

Family Tariff



Legal
Services
Society

British Columbia
www.legalaid.bc.ca

Family Tariff

General Tariff Information

This chapter of *LSS Tariffs* provides information about how LSS will compensate you for family law services that you provide to clients. For general information about the terms of your contract with LSS, see *General Terms and Conditions*. For information about billing family appeals referrals, see *Appeals and Judicial Reviews*. For information about billing disbursement items, see *Disbursements*.

Scope of the family referral

Each family law referral identifies the primary issues for which the referral was granted (“reasons for referral”). These issues generally involve emergency or high conflict situations (current coverage and eligibility guidelines are outlined on the LSS website under Legal Aid — Legal Representation). The services you provide to your client should focus on the issues identified on the referral. If after addressing the issues listed on the referral you find you have time remaining, you may address your client’s significant related family legal issues. If you need more time to resolve the issues listed on the referral, you may apply for Extended Services (see below).

You may discover after the first meeting with your client that he or she does not have a coverable issue. In this situation, you should provide LSS Intake with your opinion that there is no coverable issue and your client must return to LSS for reassessment before you proceed with the referral. LSS will determine if there is any issue that can be covered.

If your client has significant property issues in addition to his or her primary issues, please refer to the LSS Settlements and Judgments policy.

Scope of a protection order referral

You may receive a limited referral (“protection order only”) if your client requires a protection order under the Family Law Act (FLA) and does not otherwise qualify for a family law referral. Such referrals may be issued for family members, as defined by the FLA. The protection order referral provides a limited amount of general preparation and actual court attendance. The referral authorizes you to obtain a protection order for the family member. It is not intended to resolve ancillary issues. Extended Services hours are not available for protection order referrals.

Extended Services

Extended Services are available for eligible clients whose primary issues require more time than was specified in the initial legal aid referral. To be eligible for the hours available under Extended Services, your client must have a current family law referral and continue to qualify for legal aid. LSS then considers merit, available budget, and whether:

- there are significant contested issues involving sexual, mental, or physical abuse of the client or the client's children,
- the opposing party is using the justice system to continue a pattern of abuse or is preventing the resolution of a significant coverable issue,
- there is significant risk of the client being alienated from his or her children,
- the client or children may be left at risk if coverage of the case is discontinued, and/or
- resolution of guardianship/contact or custody/access issues will have a significant positive impact on the relationship between the client and his or her children or on the environment in which the children are raised.

Merit considerations for extended services include whether:

- the underlying issues that entitled the client to the initial family referral have not been stabilized;
- resolution will have a significant impact on the client's ability to maintain their or their children's safety or the client's basic ability to feed, clothe, and house themselves or their children;
- there is a reasonable likelihood of success;
- a reasonable person of modest means would themselves pay to pursue the case;
- the client has made good faith efforts to negotiate a settlement where appropriate;
- existing interim orders (that are not ex parte) do not provide sufficient stability for the client's situation so that it is necessary, rather than merely desirable, to obtain a final order;
- hours available under the family tariff have been reasonably used to address the primary issues that entitled the client to the referral, and

- there is remaining LSS budget available to fund the case.

To apply for Extended Services, please submit an Extended Family Services Opinion Letter to the Vancouver Regional Centre (Case Management Section) by fax at 604-681-7963. The letter is available at www.legalaid.bc.ca under Lawyers — Forms and questionnaires. You can still use any hours remaining from the initial referral if you are approved for Extended Services.

Timekeeping

You are not required to produce timekeeping records when submitting accounts. However, you must keep timekeeping records for each referral and retain them for at least five years from the date of payment. LSS may ask you to produce these records as part of our audit process, or when considering requests for extra fees or Extended Services hours. If you prefer, you may use the timesheet provided on the LSS website under Lawyers — Forms and questionnaires. You can also view an example of a completed timesheet.

Billing Items

When billing items for family law referrals, always record the actual time spent (in total hours) as specified in your time records. All items are billed in hourly increments accurate to 10ths of an hour unless noted otherwise.

Use the information in this section when billing online (“e-billing”) through the Lawyers e-services section of the LSS website.

General preparation

- Includes all basic preparation for a family law referral that you cannot bill elsewhere. As well, if you have used the maximum hours available to you under another specific tariff item, you may bill any outstanding hours as general preparation. General preparation includes the following, (as applicable):
 - interviewing your client or witnesses
 - taking instructions
 - preparing correspondence
 - preparing and filing court documents
 - negotiating settlements
 - working with expert witnesses
 - preparing written arguments
 - drafting separation agreements, minutes of settlement, or consent orders
 - preparing for applications and hearings
 - preparing for case or settlement conferences
 - Examinations for Discovery
 - preparing and submitting an opinion letter for Extended Services

Up to 25 hours
Family law referral

Up to 7 hours
Protection order referral



Extended Services — General preparation

- Please note that authorization is required to bill this item.
- See “General preparation” above for guidelines on when to bill this item.

Up to 25 hours

Preparation for Supreme Court

- Includes preparing for cases that are in the Supreme Court (e.g., drafting pleadings and document disclosure, preparing or responding to a Supreme Court application to establish interim orders, preparing for Examinations for Discovery, or preparing for trial or summary trial).
- Provide the court file number and the delivery date for each motion for which you are billing preparation.

Up to 10 hours

Extended Services — Preparation for Supreme Court

- Please note that authorization is required to bill this item.
- See “Preparation for Supreme Court” above for guidelines on when to bill this item.

Up to 15 hours

Preparation for out-of-court dispute resolution

- Includes preparing your client for mediation sessions, arbitration, or collaborative settlement meetings (such as formal collaborative meetings or other interest-based settlement meetings where negotiations are conducted in the presence of your client, opposing counsel, and the opposing party).

Up to 10 hours

Attendance for out-of-court dispute resolution

- Includes attending mediation sessions, arbitration, or collaborative settlement meetings (such as formal collaborative meetings or other interest-based settlement meetings where negotiations are conducted in the presence of your client, opposing counsel, and the opposing party).
- Note: The conditions for retaining a mediator or arbitrator are in the *Disbursements* chapter of *LSS Tariffs*. The cost of a mediator or arbitrator is to be shared between the parties unless prior authorization has been granted by the Case Management Section.
- Provide attendance date(s) and actual time spent.

Up to 15 hours

Attendance for court processes

- Includes appearing in court for hearings of interim applications or at trials, attending a case or settlement conference convened by the Provincial or Supreme Court, and attending Examinations for Discovery.
- Provide the hearing date and the actual time spent in court. Bill from the time the appearance was scheduled to begin to its conclusion, excluding meal breaks.
- Note: If hearings are set on the same day for more than one client, distribute waiting time in court equally between clients. Do not bill the same waiting time more than once.

Actual time

Travel

- Billable per half day of travel to or from a hearing or to interview a client in custody if the trip exceeds 160 km per round trip.
- Also billable for each half day you remain at the location (provide your destination and your travel date).



- You can bill travel fees if “Authorized” appears beside “Travel” under the “Conditions of Referral” on your referral form. If not, you must apply to the Case Management Section for prior authorization.
- The maximum travel and out-of-office fee *on one date* is \$360, unless you bill other services for the same day, in which case the maximum is \$180.
- Travel fees are paid per trip, not per client.
- Note that if you fly between Victoria and Vancouver, you are not entitled to travel fees.

\$180

Closing fee

Important: Under Notice to Counsel #87, the closing fee will be eliminated effective March 31, 2014. LSS will not pay a closing fee for any account submitted on or after April 1, 2014, no matter when the referral was issued.

- Billable once per referral on the final account that you submit along with the final results form. This fee compensates you for the steps associated with the conclusion of the file, including:
 - providing materials to the client,
 - preparing accounts to submit to LSS, and
 - preparing the file for closure.
- To bill the closing fee, you must have met in-person with your client at least once.

\$100

List of Tariff Codes

Billing items	Tariff code
General preparation	1005
Extended Services — General preparation	1500
Preparation for Supreme Court	1025
Extended Services — Preparation for Supreme Court	1510
Preparation for out-of-court dispute resolution	1046
Attendance for out-of-court dispute resolution	1047
Attendance for court processes	1090
Travel	1750