



# Legal Services Society

## Local Lawyer Incentive Survey

Prepared for:

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September 21, 2018 **[FINAL]**

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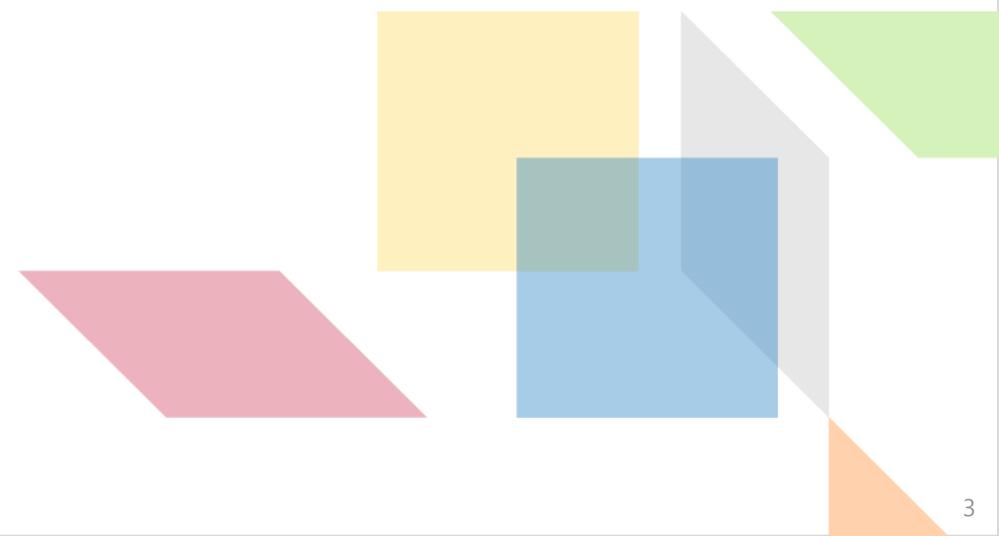
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# Background, Objectives & Methodology



# Background, Objectives & Methodology

## Background & Objectives

The Legal Services Society (LSS) provides legal information, advice and representation services to low income British Columbians facing legal problems.

LSS has been having difficulty finding enough local lawyers for family and child protection contracts in certain areas of the province. LSS has been working with the Ministry of the Attorney General (AG) to develop possible solutions to this challenge and have come up with an incentive-based compensation plan. The plan involves paying an incentive of \$500 per legal aid family or child protection contract that a local lawyer takes on. The incentive program only applies to BC communities in which fewer than 90% of family and child protection contracts have been placed with local lawyers.

LSS conducted an online survey with legal aid lawyers affected by this incentive.

The specific objectives of this survey are to gather feedback from lawyers on the proposed Local Lawyer Incentive Plan, including:

- › Measuring the impact the proposed \$500 incentive will have on:
  - › The likelihood of taking on more legal aid family and/or child protection contracts
  - › The number of legal aid family and/or child protection contracts taken
- › Collecting feedback on the proposed incentive program and suggestions for other incentives to encourage lawyers to take on more legal aid family and/or child protection contracts

## Methodology



356 email invitations were sent to lawyers working within 80 kilometres of a community where fewer than 90% of family or child protection contracts are accepted by local lawyers (List provided by LSS)



4-question survey took approximately 3 minutes to complete online



Survey was open for participation from August 8-23, 2018



Reminder emails were sent to non-responders on August 16, 2018



Prize draw for 2 - \$200 gift cards for Amazon, Chapters or Visa was offered to help boost response rates

**163 surveys were completed by local lawyers (46% response rate)**



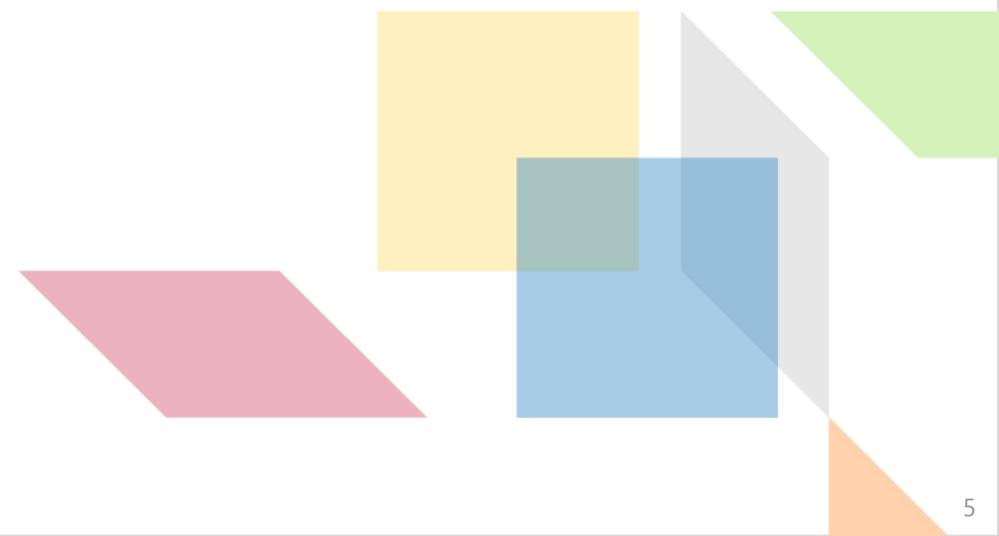
At the data tabulation stage, mathematical weighting was applied based on total family/child protection contacts taken in 2017/18 within each region



The margins of error for a sample size of 163 at the 95% level of confidence is  $\pm 6\%$ .

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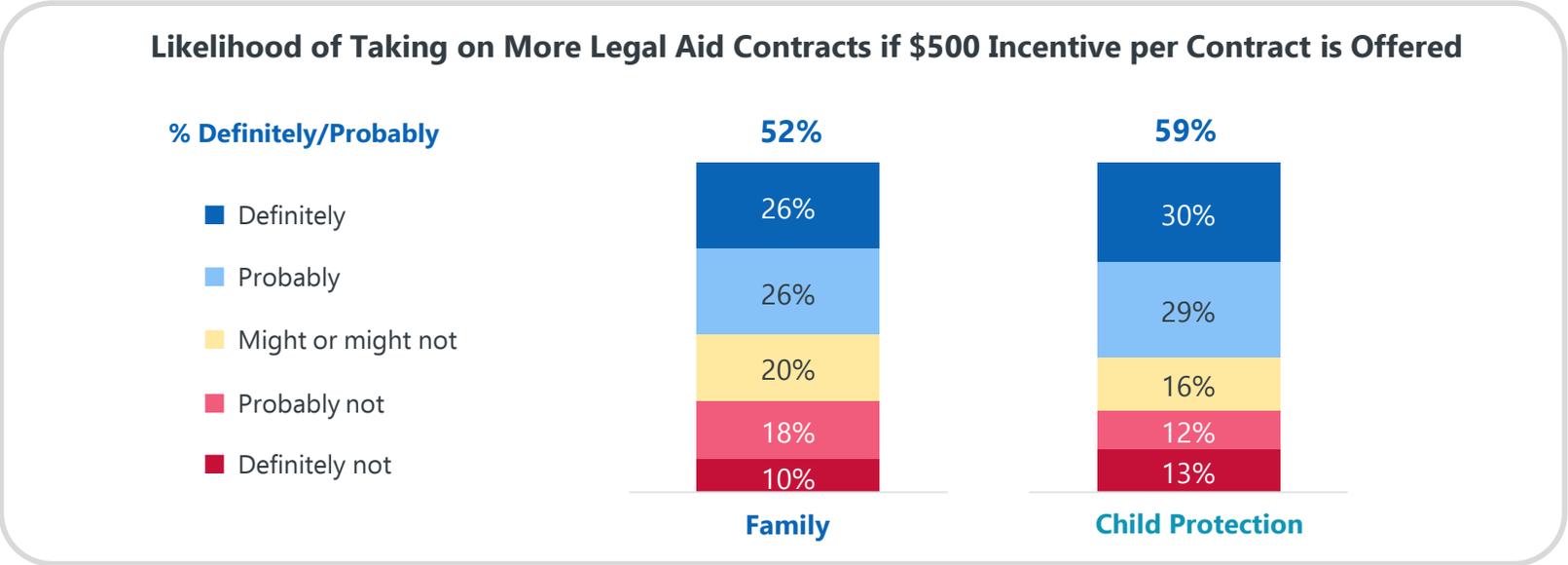
# Highlights



# Highlights | Overall

The proposed \$500 incentive would motivate 52% to 59% of lawyers to say they would take on more legal aid family contracts and/or child protection contracts.

- › Specifically, among lawyers working within 80 kilometres of a community where fewer than 90% of family or child protection contracts are accepted by local lawyers, 26% predict they would *definitely* take on more family contracts and 30% predict they would *definitely* take on more child protection contracts as a result of the \$500 incentive.
- › When *probable* intentions are included, the likelihood of lawyers taking on more family and/or child protection contracts increases to 52% and 59%, respectively.



For both family and child protection contracts, among lawyers who are likely to take on more contracts, the average number of additional contracts a lawyer would take on in the coming year is five (5).

Although some lawyers agree that the proposed incentive program is a step in the right direction, lawyers continue to push for increasing the tariff.

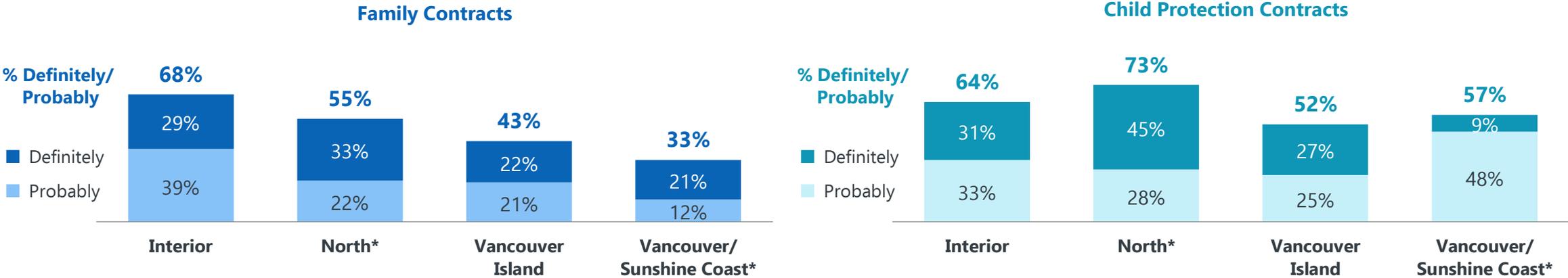
- › Increasing the tariff is the top mention when asked what else would incentivize them to take on more family and/or child protection contracts *and* when asked for feedback on the proposed incentive program generally. Some lawyers go as far to mention that the money budgeted for this incentive program should be instead allocated towards increasing the legal aid tariff.

# Highlights | Regionally

From a regional perspective, lawyers practicing in the Interior and the North are generally the most positively motivated by the proposed \$500 incentive. However, there are differences by type of law.

- › **Interior**
  - › Type of law not a factor as intentions to definitely or probably take on more contracts if the \$500 incentive is offered are similar for both family and child protection contracts.
- › **North**
  - › \$500 incentive is more motivating when it comes to child protection contracts, but 55% still predict they would definitely or probably take on more family contracts if the incentive is offered.
- › **Vancouver Island**
  - › Type of law is less of a factor as intentions to definitely or probably take on more contracts if the \$500 incentive is offered are only marginally greater for child protection contracts.
- › **Vancouver/Sunshine Coast**
  - › \$500 incentive is more motivating when it comes to child protection contracts - 57% would definitely or probably take on more child protection contracts versus 33% when it comes to family law contracts.

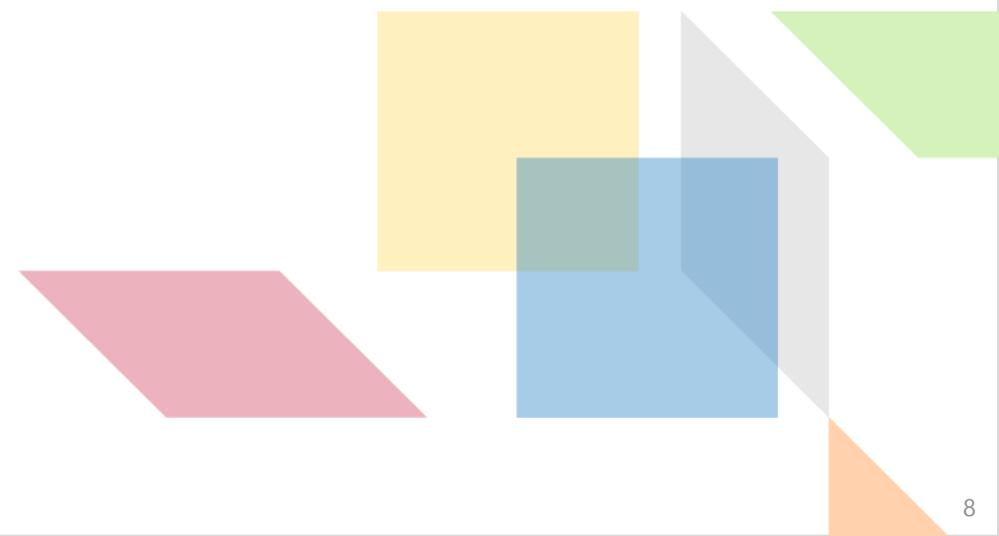
Likelihood of Taking on More Legal Aid Contracts if \$500 Incentive per Contract is Offered



\*Caution: small base size



# Summary of Findings

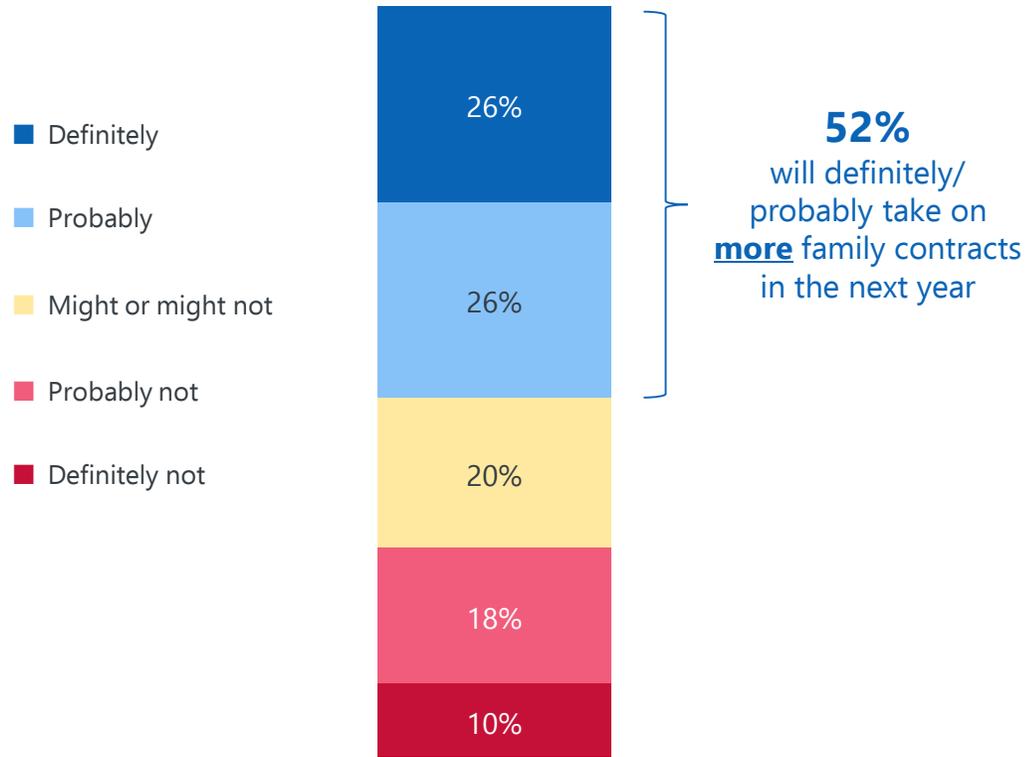


# Likelihood of Taking on More Legal Aid Family Contracts



- › The proposed \$500 incentive would motivate half of lawyers to accept more legal aid family contracts in the coming year. One-quarter indicate they definitely will take on more contracts if the incentive is offered.
- › Lawyers practicing in the Interior/East Kootenays are most likely to expect to take on more family contracts, as are those who are newest to representing LSS clients.
- › The most seasoned lawyers are significantly less likely to be motivated by the incentive.

## Likelihood of Taking on More Legal Aid Family Contracts in Next Year Compared to 2017/18



### % Definitely/Probably by Subgroup

Region	Van/Sun Coast (n=7*)	Van Isl (n=59)	Int/East Koot (n=23*)	OK/West Koot (n=31)	North (n=18*)	North-west (n=15*)
	33%	43%	76%	61%	49%	62%

Years Representing LSS Clients	<3 years (n=24*)	3-10 years (n=55)	11-20 years (n=31)	20+ years (n=43)
	76%	56%	58%	29%

Years Since Called to the Bar	<5 years (n=29*)	5-10 years (n=41)	11-15 years (n=17*)	16-25 years (n=31)	26+ years (n=35)
	62%	63%	68%	42%	36%

\*Caution: small base size (n<30).

Base - Among lawyers able to provide an answer (N/A responses not included): (153)

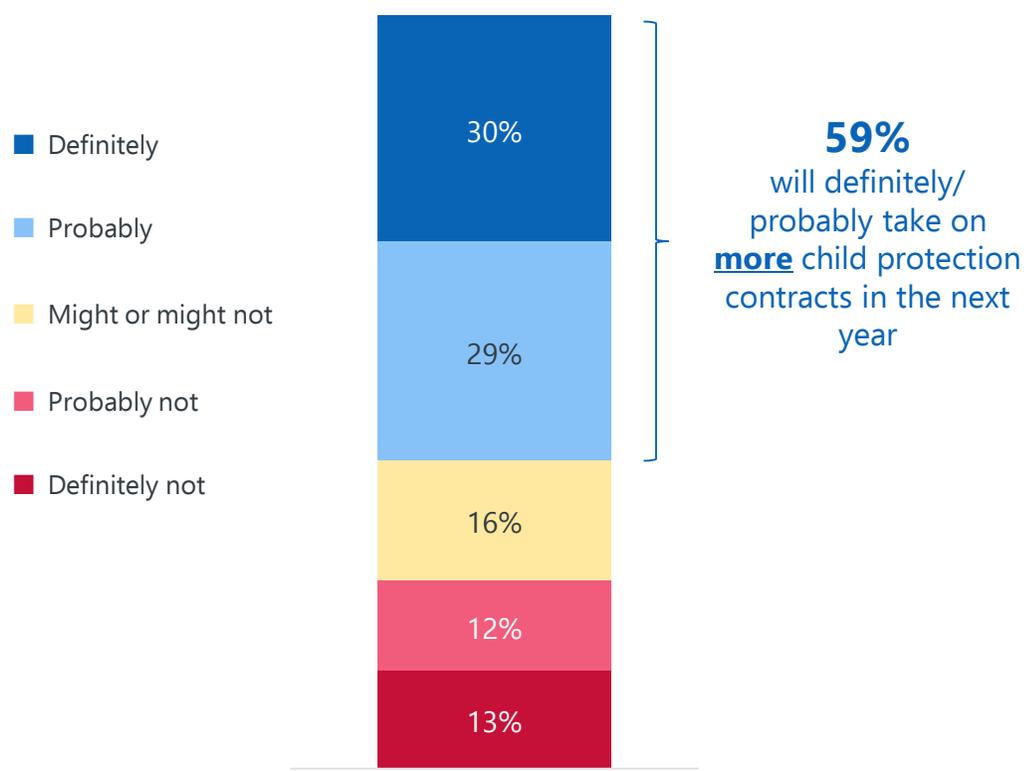
Q1a. How likely would you be to take on, or take on more, legal aid family contracts in the next twelve months compared to 2017/2018 if you were going to receive an incentive payment of \$500 for each contract you accepted?

# Likelihood of Taking on More Legal Aid Child Protection Contracts



- › Almost 60% of lawyers predict they will take on more legal aid child protection contracts in the next year as a result of the \$500 incentive. An equal proportion predict they will definitely versus probably accept more contracts.
- › Lawyers practicing in the North and Northwest are especially likely to predict they will take on more child protection contracts with the incentive.

## Likelihood of Taking on More Child Protection Contracts in Next Year Compared to 2017/18



### % Definitely/Probably by Subgroup

Region	Van/Sun Coast (n=7*)	Van Isl (n=57)	Int/East Koot (n=24*)	OK/West Koot (n=30)	North (n=16*)	North-west (n=14*)
	57%	52%	65%	62%	<b>73%</b>	<b>73%</b>

Years Representing LSS Clients	<3 years (n=24*)	3-10 years (n=54)	11-20 years (n=29*)	20+ years (n=41)
	65%	56%	<b>74%</b>	52%

Years Since Called to the Bar	<5 years (n=29*)	5-10 years (n=39)	11-15 years (n=18*)	16-25 years (n=28)	26+ years (n=34)
	57%	61%	58%	57%	63%

\*Caution: small base size (n<30).

Base - Among lawyers able to provide an answer (N/A responses not included): (148)

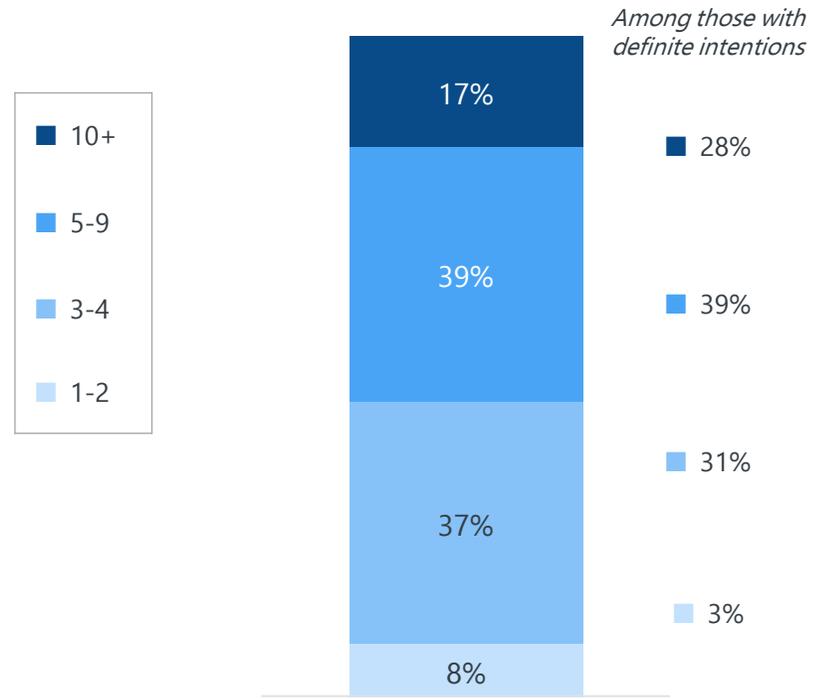
Q1b. How likely would you be to take on, or take on more, legal aid child protection contracts in the next twelve months compared to 2017/2018 if you were going to receive an incentive payment of \$500 for each contract you accepted?

- > Lawyers who would definitely/probably take on more family or child protection contracts expect to take on an average of 5 additional contracts in the next year.
- > Most commonly, for both types of law, lawyers predict they would take on between 3 to 9 additional contracts if the \$500 incentive is offered. Those with definite intentions to take on more contracts tend to have higher estimates, but the average is still 5 additional contracts among this group.

**Predicted Number of Additional Contracts Accepted in Next 12 Months as a Result of Incentive**  
 (among lawyers who would definitely/probably take on more contracts)

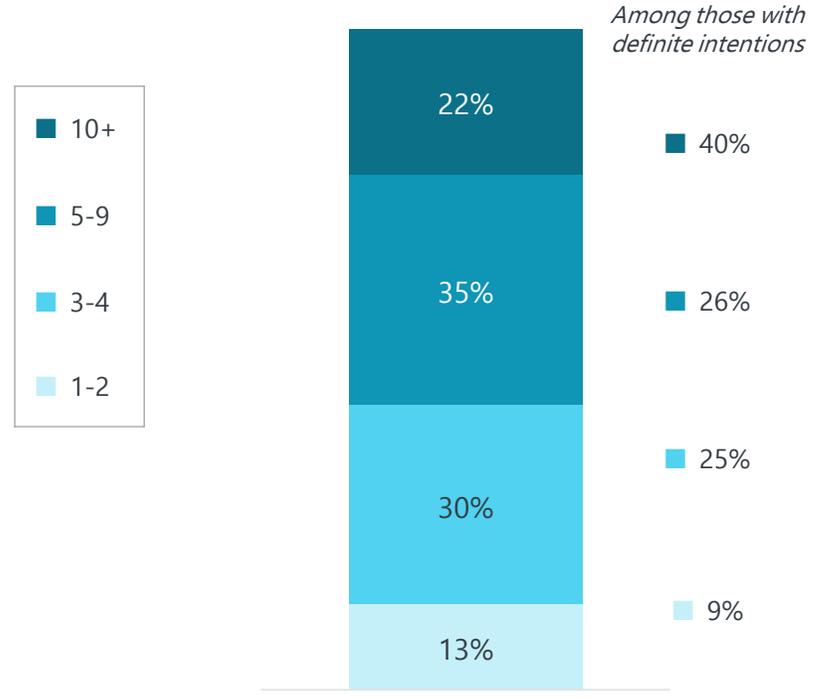
**Family Contracts**

**Median # of additional contracts taken: 5**



**Child Protection Contracts**

**Median # of additional contracts taken: 5**

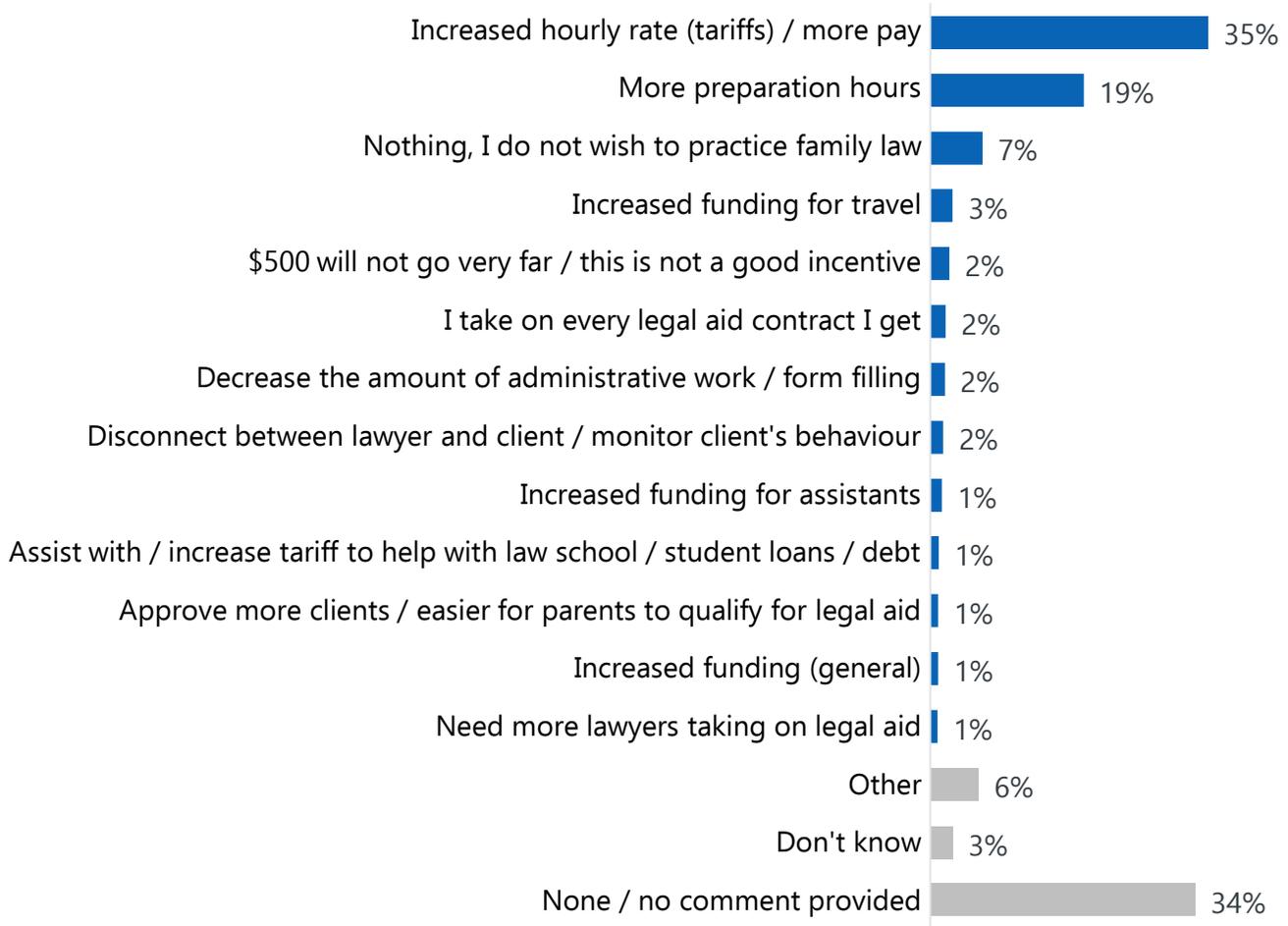


Base - Among lawyers who would definitely or probably take on more contracts: family (59); child protection (57)

Q2a/b. Compared to 2017/2018, approximately how many more legal aid [family / child protection] contracts do you think you would accept/take on in the next twelve months as a result of the incentive payment of \$500?

- › Two-thirds of lawyers offered a suggestion for alternative incentives that would encourage them to take on more legal aid family or child protection contracts.
- › Increasing tariffs is the most common suggestion by a wide margin, followed by providing more preparation hours.

### Suggested Alternative Incentives to Encourage Taking on More Legal Aid Contracts (unaided responses)

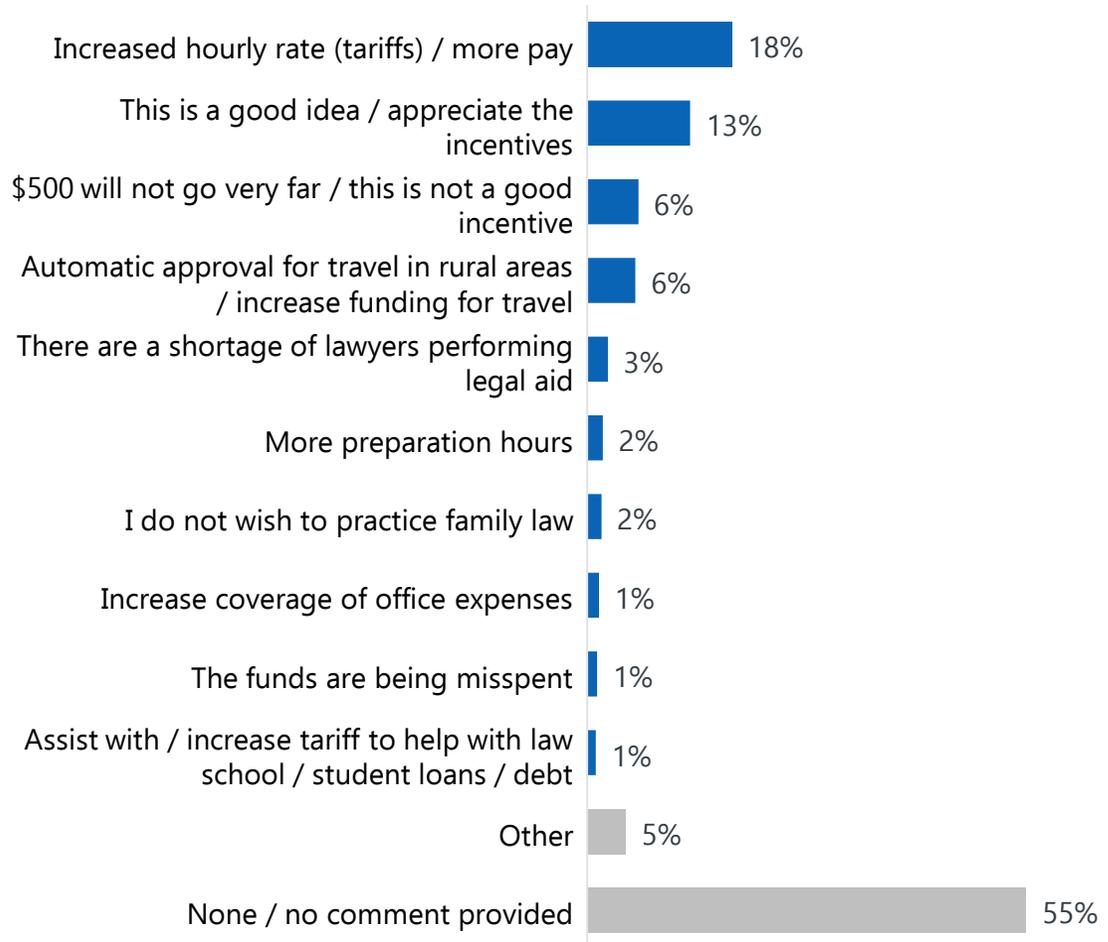


Base: Total (163)

Q3. Aside from the proposed incentive program, what, if anything, would incentivize you to take on more legal aid family and/or child protection contracts?

- > When asked to share any additional comments on the proposed incentive program, two-in-ten lawyers mentioned that the tariff should be increased.
- > For 13%, the incentives are appreciated and seen as a good idea.

**Additional Comments about Proposed Incentive Program**  
(unaided responses)



# Additional Comments about the Proposed Incentive Program

A selection of comments from lawyers participating in the survey are shown below and highlight the perceived advantages and disadvantages of the proposed incentive program, as well as why some lawyers feel the tariff needs to be increased.

## Good Idea / Appreciate the Incentives

"Sounds like a good idea. We need to **attract more young lawyers** to take these files. We old guys are starting to approach our "best before" dates and there is a real need for lawyers to act for people who have few resources."

"I think it's a good idea. I **hope it reduces the time** it takes before people who qualify for legal aid are appointed counsel."

"If it will help, it is worth a try. **People desperately need representation.**"

"It is a good idea for newer lawyers, and perhaps **would encourage them to move to smaller communities.**"

## \$500 will not go very far / this is not a good incentive

"It will likely not incentivise any lawyers presently not taking family and child protection cases to do so. Likely, it **will simply result in a bonus for those that are presently willing to take such cases**, and will probably not result in any significant uptake, particularly for more experienced counsel."

"It's a pittance, really. **\$500 per client will not go very far** considering the dozens of hours of unpaid work the lawyers put into the file."

"Good intentions, but misses the mark. I do not know the average amount of time spend on a file, but to suggest somewhere in 50-60 hours would likely not be unreasonable. So truly, we are looking at an 8-10\$ increase on the hourly tariff. I have **concerns with how this will be implemented** as well. What happens if a lawyer takes a file and is required to go off record on the first court appearance because of X issue? What happens when you accept a contact that is a change of lawyer request? Does the initial lawyer and transferring lawyer both receive the incentive? Does this lead itself to abuse?"

## Increased Hourly Rate (tariffs) / More Pay

"A per contract incentive may encourage lawyers to take a larger caseload at the cost of providing service to existing clients. **An increase in hours or rate would give lawyers more resources** to assist legal aid clients. With more resources, lawyers in remote communities may be less likely to choose private files over legal aid files."

"It may help but I think you **should just increase the hours available** for the file, perhaps in alternative dispute resolution areas rather than a lump sum payment."

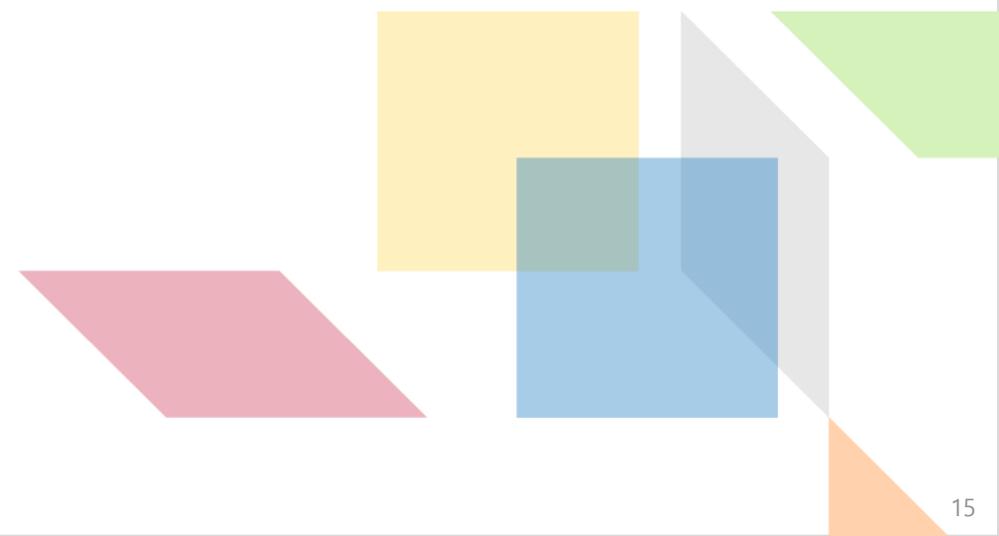
"I would **rather see funds go to increasing the legal aid tariff.**"

"It's a worthy effort, but it must be set off against the reality that most family law lawyers in my area who take on legal aid files are **already taking on all the Legal Aid files they can reasonably handle**, especially given the nature of legal aid clients and an hourly rate that simply cannot support a law practice without private clients making up the difference."



# Appendix

## Lawyer Profile



# Lawyer Profile

Region	(base)	Total
Vancouver Island		48%
Okanagan / West Kootenays		17%
Interior / East Kootenays		15%
North		10%
Northwest		8%
Vancouver / Sunshine Coast		3%

Years Since Called to the Bar	
Less than 5 years	18%
5-10 years	26%
11-15 years	9%
16-25 years	20%
More than 25 years	26%

Years Representing LSS Clients	
Less than 3 years	17%
3-10 years	34%
11-20 years	19%
More than 20 years	30%

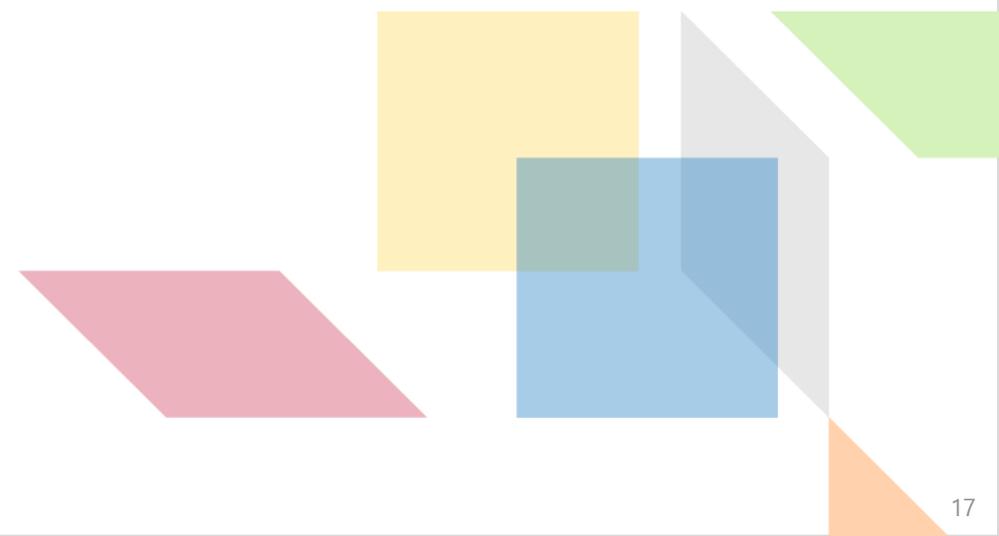
Indigenous	
Yes	4%
No	96%





# Appendix

## Questionnaire



**Email Invite** (Subject: Local Lawyer Incentive Plan; From: Legal Services Society & Sentis Research)



Your Input is Needed on our Proposed Incentive Program

Dear [FIRST NAME],

To encourage local lawyers to take more contracts, the Legal Services Society (LSS) is proposing an incentive payment of \$500 for each family or child protection contract accepted by a local lawyer in a community where fewer than 90% of these cases have been placed with local lawyers.

**LSS is inviting lawyers in these communities to share their feedback on the proposed Local Lawyer Incentive Plan.** Whether you support the proposal or not, your participation is important – the survey results will be shared with the Attorney General and will help shape the final program.

**As a thank-you, you will be entered in a draw for the chance to win one of two \$200 gift cards (your choice of Amazon, Chapters or Visa).**

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**Please complete the 4-question survey as soon as possible.** Simply click the button below to begin.

[Start Survey](#)

Having trouble? Copy and paste the link below into your web browser: [SURVEY URL]. You can also email us at [lss@sentis.ca](mailto:lss@sentis.ca)

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To ensure your answers are kept confidential and anonymous, we have commissioned Sentis, an independent research firm, to conduct the survey on our behalf.

If you have any questions about the survey, please contact Brooke Knowlton at [brooke.knowlton@lss.bc.ca](mailto:brooke.knowlton@lss.bc.ca) or 604-601-6071.

We appreciate your feedback.

Sincerely,

**Mark Benton, QC**

CEO, Legal Services Society



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[Unsubscribe](#)

[Contest Rules](#)



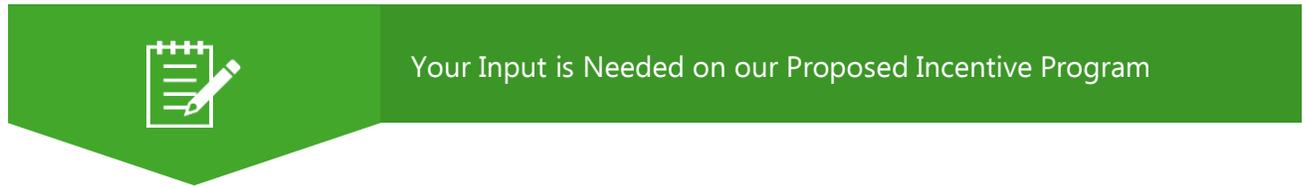
**Sentis Market Research Inc.**

6th Floor, 543 Granville Street

Vancouver, BC, V6C 1X8

[sentisresearch.com](http://sentisresearch.com)

**Email Reminder** (Subject: Your Input Is Needed; From: Legal Services Society & Sentis Research)



Dear [FIRST NAME],

There is still time to share your feedback on the Local Lawyer Incentive Plan.

To encourage local lawyers to take more contracts, the Legal Services Society (LSS) is proposing an incentive payment of \$500 for each family or child protection contract accepted by a local lawyer in a community where fewer than 90% of these cases have been placed with local lawyers. **LSS and the Attorney General want to know what you think of this proposal** (whether you support it or not).

**As a thank-you, you will be entered in a draw for a chance to win one of two \$200 gift cards (your choice of Amazon, Chapters or Visa).**

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**Please complete the 4-question survey by [DEADLINE].** Simply click the button below to begin.



Having trouble? Copy and paste the link below into your web browser: [SURVEY URL]. You can also email us at [lss@sentis.ca](mailto:lss@sentis.ca)

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To ensure your answers are kept confidential and anonymous, we have commissioned Sentis, an independent research firm, to conduct the survey on our behalf.

If you have any questions about the survey, please contact Brooke Knowlton at [brooke.knowlton@lss.bc.ca](mailto:brooke.knowlton@lss.bc.ca) or 604-601-6071.

We appreciate your feedback.

Sincerely,  
**Mark Benton**, QC  
CEO, Legal Services Society



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[Contest Rules](#)

**Sentis Market Research Inc.**  
6th Floor, 543 Granville Street  
Vancouver, BC, V6C 1X8  
[sentisresearch.com](http://sentisresearch.com)

**In many communities outside Metro Vancouver and southern Vancouver Island, LSS has difficulty placing family and child protection contracts with local lawyers.**

**To encourage local lawyers to take more contracts, LSS is proposing an incentive payment of \$500 for each family or child protection contract accepted by a lawyer who has an office within 80 kilometers of a community where fewer than 90 percent of these contracts in either 2016/17 or 2017/18 were placed with local lawyers.**

**[RANDOMIZE ORDER OF Q1a & Q1b]**

1a. How likely would you be to take on, or take on **more**, legal aid **family contracts** in the next twelve months compared to 2017/2018 if you were going to receive an incentive payment of \$500 for each contract you accepted?

- 5. Definitely
- 4. Probably
- 3. Might or might not
- 2. Probably not
- 1. Definitely not
- 99. Not applicable

**IF DEF/PROB IN Q1a (Q1=5 OR 4). SHOW ON SAME PAGE BELOW Q1a.**

2a. Compared to 2017/2018, approximately how many **more** legal aid **family contracts** do you think you would accept/take on in the next twelve months as a result of the incentive payment of \$500?

*An estimate is fine.*

\_\_\_\_\_ # **more** family contracts in the next 12 months **[ALLOW RESPONSES FROM 1 TO 75]**

*If you did not take any legal aid family contracts in 2017/2018 then please indicate how many you think you would accept/take on in the next twelve months if the \$500 incentive payment was offered.*

1b. How likely would you be to take on, or take on **more**, legal aid **child protection contracts** in the next twelve months compared to 2017/2018 if you were going to receive an incentive payment of \$500 for each contract you accepted?

- 5. Definitely
- 4. Probably
- 3. Might or might not
- 2. Probably not
- 1. Definitely not
- 99. Not applicable

**IF DEF/PROB IN Q1b (Q1=5 OR 4). SHOW ON SAME PAGE BELOW Q1b.**

2b. Compared to 2017/2018, approximately how many **more** legal aid **child protection contracts** do you think you would accept/take on in the next twelve months as a result of the incentive payment of \$500?

*An estimate is fine.*

\_\_\_\_\_ # **more** child protection contracts in the next 12 months **[ALLOW RESPONSES FROM 1 TO 75]**

*If you did not take any legal aid child protection contracts in 2017/2018 then please indicate how many you think you would accept/take on in the next twelve months if the \$500 incentive payment was offered.*

**IF PROB/MIGHT/PROB NOT/DEF NOT IN EITHER Q1a OR Q1b (Q1a & Q1b ≠ 5). SEMI MANDATORY**

3. Aside from the proposed incentive program, what, if anything, would incentivize you to take on more legal aid family and/or child protection contracts?

OPEN-ENDED TEXT BOX

**ASK ALL. OPTIONAL.**

4. Do you have any additional comments on the proposed incentive program?

OPEN-ENDED TEXT BOX

**Those are all of our questions!  
Thank you very much for completing our survey.**