very effective'.

77 respondents skipped this question, presumably because they were unfamiliar with the memoranda.



5. Should LSS continue to provide access to the LAO Law memoranda?

Continue to provide memoranda?		
yes	58	54%
no	6	6%
unsure	42	40%
total	106	

*yes, if it's easier to access.

C. Expert Witness Database

Analysis: 74% were aware of the database, but almost the same number had not used it. Satisfaction was mostly neutral or negative, as was the perception of its impact on improving service quality.

Recommendations to improve the database included: adding more experts to it from all areas of the province, keeping it updated and allowing reviews of experts by other lawyers. Some were confused about how to access the database.

LSS should study the percentage of cases that require expert witnesses, and compare it with the percentage of tariff lawyers who have visited the LSS website or phoned to enquire about where to find an expert and the percentage of lawyers or paralegals who research online at all.

Questions: In 2005, LSS compiled a searchable database of expert witnesses willing to work on legal aid cases. The database is available to lawyers via a secure section of the LSS website, www.lss.bc.ca.

1. Are you aware of the expert witness database?

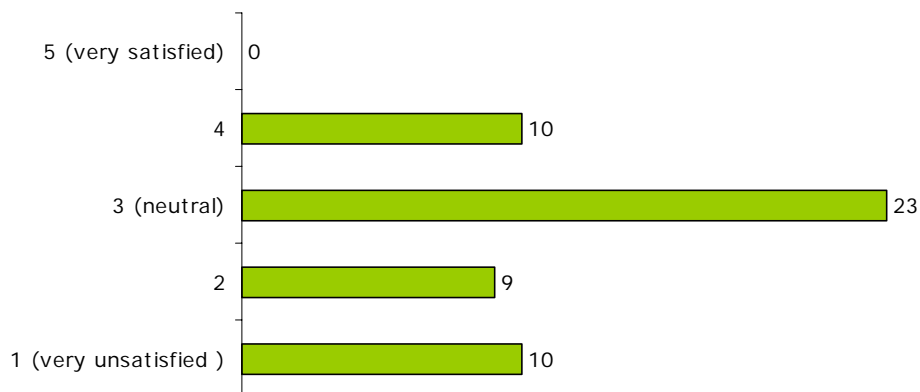
Awareness of expert database		
yes	85	74%
no	25	22%
unsure	5	4%
total	116	

2. Have you used the database?

Used the expert database		
yes	33	29%
no	81	71%
total	114	

*I haven't used it, but I plan to.

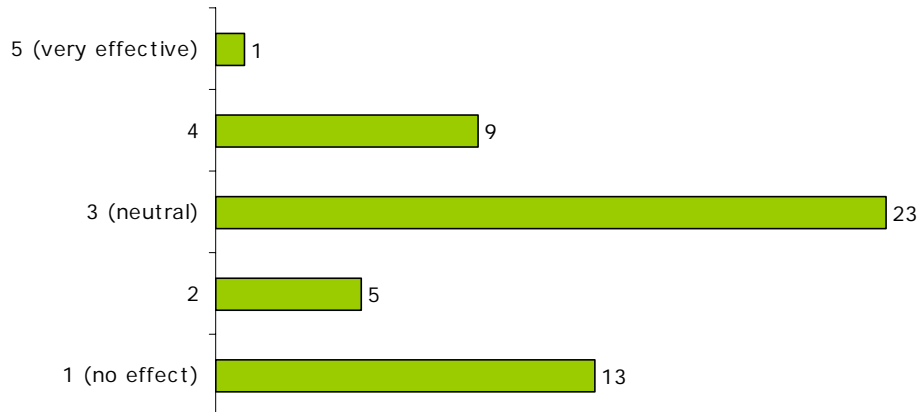
3. If you have used the database, please rate your overall satisfaction with the service. Please rate on a scale from 1 to 5, where 1 indicates 'very low satisfaction' and 5 indicates 'very high satisfaction'.



* And if I did use it, I'd need help accessing it (criminal, Victoria)

4. How effective do you think this service is in improving the overall quality of your legal aid work? Please rate on a scale from 1 to 5, where 1 indicates 'ineffective' and 5 indicates 'very effective'.

It's possible that the database is associated more with efficiency than quality, even though the two benefits are not mutually exclusive.



5. Would you suggest any improvements to the database?

- Get a lot more experts on it, in different topics
- More experts listed (2)
- Needs more medical doctors (other than psychiatrists)
- Add more experts! There is very little there.
- More experts; more areas; more information on the various experts
- Perhaps a section for critique can be added so lawyers are able to provide practical comments regarding a particular expert. One frustration I have is that an expert can promise to adhere to a set timeframe, but not follow through. This creates practical problems for case management and for client expectations.
- Since LSS requires expert CVs for SCAP applications, and it can be very difficult to get busy experts to fax these over, it would be great to either provide downloadable CVs on the database. Better yet, it would be good idea for LSS not to require an expert CV for SCAP funding if the expert in question is already in the database. I know personally that waiting to get the CVs causes major delays in sending SCAP applications to LSS.
- Keep it current. Include curriculum vitae of the experts. Identify experts who are willing to testify in court.
- More resources need to be available to experts in the regional area I practice in, which is the Okanagan area. I am aware of other experts in this region that are not listed
- *Experts are only listed from some geographical locations. Expand it to include more regions and list more experts.
- It needs to be updated. A number of the experts I contacted to complete a parental capacity assessment, who replied, (many do not) are not doing the work nor do they wish to continue to do so under the LSS Tariff

- Yes - for family law it would be helpful to have access supervision personnel and non-psychologist views of the child report "writers" - i.e. something more cost-effective
- It's difficult to find private investigators (criminal, Victoria)
- Make more lawyers aware of the database.
- Tell me about it
- I have not used the database, and hence cannot indicate whether I am satisfied with it or not.
- It's hard for me to say, because I haven't used it as yet -- but in general I think we need these resources. In my area, we learn fairly quickly who the local (and useful) experts are. If you are new to an area, though, or starting out, such resources are a huge help.
- Not sure how I missed this one...sounds like a good idea. How does one access it?
- I am not sure how to access it! Problem is poor computer skills.
- Is it online?
- Would provide suggestions once having accessed and used the service. So far this has not occurred. But we will certainly check the database for our needs.
- It would be helpful to have names of experts for topics relating to refugee matters; in particular country experts. (i.e. treatment of gays in various countries, etc.)
- It's a good idea. It would be useful to new lawyers.

D. Criminal Law List-serve

Analysis: The majority of respondents were unaware of the list-serve initiative. This may be due to a concentration on family law, or non-membership in TLABC or the length of time the initiative has been in place.

Those who have used it are satisfied with it. Once again, we assume that those who are neutral have no opinion on it and those who indicated a negative response have used the list-serve for help with a private client matter and were unsatisfied.

LSS could boost awareness of the list-serve and help lawyers use it by citing an example or scenario of how it is used into promotional information on the website or in LAF.

Questions: In autumn 2005, LSS launched an initiative to pay the membership fee for the Criminal Defence Litigation list-serve hosted by the Trial Lawyers Association of BC for lawyers who agree to accept 12 or more legal aid cases per year (value: \$20-\$50 per year).

1. Are you aware of this initiative?

Some respondents do not practice criminal law and therefore may not pay attention to announcements related to this practice area.

Aware of list-serve		
yes	41	36%
no	72	64%
total	113	

2. Have you joined the list-serve?

It is unclear if those who joined have done so as a result of the LSS initiative, but out of 44 criminal lawyer respondents, 32 are part of the list-serve.

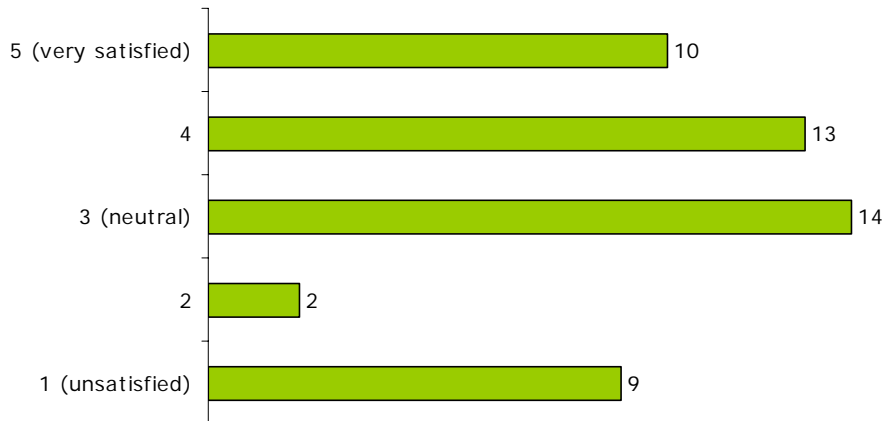
Joined the list-serve		
yes	32	29%
no	57	52%
n/a	21	19%
total	110	

3. Have you used the list-serve for help with legal aid matters?

Used the list-serve		
yes	28	29%
no	70	71%
total	98	

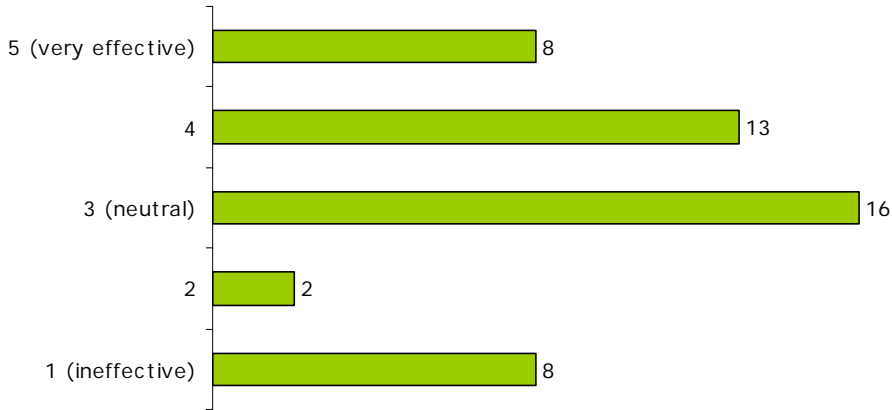
4. Please rate your overall satisfaction with the list-serve. Please rate on a scale from 1-5, where 1 indicates 'very low satisfaction' and 5 indicates 'very high satisfaction'.

Assuming that those who have used the list serve for legal aid matters, 63% are satisfied with it. We can assume that those who were neutral had not used the service.



5. Please rate how effective you think the list-serve is in improving the overall quality of your legal aid work. Please rate on a scale from 1-5, where 1 indicates 'ineffective' and 5 indicates 'very effective'.

The 32 who indicated they had used the service (neutral indicating that they had not used it), perceived the initiative to have a positive impact on service quality.



6. Should LSS continue this initiative in the future?

Continue to support the list-serve?		
yes	48	54%
no	2	2
unsure	39	44
total	89	

7. Do you belong to any other list-serves for legal aid practice?

Membership in other list-serves?		
yes	14	14
no	83	82
other	4	4%
total	98	

If yes, please specify:

- I am a member of CCCDL
- TLA's personal injury list-serve
- [This service] would be useful for general improvements to efficiency.

F. Tariff lawyer orientation manual

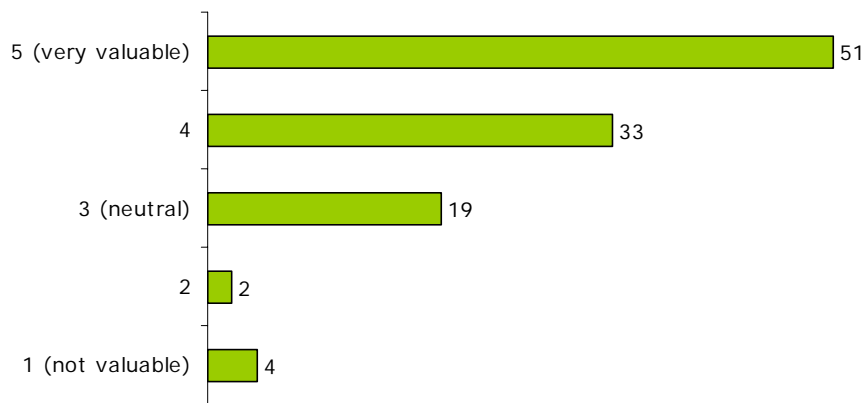
Analysis: This initiative was met with enthusiasm among respondents. 77% were positive about the concept.

The perception is that the tariff bar could benefit from adding new lawyers to the mix, but that there are areas of legal aid work that require training, such as dealing with administrative tasks.

See also comments regarding publishing additional practice checklists (section G), making improvements to the LSS website (section H) and creating a CLE course specifically for legal aid practice (section I).

Questions: LSS is creating an orientation manual for new tariff lawyers. It will contain information about LSS, tips on working with LSS, billing guides and descriptions of current services available to lawyers and clients.

1. How valuable do you think the manual would be to new tariff lawyers? Please rate on a scale from 1 to 5, where 1 indicates 'not valuable' and 5 indicates 'very valuable'.



2. Is there any specific information that you think should be in the manual? (Extended interviews only)

- Billing and billing practices. Audits are impossible if our secretaries change. (criminal, Victoria)
- Practice tips. Increase the clarity of the billing description services and explain inclusion of billable items (they state them, but it's not clear. Use scenarios to visualize what could happen – they sometimes do this in bulletins.
- More on billing with examples cases in different categories/levels of complications. Perhaps it could be put on a video/disk. People have quit doing legal aid because the billing is so confusing.
- Need to clarify for Family Duty Counsel – do you bill for 4 hours if you do more?

G. Immigration and Human Rights Law Practice Checklists

Analysis: Awareness of the checklists is very low. This could be attributed to the low number of respondents who do not practice in the areas of immigration and human rights law, the lack of reference to LSBC practice checklists or the number of years lawyers have practiced (senior lawyers tend to refer to checklists less often than new ones).

Questions: In 2003/2004, LSS prepared updated practice checklists for immigration and human rights law, and published them on the Law Society of BC website.

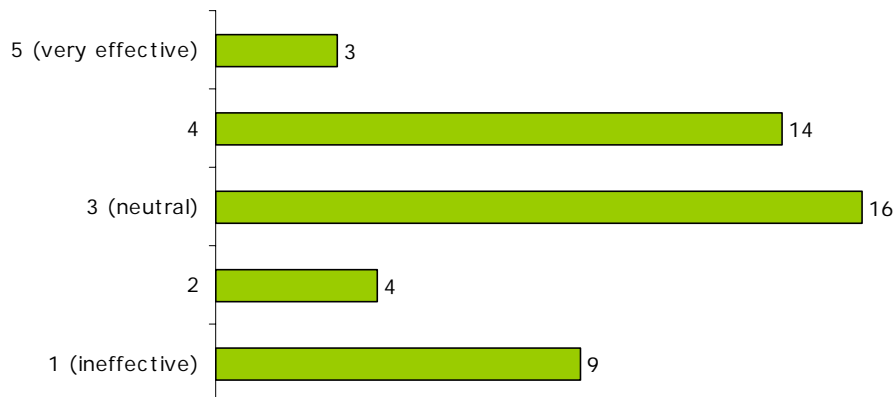
1 Are you aware of the updated checklists?

Aware of checklists?		
yes	27	25%
no	80	75%
total	107	

2. Have you used either or both of the checklists?

Used the checklists?		
yes	8	8%
no	62	59%
n/a	35	33
total	105	

3. How effective are checklists in helping lawyers improve the quality of service to clients? Please rate on a scale from 1 to 5, where 1 indicates 'ineffective' and 5 indicates 'very effective'.



Comments (extended interviews only):

- Checklists are helpful for new lawyers, but if you know what you're doing, the checklist is in your head.
- Checklists are effective at an early stage.

4. Do you use the law society's checklists in other legal aid practice areas?

Use LSBC checklists?		
yes	43	48%
no	47	52%
total	90	

5. Should LSS consider developing additional checklists for legal aid practice?

Develop additional checklists?		
yes	33	54%
no	31	46%
Total	61	

If yes, in what practice areas? (20)

- All areas that legal aid lawyers deal with.
- All of the areas legal aid provides legal representation for.
- Checklists for legal aid practice should include information and resources that are available to lawyers through LSS and information about billing practices
- Prison law (federal and provincial disciplinary hearings and parole hearings)
- Criminal (8)
- Family (5)
- Child protection (2)
- I can't comment, as I don't use the checklists because of my level of experience. They may be useful to newer members of the bar.
- Maybe – for young practitioners a well-designed checklist is a good idea.
- *they maybe useful to new lawyers or novice lawyers
- It might be useful for family, if kept simple. I don't need one (I hope), but certain jurisdictions and limitation issues should be highlighted for new practitioners
- Unsure about this. (2)

H. Improvements to LSS Website

Analysis: Awareness and usage of the website has improved since 2002, when 31% of respondents indicated they had never visited the site (approximately 10% in the 2006 survey). This is also reflective of the increased usage of electronic resources.

Suggestions for improvement include adding more information such as precedents, notifying lawyers of the improvements and training them how to take advantage of the information on the site.

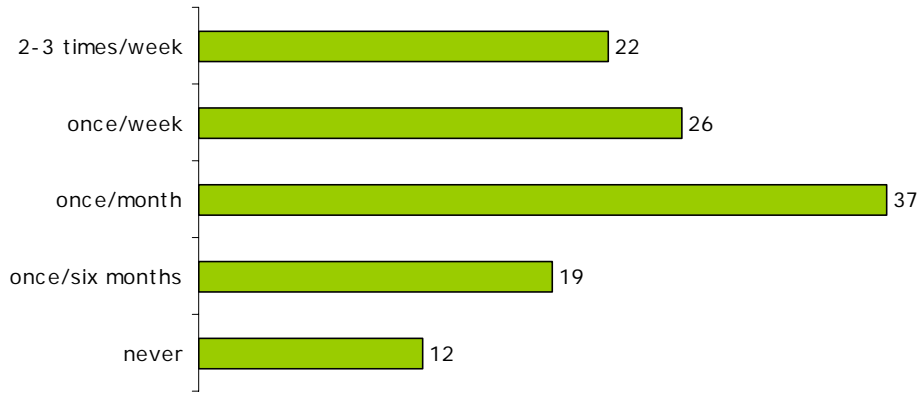
Respondents were satisfied with the site (60%). Almost an equal number believed it had a positive effect on the quality of their work (40%) as were neutral about its effect (41%).

Lawyers are almost equally open to receiving electronic and fax communications, but prefer to send forms in to LSS electronically.

Questions: In response to feedback from tariff lawyers, LSS has made various improvements to its website during the past few years. These include publishing a comprehensive list of LSS forms and LSS contact list, creating standard forms that can be filled out online or printed and faxed to LSS, publishing details regarding programs such as enhanced fees and SCAP and providing links to LSS reports and outside resources, such as the Red Book.

1. On average, how frequently do you use the LSS website?

Answers probably correlate to the amount of legal aid work done by respondents (e.g. those who work on a higher proportion of legal aid matters likely use the website more). Also, bear in mind that the survey was conducted online.



Comments from extended interviews:

- I haven't visited it, but my secretary might have done so to access forms (criminal)
- I just started using it

2. Are you aware that LSS improved its website?

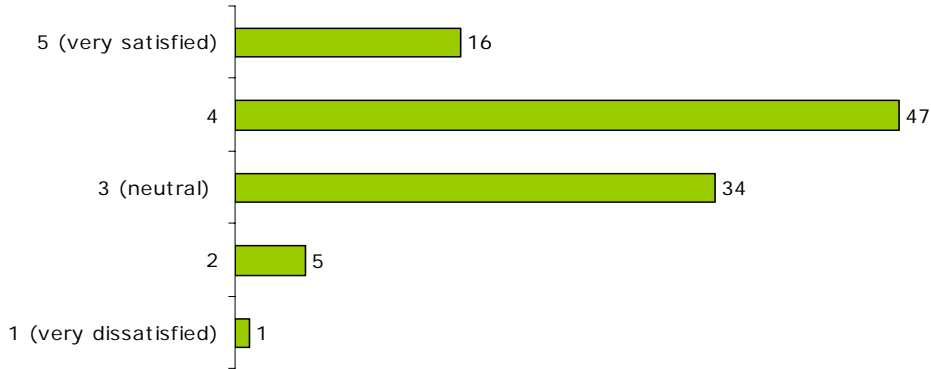
This is positive, considering how often respondents visit the website.

Aware of website improvements?		
yes	71	61%
no	45	39%
Total	116	

Comments from extended interviews:

- There hasn't been a shocking difference

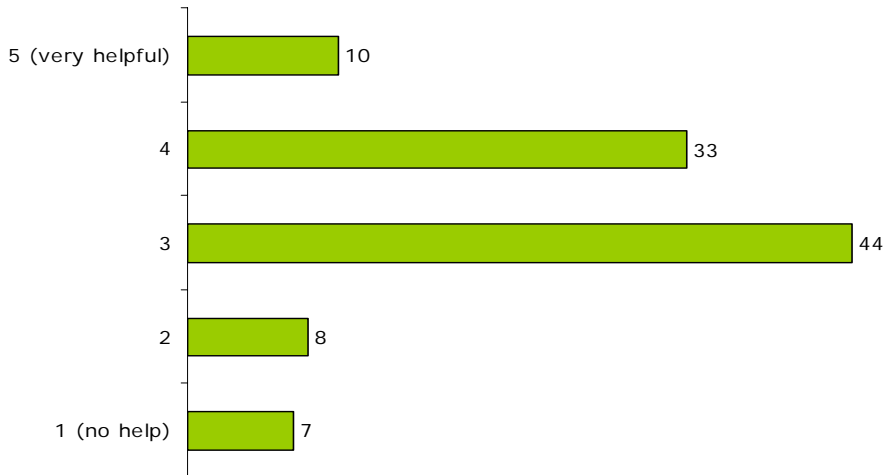
3. If you've used the LSS website, please rate your overall satisfaction with it. Please rate on a scale from 1-5, where 1 indicates 'very dissatisfied' and 5 indicates 'very satisfied'.



Comments from extended interviews:

- (3) It is inefficient and ineffective
- (3) I have a slow internet connection so it's difficult to access

4. If you have used the LSS website, please rate how it helps you improve the overall quality of your legal aid work. Please rate on a scale from 1-5, where 1 indicates 'not helpful' and 5 indicates that it is 'very helpful'.



5. Have you used the online questionnaires that LSS has posted on its website?

Awareness and usage of this specific improvement is very low.

Use of online questionnaires		
yes	19	18
no	89	82%
Total	108	

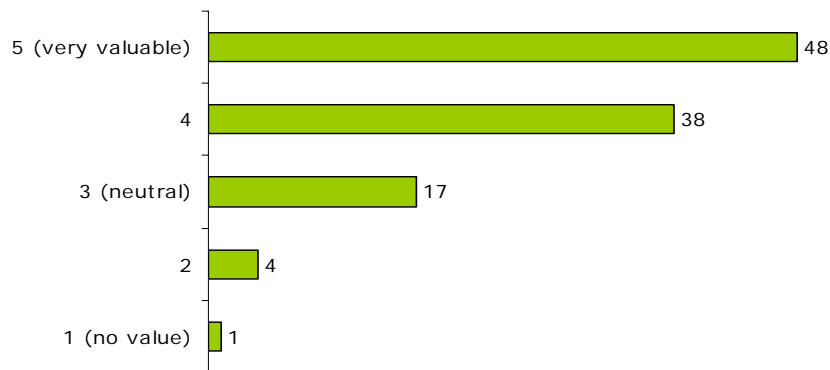
6. Should LSS add more links to other resources from its website?

Add more links?		
yes	51	45
no	6	5
unsure	56	50%
Total	113	

Comments from extended interviews:

- Put up PDF's of guides
- Would be good if it connected to the court docket

7. LSS is considering adding legal precedents to its website (e.g. retainer letters, factums, briefs and pleadings). Please rate how valuable this would be to your legal aid practice:



- Without seeing them, it's difficult to say. It depends on quality – it would be useful to new lawyers.
- Opinion letters regarding appeals
- I already have a collection of precedents
- Retainer agreement
- Has used the retainer agreement.
- Retainer letters and forms
- Forms, spring orders
- Link to all forms e.g.: Small Claims, family law. Needs updated and recent precedents. Needs more understanding/training on using the website. It needs to be simpler to find things on the website.

8. Are there other ways to improve the LSS website? Please specify: (17)

- The difficult problem to solve for website designers and owners is how to get people to use them and avail themselves of the products provided. How to encourage lawyers to use the website? What triggers someone to access the website? This survey has been helpful in alerting us to check out the website again and take note of the new additions. Once we visit the site, then I will be able to suggest improvements if they are needed.
- It would be helpful to get a reminder when the LSS website has been updated. I get reminders from PovNet about their website and usually check it out to see what new info is there. If there is a link embedded in the email, it is more likely that a person will go to the website right away to check it out. It works for me!

- I'm obviously not familiar enough with it to say. I'll browse more when I have time. For now, I mostly use the e-billing, and sometimes the tariff guides
- Allow e-billing for duty counsel accounts
- The e-billing pages could be improved. For example, when e-billing for family cases, we are not able to put all items on a page, because there aren't enough fields, and we have to submit the account in two or more parts.
- Direct links between legal aid billing forms and the tariff guide would be very helpful. Also, the ability to search by LSS number within each individual's lawyers histories to locate previous billings on specific clients.
- Finish adding to e-billing (i.e. add SCAP billing); it would be helpful to be able to apply for disbursements and additional fees online as well.
- I find it difficult to get immediately to the forms I want and the information I want on your website. I find you need to go through several steps just to find out that you're in the right (or wrong) place. Maybe an index early on would be useful.
- Limited room for entries on form, so had to use several forms.
- Link to child and spousal support guideline calculators -- particularly with the new SSAG, clients are unable to do the calculation themselves without use of proprietary software. An arrangement with DivorceMate for online availability of the SSAG software, particularly for use by family duty counsel, would be extremely helpful.
- You could get the spousal support advisory guidelines on your website so that we could access them. Also, a Guide to Legal Aid Tariffs online would be a good resource. We just recently tried to get our hands on an LSS application form for a person in custody and couldn't get one anywhere. That is a very basic form that should be available on your website. Finally, the forms you do have are not well indexed. Perhaps they should be indexed into other categories like "Applying for LSS", "Forms for Disbursements", "Billing Forms", etc. The other problem is that although the forms are quite user friendly, I can't save the work I've done on the form into my computer, so the hassle is that one has to totally re-do the form for each client when things like my name and address stay the same and I still have to fill them out each time. Either the LSS lawyer number could be used to automatically generate the other lawyer information automatically on the form, or the form should be saveable on our own computers for future use and to avoid re-completing it.
- I love e-billing and the on-line tariff. I think it would be very helpful to have resources like retainer letters, factums, etc.
- Help lawyers to learn use of computer skills
- Make it completely compatible with Mac computers.
- I think it still needs to be more used friendly. It seems that when one tries to obtain information through the search engine, the results are too broad and it takes too long to really weed out what it is unimportant and get to what one was looking for in the first place.
- Listserv for CFCSA practitioners would be very useful and very inexpensive. This would be a BC legal aid lawyer listserv not a trial lawyers one

- The addition of pleadings could be helpful to family duty counsel referring clients to "self-help" since there isn't much for precedents for the lay person to use - but it must be with caution and very specific step by step instructions, and the recommendation that users get legal advice after a "first draft" of the documents.
- A list of duty counsel that the public can access.
- A chatroom for criminal and family lawyers
- Keep adding to it.

9. When you need to consult the Guide to Legal Aid Tariffs, do you prefer to use:

Using the Guide to Legal Aid Tariffs		
Print	76	67%
Online	34	30%
other	4	3%
Total	114	

Comments:

- A downloaded PDF version from the website
- Secretary
- I don't do it – my secretary does the billing
- Online because I know it will be up to date.
- Print – for learning/overall, online – for specifics
- Print, because it's easier to navigate

10. Generally, when sending communications to LSS would you prefer:

Some respondents chose more than one preferred option

Sending communications		
online forms that you can email to LSS	88	78%
online forms that you can fax and/or mail to LSS	24	20%
writing your own letter and faxing or mailing it to LSS	12	11%
other	7	
Total	113	

Other preferences and comments from extended interviews:

- Online forms may be an efficient way of doing business, but not all computer systems operate smoothly and this becomes very time-consuming and frustrating. So what has worked is printing the form from a .PDF format, filling it out and faxing it. If the form is filled out online, the electronic version disappears into the ether because we have forgotten to print a copy for the file. At least with faxing a form manually filled out, we have a copy on the file.
- I would use the forms if they were more useful, but I often find they don't let me say what I need to. Most of my communications are by letter, with the form attached, if pressed.
- I would like a list of emails for the people at LSS so that I can email them instead of the old fashioned fax method!
- Faster is better

- Telephone
- It really depends on the issue
- Sometimes emails are ok. Other times faxes and mailing are better. I don't think you can use just one method.

11. Generally, when receiving communications from LSS would you prefer:

Some respondents chose more than one preferred option

Receiving communications	
email	61
fax	67
mail	4
other	1
Total	115

Comments from extended interviews:

- I prefer fax, because email is too “glitchy”
- Email would be a major reduction in the annoyance level on billing enquiries.
- Email if it's working

I. CLE Course Discounts

Analysis: Awareness of the discounts is somewhat high, but consumption is low. This could be a reflection of the CLE course offerings and their timing.

The discount was less influential in a lawyers' decision to enrol in a course than it was in 2002. However, 74% indicated that the discount should be increased. There was a strong recommendation to develop a CLE course specifically for legal aid practice; however this should be weighed against other feedback regarding development of training and resources.

CLE courses were rated slightly less effective in improving service quality than in 2002, but the overall perception is still that they do make a positive difference.

Questions: Since 2002, lawyers who agree to accept 12 or more legal aid cases per fiscal year have been offered a 25% reduction on the fee for any CLE course related to their legal aid work.

1. Are you aware of the discount?

Aware of CLE course discount?		
yes	71	61%
no	45	39%
Total	113	

2. Have you taken advantage of the discount?

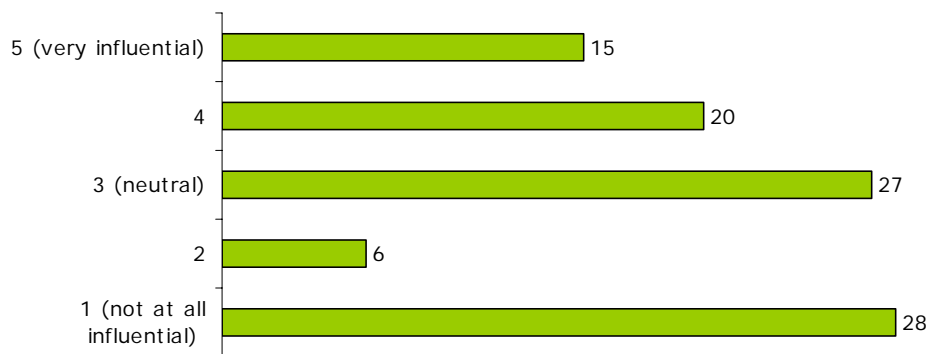
LSS should compare this data against the total number of lawyers who qualified for the discount since the program began and the number of relevant CLE courses that have been offered since that time. You might consider arranging discount programs from other education providers.

Used CLE course discount?		
yes	23	21%
no	86	79%
Total	109	

Comment from extended interview:

- Yes, but there are very few CLE criminal courses

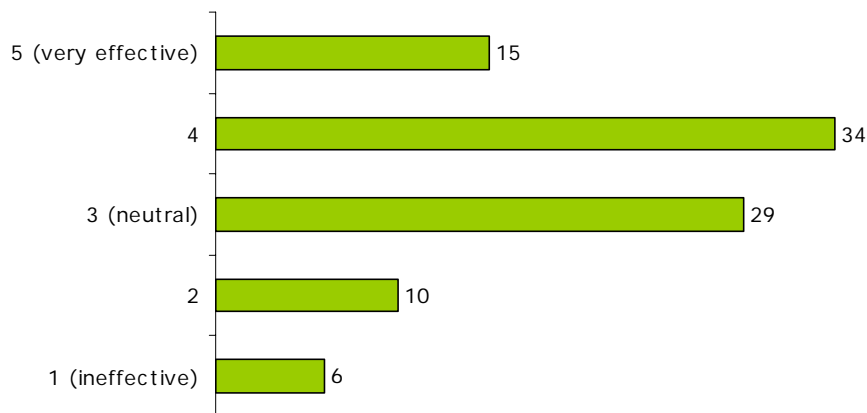
3. How influential is the discount in your decision to take a CLE course? Please rate on a scale from 1-5, where 1 indicates 'not at all influential' and 5 indicates 'very influential'.



Comment from extended interview:

- (3) there needs to be more criminal courses, but time away from the office is a problem.

4. Please rate how effective CLE courses and materials are in improving the overall quality of your legal aid practice. Please rate on a scale from 1-5, where 1 indicates 'ineffective' and 5 indicates 'very effective'.



Comments from extended interviews:

- This varies widely depending on the course
- If there were more, I'd rate it a "5".

5. Should LSS increase the discount for CLE courses?

Increase CLE course discount?		
Yes	80	74%
No	8	7%
unsure	21	19%
Total	109	

Comments from extended interviews:

- No. LSS shouldn't subsidize our CLE courses. This may promote the view that legal aid work is different than other defence work, which is not the case. The term "legal aid lawyer" is offensive because it implies that we're "less than".
- Yes, make them free

6. Should LSS develop CLE courses designed specifically for legal aid practice?

Custom CLE courses?		
Yes	41	45%
No	29	32%
unsure	22	24%
Total	92	

If yes, in which practice areas and on what topics?

- In all areas of practice for which LSS referrals are issued. Practice is different because we have significantly less time to deal with issues of at least the same complexity.....how should we vary our practice???
- Client management and professional development
- Family law, how to manage a family law file on a legal aid retainer in a way that optimizes the results for the client.
- Criminal
- Criminal, procedural and charter issues
- Criminal law & procedure family court procedure and argument
- Criminal child protection family
- Criminal and immigration
- Child Apprehension, a comprehensive overview for non-Ministry counsel. Family Law: less narrow 'one issue' courses and more comprehensive courses. Live Courses, not internet courses. A good comprehensive course on civil evidence rules.
- Intro. to child protection (CFCSA) practice
- Family law – child protection, access, custody and guardianship, spousal support.
- Family and criminal practice areas. Family: spousal support, cancellation of arrears
- Family, CFCSA, criminal
- CFCSA (2)
- Child protection for parent's counsel & youth charter issues
- Family emergency retainer, restraining orders, review of interim provincial court orders
- Family law
- This would be an excellent thing to do for legal aid lawyers. CLE courses designed specifically for legal aid practice should be in all areas of practice where legal aid provides referrals for i.e. child protection, family law and criminal law, immigration law, etc.

- Family legal aid and how to best represent the client with the resources available on LSS
- Criminal - sentencing options, working with Crown to achieve the best result for the client family - access: options to supervised access, community resources for supervised access; setting aside ex-parte orders; financial disclosure - options for forcing, working with FMEP for both payor and payee clients.
- Duty counsel especially the obligations of counsel when they are duty counsel and the way to conduct a comprehensive interview with in custody clients for bail purposes and what questions they should ask the clients for bail purposes
- Particularly with dealing with difficult clients, such as those who need mental health support
- LSS shouldn't do this, specific courses for legal aid lawyers further ghettoizes them.

7. Would you be more likely to take a CLE course if it were held live via the internet?

Likelihood of taking live online course		
Yes	48	43%
No	48	43
unsure	16	14
Total	112	

Comment from extended interview:

- Yes – but I feel very disconnected from the online course – would be better if even used still pictures of the speakers

8. Would you be more likely to take a CLE course if you could access it at your own convenience through an online archive?

Archived online CLE courses		
Yes	67	60%
No	31	28
Unsure	13	12
Total	81	

Comment from extended interview:

- Yes, but it would work better if I could do it with someone else at the same time.

9. Are there other steps that LSS could take to support your participation in CLE courses?

It is imperative that the cost of attending a CLE courses be reduced, either by LSS or CLE.

Steps to promote CLE		
Yes	43	53%
No	38	47
Total	81	

If yes, please specify:

- Travel subsidy to attend
- Yes - If CLE does more criminal course e.g.: frequent updates on the Charter/substantive criminal law
- Ensure CLE does more criminal law courses
- Provide live feeds of the course, not just the power point. Give a reduced fee for lawyers who live outside the lower mainland.
- More courses with content relating to LSS funded areas of law

- More local courses in outlying areas
- Courses in the city where I live
- Video repeats; access to the videos if cannot attend the video repeat (2)

- With a busy practice, it is often difficult to attend and/or take advantage of CLE offerings.

- Make them more affordable by offering discounts to those of us with largely LSS clients.

- Subsidize entirely so that lawyers from outside Vancouver are more easily able to take courses; at present the actual cost to a Vancouver Island lawyer for a course counting travel, hotel, meals & course cost is about \$800, while for a Vancouver lawyer is only the cost of the course.

- Pay for the course.
- Mainly financial incentives, especially for the first 3-5 years of practice

- Make them cheaper, a lot cheaper. They are far too expensive for poorly paid legal aid lawyers.

- Increase funding for courses
- Increased subsidies

- Offer courses that are relevant to our areas of practice. Courses should be offered in the weekend
- Hold them on non-court days less-expensive

- Travelling from out of town and to the course is more expensive for lawyers outside the Lower Mainland. Either provides a greater discount or an alternative for out of town lawyers
- Have a weekend schedule for criminal law cle sessions

- Hotel discounts - If we would get government rate that would really help costs for travelling to Vancouver. Or have a course or two in the interior. Many of my colleagues are not willing to travel.

- Keep the costs as low as possible. Make sure that legal aid relevant courses are available on video repeat, so as to cut down on transportation/accommodation costs.

- Practice groups, list serves
- More in-person courses
- See to it that more are available up-country in Victoria
- Reduce cost, especially for video repeats such as in Duncan, BC

- Increase the subsidy; legal aid fees are small in relation to private retainers; the CLE courses are pretty expensive
- The courses should be even cheaper for lawyers in the remote areas of BC, I am in the Kootenays. We not only have to pay for the course, but take two days (not one) off work, and pay for travel costs and accommodations

- Help with the travel costs
- It is my understanding that the 25% discount only applies to certain pre-determined courses. It would be helpful if all courses related to the legal aid practice area (in my case, family law) were eligible for the discount.
- Lower costs, perhaps by getting CLE to hold courses of interest in less expensive venues than fancy hotels
- More courses in Victoria
- Teaming up a course with some other LSS initiative (ie; how to manage a legal aid practice etc..)
- I know it is a lot to ask, but funding the CLE courses would help tremendously the legal aid bar. I know I would be helped a lot this way, as CLE courses are not cheap. We already provide a very discounted service to LSS by accepting referrals at such reduced rate. So it would be a way to assist both the bar and LSS too. You would have more prepared counsel, and more counsel accepting referrals reducing the stress on LSS to find people to do the work.
- Encouraging CLE in making courses more affordable for lawyers whose practice is limited to or focuses mainly on Legal Aid clients. Perhaps course fees based on fee income?
- Offer one free course each year (2)
- They are exorbitantly expensive given that in addition to paying the very high fee (for what I've received in the past), one must take days off work and lose money in that sense as well. If LSS offered free CLE courses or very large discounts (75%), that would make it much more desirable.
- Reduce the costs of attending; offer more bursaries

10. Which legal education providers should LSS work with to develop such courses?

- CLE (15)
- CLE and CBA (2)
- Justice Institute
- Quick Law; CLE, Trial Lawyers Association
- Federation of Law Societies national criminal law programme
- JIBC, Ministry of the Attorney General, Ministry for Child and Family Development
- TLABC and CLE and LSBC
- Justice/Crown Ministry of Children and Families
- UBC and UVIC Law Schools
- Trial Lawyers Association of BC (2)
- I like the Trial Lawyers seminar. It was very good both years.
- The Trial Lawyers criminal conference is much cheaper than CLE, and much more targeted to criminal lawyers. It would definitely be a good idea to partner with Trial Lawyers for criminal content, at least.
- Trial Lawyers (generally better value courses than CLE);
- More than just CLE, as there are other legal education providers who have courses of value: e.g. National Family Law Conference, Association of Family & Conciliation Courts, Trial Lawyers Association. In lieu of other CLE's this year I am going to the 2006 National

Family Law Conference at considerable expense and a discount would make it more appealing to others...

- It would be helpful if you worked with the lawyers in the north to help develop courses or with CLE in conjunction with the northern and other rural lawyers. It would be useful to us to have live courses without the requirement that we fly to Vancouver.
- CLE; the law society; maybe UBC law school
- I am not sure about this question, as I do not know what else is there besides the Law Society and perhaps other post secondary institutions
-
- CLE, UBC Law, Senior members of the bar
- Never been to a non-cle course, cle seems pretty good

J. Bar Recognition Initiative

Analysis: Half the respondents were aware of the initiative, but only 22% attended. Satisfaction was high and 48% thought they should continue to be held.

Respondents reported that promotion of public recognition for tariff lawyers in local communities would be helpful. They were also concerned about the cost of such events. Increased remuneration remains the recognition initiative that lawyers would prefer.

Questions: To date, LSS has held bar recognition events in Vancouver (2001), Kamloops (2004), Kelowna (2004), Terrace (2005), Prince George (2005) and Victoria (2006). The purpose of the events is to recognize the contributions of tariff lawyers in general, and to honour the work of individual lawyers who have made significant contributions to legal aid.

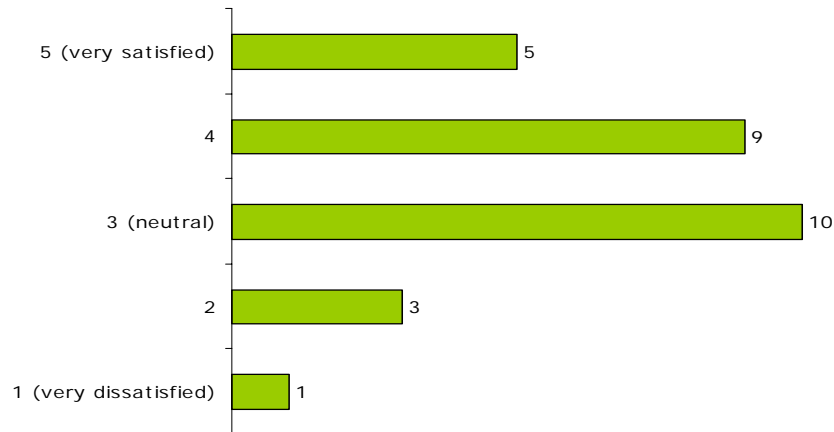
1 Are you aware of events held in your region?

Awareness of bar recognition		
Yes	55	49%
No	57	51%
Total	112	

2. Have you attended an event in your region?

Attendance at event		
Yes	24	22
No	85	78%
Total	109	

3. If you've attended an event, please rate your overall satisfaction with it. Please rate on a scale from 1-5, where 1 indicates 'dissatisfaction' and 5 indicates 'very satisfied'.



4. Should LSS continue to hold bar recognition events in each region?

Continue bar recognition?		
Yes	45	48%
No	21	23
unsure	27	29
Total	93	

Comments from extended interviews:

- No – the idea is good but it would be less expensive to have only one person from LSS fly up. Also – what are the criteria for being chosen to be honoured? It doesn't seem to recognize different styles of practice – honoured a person who takes everything to trial

5. How else could LSS recognize the contributions of tariff lawyers? (36)

- Personal correspondence from staff lawyers recognizing work done on individual files. Nothing big, just a little note for a job well done on a particular file. Rarely does counsel receive any feedback from an LSS client.
- Even an occasional letter of thanks might make us feel good
- Practice and legal education assistance is great. We know you can't pay a reasonable rate, so the alternative in reducing the cost of practice is sensible. You might even want to try working mentorship programs in, to attract the new lawyers and keep the old. My only complaint about your recognition dinners/events is that at least here the co-ordination with the local press was non-existent. The local bar could have helped you get a real media boost out of the event, but we weren't called on.
- Any publicized thanks is likely going to be appreciated
- Positive publications. Most are recognized in the media which isn't always a positive reflection of the work. IE Criminal clients get 'free' lawyers.

- Public acknowledgement to the various bars, publication, etc. to improve our status with those members of the bar who don't take legal aid. Other legal aid lawyers know who we are. Non-legal aid lawyers are usually operating under prejudices established by a much older system and tend to look at legal aid lawyers as second-rate scrubbers.
- Financial remuneration
- Pay them more (9)
- Pay us more so our kids can eat as well as us.
- Pay rates at the level they did in 1991.
- Pay us bonuses
- The best way that LSS could recognize contributions of tariff lawyers is to improve the Tariff. There are many roadblocks to helping clients with complicated family law problems. Sometimes one issue is covered by LSS but not others and yet as counsel we often want to deal with everything so there is closure for our clients. Improving the tariff would include expanding coverage for clients and of course, increasing the rate that is paid to the lawyers
- Increase the tariff on criminal.
- Pay lawyers properly (current legal aid criminal tariff is about 25% of normal rate)
- Spend less on things like recognition dinners and put the money where it really matters to lawyers who do legal aid work, by increasing the tariff rates
- Make it easier to get a few more hours of general preparation for cases where 20 or 24 hours (for example) would settle the matter, but 14 hours are not enough. I have cases which take only 6 hours and others that need an extra 10 just because of the complexity. It would be nice to be able to access a few extra hours when necessary instead of scrambling and having to work pro bono because I accepted a legal aid referral.
- Getting rid of the holdback was a good start; increase the tariff for senior counsel and liberalizing the tariff items was a good start; increasing the tariff to \$100 to \$125 per hour and more generous fees for items (so they would be about 1/4 to 1/2 the going private rate would be the best way to recognize the skill, dedication and effort of lawyers working on the legal aid tariff.
- I have written to and met with David Griffiths to identify the concerns of the local immigration bar. In general, my colleagues and I feel that we are grossly underpaid for our work and that the paperwork involved in preparing a case for a refugee hearing is excessive. (Requiring authorizations for translations requires multiple steps, back and forth between the translator and LSS, having to request disbursements, etc.) The immigration bar would feel more "recognized" if our work was accorded more value through higher fees and if we were not required to seek permission to proceed with essential steps (i.e. translations, interpretation, etc.) throughout the process. That would be more meaningful than a "recognition event."
- Good open lines of communication, especially those areas outside of lower mainland
- If rarely held so that they mean something, they are appropriate
- Last time I answered this question I said T-shirts but everyone laughed at me
- There has not been an event in my area which is the Kootenays. Kelowna, the closest is a 4 hour drive away (on good summer roads) we were not even included.
- I think that LSS has done a great job of turning itself around and improving speed of service and in getting the financial house in order after the Govt stripped it.

- By listening to what we have to say. Hire people who have actually practiced legal aid law to run such departments as Tariff and Disbursements. LSS talks about having concerns maintaining the number of Private Bar lawyers who do legal aid work - but every time I call managers at LSS to ask for assistance with an issue I am made to feel like I am bothering them. I am not the only one who feels this way. It is hard not to get the impression that we are thought of as money grabbing nuisance that ought to be tolerated
- You could work at improving the attitude of your staff at investigations and audits. It is extremely frustrating to work at the LSS rates then to get "nickel and dime" letters from your audit people. It makes the lawyer feel that they are not appreciated
-
- Since I do not know how the tariff lawyer was recognized for his or her work, I cannot comment.
- What I noticed was that (mainly) women and children in the province are not properly represented by counsel anymore, yet there appears to be all this money to put lawyers up in fancy hotels and feed them fancy meals. Put the money back with the people. Us lawyers do not need it!
- Not sure
- It's a waste of money when the budget is so tight and the tariff so low
- I don't see the need to do this
- This is a political question to ask.

K. Mentoring

Analysis: Awareness of the mentoring program was high. This might be because it has recently been launched and promoted. Respondents valued the initiative, but are unsure of its effect on improving quality among new lawyers.

It's possible that experienced lawyers are apprehensive about mentoring because they believe they will have to invest time learning how to mentor. A lot of solo and small firm lawyers do not even accept articling students, let alone engage in a formal mentoring program. There is also concern and confusion about the remuneration for the program.

LSS could illustrate an example of how mentoring has worked, either formally or informally by using testimonials and real-life examples published on the website and in LAF.

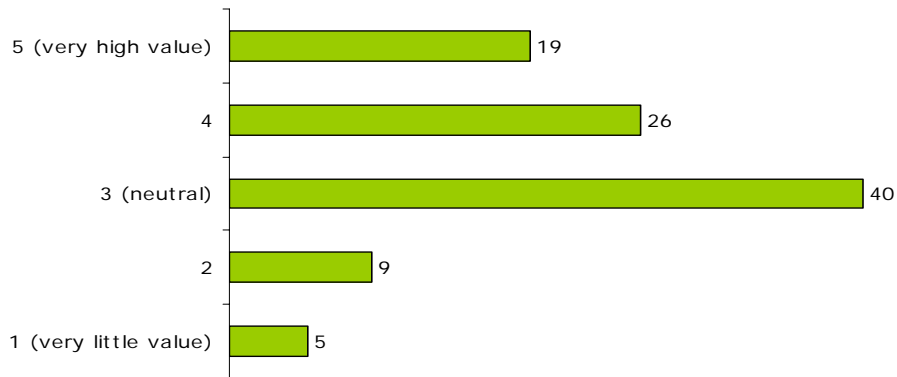
More lawyers were neutral about the mentoring program (or the idea of mentoring) than in the 2002 survey (40% in 2006 compared to 26% in 2002).

Questions: In December 2005, LSS introduced pilot projects to promote mentoring within the tariff bar. Lawyers with less than five years experience can request LSS authorization to receive mentoring assistance on their own cases, or to work as an apprentice counsel on a case assigned to an experienced lawyer.

1. Are you aware of the LSS pilot projects to promote mentoring?

Awareness of mentoring project		
Yes	82	73%
No	30	27
Total	112	

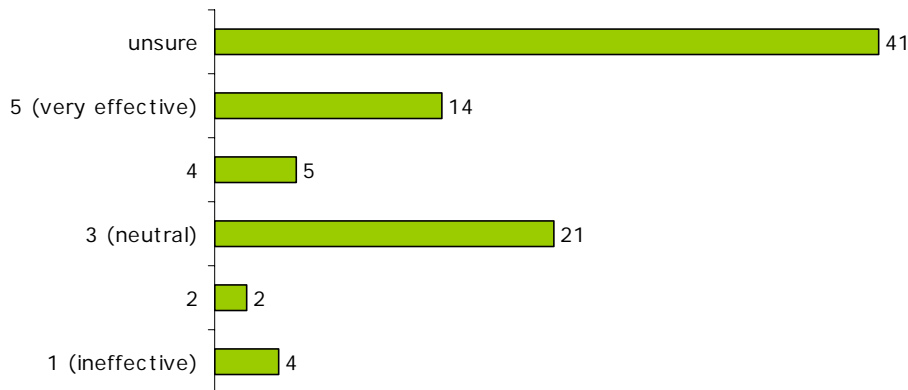
2. How much value do you place on the mentoring pilot projects? *Please rate on a scale from 1 to 5, where 1 indicates 'very low value' and 5 indicates 'very high value'.*



Comment from extended interview:

- We need a senior to give mentoring presentations (how-to mentor)

3. Please rate how effective you think the mentoring program will be in improving the quality of services to legal aid clients. *Please rate on a scale from 1-5, where 1 indicates 'ineffective' and 5 indicates 'very effective'.*



Comments from extended interviews:

- Informal mentoring also happens a lot
- Too many lawyers are forced to jump in by virtue of economics without adequate training. (criminal, Victoria, 25+ year call)
- Articling is a joke!
- Billing for mentoring is good.

4. What other steps could LSS take to promote mentoring within the tariff bar?

- Get the right mentors
- Have a list of available mentors
- Offering more opportunities to provide junior lawyers on cases.
- Don't call it mentoring, call it helping each other.

- Create more awareness of the project at the intake level; i.e, have intake workers suggest the program to less experienced lawyers at the outset
- The mentoring program is flawed. No-body will be interested in being a junior on a regular basis at a rate of \$ 40 an hour. Most legal aid lawyers are sole practitioners - Try running an office (with an overhead) on that rate. Only someone who has never run a business would think \$40 an hour is a rate that would attract competent juniors.
- There you go. I didn't know you were promoting this. Actually, I may have seen some reference in an earlier release, but I'm not sure it's even operating in our region/practice area (Kamloops Family). Good idea. I hope it catches on.
- Get the word out that it is available. I didn't know about the apprentice counsel aspect.
- Subsidizing article students
- Our community is so small that I don't think it applies here. Maybe, if a new lawyer joined the community and was interested it could be helpful.
- Increase the hours so that a senior lawyer can act as co-counsel with the junior lawyer at the preliminary hearing, and the trial on serious matters.
- Get your local agents to host local meetings to determine how things are going vis-a-vis tariff matters
- Make it easier to get a lawyer approved for assistance. Do not limit it to one big case (where one could often get second counsel assigned anyway)
- Why not a list serve or members only message forum for lawyers to ask other counsel questions
- Assigning junior counsel to senior counsel on certain files without a request by either to work together on the file
- The best way is simply to provide more junior referrals. Senior lawyers are eager to have juniors if they can get approval from LSS, and this is absolutely the best way for the senior counsel to help train younger lawyers. It's an investment in training younger lawyers when the senior lawyers retire.
- I am concerned that part of the mentoring program is tied to budget constraints. It is very hard to get Junior counsel fees on LSS (SCAP) cases. Why not tie Junior counsel authorization to a mentoring system.
- I have not yet mentored a junior lawyer, but believe this is a very valuable service
- It's a good idea, but people who apply for it get turned down.
- I have not yet been involved in this programme (2)

L. Client Expectation Form

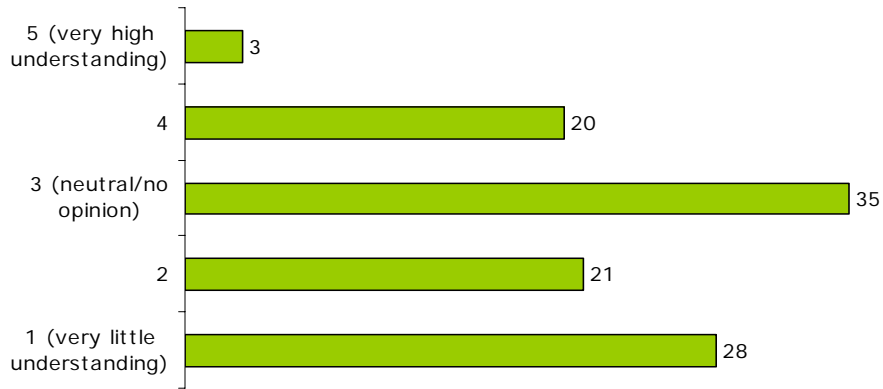
Analysis: Awareness of the client expectation dropped severely between 2002 and 2006. In 2002, the form was being piloted in the Surrey Office, but more lawyers knew about it. Estimation of the level of clients understanding of service standards has dropped slightly – an increased number of respondents had no opinion on the topic.

If LSS plans to continue use of the form, awareness of it's purpose and availability should be increased via communications to both the legal community and the general community,

Lawyers expressed willingness to hand the form out to clients at the initial meeting, along with a retainer letter outlining what will and will not be done on their behalf. They also report tha there are comprehension issues with clients, such as literacy or state of mental health that inhibit use of the form.

Questions: In 2002, LSS developed a pamphlet entitled "What You Should Expect from your Lawyer" as a tool to help the society and tariff bar establish realistic service expectations when clients are granted coverage. It is given to clients who are approved for coverage and is also available via the LSS website.

1. At the outset of a case, do legal aid clients understand the service standards they can reasonably expect from you? Please rate on a scale from 1-5, where 1 indicates 'very little understanding' and 5 indicates 'very high understanding'.



Comments from extended interviews:

- I have no idea
- Some do, others don't
- Clients are concerned they will just be "run through the legal aid mill"
- (3) In high-conflict cases, clients need to have a better understanding.
- (1) Clients try to use it for everything/"multi-shopping"/ they try to add on issues.

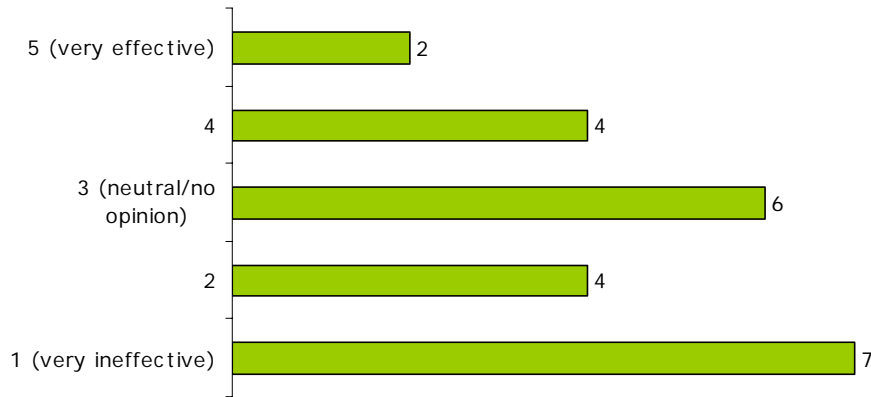
2. Were you aware of the client expectation form?

Awareness of expectation form		
Yes	21	19%
No	91	81%
Total	112	

3. Have you ever discussed the client expectation form with a client?

Discussion of expectation form		
Yes	7	18
No	32	82%
Total	39	

4. How effective is the client expectation form in helping legal aid clients to understand the service standards they can reasonably expect? Please rate on a scale from 1-5, where 1 indicates 'ineffective' and 5 indicates 'very effective'.



Comment from extended interview:

- It could be shorter

17. How else could LSS improve clients' understanding of the service standards they can expect from you? (27)

- It is up to the lawyer to set client expectations. Train them on how to do this and apply boundaries.
- Newspapers, notices. People in the north don't know where they can go anymore – especially in cases of poverty law. Aboriginal communities feel ignored re: access to justice for poverty issues. Need more access up north – don't have as much access as people do in the south.
- The Canadian Bar Association has provided a similar publication to the public. I think the general public tends to access the various Bar Associations for such information as opposed to the Legal Services Society or the Law Society. But I do believe that this information should be available from all legal professional organizations, including LSS.
- Ensure at the intake stage that they received, read and understand this letter of standards.
- Enclose a copy of the expectation form with their acceptance.
- They could provide lawyers with the form to give to clients.
- The LSS staff could also advise clients of this information as well. It could be given to each client when a lawyer is appointed.
- Brief explanation on intake may assist
- Standard letter of commitment
- Retainer letters as an enclosure in point form. The client must sign it and return it.
- Retainer letter precedents
- Spell out more plainly on the LSS Retainer (and ensure client gets a copy) exactly what is covered, and what isn't.

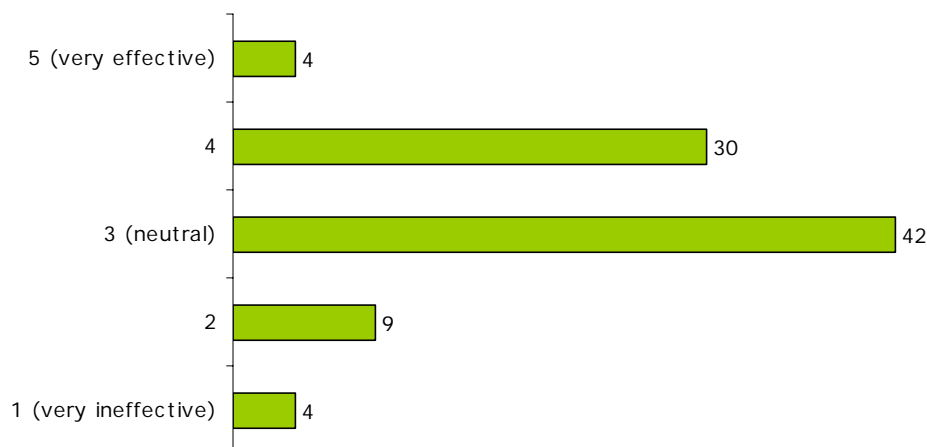
- They could provide precedents or templates for letters that we could supply to our clients.
- Clients often do not hear anything except what they "want"; they do not recognize the difference between "wants" and "possibles". It takes constant repetition to reinforce what is possible and separate it from what the client wants, which is often not possible for 2 reasons: (1) it can't happen in law, and/or (2) it can't happen within the strictures of what LSS will pay for. Clients often expect the lawyer to perform as if there was an unlimited budget. At intake a client should be forcefully & gently be told what is and what is not possible so they do not arrive at the lawyer's office with unrealistic expectations, saying things like "the legal aid clerk told me you would be able to do such and such for sure" and when told it can't be or is problematic, they argue and say they were promised and the lawyer must be no good.
- Specifically in family law cases, the clients should be made aware of billable time limitations and the client should provide more written information to assist in affidavits and preparation.
- Tell them what you pay us and what the going market rates are before they show up at our offices and start asking for the moon.
- Clients not sophisticated enough to even read the forms...
- Understanding service standards is not a concept clients should be expected to deal with
- I'm not sure what you mean, actually. My standards of practice are no different whether the client is private or legal aid. Sometimes I have to reassure them of that -- but candidly this whole question doesn't come up much. When I know the referral won't cover the entire file, we have to discuss those limitations. Even here, though, concerns are few - - maybe because I don't like taking referrals I know are too restricted for me to get the job done.
- I don't understand the question. All my clients get the same service standard. With private clients, I need to discuss retainers and with legal aid clients I explain that the number of hours is limited, and there for limits what I can do for them. I need to see the form before commenting.
- Talk to them. Such a high percentage of these people have defects in understanding that relying on a form will not generally work. I am not suggesting that this be added to tariff bar duties as I think we do enough for clients without dealing with that issue as well.
- My answer to this question is "I don't know." It is difficult for clients to really understand the legal issues they face whether criminal or immigration; it is a challenge to get them to understand the legal process itself sometimes.
- I have had to do my own lengthy retainer letter that explains the limitations on what I can provide on LSS - no representation is Supreme Court as far to few hours allowed - once LSS hours run out, I am no longer retained, unless privately - I may need LSS authorization for expenses which delays matter - they must advise me of financial changes and may then be off LSS
- Perhaps give them a copy of the legal aid tariff in family and CFCSA matters so they know what the limits in hours there are to the tariff
- Communicate clearly that LSS does not provide much in the way of time for services.
- LSS does all that it can, there has to be communication by the lawyer to the client as to what to expect
- I think that it is up to the individual lawyer to explain to the client what he/she can expect in way of service

- Maybe having it in writing from LSS and provided to counsel along with the referral would be a way to make sure all parties know what to expect. So the client should have a copy of the document as well. Whatever it is done in writing and that is to be provided to the client should be developed in consultation with the legal aid bar
- It has less to do with what they can and should expect from us and more to do with how to curtail unreasonable expectations of clients who are not paying their own bill and expect outrageous time to be put in by the lawyer for minimal return (financially) when you know that if the client was paying the bill, they wouldn't ask you to do that particular task.
- I repeatedly hear from clients that they did not get good service in the past because their former lawyers were "legal aid lawyers". I believe that this is in part fostered by some members of the profession that tell clients that they don't have as much time to spend with their clients because they are on "legal aid". I believe that the bar should be instructed that if they are not prepared to spend the appropriate amount of time on a serious case for a client, they should not accept the referral. I assure the clients that I represent on legal aid that they can expect no less from me than the very best that I can do for them.
- There's not much they can do. Many criminal clients are marginalized. People aren't paying: they don't appreciate legal aid work (i.e. they don't show up). I only do serious crime because I think people need representation when their lives are on the line.

Section III: General Feedback

1. Please rate the overall effectiveness of the Quality Assurance initiatives in promoting best practices. Please rate on a scale from 1-5, where 1 indicates 'ineffective' and 5 indicates 'very effective'.

There are more positive than negative views. Many respondents were unaware of initiatives, so the large number of responses that indicated neutral views on the overall effectiveness of the initiative is not surprising. Respondents may also have been unsure of what was meant by "best practices".



2. Please rate the individual quality assurance initiatives in terms of relative importance for you. *Please rate on a scale from 1-5, where 1 indicates 'not a priority' and 5 indicates a 'very high priority'.*

Initiative	1	2	3	4	5	n/a
CLE course discounts	10	6	20	31	39	2
CLE Case Digest Connection subscription	4	4	15	29	50	4
LSS website improvements (adding resources and precedents)	2	11	29	37	26	1
Membership in TLABC criminal law list-serve	15	14	16	21	22	16
Client expectation form	32	21	26	12	6	8
Access to LAO Law legal memoranda	13	15	29	23	15	10
Bar recognition events	37	26	21	10	7	4
Mentoring program for new lawyers	12	22	27	13	22	6
Expert witness database	7	14	43	24	14	3
Practice checklist for legal aid work	15	18	31	27	13	1
LSS sponsored CLE conferences	9	7	24	34	29	3
Electronic newsletter with practice tips	3	7	30	35	26	4

General comments about quality assurance:

- I'd also like the electronic newsletter with practice tips in hard copy.
- LSS sponsored CLE conferences would be better if they covered the cost of the flight, mentoring would be better seen as "join the club"
- No one reports a tariff lawyer's incompetence (unprepared/too many adjournments) – everyone just "circles the wagons"
- The initiatives are effective in areas they can help in, but not as effective as paying us more would be.
- Trust the lawyers to deliver, but don't trust too much... make quality of service a contractual term of the referral
- You should look at the results we obtain for clients. You should talk to the people who we appear in front of and opposite of. LSS management should be trying to obtain direct feedback from us with respect to some of the issues we deal with everyday, instead of spending inordinate energy building empires at head office.
- LSS website has greatly improved. Family Tariff non-emergency (full service) needs to be restored - I see too many unrepresented women (and children) in poverty not able to have a voice in court or get railroaded in to bad deals or bad orders because their ex can afford a lawyer and they can not. The playing field is not equal. In many cases the scales

of justice are tipped in the favour of those with money for a lawyer at the expense of those who do not. This is happening in other areas as well that used to be covered by poverty law services.

- Keep up the great work
- Now clients have two different bodies to complain to.
- It is obvious that LSS has made great strides in the area. Good Luck in the future.
- Some of the quality assurance initiatives are excellent as indicated by my answers to this questionnaire. However, to the extent that us little gerbils are being asked to run on the wheel harder and faster, the best way to recognized and motivate capable and dedicated lawyers to take LSS referrals is to ensure that the tariff items and hourly rates keep pace with what we lawyers have to pay our plumbers and car technicians.
- There has been far too little notice given of these incentives being available. I only learned of the course discount from CLE when I asked them about their old program. The CLE conference I learned of at the last minute from fellow counsel. And I am regularly on the CLE, LSS and Law Society websites. The low marks for 74 are for programs I just learned of by doing this survey. It makes me suspect that LSS is more motivated to say these programs are available than having them actually used.
- I think the LAO legal memoranda should be more accessible. The application process is discouraging because I don't have much time as it is.
- I especially appreciate getting resources through LSS that I couldn't otherwise get (e.g. expert witness database)

4. Would the initiatives mentioned above be an incentive for you to accept more legal aid cases, should there be a demand? (Extended interviews only).

Yes: 2 No: 4

Comments:

- Yes, but it would be small. More money would be better.
- Maybe. I don't do a lot, but I'll take on a case if it's interesting.
- No. I do legal aid as my duty, but please make it easier to do.

Natasha Chetty
Principal – Isis Communications
August 17, 2006