

Managing for Results: LSS Tariff Renewal —

Appendices

October 2005



**Legal
Services
Society**

British Columbia
www.lss.bc.ca

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Appendix 1: List of Organizations Consulted

The following is a list of groups consulted during the phase 1 and 2 tariff review consultations and surveys.

Phase 1 focus groups — Tariff lawyers

Victoria Regional Centre
Surrey Regional Centre
Family Duty Counsel Conference, Vancouver
Kelowna Regional Centre
Kamloops Regional Centre
Prince George Regional Centre
Terrace Regional Centre
Vancouver Regional Centre

Phase 2 meetings — Tariff lawyers

Canadian Bar Association (CBA) Criminal Section, Vancouver
CBA Criminal/Family Sections, Victoria
CBA Criminal/Family Sections, Kelowna
CBA Criminal Section, New Westminster
CBA Criminal/Family Sections, Kamloops

CBA Criminal/Family Sections, Nanaimo
CBA Criminal/Family Sections, Prince George

Phase 2 meetings — Justice system participants

Chief Justice, Supreme Court of BC
Executive Committee, BC Branch, CBA
Access to Justice Committee, Law Society of BC
Management Committee, Provincial Court of BC
Liaison Group, Family Justice Services
Provincial training conference for legal advocates
Liaison Group, Ministry of Children and Family Development
Federal Prosecution Service, Department of Justice
Community Legal Assistance Society
West Coast Prison Justice Society
Native Courtworkers and Counselling Association of BC
Social workers, Ministry of Children and Family Development
Trial co-ordinators, Supreme Court of BC
Judicial case managers, Provincial Court of BC
Administrative Crown counsel, Criminal Justice Branch, Ministry of Attorney General

Phase 2 surveys and interviews — Community organizations

Abbotsford Community Legal Services
Amata Transition House — Quesnel
AIDS Society of Kamloops
Battered Women's Support Services — Vancouver
Chilliwack Community Services
Chimo Crisis Centre — Richmond (2 responses)
Canadian Mental Health Association — Kootenays

Community Justice Centre — Comox Valley
Comox Valley Family Services Association — Courtenay
Dawson Creek Aboriginal Family Resources — Dawson Creek
Downtown Eastside Women’s Resources Centre — Vancouver
Elizabeth Fry Society — Kamloops
Elizabeth Fry Society — Kelowna
First United Church — Vancouver
Immigrant and Multicultural Services Society — Prince George
Kamloops Immigrant Services — Kamloops
Kelowna Community Resources — Kelowna
MOSAIC & Storefront Orientation Services — Joint interview, Vancouver
Mental Patients Association — Vancouver
Métis Community Services — Victoria
Nelson Community Services — Nelson
North Shore Women’s Resources Center — North Vancouver
Omenica Safe Homes Society — Vanderhoof
Port Alberni Friendship Centre — Port Alberni
Prince George Urban Aboriginal Justice Society — Prince George
Phoenix Transition Society — Prince George
Progressive Intercultural Community Services Society — Surrey
Pro Bono Law of BC — Vancouver
Quesnel Women’s Resources Centre
Salvation Army — Port Alberni
Salvation Army — Duncan
Salvation Army Pro Bono Clinics — Burnaby
South Fraser Women’s Services — Surrey
South Okanagan Victim Assistance Society — Penticton
St. Paul’s Advocacy Centre — Vancouver
Sunshine Coast Community Services — Sechelt
Vancouver Island Health Authority, Mental Health & Addiction Services —
Port Alberni
Victoria Native Friendship Centre — Victoria (2 responses)

Vernon Women's Transition House
Victoria Immigrant and Refugee Society — Victoria

Phase 2 surveys and interviews — Education groups

Continuing Legal Education Society of BC
Law Centre (Victoria)
Law Courts Education Society
Professional Legal Training Course, Law Society of BC
Simon Fraser University School of Criminology
University of British Columbia Faculty of Law
University of British Columbia Law Student's Legal Advice Program
University of Victoria Faculty of Law
University of Victoria Law Clinic

Appendix 2: Operational Changes Arising from Phase 1

In phase 1 of the tariff review, apart from fundamental issues of compensation rates and structures, tariff lawyers identified a variety of administrative changes that LSS could implement in order to remove obstacles to participation and make it more appealing to accept legal aid referrals. During phase 2, LSS staff compiled a list of those items that involved mainly operational changes that could be investigated and, if appropriate, implemented on an expedited basis outside the framework of the tariff review. The following chart lists the key changes tariff lawyers identified and the action LSS has taken to date.

Key changes recommended by tariff lawyers and actions taken

Tariff lawyer recommendation	Steps taken by LSS as of September 2005
Creation of a block disbursement fee so that lawyers can bill this amount without having to keep records of expenses	This is one of the recommended changes to tariff structure identified in the proposals for tariff renewal. LSS is piloting this approach in the new Limited Scope Family Services tariff where lawyers will be authorized to bill a flat fee of \$20 per referral to cover all disbursements.
Creation of a block file opening fee (administration fee) to compensate lawyers for the overhead costs associated with taking a legal aid referral	LSS has now implemented a flat administration fee of \$40 payable per referral.
Making resources available to lawyers	LSS has made improvements to its website, including adding useful links, posting more information on LSS programs such as SCAP and the enhanced fee program, and posting new forms such as the SCAP questionnaire and the family extended services opinion letter questionnaire.

Appendix 2: Operational Changes Arising from Phase 1

Tariff lawyer recommendation	Steps taken by LSS as of September 2005
Making it easier to apply for tariff authorizations	<ul style="list-style-type: none"> • LSS has modified tariff authorization request forms and made them available on the LSS website. • LSS is working on further modifications to authorization request forms, authorization forms and billing forms • Preliminary design of an E-authorization system is underway.
Making it easier to contact the appropriate staff member	<ul style="list-style-type: none"> • LSS has published a detailed contact list as part of the <i>Guide to Legal Aid Tariffs</i>, and it is posted on the LSS website. • LSS will update the list to reflect new structural changes at LSS.
Making it easier for lawyers to locate experts	LSS has created a new expert database that is accessible from the lawyer e-services portal on the LSS website.
Making it easier for lawyers to locate community resources for clients	LSS is developing a community services database that will eventually be available through the LSS website.
Provide orientation package for new lawyers	LSS is currently developing an orientation package.
Create FAQs (frequently asked questions) for lawyers	<ul style="list-style-type: none"> • LSS is currently gathering and updating all tariff billing tips that have been published in the <i>Legal Aid Fax</i> newsletter over the past several years. • LSS will convert the billing tips into FAQs and post them on the LSS website. • LSS will continue to develop new FAQs to respond to questions lawyers frequently raise.
Expand use of e-mail	<ul style="list-style-type: none"> • LSS has been compiling e-mail addresses of tariff lawyers. • LSS currently distributes some information via e-mail; for example, Continuing Legal Education digests and significant announcements.
Improve consultations with the private bar	LSS has consulted with a substantial proportion of tariff bar lawyers through the tariff review process, and will continue consultations on an ongoing basis.

Appendix 2: Operational Changes Arising from Phase 1

Tariff lawyer recommendation	Steps taken by LSS as of June 2005
Increase number of hours for family law referrals	<ul style="list-style-type: none"> • LSS has developed a number of family law initiatives based on the additional funding of \$4.6 million the Ministry of Attorney General has provided for family law services. • LSS has increased the hours of general preparation for emergency referrals (from 8 to 14 hours). See Notice to Counsel #40, dated February 8, 2005. • LSS has introduced an extended family services tariff which allows counsel to bill up to 40 additional hours for attendance and preparation time in high conflict cases involving significant contested issues — see Notice to Counsel #41, dated February 25, 2005, and Notice to Counsel #42, dated March 24, 2005. • LSS has introduced new limited scope family services (unbundled services) which allow up to 14 hours of service for a maximum of 500 clients per year who do not qualify for emergency services but are in need of counsel assistance — see Notice to Counsel #44, dated May 13, 2005.
Reduction of holdbacks	LSS reduced the holdback from 10% to 5% as of April 15, 2005 — see notice to counsel #43, dated April, 2005. LSS eliminated the remaining 5% holdback as of June 24, 2005 – see notice to counsel #45, dated June 2005.
Improve collapse fee policy	LSS has reviewed and amended its collapse fee policy effective February 2005. See “Compensation for cases that do not proceed” in “General Tariff Information” (page 4 of the criminal tariff).
Improve communication with private bar	<ul style="list-style-type: none"> • LSS has reviewed all standard notes and letters sent to the private bar, and revised them as necessary to improve clarity. • LSS has reviewed all procedures involving requests of counsel to ensure the requested information was necessary and could not be obtained by alternate means. • LSS has incorporated directions on use of new notes and improving communication into its staff training.
Limit the occasions where counsel have to request approval of disbursements	<ul style="list-style-type: none"> • LSS analyzed its records regarding disbursements that require authorization in order to determine the approval rate. • LSS determined that in only one case (computer research) was the threshold for requiring prior authorization too low. That threshold will be raised in the next round of tariff revisions.

Appendix 3: Consultations and Surveys

Appendix 3A — LSS staff survey

(See following pages.)



November 30, 2004

James Deitch
Manager, Tariff Services
Legal Services Society of BC
400 – 510 Burrard St.
Vancouver, BC V6C 3A8

RE: LSS Tariff Review – Staff Survey

Dear James,

I have enclosed the final report for the Staff Survey that was recently completed as part of the Tariff Review. A summary of results follows:

Executive Summary LSS Tariff Review – Staff Survey

The purpose of the Staff Survey was to solicit feedback from Managing Lawyers and Local Agents regarding issues identified in Phase I of the Tariff Review conducted in Spring 2004.

10 Local Agents and 8 Managing Lawyers participated in the project. Surveys were conducted via phone, by fax and in person between September and November 2004.

The following principles were recommended for endorsement by the LSS Board of Directors in Phase I Tariff Review Report in May 2004. Relevant survey feedback follows each recommendation.

1. a) LSS should maintain tariffs that provide fair and reasonable compensation to enable lawyers to recover overhead costs and obtain an appropriate level of income.

Respondents indicated that increasing the tariff rate is the most important priority for improving the relationship between LSS and the bar. 66% said that lawyers complain that the rate is inadequate "very often" and 72% said that increasing the rate is a "very high priority" for improving services.

Attrition rates are thought to be higher among family lawyers than criminal lawyers. While much of this is due to the reduced coverage since 2001, the respondents sometimes have difficulty finding family lawyers to accept cases in less populated geographic regions and there is tremendous frustration among lawyers who do

accept cases because they feel they must supplement the legal aid system by investing work for which they will not be compensated.

b) LSS should maintain tariffs that reward lawyers for efficient service within the justice system to achieve effective results for LSS clients.

Increasing authorized preparation time in family law cases is also important – perhaps more so than increasing the tariff rate because it would alleviate the anxiety that lawyers feel about being professionally obliged to provide full service to clients (by the Law Society) and yet performing work they worry they will not be compensated for (by LSS).

77% indicated that lawyers complain about inadequate authorizations for preparation hours and the same percentage thought that addressing the perceived inadequacy should be a “very high” priority for improving services.

c) LSS should maintain tariff management processes that promote efficient and effective allocation of resources without imposing undue administrative burdens on referral lawyers

Most respondents indicated that lawyers are relatively satisfied with administrative procedures. They appreciate e-billing. The authorization of disbursements and extra hours can cause frustration when people have had “bad experiences” (e.g. denied once without adequate explanation) or require a quick response from administration.

d) LSS should actively engage other justice system participants in promoting changes that ensure efficiency and effectiveness in the tariff system and the larger justice system.

Both the Judiciary and Crown Counsel are perceived to be understanding of budgetary restrictions on legal aid files. They are concerned about the number of unrepresented litigants in Provincial Court and BC Supreme Court and relate the problem directly to cutbacks to the LSS budget in 2002. They do appreciate the Duty Counsel program, especially in family matters.

Summary of Results:

Three key areas were identified as those that would make the most impact on the tariff if addressed are (in order of importance):

1. Increasing the tariff rate. This would include mechanisms to communicate:

- § The feasibility and impact of an increased tariff rate on the LSS budget
- § Activities that LSS has undertaken to address lawyer concerns

2. Increasing authorized preparation time on family matters and some lengthy criminal matters. This would include mechanisms to address concerns about:

- § The impact on the LSS budget
- § Unpaid court appearances
- § The perceived expectation to invest unpaid hours in a case to “properly” serve clients
- § The process involved to apply for another referral when hours have been exhausted for family matters

- § The disparity between Crown and legal aid funding for cases (such as compensation for time spent reading large Directors Counsel files in CFCSA matters)
 - § The particular items within the court system that have become more complex in recent years and which policies, if any, would help lawyers deal with them
3. Providing funding for extra services, such as:
- § Disbursements – block billing or an adjustment of the cap at which lawyers must apply for funding before proceeding
 - § Mediation skills training or institution of mediation or mediation-like systems for family law matters
 - § Compensation for travel time
 - § An educational course about legal aid practice in family law and criminal law
 - § A discussion regarding how Local Agents and Managing Lawyers could facilitate extra services

Thanks for the opportunity to conduct the survey. If you have questions or require further clarification of the results, please contact me at any time.

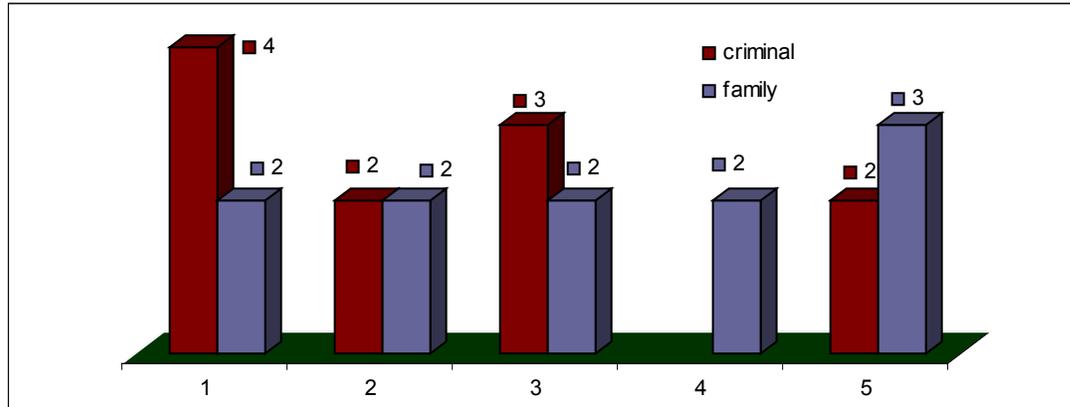
Sincerely,

Natasha Chetty,
Principal – Isis Communications

LSS Tariff Review - Staff Survey Final Report

Section I - The Relationship between the Tariff Bar and LSS

1. LSS is concerned that fewer lawyers are accepting legal aid cases. Please rate the general level of attrition of lawyers with vendor numbers in your region: Please rate on a scale from 1 to 5, where 1 indicates a very low level of attrition and 5 indicates a very high level of attrition.



Attrition rates are generally perceived to be higher amongst family lawyers than criminal lawyers. In geographical areas that have experienced a downturn in the economy, there is a low level of attrition.

Criminal Law (3)

- § I have three lawyers that I rely on for criminal cases other than when there are name requests. This is a turn around from a few years back when there were more that would take family matters. This is all because of the tariff rate.
- § Criminal – I can get people from out of town, but not anyone in town to take cases
- § Senior criminal counsel will take a special case if asked, but I don't know if we ask them.

Other - General:

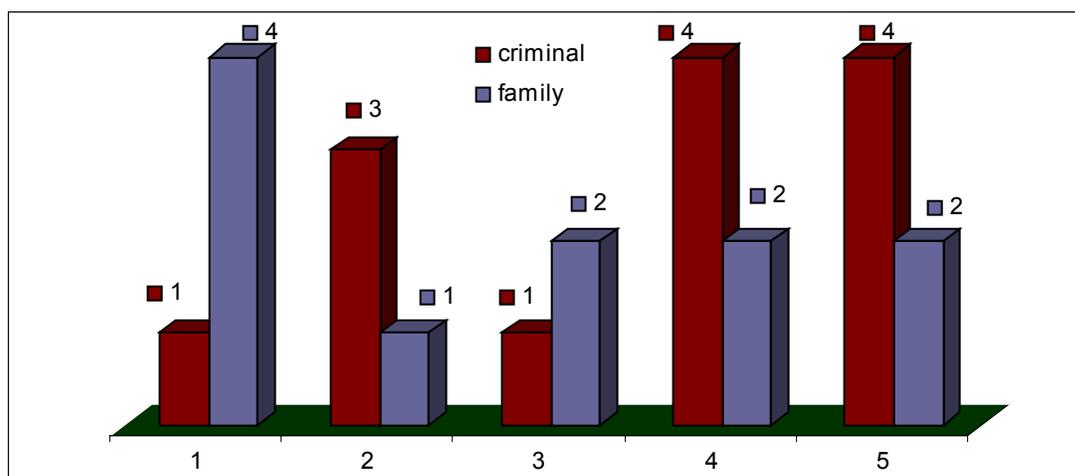
- § We're able to keep lawyers doing appeals because we have some flexibility to set extra fees. It's fairly easy to estimate what's needed such as flat rates, juniors to write factums, etc. Appellate work often requires academic skills vs. trial skills
- § There is a group of lawyers who don't want to practice in the traditional way. A lot of legal aid appeals are thought through and developed by a core group of 10 lawyers
- § In Terrace, it's getting more difficult to find lawyers.
- § This is because there hasn't been much work. Most referrals are (anecdotally) name requests, but the data shows differently.

Family (5):

- § I would like to see a broader family roster so everyone has a turn and a broader selection of lawyers to choose from.

- § We have ¼ of the family lawyers because LSS keeps cutting the allotted preparation hours and therefore the lawyers cannot fully represent a client. Once they get an interim order, LSS won't pay for the trial, so what's the point of only going halfway?
- § Family files can be irritating to lawyers at times because the clients can be difficult.
- § Lawyers used to phone and ask for files, but they don't any more. Many write off a lot of time that they work on legal aid files.
- § People don't want to do it {legal aid work} anymore. How can we judge them? It's related directly to the cuts – 6 hours is not enough to establish a relationship with a client.

2. LSS is concerned that new lawyers (those called to the bar for 5 years or less) are either not obtaining vendor numbers or not accepting legal aid cases. Please rate the interest of new lawyers in taking legal aid cases in your region on a scale of 1 to 5 where 1 represents no interest among new lawyers in taking legal aid cases and 5 represents a high level of interest among new lawyers in taking legal aid cases.



New lawyers tend to practice in the larger centres. Respondents who indicated that there is low interest in tariff work were in geographic regions where there are very few new lawyers. Most respondents thought that the reasons they are not taking cases were related to a lack of understanding about the tariff or interest in it.

Also see comments in Section III, Q. 14 (F) regarding the interest in establishing a Mentor Program for new tariff lawyers.

Experience (3)

- § New lawyers are willing to take both types, but are restricted because of experience
- § There are new lawyers from out of town who are taking referrals with travel costs
- § We probably don't see those people who don't want legal aid. The Family duty counsel roster is closed in Victoria, and in order to get on the criminal duty counsel roster, you need to have some experience (although I know this isn't necessarily the case in smaller places).

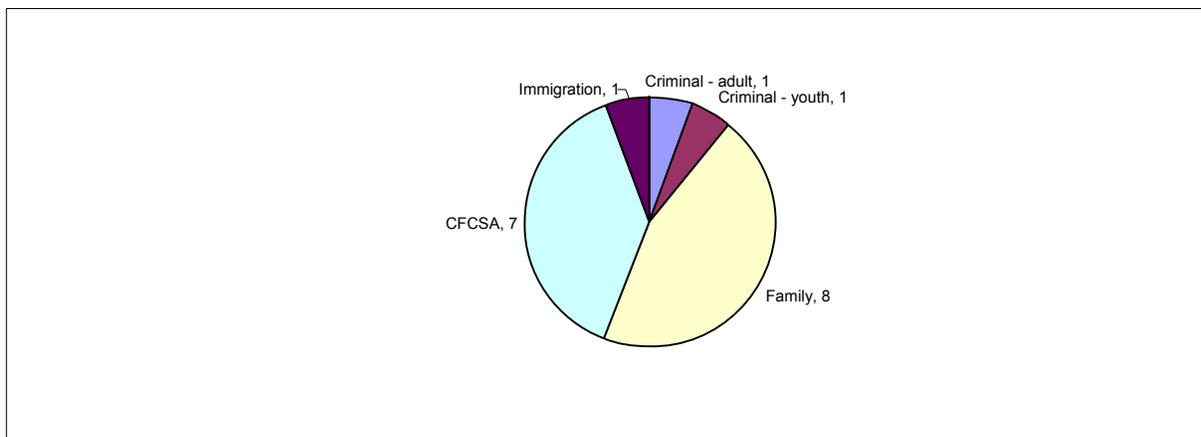
Availability (2)

- § There are no new lawyers in Salmon Arm
- § There are plenty of lawyers in Kamloops – there's always enough work to do

Money (1)

- § Young lawyers aren't taking files because they want to be paid reasonably.

3. In your region, is there a need to recruit more tariff lawyers in any of the following practice areas? Please check all that apply.



In the regional areas where lawyers indicated a need to recruit more tariff lawyers, the overwhelming need is in Family Law. Also see: Section I, Q. 1. Q.4

Economics:

- § We don't need anyone here only because the lawyers that are doing legal aid are doing this work for their bread and butter, if we had more work to spread around the story would be different.

Family Law:

- § CFCSA work is pretty straightforward because the Ministry does those orders. Those who have reduced work generally will still take these ones.

4. If you answered yes to any of the options in question 3, please estimate the level of experience of lawyers needed in your region: Please check all that apply:

0-5	6-10	11-15	16-25	25+	Does not matter
2	2	1	1		4

- § 5 years + in family law (Duncan)
- § Family cases require sensitivity and wisdom. (6+ years experience)
- § 3-5 years in Family Law (Vernon)
- § I would like lawyers of all ages to do their turn (Victoria)

5. How often do you encounter tariff lawyers in your region who refuse to accept legal aid cases? Please quantify your answers and explain specific patterns if there are any:

Family lawyers are perceived to refuse cases more often than criminal lawyers. For both areas of law, the tariff rate and limited coverage are cited as the reasons for refusal. See also Section I, Q. 1.

Criminal: Often (1), Sometimes (4), Rarely (3), Never (2), Other (3)

- § Quite often, several have refused to take them
- § (Surrey). We have some difficulty with Category III & IV cases where lawyers feel they're not adequately compensated for the case.
- § Sometimes. The tariff does not compensate for difficult cases or clients.
- § They've got youth referrals, but they don't give the lawyer time to work with the youth. You tend to meet with the family, community, resources, have to have hour-long meetings, etc. I don't see how lawyers can do a good job on the regular tariff. I'm not taking any more youth cases because I don't feel I can do it justice within the time allotted. The Attorney General gives us enough time, but not legal aid.
- § 2 times/month
- § Lawyers won't take cases either because of the opportunity cost or because of the nature of the client – the reasons for refusal happen equally as often.
- § Rarely
- § Criminal Appeals – happens very, very rarely. Sometimes we'll have to try two or three lawyers because they'll be too busy to take the case. Sometimes they think we're being too optimistic about the chances of success.
- § Once/year and it's only because their private practices are building
- § If they're not on the roster, we don't call them
- § We don't phone people who don't take it
- § There is a high level of frustration with the tariff, but I cannot quantify how often lawyers refuse to work on files
- § Never (2)

Family: Very often (5), Rarely (1), Never (2), Other (1)

- § 40 per month. Sometimes we have to call three lawyers before we find someone to take the case – at three clients per week x three calls it adds up.
- § A lot of people request the lawyers who don't take legal aid cases
- § Quite often
- § Once/week
- § 5 times/month
- § There are some lawyers with limits, but it's hard to gauge
- § Once or twice per year
- § Never
- § CFCSA is never hard to place

6. How often do you hear the following complaints from lawyers? Please rate according to frequency of complaint: never, seldom, sometimes, often, or very often

Complaints heard often are highlighted in **red**. Those that are heard very often by the majority of respondents are also in **bold**.

	Never	Seldom	Sometimes	Often	Very often
A Tariff Rate is inadequate:			2	2	12
<i>Corresponds to Section IV, Q.1H and Q2A where almost all respondents cited an increased tariff rate as a very high priority solution to addressing the attrition rate.</i>					
§ Sometimes we hear complaints about this because we now have enhanced fees at the trial level. Complex trials are going to appeal.					
§ It's almost often, but less than often because some people feel very strongly about it – it's not the money, it's more the time given, especially in family law. I hate going to trials. I find it so destructive. You've only got 8 hours – it's not enough time.					
§ Very often. We don't complain because we just roll our eyes. It's grossly inadequate.					
§ All the lawyers want more money					
§ Lawyers who aren't making enough money are the ones who complain. It's extremely difficult to maintain an office carrying on a legal aid practice. It's impossible.					
B Clients are difficult		3	6	3	3
<i>There is a perception that family clients are more difficult to deal with than criminal clients, but this may be due to the nature of matters covered and the way that lawyers typify the average client.</i>					
§ Seldom. Some appeal clients are difficult. It's less of a problem with appeals because you don't have to spend so much time with a client. Lawyers probably don't spend enough time with a client - for example, they should always receive a copy of the factum.					
§ Seldom, because in family the clients are in crisis. Perhaps we should line them up with counsellors and other sources, esp. if there is violence. It's more the process rather than the clients					
§ Criminal – not relevant. Family – seldom. Lawyers with any years of experience can work through difficulties.					
§ All clients are difficult					
C Preparation hours authorized are inadequate				2	14
<i>All respondents agreed that the authorized preparation hours are inadequate to properly service clients. This corresponds to the responses in favour of expanding mediation services, increasing authorized preparation time and increasing authorizations to counteract attrition rates. See Section II, Q5, Section III, Q12, Section IV, Q 1f, I, J.</i>					
§ Often. I think it's not the preparation hours, it's just that with the expiration of one referral, what do people do if they're in the middle of the office and the lawyer has expended all hours in the referral?					
§ Very often. To do the orders, applications, case conferences, getting witnesses up to speed, it can add up really quickly					
§ Very often in complex family litigation, but never in criminal					
§ Family – very often. We can't do anything about it, so why complain?					
D Administration time required by lawyer is excessive	1	8	2	2	2
<i>Most perceive satisfaction with administration time, corresponding to the low priority given to "finding ways to streamline administration" as solutions to the attrition rate. Requests for what are perceived as petty differences in disbursement and/or authorization amounts cause frustration.</i>					
§ Never – it's fast by now with e-billing					
§ Seldom since e-billing (2)					
§ Sometimes they have trouble getting disbursements authorized, but it seems to be easier now than before the cutbacks.					

- § It does seem to be a lot but is a necessary evil because it's how you get paid.
- § It seems disproportionately excessive on small things, for example, bickering over a \$20 disparity. The officiousness gets them down.

	Never	Seldom	Sometimes	Often	Very often
E Clients confused by legal aid system		6	5	3	1
<i>Family clients seem to be the most confused, but only when they are denied services or their coverage runs out. This correlates with (B) where most respondents are resigned to the nature of the system.</i>					
<ul style="list-style-type: none"> § Seldom – it's the lawyers who are confused! § Sometimes – when referrals have run out § Sometimes. They have a hard time knowing what to bring in and what their obligations are as to following up § Sometimes, but North Vancouver is good because we have on-site legal aid at the court house § Sometimes – now that we have an LIOW, the problem is resolved because we do on-site intake § Clients get confused when they get on the phone and they can't get through to a person and they miss court dates or the office is closed. It becomes so technical and they don't have the direct contact with a human being. § Often. Anyone who wants to appeal anything tends to phone the appeals department in confusion. § Often in family emergency cases because they don't understand the scope of the retainer § Very often because clients don't understand when a lawyer's time is up. It doesn't happen in criminal law 					
F Trouble having experts authorized or finding them	3	2	5	3	3
<i>§ There is some anxiety that if expert testimony is required, it will be denied by LSS and the lawyers then become resentful because they feel they cannot serve the client as well as they could.</i>					
<ul style="list-style-type: none"> § Never. Appeals authorizes our own disbursements. § They deal with head office directly, but sometimes § Seldom – because no one bothers to request them anymore § People just don't ask for experts anymore, because they know they won't be authorized. It's difficult to get experts authorized, which means there is limited service to clients. § Sometimes. If I am referred a case that requires an expert, I won't take it because it's not worth the grief of writing letters to head office. § Sometimes (family) § Very often, especially in the north because it brings up issues with money for travel and it gets expensive 					
G Eligibility requirements are too strict	4	3	1	2	6
<i>This corresponds with the indication that an expansion of the eligibility guidelines as well as an expansion of the family duty counsel program are a high priority to address the lawyer attrition rate.</i>					
<ul style="list-style-type: none"> § Never. The financial side is what it is. We only allow appeals to the SCC if there is a substantial likelihood of success. § Seldom – Some things are so rooted within the bar that they don't complain anymore § Criminal – never. Family - often. It's not the financial aspect; it's the scope of the retainer that is too limited. § Very often because of the fact that kids have to be at risk and that there has to be violence in the relationship and it's not clear how this is defined. I've got clients at risk and who are applying who have been psychologically abused for 25 years but who don't qualify (and this requires a lot of explanation to Intake). 					
H Tariff structure creates too many unpaid court appearances	3	2		5	5
<i>Local Agents and Managing Lawyers often hear complaints relating to other unpaid work such as the investment of preparation time over and above what is authorized and administration time spent applying for authorization.</i>					

- § Very often on BCSC for family cases.
- § BCSC is definitely a problem

I Balance between private and legal aid clients is difficult 2 **5** 1 2 2
Also see Section II, Q 1, 3,

- § Sometimes – those in Victoria who are doing legal aid work are doing a higher volume of it.
- § Lawyers don't say these things to us because they don't want us to think they're not paying as much attention to legal aid clients
- § Often if you've got a paying client, you're going to serve that person
- § This is true, but no one complains about it to us.
- § The lawyers that are doing legal aid here are doing a lot of work, so I don't know if they try to strike that balance.
- § Often. We pay more attention to legal aid files because I have to do the most for the money I'm paid and I have to see how much I can get for them in eight hours.
- § Very often. Lawyers make more money privately – this relates to non payment for court appearances

M Distribution of referrals among lawyers is inequitable **7** 2 1
This is not perceived as a problem.

- § They might feel that, but we try to be fair, so the staff goes in circles.
- § Never (because of name requests)
- § Both are inequitable because of staff lawyers (unequal as opposed to unfair)
- § Never. We ask who they want as a lawyer – the criminal clients usually know and the family clients usually do not know
- § Rarely. We scroll through the list if the client doesn't request a specific lawyer.
- § Often – from the same people, but in reality, the distribution is equitable

N **Lack of adequate government funding of legal aid** 1 2 **11**

Relates to the high priority given to expanding eligibility for full service, expanding the duty counsel program and the attributing funds collected from PST towards the legal aid system. See below.

- § Never – they don't go that far because they blame LSS for the problem
- § The cutbacks hit the immigration side hard but the results have been that the cutbacks often cause individuals to scare up resources. We've had surprisingly few applications for appeals since the cutbacks
- § They don't complain much anymore, but just shake their heads because it's so frustrating.

O **Collection of PST on legal services should be contributed towards legal aid** 1 4 **11**

See above.

- § Very often, especially because when Plant was in opposition he said he would abolish it
- § Very often – the Law Society should tax this.
- § Often, but the latest bar submission was to do away with the tax altogether
- § There is no logical connection between PST collection and legal aid. It's probably an inverse relationship

P LSS administration of budget 3 **5** 2 3
Most respondents thought that lawyers understand the limited funds available for administration.

- § Sometimes in the context of “why aren't you here more often?” or “Why don't they (LSS) give you more money to run the referrals properly?”
- § Sometimes – lawyers who constantly whine about money going to duty counsel when it should go to a lawyer for full service don't understand that the money comes from a different budget (or don't want to understand)

§

- § The bar wants to be paid more. Services should be beefed up in poverty law. There is a perception that LSS is an administrative organ and that it's not client-service oriented. We have no mechanisms now to give hands-on advice. Clients need more than phone service. There's no clinical structure at all, but this is the best we can do given the present government, who sees the Charter as the only reason that legal aid exists. If the Charter didn't exist, we wouldn't have legal aid.
- § There were too many LSS staff in town for Tariff Review, but local lawyers are ambivalent about this. People are conscious of anything that looks like they're wasting money. They're spending a lot of money on lawyers down south and not enough in the north. We need compassionate humans, not technology
- § Seldom – we heard more complaints before the cuts.
- § They don't know how LSS administers the budget, but they complain about it often.
- § Often – but mostly because we're the "face" of the government and I hear it less often now than prior to the cuts
- § [Local Agent's Office is] Not open often enough – we can't provide extra services such as photocopying to cut down on disbursements.

Q There is too much fraudulent use of the system (clients who receive funding when they shouldn't) 6 5 3 2 1

This is not perceived to be as much of a problem as it once was.

- § Seldom. No real specific complaints, but will make their way to LSS if they are serious.
- § Sometimes, but there are also issues with working poor. The North Vancouver and West Vancouver youths who come from wealthy homes should not get funding
- § Seldom – some complain about people who should be hiring a lawyer going to duty counsel (they're probably financially qualified to hire a private lawyer)
- § Family - often, criminal – never
- § Very often. Particularly with young offenders – wealthy parents who are more sophisticated demand services that we cannot do on legal aid. They're often richer than we are. Young adults still living at home who earn \$600/month but who have access to all the family toys get in trouble but still qualify for legal aid if the parents don't want to pay for it.
- § Never. Lawyers have a duty

Other Complaints heard from lawyers and clients (please specify):

Coverage:

- § There is frustration with provincial legal aid funding because it doesn't cover enough areas, such as immigration.

CFCSA (3):

- § It's tough to get qualified translators in Victoria for family files.
- § Most low income people see CFCSA matters as oppressive rather than helpful. Cultural and ethnic groups get a negative view of social work. This relates to quality assurance – who is supposed to prevent incidents such as Logan Lake and Jericho Hill if not defence counsel?
- § There should be more preparation time allotted to lawyers by LSS and the Ministry.

Family Duty Counsel:

- § The family law budget – the family duty counsel is a poor second to creating a better referral system. It's sad. They're doing a great job, but family law should be funded properly. Criminal law coverage hasn't changed enough to matter.
- § It's very competitive for duty counsel time in Kelowna – there's a perception problem

Criminal - Eligibility Guidelines:

- § There are two parameters for funding: 1) if you don't have enough money and 2) if there is a likelihood of going to jail. The first time offenders should get legal aid if they qualify financially

so they don't end up with a criminal record. Right now, it's the people with records who are getting legal aid.

Other:

- § When I say "never" to the above complaints, it just means that I don't hear it, not that they're not complaining.

Section II - Environmental Factors Affecting the Tariff Bar:

1. How are the legal aid lawyers in your region balancing private client work and legal aid work? *See also, Section I, 6I, and Section II, Question 3*

- § On the criminal side – lawyers must take legal aid cases because it's often the only way they'll get paid.
- § On the family side – they're upset that they have to refuse clients and this affects morale
- § I don't know anyone that takes legal aid work if only to make some money. If you have a full, private clientele, you don't do any legal aid work.

a. Are they busy enough without having to accept legal aid work?

General:

Yes (3)

- § In Nanaimo, lots are
- § Many are
- § It depends on their seniority

No: (4)

- § It's hard to know. They already do a lot of pro bono work. The economy is really down and lawyers can't find enough work. (Hazelton)
- § Not those who are doing it regularly (it's a chicken and egg thing)
- § No
- § No – it's difficult to make a living in family law now. Before, you could make a living on the volume, but the cutbacks combined with the JCC's and Rule 51A have hit the family practice hard.

Family Lawyers:

- § This is variable. Some are, some aren't. There are family lawyers that take no legal aid. Most of the other family lawyers probably have fairly balanced practice. Most criminal lawyers have a high proportion of legal aid clients in this region (Prince George)
- § The one that I know is not busy enough, others also rely on it, but there are some family lawyers who are new in their practice who really rely on it. The people that take it are reliant on it for approx. 40 -50% of their practice (Penticton)
- § Some are, particularly in family law (Campbell River)

Criminal Lawyers:

- § Some are (a small percentage, especially in criminal law). A small percentage is in a position where they'll do very little legal aid and the rest will take as much as possible,

but it depends on their approach. The legal aid lawyers don't advertise – they base their work on volume and work from home. (Kelowna)

- § A lot are. Most have a variety of private criminal clients and legal aid clients even the part time staff lawyers who work in appeals.

b. How is this affecting their businesses or practice management?

- § It's pro bono work, essentially
- § A lawyer's client base may be 25% legal aid and 60% private, but the time he or she will spend on files is often 50/50.
- § Lawyers are trying to shift to more private clients and/or have cutback on overhead and staff

c. How is this affecting client service? See also Section II, Question 3

Respondents perceived that legal aid clients may receive lower quality service for a variety of reasons:

- § Legal aid work takes the backseat and this creates a two-tiered system
- § Fewer people are willing to accept referrals and we have to get out of town counsel. We have a hard time dealing with them because of distance and clients can't afford to drive to Williams Lake or Prince George from Quesnel.
- § We have less and less individuals to choose from so it will take longer to find lawyers and those that we do find will already be very busy and service might be limited.
- § I hope it doesn't, but I suspect it could. Some family clients complain that they are treated differently than private clients.
- § We work just as hard for all clients. My time is more limited for legal aid clients because I have overhead.
- § It doesn't – everyone is treated the same. It might be an ongoing frustration knowing that they have to work for free on each file
- § They have no problem saying "no" – they may have a sense of obligation, but only to the client – they have no loyalty to LSS.

d. How is this affecting their morale?

Almost all respondents indicated that the present tariff system is a source of frustration to the bar.

- § They are angry and frustrated. They're tired of being asked to do more and more for no money.
- § Many are frustrated that they are not able to provide their clients with services and run an effective practice given the money and time.
- § They want more money. I love having paying clients, but at least legal aid pays the bills.
- § The North Vancouver bar has high morale and is collegial, but they are discouraged by the tariff rate.
- § The Kelowna bar is very collegial – they get together, but they are down about LSS and fed up. They might not feel loyalty to us because we treat them badly.
- § It's bad. It's frustrating because you know you are working for free and it does end up costing them money because they have to pay overhead while working on a file.
- § Of course it's going to lower it because some already think we're not real lawyers. We're here because we care, not because we want to get rich.
- § Don't know. Some lawyers look down on those who take tariff work.
- § It's better than it was when the cutbacks came, but it's still down – we now hear more from the family bar than the criminal bar.

- § It doesn't affect lawyer's morale at all
- § The morale in Richmond is fine.

2. Have you heard any feedback from the Crown or other key players in the delivery of legal services regarding the current state of legal aid? Where do they see the need to improve services? Are there trends that they have commented on?

Other key players, such as the Judiciary and Crown Counsel are concerned about access to justice and unrepresented litigants. The Duty Counsel program is perceived to address the problem, but not to the extent that is needed.

Feedback from Judiciary:

- § Judges and Crown are upset with the number of unrepresented litigants. They believe that duty counsel is simply a band-aid solution
- § The judges in Kelowna are upset about the number of unrepresented family litigants.
- § The judges don't say anything but I think they're frustrated with the unrepresented litigants. The Duty Counsel program has helped. Some family lawyers here refuse to do duty counsel because they think the money should go to the tariff. We shouldn't have duty counsel in BCSC anyway.
- § Judges love Duty Counsel.
- § Judges feel that legal aid is definitely underfunded and that we need to have more people being represented.
 - Criminal – the judiciary very much appreciates the work done by the staff lawyers in the office and feel there is a lot of continuity when we act as duty counsel.
 - Family - the judiciary is very frustrated because of the way the system is (the lack of funding), on the other hand, they're pleased with the duty counsel initiative in Provincial Court.

Feedback from Crown Counsel:

- § I do get letters from the Crown on occasion requesting that certain clients are unrepresented and unable to understand proceedings and can we appoint counsel in that area based on financial eligibility. We have a deal with duty counsel in Penticton where they'll deal with in-custody clients and the sheriff complained that the process wasn't quick enough - but there are other problems such as not having a vehicle ready or the Crown not having paperwork ready that also delay the process. Some lawyers say they can't afford to sit at the court house to deal with an in-custody matter when they can be back in their offices dealing with private clients. We have two lawyers willing to be at the court house every day.
- § No one really talks about this. We have a good relationship with the Crown because half the cases in the Court of Appeal are legal aid cases (although the Crown has complained about a couple of the lawyers who do legal aid work and we are investigating this).
- § The Crown is concerned. They want people to have lawyers because it's difficult for them to conduct a trial with unrepresented litigants. The judges feel the same.
- § Some Crown have said that the tariff lawyers have been doing things in order to optimize their billing – this is hard to assess because there are so many ways in which a client can be defended.

§ Haven't heard anything from the Crown.

Other Feedback:

- § Family justice counsellors are happy and appreciative of the family lawyer advice program that we offer
- § There is a trend of unrepresented people. Local agencies that deal with the same people complain that they are not being covered – Friendship Centre and Quesnel Women's Resource Centre & Transition House.
- § In Duncan, the administration of legal aid matters hasn't missed a beat. However, in Nanaimo, the Sheriff has had to increase security at the courthouse by 200% after the cutbacks because of people getting into fights outside the courthouse and there are no lawyers to intervene. It might not be so bad now that the duty counsel program has been extended (it's very popular, by the way).
- § One of the civil administrators said that something was needed with family law, but then the duty counsel were brought in and that changed everything.
- § They would like someone available more than is offered – 2 days/week in Courtenay and 3 days/week in Campbell River
- § I haven't heard any comments. The attitude of most people is that they don't care as long as a lawyer is there doing what he's supposed to do.
- § They're happy with duty counsel, but naive as to what LSS pays duty counsel.
- § Lawyers in private practice complain that they don't like the duty counsel system because: a) there isn't enough time to be doing things like this and b) because clients are forced to consent to things.

3. What is the impact on the legal aid system if fewer lawyers are accepting cases?

The perception is that if fewer lawyers are accepting legal aid work, it will soon be difficult to find any lawyers, if not senior, experienced lawyers, to represent clients, thus causing increased administrative costs to LSS, delays in access to justice and changes in the legal system.

Negative impact on staff (3):

- § It puts stress on the intake people because they get pressure from both ends.
- § It's harder for administration because we spend more staff time trying to find a lawyer and a disproportionate amount of time trying to find one for difficult files. We see difficult clients over and over again from KRCC and it takes up court time.
- § It makes it more difficult for the ones who are accepting the cases or I have to take the cases myself because we can't find a lawyer.

Negative impact on service quality (3):

- § It monopolizes those few lawyers who take a lot of cases and thus the service level drops.
- § It will really slow things down because lawyers have less time to go to trial and people will be pleading out rather than waiting for a trial in one year.

- § It makes it more difficult to find people and there are delays in finding them. We end up giving referrals to lawyers who don't carry the file through to the end because they're not as committed to seeing the file through as other lawyers and clients don't get the best level of service. It's not good. There is less involvement of senior practitioners, which leavens the system.

Negative impact on access to justice (3):

- § Access to justice and quality of services is becoming further and further limited. A lot of people are just not going to resolve their legal problems.
- § We'll end up with a smaller pool of lawyers and some whose entire practice is based on legal aid work. Some lawyers will take on too much work and end up overloaded. We might end up with a public defender system where people are plead out instead of getting to trial and there is an impetus to settle – small cases aren't poorly served by this.
- § Eventually, there won't be enough lawyers to do the cases. 20 years ago, young lawyers starting a criminal law practice would take these files in the hopes that things would get better, but I don't think things are the same now.

Costs to budget (3):

- § In the smaller communities there are conflict problems and then we have to pay out of town counsel to travel
- § Referrals outside the community are more expensive for LSS
- § It makes it difficult to provide service for clients and ends up being more expensive because we have to fly people in

No impact:

- § Not a problem here because I can always find a lawyer.
- § Not the case here

Section III - Administration of Tariff Services:

A. Authorization and File Administration

1. Do you think the authorization and referral process should be more transparent?

Yes : 4 no: 9

2. If yes, how could this be accomplished? (Please specify):

The majority of respondents indicated that clear communication of LSS policy (perhaps a yes/no list) would alleviate a lot of frustration amongst the tariff bar. The issues are with family law.

- § I've been doing this for over 10 years and I really appreciate the odd intake training session to be clear on what happens when people's referrals run out – there seems to be a conflicting policy regarding this.
- § We should make it quick. People need answers within 24 hours. We need to answer calls instead of letting inquiries go to voice mail. This is a very important part of LSS because it's where lawyers get paid. We should probably hire more people to deal with this.

- § No one understands how it works – the criminal tariff is self evident, but family is sometimes unclear as to what lawyers can and cannot do. It needs to be clarified because we moved from a system where we were covering more things to one where we only cover emergency services and so people don't appreciate the difference.
- § The problem is with the family exception review process – I don't know how to solve this. I understand why it's set up that way, but it seems that some people in similar situations are being treated differently. Some lawyers think if they make a big enough stink, then their clients can get legal aid. They just don't understand what's now covered and then come back for another referral.
- § Someone should develop a form or statistical representation about which non-name requests when to whom and who got name requests.

3. How long does it usually take you to provide referrals?

Within 48 hours with all information (7)

- § One or two days (5)
- § Once we have all the information, the referral can be made in a day or two. The actual piece of paper doesn't get to the lawyer for 3 or 4 weeks.
- § The same day or next day if they have proof of income or other information. If they don't, it takes longer.

More than one day (6)

- § I like to say that once the application is received on a Monday, I can get it done within the week.
- § Some assessments take quite a while because in appeals we'll be called upon to produce an affidavit regarding funding when the time allotted has expired – in case the appeal is filed and not funded. We have time from the Court of Appeal to file Notices of Appeal.
- § One day, but often it takes more when we have to shop for lawyers and sometimes have to go out of town and clients will have to travel because lawyers don't have the time to travel up north. Clients have no money for this. We couldn't give the lawyer the case because the client couldn't afford to travel to Smithers from Terrace.
- § It's usually quick, but with exception reviews, it can take up to a week
- § Too long – one week
- § One day to one week, depending on the circumstances

4. What hampers these decisions?

Delays are most commonly caused by lack of documentation or administration resources.

Information: (9)

- § Sometimes, a lack of documentation, proof of income, and sometimes I'm just overwhelmed and it takes more than one week. I'm the only person in the office here. If I'm doing referrals, I can't answer the phone

- § Proof of income when there is “couch surfing” or business income. It's not uncommon that a person has something extra to do in order to prove income.
- § Not having enough info (2)
- § Lack of financial information, proof of income (4)

- § Judges having to review transcripts and signing off reasons before we can get them. We often order portions of a trial and sometimes judges delay in signing off on transcripts.

Finding a Lawyer:

- § Usually, it's finding a lawyer or that we don't have the information provided to us by the client. Sometimes we don't have the initial sentencing position or Ministry documents or the other side's application.

Staff (3)

- § My secretary who interviews the clients is also the secretary for my private practice.
- § It's also because I'm not paid enough to get more work done more efficiently. LSS should think about what local agent services would cost them if they were performed by staff.
- § For a while, we were doing quite a few exception reviews

5. Is there a trend towards cases where, in your opinion more hours than are traditionally granted are required in order to resolve matters?

The trend is more evident in family law than criminal. See also Section I - Q6C and K, Section III- Q6 and 12, Section IV, Q1F, I, J and Q2C

Family Law (13):

- § Yes. In Family law. (2)
- § Yes
- § This happens with almost every family law case. I don't hear any complaints for criminal law cases.
- § Yes. Usually it's in family where both sides are difficult and the time is wasted at the courthouse
- § Yes, if you get a hostile opposing party it can require more time

- § It's always been a problem since we haven't had approved services.

- § Case conferences are a good idea if you give clients time to talk in a safe environment. This is not mediation in any way, shape or form, but it gives clients a chance to talk to each other.

- § Yes – especially in Child Protection. There are an increased number of child protection cases with combined FRA matters involving extended family. It could be that the Bench here (in Victoria) is pro-Director; my perception is that the Vancouver system is more balanced than ours.

- § The Director's files are huge. If you have a non-litigious lawyer, there should be unlimited time to carry out negotiation and meetings with a social worker

- § Yes. Mainly in family because you start out doing a family matter and it seems fairly simple, but then the other side brings in all sorts of issues such as property because

there is a trend towards universal settlement and it complicates things. A lot of our clients do have some assets or money and it complicates matters.

- § There is a trend in court system (family law) towards setting things, Family Case Conferences and Judicial Case Conferences are prefaced on the notion that things should be settled, but we often don't give counsel enough time to settle things. A lot of our clients are unsophisticated and emotionally distraught and it takes a lot of time to deal with people like this because of all of the baggage that they come with. The hour that is allotted is used to calm them down and get them to focus, never mind asking questions about their cases.
- § I don't know where to begin with family clients.

Criminal Law (4):

- § In criminal matters there is not a set number of hours, but certainly a lot of cases where the block is inadequate and we end up working for \$20/hour (especially if there are charter issues)
- § Yes. Especially for criminal matters. Getting kids diverted in youth court is a huge process - the tariff is too low.
- § Yes. The bigger criminal trials are taking longer - more reading time is required by the lawyer. There is thought that we should always change counsel for the appeal.
- § Yes, but it's difficult to say when we reduced the hours. In criminal law, trials are taking longer to resolve – impaired cases can take a day or two and the Charter complicates technical defences.

6. Some members of the tariff bar perceive that family matters under the current coverage policy require hearings rather than negotiation or settlement. Could you comment on this perception?

Many respondents favour the use of mediation skills and principles, if not a formal process, but only in cases where the clients or situation is amenable to negotiated settlement. See also Section IV, QF.

In favour of mediation or mediation skills (4):

- § Mediation or collaborative law should be encouraged. The tariff should be redesigned to pay lawyers for preparation and attendance (a full day of preparation should be funded)
- § With every family case, I go to mediation first. I rarely go to trial; it is only the last resort
- § I'm sure there are some that need hearings, but I think that the mediation and offers to settle should be brought back. Mandatory mediation would also be good. Our community law association advocated for this three years ago. Abbotsford did a trial run and they resolved 80% of the files before the lawyers were appointed. A trained mediator will resolve maintenance and access. Division of family assets in the old days would be approved and LSS would get compensated for the service eventually.
- § I don't think the bar is particularly biased that way, but there are so many items for negotiation built into the tariff now. Sometimes, a case should be litigated as a check against false allegations in CFCSA and public pronouncements of things that would fix the system. It's nice that the family duty counsel bar advocates as a group.

Neutral (8):

- § Well, some do. If you can't mediate a settlement then you go to trial
- § In family law appeals a lot of lawyers have a faulty perception of what would constitute an appealable issue. This is not surprising because family cases are fact sensitive. They don't realize that appeals are based on evidence, not just that the original trial decision might be wrong – the evidence must be unsupportable (but we only do custody related appeals where there is a perception of danger).
- § It's the nature of the file if one side is unreasonable
- § You just have to go to court on some things – for example, Notices of Motion or Restraining Orders
- § I think they're right – some people just can't get past themselves and the matters have to go to trial. (2)
- § A large majority of our clients are victims of violence – control issues prevent opposing parties from begin reasonable
- § In some situations, people aren't talking anymore and so you can only go to trial and go for it. We need to get some responsibility very quickly and get past the anger and focus on the children. E.g. Parenting after Separation. Most people are reasonable. People do see the light with negotiation, whereas court is filled with pain and anger. I don't agree with the trial process because you have to question every little thing the parties have done.
- § They're right because there's not enough time to negotiate and you end up just going to hearing. Staff lawyers can spend more time with clients than tariff lawyers.

7. Can you comment on some specific case disbursement costs that have increased in the past four years?*Office expenses (4):*

- § There is more paper and more photocopying that is necessary – directors counsel reports are huge!
- § Why, on a legal aid file, do we have to pay finding fees to the Registry? It just goes from one pocket to another.
- § The pay for long distance phone charges is a joke. They don't pay for the telephone, but will pay for a phone call. Photocopying, binders and tabs are inappropriately compensated for as well.
- § I have misgivings about how we handle disbursements – maybe we should control the disbursements over a certain amount and not nickel and dime lawyers over the small disbursements. It costs the organization more in administration to nickel and dime the disbursement than does the disbursement itself.

Other:

- § Expert costs have outstripped the ability of legal aid to fund it (but most private clients can't afford to hire experts either) (family law)
- § Actuaries fees
- § Home assessments, psychiatrists, psychological assessments
- § Psychologist's fees

- § Custody & Access reports
- § Serving documents
- § Impaired driving offences - because a lot of lawyers specialize, it's a heavily litigated area. We need research as well as experts for lawyers who take a lot of impaired cases.
- § No idea (2)

**8. Are there any issues regarding authorizations for travel expenses on legal aid cases?
Please specify:**

Compensation for travel time is perceived to be a policy that confuses and frustrates both staff and the tariff bar.

Travel time (8):

- § Yes. That's always been something I've been scared of authorizing. I don't know when to authorize it. If it's going to be a big file, I request permission from head office because the lawyer will have to come to Penticton from Kamloops
- § Yes. This could be handled more at the local level (Kelowna)
- § When they do pay travel time for family duty counsel, it's great. They need to cover more than mileage because this is a huge region and there are dangers with travel on these roads. [Northern BC]
- § Yes – using a mileage limit because it's a lot different to drive from North Vancouver to Surrey than it is to drive from Kamloops to Lilloet in the winter. The Attorney General closed court houses – people have to travel now.
- § We should pay travel time, parking and mileage – any cost that a lawyer incurs in representing a client. How do we do this in the face of a government that won't pay for it? We need to change the direction of things before inertia sets in.
- § Getting paid for travel time is probably an issue
- § Counsel have had a fight getting travel authorized to go to the north island for family meetings – there's often a small window of opportunity to meet, so they just go and bill for it later.
- § BCSC happens only once per month in Port Alberni. LSS won't give us the extra day to go to Nanaimo to do a family Chambers application – we get paid mileage, but not travel time

Hotels (3):

- § Hotel expenses in Ottawa and Vancouver are high, especially in summer. Our tariff is chintzy on this – it may seem to be a small issue, but it's important.
- § Sometimes with BCCA appeals, lawyers need to find a place quickly in Vancouver and they can't find accommodation to fit the tariff.
- § We don't authorize a lot of travel. I guess maybe some of the hotel fees might be unrealistic but I haven't heard a lot of complaints

Other (3):

- § This happens occasionally in Duncan
- § I have heard comments from private bar that it can be difficult to get authorization to visit clients in custody.
- § I avoid these files. Anytime that I have to write a letter to head office for something, a red flag goes up and I avoid the case [speaking as a private bar lawyer who takes tariff work in criminal law].

9. Are lawyers generally willing to accept cases in other geographic regions if local lawyers are unavailable? Why or why not? (e.g. inadequate compensation, time, distance, other factors)

Respondents agreed that local lawyers will travel if they are compensated for doing so. As indicated in other sections, this is necessary in smaller communities where there is a limited pool of lawyers.

Yes (8):

- § If travel is authorized and the case is serious enough, they'll accept the case.
- § Certain lawyers will accept these cases if travel time is authorized. Port Hardy is a good example – 2 lawyers accept legal aid there – one is the federal prosecutor and the other has the Ministry contract. Lots of conflicts there and it involves two hours travel from Campbell River
- § We can usually find some people who will do it. Tends to be people who are at the lower end of the busy-ness spectrum who will take the files.
- § Yes, in fact, some will only do out of town work.
- § Yes, but staff lawyers might sometimes go
- § It depends on which region it is. They're not keen on going north or west in the winter, but by and large it's not an issue
- § Yes
- § We let out of town lawyers come into Vancouver to do appeals.

No (3):

- § I will rarely take a case out of North Vancouver because they won't pay parking and travel. This isn't necessarily a bad thing.
- § They won't go far – Vernon lawyers may take a case in Salmon Arm if there is a conflict
- § One lawyer wanted to represent a client on who had separate matters in two regions. This is not a common situation.

B. Billing:

10. Would it be desirable to implement the following billing changes within the current system? Why or why not?

Any policies that would reduce the amount of anxiety regarding remuneration for office expenses or administration time would be helpful.

i. Allowing lawyers to charge a file-opening fee

Yes (8)

- § Yes, it would help offset the administrative costs.
- § Yes - \$25 would be enough
- § Yes. Often there isn't a lot of work done at the beginning, but there are significant office costs such as staff time.
- § Absolutely. Aren't they already doing this with collapse fees?
- § Yes, because some people never appear

Don't know (1)

No (4)

- § Lawyers should be allowed to charge an hourly fee for all work done.
- § Because there are collapse fees

ii. Block billing for routine disbursements (such as photocopying)

Yes (10)

- § It would really help with the disbursements such as photocopying and faxing.
- § If the lawyers say it's going to make it easier, why not?
- § It becomes so taxing to keep track of all of this stuff.
- § It would be good for transcripts and pre-authorized approvals for expenditures.
- § It would simplify the process
- § Because a lot of tariff lawyers are sole practitioners – anything we can do to reduce beurocracy would be helpful in placing referrals

Maybe: (2)

- § This might lead to abuse
- § I don't know. The problem is that when you go above it, you have to make a special request. It would be better to have a small initial fee at the beginning to cover photocopies.

No (2)

11. Would you recommend any client contribution mechanisms? If so, what would they be?

Responses were equally divided on this topic. Those in favour of a client contribution mechanism thought it would alleviate the financial pressure on the organization and allow LSS to offer full coverage to "working poor" who are currently denied access to legal aid.

No (6)

- § No (3)
- § No – too much paper. Either cover it or don't
- § No because it doesn't seem to make much of a difference. Contributions have to be nominal and I don't really see the benefit in it.
- § No, but maybe I haven't seen it set up properly. If we've all done our job and the depth of poverty is reduced, then perhaps we could collect money, but we don't see cases through to completion anymore, so we don't know if this happens with clients.

Maybe (1):

- § I'm unsure. As a poverty lawyer, I was opposed, but I can see why it's not fair why someone should have a totally free service and someone else should pay. Why should a mortgage system be the gauge?

Yes (6)

- § There should be a mechanism so the working poor could actually obtain some access to a lawyer for up to 3 hours to help prepare for their case. The fee could be

that for 3 hours they would pay based on a sliding scale. It just makes everything go smoother. Could be done by phone, fax or email. It's an extension of duty counsel.

- § Yes. I think that some clients who are not on social assistance could perhaps pay a very small user fee.
- § Yes. It should be similar to Ontario's system. We could ask for liens on property, but it should only be allowed if family coverage increases. On criminal matters, we should also have the ability to impose liens.
- § Yes. We could lower the financial requirement and institute a sliding scale and also put a lien on any property
- § The old contribution system worked well – where we had discretion to waive in emergencies or if the court date was within 10 days
- § Yes. Appeals are enormously expensive. There are clients who are on the cusp of eligibility; perhaps there could be a flexible test, say, for those who are within the \$500 range of the cut-off.

C. Other:

12. What are your thoughts about the number of cases where lawyers withdraw after using up the allotted preparation time?

See also comments in Section I, Q6C, Section II, Q3, Section III, Q5 & Q6, Section IV, Q11

- § I suppose it's understandable, but I don't know how many people do it. (There tend to be lawyers from outside the community who do that.) This makes it difficult for us because we have to issue another referral.
- § This seems to happen with the most complex cases
- § It's like a necessary evil because things are so tough economically. They can't carry files pro bono. Lawyers have definitely been withdrawing from files.
- § I can't blame them.
- § It's the harsh reality
- § I don't like it, but why should a lawyer work for free? This is where we should look at what it really takes to get the job done properly.
- § It's inevitable because of why lawyers are involved in the case in the first place. If the lawyer was committed to achieving a reasonable resolution, they would do as much as possible in eight hours, but a lot just run out of time and can't operate a business by donating more time for each case. Most lawyers always go way over the allowed time and eat that time, which creates resentment.
- § Clients are devastated when lawyers cut them loose. It happens all the time. Some clients are made to sign a notice to act in person at the beginning and when the 8 hours are done, so is the lawyer.
- § Quite a few in family law - the clients are out of luck. It happens often.

- § It does happen, and usually the reasons are more ambiguous than just preparation.
- § These lawyers should be taken off the list. Some do this.

- § From my experience, the only time a lawyer will withdraw is because the client is not accepting the lawyer's recommendation. I haven't seen any cases where lawyers will withdraw because time is used up.

13. Do you think that tariff lawyers understand the overall context in which legal aid is administered throughout the province?

Yes (11)

- § Yes (generally). 7
- § A lot of appeal lawyers do. People who do a fair bit of legal aid work understand it well.
- § I doubt that they think about it very much.
- § They have a lot more knowledge than we give them credit for in the north.
- § Yes, but they don't like it. The idea that there is a dedicated batch of lawyers who do legal aid work to "fight the good fight" is a myth – we're all trying to make a living.

No (2)

- § No. There's a total distancing between the local level and the provincial level. Lawyers know what's happening locally. The big picture is too esoteric for them. A lot of people are just walking away from the system because they can't get the help they need.

- § I'm not sure that they have an overall contextual understanding of the low income community (e.g. what benefits they are entitled to and the interconnections between federal and provincial programs)

14. Please rate the effectiveness of the following quality assurance and quality control activities on tariff lawyers in your region: Please rate on a scale from 1 to 5, where 1 indicates not at all effective and 5 indicates very effective. Add comments where necessary:

Respondents thought that the most effective quality assurance mechanisms would be orientation and training for new lawyers and a mentoring program for new tariff lawyers. Discounts and resources are seen as a perk not directly related to improving the quality of legal aid work.

Discipline by the Law Society is seen as an effective quality control mechanism.

Initiative	1. very ineffective	2	3 neutral	4	5. very effective	Don't know
A CLE discounts § with the caveat that those who need it don't go and those who use it see it as a perk of taking cases than a quality assurance initiative	1	1	7	3	2	2
B CLE courses specific to legal aid practice § because it teaches efficiency in handling files	2	2	1	4	6	2
C Remedial measures imposed by LSS § criminal lawyers see this as a threat as do duty counsel			8	5	3	1

<i>Initiative</i>	1. very ineffective	2	3 neutral	4	5. very effective	<i>Don't know</i>
D Discipline by the Law Society	1	1	2	6	5	1
E Orientation/training for new lawyers	1	1	3	6	5	1
F Mentoring for new lawyers	1		1	8	5	1
G Provision of online resources for the tariff bar			3	4	5	1

H. Other:

Technology (2):

- § We should provide software that makes their lives easier. LSS is losing an opportunity to be seen as proactive and effective. We could offer a discounted laptop or palm pilot purchase program (such as the one for Queen's University) and charge a monthly fee for the entire time in which they conduct legal aid work.
- § A bulletin board or chat room for legal aid lawyers would be helpful

Research (2):

- § Research at the law library when we're looking for files. Get the librarians to do some research. I would like to see this as a disbursement because for me to get on Quicklaw, it takes an enormous amount of time. It forces me to summarize what I need, I send it by email, they research and then they send it back. It's wonderful.
- § It would be nice to have a research component specific to BC

Education (1)

- § Give them knowledge of the low income benefits – there is widespread ignorance of the basics.

Other (1)

- § There should be some quality control, but it's difficult to carry out – it could be done based on quantity of work done or billed.

Section IV – Solutions to the Attrition rate among the Tariff Bar

1. Please prioritize the following ways that LSS could improve services if extra funding were to become available. Please rate according to level of priority on a scale from 1 – 5:

Solutions that received majority ratings as a high priorities are in red. Those that received over 75% response as a high priority are formatted **bold** as well.

Options:	1 no priority	2 low	3 neutral	4 high	5 very high
A Expand the number of tariff lawyers (enlarge the pool) <i>A high priority in geographic regions where there is difficulty finding tariff lawyers to accept files</i>	7		4	4	3
B Expand the eligibility threshold (serve more clients) – criminal	6	1	1	5	4
§ Something needs to be added regarding the likelihood of jail, yes we keep people out of jail, but we should also prevent innocent people from getting criminal records and address first time offenders. Anytime when a person is financially eligible and has a great defence, they should get legal aid.					
§ First offenders should get legal aid because it's the time when they can really move out of the system. If they're cornered, they get a record and it ruins their lives.					
§ Lowering the threshold for eligibility and increase the number of problems covered for both criminal and family law					
§ We need full coverage for criminal law					
C Expand the eligibility threshold (serve more clients) – family	1		1	4	11
§ A lot of family law clients will fight to the last drop of legal aid's blood. The priority for us should remain as is. Further funding should be focused more on those cases where the state is intervening on people's family lives.					
§ A lot of people are falling through the cracks and it causes a lot of other problems. A lot of cases would require decreased time where the risk is not prevalent, but there needs to be some discretion and service.					
§ A lot of the family issues deal with financial inequity. Women in the lower economic strata are now economically worse off than before. There has to be help at the beginning of a case before we see the endless battles.					
§ This can devour funding					
D Expand the duty counsel program (criminal)	8		3	3	3
§ Needs duty counsel there when there is a judge there as well, not just the Justice of the Peace					
E Expand the duty counsel program (family)	2	1	3	4	7
§ Improve payment to duty counsel					
§ In Hazelton 2 days month, Terrace 4 days month and the same person could do both.					
§ This must be done in a thoughtful way					
§ We should be providing a referral to a lawyer, not duty counsel					
§ There is a difference between giving band-aid solutions such as duty counsel and really servicing clients. This would be good if there would be an overall increase in family coverage and eligibility, but if on the other hand there was not going to be a significant increase in family coverage, then they should expand the duty counsel because we should go after the big things (i.e. services) we're missing.					
F Promote mediation practices through programs such as the pilot project launched in Summer 2003	1		5	4	6
§ There should be true mediation available. Case conferences are not mediation. There are some situations regarding blended families and working couples where it can come out quite reasonably. It's a lot more work than trial but the spin-offs are much greater for the children. Collaborative divorce is also good.					

	Mediation must be culturally sensitive (aboriginal culture is attuned to this!)					
	§ Should be tied in with collaborative law					
	§ Most lawyers in small towns will mediate first					
	§ Not a priority because mediation and restraining orders don't usually go together					
G	Expand the network of related services available (e.g. PLEI, publications)	6	1	4	4	2
	§ At this time, providing more self-help materials is important, but a lot of the people we serve don't read so they need some sort of hands-on advice or assistance.					
	§ More human contact using local people to do ongoing workshops around access to justice.					
	§ Clients just don't understand it					
	§ This is of limited usefulness to client groups but good for community advocates					
H	Increase tariff rates				3	13
	See comments in Question 2A					
I	Increase authorized preparation time			1		14
	See comments in Question 2C					
J	Increase authorizations of additional services				4	10
K	Increase on-line services to lawyers	4	2	2	7	2
	§ Quicklaw!					
L	Increase self-serve online services to clients	10	1	1	3	4
	<i>Self serve online services to clients are perceived to benefit those who don't qualify for legal aid.</i>					
	§ A lot of the clients don't have computers. They still need someone to complete and print off the forms. It's a cheap way out for the government to say that they're doing something but it's not providing a valuable service. They need in-person help to guide the person through the computer system.					
	§ Law link – not very many people come and use it and I'm not sure why that is. People are intimidated by law link. It will be very effective with youth, however					
	§ This serves advocates who can help people with things					
M	Increase non-lawyer LSS staff who deal directly with clients	6	2		3	5
	§ Outreach workers are needed. I help people by hooking them up with Duty Counsel, but I don't get paid for this.					
	§ A constitutive services of non litigious poverty law services that are important to low income people such as non-discretionary trusts for exempt assets to reduce the depth of poverty – this would be a 3-hour job.					
N	Find ways to streamline LSS administration	5		5	4	1
	§ Already very streamlined. Heidi and David understand the front line					
O	Increase the number of locations through which legal services are delivered to reduce the distance that clients must travel e.g. kiosks, community agencies,	5	1	2	4	4
	§ We need more information counsellors at kiosks but in general, the kiosks are not working well					
	§ There has to be the human touch, it has to be more than a computer					
	§ I would like to see more outreach intake. Clients need in-person support t use kiosks					
	§ We don't have law line in Vernon					
	§ The community advocate in Merritt does a good job! She makes sure that clients record all the necessary information					
	§ Clearwater and Blue River could also use a community advocate					

P. Other (please specify):

Extra Services (6):

- § A constitutive service that helps people who are pinned down with life being hard and the “in-betweeners”. This would also help intermediaries connected to pov-net
- § Collaborative law!
- § I would like to see a civil tariff where there is outreach that makes a real difference to people if they can access the service.
- § We need a local agent in Uclulet
- § LSS has visited my location twice in the entire time I have been here. We get no feedback on how we're doing as local agents and no training either. I've been local agent for 12 years, but head office doesn't know the context in which I practice.
- § Some of the current restrictions are quite rational.

2. The following aspects of administration have been identified as those that could positively impact the tariff bar if improved upon. Please describe how and why changes should be made, if at all:

A. Tariff rate (12):

Comments support Question 1H

- § There are some very good lawyers who aren't taking legal aid cases. The overworked ones would provide better service to clients if they were paid more because they wouldn't have to accept so many cases.
- § More senior lawyers would take cases if the rate was increased and those that are taking legal aid would be able to take less and increase their private client base
- § Higher pay = higher quality of service
- § Has to be increased because people should be paid for what they're doing. You're going to risk losing those lawyers if you don't pay them close to what they would charge private clients.
- § It should be increased. I like the block fee because I know what I am going to get paid.
- § Increase it to at least \$100/hour to avoid the “working poor” syndrome.
- § Increase it!
- § This is the number one problem
- § Block fees are no incentive for a lawyer to be effective and efficient.
- § Money!
- § Increasing the amount paid will increase the number of lawyers in the community and thus provide better services to clients and reduce the overall cost because lawyers will not have to travel here from out of town. (13 lawyers in town now).
- § Lawyers need a secure source of funding. It should be increased partly because it's an allocation of resources to develop the law in the interests of low income people.

B. Communication/public relations:

See also Optional Section I, Q 1.

- § They are doing a fair job with the LAF. They're trying so hard, but you can only dress it up so much and the bottom line is that people want to be paid for the work they do.
- § LAF is good. I hope lawyers read it.
- § They're okay with this (2)
- § People need clarification that resources are available and what they are

- § LSS has tried very hard to fix past communication problems with the tariff bar and they need to show good faith. Some lawyers said of the tariff review that they would say what they wanted to say but they thought that at the end of the day the head office wouldn't hear them.
- § We need to have local offices become more of a "face" for LSS – for example, the Bar Recognition Dinner was very good. We should have Christmas parties off-site as well.

C. Authorizations including disbursements and extra hours:

See also Section I, Q.6F and I, Section III A Q1-4., Section III C, Section IV, Q 11

Disbursements and extra hours (8):

- § More should be authorized. For example, fact investigation and some limited tariff disbursements for private detectives if it's smart to do so. In some cases, we could also use disbursements for lie detectors (child abuse).
- § The availability of more hours is more important than the tariff rate. People should be paid properly for the work they do – they shouldn't be forced to do pro bono work
- § We don't keep lawyers waiting for disbursement money – one of the problems with the tariff is that it has no function in providing legal service, it's meant to scrutinize accounts. Appeals is a front –end operation, but we set the rate for the appeal and handle the disbursements ourselves.
- § There aren't any more authorizations other than disbursements. It's impossible to get extra hours.
- § With more discretion for a budget floor (i.e. automatic authorization)
- § Because there are always exceptions
- § Sometimes people have trouble getting authorizations approved quickly so there should be some time sensitivity. You can't not authorize things that are to the detriment to the client (this comment relates to the family tariff)
- § Disbursements can be a pain – this affects client service because it can delay the process unnecessarily – our professional judgement should be valued

Preparation Time (6):

- § The general preparation on CFCSA matters is too low – the Director's reports are enormous
- § Need more hours, need offices to be open longer
- § Decisions need to be made quicker, but there is a staffing issue
- § If the matter could be completed properly by one lawyer, the system would be more efficient, there would be less attrition because lawyers would not feel that they are obliged to offer the client pro bono services because there is no one else to turn to
- § I would like to increase lawyer effectiveness and efficiencies and therefore have a real problem with imposing fixed preparation time. If they are able to prepare files in few hours, they should receive a higher hourly rate.
- § The hassle to request extra fees is not worth it. They should build in preparation time (2-3 hours) to the criminal tariff and provide something for court appearances to reward good lawyering (it could be capped at 4 or 5 times).

D. Administration (accounts) & Electronic administration services (e.g. e-billing)

- § This is popular
- § The bar likes it! Has been positive
- § E-billing is good
- § Doing great

E. Distribution of referrals

- § I've done what I can do to ensure credibility.
- § We try to be fair
- § I haven't heard any complaints. People who are ready, willing and able to do tariff work shouldn't fall through the cracks because of a strict rota. The intake staff in Victoria is good. Are those referrals that are not name requests getting through to everyone? Lawyers can do things to make acceptance more compatible to our needs. We need more internal statistics regarding where non-name requests are placed.

F. Connections to legal resources (experts database, Quicklaw)

Also see answers below (G) and Section III, Q14

- § Good, but only as a perk
- § Lawyers appreciate discounts and perks, but I don't know how much they use them.
- § This would be helpful, but it's not a problem now
- § This would be good.
- § Might interest some people, but a lot of people wouldn't go to a CLE course because of the time factor involving travel.
- § The staff has access to the Childview program, but I've heard it's cumbersome
- § Carol McEwen does a great job. Quicklaw is replacing the library service

G. Offering connections to or discounted services from legal organizations (TLA, CLE, LSBC, CBA)

Also see answers above (F) and Section III, Q14

- § Good to offer reduced rates
- § This is a good idea. (3)
- § Unless it's heavily discounted it's not much of an issue because the main costs are travel costs for lawyers in the North – going to Prince George kills an entire day by the time we go there for the morning.

H. Communication about collapse fees/lack of encouragement towards settling matters vs. going to court

None of the respondents are sure about the official policy regarding collapse fees. See suggestions in Optional Section I, Q1

- § No one knows about collapse fees.(3)
- § This would be good in CFCSA because we have to prepare for huge trials
- § administration needs to do something about this
- § What are the criteria for collapse fees? Is it 4 days? I'm not sure.
- § The collapse fees are hopelessly inadequate
- § Yes, this should be done
- § The amount of preparation time is so limited that even if we mediate a settlement it still takes a long time do properly – the idea that mediation is a cheaper way out is offensive.

I. Other (please specify):

- § We have really good IT people, and really good tariff lawyers. There is a gap in service, however. We need an entire group of people whose job it is to provide technology solutions to lawyers. All documentation should be fully automated and all data should be online. We could have a wireless hub in the courtroom.
- § I would like to see a Brydges Line for Child Protection. Parents should be able to call for legal advice at the moment the children are taken. It would be an opportunity to put forth less disruptive measures at the time.
- § I think all of the above would attract more lawyers willing to take legal aid

m. Which of the above issues would make the most impact, if addressed?

Respondents indicated that increasing the tariff rate, allowing increased preparation time for family lawyers and expanding services to reach more people would make the most impact.

Increasing the tariff rate: (6)

- § Increasing the tariff rate. (4)
- § More money!!
- § Tariff Rate. At the end of the day, they're businesses. More people will be involved if they think they can make a reasonable amount of money on it.

Allowing increased paid preparation time (4)

- § I'm quite satisfied with the rate. Expanding preparation time and being allowed one more court date or time to get a court order because it deals with a number of issues on a piece by piece basis. There's nothing worse than going and getting an incredible order and not being paid for it.
- § 1) giving lawyers more preparation time, 2) changing the tariff by increasing the remuneration
- § Authorizing more hours
- § Authorizations – because it would allow family law to be expanded

Extra Services (2)

- § Non-litigious services that can make a big difference to a person (e.g. representation agreements) would save a lot of money in the long run. This is constitutive work that enables clients.
- § The addition of non-lawyer staff to help out at courthouses (i.e. paralegals). It would be cheaper for LSS to pay a paralegal a salary to do this.

Optional Section I - Communication with the Tariff Bar:

1. What new information regarding tariff services should be published on the LSS website?

For example, contact information, job, postings, research, best practices, etc.

- § Nothing more, they're doing a good job.
- § Tell them about travel disbursements and mileage
- § Publish best practices

2. Would a tariff lawyer intranet be useful? If so, what information should it contain? What outside resources should it link to?

- § No (4)
- § Yes
- § It would be helpful to publish the family law manual that Wayne Robertson wrote.
- § A facilitated user group would help lawyers become more efficient e.g. using precedents

3. How could LSS take advantage of informal communication opportunities, and become more visible in the community?

Unsure (3):

- § Outreach buys a lot of good will, but head office needs to value it.
- § There is a real feeling of lack of trust between the tariff bar and LSS and it stems from their perception that we are nickel-and-diming them.
- § Having focus groups was a good thing; a town hall meeting notion would be good. Should be done at critical points such as budget time.

Advocacy through Legal Information Outreach Workers (3s):

- § We're getting there. Having the LIOW has been good because she gets out in the community
- § We should keep the Legal Information Outreach Workers – they have been of enormous value just by being visible.
- § Re-open a branch office or a community law office or an enhanced office in a private partnership with non-lawyer services, especially for the bigger centres (Penticton could use it – we serve 80,000 people)

Proactive communication with community groups (4):

- § Probably could communicate directly with the stakeholders like the community agencies. I sort of do that, but it might be helpful.
- § I believe in LSS, the philosophy is there and they have the heart. To maintain the heart it's important, piggyback the awards with a workshop for the public so the money is also going to the community.
- § Less individual case work and more community interaction would buy us a lot of good will.
- § We have an open house at the court house once/year. It would also be good to have articles in the local newspaper

4. How could LSS encourage use of local resources, practices and camaraderie among the tariff bar in your region?

- § It would be useful for me to attend local section meetings, but that would take time and I'm not paid for it. It would help me explain things to the lawyers.
- § Promote more meetings of the tariff bar. We don't have many meetings now. Have a speaker come by such as a family expert have the speaker in vs. having local lawyers travel out to Vancouver.
- § A visit to the local bar from someone at head office. We also liked the duty counsel conference.
- § This is not an LSS role
- § There is nothing in my budget for promoting LSS to the bar!

5. What is your preferred method of communication with local lawyers?

- § Direct contact at court house (7)
- § In-person and then via phone - NOT fax, Not email. (3)
- § Telephone and at court house. Emails can be easily misinterpreted and don't follow rules of proper social intercourse in email (snarky and mean).

Optional Section II – Specific Issues Regarding Legal Aid Clients

1. Have you noticed any trends among LSS clients in the past few years?

a. Criminal Clients

- § They're becoming younger and the offences are becoming more property related, break and enter, home invasions and the degree of violence is escalating. It's drug related too. We have a high level of criminal activity here. If they go to jail, they'll become worse. The police are really busy here. We have a lot of rage and anger between the tribes. [Hazelton]
- § A lot of drug use. There is a lot of pot production in Port Alberni and it's fairly sophisticated. We also have a lot of repeat impaired driving offenders
- § There is a high drug problem in Vernon, but we also have two methadone clinics.

- § There are more criminal clients here (Campbell River)
- § There are fewer criminal clients because less qualify for coverage
- § There has been a reduction of youth in court – this might affect the development of future policies.
- § More people with no proof of income – they're different to deal with administratively

b. Family Clients

- § Fewer people are now covered, those who are tend to be more difficult and more damaged than before because violence and safety are now the standard for coverage.
- § Violence is increasing but clients are also getting wiser. In addition, lawyers are becoming more sensitive to what violence constitutes.
- § Dissatisfaction with FMEP – they can't collect money for clients
- § The numbers may be lower than they have been – we see a lot of abused women
- § More people with serious family issues that can't be helped

c. Trends in financial eligibility – assets, income, etc.

- § We see more poor people. Pretty much only those on welfare are covered now.
- § Yes, now we represent mainly women on social assistance
- § It's so easy to determine eligibility because they don't have any assets
- § More that say they have no income and we don't have the resources to investigate
- § There is an issue with the working poor. It's worst for criminal clients because in the end, we're probably not going to get paid if these people retain us privately.
- § We should go back to the point where people who have a house with some kind of equity that will be weighed out later should still get representation because it will be worked out later. It won't happen all over the place, but it does happen. [The impact won't be overwhelming, but will be useful].

d. Gender

- § Mostly women now because of violence issues.
- § Women are negatively affected by the cuts
- § We serve more women than men
- § In family court, things have gone in favour of the men (e.g. maintenance enforcement) There is still no referral for FMEP and people are totally overwhelmed by it. Women are not getting legal aid because they might have equity in the house. The courts are not sensitive to this.

e. Special needs - mental health, disabilities, language requirements, etc.

- § We have a lot of clients with mental health issues (Surrey)
- § More mental health issues (4)
- § We're becoming more sensitive to FAS and FAE issues. There is a lot of mental illness and we're becoming more aware, such as ADD or ADAD.
- § A lot of FAS types
- § There are a lot more mental health issues in criminal law now. The Crown makes note of this and they say that the level of defendants with mental health issues is amazing. I won't accept a legal aid file if the client has mental health issues because it eats up too much time.
- § These are probably the people who disappear first.
- § Not more mental health issues in volume, but there are more compared to the number of referrals and amount of assistance that we can now give (this used to be covered by poverty law)

f. Other (please specify)

- § People have enormous comprehension and literacy issues here in Surrey and they're not getting any better.
- § There is tremendous poverty in Surrey.
- § Initially, we had a lot of poverty law clients looking for help, but it's lessened
- § A lot of people think that legal aid just doesn't exist any more.

- § Things are getting a lot more conservative. People are becoming more hard towards homeless or those in trouble than ever before. This could include lawyers because they have to get billable hours. When things are better, they more have time.

2. Do you have any feedback regarding the following client-oriented LSS services?

The services involving human assistance, such as the LLOW are the most useful to the staff interviewed. The Brydges Line and Law Line are also popular because of the in-person service and explanation.

Many felt that services involving technology, such as the website and law link were of limited use to clients due to literacy issues. They suspect that the website and law link are used most often by people who do not qualify for legal aid.

a. Website

- § It's not of any use
- § Clients are not in a position to make good use of the website
- § People don't use the computers, but it's probably a great site.
- § It's accessed but because of the slice of society we serve they don't understand it
- § It's a great site, but the majority of my clients are not computer literate
- § I don't know how useful it is because of access to computers.
- § No, because clients don't have computers. We've had a computer for a year and one person has used it.
- § They use it but they're not people who are traditional clientele, they're the ones who are more sophisticated than most of our clients. Most of our clients have trouble filling out carbonated forms, never mind using a website.
- § Good (2)
- § It's difficult for LSS clients to navigate the site without assistance. They need the LLOW to stay there.
- § I look to see what's happening.

b. Publications such as brochures and guides

- § Very Good (2)
- § This is good because clients still like to have something in their hands.
- § Good (2)
- § Helpful
- § Clients really like the written materials. They're hungry for the stuff. LSS publications are very good, especially those regarding disability and WCB issues. They like human beings to be party to it too (for example, we had a workshop and had interaction with the participants).
- § Like them, very helpful, most understand the language
- § They're of some help
- § People aren't literate

c. Law Link at courthouses and local offices

- § We use it and encourage others to use it. I wish that people would utilize it more. We are trying to become more proactive in promoting it.

- § Our law link is used by people who probably in the past wouldn't have been able to qualify for LSS because they're above the income level
- § A good idea, but they need personal assistance to access it
- § This requires an LIOW to explain things
- § Would use it if there was someone there to assist them
- § Valuable if people have someone to help them
- § We could use one at the Vernon court house, but the law library is only open once /week to the public for four hours
- § This is useless because people want a lawyer
- § I hear it's bad
- § We don't have this in Quesnel

d. Brydges Line

- § Well used. Posted at RCMP cell. (2)
- § Helpful
- § Very useful and efficient
- § Some of the RCMP still don't seem to be aware of it or don't tell people about it

e. Law Line

Positive(8):

- § It can be useful; it's a lot of work for lawyers, but not a lot of compensation. Clients love it!!!!
- § Good
- § Helpful
- § Very good and they get a lot of calls about this. Like doing duty counsel. All has to be done in 14 days. I think that it allows us to get right on the line with clients. Will be a really effective tool for LSS
- § Very good
- § We send a lot of referrals to it – it takes a long time to get through, but they've been grateful
- § Certainly, people who send the people to use law line are happy to have a place to send them such as other agencies, especially those with poverty law problems.
- § Good but would be nice if people didn't have to wait so long (45 mins is not unusual)

Negative(4):

- § It's not useful because it's a band-aid and there is no concrete information
- § People wait up to 2 hours to get through to the 1-800 number – it happens often especially if the problem is complex or the person is unrepresented
- § Too long holding – clients who only have cell phones have a problem because it is costly for them and they can't afford it
- § Some clients get steered wrong with Law Line because the lawyers don't have enough time to get to the heart of the issue. I think we're being optimistic that people can explain their problems and act in the moment.

3. Are there any trends regarding appeals of denials for legal aid funding?

- § A lot of men are appealing because they are very angry that the women in their lives received coverage and they didn't or can't afford a private lawyer.
- § No. There are more appeals from Duncan than from Nanaimo.

- § They [clients] just go away
- § Most of the time they don't get back to us.
- § I don't see any trends, there are simply things that we don't cover and people don't like it that we don't cover them any more.
- § There are people who were on the cusp – the lower middle class who don't qualify based on criteria

- § When the new criminal rules came in, there were changes to the process regarding the arraignment hearings. The crown is required to give an initial sentencing recommendation. In many cases, the defence lawyer will know that the client is not going to go to jail. Sometimes, the Crown helps to qualify some people - this goes back to the comment that first time offenders should receive legal aid funding.

4. Do you have any further comments?

- § The Surrey office is a nice place to work – they really listened to us when they designed it!
- § Administration is polite and professional. I like e-billing. They should be conscious of regional differences.
- § It's critical that lawyers are in the mix with LSS because it speaks to credibility. The fact that duty counsel are in court shows that we care (vs. having paralegals talk to people)

Family Law:

- § The Family duty counsel project has really helped in assisting with the cutbacks to family law services. I can't see the government not extending this because the judges would revolt.
- § The whole family law system is unfair, but in the years that I have been practicing, the family law coverage has been way too narrow

Allocation of Resources:

- § I did hear that Geoff Plant said there would be more money for legal aid. I really hope that the tariff will also be increased. The community law office should be re-opened. I am the only one working here so some assistance would be helpful, even a part-time assistant, although we do the best we can.

- § We don't ask doctors and teachers to earn half their usual fees when they serve poor people, but this seems to be the expectation with lawyers. Often the people who advocate for a legal aid system don't do any legal aid work themselves – if they had to live on the tariff, they'd think differently.

- § Why aren't local agents being paid more money? I could stop doing this. LSS gets the best bang for its buck with local agents.

Natasha Chetty,
 Isis Communications
 November 29, 2004

Appendix 3B — New lawyer survey

(See following pages.)



December 31, 2004

James Deitch
Manager, Tariff Services
Legal Services Society of BC
400 – 510 Burrard St.
Vancouver, BC V6C 3A8

RE: LSS Tariff Review – New Lawyer Survey

Dear James,

I have enclosed the final report for the New Lawyer Survey that was conducted for the LSS Tariff Review. A summary of results follows:

**Executive Summary
LSS Tariff Review – New Lawyer Survey**

The purpose of the New Lawyer Survey was to solicit feedback regarding tariff policy from lawyers who have been called to the B.C. bar for less than five years. Questions were based on the conclusions drawn in Phase I of the Tariff Review conducted in spring 2004.

Between October 2004 and January 2005, 36 lawyers completed the survey online. A survey announcement was distributed to the CBA (BC) Young Lawyers, Criminal and Family subsections. An internal LSS list of 126 new tariff lawyers who had worked on a few cases was contacted via email and phone. Of the internal LSS list, 31 are either no longer practicing or working with a government agency.

The average respondent was a sole practitioner or associate in a small firm who practices in a major centre.

The following objectives were set by the Board of Directors for the Tariff Review in December 2003. Relevant survey feedback follows each recommendation.

1. To establish and maintain tariffs that attract private bar lawyers who will provide quality services to meet the legal needs of LSS clients.

The two reasons most often cited for refusal to accept legal aid work are: a) the tariff rate and b) the amount of unpaid work invested in a legal aid case. While almost half the respondents no longer work primarily in criminal or family law, those that do practice in these areas feel that there is a high "opportunity cost" to working on these files; although they empathize with legal aid clients, they are under pressure to run economically viable practices.

2. To establish and maintain a tariff that promotes efficiency and effectiveness within the legal aid system and the larger justice system.

69% of the respondents perform pro bono work on a regular basis - most of these lawyers will do so for private clients or through a non-profit organization. This indicates that there is a general desire to help clients of modest means, but not necessarily through the legal aid system.

Some respondents perceive that the tariff promotes inefficiencies because it does not reward lawyers for preparation or for "good results". Frustration regarding the limitations of the eligibility guidelines was also expressed.

3. To establish methods and criteria for regular evaluation of the tariff as an integral part of LSS administration to ensure the legal aid system is sustainable and responsive to changing needs.

There was little feedback regarding this objective.

Ideas for follow up:

Activities that LSS could undertake to attract new lawyers to the tariff bar are:

1. Increase the threshold for the amount of time lawyers are compensated for working on legal aid matters – e.g increasing standard preparation time on family and criminal matters.
2. Increase the hourly tariff rate
3. Establish a tariff advisory panel comprised of new lawyers
4. Communicate tariff policy developments to new lawyers
5. Create and launch a public relations campaign aimed at attracting lawyers back to the tariff bar and delivered through both the general and legal media. Reiterate what legal aid is, the current context in relation to the bar and to clients and what the organization hopes to accomplish within the next few years in order to fulfill its mandate. This would address the fear that some new lawyers have about being perceived as 'second rate' because they work on legal aid files. (i.e. doing something to help tariff lawyers "look good" to the general public and the bar. For example, communicate that a high percentage of lawyers accept these files for altruistic reasons, not because they are desperate for business).
6. Consult with the pro bono legal clinics run by various non-profit organizations throughout the province to investigate the trends they have noticed and their perceptions of the legal aid system. Could these organizations become a conduit for attracting lawyers back to the tariff bar?

Thanks for the opportunity to conduct the survey. If you have questions or require further clarification of the results, please contact me at any time.

Sincerely,

Natasha Chetty,
Principal – Isis Communications

LSS Tariff Review New Lawyer Survey

SECTION I - ABOUT YOUR PRACTICE

All respondents have been practicing in B.C. for five years or less. The majority practice in either the lower mainland or Victoria, but we received feedback from at least one lawyer in other regions (reflecting the demographic distribution of all new lawyers in the province).

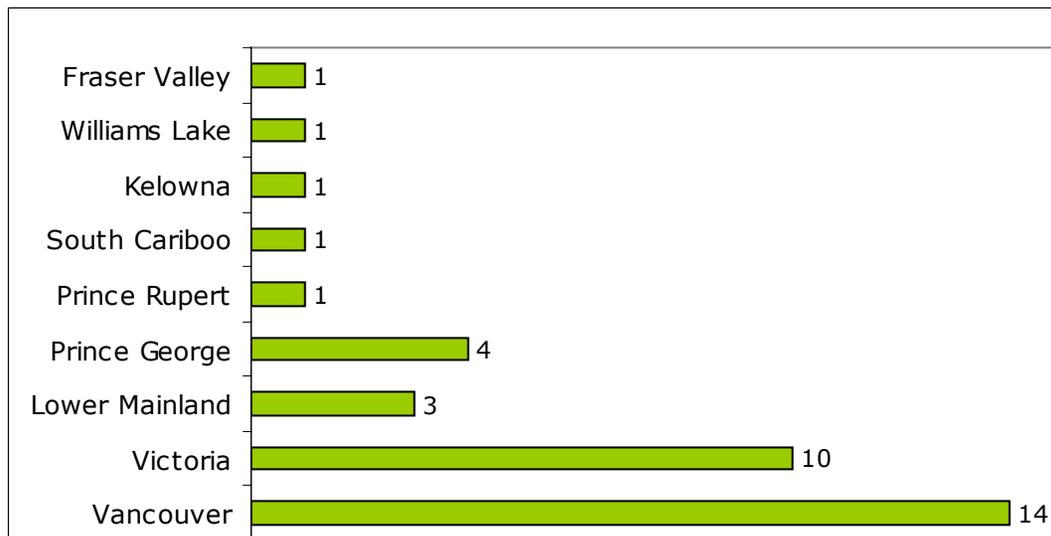
The average respondent is an associate in a small firm or sole practitioner who practices primarily in criminal or family law and also does some litigation (either general civil litigation or personal injury) and/or solicitor's work.

All respondents have some experience serving clients of modest means, either as law students, Duty Counsel (81% have worked as Duty Counsel) or in doing pro bono work as part of an organization or for individual clients.

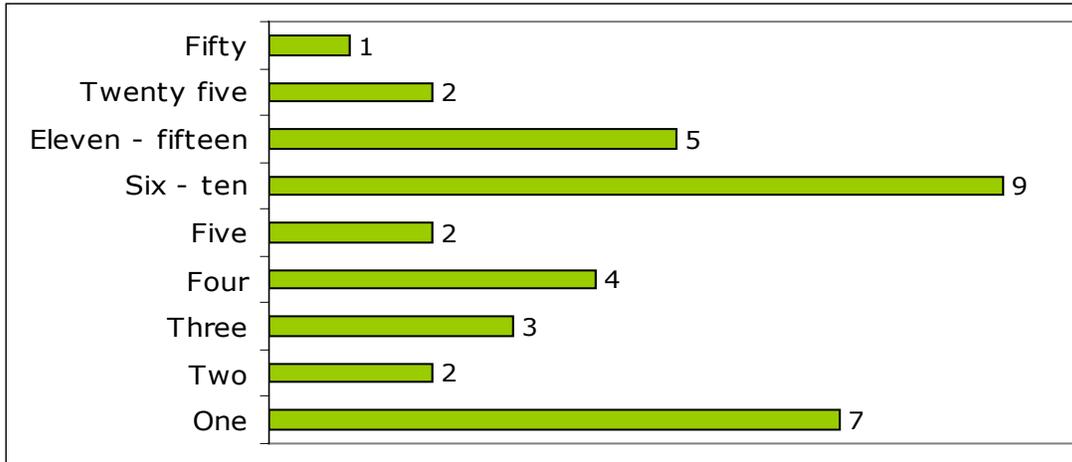
2. Year of Call to BC Bar:

1999: 5
2000: 9
2001: 9
2002: 5
2003: 6
2004: 2

3. Your Regional Location

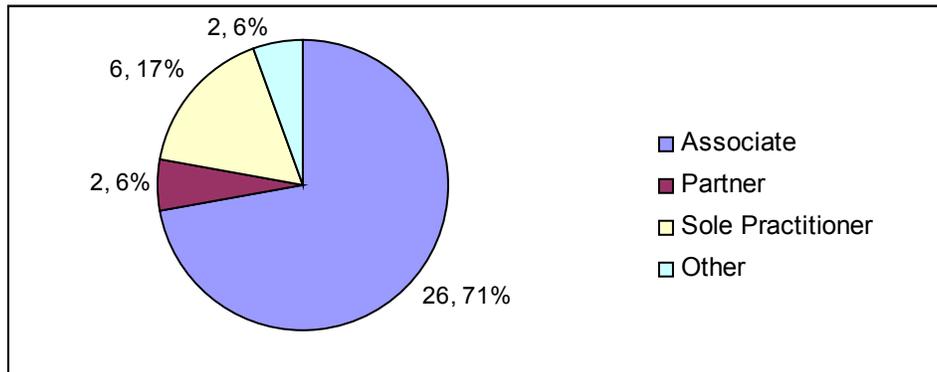


4. Number of lawyers in your firm



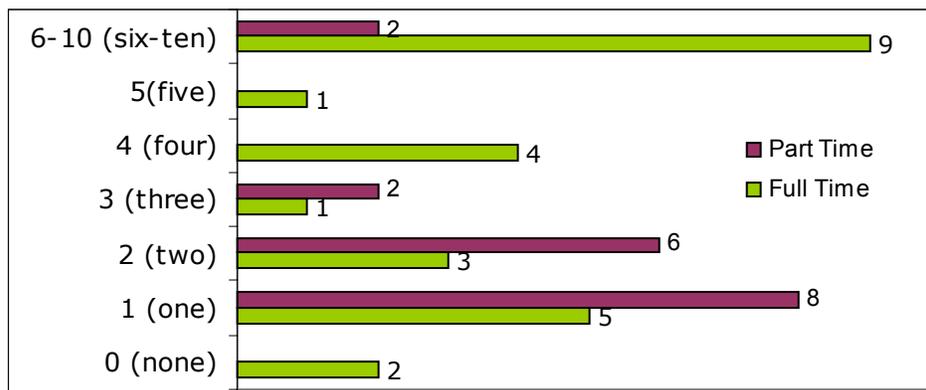
* Other: public sector lawyer for WCB

5. Which of the following best describes your status within your firm?



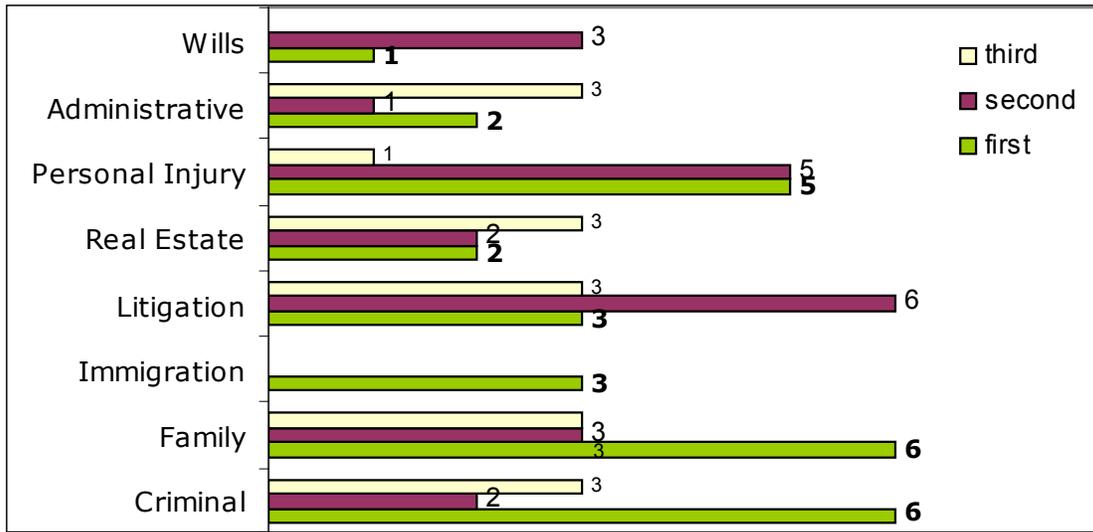
*Other: public sector lawyer for WCB (1) and union lawyer (1)

6. Number of office staff in your firm



- § 6 respondents reported 20+ office staff in their firm
- § Two do not have any office staff at all. Both are sole practitioners.
- § Two have part time staff only. Both are sole practitioners.
- § 14 reported having only full time staff

7. Areas of practice based on income (from most to least)



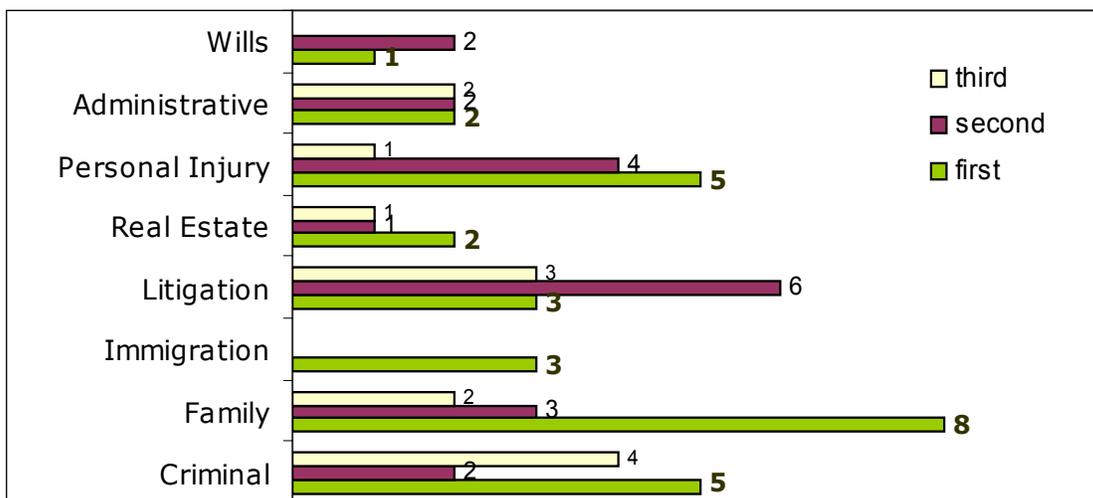
Other areas of practice cited as the primary source of income:

- § Employment/labour
- § Natural resources
- § WCB
- § Estate litigation
- § Aboriginal law

Other areas of practice cited as the secondary source of income:

- § Corporate commercial
- § Human rights
- § General
- § Insurance defence
- § Construction
- § Collections
- § Contracts

8. Areas of practice based on volume of work (from most to least)



9. Did you perform any legal aid work while you were a student?

Yes: 22 (61%) No: 15 (39%)

10. Have you ever performed duty counsel services?

Yes: 7 (19%) **No: 29 (81%)**

11. Do you perform pro bono work on a regular basis?

Yes: 25 (69%) No: 11 (31%)

12. If yes, then in what capacity?

For individual clients (11):

- § Working on family files for persons with limited financial resources
- § Acting as lawyer for poor people
- § As counsel of record

- § As a board member for the BC Civil Liberties Association. As a practitioner of civil and criminal law. And, I might say, more than a few of my clients are charged a reduced fee on the basis of their impecuniosity.

- § "Free" initial consultations, substantially reduced fees on some matters
- § Lawyer Referral - I don't charge for those consultations. Other phone inquiries.

- § The firm takes on a few matters without charge, small claims, judicial review of administrative driving prohibitions - I handle the research and preparation of these

- § I select the files I take on from personal contacts. I.e., files are not referred to me through any "pro bono" organization.

- § I work on a no fee basis for select clients. I usually decide on the pro bono files during initial interviews. I also have chosen to continue working (pro bono) on existing, previously paying files, when the economic circumstances of my clients have worsened and there is little if any prospect that they will be able to pay for my services.

- § I do work for some clients for no fee and for some clients at significantly reduced rates
- § Non-billable files as lawyer/litigator for people who cannot afford legal costs but have a meritorious claim and for friends/acquaintances of people in the firm.

Through an organization (9):

- § Volunteer at the Salvation Army Pro Bono Clinic
- § Often for non-profit organizations
- § Pro Bono Lawyer for Western Canada Society to Access Justice
- § At the pro bono legal clinic set up through Western Access Justice

- § Summary legal advice; provision of public legal education regarding family law on personal non-profit website and answering questions from users; occasional pro bono representation
- § Access to Justice - Pro bono clinic at the Surrey Women's Centre. Usually attend their pro bono clinic once per month, for 2 hours. Provided a "talk" on custody and access for Delta Youth Services, Parents and Children Together Program in August, 2004.
- § Regular attendance at Salvation Army Clinic (usually 1x per month)
- § Volunteer work with various organizations.
- § Waive fees for some clients; volunteer at pro-bono clinic

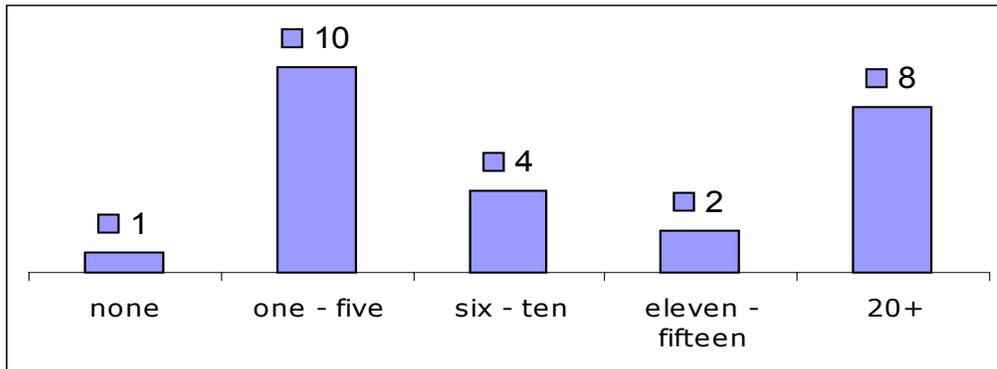
Through referrals (3):

- § Mostly wills and simple estate planning for sick and terminally ill people. Patients are often referred to me by social workers.
- § Assist members of cooperative housing societies to deal with attempts to terminate their membership
- § I've one case, taken on a poverty law referral

Other (5):

- § Only occasionally - I have found the first couple of years to be a steep learning curve and I have not had much extra time to perform pro bono work on a regular basis although I would like to do more in the future
- § Can't say it's on a regular basis.
- § Informally
- § I take cases on a pro bono basis. In addition, the last legal aid case I took was essentially pro bono - the tariff was approximately \$300 as the charges were dismissed at court - but I had prepared for a full trial, including the cross examination of 6 police witnesses

13. Please indicate how many hours per month you perform pro bono work:



Section II: Your Opinion of Legal Aid

94% have accepted legal aid work. For most respondents this work contributed to less than 10% of their income and they spent 0-20% of their time on these files.

1. Have you accepted any legal aid cases?

Yes: 34 (94%) No: 2 (6%)

2. What types of cases did you accept?

Child Protection: 3
 Family: 14 (42%)
Criminal: 16 (49%)
 Immigration: 3

3. For how many years have you accepted legal aid cases?

Less than one	8	23%
1	6	17%
2	5	14%
3	6	17%
4	4	11%
5	1	3%

Other (5, 17%):

- § 25 years (mostly in another province)---formerly private practice and also as staff solicitor for Saskatchewan Legal Aid Commission
- § Last year accepted them none so far this year
- § Don't accept any more (2)
- § Took an LSS case once about two years ago

4. In the last year that you accepted legal aid cases, what percentage of your income was derived from this source?

0-10	30	86%
11-20	2	6%
21-30	2	6%
31-40	-	-
41-50	-	-
51-60	-	-
61-70	-	-
71-80	-	-
81-90	-	-
91-100	1	2%

5. In the last year that you accepted legal aid cases, what percentage of your time was spent working on those files?

0-10	21	60%
11-20	8	23%
21-30	2	6%
31-40	2	6%
41-50	-	-
51-60	1	2.5%
61-70	-	-
71-80	-	-
81-90	-	-
91-100	1	2.5%

6. If you do not accept some or any legal aid cases, what are your reasons?

As reflected in other tariff review surveys, most respondents indicated that the tariff rate is not high enough to support their practice and is the major factor in refusal to accept further work.

Some indicated that senior lawyers or partners in the firm do not encourage acceptance of legal aid work.

Reason	Strongly disagree	Disagree	Neutral	Agree	Strongly Agree
Legal aid does not cover the areas of law in which I practice	4	3	2	5	13 (48%)
My firm/associates/partners do not accept legal aid cases	7	1	6	9 (31%)	6
Tariff rate is not enough to support my practice	1	0	2	6	21 (70%)
Administration of legal aid matters is difficult	1	2	9	11	7
My current debt load is a factor in my decision not to accept legal aid cases	5	4	11	5	2

Other:

Combination of tariff rate and frustration with limitations on time allotted (5):

see also table above.

- § There is a perception that legal aid provides perverse incentives to conduct matters without regard to the legal aid client's legal interest. For example, LSS's failure to pay lawyers for preparation time can be construed as a disincentive against preparation. The better the job for the client, the more foolish the lawyer from a financial perspective. Legal aid cases are so poorly remunerated, that lawyers who accept legal aid are sometimes unfairly tarnished as discount lawyers. "Legal aid" is sometimes used to describe a type of lawyer or a type of law practice, e.g., "he/she is a legal aid lawyer" or "she/he has a legal aid practice". Charter challenges and other vital aspects of criminal defence work are chronically underfunded. It is unseemly to ignore arguable issues - the impression is that legal aid accused persons are ground down by a machine facilitated by a Charter vacuum. These and other concerns give me reservations about working on legal aid.
- § It is difficult from looking at the options above to see whether my reason fits within the "administration" area. I feel ethically conflicted when performing services through a legal aid retainer. It is morally inconsistent to take on a file knowing that I will not be capable of devoting the required amount of time to the representation of my client. Therefore, my difficulty is two-fold: a) the tariff rate is too low to justify participation; and b) the time I must devote in order to meet

my ethical obligation to my clients exceeds what the program will authorize. In the result, my work is being performed for as little as \$20-\$30 per hour, not the notional \$72 hourly tariff. It is not only impractical to participate in the legal services program, it is economic suicide. Office overhead far surpasses the remuneration. My further difficulty is that of having no ability to apply my best judgment to files. When my recommendations for the appropriate conduct of my files is disregarded and overruled by the administrative process, then I am being hog-tied. It is my reputation that ultimately falls by the wayside. I am not prepared to permit myself to be professionally marginalized by a program that is motivated solely by the bottom line and not by the provision of justice to those who are economically marginalized. Ultimately, the clients do not receive adequate representation in any event.

- § I became a solicitor. For a year I split my practice and did some family law which did not involve court. I did separation agreements only. Legal aid is not designed to do allow for drafting of anything more than the simplest of separation agreements. I ran out of tariff time on a couple of files and finished them anyway, writing off thousands of dollars in time. Now I am busy with solicitors work and do not do much family law at all.
- § The time allocated in the tariffs is completely unrealistic. A person can barely get through interim hearings. Due to the tariffs, we are forced to provide substandard services as compared to persons that can provide a private retainer. Due to the tariffs we are forced to race through the preparation of materials and hearings. **The fact is that many legal aid lawyers are young lawyers, who take longer to prepare. We end up sacrificing a great deal of time that we will never be compensated for (what ends up being pro bono).** Many legal aid cases are equally complex (and often more complex) as private retainers. Most senior lawyers who are more efficient than the young lawyers won't even consider legal aid as it is a complete waste of their time. The young lawyers working on legal aid files also end up being hassled by partners for low billings as a result of not being able to make any money for the firm doing legal aid. The tariff rate is almost half of what our normal hourly rates are. Why are we forced to take such a drastic cuts in billings? There is also the problem of client's having to move from one lawyer to another so that new referrals can be obtained. Why not pay one lawyer to conduct the entire file instead of wasting precious time with clients having to search for other lawyers who accept legal aid and multiple lawyers having to familiarize themselves with one file? Perhaps I'm being idealist, but I strongly believe that quality justice should be available to all persons in need. However, there are no incentives for lawyers to accept legal aid referrals, and these days it seems like a valueless venture for lawyers.
- § Legal aid does not allot enough time to give the client proper service; I always ended up doing much of the work knowing that I would/could not be compensated as the task exceeded the time allowed. The lawyers that I see taking legal aid files are from out of town and I have heard the comment that it only pays to take these files if "travel" is involved. Other than the Tariff rate being too low, legal aid does not pay for the amount of hours it takes to actually do the job (i.e. 3 hours prep for a hearing that may take 10 hours preparation)

Limited referrals and tariff (4):

- § I have accepted all the referrals I have received, but I have only been given a few referrals. I would take more if I was given them. In addition, I would like to do Youth Court Duty Counsel and have sent in a letter requesting that my name be added to the list of available lawyers for this work.
- § Legal aid for immigration cases has been greatly curtailed and may be cut entirely
- § Apart from the fact that legal aid covers virtually no family law services and those specified in Q.6, no
- § Unfortunately, I'm rarely offered cases (even when court was still in Ashcroft--- it's rumoured to be returning---but, even before, legal aid referrals were made to counsel who drove 2 hours to get here and back---presumably legal aid paid for travel, etc.). Baffles me.

LSS Administration:

- § It takes too long to get payment in. In a firm I need to roll my accounts over within 30 days to keep the partners happy.

Not paid for "good results" (1)

- § If, as I have in the past, have less than 3-5 legal aid cases at any given time, the number of appearances required in criminal matters is not recognized in the tariff. As well, where you obtain a good result on a lesser plea, the remuneration for guilty/sentencing is abominable. Criminal legal aid files compared to paying clients; either hourly or value based; indicates my criminal practice a return of about 15% for same work as payer's

Other:

- § No other reasons (3)
- § I accepted them all
- § Doing too much other non-billable work
- § I am counsel for the Director and this limits the number of legal aid cases that I can take in family law
- § Child apprehension cases can be stressful. I did work representing the Ministry for a number of years
- § I have been in-house counsel for the IWA Canada, Local 1-424 since Feb. 2004.
- § I am no longer working in private practice and as a result I do not have the choice of what type of work I do.

7. Please comment on the amount of legal aid work that you plan to conduct during the next two years of practice. Do you plan to:

Those who indicated that they would accept more work were the same who said that they received few referrals to begin with (name requests may occur less often for new lawyers than for those with more experience)

Almost half said that they plan to accept no work.

Accept more work	7	19%
Keep the same level of work	4	11%
Accept less work	1	2%
Accept no work	16	46%
Cannot say	8	22

8. How influential would the following factors be in your decision to accept more legal aid cases?

Also see Section II, Question 6 regarding reasons for not accepting cases. As indicated previously, an increase in the tariff rate and in the number of available hours to work on a matter would be an incentive for new lawyers to accept more work.

Factor	Not at all important	2	3 Neutral	Important	Very important
An increase in the hourly tariff rate	1	-	2	11	20
An increase in the number of hours available for specific tariff items	1	-	4	10	18
Expansion of family law coverage (to cover more situations)	9	-	10	7	7
Restructuring the tariff so that block fee items would be billable by the hour	1	-	9	11	12
Change specific legal aid tariff items	1	-	13	11	8
Simplification of legal aid administration	1	2	10	12	9
Increase financial eligibility guidelines	1	1	14	8	9
Provision of more quality assurance initiatives	2	3	14	10	4

a. Please provide examples of specific changes or any other factors that would influence your decision to accept legal aid cases:

Payment for preparation time and increased tariff rate (8):

- § A recognition that junior counsel (1-5 year call) need more preparation time for each tariff item. It makes the amount of payment relative to the actual time spent astronomically disparate.
- § Pay for preparation. Pay for Charter challenges. Increase the tariff. Eliminate the 'holdback': the reduced rates are injurious, but the political spin is insulting
- § Increasing hourly tariff rates and the number of hours available.

- § 1) Provision of payment for interim court appearances required by the Provincial Case Flow Rules. 2) Payment for hourly billing for preparation of difficult matters.
- § Increasing preparation hours available
- § If full funding were restored to family files, that would be most helpful. My firm would also encourage more legal aid work if the tariff came even remotely close to covering my costs.
- § I practice efficiently due to time constraints, and there definitely needs to be an increase in the maximum hours that can currently be billed for specific tariff items. Most of the work usually falls under "general preparation" and the current maximum is too low. Another alternative would be to create other specific tariff items that would deal specifically with the more time consuming parts of practice, such as drafting documents, correspondence, negotiating settlements. The current maximum for preparation for hearings/trial is also too low if the case is complex (which legal aid cases often are due to the presence of problems such as mental health issues, drug abuse, violence, etc.)
- § Legal aid tariffs are so low that I, and my colleagues, treat it as pro bono work. Because it is so complicated to be reimbursed, it is easier to do pro bono work outside of the LSS system than within it

Payment for "good results" (2):

- § Returning to my most recent example, it is ridiculous to prepare a case for trial and achieve a good result (dismissal of the charges based on submissions opposing the Crown's request for an adjournment) and not receive compensation for all the work. I received pay for less than 2 hours work but had put in about 20.
- § Criminal law only: more money for the number of appearances as well as for lesser offence pleas Recognition/remuneration for legal research and trial preparation

Expanding coverage to include more clients (2):

- § The biggest thing would be a change to the financial eligibility guidelines
- § Restore funding for human rights cases, increase funding for immigration cases, increase number of billable hours for tariff items and/or increase hourly tariff rate

Other (3):

- § If I was referred more cases, I would take more cases
- § I've heard that the administration of legal aid is a huge pain, so I would want to hear that it was easier before taking it on
- § No comment, other than the question that asks for comment on an "increase in financial eligibility guidelines" is unclear. Does this mean to make the threshold of who qualifies more stringent or less stringent

8b. Which of the above factors would the most influential in your decision to accept more legal aid cases?

See also Section II, Question 6.

More money (9):

- § higher hourly rate (4)
- § Money (2)
- § Restructure hourly rate/block rate and/or increase fees.
- § Increase in tariff rate and allowable hours
- § Increase in tariff and easier administration

Increase paid preparation hours (7)

- § Hours for tariff items
- § An increase in the tariff items and numbers of hours available per item.
- § Hourly billing for preparation
- § Increasing preparation hours
- § Increase hours available
- § Being able to carry a family law file through from start to finish
- § Increase billable hours for tariff items

Expand eligibility guidelines (3)

- § Eligibility guidelines
- § Increasing eligibility
- § Expansion of coverage

Other (2):

- § Ease of administration
- § More referrals

9. What is the average hourly rate that you charge private clients of modest means?

\$100 or less

- § \$75 (2)
- § \$80
- § \$0 - \$100
- § \$100 (5)

\$125 or less

- § \$105 - \$110
- § \$120
- § \$0 - \$125
- § \$25-\$125
- § \$125 (3)

\$150 or less

- § \$135
- § \$140 (4)
- § \$145 (2)
- § \$150

\$200 or less

- § \$160
- § \$170
- § \$180
- § \$195
- § \$200 or \$0

Other:

- § \$150 or free - no discount. I'm more likely to not charge for some of the work done
- § It varies according to the means. I have represented private clients without charge when they have been unable to afford counsel.
- § Quoted rate is \$200. OFTEN reduced because of minimal legal aid coverage
- § n/a (2)

10. What are the important non –financial incentives for accepting legal aid cases?

86% indicate that their motivation for accepting legal aid work is to help people; the other reasons are also important, but more weight was given to altruistic reasons. This answer combined with other information indicates that the desire to serve clients is strong, but the need to run an economically viable practice or to serve such clients outside the legal aid system may be stronger.

Reason	Not at all important	Not important	Neutral	Important	Very important
A chance to help the less fortunate or vulnerable	0	0	3	14	17
An opportunity to build my skills and experience	2	2	4	19	7
A way to fulfill my professional duties or responsibilities	2	1	5	20	6

Other Reasons:

§ I'm tired of seeing people being mistreated because they don't have the financial means to hire good lawyers. I've seen too many women and children psychologically abused and living well under the poverty line because the principal income earner in the household has abandoned them and left them destitute.

I've had clients seriously on the verge of suicide because they cannot defend themselves against an ex-spouse who has the means to hire very experienced legal counsel. These people weren't suffering from mental problems. They were just poor human beings who were left with nothing. I've sacrificed countless hours (and on many occasions suffered the wrath of partners chastising me for low billings) for these people outside of the legal aid system. Unfortunately, I have to justify my existence in any firm which means I'm constantly being pushed to drastically reduce my legal aid work and pro bono work and to work on more lucrative files. I hate to turn my back on the people that need me the most, but I can't sacrifice myself and my own career.

§ Keeps one grounded. I want to assist clients who I understand because of where and how I grew up

§ None (3)

11. What, in your opinion, is the general perception of legal aid work among new lawyers in your region?

The general perception seems to be that the tariff rate is not enough to cover the cost of representing a legal aid client. Some respondents indicated that this might result in poor

client service because the lawyer cannot afford to invest an adequate amount of time in the file. Only one respondent indicated that the general perception is "favourable".

Inadequate compensation (10):

- § Doesn't pay enough to take LSS cases.
- § I have no idea but I suspect they can't make a living let alone pay for overhead on current rates.
- § That it's impractical because it doesn't pay
- § Legal aid work only makes business sense if there is "volume."
- § Can only do it in very high volume -- and therefore maybe not that well for the client.
- § That counsel can only put in a fraction of the work for legal aid clients as for paying clients; leading to legal aid clients receiving less than counsel's best efforts
- § That it is low paying, or non-paying work in some cases, that is burdensome in its administration.
- § They do not want to do it because it does not pay enough.
- § That our firms would not want us spending time doing work that won't financially benefit them.
- § Not worth the time spent on the files. Generally a good percentage of return is payment for about 25% of the time spent on the file.

A way to build experience until they can attract "better" work (7):

- § In the family bar it is seen as a lower "class" of work or a stepping stone to Supreme Court work
- § That it is work that helps a lawyer build up experience
- § Something you have to do to keep busy in the early years of practice
- § To "get your feet wet", earn experience, build a clientele
- § It's a good way to get court experience, but not a good way to improve overall (no time to research, prepare properly, etc...). Do as little as possible, and get out as quickly as you can.
- § My impression is that legal aid is a way to keep busy while building a private retainer based practice but not something that is advisable in the long term.
- § It is good experience, and a good way to build a reputation, however financially it is not beneficial to the firm.

A last resort for those looking for files (5):

- § Avoid it if possible
- § Avoided at all costs.
- § Legal Aid work is one step above leaving the profession. It cannot compensate for quality work. For legal aid to afford a reasonable living, lawyers must become "dump trucks."
- § Only the thirsty drink from the well.
- § Willing to do pro-bono clinics but not accept Legal Aid funded work

Other:

- § Favorable. While legal aid work is lower paying relatively speaking, there is the guarantee that your legal bill will be paid.

- § Low unless in the criminal bar. Family law work is less desirable since almost all need spousal violence in order to obtain funding, which is minimal - this is my limited understanding
- § There is only one other "new" call in this town, and he does not practice in legal aid law topics
- § Extremely poor
- § No coverage, no money to be made, administrative billing process is prohibitively cumbersome.
- § I don't know the general perception

12. Have you found it difficult to get legal aid cases?

Yes: 11 (34%) **No: 21 (66%)**

13. Do you perceive that legal aid cases are assigned to lawyers with more experience than you?

Yes: 5 (15%) No: 13 (38%) **Cannot say: 16 (47%)**

14. Do you perceive that there is less legal aid work available now than when you first started?

Yes: 9 (26%) No: 4 (12%) **Cannot say: 21(62%)**

Section III LSS Administration:

While respondents gave LSS favourable ratings for courtesy and timeliness, they were divided on clarity regarding the administrative policies and the legal aid system in general.

1. The following questions pertain to your perceptions of LSS administration

Reason	Strongly disagree	Disagree	Neutral	Agree	Strongly Agree
I find the LSS staff to be courteous		1	3	16	11
I understand the administrative policies of LSS		9	12	6	3
I can easily locate tariff information	1	5	8	13	3
I receive answers to my questions in a timely manner		4	7	18	1
I understand how the legal aid system works		2	11	15	1

2. Have you visited the LSS website?

Electronic communication might be an effective way to reach new lawyers.

Yes: 23 (70%)

No: 7 (21%)

Do not remember: 3 (9%)

3. Please rate how valuable the following services would be to you:

Mentoring, special instruction on billing, new lawyer orientation and CLE courses were all rated valuable or strongly valuable.

Service	No value	Little value	Neutral	Some value	Strongly valuable
New lawyer orientation to legal aid	2	0	10	16	4
Special instruction on billing legal aid accounts	0	1	7	18	6
CLE in practice areas covered by legal aid	1	2	9	11	9
Mentoring opportunities for new lawyers	1	2	8	13	8
Limited junior counsel referrals	4	4	15	6	3

Other:

- § Referrals! I have not had any - my legal aid cases have come to me.
- § Refer small claims actions to junior lawyers so that they get court room experience. Could fund cases through to trial for \$1200.00
- § Better information to clients about how the system works and what is covered. Many of my past clients have had no idea how the tariff system works and the time limitations. Explaining all this to them takes time which we cannot bill. typically, legal aid clients also do not understand that we aren't their counsellors and we get needless phone calls that take up much of our day. There should be some sort of booklet or something to explain all this to clients
- § [not for "me" but generally; also answers #7] LSS could enhance the image of lawyers who do legal aid work. The feedback that I get back from the general public is the perception that a "legal aid" lawyer is not as skilled as a lawyer who does not do legal aid.
- § Not really, given the direction of my practice

3b. Please specify, in order of preference the method of instruction that you would prefer if LSS were to offer any of the above programs for education or training:

In person: 30
Online: 30
Reading materials: 31

4. Are there any innovative services that LSS could implement in order to help you with the administration of tariff files?

- § Submit bills electronically (not sure if LSS does this already)

5. Further comments about legal aid:

- § Great idea and should receive much more funding than it does

- § I had a colleague that made a lot of money with legal aid in his first year of practice. He was a litigator and was learning the court process. I was a solicitor who was splitting his practice and I only did separation agreements - there was no niche for me in legal aid. I was frustrated by the lack of tariff time available for negotiation and drafting of agreements.

- § I think the legal aid system has been cut down so much it's more of a pain for most lawyers and clients than it's worth. If there aren't drastic changes soon, no one will be doing these files. Ultimately, its innocent persons who will suffer and justice will only be available to the financially advantaged.

- § My perception is that legal aid files go to number of lawyers who have traditionally been in the market for that work. There appears to be little outreach by local office to embrace new lawyers, Over 50% of my legal aid files came by name request. The remainder, my perception, were given to me because there was no one else available

- § I am a recent call and I get the impression that legal aid staff are very busy and understaffed. In almost 5 months, I have had only two minor legal aid referrals with clients who were very happy with the outcomes. However, I have no further referrals. I have trouble getting a hold of people to communicate to them that I want more work. I have visited both Vancouver and Surrey, speak a second language. As part of my ethical duty, I will not take on very complex cases at this stage. Nonetheless, I am really surprised that there are not enough lawyers because I would like more legal aid work.

- § I would provide a comment if I had the time!

Natasha Chetty
Isis Communications
December 30, 2004

Appendix 3C — Loss of service survey

(See following pages.)

LSS Tariff Review Loss of Service Survey

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Survey conducted by:
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December 13, 2004

James Deitch
Manager, Tariff Services
Legal Services Society of BC
400 – 510 Burrard St.
Vancouver, BC V6C 3A8

RE: LSS Tariff Review – Loss of Service Survey

Dear James,

I have enclosed the final report for the Loss of Service Survey that was conducted for the LSS Tariff Review. A summary of results follows:

Executive Summary
LSS Tariff Review – Loss of Service Survey

The purpose of the Loss of Service Survey was to solicit feedback regarding tariff policy from lawyers who had worked on a reduced number of legal aid matters in the past five years (compared to previous years). Questions were based on the conclusions drawn in Phase I of the tariff review conducted in spring 2004.

Between September and November 2004, 58 lawyers completed the survey online, 8 lawyers participated in a one-hour focus group, and 10 lawyers completed the survey via telephone or in-person interview.

The average respondent was a sole practitioner with at least 10 years experience at the bar, who primarily practices in either family or criminal law and employs one staff person.

The following principles were recommended for endorsement by the LSS Board of Directors in the Phase I Tariff Review Report of May 2004. Relevant survey feedback follows each recommendation.

1. a) LSS should maintain tariffs that provide fair and reasonable compensation to enable lawyers to recover overhead costs and obtain an appropriate level of income.

Most respondents had reduced their proportion of legal aid work from between 70-90% of their practice (during the year they accepted the most matters) to between 0-20% of their practice (during the year that they accepted the fewest matters). The most common reasons cited for voluntarily reducing legal aid work were: a) the amount of uncompensated time required to properly serve clients, and b) dissatisfaction with the hourly tariff rate.

Almost all respondents indicated that they have earned more money since reducing the amount of legal aid work and increasing the amount of private client work in their practices.

A significant proportion of family lawyers stated they did not choose to reduce legal aid work; rather, the loss was a result of the tariff restrictions implemented in 2001.

b) LSS should maintain tariffs that reward lawyers for efficient service within the justice system to achieve effective results for LSS clients.

Some respondents feel they are penalized for settling matters or for efficiently negotiating successful outcomes before matters reach trial. The feedback indicates that tariff policies to reward efficiency and full service (increased remuneration for preparation, negotiation, pre-trial meetings, Judicial Case Conferences, research, etc.) would be a significant factor in attracting lawyers to accept more cases.

c) LSS should maintain tariff management processes that promote efficient and effective allocation of resources without imposing undue administrative burdens on referral lawyers

The qualitative data reveals a high proportion of negative feedback regarding administration.

The process for applying for funding over and above the amount originally authorized is a particular problem, especially considering that 90% of the respondents indicated that they work unpaid hours on legal aid matters “frequently” or “all the time”.

d) LSS should actively engage other justice system participants in promoting changes that ensure efficiency and effectiveness in the tariff system and the larger justice system.

There were few comments regarding this recommendation.

It was noted that the increased number of unrepresented litigants in recent years is a source of frustration in the bar and the judiciary. Most attribute the increase directly to the LSS funding cutbacks in 2001. There was a large amount of negative feedback regarding the policies of the provincial government.

Key Survey Recommendations:

The key activities that LSS could undertake to prevent the loss of service from the tariff bar include:

1. Increase the threshold for the amount of time lawyers are compensated for investing in legal aid matters – e.g., increasing standard preparation time on family matters to 10 hours per file or increasing block fee compensation for trial days.
2. Increase the hourly tariff rate.
3. Expand the range of matters covered in the family tariff.

4. Effectively communicate relevant policy changes to the tariff bar.

Thanks for the opportunity to conduct the survey. If you have questions or require further clarification of the results, please contact me at any time.

Sincerely,

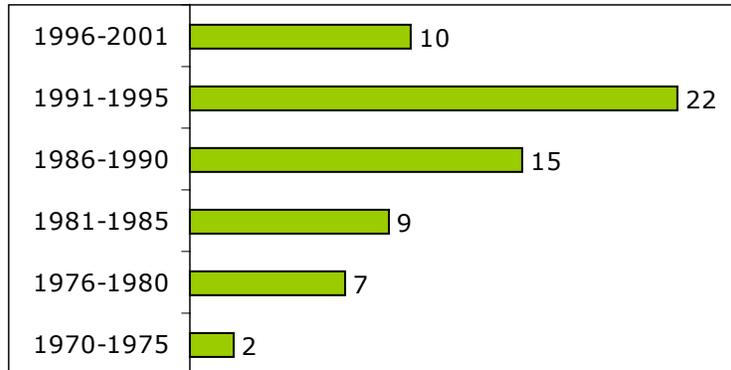
Natasha Chetty,
Principal – Isis Communications

LSS Tariff Review Loss of Service Survey

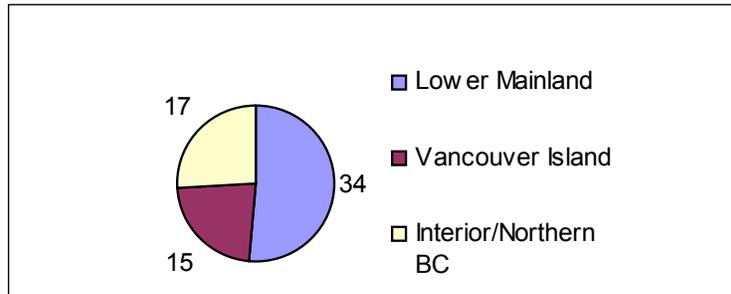
Section I: About your Practice

Most respondents have been practicing law for at least 18 years. The average respondent is a sole or small firm practitioner with one full time or part time support staff person who practices in family law or criminal law.

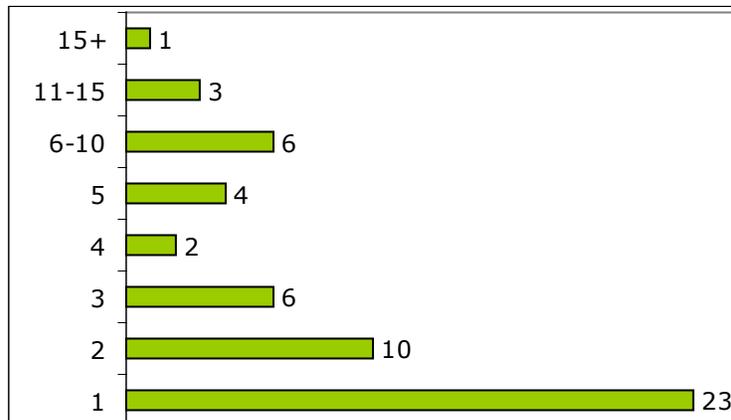
2. Year of Call



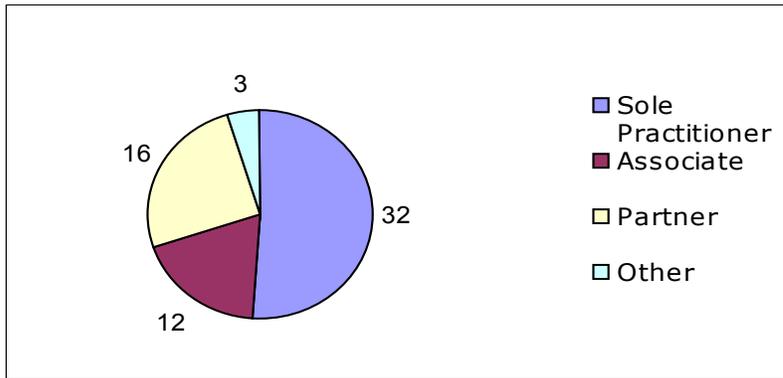
3. Regional Location



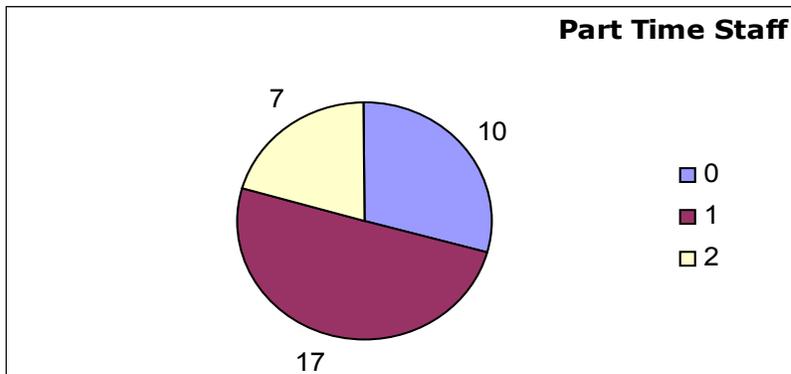
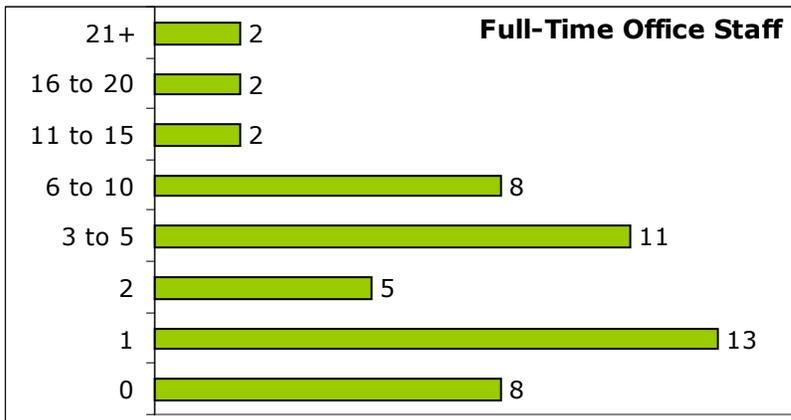
4. Number of lawyers in your firm



5. Which of the following best describes your status within your firm:



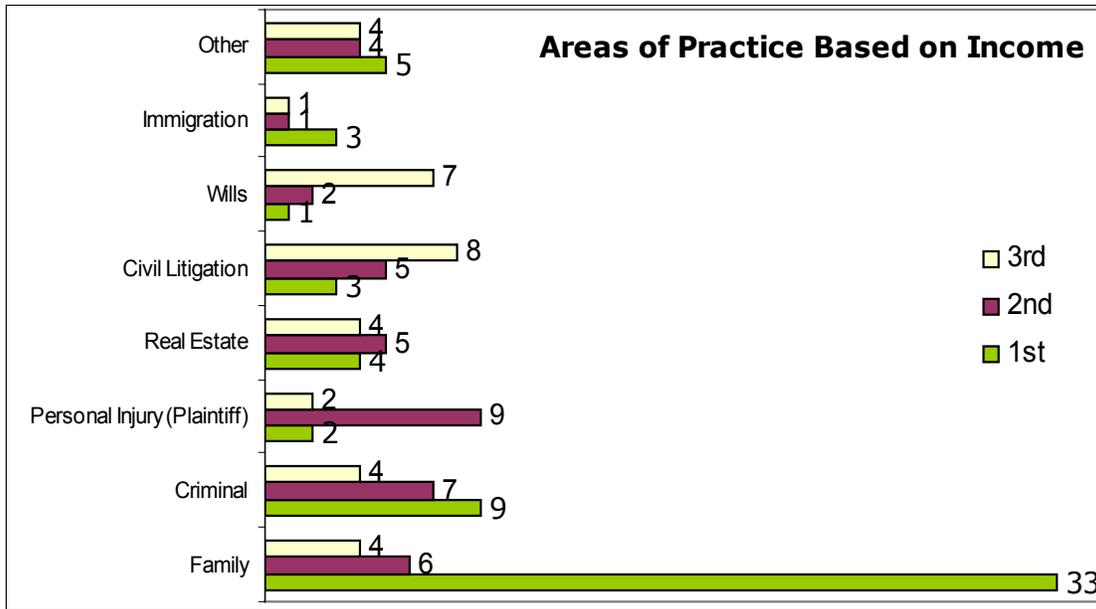
6. Number of office staff in your firm:



- § 4 respondents employ only part-time staff
- § 11 respondents have no office staff

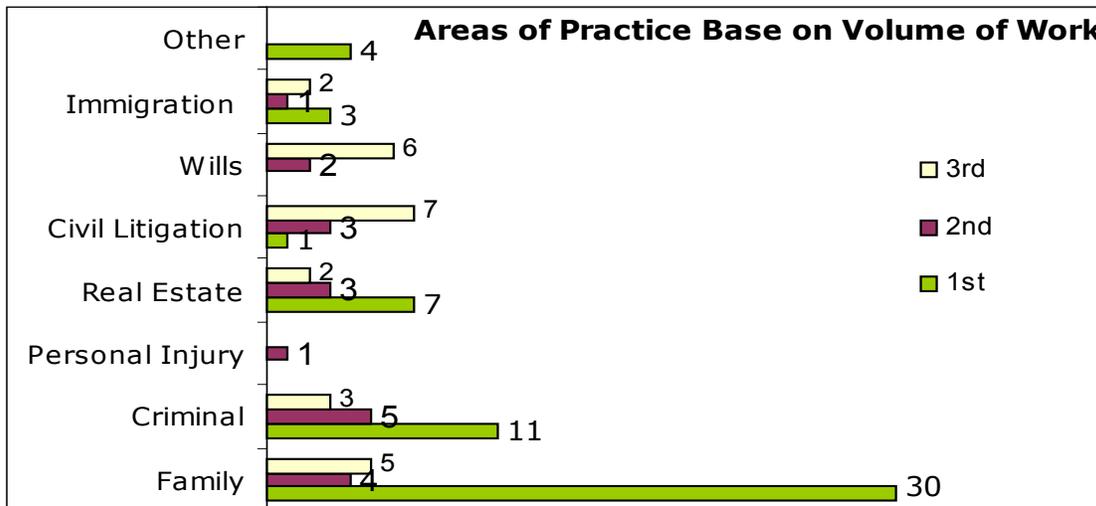
7. Areas of practice based on income – from most to least:

Respondents earn most of their income from family or criminal law matters, followed by personal injury and general civil litigation. They spend a small amount of time on personal injury and civil litigation matters, yet these files are more lucrative compared to others.



Other areas of practice include: ICBC defense, Federal Crown, solicitors work, employment and municipal law, and corporate mediation.

8. Areas of practice based on volume of work – from most to least.



Other areas of practice include: personal injury, Federal Crown, employment law, ICBC mediation and corporate/commercial work.

Section II – Private Clients in Comparison to Legal Aid Clients

All respondents currently work on fewer legal aid matters than they once did. While this is most often attributed to personal choice, many indicated that they serve fewer legal aid clients because fewer people have qualified for coverage since the tariff reduction in 2001.

The choice to reduce the amount of legal aid work accepted is primarily driven by economics. Most lawyers have worked the same if not slightly more hours since the shift, but the proportion of private clients is higher as is their income. If they were to accept more legal aid matters, the remuneration would be perceived to be too low to cover traditional office overhead, such as staff, rent and expenses.

The factors that have prompted the decision include: a) the amount of uncompensated time that respondents feel is required to fully serve the client according to professional standards; b) the hourly tariff rate; c) service required by legal aid clients and d) time spent on administration (billing, communication with LSS, etc.)

Questions 1 – 6: In the year that you accepted the most legal aid cases, what percentage of your professional income was earned from this source?

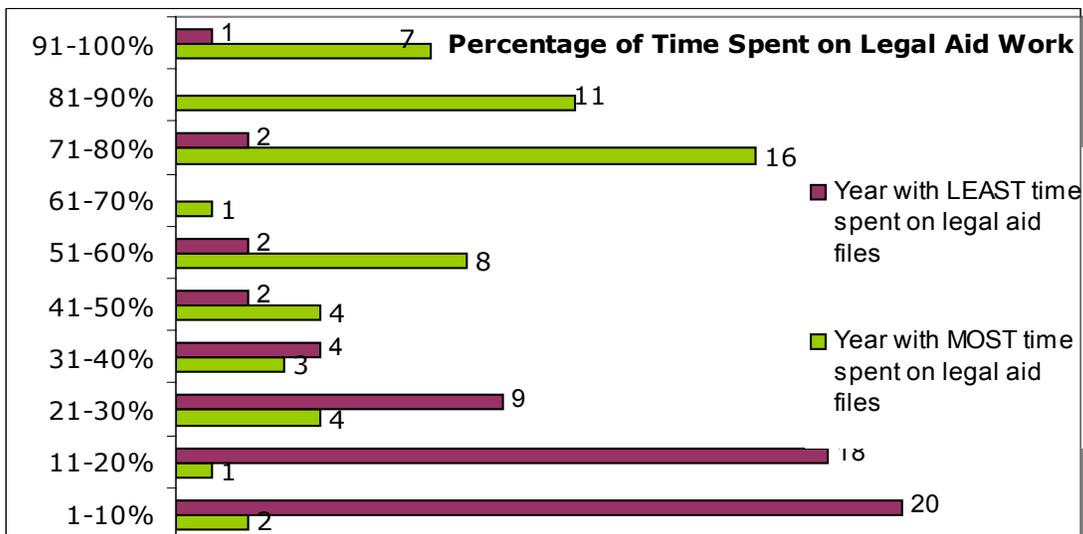
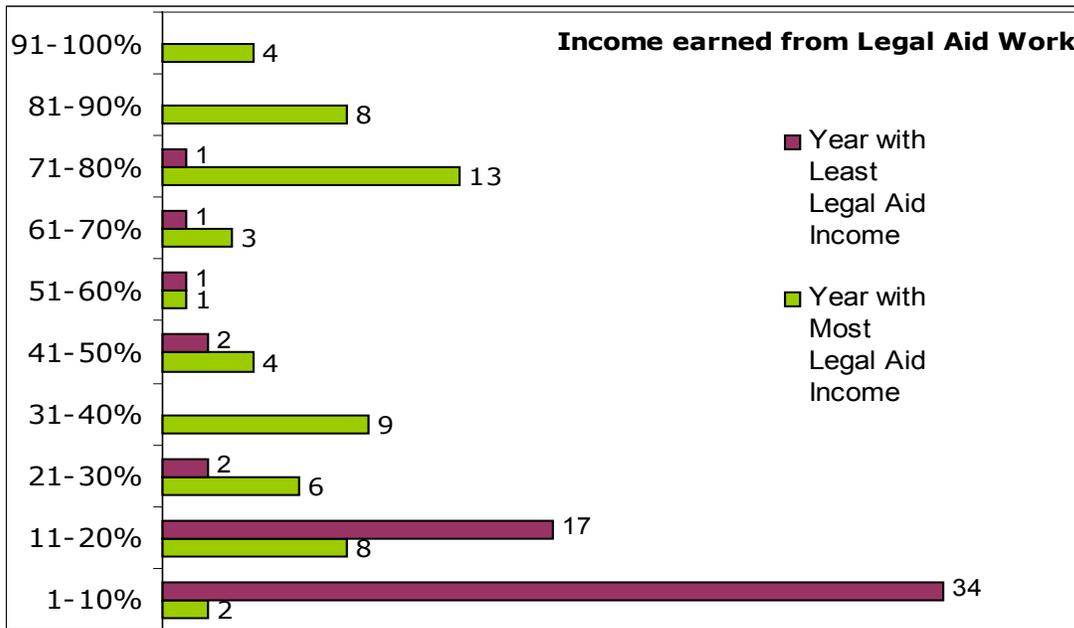
	Income		Time		Staff	
	#	%				
0-10	2		2		6	
11-20	8		1		6	
21-30	6		4		7	
31-40	9		3		1	
41-50	4		4		4	
51-60	1		8		4	
61-70	3		1		5	
71-80	13	22%	16	28%	9	16%
81-90	8	14%	11	19%	8	14%
91-100	4		7		5	
Skipped	8		9		8	

During the LAST year that you accepted legal aid work....

	Income		Time		Staff	
	#	%	#	%	#	%
0-10	34	59%	20	34%	29	50%
11-20	17	29%	18	31%	15	26%
21-30	2		9		4	
31-40			4		3	
41-50	2		2		1	
51-60	1		2		1	
61-70	1				1	
71-80	1		2			
81-90						
91-100			1		1	
Skipped	8		8		8	

The majority of respondents indicated that they **now earn at least 50% less income from and spent at least 50% less time on legal aid work than in the year that they accepted the most legal aid work.**

Respondents indicated that while the time: income ratio was higher earlier in their careers, they were eventually able to implement efficiencies in their practice and lower the ratio. This does not account for the qualitative data that indicates frustration regarding uncompensated time spent on legal aid matters.



7. Please rate the following reasons for choosing to reduce the number of legal aid cases that you accept? Please rate where 1 indicates that you strongly disagree and 5 indicates that you strongly agree.

The most common reason cited for reducing the number of cases accepted was the need to earn more money.

Staff resistance to administration of legal aid matters is an issue for almost half the respondents. The desire to increase professional profile and experience is less important than other reasons for reducing the proportion of legal aid work accepted.

Many family lawyers stated that they did not choose to reduce the number of cases worked on – when the coverage was reduced in 2002, they received fewer referrals.

Maintaining a balance between private and legal aid work is an issue when lawyers perceive that accepting a legal aid matter bears a high “opportunity cost” – i.e. it will involve investing time for which they will not be compensated by LSS – time that they could have spent working on paying private client matters. The emotional cost of serving legal aid clientele (who are sometimes thought to require more service time in the form of phone conversations, instructions and explanations) is also perceived to be a factor (this perception is very common among family lawyers).

Reason	1	2	3	4	5
I need to earn more money per case	1	3	9	10	33
Staff resistance to administration of legal aid matters	17	9	11	14	5
I find it difficult to balance private and legal aid work	10	15	17	7	7
I want to increase my profile and experience	12	15	16	8	5

Other reasons: (asked in full interviews)

Administration (2):

- § Bookkeepers hate going through large files if there is a discrepancy. There is no mechanism to compensate for dealing with client concerns or accounting issues.
- § The pay is lousy and the billing system is ridiculously complicated. Also, there is no point in taking on lengthy trials because the clients don't appreciate the work – a lot of these people are just using the system.

The Tariff (4):

- § We just don't get the referrals anymore. I don't know what the referral system is anymore – does the local agent take the files and farm out what's left?
- § I took a sabbatical and since I've come back, the system has changed a little bit. No one has been knocking on the door – three years ago, the FRA referrals changes, so that saw a significant drop in legal aid cases. *Family, Victoria*
- § If I was accepting more cases, the time restrictions would be a problem because I couldn't serve a large number of clients the same way. *Family, Vernon*
- § I didn't choose to reduce the number of cases that I work on. It's just the way it is now. I wouldn't go back to the way it was before, though because I make more money now. I now vet the legal aid cases that I accept - if I think the clients are real jerks or are taking advantage of the system, I don't take the case. *Criminal, Trail*

Money (2):

- § Tariff restrictions – this is more a function of intake and referrals and the restricted tariff. I worked in Ontario for 10 years and started practicing here in 1991. The tariff hasn't increased in 13 years, so it barely covers my overhead. If I was to only work on legal aid all the time, I would not make any money at the end of the year - in fact, I would probably even lose money. '82, *Courtenay, Family*
- § The tariff does not permit proper compensation for results achieved and work done. The tariff does not reward efficiency. '80, *Vancouver Island, Corporate Commercial*

8. What is the primary reason for your decision to accept fewer referral cases in the past few years?

Compensation is either the primary or secondary reason cited in 41 out of 58 responses to this question. Other reasons for reducing tariff work relate to the reduction in matters/clients covered and anger with the provincial government for not re-investing PST on legal services back into the legal aid system.

Compensation (11):

- § I didn't want to be dependant on an income that wasn't guaranteed (there were strikes, a reduction in the tariff and LSS was taking months to pay so there wasn't a consistent cash flow and I needed to broaden my client base), '90, *Family, Victoria*
- § Because of the tariff and grossly inadequate fees. '82, *Family*
- § The tariff rate, which has not kept pace with the cost of living '92, *Vancouver, Family*
- § Compensation. '82, *Criminal*
- § I can't afford it. '92, *Criminal*
- § Primarily financial: Legal aid pays too little. The referrals were not consistent. It was impossible to blend with a private practice because legal aid is unpredictable and unreliable. It takes too long to get paid. The billing requirements requires twice as much time as private billing. '92, *Family*
- § I cannot afford to take as many LSS cases as I spend as much time working on the funded cases as the private but make a 10th of the money. I pay my plumber more money than LSS pays lawyers. That's not intended as a slag; it is just the reality of the situation. If you pay people next to nothing, their performance will suck - eventually. '98, *Lower Mainland, Corporate Commercial*
- § The tariff was increased from \$50 to \$80 per hour in 1992; then quickly clawed back 10 per cent. That means 12 years without a tariff increase while all costs to private bar have escalated. '89, *Immigration*
- § The high cost of accepting legal aid. The remuneration paid was less than the cost of support staff and overhead for each case, so I ended up actually paying to take legal aid cases. '83, *Vancouver, Civil Litigation*
- § I would go bankrupt had I continued to accept legal aid cases at any where near the level I did previously. '87, *Family*
- § The compensation is insulting. I prefer doing "real" legal aid where I just do the work for free instead of having to answer to an imperious, arrogant bureaucracy who has no idea of what legal practice is about. It is absolutely impossible to do a professional job at legal aid pay. '77, *Criminal*

Uncompensated time combined with tariff rate (11):

- § I cannot afford to take on legal aid cases given the reduced hours granted to a family law file. '89, *New Westminster, Family Law*

- § I found that I was spending more and more time with legal aid administration in terms of billing, how many hours you could bill per file - what you were entitled to do what you weren't, what you needed permission for and what you didn't. I also found that legal aid clients were becoming more and more demanding of my time and less willing to be reasonable in regards the outcome of litigation. But the most important reason was money. I could no longer justify devoting the kind of time and energy I did to files for so little money. It simply didn't make any sense any more. '77, *North Vancouver, Family*
- § I stopped practicing as a sole practitioner to become an associate in another city. The person who employed me did not want the firm to do legal aid work because of the fee reduction and particularly the administrative difficulties and time-consuming paperwork that came with referrals. '94, *Family*
- § When I began payment for work actually done was fair, but there were problems in some bad lawyers billing for work they had not done. Legal Aid dealt with the bad lawyers by reducing billable hours. The number of hours provided by legal aid are enough to understand the client and then pass the client on to the next lawyer as hours have run out, or work for free on the bulk of the file. '92, *Family*
- § There are three primary reasons 1. Economics - Depending on the matter, I am paid approximately \$5,000 to \$7,500 for a single day criminal matter on a private retainer. Legal aid does not pay me anywhere close to that and similarly does not pay me for my prep time - which is factored into the fee outlined above. 2. LSS does not reward a job well done. If I persuade the crown to stay the charge before the trial date I get paid almost nothing by LSS whereas in private practice I might get a bonus for resolving the case without the hassle of a trial.) 3. Paperwork - it is ridiculous and my assistant hates it. '98, *Criminal*
- § The rate of pay is too little. Also, the compensation for disbursements is unacceptable. The time required to fill in bills, keep track of time and do opinion letters is also not acceptable. The straw that broke the camel's back: on one file, I was forced to set a 5 day Supreme Court trial because all efforts to mediate did not work. I requested additional time for trial prep or even general prep to conduct the trial. I was refused additional time which meant that I would only be paid for 10 hours to prepare for a 5 day trial. I was no longer prepared to not only accept less money per hour to conduct the file but to "donate" several hours of my time on top. I am not the type of counsel who will only spend 10 hours on a file because that is all that I will be paid. I was tired of continually doing what amounted to "pro bono" work while having to work harder in general to make up for the lost hours that I could not bill. '94, *Chilliwack*
- § The financial return is not worth all the work involved and the administration end (billing) is a nightmare. '88, *Family*
- § The low hourly billing rate does not allow a lawyer to maintain a store-front premise with associated overhead. One would have to work out of their home with no support staff to be able to afford to work for that hourly fee, and that is what I see happening in legal aid representation. Otherwise, legal aid work has become a loss leader, and conducting family law litigation as a loss leader is not sustainable in terms of stress levels. 2. On top of the low hourly rate (that showed no signs of increasing with cost of living over many years) was the 'holdback'. 3. When holdback monies were disbursed, they were in such teenie amounts that they created more trouble than they were worth and staff time spent in bookkeeping for these monies far exceeded the amount reimbursed. 4. The tariff did not provide sufficient time allotments in many cases if one was to do a complete job for the clients. '97, *Personal Injury*
- § I am now a very experienced family lawyer. I only take on those cases where I meet the person first. This is because I end up putting in the same type of commitment and work on legal aid files as well as paying files. Therefore I cannot afford to do more legal aid work, as it would require a lot of time that will be unpaid. '89, *ICBC*

- § The tariff has been altered to the point where it is virtually impossible for me to give legal aid clients proper service without putting in a large number of unpaid hours. This, together with the low hourly rate paid in the first place, makes it financially and professionally impossible for me to accept all but a small amount of this work. '94, *Family*
- § The time that I spend on legal aid files generally greatly exceeds the time for which I am compensated. This has been particularly true since there have been more appearances required such as the arraignment hearing. '92, *Richmond*

Compensation and nature of clients (3):

- § The tariff is so small that it is not realistic to accept files. I cannot possibly do the work correctly in the hours allotted, especially where there is a staff legal aid lawyer on the other side whose hours are unlimited or even a privately retained lawyer. Essentially the legal aid cases just grind you to the point where it is not worth the aggravation. The clients are sometimes unrealistic and unnecessarily difficult/demanding. '95, *Family*
- § Lack of need for clients to make decisions and give instructions based on a reasonable cost-benefit analysis, coupled with the only very rough correlation between the work and skill necessary to obtain appropriate results for clients, and the tariff. '88, *Corporate Commercial*
- § The tariff does not make it cost effective to do legal aid work. With the number of appearances that are not paid for, the lack of payment for in-custody visits. Legal aid clients, given that they have less invested in their case, can be more difficult to manage than paying clients. '89, *Criminal*

Compensation and reduced eligibility (5):

- § The limited number of cases and the small amounts I am able to bill for cases does not justify the time spent. I have limited myself to current LSS clients for that reason. '84, *Lower Mainland, Civil Litigation*
- § I am no longer legal aid area director, and not duty counsel, so I can elect to turn down cases. The hours available per case are insufficient to do a proper job, and I am seeing people wanting me to take cases where the appointed lawyers stop working when the hours are used. Legal aid refers far fewer cases.
- § They don't pay enough. They try constantly to cut the pittance they do pay. They are a multi-million dollar bureaucracy designed for one purpose: to turn down people for legal aid. Numerous people who should be helped are turned down, most notably poor, elderly, childless people with problems. '88, *Surrey*
- § You have staff unilaterally determining that court ordered work outside of the guidelines was not compensatable '95, *Family Litigation*
- § The difficulty in obtaining sufficient time and resources to properly represent a client as I determine best for the client. The opinion letter system and individual requests for disbursements added vast amounts of time to the file without tangible results to the client and caused more frustration for me in cases that are usually difficult enough without adding another layer of 'convincing' or representation on behalf of the client. Having another person assess whether or not additional time or disbursements were warranted is really inefficient use of time and neither accurate or fair. The change from the opinion letter system to a maximum time of 6-8 hours of general preparation was the proverbial straw. It's a limitation that is fairly to the client who now thinks they have a lawyer through Legal Aid who will be able to assist them with their case, when all it allows it a few initial consults, setting up a court file if that's the process the client chooses, and right about then, abandoning the case. I don't want to put myself in a situation where the client believes they are being adequately represented, when I so severely restricted to do so by the limitations under the Legal Aid family referral system. '94, *Family*

Changes to the tariff (less work available now) (7):

- § I accepted refugee work on legal aid in the past. Less refugees coming to Vancouver plus massive cuts to the LSS immigration tariff. '97, *Immigration*
- § I still accept referral cases depending on my work load as I did before but there are fewer referrals. '91, *Family*
- § They just offer me fewer cases, but I don't request them either.
- § They're just not coming to me because I haven't been as active, but more significantly because the family referrals are now quite a bit more limited.
- § Unavailability of legal aid work '84, *Family*
- § Much of it is not by choice but a direct result of government cut backs to legal aid. There simply are fewer legal aid referrals being issued, as a result less legal aid clients. '98, *Family*
- § I have not made such a decision. It was effectively made for me, with the reduction of legal aid referrals. Fortunately, I have been able to obtain other files to complement my practice. I would take more legal aid files if they were available. Obviously, there are limits to what I can afford to take. '94, *Family*

Combination of reasons (10):

- § Too many administrative procedures/rules which were very time consuming; a high number of clients did not seem to appreciate the time/effort we put into the file for little remuneration; clients often seemingly abused the system e.g. being unreasonable in a position rather than compromise because there was no monetary consequence if position unsuccessful; a high number of clients were very demanding of lawyer and staff e.g. calling very often for minor reason; demanding action be taken immediately on their issue.....conduct which few private clients do because they are aware they will be billed accordingly for the service. Finally it was frustrating to have hands tied by the legal services tariff where we had very deserving clients on one hand but other somewhat selfish clients were draining funds on the other hand from the budget. '79, *Family*,
- § Frustration combined with less available work. I am ambivalent about LSS work.
- § Not one reason: low income; administratively difficult, putting in more time than being paid for, the clients were ungrateful, overly demanding, and difficult; the time restrictions resulted in files being handled in less than a professional manner; legal aid files frequently resulted in more applications being filed as a result of lawyers wanting an additional 3 hours of preparation time - this led to legal aid files looking bad for the legal aid client who had to explain at trial why they filed so many applications. '91, *Family*
- § Previously, when I accepted LSS referrals, it was the bulk of the work I did, and I was a sole practitioner. I stopped accepting the LSS work when I did because I joined a firm. I joined the firm knowing that the LSS referrals were: 1. not as voluminous as they had been in previous years, 2. paying me much less, and were not paying the "holdback" money 3. not providing enough hours of prep time in each referral to complete the work that needed to be done. '96, *Family*
- § The restrictions placed on me to properly represent my client, the time limits imposed and the penalty for settling '81, *Family*
- § I feel the new criminal rules combined with a low billing per file made the decision for me. '90. *Family*
- § Fewer cases referred, too much hassle dealing with billing forms, etc. , too much extra work having to be put in to properly represent client , change in court rules/procedures - way too much paper. '84, *Family*

- § The amount of work per file was not compensated. As well, the clients often have no limitations on their demands on lawyer time, which happens when they are billed for the time. I believe I never figured out the billing system, as I heard of other lawyers who could make a living on Legal aid work. There was no workshop on how to properly use the tariff system. I asked. '94, *Litigation*
- § Legal aid pays poorly, a number of the client's have a sense of entitlement that makes them extremely difficult to deal with, the legal aid billing system is vile, the amount of bookkeeping time devoted to legal aid amending my bills is a huge waste of resources '97, *Federal Crown*
- § The way in which the tariff is structured. Even if you perform a variety of services for a client on a given day, you are restricted from billing for all the work. Why would you bother then? At least with a paying client, you actually get paid for all your work. I am now refusing work as junior counsel on large murder trials, even though the experience is extremely important in developing your practice, as the pay rate is downright insulting. I did not work for years to attain my level of education and expertise to be paid \$36/ hour. What the hell are you people thinking? Are you surprised that no-one wants to do legal aid anymore? The volume of clients that I have to turn away as they do not qualify for legal aid is also highly problematic. These poor souls cannot afford to pay a lawyer, yet are denied legal aid. I am then put in the position of either having to simply let them fend for themselves (a denial of justice) or work for a rate that is even less than you pay on legal aid. The inequities within the legal system, i.e. what a criminal defence lawyer is paid v. what civil and corporate counsel charge, are disgusting. Especially when the work that we do as criminal defence counsel is often times considerably more law intensive and life altering. Why is there no action on the part of either LSS or the Law Society to lobby government to address these issues? It seems that you are quite content to just let those of us who have the moral and ethical high standards to provide assistance to the less fortunate; (no matter what the cost to us) do so. You bank on our integrity to do the right thing and yet provide us with no support. Shame on you. '97, *Criminal*

Change in focus of practice (8):

- § Private clients increased, thereby reducing the time for legal aid cases. '94, *Family*
- § Recently stopped doing court work. '73, *Real Estate*
- § I was obtaining more private retainer files and therefore did not have the same time to devote to legal aid matters. Also, when contacted the legal aid matter was for an emergency/urgent matter that I simply could not respond to. '92, *Family*
- § A general reduction of Criminal law in my practice generally; a concern that legal aid was too vulnerable to government cutbacks and that I could not be "dependent" on it; a shift to private retainer Immigration work because I just needed a change. A lot of reasons, really, coming together at the same time. '87, *Immigration*
- § I have greatly reduced my immigration cases. '82, *Immigration*
- § I didn't want to do volumes of legal aid work and my firm is picky about which clients we take.
- § I have been focusing on other areas of practice where the volume is higher - they take up more time and there is a higher economic yield.
- § When you have a paying customer, you have to prioritize the things you do. Legal Aid is filler during the slow times.

Other (1):

- § I refuse to support the government's changes to legal aid by participating in accepting any more cases. I was an MLA from 1991 – 1996. It is appalling that they collect the tax from lawyers and clients and then do not fund legal aid. *Family*

9. Please indicate all the reasons why you are still accepting some legal aid cases:

Please check all that apply:

Most respondents are motivated to continue accepting some legal aid work to serve individual clients or for altruistic reasons. They do not necessarily do so out of loyalty to LSS as an organization.

Reason	Respondents	Percentage
No alternative work (of any type) available	2	2%
No alternative private work available in my practice area	3	3%
The tariff work that I accept is complimentary to my private client work	19	20%
I am motivated by providing access to legal services for underprivileged people	35	36%
I feel that it is my professional duty	30	31%
Certainty of work stream of legal aid work	1	1%
Certainty of payment for legal aid work	7	7%
Total	97	

Other reasons:

To help individual clients (9):

- § I will take the rare case where I believe the client would be stranded without help. Otherwise, I work pro bono as my contribution to making legal information and services accessible to all individuals.
- § The client has genuine need
- § If a certain case or person tugs on my heartstrings, I might consider taking a file
- § I continue to accept referrals for pre-existing clients
- § I don't like to burn bridges, there are still interesting cases out there, and I won't turn away a previous client. Also, I enjoy the environment in New Westminster Provincial Court and therefore still take duty counsel work there.
- § The determination is whether I can assist them or not – they come to me and then apply for funding. I don't turn clients away – I've often acted for them before or they're recommended by others.
- § I live in a small town and if someone whose family member I have represented or who I have been associated with comes to me for help and they qualify for legal aid, I will take the case.
- § I accept cases that are of high need or of particular interest or where the client's needs are compelling and there are no other lawyers of sufficient experience to accept the case
- § I feel an obligation to serve those I originally started with and for special cases.

Won't accept any more files (5):

- § I am not accepting any (3)
- § We don't do legal aid work anymore because it would conflict with our Director's Counsel work
- § I am completing some family files on a pro-bono basis because these clients have no other access to legal services. When these files are complete, I will probably not replace them.

Would rather do private pro bono (or near pro bono) work (3):

- § I have received no legal aid referrals for some time now, and have removed my name from the family list. I am on the criminal list still, largely for the fun of criminal work, though I do very little any more. I can fulfill my social and professional obligations to help the needy through other means, including lawyer referral, and taking on certain unremunerative private retainer cases. And then I am unfettered by the details of LSS requirements.
- § Clients that I have had in the past that are funded by LSS I have kept, and will continue to do their work as long as LSS funds them. In certain cases, I may choose to do the work pro bono if LSS cuts of funding.

Experience (3):

- § A good way of providing experience to a junior associates
- § It would have to be a very interesting issue
- § I would still take a case if it was the right one – the intake office doesn't know this because if I refuse to take some cases, I go to the bottom of the list and I don't get called anymore. If I say no, they don't want to know the reason why.

Other (5):

- § I enjoy criminal work. I have not yet made a policy that I will accept no legal aid work, as I know others have done.
- § I still feel a moral and personal obligation to take legal aid cases and I do criminal duty counsel too.
- § I sort of feel motivated to provide access to legal services for underprivileged people. People get good value out of duty counsel.
- § This is what I do. We can make it work to fill in the gaps.

- § I wish to provide service to those who most need it. That is why I do duty counsel work and some legal aid work. I also provide a lot of free advice to individuals who need it

10. What is the hourly rate that you charge private clients of modest means?

Under \$100: (1)	\$100 - \$149 (3)	\$200 - \$249 (5)
\$100 (5)	\$150 - \$199 (5)	\$250+ (2)

Other:

- § \$225 knocked down on any varying degree where appropriate
- § \$200 - I charge everyone the same (that way I can't be accused of treating my clients differently. If the means are modest then the client has to choose what is really worth disputing a matter
- § \$200 with an ad hoc discount
- § \$100 or flat rate near LSS tariff
- § Varies –usually I don't charge for various tasks
- § Roughly same as LSS rates
- § It depends on the case
- § My flat fee for criminal could be half (of what I would charge other clients)
- § I charge on a project basis, not per hour. If the client has modest means, I reduce the fee.

11. Has your annual income changed since you have reduced the amount of legal aid referrals accepted?

80% indicated that they have earned more income since lowering the proportion of legal aid work in their practice. 69% indicated that they have not incurred extra expenses in their practice as a result of this shift.

Higher: 47 (80%) Same: 9 (15%) Lower: 3 (5%)

12. Have there been any additional expenses related to the increased income?

Yes: 14 (31.1%) **No: 31 (68.9%)**

13. Do you work unpaid hours on private client cases?

<i>How often?</i>	<i>Respondents</i>	<i>Percentage</i>
Never	1	1%
Rarely	13	23%
Sometimes	30	53%
Frequently	11	19%
All the time	2	3%
Skipped (9)	57	100%

14. Do/Did you work unpaid hours on legal aid cases?

How often?	Respondents	Percentage
Never	0	0
Rarely	1	
Sometimes	5	8%
Frequently	18	31%
All the time	35	59%
Skipped (8)	59	

15. Please name some of the extra services that you provide (d) to legal aid clients for which you were not compensated:

Unpaid time is a factor in 97% of the following answers. As indicated elsewhere, it is one of the major reasons why respondents now work on fewer LSS matters.

Almost all said that they perform the same services for private clients.

90% indicated that they work unpaid hours on legal aid matters "frequently" or "all the time", vs. 22% who said they work unpaid hours on private matters "frequently" or "all the time".

Combination of Time and Services (22):

General:

- § Time written off because it was necessary to do the work, and LSS subsequently did not approve the time
- § General hours, exceeding the tariff amount of hours, the procedure for approval requires a process. It depends on how many legal aid clients you have – if you have more, it might be more efficient to handle three in the same time as 1.
- § I often did work above the tariff hours for which I was not compensated for even after requests
- § Hours over and above the limits as set out in the billing guide and several disbursements which were necessary but not permitted under the billing guide
- § The number of hours permitted have no reality regarding time spent
- § Being a sole practitioner I did everything on a file. I would usually spend more than the number of maximum hours allowable on a file in meeting with my clients, preparation and sometimes in court appearances where I would attend court and for one reason or another and the matter would not proceed.
- § I tend to spend more time on private client files because I try to be efficient in my practice. Legal aid clients should know that they can't see me whenever they want to. Private clients pay me 5 – 10 times what legal aid does.
- § Spending many more hours on the file than allotted for by tariff and miscellaneous disbursements not covered or fully covered
- § In order of most to least: time spent on the phone with clients, time spent meeting with clients, legal research drafting affidavits in preparation for court
- § Often advice on other matters
- § General litigation support
- § General preparation: phone calls and conferences with clients, communication and negotiation with opposing party or counsel; organizing files; follow up after court appearances (all court time being covered) i.e. conference with client after court, preparing and entering of orders and copies to clients; and file closing
- § Preparation time for court; negotiation of issues; legal research; preparation of pleadings, especially affidavits; dealing with clients in person or on telephone repeatedly because

they are in crisis and often dysfunctional and often need to hear the same advice from me because they can't remember or understand what I have told them previously

- § Endless and varied, generally because LSS refused to fund them, or made it not cost-effective to ask for more money (you had to jump through so many hoops, you could do better using the time to do private work.)
- § This is the number one reason why I stopped doing such work
- § Additional work
- § Taking innumerable phone calls that I don't bill out because their retainer would run out too fast, continuing to help them after their retainer has run out
- § Research, telephone conversations, advice, negotiations, attendance at mediation, office consultations and assorted other services

Family Law:

- § I gave my legal aid clients the same time and services I gave my private clients the only difference being my legal aid clients got more of my time free because it wasn't covered by the tariff. Take any step in a family law litigation file and add a couple of free hours. Often did wills for free and applications for division of Canada pension plan credits
- § Meetings/consultations/telephone calls, adjournments, etc. Few cases can be resolved under the family tariff hours allowed and some criminal files take a great deal of time even if they are Category one.
- § Work beyond what the tariff allows for that service, such as drafting affidavits, preparation for chambers, preparation for discovery, preparation for trial, drafting financial statements
- § Preparation, client meetings, counselling clients, and writing correspondence - the tariff is too narrow to pay lawyers for these services.
- § In a general sense, I often far exceeded the number of hours that were approved on a given family law file. In some cases, I put in as much as 40 or 50 unbillable hours.
- § A mother whose children are removed and who does drugs and calls and meets with me and I don't get paid to talk to them, filling out applications, follow up, getting orders entered.
- § Trial preparation, written argument for trials, meetings with clients, investigating witnesses, property transfers, helping with pension division after court orders, having orders redone. Amending pleadings, Lists of Documents, preparation for Examinations for Discovery (the tariff does not provide enough for any of the usual services)
- § Telephone consultations, preparation of documents, Court appearances, just about everything Legal Aid "shorted" the lawyer by giving a set fee that was too low or capped the hours for preparation at an unrealistically low level
- § Complicated financial statements, lengthy preparation time for court appearances, file management
- § Travel time was never compensated. It's not necessarily that the services were "extra" it's just that the number of hours LSS funded often fell short of the number of hours needed to get the job done, and as a result, particularly toward the conclusion of a file, I would have to work without funding to complete the file
- § Review of the full facts of the case with clients. -full financial disclosure by clients easily exceeded the time allotted. Reply to responding materials, proper legal research.

Criminal Law:

- § I spend a lot of time on these files. Waiting around court to be heard. Preparing for individual hearings. Trying to get the Crown to agree to Diversion/Alternative Measures.

- § Additional research and preparation settlement discussions, additional preparation for hearings, sentencing, etc. The tariff could not come close to time required in some cases. Serious charge cases that collapse and all that go to trial.
- § Applications that required a lot of preparation, collapsed cases (that is absolutely the worst, having a 4 day LSS trial go down after you prepared days for it, showing up for a single funded sentencing worth \$100 and ending up being there all day long, or at least a 1/2 day - - happens all the time, for which I would normally charge \$5000)
- § (Criminal) Attending court to vacate warrants, initial appearances; trial confirmation hearings; applications for return of private property from police/Crown; Immigration (work permit applications; letters for social assistance; letters of reference; specialized areas of research.)
- § Legal research, correspondence, marshalling witnesses, etc. All of the usual services, if provided properly, are beyond what is ordinarily compensated by legal aid
- § Endless appearances to find a sympathetic judge; countless times when clients don't want to be dealt with; never ending arraignment hearing appearances to convince the Crown they have no case trial confirmation hearings; helping to perfect bail; assisting with obtaining treatment; Locating witnesses; interviewing witnesses; preparing subpoenas; serving subpoenas myself; calling clients the night before to remind them of Court; picking up clients and driving them to court ; dealing with your tariff and forms; answering absurd questions over \$2.16 waiting on hold for your staff trying to get the charges straight on your authorizations ...I could go on for days about what I do for free on the legal aid treadmill
- § I will appear on behalf of most paying clients at arraignment and trial confirmation hearings, but I want legal aid clients to show up at these times – they often don't show up and I don't want the trial to fold because of this. Having them there is the best way to avoid a trial being folded.
- § All the time spent doing research, the frequent calls from clients in custody, the time and effort dealing with their families, the correspondence with Crown, social organizations, references...it goes on and on.
- § Interviews; visits in custody; help with non-criminal problems (help with housing application forms, disability benefit applications, etc.) multiple guilty pleas on same day; trial confirmation hearings, remands.
- § Non-tariff matters that needed to be done to properly represent the client - i.e. unpaid applications, visits in custody, etc.
- § In custody visits, travelling to interview witness, appearing at trial confirmation hearings, trial preparation where the case resolves early
- § Court appearances, research
- § Preparation for hearings, court time, dealing with LSS when there is an issue after-the-fact on a file.

Preparation time (12):

- § Additional general preparation seems common
- § We always went over the allotted preparation time and this was the major reason for not taking on more cases. We always provided wills afterwards for clients too.
- § You could only bill for one case per day, even if you had 4 cases that day, which inhibits efficiency. If hearings are set on the same day for more than one client, LSS should distribute waiting time in court equally between clients. We wouldn't bill this time more than once. Sometimes, when we needed the money, we'd go to court on different dates.
- § Insufficient preparation time on some cases
- § Preparation for trials, sentencing hearings or bail hearings
- § More preparation hours for court hearings, examinations for discovery, etc.
- § Pif preparation + hearing prep

- § I spent much more time than the tariff allowed
- § There was not enough time to bill for preparation particularly in criminal cases, i.e. bail hearing in complex cases, in child protection cases. Many legal aid cases had complex issues requiring much more time to prepare for.
- § Most of the extra services provided without compensation fell/fall under general preparation or preparation for hearing
- § Research, extra time preparing briefs, applications
- § Everything - phone calls, meetings, chambers etc... Legal aid never authorized enough time. To competently prepare for a 5 day trial requires no less than 60 hours for the trial alone (not including trial attend and any interlocutory steps) legal aid never authorized counsel sufficient time to be competent.

Travel time and Preparation Time (2):

- § Traveling to court - frequently preparation over and above the tariff
- § It is impossible to prepare for many cases in three to five hours, including meeting with client, writing affidavits and property and financial statements, responding to correspondence, writing reply affidavits, writing court outlines and finding and reading case law, putting together binders for Court. No compensation for travel time, especially since legal aid cases seem more subject to being adjourned generally, necessitating several returns to court before the matter concludes.

Other:

- § Investing in computers and technology has assisted my ability to be efficient in doing legal aid. I am thrilled with e-billing because it's a huge time resource saver.

16. Do you perform the same services for private clients?

Yes: 51 (86%)

No: 8 (16%)

17. How often do you refuse work from a private client?

<i>How often?</i>	<i>Respondents</i>	<i>Percentage</i>
Never	1	
Rarely	15	25%
Sometimes	41	68%
Frequently	3	
Unable to answer		
Skipped (8)	60	

18. What is your primary reason for refusing to represent a private client? Please specify:

Unrealistic client expectations/Don't like client (30):

- § We don't like the client (2)
- § Personality (5)
- § I don't like them, their case, or the other lawyer is a barracuda
- § High maintenance attitude
- § I don't like them for reasons such as they are being unreasonable in the goals of litigation, I feel like they will be difficult clients in terms of their demands. Failure to pay a retainer. (5)
- § Unrealistic expectations/ Inappropriate instructions (6)
- § Hostility and unrealistic expectations
- § I consider the client is too difficult to deal with
- § The client is "Trouble....."
- § If too demanding
- § Appears difficult or unreasonable
- § Previous poor experience
- § If I don't feel I can represent them properly – In family law, you meet a lot of people who you know you won't be able to satisfy
- § Lack of confidence (client lied in an affidavit, for example)
- § I would be their 3rd lawyer on the file

- § Client refuses advice (2)

Financial reasons (8):

- § Lack of means to make reasonable payment (2)
- § Money, or difference of opinion
- § Financial
- § Non payment
- § Unrealistic expectations about how much money it will cost them to put a reasonable case to the court or opposing counsel
- § Inadequate retainer
- § Unreasonable expectations and non-adherence to reasonable payment schedules
- § Professional considerations, affordability

Area of law in which I do not practice (7):

- § Not my area of law - or I believe they should try some non-legal method of solving the problem first
- § Not my area of expertise (2)
- § Lack of expertise or disagreement with client

Unavailable (6):

- § Too busy (6)

Other:

- § They want a form of representation that I'm not prepared to give, they want me to represent them in an area in which I do not practice
- § There is no primary reason - there are many reasons, from conflict of interest to my feeling the client is perhaps not realistic about the possible solutions I can help him/her reach, and others.
- § Conflict of interest
- § If it's a big pain in the ass for any number of reasons - they're nuts, the thing is a mess, the money won't be as good.
- § It really depends on the client

19. How often do you refuse to represent a legal aid client?

Whereas 65% indicated that they refuse to represent a private client "sometimes", 45% said that they refuse to represent a legal aid client "frequently" or "all the time". The most common reasons for refusing to represent a legal aid client were compensation by LSS followed by a dislike for the client or matter (the reverse is true of private clients).

How often?	Respondents	Percentage
Never		
Rarely	8	14%
Sometimes	17	30%
Frequently	15	26%
All the time	11	19%
Unable to answer	6	11%
Skipped (9)		

20. What are your primary reasons for refusing to represent a legal aid client?

Money (21):

- § The legal aid system of compensation (7)
- § Financial (4)
- § Not cost or time effective/I hate the bureaucracy (2)
- § I can no longer afford it. (2)
- § Refuse if I can tell that the tariff will not compensate me for the work and time I will have to put in, which is usually the case these days.
- § I am unable to afford to take legal aid cases any longer given the cutback on hours allotted to each file

- § Hourly billing rate exceeds breakeven expenses - cannot run an office on \$80 per hour less 15%
- § Money; I only do it as a favour now
- § Time and money
- § Some LSS clients can be extremely difficult and you know it will be a file that will take a lot of effort. We're not compensated for the administrative time it takes to request extra authorization from LSS.
- § The hassle to get approval for extra time. I've had a big staff turnover in the past few years and some of my LSS files have slipped through the cracks in terms of billing. Now, I'm going through the files and there are time constraints in applying for compensation. I found one file where I was in court for 5 days and never got compensated properly. Now, I avoid the files where I will have to go to trial. (Apprehension files are difficult because of this).

Nature of client/matter (10):

- § Unrealistic expectations (3)
- § Problem client - too demanding, "trouble", (3)
- § Unreasonable expectations with respect to outcomes/unusual complexities that are not addressed in the tariffs
- § If they have had multiple other counsel before me - indicative of a problem client
- § If I think the client is unreasonable or taking advantage of the system. Also, if I am totally swamped with private work. I've never refused out of custody duty counsel work – the in-custody duty counsel work is done by the local agent or the lawyer who the local agent has a deal with to take a lot of the files.
- § If I don't feel that I can represent the client properly (i.e. they are unreasonable)

Unavailable (5):

- § Not taking new clients at this time (2)
- § Unavailable due to other work (3)
- § Unavailable on short notice for urgent applications (3)
- § Depends on how busy I am. I only get one referral per month.
- § I just don't take any long cases

Change in focus of practice (4):

- § No longer work on legal aid files
- § Direction of practice away from legal aid.
- § I don't take legal aid except under extraordinary circumstances (see above answers)
- § It would be a conflict with our Director's Counsel work

LSS Administration (4):

- § Administration/Paper heavy procedure
- § For reasons given to question why is legal aid hard to deal with
- § The money, the high maintenance of the file/client, billing nightmare
- § I'd rather work for free than have to deal with the legal aid system

21. Have you ever requested payment from LSS for extra work over and above what you were originally authorized?

Yes: 48 (83%) No: 10 (17%)

21 a. Was the authorization granted?

Yes: 29 (63%) No: 17 (37%)

Option	1 worst	2	3 neutral	4	5 best
Tariff based on a block fee	18	13	7	10	4
Tariff based on hours authorized and worked	4	3	11	18	17
Differential rates paid according to years of experience at the bar	9	5	11	16	11
Block contracts for a number of cases	27	9	10	5	0
Staff Lawyer Model	19	5	17	8	3

Comments:

- § I block things onto certain days where I do a lot of trial confirmation hearings and arraignments. In order to be efficient, I arrange as much over the phone in advance. Most of the other tariff lawyers do not prepare in advance.
- § The staff lawyer model didn't work because it was a band aid (duty counsel now covers this)
- § Paying differential rates according to years of experience would help b/c most senior lawyers are efficient.

27. Is your practice busy enough without having to accept legal aid cases? (Full interviews only)

Yes: 10 No: 0

28. Since reducing the number of legal aid cases worked on, are you: Please check all that apply:

Most respondents indicated that they now work the same hours or more hours, but for a higher proportion of private client matters. They are shifting the focus of their practice. Almost all are earning more income than when they worked on a higher volume of legal aid matters.

Option	Respondents	Percentage
Working more hours	11	9%
Working the same hours	28	24%
Working fewer hours	8	6%
Working on a higher proportion of private client files	42	36%
Shifting the focus of your practice	29	25%
Skipped (8)	118	100%

Comments:

- § I work mostly doing duty counsel
- § A lot less stress - Far fewer court appearances - more agreements and consent orders
- § 100% private
- § I am doing far more private immigration and criminal cases; I am earning more money from fewer files
- § I've started my own firm
- § I've quit doing family law except for Ministry work
- § I'm working on branding my practice.
- § 97% of my files are private – my legal aid work is teeny

Section III – Your Feelings about the Legal Aid System in B.C.

1. In your opinion, what is the impact on the legal aid system if fewer lawyers are accepting cases?

If lawyers are working on a higher proportion of private client matters, earning more income and spending fewer hours on unpaid work, what are the consequences to the tariff bar and to legal aid clients? Most respondents said that legal aid clients will have limited choice of counsel, have lower quality counsel and have access to limited services because those accepting work will be unable to afford fewer support systems such as office space, administrative help (the result of which will be diminished client service such as appointment time and lawyer burn-out).

Lower quality of service from lawyers (17):

-
- § More specialization and lawyers who do nothing but legal aid cases
 - § Fewer cases are being approved for legal aid. I am not aware that legal aid clients are without representation. I do know that legal aid clients continue to run frivolous cases represented by lawyers who are inexperienced.
 - § More clients are unrepresented, lawyers with experience and skills are not taking the cases
 - § Lower quality of service to the clients - the hacks will always be there
 - § Two-tier legal system. Legal aid clients represented more often by inexperienced members of the bar. Some lawyers carrying too many files to properly represent clients. More guilty pleas because of pressure to close files.
 - § I don't think you can ever expect senior counsel to be a part of legal aid. It's not an issue – it's just an impact of economic parameters.
 - § Senior counsel may do legal aid work on a pro bono basis. Some of them have a philosophical commitment to the people who need legal aid. Look at the supply and demand curves – a modest tariff just won't cut it.
 - § There are less clients approved, as well. Fewer lawyers, often means the legal aid lawyers on the other side of cases are overworked, and unresponsive to correspondence or reasonable requests for information. The lawyers I litigate against doing legal aid now are not collaborative, but Court oriented. This may be because this is the only way to bill for their work.
 - § Strain, burnout to those still doing it and reduced level of service to the clients. There is only so much that any of us can do, for only so long. Those who attempt to exceed this level will prosper--for a time. Then they will suffer. Ultimately, that means the clients suffer too.
 - § I cannot really say. I can guess that this will result in the lawyers who do take the cases being overworked, which might affect them. Also, perhaps this results in more unrepresented litigants, which is a tremendous burden on the Court system.
 - § I feel that the people who must seek legal aid are not getting the best representation available (2)

- § Lack of experienced lawyers in the system (2)
- § More inexperienced lawyers and less court efficiency
- § Poor quality of service because senior lawyers are leaving

- § The perception of a two-tier system is developing, where one is labeled a "legal aid lawyer" (often perceived as inferior) or not. With fewer lawyers representing legal aid clients there is a decreased sensitivity to the issues low income clients face. There is also a greatly increased level of frustration among the bench and bar about the number of self represented litigants, and the drain caused by this.

Limited access to justice (12):

- § It will lead to the collapse of the system in that you can't provide services to the people who need them.
- § Poor people will end up without representation and access to the court system. In particular, children are at risk.

- § Legal aid is non existent for the people that I would represent. I have no idea what the impact is on the legal aid system. I can say that the lack of legal aid is having a terrible impact on poor people in BC and on provincial family court and in Supreme Court because of the number of unrepresented litigants. Money is power again. The poor, especially women are being hammered.

- § I don't really know; it may mean that some clients are having more difficulty finding counsel to accept their files

- § Making the universal fair representation of all accused, no matter what class, a sick joke. "Justice" is for those who can afford it, now more than ever before. I guess being poor means that your contribution to society comes in the form of being a "client" of the criminal justice and corrections systems. Sure keeps those in corrections employed.

- § More and more clients will be directed to less and less capable counsel
- § The lawyers who accept cases can focus their practice on a legal aid practice, by which I mean, they can focus on poverty (and associated) issues. As I understand it, parties are not going without representation if they qualify. The "system" should be more manageable with fewer lawyers accepting cases.

- § It is harder for clients to obtain a lawyer to represent them, if fewer lawyers in our region are accepting referrals
- § Fewer options for accused persons, poorer representation in court

- § Lack of access to justice will fuel the sentiments of those denied the same towards violence and further dysfunctional behaviours-- it is unrealistic to expect that persons in crisis in the criminal and family justice systems can appropriately deal with their cases on their own behalf, unless they have enough financial resources either personally or through government programs.

- § The system is getting precisely what it wants. The government wants to prove it is not needed so it can shut the family section down completely. That is essentially what it has done.

- § I think the larger question is what is the impact on the public of courts being closed, legal services being withdrawn/non-existent and access to a civilized dispute resolution denied

Delays in court/more unrepresented litigants (7):

- § More lay litigants in the court system meaning longer delays
- § Absolute chaos in court - it's very sad
- § 1- courts are bogged down with lay litigants costing tax payers more money in wasting court time as a result of not knowing how or what to do; 2- courts are making bad decisions about issues (including children) as parties don't know how to present cases resulting in more applications to vary later on; 3- client rights not being adequately protected; 4- general frustration and loss of confidence in the justice system

- § More unrepresented people; less cost to LSS
- § Many people are unrepresented or under represented (2)
- § More lay people self representing and the court process grinding to a crawl
- § More unrepresented clients, and less qualified people taking referrals

Little impact if any (6):

- § Very little in my area of practice, given that there is very little legal aid for family matters
- § I don't think there's any problem with people getting lawyers
- § It's really hard to answer that question as I know that fewer clients are getting referrals on LSS, so it is likely that the fact that fewer lawyers accept LSS work has little if any impact.
- § Limited impact in this area
- § Little, because far fewer people are accessing the system successfully
- § Not sure that there is any impact at all

Less choice in counsel (5):

- § Less opportunity for recipients to have counsel of their choosing (2)
- § Lack of choice and lack of quality of choice
- § A higher concentration of cases going to a few lawyers resulting in a reduced ability to chose counsel
- § Clients are not benefiting from a choice of lawyers to represent them. Clients are often being represented by less competent counsel.

Higher Administration Costs (3):

- § It becomes more inefficient
- § Less choice for refugees less competency for those lawyers who remain and take legal aid denial of procedural fairness for claimants

Positive impact:

- § Less frivolous cases

Other (5):

- § I don't know
- § I think the system fell apart a long time ago
- § Don't know and don't care. All I know is that after more than 20 years of waiting for payments while your staff got their paycheques, I've done my bit.
- § Things aren't getting done (i.e. child maintenance variances) Women are lying in their divorce files about being physically abused so as to qualify for legal aid
- § There may be fewer lawyers accepting legal aid but that began before the budget cutbacks. The budget cutbacks have been the major impediment because I think there are still quite a few lawyers willing to do legal aid but there simply aren't that many cases. Otherwise, to answer the question, the major reasons are 1)low fees 2) administrative process 3)unreasonable client demands

2. Has the number of unrepresented litigants changed in your practice area and in your regional area in the past five years? Please choose one:

As indicated in other questions, the increased number of unrepresented litigants is thought to be another result of fewer lawyers accepting legal aid work (presumably because clients no longer qualify or cannot afford a lawyer). This is causes significant frustration in the tariff bar.

Number of unrepresented litigants has:	Respondents	Percentage
Increased	51	88%
Stayed the same	3	6%
Decreased	0	0
Do not know	4	6%
Skipped (8)	58	100%

- § Duty counsel has helped. It's not as well publicized for BCSC (they're in Victoria on Mondays)
- § Note: It makes it very difficult when you are acting against an opponent who isn't represented.
- § LSS should hire an initial intake lawyer in every place where there is a chance to assess the merits of a situation and pay that lawyer \$500/day. It's like duty counsel. Unrepresented people here tend to plead guilty, but with this system counsel could bargain down the charge, offence or punishment.

3. Has the complexity of private client cases changed in recent years?

Respondents indicated that matters are either the same or slightly more complicated. See comments in Question 5 regarding how changes in the law have affected practice. Some family lawyers feel that there is more room for negotiation since changes in court rules and procedures have been instituted. Criminal lawyers feel that Charter issues have complicated matters.

Private cases have become:	Respondents	Percentage
Much less complex	0	
Less complex	2	3%
Same	26	45%
More complex	23	40%
Much more complex	5	9%
No opinion	2	3%
	Skipped (8)	58
		100%

- § Note: It is impossible now for unrepresented to go to BCSC because the court system has become more complex while the coverage has decreased.

4. Has the complexity of legal aid cases changed in recent years?

Legal aid cases have become:	Respondents	Percentage
Much less complex		
Less complex	2	4%
Same	22	39%
More complex	22	39%
Much more complex	5	9%
No opinion	5	9%
	Skipped (8)	56
		100%

5. How have changes in the law affected your practice in the past five years?

Family Law – more complex (14):

- § It [legal aid work] has become more complex because legal aid matters involve violence, restraining orders, dealing with the RCMP, etc.
- § The changes have made it more expensive to deliver services (i.e. Judicial Case Conferences)
- § The introduction of the Rule 51 and JCC's at the Supreme Court Level have imposed greater work burdens on the lawyer
- § There has been a shift back to family court because it's simpler, more accessible and cheaper
- § Rule 51A has made BCSC practice more complicated
- § Child support applications are being replaced by applications to reduce or cancel arrears. Custody is becoming more contested
- § Changes in the law itself are not that difficult but rather it is the changes in the Rules of Court, i.e. the JCC rules. I find that I am able to settle well over 50% of my cases before the first court appearance. Otherwise Rule 51A is difficult and cumbersome and leaves clients without necessary interim orders. This is a travesty on occasion.

- § As a sole practitioner without staff the chambers requirements for Supreme Court practice has meant much more work for me, much of which is unpaid in terms of compiling binders, photocopying etc. Same is true with requirements for Financial Statements.
- § I now practice collaborative family law
- § Family files result in less income
- § The cost of conducting litigation has increased somewhat with Supreme Court Rules changes requiring further attendances and additional procedural steps

- § Judicial Case Conferences cause delays in getting interim orders for clients
- § With the introduction of Collaborative Family Law and the JCC in Supreme Court and Rule 5 in the Provincial Court, I think that more options are available for family clients rather than proceeding straight into litigation, which is costly and contentious. Court resolutions do not allow the parties to develop means to communicate when future problems arise; it is more likely that they will simply return to court. With more mediation/collaboration in family law, clients are learning better ways to resolve their issues without consuming court time.

- § The change to the Court Rules has created a huge impediment to getting into Court - probably the result the Court Rules Committee intended. If the government resisted putting the money into the court services then court services had no option but to effectively close the doors to the court to the average income earner by imposing the rigours of Rule 51A

Family Law – more efficient (3)

- § Guidelines for child support are a big help in reducing litigation, as are the Judicial conferences in both Provincial and Supreme Court
- § People fight less with the Child Support Guidelines in place so I look elsewhere for work (change focus)
- § Able to resolve matters more prior to original applications.

Criminal (7):

- § Mainly changes in motor vehicle cases

- § There are more procedural and bureaucratic requirements in criminal and immigration litigation and in immigration practice. There is greater complexity in criminal law and more bureaucratic/procedural requirements, including changes regarding preliminary hearings. The net result is areas of practice have more time-consuming requirements without commensurate increases in compensation.

- § Criminal rules reduce the number of cases I can take

- § The Charter complicates things. Sometimes I just feel so sad for some of the legal aid clients because lawyers plead them guilty or when they go to trial, the clients are just sitting there but they don't have a defence/theme because the tariff lawyers have taken as little time preparing as possible in order to be efficient.

- § Arraignment hearings; Trial Confirmation hearings; Focus hearings

- § Criminal law has become much more complicated as a result of the evolving charter case law

- § DNA issues, special rules affecting child complainants, wider use of Conditional Sentences (with breaches--and the tariff for breaches of CSO is too low. There should be a different tariff where evidence is called. That's like doing a damn trial!) Client expectations are higher. A lot of people don't qualify for legal aid any more.

- § More preparation is required because of the increased complexity of legal issues, in particular Charter issues

General (7):

- § More paper= more time and these are more services that clients cannot necessarily afford.

- § It is more and more document intensive
- § The obvious need to stay on top of changes in the law and procedure
- § Not doing any LSS now. Don't miss it, but do find it appalling that some obviously in need people cannot be covered
- § More complexity, more gimmicks by large firm lawyers attempting to circumvent time saving procedures implemented by the courts, more special interest groups being rewarded in the law
- § The legal aid cases have been somewhat more complex and challenging (although the requisite increase in payment has not occurred). Simple matters are more often dealt with by self represented litigant.
- § Have had to spend quite a lot of time keeping up to date with the changes and then explaining them to the clients. Sometimes this has caused me to take more time in preparation since new documents have to be drawn up or new procedures reviewed.

No changes (4):

- § They haven't
- § Nothing of significance
- § Not really
- § Not particularly, laws are supposed to change as society requires it.
- § There haven't been that many changes with Family Law
- § Family law you have stay current simple as that

6. When working on a legal aid file, do you feel that you must strictly conserve time to avoid unpaid work?

See comments in Section II, Question 14, 15 and 21.

Yes: 30/53%

No: 27/46%

Comments:

- § I have to warn the client about this at every meeting for complex apprehension cases that require multiple challenges by the mom or motions to file
- § Yes, but I also feel that I have to do a good job, because my reputation is on the line.
- § We try to do this, but the reality is that we can't. Clients seem to forget that they can't phone you 4 times/day and they think that they have a free lawyer.
- § Note: I didn't at the beginning. I've felt that way only since the last changes to the tariff when you could not apply for more time. At least before, there was some glimmer of hope. It would be reasonable for them to authorize 10-15 hours more to get the job done properly.
- § I was conscious of it, but it didn't affect my service.

7. How influential would the following factors be in your decision to accept more legal aid cases?

The most influential factors in retaining tariff lawyers would be an increase in the number of hours available for specific tariff items, such as preparation of matters (84% indicating it would be important or very important) and an increase in the hourly tariff rate (81% indicating it would be important or very important). As indicated in other questions, respondents feel that remuneration and payment for time to serve clients to the best of a lawyer's ability are the most important policy changes that could be made.

Expansion of legal aid coverage for family matters (60% indicating that it would be important or very important) is also a priority.

Option	1 not at all important	2	3 neutral	4	5 very important
An increase in the hourly tariff rate	1	2	7	23	24
An increase in the number of hours available for specific tariff items (e.g. preparation)	1	1	3	18	31
Expansion of legal aid coverage for family law (to cover more situations)	6	1	11	13	22
Restructuring the tariff so that block fee items would be billable by the hour	5	5	13	23	7
Change specific legal aid tariff items	2	3	21	17	9
Simplification of legal aid administration	3	9	18	10	13
Expand financial eligibility guidelines	6	7	18	10	10
Provision of more quality assurance initiatives such as CLE discounts, legal research, etc.	10	7	17	14	4

7 (a): Please provide examples of specific changes or any other factors that would influence your decision to accept more legal aid cases:

Money, compensation for time and simpler administration (16):

- § My time actually paid
- § I would need more money (2)
- § Elimination of the "Holdback".
- § Substantially increasing the hourly billing rate. - elimination of the 'holdbacks' (tariff reductions with an innovative label
- § Eliminate the holdbacks. Raise the rates generally. Expand coverage eligibility somewhat.

- § It's not rocket science. Freezing tariffs for 12 years discourages experienced lawyers and even new lawyers from taking cases. All costs for lawyers have escalated while tariffs are frozen. Everyone in the system (judges, Crown, paralegals, L.S.S. personnel, court staff etc.) expects to receive annual increases to reflect cost of living increases, inflation and increased experience, yet somehow it is seen as moral and appropriate that lawyers accepting tariff work see rates frozen year after year; decade after decade. This issue really doesn't need much analysis. Ask yourself a question; when tradespeople are commanding \$40 to \$48 per hour plus benefits, is it fair to pay experienced legal professionals \$72 per hour (setting aside for a moment that all overhead items come out of the tariff so the effective rate is \$40 to \$45 per hour.)

- § If preparation for family trials in provincial court was granted I would accept more of these files. If preparation for complex criminal files, i.e. NCR cases, multiple charges, for cases where there was multiple adjournments was paid.

- § Payment for results such as resolving a matter on the day to trial, where the resolution provided a better result than a trial.

- § If the hourly rate was raised and I was granted more leeway in terms of preparation time and the like, I would definitely take more legal aid cases, as I used to enjoy legal aid work, and the cases are often very interesting

- § I used to be, primarily, a legal aid family law lawyer. I can not do so anymore because I don't get paid enough for the hours of work.

- § Appropriate remuneration with an appropriate amount of time to deal with cases
- § I would like to see an increased block fee. They've increased the turnaround time and regular payment of bills, and that's good.
- § The bureaucracy at LSS is so difficult to deal with and the remuneration so small that I have to pay to do these cases
- § Increased tariffs and less red tape
- § Increase tariff amounts and simplification of the billing procedures - I recall a case where the psychiatrist I retained for an NCRMD case got paid approximately three times the amount I was paid and all he did was meet with my client for four hours and write a report. I spent approximately 70 hours on that case.
- § There used to be a lot of abuse and so the restrictions are tighter. If we were paid what we are worth, LSS would have no difficulty getting lawyers to take files

Changes to tariff policy – general (5):

- § The whole opinion letter format seems redundant and unnecessary. If we are hired to perform a function, it is offensive to have a largely uninformed third party looking over our shoulder and questioning our opinions
- § I resented being treated like I was trying to rip off the system. Nothing gets me angrier than dealing with the legal aid billing system and being nickled and dimed over disbursements. Also, I do not like my judgement being second guessed by someone who is not a lawyer and who is in no position to judge whether my judgement and strategy on the file is good. I do not think change is possible
- § For each trial matter, the assigned lawyer does a single paragraph brief of the circumstances, the law, time for preparation; time spent in the courtroom and submits it with an hourly based bill
- § It might not be a bad idea to have client contribution mechanisms so they respect counsel
- § There must be due diligence when qualifying clients, i.e. clients with assets should not be approved but rather sent to counsel to make credit arrangements such as a mortgage or assignment of assets as security for fees. It is not enough to say that they can be converted on settlement because the client then realizes the difference between the lss rate and the private rate and you just end up spending countless hours before the Registrar where you are then nickle and dimed on photocopying and faxes. Intake staff should avoid being cornered into giving advice or directions as that sets up the clients for disappointment and the lawyer is then second guessed by lss staff (in the mind of the client).

Changes to tariff policy - family (4):

- § Regarding CFCSA, grandparents must be named as parties if defence counsel want to be paid and it clogs the system.
- § Automatic funding for mediation and/or collaborative family law, perhaps at a higher rate than court representation. Less administration with LSS.
- § Expansion of financial eligibility guidelines would be good - especially for BCSC with Rule 51A because it requires a lot of work up front so you're both prepared (which saves money in the long run). I'd like to see how counsel bill time on CCSA remand days.
- § I would like to see people more eligible for family law. I'd like to be able to help someone prepare for an application on their own – strategizing = duty counsel are useful, but this requires 2-3 hours of service. A lot of people are just on the border of eligibility, but need help with maintenance or something to do with kids.

Offering more support and training to lawyers (4):

- § Digest is really helpful

- § Bringing together regional groups of legal aid lawyers to talk about the problems they're confronting and to share resources and stories about efficiency would be a good thing. We're not pulled together often enough and directly assisted by the program (e.g. to explore mediation resources, levels of computerization, dealing with difficult clients, etc.) There should be more room to directly resource the workhorses in legal aid to educate the rest of us.
- § LSS could get a lot of bang for its buck for sponsoring live educational seminars on Legal Separation & Divorce presented in every community. It would help reinforce the available resources, such as the website, brochures and community agencies and it would give LSS much greater visibility so people would know which services still exist.
- § It would be a big time saving for sole lawyers doing legal aid if legal aid had a web site or para legals on site at Court that would help clients with completing forms, including Property and Financial Statements and Affidavits, and possibly other items such as Drafting Orders or Notice of Motions for the self represented,

Changes to government policy (3):

- § There is a need that isn't being met because of the BC Government
- § I would like to see our 7.5% tax go to legal aid
- § Have taxes on legal fees go directly to Legal Aid, those paying the tax would object less

Other (3):

- § If more clients were referred to me
- § The staff lawyer system worked great.
- § It's to my benefit that financial eligibility guidelines haven't been expanded because I get more paying clients now. I think you need a better system of vetting people and making sure they really don't have the money

Nothing (5)

- § It is impossible to "sustain" a practice in family law relying primarily upon legal aid cases. Given the unavailability of family referrals, and the disparity in remuneration between legal aid work and private paying clients, I believe most practitioners prefer to focus their energies on developing other work, for certainty, and more productive remuneration.
- § To be fair to LSS, I may have reached a stage in my life and practice where I have less energy and patience to deal with the particular needs of the disadvantaged, and sometimes ingratitude. I am unsure whether or not I would accept more legal aid cases even were I to be paid at the same level as private retainers
- § Never doing any more legal aide
- § Sorry, I have enough on my plate
- § It is not realistic to think that I will ever again accept more than a very few 'pro bono' LSS files because they simply cannot take into account the successful results that really only experience can achieve. As an example, I might charge several thousand dollars on a file that very little time was actually spent on because of a particularly good result. LSS simply cannot reward good counsel in that manner.
- § It's tough to see that a few bad apples spoil the system, but I guess in order to make money on legal aid work, you have to do volumes of it.

7 (b): Which of the above factors would be the most important to you?

Money (20):

- § Increase the tariff rate (10)
- § Payment for work done (2)
- § Money. The only way to make money on legal aid is to do legal aid and only legal aid or to not have any overhead, which is impossible in a small place.
- § Appropriate compensation and sufficient time to complete the matters for which I am retained

- § Payment for time in court
- § More money and let me run the case as it needs to be run
- § Dump the holdbacks
- § Increase in the number of hours authorized for general preparation
- § Time and money. I can't afford to fund LSS because the government refuses to.
- § More money and then the quality assurance initiatives – CLE hasn't run an impaired driving or spousal assault and sex assault course in a while, they're the bread and butter work for criminal law.

Increasing eligibility to cover more clients/matters (3)

- § Strictly the unavailability of work.
- § Qualifying clients
- § Expand legal aid coverage for family law

Change in government policy (2):

- § If the government used the LSS tax money for legal aid.
- § Legal services taxes going to LSS

Other (5):

- § Client appreciation
- § Less billing fights
- § Ending the red tape
- § Assistance with Court Forms and documents
- § Respect

Nothing (3):

- § No modest (10%-12%) increase in the tariff rate will draw senior counsel back at this point because the gap between the tariff and private rates is just too wide. It's a completely false expectation and we know the Provincial Government won't pay \$150-\$160/hour, which is what is needed. LSS needs to be innovative and imaginative with their efforts to attract senior lawyers – opportunities such as block fees and mentoring are good.
- § Nothing will change my approach.
- § None

8. Do/did you feel that LSS values your services?

Yes: 25 (43%) No: 22 (38%) Don't know: 11 (19%)

*Note: Capping hours tells us that they neither value nor trust us. ICBC doesn't cap our hours when we do insurance defence work for them – they track the time spent and look for flags.

9. Do/did you feel that LSS does a good job of allocating limited resources to meet the legal needs of low income people?

Yes: 17 (34.7%) No: 12 (24.5%) **Don't know: 20 (40.8%)**

10. Further Comments about the Legal Aid System:

Eligibility/Access to Justice (13):

- § I've stopped taking legal aid cases because I am frustrated at seeing people who have been turned down for coverage.
- § My sense is that it [the legal aid system] should be like Medicare; everyone should get it on a first offence. It's better to give legal aid at the beginning of the proceeding before things get costly for everyone.
- § Clients tend to get shafted by legal aid if they have assets. They end up pleading guilty out of convenience, not because of what would be in their best interests.

- § LSS policy has created problems system-wide. There is a gap between the service that duty counsel provides and the tariff where people with multiple challenges without violence are left without help.
- § I feel that the system is biased towards women, but women tend to get custody and many times they should, because after the break up, they are worse off economically. It's neither a good nor bad thing in the legal aid system, it's just the way it is.
- § The restricted tariff does an injustice to 3 out of 10 people – there needs to be slightly more room for difficult files as a catch basin for those who should qualify but who don't have issues relating to violence. There needs to be a tough minded lawyer (like in the Appeals Dept.) to evaluate how to make extra services available when they are needed.
- § We should not be spending \$50,000 on one criminal law case when, as a result, dozens of needy family matters go unaddressed. The full details of LSS spending should be made public to publicize and assess, the job that they are forced to do with the limited means provided.
- § It seems there are insufficient funds for those in true need. Better screening of clients required.
- § It is my experience that most of the recipients of legal aid in family referrals have access to resources with which they can pay their lawyer, particularly when one of the parties is "working poor"; if one party has legal aid and the other does not the result can be disastrous. Parties on welfare are well represented by the Director of GAIN in relation to maintenance applications. Legal Aid should be out of the property division business (with a few exceptions - i.e., the mentally ill and minors should be referred to the public trustee).
- § The current method of determining whether or not a family file will be funded by LSS causes two problems. There is an incentive to allege violence to obtain coverage. Coverage to one party to a marital dispute and not the other can be inequitable. There is a strong consequential element of effectively prejudging the alleged violent spouse. On the other hand, one can hardly think of a situation in which an applicant could be more deserving of assistance by LSS than one with family violence. Given limited resources, the inequity is inevitable. To eliminate it would require sufficient resources to fund both parties to any dispute where there is an allegation of violence.
- § Another concern is that often it is the woman who gets legal aid and the man who is unrepresented and he ends up being papered to death.
- § There are too many people in communities aware of what criterion they must meet to be eligible (i.e. violence issues). This sometimes leads to people pressing forward on unwarranted ex parte and restraining order applications
- § I noticed that legal aid used to be given out like candy. For example, I acted for someone who had family violence issues. A Separation Agreement was completed, providing for her to get paid for her 1/2 interest in the family home, have 1/2 of the total RRSP accounts, a vehicle, primary residence of the children, child support and spousal support. She then called a few months later wanting a divorce on legal aid. I told her legal aid did not pay for uncontested divorces. So she went to Cranbrook and got a referral for an uncontested divorce. (In the meantime she had used her payout for 1/2 the family home - in excess of \$60,000.00 - to buy a house and a new vehicle). I have recently acted for a client on a private basis charging him \$65.00 per hour to apply for access to his children (ages 10 and 8) at his home in Vancouver at his cost. He was successful and the Judge commented that the Mother had chosen a path of alienating the Father from the children and cited specific examples. Now the Mother, on legal aid, is applying to vary the Order because she doesn't want the children to be away from her. Legal aid must be paying because she is on social assistance. Why?

Government Funding of LSS (11):

- § The system is clearly underfunded. The solution is to get the government to allocate the PST to legal aid.
- § The government takes PST and puts it into general revenue and then lawyers get dinged with a holdback. Yet, there is a \$100 million available that should be funding this.
- § This is all old news but, where is the approximately \$81 million dollars collected every year through the PST on legal services? How is it that it was supposed to be earmarked for legal aid and yet it seems never to make it there? I listened with disgust the other day to the smug finance minister trumpeting about the "surplus" in the BC budget and how the public input as to how it should be spent is being sought. Every time I am in court I see unrepresented clients going before the Court and the frustration that the judiciary is experiencing in having to deal with these cases. The judges know that justice is not being served. There are countless situations where I have stepped up as amicus to assist a clearly struggling accused. My assistance is always gratefully welcomed by the Court. Not that I am ever compensated for such deeds. Again the Legal Aid system tacitly relies upon those of us with a conscience. If we did not perform these "freebies" on a regular basis, the Courts would be even more dysfunctional than they are already.
- § It's upsetting that the provincial government has not lived up to its promise of allocating the collections from PST on legal services directly to LSS
- § The reality is that the current government in B.C. would likely "zero- out" legal aid unless they were constrained by court decisions in the criminal law area. LSS is a statutory creature of the provincial government. I object to the framing of some of your above questions. I have had good relations with LSS personnel over the years and I have always appreciated that they are doing the best they can within government strictures. The problem is not with LSS-- the fundamental problem is with lack of government funding of LSS.
- § An election year is coming up. LSS needs to lobby the government to get the funding back up and running. There is no time like an election year especially when there is an enormous surplus sitting around.
- § The issue is not whether LSS values counsel, the issue is the attitude of government, particularly the Provincial government. They have made a mockery of the sales tax that was supposedly put in place to fund Legal Aid. That lie, of course, is now well exposed. It is well documented how our Provincial government has fed off the fund that should rightfully have gone to legal aid. For me to participate and accept LSS files despite the abysmal treatment from the Provincial government would be to say 'it's OK to lie to the citizens of this Province and to the lawyers of this province'. It's not OK. I will not be a pawn in their shameless game
- § It seems that there are political decisions that restrict budgets reducing eligible cases and similarly reducing numbers of willing service providers. It would seem that there will be no change unless the LSS budget is increased.
- § You guys are doing a pretty good job with the cash available. No government cares, because most people view legal aid as their tax dollars going to greedy lawyers to get scumbag criminals "off." It's not a universal issue like, gee, Medicare. So, there's no political payoff to governments for funding it--or cutting it, for that matter. But of course, should the police ever knock at HIS door, Joe Public instantly morphs into a raging civil libertarian....
- § The immigration tariff is not sufficient to fund the mandatory needs of refugees in BC
- § It would be good to have a system like the medical system where everyone is treated the same.

Tariff Rate (5):

- § With limited resources, coverage may have to be reduced to ensure that counsel who take on legal aid matters are properly compensated. Paying a junior on a murder \$36/hr is unacceptable.
- § I don't blame you guys - I realize it's all about shortfalls in funding. The trouble is, at \$72/hr, we are devaluing our services in comparison to other professions and the trades. I can't afford to pay my trades people more than you would pay me. The other sore point is that, given that there is a client base out there that is willing to pay me very big money to represent them, it follows that I must be reasonably competent. I can't say the same for some. What is aggravating is that we all get paid the same, regardless of the quality of our work. This has very little to do with date of call but rather ethics. When you pay people a pittance, they end up not caring
- § The local contact for Legal Aid is a very nice fellow but I feel the tariff is an absolute disaster and it is more cost effective for me to work on a pro bono basis than it is for me to take on legal aid cases.
- § I have always generally been satisfied with the way Legal Aid delivers services. My comment about service not being valued by LSS reflect the fact that in all the changes to LSS--staffing up; winding down, staffing up; funding special programs; ensuring LSS staff and administrative receive generous pay and benefit packages and regular salary increases etc.-- no one appears to have given any consideration to the insulting reality that lawyers accepting legal aid referrals are asked to meet higher and higher expectations, more scrutiny, for the pittance that legal aid is able to provide. It appears that LSS is now struggling to meet its mandate and the tariff and other considerations means that no value at all is assigned to the value of having experienced counsel represent poor people. The bulk of the blame rests with government; Glen Clark taxed legal services and the government not only failed to put all tax revenue into legal aid, discouraged the private bar who supported the legal aid system by creating a layer of generously compensated staff lawyers and support staff who competed with the private bar that bore the brunt of the tariff freeze. The current government has been absolutely brutal in its treatment of legal aid litigants and the private bar that contributes to the system. Again, this isn't rocket science. At a certain point, a lawyer, for his own health, well-being and peace of mind, has to say enough is enough and move forcefully in other areas.
- § I have always admired the LSS and have never had any difficulties dealing with staff. My problem with the system is simply that I cannot earn a good living working as a legal aid lawyer any longer.

Administration (5):

- § A very large proportion of removals involve women on drugs who end up in a cycle of treatment programs. LSS needs to investigate if the widespread problem of cocaine addiction creates extra demands on the tariff – they should spot check for drug addiction factors in cases and monitor the rates.
- § Sometimes, you almost feel that when there is a fight about a file, LSS treats you like a criminal – you end up spending hours and hours fighting with them and the client. Had the client been billed privately, the file would have cost her 3 times as much.
- § Regarding appeals, where does it stop? If they're basing it on Counsel's opinion, and people are complaining about the same counsel to LSS, why are the appeals being allowed?
- § LSS should be focusing on mediation. There should be mandatory mediation like with the JCC's in BCSC. The problem would be in getting the other side to the table.

Implementation of or bringing back a contribution plan (3):

- § Clients should be charged on a sliding scale, For example even a welfare mom should have to pay one or two dollars for a ten minute phone call to me, so they don't call every day or several times a day, which has happened. If they also had to pay something for contested Court hearings, as opposed to mediated or negotiated solutions, they might make similar concessions that my private clients often make.
- § I can't understand why LSS BC has not yet incorporated a "contribution" plan. Many people can afford to pay something towards their legal costs, if not at full private rates, then something. Many people need assistance with the processes available to them, but doing it on their own prejudices their future, creates a mess, uses more time in court, frustrates the Court staff. Clients would be more appreciative of legal services knowing that they're paying their proportionate share.
- § If a client gets a settlement – e.g. property that has equity - she still gets a free ride. A lot of LSS clients are property rich and cash poor and the taxpayers have to fund the fight. If there is property, there should be a lien in order to repay LSS fees.

Duty Counsel (6):

- § Personally, I feel that the duty counsel project is a great initiative, and I thank the LSS staff and support people who have worked so hard to put this project together. Unfortunately, I have seen several lay persons abuse this system, particularly those who don't qualify for legal aid or who simply just don't want to spend the money to hire a lawyer.
- § The Attorney General needs to be reminded that he's not doing it right. Duty Counsel needs to be more of a concentrated effort.
- § I do duty counsel work which has become an essential service in Courtenay. It's a really good program and it worked well in Ontario. Duty Counsel are critical to the average person having access to the system.
- § Duty counsel is good for the most part. They're helpful. It will get busier and busier as the word gets out for Provincial Court matters. The judges love it!
- § One lawyer had a conflict problem: he appeared as duty counsel but it was mistakenly recorded that he was representing the client and the client missed the next court date. There shouldn't have been any reference to him as counsel – he should have just been recorded as duty counsel.
- § LSS could offer services interactively over the internet if they asked clients to sit at a kiosk with a web cam and explain their problems. This would be more effective than law line and it could be done between any two points in the province. It would be a sort of electronic duty counsel system. The Law Foundation would probably fund it.

Other (5):

- § It's broken, perhaps beyond repair
- § Shut it down; it's an expensive lump of nothing
- § It is a public defender system with staff lawyers now. We have become Americans.
- § Don't kid yourselves - legal aid is abused by both clients and lawyers (sad)
- § Legal aid is one of the worst things to happen to the bar. It fosters discount justice, shortcuts and a factory mentality. What if Judges dealt with cases the same way? The public would be outraged!

Section IV – Managing Your Law Practice (optional section)

These questions relate to the realities of operating a law practice in your region. LSS would like to collect the data to ascertain the context in which your business is run and to apply this information to future planning.

1. Please list your annual expenditures on:

a. Office Space

Less than \$5,000	Less than \$10K	Less than \$15K	Less than 20K	Other
\$4,800	\$6,000	\$12,000	\$15,000	\$21,600
	\$8,400	\$13,200 (2)	\$15,600 (4)	\$30,000 (2)
	\$9,000 (2)		\$16,800 (2)	\$40,000
			\$18,000 (4)	\$48,000
			\$19,200 (2)	

b. Staff

\$20K or less	\$40K or less	\$99K or less	\$100K +
None (5)	\$26,400	\$48,000	\$120,000 (2)
	\$24,000		
\$14,400	\$30,000/year	\$50,400	\$141,173
\$18,000	(2)		
	\$36,000		
	\$38,400		
\$20,000/year		\$60,000	\$156,000
		\$72,000	\$180,000

c. Equipment:

\$5K or less	\$10K or less	\$20K or less
\$2,000	\$6,000 (6)	\$10,800
\$2,300		
\$2,640		
\$3,600 (2)	\$8,400	\$12,000 (3)
\$5000	\$9,000	\$20,000
	\$9,600	
		\$34,798
		(includes phone)

d. Bad Debt:

\$5K or less	\$10K or less	\$20K or less
\$3,000	\$6,000 (3)	\$15,000
\$3,600		
\$4,800 (2)	\$10,000	\$20,000
		\$25,000
\$5,000 (4)		

e. Professional Association Dues/Fees:

\$5K or less	\$10K or less	\$20K or less
\$3,000 (4)	\$6,000	
\$3,500	\$6,600	
\$3,600		
\$4,000 (2)	\$7,000	\$15,000
\$4,500	\$7,200	
\$4,800 (2)		
\$5,000 (3)	\$9,000	

f. Other Expenses:

\$10,000 (2)	\$600/month to business	\$6,000/year - yellow pages
\$143, 407	debt	\$35,000/year - advertising
250/month	\$2,000/yr accounting	
500/month (2)	\$9,600/year -	
\$1,200/month	advertisement	

2. Further comments about the context in which your practice is operated:

- § It costs a total of \$260,000 per year to run this office.
- § The economy in Nanaimo has improved, but it has been difficult for a number of years. Not many articulated students are coming to town. Nanaimo county has the demographically oldest bar in the province.
- § I can only expand my practice so far as I do not have any staff. The income that I generate on legal aid compared to the volume of work required keeps me at a no win level. My business debt accumulated in my first years of practice when Legal aid was paying on an occasional and unpredictable basis. There were times when I had to wait 3 to 4 months for payment. Recall that you were not even allowed to inquire about your bills until they were 60 days old. What other business could have gotten away with such shoddy practices? All of my creditors expected payment on the usual 30 day terms. I could not even give them an approximation of when or how much I was going to get. I was left looking terrible thanks to legal aid. I now have approximately \$75,000 of debt to service. Thank you. At this rate, I will never get out from under it.
- § Family law is increasingly not affordable to middle class people and the initiatives that the provincial government and legal aid are taking leave a lot of people who can't afford legal representation in family matters without support.
- § I am a sole practitioner and cannot afford to take on cases that will not compensate me for the amount of time I am putting into them
- § I normally charge bulk fees (i.e. per assignment fees.) On an hourly basis, I make 2 to 3 times the rate doing private work than I make doing legal aid work.
- § Private practice is mainly client group oriented; I act mainly for police officers (criminal/administrative) and guide outfitters (regulatory, administrative, corporate commercial)
- § It's less affordable for middle class people to hire a lawyer. Those caught in between legal aid and the middle class often have to represent themselves in family matters.
- § I work at a firm which specializes in family law, currently. The focus is on ensuring that clients are billed fairly and get what they pay for in a timely manner
- § We operate a store-front legal office in a visible area of town. However, it is not high-end or luxurious by any means

- § I am an associate, and am not privy to the items in 1.
- § I'm an associate, the only one here who does legal aid, and I don't really have access to the firm's financial info

- § At this time my practice is generating sufficient income to meet my expenses and to fund some investments. I expect to expand in two to three years when I will take on a student or junior lawyer. At that time I may consider accepting a few referrals as LSS files do provide the important opportunity to get into court on small issues. Otherwise, I contribute to the community by sitting on a number of non-profit Boards, one government appointment board, the FVBA and Rotary.

- § I work less, make more money ever since I got rid of depending on staff

- § I'm busy enough without having to take legal aid clients

- § There are a lot of people who have a job or assets but who can't afford to pay me to represent them on a two-week trial. Others, who are repeat offenders, tend to receive funding over and over again. I really dislike the process.

Natasha Chetty
Principal – Isis Communications
December 13, 2005

LSS Tariff Review – Appendix 1

Comments Relevant to Loss of Service from past Quality Assurance Surveys

The following comments were extracted from the raw data for the Quality Assurance Survey (November 2002), the Strategic Case Assessment Program Survey (Summer 2003) and the Extended Family Services Survey (Spring 2004). Comments pertain to recommendations made in Phase I of the Tariff Review.

None of the comments from the Case Digest Connection Survey (March 2004) were relevant.

1. Comments regarding inadequate compensation under the current tariff rate and structures:

- § The tariff is too low to keep competent senior counsel accepting referrals. Scrap the stupid case management program, which is causing more work for less pay and huge delays in getting paid after an account has been submitted. *Quality Assurance 2002*
- § When you are working on a LSS case, your biggest issue is normally the lack of funding to be able to properly represent your client. Half the time you end up putting your money into the case, just so that the client is properly represented... not to mention that you then need to fight like a god to even get paid by LSS in a timely manner, for the things that they condescend to fund. *Quality Assurance 2002*
- § I often work many hours on a legal aid family file for which I am not paid. *Quality Assurance 2002*
- § No impact on criminal clients, but my work with family clients has been adversely affected by a feeling of impending doom—clients will not get further coverage for their case. I have had to abandon several clients after interim orders were achieved, but who still had significant live issues that a prudent person would pursue, but they have not been covered. This casts a pall on all my dealings with legal aid clients. My anger about the cutbacks is the biggest issue: I have such contempt for the government that clients frequently hear me say contemptible things that they shouldn't have to hear. This reflects back on the justice system adversely, and exposes clients to a source of frustration that I am sure they would prefer not to hear about. *Quality Assurance 2002*

2. Attrition in the tariff bar as a direct result of compensation:

- § Cutting the preparation time allowed on family files to eight hours as a maximum is horrible. It really makes me reconsider taking on any complex family files as I feel that I would be so extremely unprepared (as would my clients) that I would be professionally negligent. This has resulted in me declining to act for those clients who are most needy. *Quality Assurance 2002*
- § With respect to the changes in the family tariff, I have decided that I will not accept any more LSS referrals. The limited hours mean that I cannot properly represent the client. Taking on a case and ditching it part way through, is not fair to the client. There are no other community supports for the client, (e.g. education regarding the process, support, paralegal assistance with completing forms, notarizing, etc.) For my own protection, as well, I cannot take on a case under the LSS family tariff and risk being reported to the Law Society. The restructuring of the tariff raises definite ethical considerations for me. There is no provision for me to assist clients with mediation or collaboration, both of which are likely less expensive processes than court. Once a court action is commenced, it would be rare to adequately represent a client in that process on the hours that are allowed. *Quality Assurance 2002*
- § Much less feasible to accept major/serious cases at current funding levels. *Quality Assurance 2002*

LSS Tariff Review – Appendix 1

- § With ongoing \$72/hour I am always reducing the amount of my legal aid clients. *Quality Assurance 2002*
- § I feel very frustrated and angry. I am seriously thinking about leaving the legal aid roster once I attract more clients on private retainer. The cutback in rates and also the continuing reduction of maximum billing hours per task makes legal aid work unfeasible in terms of paying personal expenses (i.e. rent, insurance, food), let alone running a business. I operate my law firm from my apartment. *Quality Assurance 2002*
- § ...I have found myself having used all of my prep time and only having approval for hearings or trials to have to consider doing the trial with insufficient preparation. I already do a great deal of pro-bono work and at some point will have to curtail what I do. *Quality Assurance 2002*
- § If fees are reduced any more, it is impossible for me to take on any LSS cases—the tariffs are too low as it is. Invariably, the hours spent are more than for which I will be paid. The hourly rate is far too low. Combine those factors and it is obvious that only lawyers who specialize in LSS practice issues can take on LSS cases and run a viable practice. And, I wonder how many lawyers who have LSS practices can afford to have staff? *Quality Assurance 2002*
- § The recent restructuring has resulted in a situation in which I now take on very few Legal Aid clients. Most of the people I see now are not eligible for Legal Aid, either by reason of financial constraints or by reason of the nature of their problem. *Quality Assurance 2002*
- § A number of lawyers refuse to do BCSC work because if you are only compensated for eight hours of general preparation, you can't get a Notice of Motion or Affidavits done. *Extended Family Services Survey*
- § Good lawyers don't want to take on cases because of the hourly rate. *SCAP*
- § The hourly rate is so obviously inadequate that it discourages competent counsel from taking on complicated cases. *SCAP*
- § Experienced lawyers don't want to get involved in serious cases anymore. (Presumably because of the rate of pay). *SCAP*
- § I was called to the bar in 1980. My practice used to be entirely legal aid by choice – now it's 65% of my practice because I can't afford to do it. I'm playing Robin Hood with private clients. *SCAP*

3. Tariff structures do not meet the demands and realities of operating a law practice:

- § Since the restructuring, I have focused on paying family clients. This has been somewhat successful. It is too bad, poor people have problems too. The government (and that means LSS under the restructuring as the two are now not at all separated in my mind), is just not interested in the pursuit of justice. It pays Crown a very good salary, for a practice that is not particularly demanding, or busy. The government pays good money to the lawyers representing the Director. It is not at all interested in seeing the work of its own people being under serious attack by a well funded lawyer acting against them. Good intentions aside, you cannot make a living going legal aid family work. So you take some cases and try your best to organize them efficiently, and present them well. But the government knows that it can wear you down, and if you spend too much time on a big case, you will simply go broke; and I don't want to go broke—this is, after all, a business, a profession, and not a religious calling.

Appendix 3D — Community organizations consultation

(See following pages.)



LSS Tariff Review

Community Organization Consultation

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LSS Tariff Review

Community Organization Consultation

Executive Summary

As part of the Tariff Review initiative, a consultation to assess the impact of the current legal aid system on community organizations was conducted in spring 2005.

Over a two month period, 82 organizations were contacted and sent the survey to complete and fax back. 43 responses were received. Two organizations declined to participate because they felt they would not have enough feedback to contribute. The list of participants is published in Appendix 2.

A. Project Objectives:

- § Create and implement a mail, phone, or fax survey of community organizations throughout B.C. who work either in tandem with or adjacent to the tariff bar and legal aid clients.
- § Assess perceptions and opinions of the current legal aid system including (but not limited to):
 - Impact of the 2002 budget cutbacks on services to clients;
 - Impact of the tariff lawyer attrition rate and loss of services on the clients and administration of the organizations;
 - Assessment of the methods organizations have used to manage any changes stemming from the legal aid system in recent years; and
 - Ideas to improve the situation.
- § The report results in a format that outlines geographic, practice area, and demographic patterns.

B. Summary of Results:

Results categorized into the four parameters of the tariff review:

1. LSS should maintain tariffs that provide fair and reasonable compensation to enable lawyers to recover overhead costs and obtain an appropriate level of income.

It was unclear whether all respondents understood the tariff compensation structure. Those whose services involve family law felt that the eight-hour limit on matters was a source of frustration for both clients and lawyers. They reported that it has become more difficult to find lawyers willing to accept cases referred by the organizations - the tariff rate combined with limited hours contributes to the difficulties.

2. LSS should maintain tariffs that reward lawyers for efficient service within the justice system to achieve effective results for LSS clients.

It was reported that while criminal law services have not diminished in the past few years, the changed family tariff parameters have resulted in lower quality and fewer services to clients. This is viewed as a denial of access to justice for impoverished British Columbians.

There is increased reliance on pro bono services and advice from lay advocates to counteract the changes to the family tariff. This advice is considered inadequate to fully solve clients' legal problems.

Changes to the immigration and family tariffs have compelled organizations serving immigrants and refugees to develop advocacy services or programs. There is confusion about what the immigration tariff covers.

3. LSS should maintain tariff management processes that promote efficient and effective allocation of resources without imposing undue administrative burdens on referral lawyers.

No comments were made regarding this parameter.

4. LSS should actively engage other justice system participants in promoting changes that ensure efficiency and effectiveness in the tariff system and the larger justice system.

See key findings and recommendations below.

C. Key findings:

The following perceptions were repeatedly expressed in the survey responses:

All organizations reported that they have experienced an increased demand for legal information since the LSS budget cutbacks in 2002. This has resulted in increased costs to organizations in terms of staff time, training, development of new programs, and development of alliances with lawyers or pro bono clinics who serve low income clientele.

The prevalence of serious mental health disorders has increased among low income British Columbians. This is attributed to cuts in services that once would have worked in tandem to treat clients including access to legal aid during stressful situations that exacerbate the disorder, such as family breakdown or civil disputes.

Restrictions on poverty law services have greatly affected clients as they are now reliant on pro bono advice clinics and advocates for legal help. It has become more difficult to find lawyers to represent impoverished people with these issues in court. More clients are attending court unrepresented, which they find intimidating and ultimately may not serve their interests well.

Increased government funding is seen as the best way to solve any issues with the tariff, but securing a sustainable budget increase is regarded as the largest obstacle LSS might face in making changes.

There was an equal amount of positive and negative feedback regarding the quality of services from LSS administration. Quality of service from tariff lawyers appears to have declined – this mostly has been attributed to the current parameters of compensated services. There is recognition that individual situations and individual lawyers contribute to varying degrees of service quality. 41 out of 43 respondents said that the attrition among tariff lawyers has affected their organizations and clients.

Women comprise the majority of clients served by the organizations, either exclusively or as part of specific programs within a broad mandate. Most comments regarding the situation of these clients indicate that the current legal aid system does not provide enough help to them, reinforces the cycle of poverty, and ultimately may do a disservice to female clients.

D. Recommendations (as suggested by participants):

1. Implement an annual or bi-annual mechanism to solicit feedback regarding how the system affects community organizations and clients. Measure changes. The survey might be more successful if conducted in fall or late spring, as most organizations were quite busy trying to meet funding application deadlines in February/March.
2. Create and implement a forum to discuss legal services aimed at low income British Columbians. Dialogue and information sharing could be encouraged. Spearhead a central database or catalogue of legal resources for clients served by all organizations.
3. Continue to develop public legal education programs such as workshops for advocacy organization staff and clients. It might be a method to help local tariff lawyers market their practices.
4. Develop a communications plan to promote news of pilot projects and changes to the tariff to advocacy organizations. Outline what the changes could mean to their clients.
5. Lobby for an increased tariff rate and expansion of services in family law and/or poverty law to improve services and attract more lawyers to the tariff bar.
6. Strengthen relationships with pro bono clinics/organizations so they are aware of current tariff developments.

Natasha Chetty
Principal – Isis Communications
May 5, 2005

LSS Tariff Review

Community Organization Consultation

Section I – The Current Legal Aid System

How does the current legal aid system impact your organizational structure? Please include information on:

i. Systemic problems:

Family law:

Twelve organizations that responded serve women exclusively, most of them with family law problems. The eight-hour limit on family legal aid matters does not afford lawyers enough time to complete the necessary work. Some regional areas reported service quality problems with family tariff lawyers, but this is likely due to individual case contexts (many respondents from the same areas relayed positive comments concerning tariff lawyer service).

- § Women in local transition houses seeking interim custody orders for their children either have to attend court on a Monday in town (the only day the court clerk is present), or find transportation to the closest city that has court, which could be as much as an hour and a half away. This means the spouse with the family vehicle can 'race' the victim to court in the city and come before a judge first. A judge who is not well versed in the issues of power and control in relationships may grant an interim order to the abusive partner. Not only that, the impact to our organizational structure is such that we may need to bring in an additional staff person to accompany the woman to court and help her understand what is happening through the application process, or we may need to assist with bus transportation (for which we don't have a budget) to help the woman get to the closest city before her partner does. (Northern Interior)
- § **Very little lawyer assistance available for family law cases**, i.e. Separation/Divorce, Custody/Access, waitlists to see Family Justice Counselors, waitlists for Custody and Access Reports, no provision/subsidy funding for private professional supervised access. (Vancouver Island)
- § Most frequent challenge is family law (Interior)
- § **Not being able to book appointments to apply for legal aid creates problems** for this program. The clients I accompany to apply for legal aid tend to be battered women who have **language difficulties** (ESL). If I don't speak their mother tongue, I can arrange to bring a bilingual counselor from MOSAIC to interpret for us. When these appointments cannot be booked in advance, it wastes a lot of our time. It makes more sense to have the flexibility to book appointments so we can all use this time efficiently. LSS is getting the support of both workers to assist their client. It does not cost LSS anything, and LSS benefits from this arrangement – it is a win, win situation for everyone concerned. (Vancouver)
- § With legal aid offering such few hours, **more staff time is required to support people going through the court process**. We have had to learn how to fill in forms for custody

and access, maintenance, and other court documents. We spend more time providing court orientation for clients who have family law issues.

- § A great deal of time is spent with trauma counselling and victim service clients on family law issues because **our community lacks the services they need.** (Interior)
- § Systemic problems: Most clients have a first contact with our Agency when they need legal assistance. Some are referred to us by victim's services, by other clients, and agencies such as mental health and the MCFD. We escort them to legal aid to fill out the forms and inquire about available services. **Due to the recent changes, we have had to rely more and more on the information on the internet, which is time consuming. Due to the very few hours of service provided by legal aid lawyers, the clients are left stranded when the hours are completed. Often, the lawyers are changed after the eight hours of services. The clients get frustrated and decide to terminate the services provided by legal aid.** (Interior)

Immigration organizations (3):

- § **The current legal aid system had the greatest impact by far on the demand for immigration services. Our Settlement Programme's activity in this area has risen from around 20% to 35% of total service provision.** Without additional staff time and with increasing pressures on other service areas, this has created **tremendous pressure on the programme.**
- § While we experienced some increase in demand for assistance with criminal, family, and administrative law issues as a result of other cutbacks to legal aid, the brunt was felt mainly by other free legal and advocacy service providers in Victoria such as the Law Centre, the Together Against Poverty Society, and the BC Coalition for People with Disabilities. (Immigration Organization)
- § It affects the structure of our organization because we have to look for an alternative route to deal with the legal issues. (Northern Interior, Immigration)

Criminal (2):

- § For our clients, one of the most common problems is the fact they can only get a Legal Aid lawyer if there is a chance of incarceration. **I have known my clients to plead guilty "just to get it over with" even if they are not guilty.** I also know of clients that have pleaded guilty to a number of charges in order to get more than two years incarceration, so that they can continue to smoke cigarettes in the Federal system. (Interior)
- § We deal with first time and some second time offenders; we use Resolution Conferencing through Restorative Justice so that the referrals are for those who take responsibility for their actions. Therefore, we do not have much experience with clients who request lawyers and the legal aid system. I do know from past work with the John Howard Society that **adult clients were badly hurt by the cutbacks and lack of services. A phone somehow did not satisfy the actual needs of the clients; it just seemed to make them more angry and disrespectful to their needs.**

Increased demand for legal information from organizations:

Except for one organization, all respondents reported increased demand for legal information in the past few years. Many comments mentioned a system-wide shortage of

funding and programs that ideally would work together to support clients through a legal problem.

There were several specific comments about clients falling through the cracks, and that the gap between paid, pro bono, and legal aid services has become wider in recent years. This involves criminal, family, civil, and immigration law.

- § Yes, we have increased demand on our advocacy services. (Vancouver)
- § [The legal aid cutbacks] create more demand for legal information.
- § Our **walk-in clients have increased drastically** now that Legal Aid is working in this building. (Chilliwack)
- § Over time our staff has developed a more thorough understanding of legal issues but do not consider themselves legal experts and resist being designated as 'legal advocates.' **We are not lawyers or paralegals, but more and more we are being asked by our clients to expand our role from providing legal information (usually Legal Services Society material) to taking legal action on behalf of clients.**
- § Systemically, the current legal aid system impacts our ministry in that **it gives rise to greater need for the implementation of the Pro Bono Program** through The Salvation Army here in Port Alberni as well as other communities. **Many people are falling through the cracks with little to no legal experience, knowledge, and assistance.** Through our Family Services office we encounter people who are facing the court system usually either in the family courts or criminal courts with little chance to no chance of jail time but do not qualify for legal aid.
- § We have been running a pro bono clinic since 1999. It was part of the community legal office in North Vancouver. Originally, it was open for a ½ day per month, offering three 1 hour appointments and ran two one-day workshops per year. It is now held for 1.5 days per month (9 appointments). The only eligibility requirement for pro bono clinic clients is that they have a family law issue and state they cannot afford a lawyer.

There is always a two month waiting list for the clinic. If their matter can't wait, we send them to the WCSAJ, the lawyer referral service, or dial-a-law. (Lower Mainland)
- § **There is increased pressure on staff to provide help for which they have little experience**, plus increased time needed to spend on legal issues. (Northern Interior)
- § **Clients frequently come to us for legal advice, service, and assistance because they have been denied service elsewhere.** They often report their applications for Legal Aid have been denied. (Northern Interior, Aboriginal)
- § As an outreach worker, **I have had to learn more and more about how to fill out affidavits and how women can represent themselves.** (Northern Interior)
- § We deal with a lot of EAP and CPP appeals. **It is significant that someone in my position (a paralegal) has to represent someone in Supreme Court because there is no legal aid coverage to help them with a poverty law issue.**

We are expected to be the mouthpiece for those who don't have a lot of education and cannot read or write well.

We receive more phone calls and inquiries because there are no legal aid services.

(Vancouver, Advocacy Organization)

- § It costs more to purchase resource/information materials, and requires training for staff.
- § It is time-consuming to research information and resources. (Sunshine Coast)

Lack of needed services – general (6):

- § Legal aid cuts have had a negative impact on our clients. (Victoria)
- § We are unable to provide services involving legal information and support to clients. (Interior)
- § The former community law office was part of our program. After the office closed, we had to restructure our services. It was a huge loss to our organization and to our community. Currently, clients are unaware of the legal aid services still available. (Lower Mainland)
- § There is a lack of resources to refer people to.
- § There is no place to refer clients – advocacy services are overwhelmed. There is nowhere to go for people to get supervised access. (Interior)
- § The current legal aid system further elaborates and magnifies the feminization of poverty.
- § The legal aid system is limiting and not always very accessible. It serves those with specific legal problems and within certain income levels. It's not always accessible to those who do not speak English or who are from outside BC. It serves those with little income and who are dealing with emergency issues. It does not provide long term resolution.
- § **Losing the LSS legal program/legal aid has been at times very trying for the organization because you wonder where people are going to get help/assistance.** Prior to the [cuts to] the LSS program, the family support, employment, and drug and alcohol counsellors knew that when a client needed legal aid/advice they could go through that program and they knew how the system worked. Systematically, community service providers are unsure whether some people will get legal aid/advice or they will just fall through the cracks. (Vancouver Island)
- § Our organization basically has just waited for the dust to clear more or less. It felt as though we didn't really know what was happening – what services were available, etc.

Legal aid was a very visible part of our community (Quesnel), and now it has become virtually impossible - i.e. smaller office, difficult to access – since it is not very user friendly, really. The short hours are very inconvenient for our clients, who are often

“scheduled” to the max and the waiting time at the legal aid office is too long. There is not enough staff to man this office! (Northern Interior)

- § **There is growing demand from women needing legal support and information about their cases.** There is not enough staff to cope with the legal needs of women. (Vancouver)

Hindered communication between community groups and LSS (2):

- § LSS budget cutbacks do not impact Pro Bono Net BC structure except that it is more difficult to communicate with LSS (especially in comparison to the relationship between the Pro Bono system in Ontario and OLAP).
- § Very little communication filters from the legal aid system to service organizations. (Vancouver Island)

No impact (2):

- § None directly related to LSS
- § Minimal impact – the Poverty Law Advocate does receive some phone calls because a person cannot contact his or her lawyer. (Interior)

ii. How has your organization dealt with the impact of changes in the legal system in recent years?

Organizations have increased their advocacy services to help clients with their legal problems by implementing new programs, educating staff about the legal system, accompanying clients to court, etc. This has been done at these organizations' expense, often without increased funding.

Almost all respondents indicated their clients would be better served by a lawyer, but they (clients) either no longer qualify for legal aid or there are difficulties finding a lawyer to represent them.

Family law (8):

- § In the last 3 years, the Salvation Army in Port Alberni has attempted to implement the Pro Bono Program, but with little to no success. **There appears to be little to no interest from local attorneys and as such the program has not been implemented. However, our Family Services Coordinator has aided in completing documents for the courts and supporting individuals and families through the court proceedings, even if it is just being there for them, lessening the feelings of isolation that many experience when dealing with the court system.** Our goal and mission is to build healthier communities, one person at a time. Being there for them, no matter the situation, is one way we can [help]. By building individuals we are building a better society as a whole.
- § **Providing referrals to community resources for information**, such as Family Justice counselors, Parenting After Separation, Community Based Victims Assistance, and Family Court Duty Counsel. (Vancouver Island)
- § Offering more **court accompaniment** to women with family law issues.

- § **Increased advocacy services**, e.g., helping individuals apply for legal aid and working with individuals facing the family court process by demystifying the experience. (Victoria)
- § **We have incorporated more of an advocacy role for clients**, and more assistance and information is provided concerning family law issues (Northwest BC)
- § **We have tried to provide services to women dealing with family law issues, but do not have the resources.** (Interior)
- § We initiated a pilot project providing family law advocacy, but realized **we can't fill the gap.** (Interior)
- § Respecting how we've dealt with the impact of changes in the legal aid system in recent years, **clients are informed about the changes in legal aid services.** They are encouraged to [access] whatever services they can get from LSS. For example, clients are helped with simple divorce cases where property and child custody is not involved. The process is started by filing the divorce application and providing services until the divorce is finalized and they receive a divorce certificate. The clients are escorted to the courthouse several times to see duty counsel or to submit the papers for each step. (Interior)

Immigration law:

- § We **established a collaborative program with the Faculty of Law, University of Victoria, and a number of lawyers in the community to ensure continued services to refugee claimants and others in need of protection** in Victoria. The Law Faculty recruits students of immigration law who volunteer their services to assist settlement workers and lawyers in this collaborative by preparing submissions to CIC and CBSA. The lawyers act as resource persons to the settlement workers and law students, and provide a limited number of pro bono services.
- § Due to the recent cutbacks in the funding of various programs related to the Legal Services Society, our clients have felt the impact as well. Our Society has dealt with these issues **by providing the clients with word of mouth referral services available within the community.** (Immigration organization)

General:

The demand has been addressed by promotion of pro bono services, duty counsel research using the internet, and staff education. Most have increased their advocacy services through counselling clients, not by directing them to publications or the website.

Organizations in rural areas are under pressure to develop relationships with a limited number of tariff lawyers.

Increased advocacy (general) (16):

- § We have tried to support people the best we can off the edge of our desks. We have voiced our concerns to the provincial government and within the community. (Okanagan)

- § **We have tried to make inquiries on their behalf, tried to think of ways for them to get reliable legal information, and struggled with clients who want us to give them advice or act for them when we are not qualified to do so.** We have received private and personal information from clients who have disclosed information to staff at this agency in hope that we could help. We have each heard heartbreaking accounts from people we are unable to help. (Prince George)
- § A lot of the services from LSS are no longer available. People come to me to write letters on their behalf, but I'm not an expert or authority like someone who is licensed to practice law. The Law Society and medical profession have created a cartel so they can demand a lot of money for their services.
- [We've dealt with the changes] **by dealing with a broader spectrum of issues than we did before the legal aid cutbacks in 2001.** We're not licensed to practice law, but we seem to be advising people and referring them to other sources (such as pro bono clinics) without making any promises that they will actually get help. We know lawyers who will do a lot of ad hoc pro bono work. (Vancouver, Advocacy Organization)
- § For the last two years, I have been appearing in court in support of my clients when they cannot get a lawyer. Often, I use my contacts in the legal system for advice. Such contacts are not readily available to my clients. (Interior)
- § In order to be better able to provide adequate services to our clients, we have also invested in:
- Staff development
 - Volunteer training
 - Closer collaboration with other service providers
 - Facilitating our clients' access to legal information through computer access and ample publication resources.
- § The PAFC has made it through the transition slowly since the changes to the legal aid system. We have created and provided information through brochures; we want all persons who walk through our doors to have some form of resource to call or research through the Internet. However, not all clients have the ability to surf the net or communicate to a government agency or worker about their legal problem/matter.
- § Because of funding cuts to legal aid and the women's centre, we have done more information giving and referrals. (Interior)
- § Providing counselling. There is very little help of any kind available currently for people on low income or on social assistance unless they meet the narrow eligibility requirements.
- § Spending more time (clinical time) advocating and supporting clients with legal concerns. (Vancouver Island, mental health organization)
- § We have had to learn along with our clients but suffer uncertainty and limitations when addressing family and administrative law. **The rights of people with poverty or tenancy issues were best served in our community when we had lawyers on staff at**

the local Legal Aid office who could assist clients requiring legal advocacy and information in a timely and respectful manner.

- § Providing support to clients who experience waits, etc., and we encourage them to do what they can on their own behalf. (Interior)
- § We have received Law Foundation funding for a Poverty Law Advocate position. (Interior)
- § Holding a series of legal advocacy workshops for the growing number of unrepresented women on issues related to family law.
- § By learning as much as we can about the legal system. (Northern Interior)
- § Gaining new skills to accommodate women's legal needs. (Vancouver)
- § We have been working hard with other feminist organizations to facilitate public legal education information sessions and to put on seminars/workshops whenever we can. (Vancouver).
- § Renting space to the Legal Aid Intake office. (Lower Mainland)

Trying to increase pro bono services or legal advice clinics administered by lawyers (8):

- § Pro Bono Net has operated separately and distinctly from LSS. We don't promote projects in the same areas of law as LSS. We'd like to help people without being seen to facilitate and remedy a crisis that has resulted from the cutbacks.
- § The vacated services resulting from the cutbacks to LSS require sensitivity – **we're trying to promote pro bono work but we don't want to conflict with the tariff bar.**
- § We now have a free law clinic that is held once a month and staffed with volunteer lawyers to provide information and answer questions for people in the community who do not qualify for legal aid, or who have exhausted their legal aid. We spend much more time providing court support and court orientation. We use free family duty counsel more often with our clients.
- § Hosting a pro bono legal clinic. (Lower Mainland)
- § **Organizing a Community Advocacy Program** that provided assistance to welfare applicants. (Lower Mainland)
- § We have lawyers coming to do legal workshops for families and staff.
- § Doing more advocacy with legal aid lawyers.
- § Our pro bono program began working with clients not served by Legal Aid. (Lower Mainland)
- § We have started the Neighborhood Law Clinic every week to help our clients obtain free legal advice. (Lower Mainland)

By trying to improve communication with LSS and the tariff bar (2):

- § **We sent two of our staff members to a workshop presented by the Legal Education Foundation, and relied heavily upon the materials provided in the binders for a period of time. Then we had at least two different lawyers tell women that the information contained in the binders was in error. Who are we to argue, not having up-to-date legal expertise? We set a policy immediately that home support workers would not be assisting women with legal documents and contacted the producers of the material who argued that their material was correct.** (Northern Interior)
- § Prior to the initial cutbacks to LSS and legal aid, this program at MOSAIC was able to make arrangements to book appointments [to apply for legal aid]. But afterwards we have been unable to accomplish this streamlining (even after communicating these needs to a supervisor.) (Vancouver, Immigration Organization)

By seeking information from a variety of resources (6):

- § We **use the website more.** (2)
- § Use the Internet.
- § Seek other alternatives and recommend lawyers that we use frequently. (Victoria)
- § We used Dial-a-Lawyer – and have up-to-date reading resources.
- § It's very confusing. We try to give our clients the number for the Law Line, but then language is always an issue with immigrants.
- § Women certainly need more support when accessing legal aid and assistance. At the transition house, **we encourage and support women to access information through the Law Line, websites, and print materials because often they must use self-representation and these resources help them do that.** Unfortunately, we are not able to accompany them to legal aid offices that often due to staffing.

iii. How could LSS help you deal with any adjustments in your organizational structure?

It would be very helpful if LSS collaborated with organizations to offer more and improved services to clients, either directly or through organization staff. This includes expanding eligibility requirements for legal aid as well as facilitating staff training and resource development.

Fewer requests to improve the tariff system were made in response to this question than in similar questions throughout the survey (see Section II, Q. vi).

By collaborating with organizations, including training and provision of resource materials(14):

- § Any contribution to our resources - including staffing and staff development, hardware and software, and overhead costs - would alleviate the pressure on our services.

- § **It would be helpful to have an outreach worker come and talk to the staff about the changes, the best way for women to access legal assistance, to provide location specific information, etc.** (Lower Mainland)
- § Provide funding for educational workshops, provide relevant literature, handouts, etc. Re-establish a local legal aid director or community law office. (Sunshine Coast)
- § **Our clients often have literacy issues and they don't have phones.** They need to be guided through the Internet process, which takes a lot of time. We always need to remember there are people who can't read or write.
- § One of our annex branches has been lucky to have the Law Link computer as well as the direct link through the telephone system installed with the location. Many of our clients have been able to get tips on legal advice, which direct them to the right channel.

The legal aid system benefits our clients by providing much needed legal advice and tips related to various issues. The Lawyer Referral assistance also benefits low income clients that are otherwise left in jeopardy due to not being able to afford expensive private lawyer fees. (Lower Mainland)

- § LSS could **provide education to help us informally help people.** For example, they could train us on how the justice system or legal aid system work, what services are provided by which organizations, what steps a person must take to deal with their family issue, etc. LSS could host a forum for all the advocacy groups and give us a chance to find out what services and programs are available. (Vancouver)
- § LSS can help us **by providing training to our staff to look for information on the Internet and provide some help with legal paper work.** (Interior, Immigration Organization)
- § **Legal training to better assist our clients would be most useful.** In particular, understanding the legal context and rules of our area of practice, learning practice tips from other lawyers, and developing legal arguments.
- § They could **offer more public legal education workshops in the more isolated/smaller communities in areas of family law, criminal law, etc.** This could be set up on a seasonal basis. Maybe we could look at some online lawyers to answer questions for clients. Area directors could use computers at their office to serve those clients who are not eligible for legal aid services. At least they could get pointed in the right direction. LSS could let them know they have rights and there is still a minimal amount of assistance allocated to those who do not qualify for legal aid. (Vancouver Island)
- § By working with us to best serve our clients. (Vancouver)
- § They could encourage a few lawyers to join our board.
- § Offering ongoing training on family law issues to legal advocate(s).
- § Helping us connect with local attorneys, law students, etc., to stress the importance of the Pro Bono Program here in Port Alberni.

- § Providing supportive legal information programs that we can refer people to and work with. (Interior)

By offering improved and expanded services directly to clients (7):

- § Please restore and improve past levels of service. Provide our clients with an appropriate service when they come to us in search of assistance to deal with contract law, landlord/tenant, poverty issues, family issues, serious financial issues, ICBC problems, criminal matters, victim issues, etc. Clients frequently tell us they cannot afford to pursue matters in court. Most of these matters appear to be serious in nature with the capacity to destroy lives of people of all ages. Legal problems seem much more common now than in years past: I know a single mother whose insurance claim was denied and now lives in unspeakable poverty and says she will never be able to afford another driver's license. Currently, her future appears bleak and experience tells me that it will take considerable legal assistance to get her life back on track.
- § Being more available to clients, particularly women (Vancouver Island)
- § LSS could offer legal advice seminars.
- § New brochures.
- § New websites.
- § Provide a chain of command for class actions or new legal resources at the Provincial level.
- § Give back the services that were taken away from us. (Northern Interior, Immigration)

By improving the tariff system (4):

- § Increase the tariff to lawyers willing to provide legal aid. (Interior)
- § It would be great if we had more family lawyers who could help single mothers with information or maybe represent them once they are in court. (Interior)
- § **Gaps in service occur where the tariff structure ends and our service begins.** If LSS gives someone 8 hours, the client comes to us and in some respects it is like starting from square one. The lawyer has to be retold the case and find out what happened, which creates even more frustration for the client and the lawyer. **There is no end-report when the 8 hours of service are finished, but it would be helpful to clients who have to fend for themselves - at least they would have some materials to work with.**
- § A legal aid team of lawyers with an understanding of and compassion for women in abusive relationships that was available five days/week, 7 hours/day, to respond to calls (not limited to ½ hour) from front line workers and victims of family violence would make a significant, positive impact on the way we work with survivors of domestic violence. If the team spoke with a confident consensus, referring to written policy and practice, this would create a body of shared knowledge across the province.

General (3)

:

- § Help bring legal aid back to what it used to be. We need more training opportunities in the interior, and more information. (women's organization, Northern Interior)
- § Continued access to pro bono lawyers (short and long term).
- § I don't think Legal Services can assist with our organizational structure.

By lobbying for more funding, extension of eligibility (2):

- § Advocate for expansion of legal aid eligibility. (Vancouver Island)
- § I am extremely pleased with the services we receive from LSS. I would like to have LSS funding restored to what it was before the cutbacks because we need access to lawyers.

Section II – How the Legal Aid System Affects Your Clients**i. How does the current legal aid system impact your clients?**

There are significant mental health factors that are impacted when clients are unable to access legal help from LSS or anywhere else. Respondents report increased stress levels that indirectly may contribute to other behaviours that exacerbate the situation, such as staying in abusive situations, committing crimes, or seeking help from questionable sources.

The increase in unrepresented or poorly-represented litigants is perceived as a denial of access to justice. Most feel clients cannot represent themselves properly in court, but are forced to do so because they do not qualify for legal aid and pro bono services only offer advice, not representation.

Comments relate to Section III, Q. i.

Family (13):

- § In many cases clients cannot afford a lawyer and do not qualify for legal aid. This causes increased stress, since clients must represent themselves in court when they are not competent to do so. Many lawyers provide pro bono work, but many do not. When only 8 hours of legal aid is provided, many clients feel their issues are not important and paying clients get better service. Many clients feel the lawyer gets them ready for court, and then will not represent them because their time has elapsed.
- § Limited support in regards to family law is often frustrating.
- § **The system generally is responsive once the client is embroiled in the legal system. it would be helpful to have more flexibility to assist in heading off crises prior to apprehension.** (Victoria)
- § Many clients dealing with family issues are being denied legal services, or only have part of their case dealt with.

- § Women who access our services often deal with very complex cases that cannot be resolved in the current hours offered by legal aid. Women are left with no legal representation half way through the process. (Vancouver)
- § Taking away any service that is able to speak on behalf of individuals is detrimental, especially in family law. **The person who gets shafted is the woman or man who is impaired due to a medical disorder; it affects custody issues because the person is deemed incompetent to handle children and most family law disputes are acrimonious. The people we serve are poor and have to move to shelters or SRO's as a result of the family breakdown – they often resort to unhealthy means of coping with the emotional and financial impact of dealing with the situation.** People with psychiatric illnesses are especially prone to this and often cope with the illness for years by drinking and drug use. (Vancouver)
- § Clients are in crisis over family court; many of them find it easier to go back to the relationship than try to access legal aid. **Those who are not willing/able to report the abuse are often driven into poverty because they don't qualify for legal aid.** (Interior)
- § **The cost of obtaining legal advice is prohibitive, and many women are just above the cutoff for legal aid.** We have known of several women that just couldn't afford a lawyer so they represented themselves in court. This is a very vulnerable situation for women and their children, and a travesty of justice in a so-called democratic society.

Not only is it unaffordable, it is very limited in availability. **Locally, the lawyers accepting legal aid clients often represent the abusive spouse, forcing the woman to seek legal counsel in the closest city (over an hour's distance away). [Clients] are often hampered by lack of transportation, lack of money to pay for a bus, or inflexible work schedules to deal with these complex family justice matters.** Therefore, they give up.

- § Particularly, family – there is no significant access to services, and poverty law services are inadequate. (Interior)
- § Many women are unable to deal with family law issues on their own – most do not qualify for legal aid. (Interior)
- § Women are not getting enough hours and they don't get to choose their lawyers. **I see women who are unhappy with their legal services but who are powerless to do anything about it.** Within our client base, the aboriginal population is very close; they are also the ones who seem to be victimized by MCFD with respect to child apprehension matters. They gossip and talk. (Vancouver)
- § [Legal aid is] very helpful for Ministry for Children and Families Cases or where restraining orders are needed.
- § Husbands have the money to hire a lawyer and get custody of their children. Women have no money = no lawyer. (Northern Interior)

Immigration (2):

- § Again, the main impact is felt in the immigration and refugee protection service area. While there is limited legal aid still available for the refugee claim process, **coverage is insufficient in that:**
- **It does not cover sufficient hours for lawyers to do a proper job. Also, pre-claim hours are not covered, i.e. preparation interview, and accompaniment to first interview with CIC.**
 - **It also has far too limited coverage for interpretation and translation requirements that are needed to prepare comprehensive case documentation.**
 - **The cut-off income is far too low – refugee claimants who have just begun working have no savings and no family to borrow from. Moreover, many have left behind families abroad, often in dire need, to whom they need to send support money. Those in Canada with children are not eligible for the child tax benefit, compounding their poverty, and inability to pay the exorbitant fees lawyers charge in Canada.**

The worst problems are faced by those who receive a negative decision on their refugee claim. Coverage is rarely available for humanitarian and compassionate applications, and only on a limited merit basis for pre-removal risk assessments. These are their final chances to remain in Canada, and therefore extremely important. Given the failure of CIC to implement the Refugee Appeals Division combined with the risk of poor decision making by the mere one member of the IRB who decides claims, the likelihood that refugee claims were wrongly denied has increased since the introduction of IRPA in June 2002. Coverage for post-claim remedies therefore is extremely important and could even make the difference between life and death for refugees.

Cutbacks to legal aid for family law and poverty law issues also impact our clients, of course. It is harder for them to pursue their legal rights through community advocates, as these are inundated.

- § The funding cutbacks to the Legal Services Society have impacted our low income clients. They are left in limbo because they cannot afford the legal fees of private lawyers. (Immigration Organization)

Limited services available to help clients (9):

- § The legal aid system has had a **traumatic impact** on my clients when they are denied legal aid. **When you are a senior with a fixed income you certainly meet the income test but you may have a problem that does not meet the coverage guidelines for legal aid.** It is very frustrating for my clients who do not have the means at times to even pay the Lawyer Referral fee of \$25.00 for 30 minutes of consultation. The fee has recently increased from \$10 to \$25, and this will have a financial impact on all the fixed and low income people. Also, **within isolated and smaller communities the resources are limited, as many clients find out.** (Vancouver Island)
- § As most of our clients earn minimum wage, they cannot afford to hire a lawyer. **It takes a long time to get a lawyer from LSS, and the appointments with the lawyers are very far apart. The clients get stressed.** Sometimes their situation gets worse due to waiting. (Interior)

- § There are very limited legal services available to our clients dealing with violence, divorce, and especially women in need. (Northern Interior)
- § Limited access to family law services and poverty law services impact our clients every day. **There is no service available to adequately assist them.** (Lower Mainland)
- § Not all our clients' needs are being met at this time. (Lower Mainland)
- § The change in the mandate of Legal Aid has made it hard for women to access legal aid services. (Lower Mainland)
- § Less people are able to get legal help.
- § Very few qualify [for legal aid], particularly women with family court matters. There is a low level of service. (Vancouver Island)
- § Most clients are turned away because they do not meet the criteria for assistance. (Vancouver Island)

Negative impact on mental health (7) :

The comments regarding: a) how the current legal aid system has a negative impact on mental health, and b) how the gaps in service cause problems for clients, are related.

- § **More clients are refused legal aid, more clients have to represent themselves, and more clients feel they have no options or the process is just too overwhelming to start.**
- § Many of our clients are greatly affected by the legal aid system. We have the awesome opportunity to meet with these people one on one on a somewhat regular basis, and therefore build trusting relationships. **Many clients express the isolation they feel when facing the legal system, a sense of being in a caste system.** In most cases, the Salvation Army bridges those gaps and can and will connect these clients to the services they require.
- § Where do I begin? Women are struggling and are having to take care of their own legal situations. They're scared and confused.
- § **Adds to sense of powerlessness, frustration** – clients are desperate. (Nelson)
- § In 9 years of acting as an advocate, I've never met anyone who wants to be on welfare.
- § **We're starting to see the rise in anger among people at the street level, and they are lashing out because they are so frustrated at the lack of services to help them improve their situations.** People are becoming more desperate and volatile. Safety in our offices is becoming more of a concern. (Vancouver, Advocacy Organization)
- § In relationships where power imbalances exist, the women we work with experience intimidation, economic abuse, coercion, and threats involving their children. [Women clients] feel fear, confusion, and humiliation; the things said and done to them in their intimate relationship can overwhelm them. **These women, particularly**

those with children, are less likely to leave an abusive relationship if they feel they are without support; this includes the support of a lawyer.

- § As previously stated, our clients report a sense of isolation and lack of trust with the legal system.

Perception that they will not be covered, so why bother trying? (5):

- § Clients I have seen are hesitant to apply for legal aid due to the perceived lack of services that are available to them as well as the intimidation of filling out paper work. (Victoria)
- § Negatively! Most clients no longer get the support they need and often do not pursue legal rights available to them. (Vancouver Island)
- § It has been perceived that there is NO legal aid at all.
- § The public perception is that people don't even want to apply because they assume that they will be turned down (even though they might qualify).
- § When the cutbacks happened, we were told to refer women to intake anyway, so LSS could document how many people were denied coverage. We stopped doing this because it was too difficult for the women in need of help – they were stressed out and they didn't have a lot of time to be applying for something they knew they wouldn't get. These women often went back into the community and told others their stories of being denied coverage – which is why many people think that legal aid doesn't even exist anymore. People feel that even if they meet the income criteria, they won't qualify for the other criteria (abuse) which results in a “why even try?” attitude.

Clients falling through gaps in service (5):

- § There is no recourse for clients who do not fit the criteria.
- § **We have almost stopped being able to refer women to LSS because their (the client's) experience has been that they are turned down.** A lot of clients have some sort of abuse history, but they don't qualify because they can't prove it (there hasn't been any documentation with the police, doctors, or court). These women can't help themselves and can't afford a lawyer, so they fall into a gap in service. (Lower Mainland)
- § Our clients are anxious about going to apply for legal aid because they are unfamiliar with this system and feel intimidated. They have multiple barriers so it is crucial that they get as much support when applying for legal aid.

The cutbacks to legal aid have impacted battered women's lives by allowing the batterer to continue controlling her life because she has not be able to use the court system with a lawyer to represent her in court. She has had to represent herself to get non-emergency family law matters dealt with on her own. Our clients tend not to bother and try to deal with the consequences of not pursuing a court order. (Vancouver)

- § Our clients are primarily women and children leaving abusive/violent relationships. They often seek legal assistance to obtain protection orders, custody and access, maintenance orders, and filing for divorce. Our clients often do not have the means to obtain legal counsel and therefore are in high need of legal aid. The current system can provide services for some of our clients; however, many are not eligible because of the current guidelines in place. Some of our clients do not speak English as their first language or are from outside of BC; they often struggle to understand and access legal aid. (Lower Mainland)
- § **I suspect that at least some people are unscrupulous and may be taking advantage of the current situation.** I hear stories of what seems to be illegal workplace practices regarding wages, hours of work, and working conditions. I hear stories of abuse of power by people in power in the community – landlords, employers, civil servants, and creditors, etc. There seems to be an increase in people being unable to protect their civil rights. I wonder if, at least partially, increases of this type of crime could be explained by the fact that wealthy, educated individuals are sophisticated enough to recognize that individuals without legal representation are more vulnerable?

More clients attending court without a lawyer (4):

- § Pro Bono offers summary advice clinics, but self-represented clients are just not as well represented as those who have a lawyer present.
- § Many clients are representing themselves in court, which is an intimidating, stressful process. They usually are going in [to court] unprepared and uninformed.

Indirectly, some of our clients are being affected negatively because their partners/spouses who are being charged don't qualify for legal aid, and are pressuring the victims to drop charges, vary orders, etc. **The offender's lack of knowledge of the criminal justice system and lack of legal advice is a safety threat to victims. The worst case scenario is that the offenders are representing themselves and cross-examining their victims.** Consequently, some victims of domestic violence are refusing to testify. (Sunshine Coast)

- § Having to represent themselves in court when they don't qualify for legal aid often gives their abusive partners another opportunity to exert power and control. (Interior)
- § The frustration of clients having to go unrepresented to court, when usually the other party involved is able to afford a lawyer, puts one party of the case at a great disadvantage.

Right now, I have a client who doesn't qualify for legal aid and she has to prepare for a three day trial (that's like climbing Mount Everest).

Generally, our clients are frustrated and stressed to the max because they do not know their way around the legal system. There's an expectation, even though they are at a severe disadvantage, that they present themselves as efficiently as a lawyer. Usually they walk away from this experience with less than they started with.

We need legal aid to be accessible to all, not just a few who fit their stringent guideline criteria. Also, having a lawyer say they can't represent a client half-way

through because there aren't any more hours is also putting people at a disadvantage. (Northern Interior)

A perceived imbalance of funding biased towards criminal law (3):

- § The revolving door of the criminal system is a problem. When LSS family law funding was cut back, a big part of the budget was retained for the criminal tariff. Chronic repeat offenders almost always are covered by legal aid, but people with serious family law issues are not.

We need more duty counsel for family law or at least more services in the way of a public defender system for criminal offences so that more family cases could receive funding. (More staff lawyers or any combination of the previously mentioned systems would result in increased services to family clients.)

- § The legal aid system has boiled down to criminal matters, which means that it's men who are covered and women who are not.
- § Complications occur when men are charged with criminal offences and receive legal aid funding and then there is a combination with a family matter where the woman is left self-represented. It's really intimidating for the women.

Limited access to services due to language barriers:

- § The accessibility to legal aid is a factor due to language barriers. They cannot access the services on the Internet and need our agency's services to escort them to LSS or to look for information on the Internet for them. (Interior, immigration/family)
- § The current legal aid system has failed to recognize the needs of the low income clients within our society. **The Law Link computers and the direct telephone link with lawyers are only provided in English. Most of our clients have language barriers and are therefore unable to use this service.**

However, the publications available in different languages are a definite asset to the non English-speaking client base. This again provides them with the much needed legal advice and provides a starting point for getting help.

Clients needing full legal representation, not just advice:

- § Most of our clients know about legal aid. Since the cutbacks, we have sent clients with poverty law issues to LSLAP and the pro bono clinics in town, but they still need in-person representation in court. **Advice only goes so far.** We try to help the clients with Employment Insurance appeals ourselves, but we're not lawyers. (Vancouver, Advocacy Organization)
- § Because so many of the women we work with have poverty issues, legal aid is the only way they are able to resolve their legal issues with the assistance of a lawyer. Our clients are pressured by the knowledge of the limited financial resources; I would suggest they share this burden with their legal aid funded lawyers.

Frustrated by tariff lawyers (2):

- § Women who are lesbians and feminists aren't given the choice of which lawyer they want to represent them – instead, they get who they get and they're talking about very personal issues such as childhood sexual abuse. They won't be forthcoming to the lawyer representing them and this is why they can't get rid of lay advocates. (Vancouver)
- § Often, my clients go to court without a lawyer as they do not meet the eligibility requirements. Other times, they go to court with a lawyer from legal aid that they do not like or do not agree with. **I find that legal aid lawyers are too busy with other cases to keep my clients informed, or to discuss options with them. Often, the first time they see a lawyer is 10 minutes before appearing in court.** (Interior)

Variable (3):

- § The level of confusion is pretty much the same. For a small group of low income people who are being pushed to find out more on their own, they are learning about what is available (but it's a small group).
- § At times well, and at others negatively. (Victoria)
- § Clients are happy for the services they receive, but are frustrated when their particular problem does not fall within the Legal Services mandate.

ii. What is your perception of the level and quality of services received by your clients from the Legal Services Society administration?

Respondents understand the context in which LSS staff operates. They appreciate the service received, but are frustrated by the limitations under which they are delivered.

A significant number of complaints were made regarding Law Line. The waiting time for service is too long to accommodate the 5 minute limit on free phones at advocacy organizations and many clients are without personal phones. The website is considered useful to advocates who liaise with clients – it may not be directly useful to clients.

Decline in service level and quality (10):

- § I've noticed a decrease in the quality of legal help clients receive through legal aid. (Vancouver)
- § It is difficult to reach LSS staff. Clients need to speak to someone when they phone because they don't own their own phones. Leaving endless voice mail messages for staff is not very comforting when a client is distressed. (Vancouver)
- § In the past two years, both level and quality of service has deteriorated. (Sunshine Coast)
- § Some seems inefficient and time wasting. (Interior)
- § **The administration seems to treat people relatively well, but the criteria make legal aid very inaccessible** (Interior)

- § The quality of service is limited and incomplete. (Interior)
- § The Legal Aid Agent in our community is in extremely high demand and as a result is difficult to access.
- § Services are very limited to resolve the issues that clients are dealing with. We need more flexibility in the legal aid system.
- § There is a lack of support/understanding.
- § There is a lack of services for advocacy in Immigration and Mental Health Law. (Lower Mainland)

Positive feedback regarding staff (10):

- § The LSS office in Victoria has wonderful staff, with the exception of one person who scares many of our clients because of his inability to crack a smile and his extremely formal attitude. Everyone else is professional, friendly, sympathetic, and easy and comfortable for our clients to deal with.
- § Good.
- § I'm thinking especially of the prompt and responsive service from Deborah O'Leary regarding any training or systems issue, and her advocacy for legal aid outreach in this region when I say we are pleased to know she is doing the best with the very little left of a meager-to-begin-with budget. (Northern Interior)
- § Always try to do their best to help. (Northern Interior)
- § For quality of services, it's good – just the waiting time post-intake is too long. (Northern Interior)
- § Very supportive/professional. (Interior)
- § Mostly good, the local office tries to be as helpful as possible given the sparse amount of representation available. (Interior)
- § Great – they're fully informed. Sometimes, they don't communicate what is and isn't funded well. A lot is up to advocates to seek out the information – I don't believe in enabling – information is huge freedom for women. (Vancouver)
- § Given the present guidelines and restrictions, service that I have observed being dispensed through the local office has been efficient and effective. (Wee bit of a siege mentality in terms of the office set-up.) (Victoria)
- § I personally enjoy working with the dedicated Legal Aid staff who have an office at Chilliwack Community Services.

Feedback regarding specific LSS services:

Law Line (7):

- § Dial-a-law is not meant for clients over 50 years of age. It is too complicated for them.
- § The free phones have a 5-minute restriction, and most of our clients don't have their own phones, so they run out of time before their question is answered. Dial-a-law is also difficult for ESL clients.
- § Law Line is too busy for clients to take advantage of the 5 minute limit for the free phones we offer. Clients get frustrated because of the long wait lines. Not all people have phones. People need to talk to a lawyer many times in order to be clear about what they need to do. (Vancouver)
- § Regarding Law Line, we had some trouble when it was first launched. There were long periods of time when people were put on hold. People also complained that the answers they received were too general and not relevant to their specific needs.
- § The concept of the Law Line is good, but long wait times and general legal information could be improved. I suppose LSS can only do so much with their limited budget. It was good to have the community law office. Poverty and family law are the two biggest areas that need support.
- § Clients express frustration trying to access Law Line. The wait on the line is too long – up to one hour or more.
- § Some of the clients from our pro bono clinics have complained about being pigeonholed through Law Line, which causes delays when people can't explain their problems.

Website (3):

- § I know LSS has tried their best under their financial restraints to provide a website and brochures. **Our clients, most of them anyway, can't afford a computer, let alone internet. They can use the local library but it is not the same as having a person to talk to.** (Northern Interior)
- § Regarding the family law website – **most of my clients have Internet access, but find it is a bit intimidating to navigate the site when in crisis. They also have trouble applying general principles to their specific situations – people need to tell their stories to another person.** (Lower Mainland)
- § **The Internet services are good for the people delivering services, but not for clients.** (Vancouver)

General (7):

- § I hosted a workshop on family law and we had a lawyer come in and speak on this topic. He was just wonderful and assisted the clients immensely. The clients and I were very satisfied with the information/advice he displayed through his presentation. **I would like to see seasonal workshops in the more isolated communities and also to meet public demand [as well as] statistics** (for example, family law legal matters may have increased in a client load). Planning around those types of statistics and

demands are crucial to having the community want to come out in support.
(Vancouver Island)

- § Our clients, having multiple barriers, usually do not have direct contact with the LSS administration staff. They are more comfortable approaching non-profit organizations like ourselves that could speak their language and have a direct rapport with them.
(Lower Mainland)
- § Satisfactory most of the time. There is more awareness of safety issues for women leaving abusive relationships among intake workers. (Vancouver)
- § My perception is that the quality of service is satisfactory. Unfortunately, the Richmond office is not that accessible with respect to hours of operation. It is only open until noon on Fridays. Also, there is only one person who does the intake, so waiting is expected. (Lower Mainland)
- § Legal Services Society publications, online resources, and training conferences are vital sources of assistance.
- § Moderate.

Policies are biased towards women (7):

- § Insufficient. One particular area of concern is the complete lack of services for men - husbands, fathers, boyfriends, etc. that are leaving abusive relationships. They receive what often amounts to ridicule when they seek help to deal with issues of stalking, protection, child custody, and spousal support. Women have made tremendous progress over the years in gaining support for the problems they face, and now it is time for every agency, especially those that offer legal assistance, to recognize this issue also affects men.
- § Based on my client's reports, it appears that men rarely, if ever, have their applications for legal aid approved when it involves family law.

iii. What is your perception of the level and quality of services received by your clients from their legal aid lawyers?

Comments are echoed in Q. v and vi. Respondents complain that some tariff lawyers do not prepare properly for court or provide proper service to clients. Some attribute this to limited funding. There are also positive comments regarding lawyers going "above and beyond" what is required of them by the tariff and clients.

Low (16):

Low service quality and limited services (13):

- § Clients rarely seem happy with their representation; they are often intimidated by their lawyers, afraid to speak up and ask questions, and are not aware of important information to pass on to their lawyers, so they don't receive just representation.
(Okanagan)

- § The quality of services is down from a number of years ago. This is causing problems for some clients. **Lawyers are failing to show up for court hearings, etc., nor do they return phone calls from clients.** (Vancouver)
- § I have not had much positive feedback; **clients have stated that their lawyers do very little preparation before court.** (Vancouver Island)
- § Legal Aid lawyers do not treat the legal aid clients the same way as they do their paid clients. They drag the cases out. (Northern Interior)
- § **Clients feel lawyers don't have sufficient time to deal with their problems.** Service ends before the legal issues involved are resolved. (Interior)
- § I only hear about people being represented in criminal issues, not in any other area of law.
- § It's so limited. **The services are hardly there.** Women on assistance/low income who are fighting for custody or maintenance have no way of getting adequate help. Their situations require more than the half-hour they get with a lawyer.
- § I find that the quality of services received by my clients is less than satisfactory. **I don't blame the lawyers for this shortcoming, but rather the system that puts such demanding time requirements on the lawyers.** (Interior)
- § **Legal aid lawyers are not as interested in the legal aid cases, because their time is limited.** Some lawyers are not interested in advocating for the women to LSS and requesting time extensions. Some lawyers offer "short-term" strategies that may be harmful for women long-term. (Vancouver)
- § The Legal Aid office in Richmond is very busy, as there is only one person to do all the administration and paper work. Therefore, it takes longer.
- § **My perception is that they are receiving fair and decent service; however, it is limited.** They often have to wait to obtain a lawyer and are assigned lawyers who are very busy. However, they do often work with lawyers who are very familiar with and skilled in the area of family law. (Richmond)
- § Have lawyers available for cases - more than just criminal and family issues.
- § Have the Legal Aid lawyers **more up to date on fetal alcohol syndrome.** (Northern Interior)

Number of lawyers (3):

- § There is not enough lawyers.
- § A lot of the experienced family lawyers now don't take legal aid referrals. (Lower Mainland)
- § There are less and less lawyers willing to take legal aid cases for mainstream clients due to the complex family law cases and the length of time allowed on legal aid cases. It is **extremely difficult for non English-speaking clients to find lawyers who can**

speak their languages and understand some of the cultural aspects, which impacts their legal cases. Legal aid lawyers cannot survive on limited incomes so they are shifting to other areas to earn their living. There is an increase in clients needing legal aid, which increases their workload, and there is a decrease in funding allocations for immigrant serving lawyers.

It is easier to work with lawyers who can speak their language(s) so an interpreter is not necessary. Using an interpreter just adds to the difficulties and to the length of time needed to handle these cases. The lawyers tend to run out of patience trying to understand what is going on or if they have to repeat things to their clients.
(Vancouver)

Variable (11):

- § It depends on the lawyer providing the services. Quality of service from the past local director was not very good. (Sunshine Coast)
- § Varies – depending on lawyer. Some lawyers don't seem to provide the quality of services they would to "paying clients".
- § Level of services: Some lawyers are very flexible with the ½ hour free phone call guideline, and some aren't. **Some lawyers demonstrate a keen understanding of the sensitive and complex dynamics involved in domestic violence, and many do not.** (Northern Interior)
- § It depends on the lawyers; some go above and beyond what is expected of them, providing legal services in family matters that could take up to three days, and some lawyers give the minimum 8 hours of service and the client is on their own... so **the really dedicated lawyers are overrun with legal aid clients.** (Interior)
- § Those that actually receive the services of a lawyer through legal aid seem grateful for the service. However, **I have heard reports that legal aid lawyers often let their cases drag on or do less work on behalf of their clients because they have other cases that are more lucrative.** An example of this would be a legal aid lawyer handling a marriage that has ended; they will seek property settlements, custody and support orders, but in the end will not process the actual divorce. Because divorce is a BCSC matter, the client often is unable to complete the divorce on their own. Clients frequently have told me that they do not receive the same level of service that they would get if they could afford their own lawyer.
- § **I think the real imbalance comes when there is a time constraint placed on the level of service people can get from legal aid.** A lawyer might be able to accomplish one or two things, but not the real critical issues of the case. In private practice, you have the flexibility to set your own compensation arrangements/schedule. On the flipside, I'm confident that all lawyers provide a high level of service.
- § In terms of immigration services, there is really only one lawyer in Victoria, Peter Golden, willing to put in the pro bono hours required over and above the legal aid tariff to ensure adequate service provision to refugee claimants. I could not comment on other areas of law, as I do not have sufficient experience.

- § Those who qualify for legal aid usually are grateful for the help. Some report they felt their lawyer did not do well against the other party's lawyer who was privately retained. This is difficult to determine. (Interior)
- § I seldom hear any negative comments regarding the lawyers. (Lower Mainland)
- § Overall, I have had few complaints or feedback from clients. There have been times when a client is not satisfied with a current lawyer, and I suggest they contact legal aid and request a new lawyer. There has also been personality clashes, but it is really up to the client to request to switch lawyers for whatever reason. Other than those types of situations, clients have been very appreciative of being allocated a lawyer. (Vancouver Island)
- § **Most of the lawyers that I work with are great at their work, have genuine concern for the client, and they do their best.** There are a few, however, that do not consult with their clients; they just decide how this case is going to play out, and they proceed without any input from the client. (Interior)

Positive (10):

- § Some really "go the extra mile". We learn who to try to get. (Northern Interior)
- § Some lawyers are really good and are always available. (Vancouver)
- § Good, except the conflict of having to use the same lawyer for family domestic problems or not having a selection of choices to use a lawyer. (Northern Interior)
- § Recently, we had the good fortune to become acquainted with a legal aid lawyer from Prince George (Susan Gratton) who provided an excellent service to one of our clients. She worked hard on our client's behalf. To us she represented exactly what the legal aid system is about: justice, empathy, knowledge, diligence, due process as well as just being an honest, down-to-earth individual. We need more like her! (Northern Interior)
- § Excellent. (Interior)
- § Good. (Interior)
- § The lawyers our clients work with in the East Kootenay provide compassionate, quality service. Any lawyer who provides legal services through legal aid must expect to do a portion of the work at their own expense; this practice is openly acknowledged with gratitude. Most often, the lawyers working with our clients offer advice and direct support that clarifies a woman's legal options and elevates her life choices to a point where she can take steps to live violence-free.
- § Generally, above average. The stereotypical perception of legal aid representation as being marginal at best has not been demonstrated in my experience. (Victoria)
- § Excellent. Lawyers provided by legal aid provide the same quality of service as if they were paid by the client. (Vancouver Island)

- § From my experience, the local lawyers in the Comox Valley who deal with the youth requiring legal aid are outstanding – especially Bob Miller. He has been very committed to assisting the youth and has taken huge case loads at times. I have seen him in court many times to observe his skills, compassion, and service to the clients.

Other (4):

- § Most of our clients do not meet the criteria for a legal aid Lawyer. The only source of legal advice for them is the Law Link computers and the publications available, which provides an excellent source of information. (Immigration Organization, Lower Mainland)
- § Since the cutbacks to LSS, many clients decide to come to us for services rather than going to legal aid. They refuse to go to legal aid, as the services are limited. Although most of our clients earn minimum wage, they do not qualify for services from legal aid.
- § Most people I see are the ones that have been turned away by legal aid.
- § Family law clients are definitely receiving inadequate or no service. Criminal law clients haven't been affected too much. There are no poverty law services available anywhere. (Lower Mainland)

iv. The number of lawyers accepting legal aid work has declined by over 1/3 in the past few years. Does this attrition affect your organization and your clients?

Yes: 41

No: 2

v. If you answered “yes” to the previous question, please describe the impact:

The attrition of the tariff bar affects almost all respondent organizations and their clients. The major impact of attrition is the fact the process to find a suitable lawyer (if one can be found at all in some areas) takes longer than it did a few years ago. Also, the quality of service suffers when clients have less choice over who will represent them (a choice based on economics vs. service quality).

Rural areas especially voiced concerns about the limited number of tariff lawyers since there are often conflicts, which cause their clients to seek help from out-of-town lawyers.

Answers to this question are echoed in Section II, Q. ii and vi.

Negative impact on clients (8):

- § Our low income clients are most affected because they are unable to afford the high fees of private lawyers. In many cases these **clients are forced to pay high lawyer fees and are often in high debt.** (Immigrant Organization)
- § There are longer waits for initial contact, and clients often meet their legal representative minutes before a scheduled appearance. I do not know when the lawyer actually prepares their case or if they have a formula. **People who are**

dissatisfied with their lawyer cannot change lawyers even though this may result in irreparable harm to the client. (Northern Interior)

- § There is added financial and emotional stress in some situations. This **can discourage women from taking needed legal action.** (Interior)
- § **We may see the impact three months later, when the client is frustrated by the fallout of not having a lawyer represent him/her or any other support services for that matter.** People are angrier, sicker, and more prone to drug addiction, criminal offences, and violence. It's a far-reaching effect, but difficult to measure. (Vancouver)
- § **Clients are having to choose pleas (guilty) because they do not see another choice.** Women are not pursuing family matters because of the lack of support and their fear of the system. (Vancouver Island)
- § **Due to the cutbacks in services, some clients decide not to get any service [at all] from legal aid.** They either deal with their situation themselves or get help from the community members and Kamloops Immigrant Services to settle their family disputes in family violence cases and other legal issues.
- § We deal with parents who are usually single or aboriginal, and who live in poverty. Often, their children are with MCFD. They need representation. (Victoria)
- § Women are waiting longer to obtain legal counsel and when they do they are working with lawyers who are very busy. Also, they may end up going through a few different lawyers.

Difficult to find lawyers to represent clients – geographic issues (7):

- § There are not enough lawyers in Dawson Creek employed by LSS to meet the needs of the community. There is a conflict of interest if one family member is using LSS and another family member has to go 50 miles further from town to get another lawyer. (Northern Interior)
- § To reiterate previous comments, **we only have one local lawyer. If he is already representing the accused, the woman has to rely on other resources, which are far away and very limited.** (Northern Interior)
- § Now we have fewer lawyers in Richmond who take legal aid, so **many clients have to go outside their local area to look for lawyers and fewer female lawyers take legal aid cases.** (Lower Mainland)
- § As mentioned above, **there is only one lawyer in Victoria who is willing to provide services to refugee claimants** over and above the hours covered by the current legal aid tariff.
- § The number of experienced lawyers has declined. Also, **if a client is approved due to lack of income, the clients sometimes have to wait up to a week before a lawyer will accept the case. In cases of emergency, this puts the client at risk.** (Lower Mainland)

- § It is very difficult to get lawyers to take our family cases – **most lawyers in our community won't take the file if it is in Supreme Court because they have to travel out of the community.** (Lower Mainland)
- § **Especially for people living in rural areas and small towns, the limited number of lawyers available can cause difficulty.** Choosing a lawyer can be impacted in different ways: in conflict of interest issues, choice of practice model, or communication style. (Interior)

Lower quality of services (7):

- § Lawyers seem bitter about taking on legal aid clients. (Okanagan)
- § Several local lawyers no longer take legal aid cases. This has impacted the quality of service available, and limited the choices for clients. It makes it harder to make choices when looking for a good lawyer. (Interior)
- § Yes, it is much harder in our community to get a legal aid lawyer. As stated above, the quality of service varies greatly. (Interior)
- § The service is minimal. Often, more than one lawyer works on one case. Each time the lawyer is changed, more time is wasted working on the same case over and over again. (Interior)
- § The current system allows for ½ hour free consultation with a legal aid lawyer per call, yet the chances of getting the same lawyer are not high. This is confusing and frightening for women. Not only that, **the consistency of compassionate legal assistance from lawyers that have an awareness of family violence issues is definitely missing.** (Northern Interior)
- § Some clients do not work well with all lawyers or being in a small town could be working on a domestic MCFD file or criminal file at the same time. NOT GOOD. (Northern Interior)
- § As I have already stated, the legal aid lawyers that work with my clients are far too busy with other clients. They just want the client to plead guilty so they can be done with them. (Interior)

Difficult to find a lawyer suitable to client needs (6):

- § It is very hard to find a suitable lawyer who can provide professional, caring services to our clients.
- § Women who qualify for legal aid, cannot find a legal aid lawyer who may be sensitive to battered women's issues. (Vancouver)
- § If a woman really wants one particular lawyer, she is only allowed to switch lawyers once during her case, according to MCFD rules. Often, the lawyer she wants to retain is unavailable. This happens a lot in direct adoption and child apprehension cases – we know which lawyers can act fast, which is really important in cases where the woman is a flight risk. It's also good to have lawyers who can use common language with the clients. (Vancouver)

- § **Fewer lawyers being available limits the choice of style/connection with client, and can pose conflict of interest difficulties, for example, when** an ex-partner uses the same firm.
- § There is a limited choice of lawyers. (Interior)
- § **Clients have less choice in their lawyers.** Some lawyers are resentful about what they get paid, so they don't always do the best job. Some are simply incompetent.

Increased administrative costs to organizations (3):

- § There are increased requests for legal advice, representation, and assistance filling out legal documents.
- § We find ourselves dealing with more cases that would be better served by a lawyer. (Vancouver)
- § It increases our workload and leaves women with less options.

Reliance on limited pro bono services (3):

- § Our pro bono lawyers now number approximately two. All our pro bono lawyers provide is 30 minutes of advice. This does not meet the need of most requests. (Vancouver Island)
- § Now people are so desperate to get an appointment with a pro bono lawyer. They used to use the pro bono clinic as a supplement to legal aid, but the clinic has replaced legal aid since the cutbacks.
- § LSS could attract more tariff lawyers if there was some way to resolve the definition of what is pro bono and what is legal aid. In BC, we never really bridged the issue like they did in Ontario. Pro Bono Net is funded by LSBC. No one has engaged on the issue, but they know it's there.

Other (5):

- § This would have affected us a few years ago, but so many of our clients no longer qualify for legal aid anyway, so it's a wash.
- § There is a lack of resources for immigration law for our clients.
- § Legal aid for immigration law has been drastically reduced.
- § We have up to 20 women in residence at any time. Most will require legal advice. (Northern Interior)
- § **The reason a number of lawyers are not able to accept legal aid work is because people do not qualify and if they do not qualify the lawyers do not get paid. That is the bottom line. That is why there is a definite decline of over 33% because there is an increase in the denial of legal aid application, if we look on the other side of this picture.** (Northern Interior)

vi. What changes are needed (if any) in order to improve services to people served by both your organization and legal aid?

The majority of respondents indicated that increased pay for tariff lawyers, increased hours authorized for work, recruitment of tariff lawyers, expansion of eligibility requirements, and a wider range of services would help them and their clients. There were also significant requests for LSS to train and educate community advocates.

Improvements to tariff – increased hours per case, increased compensation (16):

- § Regarding the CBA political initiative – **people don't want to accept legal aid cases because it looks like they're supporting the Attorney General.** I would like to see a process for tariff lawyers to deal with the government.
- § I have no ideas on how to attract young lawyers to the tariff bar. What about assigning articling students to LSS for 1-3 months? It would allow them to get some experience and exposure without conflict issues. Suburban firms do mostly solicitors' work, so it would balance out experience.
- § Have **more lawyers who are paid for more hours to prepare for cases so that the services they provide are better.**
- § More services from lawyers for low income clients. (Vancouver)
- § More time allocated to legal aid lawyers for each case, and great accessibility of legal aid (raised income criteria, and removal of proof of abuse requirement).
- § Have a team of lawyers with an interest and expertise in family violence issues throughout the province on full time retainers for women to access on an as-needed basis. (Northern Interior)
- § We need legal aid specialists available to clients who may forfeit their human and civil rights as a result of poverty. I would like to see legal specialists available in specific areas of law that frequently affect people most marginalized in our society. (Northern Interior)
- § The needed changes are to provide more hours to the lawyers to help the clients to settle the criminal cases until their property and custody issues are settled before their divorce is finalized (in cases of family violence and divorce). The financial requirement to qualify for legal aid should be looked into. (Interior)
- § **If services that should be administered by lawyers are being administered by advocates and lay people, clients are not going to be served very well. It's better than nothing, but it's not a full meal deal that is necessary to properly deal with the problem.**
- § More public legal education administered by lawyers themselves. (Vancouver)
- § More lawyers who will take legal aid cases and who care. (Northern Interior)
- § More legal aid lawyers or paralegals. (Northern Interior)

- § Legal representation provided in Family Court cases.
- § Extended hours and higher tariffs.
- § Law firm economics prevent law firms from accepting legal aid work. If they do accept it, it's usually in criminal law.
- § A lot more lawyers will be practicing subsistence law and have to guarantee that they'll get \$30,000 in the door per year.

Improved access to services (complements comments below regarding increased funding) (12):

- § More liberal access/more pro bono representation.
- § The reinstatement of legal aid as it was at the very least. Women need help leaving relationships even when violence hasn't occurred. (Northern Interior)
- § I would like to see services more evenly distributed between the genders. (Northern Interior)
- § Easier access to information about legal aid and how to qualify. We need an office, and a paralegal here in the community. (Interior)
- § Access to legal supports re: family law (divorce/access/etc.). (Interior)
- § Legal aid should be funded to serve the clients with diverse backgrounds. (Northern Interior)
- § I would like to see LSS offer more poverty law related services. I appreciate the effort that they are making, given their limited budget. (Vancouver)
- § It's important to remember that treatment for major mental health disorders is not a cure. Homelessness is a huge issue for our clientele. They often commit small crimes as a result of reaching a breaking point in their search for help. **The system that provides treatment, advocacy, and legal services to low income British Columbians needs to become more seamless.**
- § Legal aid should be as accessible as possible.
- § More early access to legal consultation prior to becoming involved in the court process.
- § The eligibility requirements need to be loosened up. More people should have access to lawyers when in need. (Interior)
- § Probably a financial commitment to improve the level of services available. What are the bottom line levels of income that now permit a person to access legal aid? **The low income people in the community are having a difficult economic time, so I do not know if they have the will power to pursue MORE red tape in order to get services.** (Vancouver Island)

Increased funding (complements comments regarding increased access to services) (6):

- § Additional financial resources should be made available by the provincial or federal government to ensure adequate service provision.
- § Restore funding to legal aid – family law services.
- § More funding should be provided to LSS for legal aid lawyers to provide legal help to the low income families. Law Link computers and the telephone link to legal counsel should also be multilingual. (Immigrant Organization)
- § Legal aid coverage has to be back to where it was in July of 2002.
- § Restore and increase services to levels greater than prior to the cuts!!
- § More funding for LSS – bring back the staff lawyers. (Vancouver)

By implementing a combination of improved services (5):

- § Public legal education, access to paralegals/advocates, criminal court duty counsel, information through publications/Internet access, etc. Basically, we have nothing, except a few pro bono clinics several times a year. (Sunshine Coast)
- § Raise the tariff and provide more legal aid to women dealing with family law issues. (Interior)
- § Increase the tariff and increase family law coverage. Bring back poverty law services. (Lower Mainland)
- § I believe the guidelines for legal aid need to be expanded so more people can access the service. **More efforts need to be made to provide long term assistance to people. Also, the program needs more lawyers and lawyers need to be able to do longer term work with clients. Lawyers need to be compensated adequately to prevent the decline of legal aid.**
- § **Certainly there are changes needed to meet the needs of single parents and low income clients who are facing legal issues/disputes. The changes need to be immediate and there needs to be public awareness so British Columbians know there is legal aid for those most vulnerable.** Changing the coverage guidelines so they are more flexible for those who are not financially able to pay for legal services/advice would be helpful. (Vancouver Island)

More advocates who can liaise between clients and lawyers (5):

- § There should be advocates to liaise with lawyers or duty counsel on behalf of our clients or advise our clients when they have to represent themselves. (Okanagan)
- § **If legal aid resources are not increased, then non-government organizations should receive increased funding to cope with the additional workload caused by the cutbacks.**

- § It would be nice to have a legal advocate who would go to court with women. I think ATIRA has one. It doesn't have to be a lawyer – a paralegal would be just as helpful. What clients really need is someone who can help them through the entire process.
- § More availability of Family Justice Counselors.
- § Provision for paid professional supervised access. (Vancouver Island)

A central database/catalogue of legal services available to low income clients (5):

- § It would be useful to have a catalogue of all the services available in the finest detail, so that people are referred to an appropriate source that could help them.

There are still a lot of people who have to fend for themselves. This is why it's important for there to be a catalogue of resources. It would at least give people a glimmer of hope.

The lack of information feeds into a system of people being bounced around from agency to agency because they're not getting the help they need. They need one lawyer to help them deal with the problem from start to finish.

- § Consumers need to know what else is available – all of your services. (Victoria)
- § Increased accessibility of services, program awareness, eligibility requirements, and so on. Increased community awareness will decrease the feeling of isolation.
- § It would be great if we can have a list of lawyers who take legal aid cases. (Lower Mainland)
- § Education for advocacy organizations regarding what's going on in the larger system and where the resources are.

Improvements to LSS Administration (3):

- § People require an immediate response when they contact legal aid.
- § More staff.
- § The information on the outline of representation services available to people with low incomes needs to be clearer.

Section III – The Justice System

i. Considering all the justice system participants that your services interconnect with, what general trends in the administration of legal services to low income people have you observed in the past few years?

All respondents indicated a trend of diminishing access to justice for their clients. The limited legal aid coverage in poverty law has resulted in increased pressure on organizations to find legal resources in the form of pro bono services and lay advocates.

The prevalence of mental health issues has increased. Some attribute this to the stress clients experience when they try to access resources that no longer exist or are limited.

There is a significant concern that many clients are falling through the gaps in service between advocacy organizations and legal aid. The results of this are difficult to track other than through anecdotal evidence and the observation that the number of unrepresented litigants has increased in the past few years.

Comments complement those in Section II, Q.i. regarding how the current legal aid system affects clients.

Restricted access to help from lawyers - (comments complement those regarding the increase in self represented litigant) (15):

- § The only trend is that when LSS has reduced funding from the government, this has a direct impact on whether people will or will not get appropriate service.
- § A definite decrease in legal services for those who cannot pay for them. (Vancouver)
- § Clients being referred to non-profit advocacy services, legal advice clinics, and being forced to represent themselves in court and at tribunals. (Family – Lower Mainland)
- § Equitable access to adequate legal services for people living in poverty has declined as a result of cutbacks to legal aid as well as to community organizations that advocate on behalf of clients.
- § Less services are available.
- § Lack of or no services. (Vancouver Island)
- § Far less service and accessibility - quality has gone down.
- § More people are referred to Family Justice Counsellors. In lots of cases, it doesn't work, especially with abuse issues. (Lower Mainland)
- § The whole system is very frustrating. People can't believe they can't get legal support. The pro bono clinic lawyers are frustrated because they can't provide as much information as they would like.
- § There are far more automated services, which discriminates against people who are not computer literate or able to help themselves. (Interior)
- § Very limited and minimal services are available. (Northern Interior)
- § There is not enough access for people to get their legal issues dealt with.
- § There still aren't enough services for the clients to connect with conveniently. (Lower Mainland)
- § It seems to me there is a lot of good, practical information available for people going through the civil court process.

- § Access has been curtailed. Society creates a system that is complex and requires highly trained “interpreters”. This system is then facilitated by “god-like” individuals sitting above mere mortals, who are waited on by minions in dark clothing, who in turn are supported by individuals with guns. Basically a frightening experience. **We create a system that is complicated, in which individuals can't intuitively function and then make it expensive to interact with the system. Given the fact that society creates the complexity and confusion, then society has a responsibility to moderate access for those individuals confronted with the system.** (Victoria)

Increase in unrepresented litigants (11):

- § Unrepresented litigants move through their legal proceeding without a firm grasp of what is expected of them or what they can expect from the legal system. This is further complicated by a lack of community coordination that results in systems and front line people not knowing what to expect from each other on behalf of the client. Poor communication between justice system folks sometimes presents as an issue, for example, RCMP or Crown not notifying the victim of a release or change in protection order. There is concern that people are entering guilty pleas for minor violent offences due to lack of legal support. (Interior)
- § I see more and more of my clients appearing in court without support from the legal system. (Kamloops)
- § A small percentage of self-represented litigants prefer to be self-represented, but it's a small percentage.
- § Fewer people attend court with legal representation.
- § More people are representing themselves regardless of the seriousness of the matter.
- § Some staff are helpful when they realize a civilian is attempting to do their own legal work; however, there is still a significant group who may present a hostile attitude toward civilian (unrepresented) litigants.
- § Individuals with little or no understanding of the law are **accepting plea bargains or reduced charges when at least a couple of times I believe the client's interests would have been better served by a court hearing all of the facts.**
- § Individuals who have had their rights contravened **are overwhelmed by the obstacles they encounter and do not consider the court system a credible option for settling their dispute.**
- § **Individuals frequently express a growing cynicism towards the justice system.** Statements often suggest that it is a “contest for liars” and “justice is for people who can afford it”.
- § I have heard about situations where direct retribution was employed because the “court is a waste of time, and anyways, who can afford it?” On the other side, I have learned of one dispute where a customer believed they had been overcharged at a garage. The manager joked, “What are you going to do, sue me? It will cost you hundreds of dollars, take months and lost wages, all over \$250.00. If you lose, I will sue you for costs and if I lose my lawyer can appeal. Besides, there is also a repairman's

lien on that wreck and it's in my shop until you pay". Apparently, the manager did not even discuss the disputed repair bill with the client. (Northern Interior)

- § The general trend is people are feeling hopeless and powerless over their legal situation and they turn most of all to the free services available to them within their community. And **in the end they most likely find themselves representing their own case. Not knowing their rights or what to say to the judge is very difficult for them.** The trend also observed is they just let themselves fall through the cracks of the legal system and accept what happens in court without having been heard, let alone represented by a lawyer. (Vancouver Island)

Increase in unaddressed mental health issues restricting access to justice (4):

- § Over the years, we've seen a degradation of service to mentally ill people and this puts additional pressure on the system. **So much time is consumed dealing with issues that aren't legal issues.**
- § There are fewer services available. Even eight years ago, we were able to make far more referrals to LSS. Now, I don't know what happens to the clients. For example, **the rates of robbery have gone up as the support services for mental health issues have declined.**
- § People in poverty are hobbled dealing with the court system – they can't articulate their problem. It has everything to do with money.
- § **The inability to access justice has far reaching implications in a person's life and sets off a chain of relevant events.** In a perfect world, there would be treatment in place and legal services available to work in tandem to help people stabilize.

Lower service standards from LSS (4):

- § Frequent turn over of the local director, lack of information even in the form of handouts, brochures, etc. Poor representation of clients (lawyers with low levels of skills/experience). In the seventeen years that I have been here, there has never been a criminal court Duty Counsel. (Sunshine Coast).
- § We do not have a legal aid office, and this has greatly impacted low income people. (Interior)
- § The impact of the cutbacks has been really huge in rural areas because there are fewer advocates, never mind lawyers. This is especially bad now that the CLO's have closed.
- § Court services are difficult to get in Surrey. Clients feel threatened going into the Surrey legal aid office because of security and the intimidating design of the building.

Women affected by the justice system (3):

- § **Income is not as much an issue as the number of hours provided. Many of the women we serve cannot get legal aid unless they can prove they are in danger from their abusive spouse. Many of our clients never had an income, so they never had to worry about the income level when applying for legal aid.**

- § Overworked court registry employees who don't know fully what information to give women who are representing themselves or who have duty counsel. Legal Aid help dries up before court procedures are completed or situations change.
- § As the criteria for eligibility for legal aid has changed, we are seeing more of the "working poor" being denied legal assistance. **So women who are working full time and have some assets are unable to receive the services of a legal aid lawyer.**

Discrimination against impoverished people (6):

- § Low income people are continuing to be punished for being poor.
- § Access to justice for people on low incomes has been restricted. (Interior)
- § The ability to access the legal system has declined for poor people. **There is a general feeling that justice is only available to the rich – there is a feeling that government and the courts don't care if you are poor.** (Lower Mainland)
- § **Even professionals (Crown, defense lawyers, court clerks, victim assistance workers) 'buy into' the myths involved in poverty – if you're poor, you 'waste' your money, or 'deserve' to be poor because your spouse spends all the extra household money on booze/drugs/'toys' (boats, skidoos, etc.).** (Northern Interior)
- § Less patience.
- § More judgmental attitudes.

Change in public awareness of LSS (4):

- § Most people now think they will not qualify and some think legal aid has disappeared completely. The legal services outreach program is very useful in allowing those with questions and concerns to receive information. (Interior)
- § The people who should be served become acquiescent when they are denied legal aid. This also promotes gossip and rumours about legal aid coverage and it's perpetuated the public perception that legal aid no longer exists. (Vancouver)
- § LSS is selective about "who" makes the application. (Northern Interior)
- § Community awareness of the legal services is low. We often receive calls from people asking how they can start accessing the legal services in this community. These calls are from individuals and agencies that deal with low income people on a regular basis. (Northern Interior)

Immigration law:

- § There has been a trend with problems relating to sponsorship and debt. Often, when someone immigrates, their sponsor has to sign a letter to CCRA that says he/she will be liable for the immigrant's debt or expenses that are incurred. We are increasingly seeing sponsors who have been left destitute by this when the immigration candidate

commits fraud and disappears. The Salvation Army has a lot of support services to help these people.

ii. What changes are necessary in order to improve legal services to low income people throughout B.C.?

As echoed in Section II, Q. vi, almost all respondents indicated increased funding of tariff lawyers, expansion of eligibility requirements, and expansion of services (including poverty/civil law) are necessary to improve legal services to their clients.

Training of advocates and a strengthened working relationship via regular, targeted communication with advocacy organizations is also seen as a method to improve services.

Answers to this question were similar to those in Section II, Question vi.

Access to legal services provided by tariff lawyers (7):

- § Anything that gives people who can't afford it access to full, reliable legal help.
- § More funding for legal aid, so more low income people can get proper legal help.
- § Lawyers should be adequately compensated for their legal aid cases. Expand the Duty Counsel programs and continue the legal aid outreach programs.
- § More lawyers/advocates.
- § Many clients are terrified of the court system – they freeze and they can't articulate their problem. It would be nice to have actual representation in court (not just pro bono clinics).
- § Legal representation throughout the case. (Women's organization, Vancouver)
- § **Increase funding to Legal Services Society with two objectives: to adequately compensate a lawyer providing service, and afford enough time to ensure the client has been heard and understands what is involved in their legal process.**

Increase government funding of LSS (10):

- § **The way in which the government evaluates priorities can tend to pull the rug out from underneath many people.** If the funding for LSS could be expanded, it would be great.
- § What happened with the PST on legal services? The public is paying for a service that they are very happy to have (legal aid) and yet they don't see any benefit from it.
- § The justice system needs to pump more funds into organizations like the Legal Services Society so they could afford to provide assistance to the low income client base. The clients need more Lawyer Referral Services in their own language. (Immigrant Organization, Surrey)

- § Increase the funding. Reinvest in poverty law and put the money back where it should be.
- § Possible partial subsidy from Government for legal fees. (Victoria)
- § More funding/more lawyers willing to participate on a pro bono basis.
- § There should be at least basic services easily available to people with low incomes. (Northern Interior)
- § Increased funding. (3)

Increased access to poverty/civil law services (7):

- § **The current focus seems directed to defendants in criminal matters. While these matters are most often important and urgent in nature, I think a great deal more attention should be paid to other areas where injustices are a daily event.** As already mentioned, youth and men seem to be under-served. Areas of contact, landlord/tenant, labour, and human/civil rights seem to be largely ignored in the current system. **Financial screening tests need to be more flexible and needs must be based on a person's actual financial situation, recognizing prior financial commitments and reality rather than being based on predetermined cost ceilings that do not accurately reflect a person's real ability to cover their own legal costs.**
- § It would serve the public interest if legal aid would fund and participate in test cases for disability rights, constitutional challenges, tax law, and other issues that affect significant numbers of marginalized persons. Serving the needs of poor people is a measure of how we, as a society, function. It is important to us all that our laws are respected. Toward this end, we must have clarity, certainty, and consequences. Case law assists with the enforcement by provided general deterrents. Case law is a warning to those who would continue to infringe on or disregard laws and regulations enacted for the protection of individual rights.
- § LSS needs to make the issue threshold test be less strict and have more flexibility when considering the most vulnerable within this province. Even the average person would have difficulty retaining a lawyer for any type of legal matter, let alone a person who has a fixed income through welfare, senior citizens, and people who earn low income.
- § Except for private lawyers and the wealthy, all legal help involving routine civil cases and many other cases should be no-cost. To me, this is the right of people – especially in a democracy. (Interior)
- § There should be easy assessment procedures to see who qualifies for free services. In addition to Family violence (criminal cases), there should be free services for civil cases for low income families. (Interior)
- § [We need more] funding for people with administrative and civil law problems.
- § Make legal aid more accessible. Bring back some advocacy for poor people. Bring back poverty law services.

Increased family law services (5):

- § More services for families that are involved with custody issues.
- § Lawyers need to represent people in court – especially Supreme Court. (Family – Surrey)
- § Raise the income criteria and get rid of abuse criteria for family law matters.
- § We often see women who used to qualify before the cutbacks, but who no longer do. They are incredibly frustrated.
- § We need more family law funding.

Improvements to criminal law services (2):

- § Prisoner's Legal Services could be improved. For example, [there could be help with] filing an appeal (and getting adequate advice beforehand).
- § **Low income should be the only determinant to access legal services. It should not matter if someone could go to jail or not. A criminal record stays with these people for life, and they should have every opportunity to avoid one if possible.** (Interior)

Increased combination of services (5):

- § More access to information and service for rural communities. Duty counsel availability in criminal court, a community law office with paralegals, Public Legal Education programs.
- § It's good that there are some resources out there.
- § Legal aid guidelines need to be expanded, services need to be more accessible to people, and those in need must know more about the services available to them.
- § There is not enough access for more issues. So many issues are no longer covered.
- § More staff and a broader mandate.

Expand eligibility guidelines (3):

- § The "working poor" need to be viewed more flexibly within the eligibility scale. There are many who aren't poor enough to be eligible for your services, but are too poor to be able to pay for representation.
- § Change the coverage guidelines to make it easier to qualify for legal aid. Someone applying for Legal Aid is doing so because they need specialized assistance resolving a legal issue. Expecting someone to enter into the legal system unrepresented or unrepresented is a violation of their rights. (Interior)
- § Increased and accessible services.

Increased access to advocates, legal professionals (5):

- § People really just need an advocate working on their behalf. Even a paralegal would help a lot.
- § Advocates who can provide emotional support and information.
- § In general, there have to be more broad based parameters for paralegals. The money that is supposed to be going into legal aid should actually be going into it.
- § **We need to have more advocates or outreach workers to help low income people find legal information and to help them fill out papers.**
- § Expand the accessibility of legal aid to be similar to the accessibility of medical services, or other essential public and health-related services. For each courthouse, have a First Nations legal aid advocate present to assist clients with who to talk to, and how to read the complex forms. (Northern Interior)

Sharing/coordinating services and information between organizations (4):

- § It would be great if priorities are set for services, how services are to be offered, and to establish eligibility. More legal education and information will be helpful for the support workers or advocates.
- § It would be nice if we had a published guide for unrepresented people. Sometimes, Self Counsel Press donates materials to us.
- § **There is a need for closer coordination between LSS and other similar organizations so we can identify resources and make transparency in the services a priority.**

The public could use an inventory of pro bono services, and it doesn't necessarily have to be on a website. There would be administrative issues with maintenance, I suppose.

- § **[Develop] a provincial database of Pro Bono and legal aid resources** to define who people are and what they do. For example, what is the difference between Dial-a-Law and Lawyer Referral? Just getting the information allows people to rationalize where money needs to go. Most lawyers do some sort of legal aid, whether they admit it or not.

Improved communications from LSS (3):

- § Community Awareness, such as posters and education for frontline agencies that deal with the targeted audience on a regular basis. Regular updates on policies, procedures, and eligibility requirements to these agencies that already have established relationships with the clients. (Vancouver Island)
- § Awareness/education on legal services to people.
- § More information on how clients can access legal aid.

Training for participants in the justice system (2):

- § Judges need a workshop about how to deal sensitively with women who claim they have been abused. For example, when a man is charged with a criminal offence against a woman (usually assault), judges often make reference to the family matter that is going on between the parties at the same time. It's irrelevant to the criminal matter. Often, these parties will have to face each other in family court on the same day as they have had to face each other in criminal court. It's traumatic for self-represented women. Judges also need to be more aware of the impact of their judgements on the community. Actually, this would be good for the Crown and the legal profession in general.
- § **There are more mental health issues now. Lawyers find this challenging because a lot of them don't have the training to deal with the issues. It's difficult to separate the emotional and counselling issues from the legal issues. Lawyers need to know who to refer clients to in the community (agencies) and they need help establishing client expectations while still providing support.** (Lower Mainland)

iii. How could those changes be implemented efficiently and effectively?

The most common suggestion for efficient and effective implementation was to pay lawyers more for an increased level of service. This echoes the sentiment expressed in previous questions that funding and delivery of in-person representation of clients will make the most difference to organizations and their clients.

By improving the quality of services provided by tariff lawyers (7):

- § Lawyers, most of them, would work for the Province, with a cap on their income. (Interior)
- § **By employing more lawyers, providing them with more hours of work, and making them accountable for the services they provide.** By using professional interpreters and hiring people of diverse cultural groups that reflect the diversity in society. (Interior)
- § **More funds and more rules should imply better services.** Lawyers should be bound to providing fair services for clients. (Northern Interior)
- § More money could encourage more lawyers to take legal aid clients. (3)
- § Web cam recorders to provide summary advice to people in remote areas. The Salvation Army is doing this. It could be run out of a controlled facility. Summary advice clinics are no substitute for a proper legal aid system, though. There is an abundance of lawyers in large centres who could serve people in outlying areas.
- § Safety plans incorporated into how lawyers deliver services.
- § I would suggest that what makes systems and services work are the people within them. When 'form follows function', and the form of the systems follow informed, guiding principles (for example, informed about the complex issues surrounding family violence in rural and remote communities), then there is a match between individuals and systems.

By improving local services in rural areas (5):

- § An obvious place where low income people can go to get legal services (**less regionalized/more accessible**). (Interior)
- § Equitable distribution of resources - ensure each community is covered. Fund local initiatives, better compensation for local directors, and a higher tariff rate.
- § Consider each community on an individual basis of their needs.
- § **These changes should be through the current area director offices**, welfare, advocates, MLA, and court houses, so that eligibility requirements will be lifted and they will be able to serve those who have a fixed income due to welfare, senior citizens, people who earn a low income, and others.

By improving the relationship between LSS, tariff lawyers, and advocacy organizations (6):

- § Arrangements could be made to attach lawyers to host agencies and allow the staff of those agencies to directly access these lawyers on behalf of their clients on straightforward matters. In more serious or complicated matters, the agency should refer the client to this lawyer for further action. To make this possible, it would need to be funded by LSS. Each referral decision should be made on a case-by-case basis. The workload of the receiving lawyer could be reduced if the client, lawyer, and host agency partnered to provide documentation and other relevant information requested by the lawyer to assist with the case. In matters where the lawyer attached to the agency lacks appropriate expertise or experience in a particular area of law that affects the client, a protocol and consultation network should be developed to allow lawyers to borrow and share their knowledge on behalf of specific clients.
- § Provincial government funding to community organizations for advocates and for lawyers to supervise those services. (Interior)
- § More respect for "just a legal aid lawyer."
- § There should be front end screening. [Clients could] see Duty Counsel or some other screener first to discuss the situation, and then on their recommendation receive legal aid.
- § People available to help fill out affidavits and other legal papers. (Northern Interior)
- § Paralegals/advocates were excellent – especially in the areas of welfare and landlord/tenant issues.

By implementing a communication strategy aimed at organizations and the public (5):

- § Changes based on needs determined by front-line workers.
- § Criteria for eligibility being very clear.

- § **A thorough needs assessment should be done in various communities that might feel need of these services. Promotional matters and proper marketing strategies should be used as well.**
- § Public Discussions on "Why" should tax payers/government be putting more money into this program? Statistics could be understated over the last few years in the drop in demand for legal aid and this is only attributed to the issue test. Many people are being turned away due to not meeting the issue test but meet the income test.
- § Reach out to people who really need the services and those who have language issues.

Other (7):

- § Vote NDP?
- § By understanding diversity and multiculturalism.
- § Have a better screening process for the eligibility requirements.
- § Increase funding.
- § Provide sustainable funding.
- § Perhaps adopting a system where clients who are able to contribute to legal costs do so according to their means. This may make the system more accessible to the working poor.
- § The Legal Services Society is very skilled at surviving on limited resources; I would trust their demonstrated ingeniousness to implement universal processes for improving legal services for low income people throughout the province. (Northern Interior)

iv. Please describe any obstacles that LSS might face in implementing improvements.

The ability to secure sustainable funding is vital to most of the improvements suggested throughout the survey. It is also the biggest obstacle that might face LSS. Other obstacles related to demographic patterns and the difficulty recruiting tariff lawyers.

Funding (13):

- § **Funding (5)**
- § It always comes down to money and how much the government of the day supports it.
- § Getting funding from the provincial government.
- § Need funds – need to be able to show government funds are needed.
- § Funding - access to fair and timely justice is a civic right of Canadian society. Therefore, funding must follow these civic values.

- § Budgetary issues, I assume.
- § Commitment by funding sources to the principle of access to services.
- § Money is always an obstacle for low income earners.
- § Financial difficulties.

Government agenda (5):

- § Encouraging the government to understand fully the devastating impact that a lack of legal aid has on women's lives.
- § I think LSS does great work; there is obviously just funding issues at the moment. I hope to see this issue resolved in the future so that more families are able to access your services. I am relatively new to the field, so I have not had the opportunity to refer many clients your way, but I am sure that when I do need to, they will be in good hands. (Victoria)
- § **The government will to implement changes and/or restore advocacy or increase family law coverage.**
- § The Liberal government.
- § Lack of political will.

Recruiting tariff lawyers (3):

- § Getting more decent lawyers that will work with low income clients. (Vancouver)
- § Choosing lawyers willing to work within this initiative where there would likely be little financial incentive. (Northern Interior)
- § Financial constraints, number of lawyers available to serve everyone.

Other (6):

- § Selecting the appropriate host agencies willing to support clients and lawyers in addition to their current workloads.
- § Some people want a lawyer to "represent" them and are not willing to do some of the work themselves – or are not capable.
- § **LSS may not be the best vehicle to implement improvements. Many communities have well-established organizations with good connections with individuals in need and with other organizations, without the large bureaucratic structure.** (Interior)
- § **Geographical barriers. Cultural barriers.** (Northern Interior)
- § Multiple language barriers could be a major obstacle. Increase in the overall personnel within the LSS administration as well as the need for more staff that are efficient in different ethnic languages.

§ People taking advantage of the assistance.

None:

§ In our community I cannot see any resistance to enhancing legal services. We're desperate! (Okanagan)

v. Which services or systems are working well?

Duty counsel for both family and criminal law are well received. This may be due to the limited services provided by tariff lawyers to private clients as indicated in other tariff review surveys.

In-person services seem to work better than online or print publications. Appreciation of Law Line was also expressed, with the caveat of the complaints listed in Section II, Q. ii. Resources such as the websites and publications are useful to advocates who then use them to counsel clients.

Family law:

- § The Lawyer Referral 1-800 number gets good feedback, from clients that can afford to pay \$10 for half an hour of service. And the Family Law Duty Counsel also gets good feedback. (Lower Mainland)
- § In regards to family law issues and the pilot projects launched by LSS, I think they're just trying to make the best of the situation.
- § Family Justice Centre. (Okanagan)
- § Family Justice Centres. (Vancouver Island)
- § Parenting After Separation. (Vancouver Island)
- § Duty Counsel. (Family – Lower Mainland)
- § Locally, the family court Duty Counsel is the only service available and it does seem to be providing a good service. (Sunshine Coast)
- § Duty Counsel. (Vancouver Island)
- § LSS has very useful services for women, such as family Duty Counsel and the Law Link, just to name a few.

Criminal law:

- § I find that the courts system works well for the most part. Parole and probation services work well. Most of the difficulties that I run into are related to the Provincial jails where clients are cut off cigarettes cold turkey, while the guards that supervise them go for a smoke break every two hours.
- § Provision for legal aid for criminal cases, restraining orders, MCFD cases. (Vancouver Island)

§ Criminal legal aid system is working well. (Lower Mainland)

General:

In-person services:

- § **The Legal information outreach worker** in Kelowna seems to provide a strong service; however, it is too far away to benefit our clients.
- § The services provided by **LSS at the courthouse** in Kamloops are very beneficial for the clients as they find out which free services they can get.
- § **The Legal Services Outreach Worker** (Sherry) provides great service to clients. (Interior)
- § The **Pro Bono Program** works well when all participants work together for the betterment of those we serve and the communities as a whole. (Port Alberni)
- § **Duty Counsel** program.
- § **Duty Counsel** is working well with the limited scope they have.
- § There is a general consensus that **family and criminal Duty Counsel** are working well! (Abbotsford)
- § The **Supreme Court Duty Counsel** should be expanded.

Publications, online resources, Law Line:

- § **Web services are working well for advocates.** All advocate services should be attending the workshops presented by LSS.
- § We refer clients to the Law Line but do not get feedback from them about the response.
- § The information on **Law Link** is working well. (2)
- § **Law Link and Law Line are brilliant!** This greatly assists when working with unrepresented litigants or those who are working under the supervision of a lawyer and completing certain tasks themselves.
- § Various publication materials, Law Link computers, and the direct telephone link.
- § Legal information publications are excellent and used widely.

Other:

- § LSS is making a real effort to get information available for organizations like ours to help clients.
- § The creation of **web resources such as Law Link and Family Law** websites are very helpful. Also, the **addition of outreach workers and the family Duty Counsel project** has been very helpful to our clients. These resources are accessible and informative.

- § They're **doing the best job possible considering the cuts from the government**. They seem to be trying to find creative ways to deliver legal services.
- § In spite of all the budget and services reduction in the past four years, the **staff still seems committed to making positive changes to benefit people** who face legal challenges in their lives, and do so without the appropriate resources to effectively navigate the legal system. Each time a disadvantaged person successfully defends their rights, they protect ours too.
- § We can find people in court who do their best to make the processes as easy as possible. **People are working harder to cover more bases in less time and with fewer resources**. I know people who work at LSS are as committed as we are to providing services – **the issue relates to funding**.
- § Once a person is approved for legal aid, I haven't heard of problems. (Interior)
- § Access to the application process and determining eligibility is very good for those who fall within the LSS guidelines and restrictions. **Once accepted, the quality of services received is generally very good**. (Victoria).
- § In response to all three questions above: **I believe meaningful, tangible, real improvement can only be achieved by a bigger monetary investment by government**. Any other minor improvements LSS could achieve without additional funding would be like putting a mere cosmetic band aid on a gaping, infected wound that the cutbacks have inflicted on our justice system in BC.
- § The income threshold test is working as it is way above the rates for a single person on welfare, so certainly those clients who are on welfare meet part of the eligibility test but more than likely do not qualify on the issue test. The **workshops and training opportunities are positive components for advocates**, and connecting with others to share their stories and triumphs. (Vancouver Island)
- § **Current system of community advocates with connections to PovNet, PIAC, and CLAS**. This system needs to be expanded. TRAC and Law Line are good resources too. (Interior)
- § The local **Legal Intake Office** is working well. (Lower Mainland)

Complaints(3):

- § The waiting time for Law Line is too long. Our clients don't have the capacity to articulate problems and they can't stay on the free phone for too long. Many don't have phones of their own.
- § Law Line/Law Link have been helpful in some ways, but there are many things that are difficult for people to accomplish and understand. (Northern Interior)
- § Scrap Law Link.

Section IV – Further Comments

Do you have any further comments about the legal aid system or the Legal Services Society of B.C.?

From Abbotsford Community Legal Services:

- § Other programs at Community Services were able to access our Community Law Office prior to the cuts – that is no longer possible. That has been a huge loss to our organizations. Programs affected include:
- Seniors program
 - New Beginnings Program (the parent program)
 - Best for Babies
 - Family Outreach
 - Specialized Victims Services
 - Food Bank
 - Multicultural and Resettlement Program

These programs all referred clients to the Community Law Office, especially in the area of family and poverty law. There is virtually no service left. The CLO staff also did public legal education for programs, and were able to provide legal information and advice to staff on client issues.

This has been a huge loss to our organization, for our community, and to low income people.

How the cuts to family law affect women (4):

- § One worker said: My main theme was that funding of family law lawyers needs to be reinstated because many women are going through family court without a clue and are agreeing to orders through family court that they don't understand. Also, the family duty lawyers change weekly and often offer different opinions regarding their case, which then becomes more confusing.
- § Imagine living on a tiny fixed income and you are facing a custody battle and have to deal with a deadbeat partner who is not paying a cent to help care for your children. Now imagine having to do that all by yourself or with some help but no lawyer.

I apologize for my terse answers to your questions. I don't know how helpful they will be, but I had to be frank and speak plainly, I guess. Good luck with your study.

- § Bottom line is the current system. It's failing people, particularly women who have experienced abuse – the system re-victimizes them. Family law obstacles occupy a huge amount of time in counselling and victim services, distracting from the healing work we're meant to be doing with people. (Interior)
- § **You have to be realistic about what LSS can do with the funding they have.** The shortage in services to women and aboriginal family law services is huge. **If we could have all the services in one area, it would be good.** I work with real poverty and mental health issues – the network of services available needs to be tighter so that we can work together. (Vancouver)

Expansion of services to cover a wider range of legal problems (4):

- § There seems to be funding for criminal services only – not in any other areas of law.
- § When the level of funding matches the real need for British Columbians, the legal system and Legal Services of B.C. will be unparalleled in efficient, effective delivery of services for the huge numbers of people on low incomes.
- § I just feel there need to be changes so people are able to get legal aid for any legal problem they may be facing.
- § Please continue to strongly advocate for an increase in legal aid in all areas of law services that were cut (back) in recent years.

Problems in service delivery to rural areas (2):

- § Please be aware of communities such as ours who receive very little. Most of the low income people here cannot afford to travel to the city for access to services. Information over the Internet is useless unless there is free access to a computer and assistance is provided. (Sechelt)
- § Most of our service encompasses counsel and referral to appropriate lawyers. Currently we have two firms and about two lawyers who participate in a pro bono advice-only capacity. Essentially, unless people meet the specific criteria, they cannot access legal aid services and therefore must find a way to battle through on their own without proper assistance. We are also finding it difficult to attract more lawyers to help with pro bono services. (Vancouver Island).

Comments regarding government policy (2):

- § A democratic system only works if people are able to access it and express themselves within it. It is penny wise and pound foolish not to recognize this. There are generations who will be affected by the family law policies – more resources have to be poured into keeping families together and addressing the early signs of problems. Washington State has a close knit access-to-justice network that also involves the judiciary.
- § We don't want to give the impression that the existence of pro bono organizations and clinics should be an excuse for the government to avoid funding LSS – if anything, showing the number of people who fall through the cracks should be fuel to the fire to get more funding.

Other (2):

- § Thank you for acknowledging that there is a need for change. Also, for the workshops and multicultural issues that are being presented on a Provincial level and coming to small communities. (Dawson Creek)
- § LSS plays an important role in the justice system for a large group of people. I would expect that the majority of people going through the justice system are probably low income – I have no facts to back this up, but this is what I would suspect.

Natasha Chetty
Principal – Isis Communications
May 4, 2005

Appendix 3E — Legal education organizations consultation

(See following pages.)



**Legal
Services
Society**

British Columbia
<http://www.lss.bc.ca>

LSS Tariff Review

Consultation with Legal Education Organizations

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LSS Tariff Review Consultation with Educational Organizations

Executive Summary

Legal education organizations throughout British Columbia were consulted between December 2004 and February 2005 as a component of the LSS tariff review.

Project Objectives:

- § To consult with legal education leaders regarding their observations of the tariff;
- § To solicit feedback regarding past and current tariff policy within the context of the provincial and national justice systems;
- § To solicit feedback regarding how past and current tariff policy affects client service; and
- § To collect ideas on how to:
 - Retain senior tariff lawyers
 - Recruit new lawyers to the tariff
 - Construct the tariff to promote efficiency and good results
 - Effectively promote the objectives of LSS in cooperation with other key players in the BC justice system in order to best serve clients.

Feedback was solicited from representatives from the following organizations:

University of British Columbia Faculty of Law:

Renee Taylor, Director of the Clinical Program at the UBC First Nations Legal Clinic
Brian Higgins, Director of the Law Students Legal Advice Program (LSLAP)

University of Victoria Faculty of Law:

Professors Gerry Ferguson, Don Galloway, and Benjamin Berger
Professor Glenn Gallins – Director, Clinical Law Program – The Law Centre
Rose Shawlee – Law Student and Volunteer Coordinator, UVic Student's Legal Advice Clinic

Law Court's Education Society – Rick Craig, Executive Director

Law Society of British Columbia:

Lynn Burns – Deputy Director, Professional Legal Training Course (PLTC)
David Bilinsky – Practice Management Advisor

Continuing Legal Education Society of British Columbia (CLE):

Ron Friesen – Director of Education

Simon Fraser University – School of Criminology:

Professor Paul J. Brantingham

Pivot Legal Society – copy of letter sent by Cristen Gleason to MLA Joy MacPhail

Summary of Results:

Results categorized into the four parameters of the tariff review:

1. LSS should maintain tariffs that provide fair and reasonable compensation to enable lawyers to recover overhead costs and obtain an appropriate level of income.

All respondents agreed that raising the hourly tariff rate should be a high priority for LSS if it is feasible and sustainable within the budget.

2. LSS should maintain tariffs that reward lawyers for efficient service within the justice system to achieve effective results for LSS clients.

None of the respondents were certain what LSS meant when referring to promoting “good results” within the tariff bar. There was concern that policies promoting results-based compensation might encourage lawyers to cut corners and settle matters early. The respondents believe the tariff should provide compensation for as much advance preparation as possible (more than currently exists) to promote negotiation, to avoid unnecessary court time when and where feasible, and to provide better client representation.

The respondents agreed that philosophical differences between the tariff bar and the provincial Attorney General are perceived to be a barrier in recruiting and retaining lawyers. The traditional demographic of the tariff bar is opposed to the current policies of the A-G; they see LSS as being subject to those policies because of the funding and Board structure of the organization. Respondents reported that LSS needs to become more autonomous and self-sustaining if it aims to continue as a valued service for low income British Columbians.

3. LSS should maintain tariff management processes that promote efficient and effective allocation of resources without imposing undue administrative burdens on referral lawyers.

There was little feedback regarding administration, except to encourage LSS to improve communication of its policies with the tariff bar and to facilitate ease of administration for sole practitioners who have few administrative resources.

Some respondents suggested LSS should study the institutional responsibilities required of the tariff bar – it should help lawyers understand the unique aspects of representing legal aid clients within the justice system and enable them to respond to changes in policy and the law with agility.

4. LSS should actively engage other justice system participants in promoting changes that ensure efficiency and effectiveness in the tariff system and the larger justice system.

All respondents reported that LSS needs to improve communication with others in the justice system. For example, LSS tariff policy regarding immigration and aboriginal law is unclear to those interviewed who have specialized knowledge and administer legal education in these two areas.

Almost all respondents (with one exception) indicated that women and therefore children are being marginalized as a result of current family law policy. There was strong concern that case law is being shaped to negatively affect women and self-represented litigants. One respondent suggested that at some point, judicial intervention would be necessary to remedy the situation.

Suggested Recommendations for Action:

- § Raise the hourly tariff rate
- § Expand services and eligibility threshold for family law cases
- § Launch a public relations campaign to promote tariff work within the bar and to the public
- § Improve communication with the Attorney General of British Columbia to anticipate and negotiate changes to policy and funding. Tell the tariff bar what actions have been taken in this regard.
- § Improve communication with other justice system participants. For example, publish policy statements regarding aboriginal and poverty law services.
- § Identify the areas where trust has been broken in the relationship between tariff lawyers and LSS administration – how could LSS implement the tariff to repair trust? For example, the weak links in communication between the disbursements coordinator and lawyers in court who require on-the-spot approval of expenses might require the implementation of a two or three-hour phone back policy.
- § Anticipate changes in the way sole practitioners work. How can LSS innovate the tariff in response to a felt need in service delivery?

Summary of feedback and suggested policy recommendations:

Government policy and the tariff bar:

If the provincial Liberal government is re-elected in May 2005 without specific promises or actions to evolve tariff policy for improved and efficient services (according to what LSS administration deems necessary), the attrition rate in the tariff bar will continue to grow.

The tariff bar is resentful that LSS is subject to the policies of the provincial government. It does not see the Board as autonomous. It does not perceive tariff work as valued work by society, by peers, or by the government. As the reputation of legal aid work deteriorates, lawyers will become increasingly frustrated and less inclined to fight for the independent legal aid system they feel British Columbians need.

Practical solutions to addressing government policy might include instituting changes within LSS' control and within the current budget, or to find new revenue streams by

innovating services provided by the tariff bar to legal aid clients. (E.g., reinstating a regulated and audited client contribution mechanism or methods to alleviate the financial strain on lawyers who must invest uncompensated time/disbursements to properly serve clients under LSS and LSBC parameters).

Senior lawyers:

Several threats to retaining senior tariff lawyers were identified:

- § Volunteer service to pro bono clinics that requires little to no administration time and the provision of advice-only services.
- § Services provided by community/advocacy groups that might have been performed by lawyers, LIOW's, or LSS paralegals before the funding cutbacks in 2001. These are quasi-legal services such as helping clients fill out immigration applications, court forms, etc.
- § Private retainer arrangements with clients who would have qualified for legal aid before 2001. Much of this work is done pro bono, but is not reported.
- § Escalating office overhead costs such as rent, tax, and administration.
- § Increasing court appearances required to properly represent criminal and family legal aid clients.
- § Increasing numbers of self-represented litigants opposing legal aid clients, which requires tariff lawyers to spend more time spent in court.
- § Limited time for lawyers to uncover the roots of family problems to get a sense of what the disputes are really about (preparation) and to find the middle ground (negotiation).
- § Unclear parameters and uncertain funding for pilot projects when lawyers are not compensated for the time required to apply for funding. Lawyers would like to know that funding is sustainable before they enter into the administrative process. They would also like to know the results of previous pilot projects.
- § Uncertainty regarding the lobbying process for increased funding to LSS.
- § Uncertainty of community based services that could help lawyers handle legal aid matters (e.g. stable non-profit counselling services).

New lawyers:

None of the interviewees had any statistical information regarding the influence of practice management pressures or career aspirations on the interest of new lawyers in legal aid work. Suggested ideas:

- § Write an update for the family, criminal, and immigration PLTC materials. There is currently one paragraph on criminal legal aid in the materials.
- § Attend or host an information session for third year law students or those who volunteer at the law students legal advice clinics or student law centres.

Executive Summary

- § Re-write promotional materials for young lawyers to join the tariff bar and distribute through CBA, TLA, BC Mediator Roster Society, or online.
- § Host an annual new tariff lawyer training session instructed by senior lawyers.
- § Arranging contracts with suburban firms for articling students/new lawyers to accept a certain number of cases per year.
- § Speaking with urban bar associations (Vancouver, Kelowna, Victoria) in addition to CBA subsections.

Promoting efficiency within the justice system:

There was strong agreement that LSS should develop proactive policies to enhance efficiency within the justice system:

- § Greater efficiency would be achieved if legal aid lawyers were involved earlier in client matters.
- § Effective use of community agencies – the establishment of a referral network to stable advocacy and client support programs. This would include the development of a central database of places and clinics where relationships have been established with LSS (beyond the red book listing of agencies in the Lower Mainland).
- § Continued development of PLEI and distribution of materials to pro bono clinics throughout the province.
- § Annual or bi-annual forums for those involved in delivery of legal advice and services to low income British Columbians. Agencies would include pro bono clinics, non-profits, LSLAP, CBA, PLTC, Law Courts Ed, the MCFD, and the A-G. Highlight current issues such as mental health, changing coverage parameters, and trends in practice areas.

Natasha Chetty
Principal – Isis Communications
March 8, 2005

LSS Tariff Review – Phase II

Consultation with Legal Educational Organizations

Questionnaire

The purpose of the consultation with educational organizations is to solicit perceptions and feedback regarding the impact of the current tariff structure on the administration of justice in British Columbia, and especially upon low income people in the province.

Interview questions directly relate to the four recommendations made to the LSS Board in Phase 1 of the tariff review:

- 1. LSS should maintain tariffs that provide fair and reasonable compensation to enable lawyers to recover overhead costs and obtain an appropriate level of income.*
- 2. LSS should maintain tariffs that reward lawyers for efficient service within the justice system to achieve effective results for LSS clients.*
- 3. LSS should maintain tariff management processes that promote efficient and effective allocation of resources without imposing undue administrative burdens on referral lawyers.*
- 4. LSS should actively engage other justice system participants in promoting changes that ensure efficiency and effectiveness in the tariff system and the larger justice system.*

A. Questions for all participants:

1. What is your perception of the impact of the current tariff structure on low income people in British Columbia?

- i. What are the systemic problems?
- ii. What changes are required?
- iii. How could LSS implement those changes cost-effectively?
- iii. What obstacles might LSS face in implementing those changes?

2. What is your perception of the impact of the current tariff structure on the justice system in British Columbia?

- i. What are the systemic problems?
- ii. What changes are required to remedy the problems?
- iii. How could LSS implement those changes cost-effectively?
- iv. What obstacles might LSS face in implementing those changes?

3. What general trends have you observed in the justice system (all components that comprise the justice system)?

- i. How do they impact legal aid clients?

4. How could LSS become more efficient and effective at its role within the justice system?

B. Additional questions for legal education organizations:

Audience: *CLE, PLTC, UBC Law, UVic Law, UBC Law*

4. How could LSS promote legal aid work to new lawyers?
The number of new lawyers accepting legal aid work has declined substantially in the past five years.
5. How could LSS prevent attrition of the current tariff bar?
The number of lawyers accepting legal aid work has declined by over 1/3 in the past five years.
6. Do you have any feedback regarding how LSS could structure the tariff to compensate lawyers for efficiency and good results? (i.e., a change in the tariff structure or rate.)
7. Additional comments:

C. Additional questions for education/advocacy groups:

4. Have you noticed trends in how low income people deal with their lawyers (and vice-versa)?
5. Do you perceive any imbalances between legal aid representation and private representation?
6. How does LSS administration and tariff structure impact upon your organization and what is the effect upon the administration of justice?

Natasha Chetty
Isis Communications
December 15, 2004

Interview Data:

Interviews 1 and 2 – University of British Columbia Faculty of Law

Interview 1 - Renee Taylor, UBC Faculty of Law & Director, Clinical Program

First Nations Legal Clinic, Vancouver
Date: January 26th, 2005

About the First Nations Legal Clinic:

- § Second and third-year law students are articulated to the clinic for 1 school term.
- § All files stay open until completed, but the students who work on them are always changing.
- § The clinic is not affiliated with LSLAP (the Law Students Legal Advice Program).

- § We only serve aboriginal clients.
- § Matters are covered all the way to trial if necessary.
- § Criminal files take precedence over any other practice area. They will handle a matter as long as the Crown isn't seeking jail.
- § The clinic cannot serve clients with civil matters that would cost over \$10,000 in legal fees to a private lawyer.
- § The clinic covers clients throughout the Lower Mainland.

Section A – 1. What has been the impact of the current tariff structure on low income people in British Columbia?

- § It's been tremendous. Until three years ago, the First Nations Legal Clinic was associated with LSS, but when the cutbacks were announced, the Aboriginal Law Centre was closed.
- § The current tariff impacts clients in two major ways:
 1. Lost resources and funding from LSS meant the centre had to find a new home and to serve more people not covered by legal aid; and
 2. The number of clients served by the clinic has risen astronomically because now people cannot get summary advice.
- § If anyone at LSS wants to test their own practice they should compare the data from 1969 to the current numbers. The need has not changed, but the levels of funding have dropped.
- § There are huge discrimination and employment issues that aren't dealt with anymore in the tariff. 15% - 20% of our clients deal with these issues.

ii) What changes are required to remedy the problems?

- § There is something obscene about a situation where crimes like the Air India tragedy are in the public trough – these matters shouldn't be covered at the expense of the average person.
- § Specialized aboriginal youth and child family law centre is required.
- § LSS needs a centrally located resource of teams to help with residential tenancy, poverty, and employment law experts who can answer calls from lawyers in the field.
- § We need information on housing law – Bruno Drucker at LSS was a big help to us when he was there.
- § The internal loss of in-house experts at LSS, such as the poverty law team, is a huge blow to the legal community.

- § We miss PovNet. There is a lot of information that was passed between people in an economic and efficient manner.

iii) How could LSS implement those changes cost-effectively?

- § By enhancing and bolstering existing services.

iv) What obstacles might LSS face in implementing these changes?

- § There is A LOT of cynicism in the bar. LSS needs a major public image makeover of some kind.
- § There has been a distancing of the LSS board from government because now they're at the whim of government policy instead of being able to respond to practical considerations. The Board should be reflective of society – it shouldn't consist of political hacks.

3. What general trends have you observed in the justice system (all components that comprise the justice system)?

- § There are major problems coordinating information with Income Assistance, especially in matters that involve loss of employment.
- § Discrimination is as alive as it's always been. There aren't enough human rights challenges being made.
- § There's a real way in which poverty is being criminalized – for example, the safe streets legislation – these laws didn't work in Ontario and they won't work here. The squeegee kids will only qualify for LSLAP because there is no likelihood of incarceration.
- § There is no funding for summary advice, especially with family law problems. LSS could save a tonne of money, especially in child apprehensions, if more time and advice was invested at the beginning of the matter.
- § It's negative. A fundamental issue in justice is access to justice. It's no good to have rights if you can't exercise them.
- § Getting rid of native programs was a mistake.

Section B – 4. How could LSS promote legal aid work to new lawyers?

- § Why would a new lawyer want to work on the tariff? It takes at least four days to prepare properly and you only get paid to do 2 hours worth of work.

6. Do you have any feedback regarding how LSS could structure the tariff to compensate lawyers for efficiency and good results?

- § Lawyers have to be paid a reasonable amount of money. It doesn't have to be exorbitant, just reasonable. I'm lucky because my assistant is paid for by the Native Courtworkers Association.

Section C - How does LSS administration and tariff structure impact upon your organization? What is the ultimate affect on the administration of justice?

- § The clinic helps between 1200 – 1500 people per year. This is less than half of the demonstrated need – we could serve far more people if we had the funding to do so.
- § The clinic has a limited mandate because we work with those who are ineligible for legal aid and yet cannot afford a lawyer.
- § LSS needs a specialized team in Aboriginal Family Law. Women are being shoved off reserves – the whole system is messed up.

7. Additional comments about the current legal aid system:

- § It's obscene. They have to check the numbers of aboriginal youth and adults in jail.
- § There are not enough Indian law graduates or graduates who specialize in Indian Law. Indians are predominantly poor.
- § We're not demonstrating a lot of compassion in society these days.
- § It would be useful to have a forum of all these organizations [who provide legal services to similar client groups] to talk about what resources are needed for aboriginal clients. The venue would have to be First Nations-friendly.

I have three requests for LSS:

- 1) The creation of specialized services for aboriginal clients with family law problems.
- 2) An upgrade of materials that the Native Law Centres provided before the cutbacks. We need help with the following:
 - § The PLEA and workshops need to be updated because laws have changed. The written and video materials need to be updated.
 - § Are the videos still available from the pubs department? We liked Window on the Process, For the Sake of Our Child, and Human Rights by Rights.
- 3) We used to receive funding from LSS for one summer student here at the clinic – it would be nice to have that funding once more.

-end-

Interview #2: Brian Higgins, Director, Law Students Legal Advice Program (LSLAP), UBC

Date: January 12, 2005

About the Law Students Legal Advice Program:

- § LSLAP is the largest legal aid organization in the province after LSS. We serve approximately 5,000 clients/year, whose criteria is based on gross income.
- § We are run entirely by volunteer students who staff 21 clinics throughout the Lower Mainland. The intake is done in the community. The Community Legal Assistance Society volunteers the secretary and supervising lawyer for each clinic.
- § The LSLAP program is administered by the Greater Vancouver Law Students Legal Advice Program. We have 5 Executive Members who are students.
- § We "bump shoulders" with LSS, but have no direct dealings with the organization.

We do not:

- § Go to BC Supreme Court and therefore cannot give clients advice on BCSC matters.
- § Conduct any family law or solicitors work other than estates, wills, and incorporations of non-profits.

We do:

- § Criminal defence work for first time offenders, employment insurance appeals, welfare appeals, WCB appeals, Residential Tenancy Act appeals, small claims appeals, and Canada Pension Plan appeals.
- § We set approximately 300 criminal trial dates per year.

Section A – 1. What is your perception of the impact of the current tariff structure on low income people in British Columbia?

- § When the cutbacks happened in 2001, we braced ourselves for the onslaught of referrals as a result, but it never happened. In fact, our numbers reduced slightly (from 5300 – 4600 clients). We learned that we were by no means as well known as we thought we were. Our number one referrer was the Native Community Law Offices, which were closed throughout the cutback process. We have since been working on public relations for our organization.

2. What is your perception of the impact of the current tariff structure on the justice system in British Columbia?

- § Family is the number one area of concern with the public. We do continue to get numerous calls for help in family matters. The demand is apparently not being satisfied. We decided not to do family law in March 2000 – we were never really proficient at it – the courts had issues with students dealing with custody. Family law was too complicated for us to deal with because it requires a lot of micromanagement on behalf of the client.
- § The professionalism of the defence lawyers suffers when the volume of work they need to cover in order to make a living is so high that it leads to shortcomings and deficiencies in legal service.

- § Court time is wasted where a case that should be plead goes to trial so that the lawyer can make more money on the tariff.
- § There are times when defence counsel doesn't even know the accused's name at sentencing – what does that tell you about professionalism in the tariff bar?
- § The criminal defence bar is getting weaker every year because criminal lawyers find it impossible to make a living. This affects jurisprudence development in the court because there aren't enough good lawyers purporting the rights of the accused.

3. What general trends have you observed in the justice system?

- § The Proceeds of Crime legislation has made it difficult for a young lawyer to make a living in criminal law and therefore the law suffers.
- § The vast majority of people can't afford a lawyer.

Section B – 4. How could LSS promote legal aid work to new lawyers?

- § LSS is a great training ground for litigators.
- § Could LSS promote the tariff work to suburban litigators? When I started, I promised to take on one family case per month.
- § Are the young practitioners even being identified at LSS? New lawyers that might want to do criminal law are discouraged because they:
 - a) have to pay off loans and feel they could never do this unless they work at a downtown firm; and
 - b) there aren't that many criminal lawyers who accept articling students.
- § LSS needs to talk to 3rd year students. LSS could develop an incentive for criminal lawyers to take articling students.
- § If I was going to keep a good articling student, I would get him or her involved in taking legal aid files because there is no better training ground. Large firms don't do this anymore and I don't know why.

5. How could LSS prevent attrition of the current tariff bar?

- § Until people understand that how much one receives is based on how much one gives, there will be a lack of understanding of the legal aid system.
- § Brain waste is always counter-productive to society – this is called shrinkage and atrophy – this is what's happening to the tariff bar.
- § At one point, we [tariff lawyers] could return a referral form if we established that someone could afford a lawyer, but eventually this practice became verboten and I don't know why.

Section C - Additional comments:

- § LSS contributed (at one time) to a dynamic defence bar because it allowed people to develop their trial and advocacy skills.

- end -

Interviews 3, 4 & 5: University of Victoria Faculty of Law

Interview #3: Professors Donald Galloway, Gerry Ferguson and Benjamin Berger – University of Victoria, Faculty of Law

Date: January 28th, 2005

The interview took the form of a roundtable discussion on the current state of legal aid:

DG:

- § The current tariff structure for refugee and immigration services is so bad that, in Victoria at least, there has been a crisis. People don't know there is no money for legal aid in immigration and refugee matters.
- § The Federal-Provincial funding issue must be settled. The system can't go on with money dribbling in.
- § 8-10 hours is completely insufficient for preparation of immigration cases - the number of hours required for getting a story out of a client for adequate representation to the IRB is much more than what is allowed.
- § The Province says it's the Federal government's fault and vice-versa. We know that dance.

GF:

- § The bar has always claimed they were told PST would be directed into LSS, but it goes into General Revenue. If the PST were specifically designated to LSS and combined with the Federal funds, the LSS budget would be two times what is currently is. The amount of the pot is critical to the quality of services that people receive. The budget has decreased, but the complexity of cases and the cost of running a business have increased. It isn't just a plain political issue; it's a systemic problem.
- § There has been an endless debate as to whether or not the system would be more efficient with a staff model. The evidence is not clear one way or another. It always comes down to money and a quality review of the system. I'm concerned that staff systems become ghettoized over time – they deal with more and more work – the worst model is the U.S. Public Defender system with third class lawyers. At least the private bar is independent enough to protest; staff lawyers can't criticize their boss. An independent staff system would be okay.
- § The Board at LSS makes it clear the government is not going to let LSS be autonomous.

- § I would think the current staff at LSS must be frustrated.
- § I'm on the LSBC Equity Committee. The Aboriginal Law Centres were shut down. Clients who need help in areas such as social welfare were poorly represented even before the cutbacks, but now it's worse. The smaller aboriginal communities in B.C. are severely underrepresented.

BB

- § Funds are disproportionately allocated to men with criminal law matters and women suffering from poverty.
- § There is a grossly inadequate allocation of funding towards women in B.C. This is not at all a pitch for less funding for men, but there are inequities for immigration and equality in the legal system vis-à-vis women.
- § When you look at what is going on in the courts, it is short sighted to underfund women and immigration because there will be a disservice to jurisprudence. Eventually, the courts will impose an obligation to have LSS funding for non-criminal matters if the provincial government won't do so.

GF:

- § There is too much money going to defend men who have committed crimes, and not enough funding towards women with social service-related matters. The pie will always be too small.

BB:

- § The government-decided pie will always be too small, but one imposed by the court will force proper funding.

DG:

- § I'm a joint author of a report that was written two years ago regarding amounts of representation needed for refugees and immigrants. It's just been published. We found that those who are in charge of making decisions in this field among stakeholders feel that there is a huge difference in quality between underfunded and well funded representation. (See Appendix 1.)
- § We may be in a position of making changes with the Safe Third Country Agreement with the U.S. and the numbers of refugee claimants will fall dramatically. CIC and the IRB have projections about the number affected. This information will be critical to determine how much of the pie should go to this field. The numbers will be smaller and known, and therefore there should be no more excuses about not knowing what to fund because they'll know and project what is needed.
- § The people at the immigration clinic on Robson St. were fabulous because they were able to prepare the case. If you have a clinic, you solve more than one problem at a time – there are no artificial distinctions between what is and is not covered or funded. I got the feeling the private bar was a bit jealous of the lawyers at the clinic.

- § At many levels for LSS, the poor would be well served by having more staff lawyers and a hybrid model tariff.
- § All the NGO's soldiered on when the cutbacks came. LSS should talk to NGO's who do representation that the tariff no longer covers (e.g., Mary Anne Van Der Meij at VIRCS in Victoria, which is a settlement society that has been forced to prepare immigration applications as a result of the cutbacks). Another person to talk to is Christine Davidson at MOSAIC. MOSAIC is coming up with quasi-legal publications. This is shocking! There's something crazy about that. It would also be good to talk to the Vancouver Association for Survivors of Torture.
- § Two years ago, the question of where the funding was needed was still being asked – the sooner the lawyer intervened, we could circumvent a lot of misunderstandings and expense could be saved.

-end

Interview #4: Glenn Gallins, Director – The Law Centre, Victoria, BC, and Professor of Law, University of Victoria

Date: January 28th, 2005

About the Law Centre:

- § Major funding of the Law Centre is provided by the Law Foundation. It is a service of the University of Victoria Faculty of Law.
- § The Centre provides advice, assistance, and representation to clients who cannot afford a lawyer while providing law students with clinical education.
- § Students help clients with legal problems in the following areas: criminal law, family law, human rights law, and civil disputes (including employment, pension, landlord and tenant, and welfare disputes).
- § The Centre also provides public legal education workshops and information sessions.

Section A - 1. What is your perception of the impact of the current tariff structure on low income British Columbians?

Family law:

- § Regarding the tariff, it's abysmal in the family law area. There was a report done to discover alternative ways to deal with family law issues to fill the gap left by legal aid – the conclusion was that nothing could come close to the old system. Advocacy groups can provide emotional support, but the difficulties in accessing justice and the courts are overwhelming. For example, students help clients fill out financial statements, but even they have trouble deciphering the forms.
- § The family law website is not accessible to our client group – there are too many issues with literacy and access to technology. It also requires too many clicks through to get at information – people are looking at this information in libraries, when they

only have 30 minutes on a computer and very limited resources to be printing off information from several pages.

- § All family issues should be forced down to BC Provincial Court, where everything can be dealt with viva voce. The forms are so intimidating for clients.
- § In the family area, lawyers can't afford to do family law. They often drop the case or do it pro bono. 8 hours is just not enough time to properly help a client.
- § We need counsel for custody matters and access issues if we're going to keep BCSC involved. What happened to the Unified Family Court?

Criminal:

- § In making a determination about eligibility for persons charged with criminal offences, the Crown has to determine whether jail time will be sought at the initial sentencing position (ISP). LSS doesn't necessarily have to make this the criteria. Sometimes, if the Crown wants to be kind, they'll recommend jail so that the accused can qualify for funding.
- § A lot of unrepresented people give up and take a plea. In the old days, we looked at the entire circumstances to determine eligibility – a person's record, the nature of the client – more than just the ISP.

Section B - Communication between LSS and the bar/other organizations:

- § Legal aid used to be the way for a lawyer to get started on a career. It's not this way anymore. Lawyers must feel awful about this.
- § I think we are at the lowest point for poverty-related legal services.
- § A big issue is the way that LSS communicates what is going on. For example, when the Law Centre moved, they sent out a notice saying that we had shut down.
- § LSS is terrible at public relations. For example, when they say "there have been changes to the immigration tariff", most people think that it has been eliminated altogether or that funds are not available (when the changes might not even have anything to do with funding).
- § I am skeptical about the Public Legal Education initiatives from LSS. People don't know about them. Why do they have a publications department?
- § LSS needs help with communications because there are wait times and lost calls. They lose 20% of calls into Law Line. That can't be good. And people should not be put on hold for 20 minutes.

Section C - How does the current tariff system affect your organization?

- § I was happy with the set up we had before the cutbacks.
- § We do a lot of legal work at the Law Centre.

About the relationship between LSS and the government (funding)

- § The funding is always on the verge of being cut or not being there at all. It's precarious. It's clearly a decision of government not to value access to justice.
- § The LSS annual budget would run the health care budget for approximately 10 minutes. There just aren't any funds for access to justice.
- § They expanded the Attorney General's staff at the expense of LSS.

General comments about LSS Administration:

- § At the time of the cutbacks [in 2001], LSS refused to continue their partnership with the Law Centre. The synergy between our two organizations was lost.
- § LSS tends to always answer "no" when asked for an exception review. Yet, they keep telling the bar that extra funding is available for special cases. What gives?
- § We need some way to deal with systemic issues. For example, there should be a practical way to help people prepare documents.
- § We have one staff person and three lawyers – it doesn't make any sense for LSS and us to be in separate offices (and why is LSS in such an expensive building in Victoria?). To take what worked well for 20 years and decide to have expensive cookie cutter offices seems to be stupid. LSS should reflect a wise spending pattern.
- § The staff who remained at LSS [after the cutbacks] has been thwarted because they're now only able to make decisions about eligibility. This is dumb. These people are highly knowledgeable and have a lot of skills. We used to work together completely.
- § The Law Foundation used to bring the advocacy groups together to discuss agendas, but now it's all about data collection and filling out forms.

Interview #5: Rose Shawlee - Law Student, University of Victoria & Term Director – Student's Legal Clinic, University of Victoria

Date: Thursday, January 27th, 2005

About the Student Legal Clinic:

- § The clinic offers information only – there is no advice given whatsoever.
- § The clinic offers no information on criminal, real property, family or wills/estates matters.
- § Most clients don't understand when they do and do not need a lawyer. They don't understand what is at stake; they come to the clinic as a last resort when they have been denied legal aid funding and are very frustrated. Few people realize that the tariff has changed and some haven't consulted a lawyer at all – they're devastated to find out that the changes to the tariff mean that they do not qualify for legal aid.

- § The majority of the clients served by the clinic have family, landlord/tenant, and immigration problems.
- § 60 people come into the clinic and we get 120 calls 3 days/week for 1-2 hours.

How Family Law Clients are affected by the Legal Aid System:

- § We see a lot of people who want to get a divorce but don't know what they can do. The Law Centre in Victoria won't accept clients with contested matters. Some clients have been separated for five years and can't afford the divorce. They don't qualify for legal aid, but are forced to get the divorce for one reason or another.
- § There is a **service gap** between the students legal clinic (information only), the Law Centre (can't work on contested matters), and the unrepresented person (no help at all). Some people won't qualify for either the Law Centre or the clinic (usually, they don't qualify because their income is above the new minimum for legal aid). Victoria just doesn't have the pro bono clinics or other resources to help these people.
- § We get uncomfortable dealing with these clients because there isn't a lot that we can do for them.
- § Another problem is **enforcement of orders**. We've had feedback about FMEP – people felt that they weren't sufficiently unworthy or desperate enough to qualify for help – people are left feeling like they have nothing to stand on.
- § People are devastated when they find out they're not desperate enough to qualify for help – most of the time, this is when the Law Centre can step in.
- § We deal with a lot of minors who are pregnant and want to give up the child for adoption. LSS doesn't cover this unless the child is already in the system. They (clients) don't know what steps to take. We can only help people over the age of 19. Most young women require parental involvement but have come to the clinic because they're trying to avoid involving their parents. The hospital is usually of some help here, but we need some written materials and resources. Maybe LSS could ask someone in town to write up a sheet on legal rights regarding adoption and teen pregnancy? There have been unfortunate incidents with the teen crisis line.

Immigration Law:

- § Finding translators is a stumbling block. We can't find qualified translators in Victoria and the cap on the tariff means that the ones that we do find are too expensive to be covered. In one case, death threats were made against a client, but we couldn't find a translator and had no idea that the threats were even made.
- § LSS won't pay for visits to clients in custody – families have a problem with this and phone the clinic. We can't explain or help people who have already retained counsel, and have to explain that lawyers can't afford to do such things because they are not paid for them. Families don't understand that it's a funding issue and take this personally.
- § The clinic can help with general immigration claims, but not the desperate situations.

- § Most of our clients don't want to turn to other members of their ethnic or cultural communities because this is a small community and the fear is magnified that there is no privacy; this is why they use the legal system instead of informal negotiations.
- § By the time they've hit our door, they've hit rock bottom and their motivation to find something else is very limited and it's heartbreaking to see them.

Additional Comments about the Tariff:

- § We see people for whom we can provide information, but sometimes we send them on to LEAF. We see a lot of discrimination, human rights, and disability discrimination issues that aren't covered by LSS anymore.
- § People don't know how to get legal aid referrals. They don't have access to the Internet and aren't literate. We don't have a computer at the clinic, either.
- § Most clients can't even afford to get to the clinic, because they work shift work. We either visit them or meet them at the library.
- § Applying for legal aid is demoralizing. People aren't aware which services are covered.
- § A lot of people don't like that they can't interact with Dial-a-Law and ask questions.
- § We refer all criminal matters to the Law Centre.
- § People want to know if counsel is competent and "good enough." LSS needs to launch a public relations campaign on behalf of the tariff bar.
- § People only remember that there were cutbacks; they don't know that they might qualify for some meager funding that might be available.
- § Website visitors are absolutely lost in the volume of information on the LSS website.
- § If people need information and advice within less than two weeks of a trial date, they can't get it. We get people at the clinic who thought their situation was resolved, and then something comes up that needs immediate resolution (e.g., out of province travel for children accompanied by the parent or grandparent). We can't help them in this situation and have to refer them to the police, but a lot of people in this situation are afraid of retribution by the other side (especially in non-white populations). This affects cross-border and cross-provincial boundaries, and then the enforcement order needs to be revisited which isn't something that legal aid tackles.
- § It's not the funding as much as the scope of what's covered [that is an issue]. It's not hugely complicated stuff, but people don't know where to go and then the situation escalates and they need a bona fide lawyer, not a law student. The Law Centre helps with this.

-end-

Interview #6: Rick Craig - Executive Director, Law Courts Education Society

Date: January 20, 2005

About the Law Courts Education Society:

The Law Courts Education Society is a non-profit organization providing educational programs and services about the justice system in British Columbia and Canada. Their education is two-way in that they help the public understand how the justice system works, and they also help those working within the system to better understand the justice-related issues different people in the community face.

Section A – 2. What is your perception of the impact of the current tariff structure on the justice system in B.C.?

- § The system seems to be functioning – it's stressed but not broken. In order to justify a tariff change, you have to indicate there's a problem. If there's more work for less lawyers, then you've got a dedicated pool of service providers, but if you can't find lawyers at all, then you've got a problem.
- § LSS has to maintain a relationship with the Family Justice Counsellors to see how the system fits together and where the gaps in service are. For example, the Self-Help Centre is organized from a client perspective.
- § Can the pilot projects be sustained? You have to be careful not to undermine the criminal justice system...
- § LSS used to have a broader vision which has been compromised due to a lack of funding. If the tariff becomes the only focus of LSS and the pilot projects are discontinued to a lack of funding, LSS will lose vision - pilot projects help maintain vision, but this will be compromised if funding is cut.
- § I haven't seen any clear strategy from LSS regarding their direction with aboriginal services and the problem hasn't gone away.

4. How could LSS become more efficient and effective at its role within the justice system?

- § The problem is with the relationship between LSS and the provincial government. It's always been hard for LSS to advocate its needs because it's not at the table. The Ministry makes decisions without them and LSS can't protect its role as part of the common vision. Hopefully, the we/they mentality is changing.
- § We [legal institutions] need to define ourselves in terms of our relationships with each other. The *Law Courts Education Society Self Help Centre* is an attempt to define relationships with each other. The financial resources aren't there anymore - we [legal institutions] need to find ways to help each other more.
- § The tariff is too low – political agendas are difficult because of the difficulties with the relationship between LSS and the private bar.

- § If you look at a tariff review at a time when you don't have the money to expand the tariff, the only hope is to use the review as a tool to get the government to give you more money.
- § The tariff is just one way of doing business within a service review. Maybe LSS needs to revise the unbundled model – for example, expand the duty counsel program or be more definitive in what is and isn't covered.
- § LSS needs to look at their financial situation, the exact services that they are contracting for, and decide how to maximize their budget.
- § Publications ... LSS works hard on this and is committed to producing good publications. Some of the new things are innovative and maximize technology.
- § Funding losses will change the culture of LSS.

3. What general trends have you observed in the justice system?

- § Pro Bono is a big issue as is self-help, economical litigation, and technical innovation (e.g. online filing).
- § The system is moving away from using lawyers as extensively as in the old days.
- § The system is not prepared to pay lawyers.
- § I don't think the justice system has the degree of respect or clout that it used to have. The government money goes to education and health - not justice - because they think it's expensive and cumbersome and they don't want to give any money to it.
- § The system impacts legal aid clients in that there are less of them because there isn't any service. We're at a time when society isn't prepared to fund as much support to low income people. The system is struggling to find ways to serve people with limited resources. Some services are disappearing, such as support for women's services and aboriginal services.
- § Restorative justice training requires a place for people to work once they are trained.
- § We have fewer courthouses, but more people in the province. How can the system be structured to keep people out of court?

Section B - 4. How could LSS promote legal aid work to new lawyers?

LSS needs to think differently and explore other options ...

- § LSS could bring young lawyers in through pro bono and duty counsel.
- § Law firms could get an incentive for hiring young lawyers and encouraging them to do legal aid work and develop long term relationships and partnerships.
- § Big law firms could make a difference in an hourly rate donation.
- § It would be interesting if they did the standard promotion to law schools.

- § They should forge stronger relationships with LSLAP – it would be very useful. For example, LSS could take leadership in coordinating services by the Law Centre (Victoria), Pro Bono BC (Law Society), and LSLAP (UBC).
- § LSS could be more instrumental with Pro Bono BC. I don't think LSS has defined its relationship with Pro Bono. There are issues with the way that Pro Bono is currently structured – it is ad hoc. LSS could fund clinics if they agreed to certain criteria and reestablish community law offices (e.g., they could say that this is only for the advice component of legal services).
- § Pro Bono can look at service standards, but LSS could formulate and regularize how services are delivered and establish quality standards. LSS has to make up its mind about how it's going to relate to this stuff.
- § LSS has lost its connection to the voluntary nature of the profession.

5. How could LSS prevent attrition of the current tariff bar?

- § Is it a problem that the number of tariff lawyers has declined? Is the reduction in proportion to the reduction in services covered?
- § The traditional solution would be to raise the tariff rate or raise the number of hours available (in criminal law). If you can't keep doing things the same way, you need to change the tariff structure to look at other ways of doing things.
- § What is the difference in structure in small and large communities? Things could be done differently in Vancouver and Victoria in order to be relevant.
- § If LSS could be the central hub in terms of pro bono and aboriginal and other themes in services to low income people, it could build support in the legal community.
- § Even if LSS gets more money, the government will likely fund pilots, not the tariff, and LSS will have to try to innovate with current resources.

Section C - 5. Do you perceive an imbalance between legal aid representation and private representation?

- § There's always an imbalance because LSS clients may be less capable of explaining things to their lawyers, but this is inherent.

7. Additional comments...

- § The issue of more money is the hardest one to win – it's important, but there are elements that will be lost. LSS could operate a lean administration of the tariff or keep trying to serve a broader mandate (but this will require some trade-offs).
- § Could LSS talk to Revenue Canada to see if lawyers could get tax receipts for the unpaid work they do as part of the tariff? For example, if they ask lawyers to donate certain services, the lawyers can get a tax receipt for the hourly rate up to a certain amount. It might be hard to do, but they could inquire ...

-end-

Interviews 7&8: The Law Society of British Columbia

Interview #7: Lynn Burns, Director, Professional Legal Training Course, Law Society of British Columbia

Date: January 7th, 2005

Section A - 1. What is your perception of the impact of the current tariff structure on low income people in British Columbia?

i. What are the systemic problems?

- § The tariff seems to be "all or nothing". There are working poor people who should use a sliding scale contribution mechanism to access legal services. I think that LSS has one, actually, but they don't use it.
- § What LSS is doing, by not cutting off fraudulent clients, is spreading themselves too thin. They should focus on criminal and family law and leave the rest (poverty law) to the pro bono clinics.

The public perception is that lawyers should be doing legal aid work for free, but the fact is that lawyers are business people. By allowing fraudulent clients to get away with ripping off the system, they're taking business away from lawyers (i.e., these clients would otherwise be paying lawyers market rates).

- § There is a stigma that tariff lawyers are not very good lawyers. LSS needs to launch a public relations campaign after it raises the tariff rate in order to educate the public and lawyers and the justice system that tariff lawyers are skilled and provide a valuable service.

ii. What changes are required?

- § LSS should cover fewer areas of law to allow fuller coverage of family and criminal law and little more than that. Poverty law should be stopped entirely.
- § The rules for taking a client off of legal aid if they come up with the money make it difficult for lawyers to take over a file privately.
- § LSS should exist, but it should only be the very last resort for clients.

iii. How could LSS implement those changes cost-effectively?

- § Take a serious look at Law Line, etc. Poverty law should be handled by the Pro Bono clinics, not LSS staff lawyers.
- § Stop funneling money to the LSS website.
- § No one understands the LSS brochures – they're too bureaucratic and blathering. Clients don't care about the LSS mission statement – they just want to know what is and isn't covered.

2. What is your perception of the impact of the current tariff structure on the justice system in British Columbia?

- § The cutbacks in family law are horrible. They breed false violence claims.
- § LSS covers too much non-criminal and non-family work. They're essentially asking the criminal and family lawyers to finance all the other stuff.
- § The system is biased towards women (and against men).

iii. How could LSS implement systemic changes cost-effectively?

- § LSS has a very expensive bureaucracy that they could cut back on considerably.

3. What general trends have you observed in the justice system (all components that comprise the justice system)?

- § The justice system is moving in the right direction – for example, the developments in creative sentencing, youth justice, and mediation and the move towards increasing the limit for small claims.

i. How do they impact legal aid clients?

- § Duty counsel and sentencing options are helpful.

Section B - 4. How could LSS promote legal aid work to new lawyers? *The number of new lawyers accepting legal aid work has declined substantially in the past five years.*

- § There are tremendous economic pressures on new lawyers. 25 years ago, a new lawyer could work on a few cases and get some great trial experience and make a bit of money. They still get the great trial experience, but the rate of pay hasn't increased in line with inflation and they are now losing money when they accept legal aid work because overhead costs have risen.
- § The large firms don't encourage new lawyers to accept legal aid work. Instead, they want them to do private pro bono work or they create a strategic alliance with a non-profit agency. They also don't want new lawyers to do tariff work because LSS won't pay them for preparation.

5. How could LSS prevent attrition of the current tariff bar? *The number of lawyers accepting legal aid work has declined by over 1/3 in the past five years.*

- § The tariff rate causes lawyers to turn down work because it is insulting. The rate sends a message to society that tariff lawyers are not "real" lawyers and that LSS does not have to pay them a living wage for their services.

It's all about the money – where and how money is spent and where it should be spent.

- § LSS should invest more money in the investigation into the financial situation of its clients.

- § LSS should get rid of the holdbacks. The most irritating word in the tariff is “holdback”. It is just a lie. It triples the expense of a lawyer’s bookkeeping because, for example, they send several bills for \$300 to LSS that come back to them as \$270 and at the end of the year, the lawyer receives a lump sum payment for the difference of all the invoices and they have to go back to their accountant to fix things.
- § Billing and administration should be simplified. The billing system requires a separate form for disbursements. This is ridiculous. I think LSS hopes lawyers won’t bill for the disbursements because it’s too much of a bother. The truth is these petty matters are what cause lawyers to leave the tariff bar. LSS should institute a minimum charge (\$200 for example) to cover the administrative costs of dealing with small matters.

6. Do you have any feedback regarding how LSS could structure the tariff to compensate lawyers for efficiency and good results?

- § LSS doesn’t want to pay lawyers a certain amount if a matter is adjourned, so maybe they could pay them a small amount that acknowledges that adjournments have to be made (e.g. \$30).
- § They could implement a time-limit bonus. For example, if a matter is cleared up within three months, the lawyer would receive a \$100 bonus. The reality, however, is that LSS pays less for a guilty plea than for a trial – if they paid more for a guilty plea, it would remove the financial incentive to go to trial (if LSS feels there is such an incentive).

The tariff is insulting because it assumes lawyers are crooks – for example, it assumes lawyers are purposely adjourning matters to get paid more – this doesn’t happen.

- § Criminal lawyers do not get paid for preparation on Category I and II files. This encourages a lack of excellence. LSS could survey or study the patterns of the amount of work required outside the court and institute a policy to pay, for example, 2 hours on Category I and 3 hours on Category II files.
- § LSS needs to promote collapse fee policy – no one knows about this.
- § The tariff doesn’t pay well enough to suburban lawyers dealing with the “usual” stuff – the rate is too low to deal with matters that are less complex.
- § Lawyers won’t take legal aid work while LSS treats them like crooks. LSS doesn’t realize that some clients are getting funding fraudulently – it doesn’t check into financial backgrounds enough. It seems to be the mindset that if you dare suggest that some of the clients are abusing the system, you’re labeled “anti-poverty”.
- § When the government hires lawyers for anything other than legal aid, they pay them at a reasonable rate. And yet, they pay criminal lawyers 10% of what they would make on a private retainer.

Section C - 7. Additional comments:

- § I agree it is shameful that the government isn’t putting PST on legal services towards LSS, but in the past the organization wasted millions when they developed the staff lawyer model – they pulled back on this model, but they now have a hybrid system which is equally expensive.

§ A student guide to legal aid would be helpful, as well as information to put into the PLTC materials.

-end-

Interview #8: David Bilinsky, Practice Management Advisor, Law Society of BC

Received: January 21, 2005

The following comments are based on anecdotal evidence only:

Section B

(1)[The tariff rate] is way too low to allow lawyers to make any kind of a decent living. I think the expectation is that lawyers who do LSS work are doing so not on a pro-bono basis but on a subsidized charity basis - i.e., that they would use their other non-LSS files as the bulk of their practice income and do LSS work 'because it's the right thing to do'. If this is the reason why the LSS tariff is so low, it is wrong-headed and misconceived. Each and every file in a lawyer's office should carry its weight in both covering overhead and contributing to the profitability of the firm UNLESS the lawyer has made the decision to do pro-bono work - which should be the choice of the lawyer, not imposed by an unrealistic tariff.

Otherwise, lawyers who do LSS work are slowly starving themselves to death IF they are putting the time into LSS files that the nature of the file requires.

Often, lawyers who do criminal defense work do it full time. This is the work they are best suited for and their office is set up efficiently to handle this work. Other work would disrupt the routines that are necessary in criminal defense work, namely, to spend all or virtually all their time at the criminal courts. And in many cases lawyers who do LSS work do not have the luxury of having criminal clients that can afford to pay for a private defense outside of the LSS scheme - their communities are such that this is simply not possible.

Accordingly, the LSS tariff should be set realistically to allow all lawyers who do legal aid work to earn a decent living for themselves and their families.

The other alternative is that setting the LSS tariff so low may cause lawyers who do LSS work to cut corners just to make a living - which again does not do a service to either the criminal justice system, to the clients, or to LSS.

(2) I have had numerous complaints made to me about delays in payment by LSS. Of course, we all know the maxim justice delayed is justice denied. There is an equivalent maxim with regard to payment: Payments delayed are payments denied.

-end-

Interview #9: Ron Friesen, Director of Education, CLE Society of BC

Date: January 4th, 2005

Section A - 2. What is your perception of the impact of the current tariff structure on the justice system in British Columbia?

- § I suspect that the Pro Bono societies were established as a result of the cutbacks.
- § Resources need to be identified and made available to parents whose kids have been taken away, a pamphlet with a phone number given to parents by social workers, for example. How do parents currently get connected to a lawyer?
- § There should be regular consultations with the Ministry.
- § I think clients and lawyers are confused about the protocol for Access to Information.
- § Regarding CFCSA, LSS needs to look at all of the processes and players – Directors Counsel, the Criminal Justice System, Parent's Counsel, Social Workers – who is doing what and where are the interventions of the parents' lawyers from start to finish?

4. How could LSS become more efficient and effective at its role within the justice system?

- § LSS needs to determine where money is best spent to accomplish what their organization believes is the “best result”. For example, cases should be accessible to everyone working on CFCSA files – therefore, should the money be spent on a bank of cases for research or on allotting more hours to lawyers for research? The resources need to be there in order to promote efficiency and satisfaction.
- § LSS clients require handholding. Should the community advocates do the handholding rather than the lawyer?

Section B - 4. How could LSS promote legal aid work to new lawyers? *The number of new lawyers accepting legal aid work has declined substantially in the past five years.*

- § Is this really a big issue?

5. How could LSS prevent attrition of the current tariff bar? *The number lawyers accepting legal aid work has declined by over 1/3 in the past five years.*

- § Is LSS actually asking people if they would like to do the work? The processes should be fine tuned. What is a lawyer to do if there is a request and then a denial of LSS funding?
- § I would bet that tariff lawyers are consuming less education too.
- § Are lawyers dissatisfied because LSS is not paying them enough or is it because LSS has asked them to do too much for what it is willing to pay them? Can LSS decrease a lawyer's workload so that what is done is more in line with what is being paid for?

- § In terms of the tariff, the biggest concern uncovered by the research done by CLE was in **preparation** for cases. People feel that there is insufficient funding.
 - It is clear that people will do what you pay them for, and that the way you structure your payments is the way that people work.
 - Meticulous preparation is one of the key factors in exemplary performance; therefore, if you don't fund preparation, people jump into the fray.
- § The other key need identified in CLE's research was the need for **mentorship**. The most **effective and exemplary performers** should be training others to do as they do and helping to create necessary tools, protocol, and resources that are readily accessible. This will result in decreased costs to LSS as training towards best practices takes hold.
 - LSS should determine the success criteria – for example, timeliness, consumer satisfaction with the result, etc. – because it significantly reduces re-work.
 - Who are the exemplary performers? Look at recommendations from the needs assessment done by CLE ... lawyers need regular and ongoing updates on practice developments.
- § Resources. It is not really the job of the tariff lawyer to find the resources for the parents in CFCSA cases.
 - Where is the best bang for the LSS buck in terms of providing resources? Work should be allocated in the correct area. This goes back to cost. If you have your best people diagnosing the problem, cost will eventually be reduced overall.

-end-

Interview #10: Prof. Paul J. Brantingham, Simon Fraser University School of Criminology

Date: February 4th, 2005

The B.C. tariff compared to other regions in Canada ...

- § The tariff here makes more sense than in Ontario. Ontario has a high hourly rate and a series of minimum billing hours.
- § My sense is that BC has had a more reasonably structured tariff over the years, although the lawyers don't think so.

The criminal law tariff:

The actual number of cases being processed is well down, which means there is private sector competition because of several factors:

1. The number of crimes committed and reported has gone down since the '90's.
2. The number of people going to jail has also gone down.
3. The number of nights spent in remand has gone up for those awaiting their 1st hearing.

History of the LSS and tariff policy:

When legal aid started in BC, it was a pro bono service started by the Law Society and the province kicked in money to cover disbursements.

Under Premier Barrett, the LSS administration was set up under a government-funded agency. They set up community law offices and then received a large grant. Poor people were provided civil legal aid in remote places and criminal legal aid was also provided.

After 1977, this changed. The SoCreds merged the government agency delivering civil legal aid with the LSBC run pro bono program (the criminal law component) into a single NGO which became LSS. There had been a government interventionist notion to solve problems for the poor through various kinds of legal action. Now, there was quite a network across the province. Salaried lawyers became general legal aid lawyers (staff lawyers).

In the late '70's and early '80's, the Federal government signed a Memorandum of Understanding with most provinces that provided for federal funds to take care of 50% of the costs for criminal legal aid matters. This was a long, complicated formula/audit that Ottawa conducted in order to determine costs.

Dan Moss noticed a wrinkle in the *Welfare Act* to get coverage for civil legal aid – not all provinces bought into this, but BC expanded its program and used the staff lawyer system for civil litigation and also established a tariff system to pay lawyers to cover a remunerated service (the extra work that staff lawyers did not have time for).

Under the Federal MOU, the provincial legal aid programs are obliged to provide criminal defence to qualified individuals, and therefore some mega-trials chew up huge chunks of the LSS budget (e.g. Pickton).

In the late '80's, we experimented in setting up public defender offices. This happened in Burnaby, where three lawyers handled all legal aid cases. When they were saturated, they farmed work out to tariff lawyers (Peter Burns evaluated this project at some point).

When the Burnaby project was evaluated, they found that the best cost-effectiveness and quality happened when a combination of staff and private lawyers were working on the tariff, because each group kept the other honest. There is a tendency for private lawyers to expand billing and hours when they can and this has been proven. The temptation is to bill waiting time for each file for lawyers handling multiple files, especially when they travel out of town.

On the other hand, staff are tempted to drift into not working very hard, and it's hard for head office to keep tabs on things in the communities. We found cozy accommodations in the field, according to what worked best for staff. Also, a number of the LSS offices who had come off the NDP civil agency side of things had defined their role as opposing

government on behalf of the “little guy”. Often, Boards of Directors of the NGO's gave the community law office a mandate, such as fighting land claims.

Section A – 4. How could LSS become more efficient and effective in its role within the justice system?

As you cross provincial boundaries, you find that the systems that deliver the maximum amount of service are the ones that have a mixed model (staff and tariff lawyer).

A pure tariff system delivers fewer services at a greater expense. A pure staff system tends to drift off-point and get lazy. A pure system either way can't deal with spikes and is modeled to deal with the average load.

In a pure tariff based on comparing charges to private clients, people complain about “lost opportunity costs”, but unless things are changed radically, there aren't that many defendants who can pay the full shot anyway. The average person cannot afford a criminal lawyer, never mind a Q.C., so realistically there are not that many opportunities lost.

A system of quasi-constitutional dimension would be desired. We don't have it yet, like in the U.S., where the case law says there's a duty for the accused to have supplied defence if there is a possibility of one day or more in jail. Each state has an independent criminal code and a separate federal code. It is enormously complicated and can even differ from county to county. They have two separate criminal systems to cover the same offences.

In Canadian law schools, conflict of laws is briefly covered; in U.S. law schools, it takes an entire term to cover. It's very complicated in the U.S., so we have to be careful about comparing systems (there are 3300 counties in the U.S.) In the 1960's, they instituted a federal statute to create what essentially became four types of state systems:

1. The staff public defender system (as in Los Angeles);
2. The NGO staff model system (as in New York), where the legal aid society takes contracts for a certain number of cases from the government;
3. A straight tariff – private counsel assigned to handle cases for an hourly rate and a variant of the block fee; and
4. A recent system, as in Arizona and San Diego, where a private firm is on contract to handle a certain amount of cases.

For further information on this topic, consult the index of legal periodicals and search for “legal aid evaluations”.

Some like the contract model because they think it is economically efficient.

I think we're turning to a mixed model of staff handling as much as possible and putting the rest on the tariff.

There doesn't seem to be a difference in quality of outcomes between staff and tariff lawyer service. Staff lawyers tend to plead things out early and tariff lawyers will tend to

plead late and run short trials, but the conviction and incarceration rates are the same. The clearest evidence came from the Saskatchewan Legal Aid Commission evaluation done by Rick Linden at the University of Manitoba.

The authority under which the LSS Memorandum of Understanding was originally signed is secret, so the basis for criminal legal aid on the federal side is not accessible to anyone. In the early '80's, this accounted for the most money flowing through the Department of Justice. Also see: Ab Curry's report on behalf of the Department of Justice.

In legal aid, you tend to get a lot of runaway costs. No one buys into the rationale of having state-paid defence just because there are state-paid prosecutors.

-end-

Appendix 4: Lawyer Compensation

Appendix 4A — Tariff lawyer compensation survey

(See following pages.)



LSS Tariff Review

Compensation Survey

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Appendix 1 – Consolidated Tables

LSS Tariff Review

Compensation Survey

Executive Summary

In spring 2005, an online survey was conducted to ascertain the typical fees that tariff lawyers charge private clients of modest means for services in criminal and family law.

Methodology:

900 tariff lawyers (all those for whom LSS has email addresses) were emailed an introduction and link three times during a 30-day period. 269 responses were received – a 29.8% response rate. One response was incomplete, so the survey results were analyzed using the 268 completed responses.

Quantitative data regarding hourly and block fees charged for typical services was collected and subsequently sorted by years of experience, region, firm size, practice status and gender. Fees charged for criminal law services were sorted by years of experience and offence category and compared to tariff rates. Fees charged for family law services were sorted by years of experience and compared to tariff rates.

The qualitative data explained the context in which lawyers serve clients of modest means or provided the opportunity to give answers that did not fit into set categories.

Cursory demographic breakdown of respondents:

- § 69% male, 31% female
- § 68% practice in criminal law, 54% in family law (overlap indicates a combined practice)
- § 70% were sole practitioners, 28% were in 2-5 person firms

Key Findings – Criminal Law:

The average (mean) rate charged to clients of modest means is \$175/hour, with 47% of annual revenue spent on office overhead. Female lawyers charge less per hour than male lawyers, and spend approximately 3% more on overhead.

On average (mean), lawyers with less than 4 years experience charge nearly \$50/hour less to private clients of modest means than lawyers with more experience. Less experienced lawyers also spend almost 10% more on overhead.

When a matter is resolved early, on or near the trial date, the majority of respondents considered the individual client situation to determine the discounted trial fee. They assess what the result will mean to the client, how much time they have invested in negotiation and preparation, how complex the trial would have been and the client's financial situation. Payment arrangements are made using a variety of methods.

When a matter is resolved on or near the scheduled trial date, the majority charged the full fee or a partial fee for the first day of trial.

Key Findings - Family Law:

The average (mean) rate charged to clients of modest means is \$169/hour, with 51% of annual revenue spent on office overhead. Female lawyers charge \$16 less per hour (mean) than male lawyers, and spend approximately 2% more on overhead.

On average (mean), family lawyers with less than 4 years experience charge nearly \$50/hour less to private clients of modest means than lawyers with more experience. However, less experienced lawyers spend 20% less on overhead.

The qualitative data reflected the frustration that lawyers feel regarding the parameters of the current family tariff. Respondents frequently commented that the compensated time allotted to resolve matters is inadequate to cover services and that they can only serve clients part-way through the court process before they run out of tariff funding. This is frustrating on both a professional and financial level.

Most respondents indicated that they try to help clients who would otherwise be forced to represent themselves in court by deeply discounting fees or doing pro bono work for them.

LSS Tariff Review – Compensation Survey

Section I – About your Practice

1. Year of Call to the BC Bar:

Years of Call	All Lawyers			Criminal			Family		
	Lawyers	Male	Female	Total	Male	Female	Total	Male	Female
Total	268	186	82	183	152	31	144	83	61
Under 4 Years	12	7	5	11	7	4	4	2	2
4 to 10 years	57	37	20	40	32	8	30	15	15
Over 10 Years	199	142	57	132	113	19	110	66	44
Mean Years	15.82	17.28	12.52	16.35	17.27	11.84	15.26	17.23	12.57

2. Regional Location (check one):

Region	All Lawyers			Criminal			Family		
	Lawyers	Male	Female	Total	Male	Female	Total	Male	Female
Central Interior	21	15	6	13	10	3	14	9	5
Lower Mainland	104	74	30	77	61	16	38	23	15
Northeast BC	6	5	1	3	2	1	4	4	0
Northwest BC	12	10	2	10	8	2	8	7	1
Southern Interior	47	34	13	36	31	5	30	18	12
Vancouver Island	77	47	30	43	39	4	50	22	28
Not Given	1	0	0	1	1	0	0	0	0

Section I cont'd...

3. Number of Lawyers in Your Firm:

Firm Size	All Lawyers			Criminal			Family		
	Lawyers	Male	Female	Total	Male	Female	Total	Male	Female
1	169	121	48	120	104	16	90	52	38
2-5	75	52	23	53	40	13	38	24	14
6-10	14	7	7	6	4	2	9	4	5
11-20	9	5	4	3	3	0	7	3	4
Over 20	1	1	0	1	1	0	0	0	0

4. Which of the following best describes your status within your firm?

Practice Status	All Lawyers			Criminal			Family		
	Lawyers	Male	Female	Total	Male	Female	Total	Male	Female
Associate	36	20	16	22	15	7	23	11	12
Partner	41	29	12	25	20	5	22	14	8
Sole Practitioner	186	133	53	134	115	19	95	55	40
Other	4	3	1	2	2	0	3	2	1
Not Given	1	1	0	0	0	0	1	1	0

Section II – Typical Fees for Private Clients of Modest Means in Criminal Cases:

5. If applicable, what is your typical hourly rate for criminal law services for private clients of modest means?

Average hourly rates – typical case for client of modest means:

Average Rate	Hourly Fee	
All Lawyers	Mean	Median
	\$175.36	\$177.50

By Year of Call	Hourly Fee	
	Mean	Median
Under 4 years	\$142.86	\$125.00
4 to 10 Years	\$174.08	\$175.00
Over 10 Years	\$178.16	\$200.00

By Region	Hourly Fee	
	Mean	Median
Not Given	\$150.00	\$150.00
Central Interior	\$161.88	\$160.00
Lower Mainland	\$174.62	\$182.50
Northeast BC	\$216.67	\$200.00
Northwest BC	\$185.00	\$175.00
Southern Interior	\$178.48	\$197.50
Vancouver Island	\$172.12	\$175.00

By Firm Size	Hourly Fee	
	Mean	Median
1	\$174.45	\$187.50
2-5	\$180.00	\$175.00
6-10	\$159.17	\$150.00
11-20	\$175.00	\$175.00
Over 20		

By Practice Status	Hourly Fee	
	Mean	Median
Associate	\$150.47	\$150.00
Partner	\$187.36	\$200.00
Sole Practitioner	\$177.50	\$195.00
Other	\$150.00	\$150.00
Not Given		

By Gender	Hourly Fee	
	Mean	Median
Male	\$176.32	\$192.50
Female	\$171.04	\$175.00

6. Please indicate the typical **block fees for clients of modest means and **total hours** (including all preparation and court attendance) for the following services:**

(a) Show cause hearing in Provincial Court

Average fees and hours for selected criminal services - typical cases for client of modest means

Show Cause Hearing - PC	Year of Call				Region					
	All Lawyers	Under 4 Years	4-10 Years	Over 10 Years	Central Interior	Lower Mainland	Northeast BC	Northwest BC	Southern Interior	Vancouver Island
Fees (mean)	\$618.33	\$518.75	\$558.0	\$640.13	\$511.36	\$742.58	\$366.7	\$514.29	\$485.83	\$583.09
Hours (mean)	3.42	3.31	3.37	3.45	3.20	3.95	1.58	3.67	2.98	3.04

Typical fees/hours for clients of modest means – comparison to tariff fees

Show Cause Hearing - PC	Year of Call				Tariff Fees by Offence Category			
	All Lawyers	Under 4 Years	4-10 Years	Over 10 Years	Category I	Category II	Category III	Category IV
Fees (mean)	\$618.33	\$518.75	\$558.0	\$640.13	\$80.00	\$120.00	\$120.00	\$150.00
Hours (mean)	3.42	3.31	3.37	3.45	3.42	3.42	3.42	3.42
Effective Hourly Rate	\$180.64	\$156.60	\$165.75	\$185.67	\$23.39	\$35.08	\$35.08	\$43.85

(b) Guilty plea and sentencing in Provincial Court

Average fees and hours for selected criminal services - typical cases for client of modest means

Guilty Plea, Sentencing- PC	Year of Call				Region					
	All Lawyers	Under 4 Years	4-10 Years	Over 10 Years	Central Interior	Lower Mainland	Northeast BC	Northwest BC	Southern Interior	Vancouver Island
Fees (mean)	\$1,048.72	\$950.00	\$1,014.06	\$1,065.09	\$840.91	\$1,295.70	\$618.75	\$883.33	\$841.41	\$953.57
Hours (mean)	5.21	5.00	5.34	5.19	4.45	6.10	3.17	5.69	4.48	4.51

*Typical fees/hours for clients of modest means – comparison to tariff fees**

Guilty Plea, Sentencing - PC	Year of Call				Tariff Fees by Offence Category			
	All Lawyers	Under 4 Years	4-10 Years	Over 10 Years	Category I	Category II	Category III	Category IV
Fees (mean)	\$1,048.72	\$950.00	\$1,014.06	\$1,065.09	\$238.00	\$375.00	\$413.00	\$650.00
Hours (mean)	5.21	5.00	5.34	5.19	5.21	5.21	5.21	5.21
Effective Hourly Rate	\$201.41	\$190.00	\$189.73	\$205.41	\$45.68	\$71.97	\$79.27	\$124.76

*Assumptions regarding criminal tariff fees: Guilty plea and sentencing includes arraignment court fee.

c) Preliminary hearing in Provincial Court

Average fees and hours for selected criminal services - typical cases for client of modest means

Preliminary Hearing - PC (mean)	Year of Call				Region					
	All Lawyers	Under 4 Years	4-10 Years	Over 10 Years	Central Interior	Lower Mainland	Northeast BC	Northwest BC	Southern Interior	Vancouver Island
Fees - 1 st day of trial	\$2,015.14	\$2,178.57	\$2,106.90	\$1,979.25	\$2,122.22	\$2,164.04	\$1,750.00	\$1,643.75	\$1,885.00	\$1,992.65
Hours – 1 st day of trial	13.93	15.31	21.16	11.90	13.44	15.87	8.67	12.50	10.81	14.13
Fees – subsequent days	\$1,293.35	\$1,164.29	\$1,340.74	\$1,289.76	\$1,272.22	\$1,352.73	\$1,333.33	\$1,181.25	\$1,222.41	\$1,380.15
Hours – subsequent days	7.53	7.43	8.66	7.24	8.39	8.14	6.33	7.57	6.85	6.91

Typical fees/hours for clients of modest means – comparison to tariff fees

Preliminary Hearing PC (mean)	Year of Call				Tariff Fees by Offence Category			
	All Lawyers	Under 4 Years	4-10 Years	Over 10 Years	Category I	Category II	Category III	Category IV
Fees - 1 st day of trial	\$2,015.14	\$2,178.57	\$2,106.90	\$1,979.25		\$500.00	\$600.00	\$900.00
Hours – 1 st day of trial	13.93	15.31	21.16	11.90		13.93	13.93	13.93
Effective hourly rate	\$144.64	\$142.32	\$99.57	\$166.27		\$35.89	\$43.07	\$64.60
Fees – subsequent days	\$1,293.35	\$1,164.29	\$1,340.74	\$1,289.76		\$500.00	\$600.00	\$900.00
Hours – subsequent days	7.53	7.43	8.66	7.24		7.53	7.53	7.53
Effective Hourly Rate	\$171.73	\$156.73	\$154.82	\$178.09		\$66.40	\$79.68	\$119.52

d) Trial in Provincial Court:

Average fees and hours for selected criminal services - typical cases for client of modest means

Trial - PC (mean)	Year of Call				Region					
	All Lawyers	Under 4 Years	4-10 Years	Over 10 Years	Central Interior	Lower Mainland	Northeast BC	Northwest BC	Southern Interior	Vancouver Island
Fees - 1 st day of trial	\$2,396.23	\$2,593.75	\$2,394.64	\$2,382.27	\$2,500.00	\$2,518.85	\$2,468.75	\$2,093.75	\$2,234.68	\$2,372.73
Hours – 1 st day of trial	14.31	17.44	16.63	13.46	16.00	15.32	10.67	14.64	12.73	13.60
Fees – subsequent days	\$1,534.34	\$1,293.75	\$1,503.85	\$1,559.86	\$1,532.50	\$1,589.08	\$1,833.33	\$1,625.00	\$1,306.03	\$1,580.30
Hours – subsequent days	8.13	8.25	9.11	7.89	9.25	8.50	6.83	8.33	7.57	7.69

Typical fees/hours for clients of modest means – comparison to tariff fees

Trial - PC (mean)	Year of Call				Tariff Fees by Offence Category			
	All Lawyers	Under 4 Years	4-10 Years	Over 10 Years	Category I	Category II	Category III	Category IV
Fees - 1 st day of trial	\$2,396.23	\$2,593.75	\$2,394.64	\$2,382.27	\$500.00	\$600.00	\$800.00	\$1,400.00
Hours – 1 st day of trial	14.31	17.44	16.63	13.46	14.31	14.31	14.31	14.31
Effective hourly rate	\$167.47	\$148.75	\$144.04	\$177.05	\$34.94	\$41.92	\$55.90	\$97.83
Fees – subsequent days	\$1,534.34	\$1,293.75	\$1,503.85	\$1,559.86	\$600.00	\$800.00	\$1,000.00	\$1,400.00
Hours – subsequent days	8.13	8.25	9.11	7.89	8.13	8.13	8.13	8.13
Effective Hourly Rate	\$188.66	\$156.82	\$165.10	\$197.78	\$73.80	\$98.40	\$123.00	\$172.20

e) Trial in Supreme Court

Average fees and hours for selected criminal services - typical cases for client of modest means

Trial - BCSC (mean)	Year of Call				Region					
	All Lawyers	Under 4 Years	4-10 Years	Over 10 Years	Central Interior	Lower Mainland	Northeast BC	Northwest BC	Southern Interior	Vancouver Island
Fees - 1 st day of trial	\$3,280.52	\$2,958.33	\$3,155.77	\$3,331.53	\$3,166.67	\$3,541.41	\$3,562.50	\$3,093.75	\$3,268.33	\$2,956.25
Hours – 1 st day of trial	19.48	31.43	23.73	17.53	20.00	22.31	13.33	23.00	16.78	17.19
Fees – subsequent days	\$1,910.19	\$1,507.14	\$1,720.77	\$1,985.43	\$1,794.44	\$2,075.76	\$2,600.00	\$1,900.00	\$1,613.79	\$1,921.21
Hours – subsequent days	9.26	8.57	9.86	9.17	10.44	9.67	7.33	10.50	8.38	8.92

*Typical fees/hours for clients of modest means – comparison to tariff fees**

Trial - BCSC (mean)	Year of Call				Tariff Fees by Offence Category			
	All Lawyers	Under 4 Years	4-10 Years	Over 10 Years	Category I	Category II	Category III	Category IV
Fees - 1 st day of trial	\$3,280.52	\$2,958.33	\$3,155.77	\$3,331.53		\$690.00	\$890.00	\$1,490.00
Hours – 1 st day of trial	19.48	31.43	23.73	17.53		19.48	19.48	19.48
Effective hourly rate	\$168.38	\$94.13	\$132.98	\$190.03		\$35.42	\$45.68	\$76.48
Fees – subsequent days	\$1,910.19	\$1,507.14	\$1,730.77	\$1,985.43		\$800.00	\$1,000.00	\$1,400.00
Hours – subsequent days	9.26	8.57	9.86	9.17		9.26	9.26	9.26
Effective Hourly Rate	\$206.27	\$175.83	\$175.47	\$216.59		\$86.39	\$107.99	\$151.18

*Assumptions regarding criminal tariff fees: Supreme Court trial fees for the first day includes a block fee for one fix-date, but no fee for jury selection (assume a judge alone trial).

7. (a) When you achieve early resolution of a case, for example, by negotiating a stay or plea agreement well before the trial date, do you typically give private clients a discount on the fees they would otherwise pay for the first day of trial?

Yes: 114 (70.8%)

No: 47 (29.2%)

(b) If you typically discount the trial fee for early resolution, how do you determine the fee? (If your practice varies, check all that apply):

Average fees and hours for selected criminal services - typical cases for client of modest means

Early Resolution Discount	Year of Call				Region					
	All Lawyers	Under 4 Years	4-10 Years	Over 10 Years	Central Interior	Lower Mainland	Northeast BC	Northwest BC	Southern Interior	Vancouver Island
% giving discount	70.81	87.50	56.25	73.55	90.00	62.69	100.00	66.67	72.73	76.32
% billing time@ hourly rate	44.74	28.57	50.00	44.94	33.33	42.86	33.33	66.67	50.00	44.83
%using reduced block fee	56.14	42.86	55.56	57.30	66.67	52.38	33.33	33.33	62.50	58.62
%using other method	38.60	42.86	22.22	41.57	33.33	35.71	66.67	16.67	54.17	31.03
Fees as % of 1 st day trial fee	58.05	52.00	51.30	59.71	47.94	62.17	55.00	49.33	57.61	57.92

*Typical fees/hours for clients of modest means – comparison to tariff fees**

Early Resolution Discount	Year of Call				Tariff Fees by Offence Category			
	All Lawyers	Under 4 Years	4-10 Years	Over 10 Years	Category I	Category II	Category III	Category IV
58% of 1 st day of trial fee	\$1,389.81	\$1,504.38	\$1,388.89	\$1,381.72	\$238.00	\$375.00	\$413.00	\$650.00

*Assumptions regarding criminal tariff fees: Early resolution consists of arraignment court, guilty plea and sentencing block fees.

(c) Other – please specify: (53)

Many of the answers for fees charged when early resolution is achieved were the same for resolving matters on or near the trial date. Most of the respondents stated that the discount depends on the individual case, but that they usually reduce the block fee.

In most cases, the discount is proportional to the time invested in the matter, the time saved by avoiding trial, how busy the lawyer’s practice is and/or what the client can afford.

Depends on timing, complexity and other factors (18):

§ It depends on when the resolution is achieved. With the current Crown practice of assigning files to a specific Crown coupled with the almost complete waste and incompetence (in terms of capability of 'time/cost efficiency management') inherent in the current JCM trial scheduling process, it is very seldom that the Crown turns its attention to a reasonable compromise well in advance of the trial date. Therefore, so often, most of the work is done in preparation for trial so close to the trial date that little savings is the result. The Crown finally agrees 6 or 8 months later with the proposal that we made within 1 month of the first appearance date. There is absolutely no incentive on the part of the Crown to be reasonable in the early stages.

Additionally, time and again, we are adjourned, or bumped, or can't finish or are set over for continuation (most of which is completely unfunded by LSS in those cases) because there is no direct cost to any of the service participants except the defence. Of course, the Crown, JCM, Court Services, Sheriff's services, Judges are not faced with the indirect costs personally. So it goes. When Counsel were allowed to pick the days upon which they wished to schedule their trials, they did so effectively and efficiently - one was always, with maturity, able to schedule their trials or appearances or 'stack' them in order to make full days (ie. some cases collapse, deals are rightly anticipated close to trial, and for other trials both sides know they are going ahead, etc.) and the Judges knew if this was being abused. The complete abandonment of the trial scheduling process by the Judges to the JCM's has resulted in this worse than ever trial scheduling system. Accordingly to answer your question, the amount of any discount is directly proportional to the amount of time saved which is often little. (10+, Vancouver Island)

§ The closer to the day of trial, the closer my fee will be to the original quote (10+, Vancouver Island)

§ I initially quote a fee for trial, or serious preparation for trial (which means typically after the date of TCH), or a plea bargain at an early stage. So if I can do a plea bargain well in advance of trial there is a quote for that, and if the matter goes to trial, or if I have to "seriously prepare for trial" there is a quote (all in) for that, based on time to be spent (a spousal assault would be less than a third the work of a sexual assault), complexity (how much I have to prepare and how much law I have to look up), and the seriousness of the charges. (10+, Central Interior)

§ I generally simply bill a figure/amount that reflects the amount of time and effort that went into the settlement and the benefit to the client - usually less than a first day fee (10+, Southern Interior)

§ I determine what my time expended was and calculate my fee. Then I look at the results obtained and bill either less or more, depending on those factors. I do not charge a block fee save in the rare case when a client requests a quote. I will not quote a fee until after all factors are known to me. (10+, Southern Interior)

§ I look at the difficulty of the negotiation and the time and research that went into the result. (10+, Southern Interior)

§ For this and previous questions, the facts, issues and complexity as well as time spent and client's means are considered. (10+, Southern Interior)

- § Depends on how early before trial the matter resolves. (10+, Northeast BC)
- § Depending on when the deal is reached and how much trial prep I have done, there may be no discount, all the way up to charging only for first day of trial, so it can be a large discount. It also depends on the client - if particularly difficult, demanding, etc., the discount will vary. (10+, Lower Mainland)
- § The fee depends on factors such as how much preparation, how many appearances occurred before resolution, and how close to trial date the resolution occurs. For example, I may charge \$300 to \$500 for appearances such as first appearances, arraignments; trial confirmation hearings (TCHs); date of stay; Guilty plea/sentencing (which may occur on the same date or different dates). Breaking down the fee this way may equate to approximately the fee for the preparation and attendance of a first date of trial. (10+, Lower Mainland)
- § I pick a figure that "feels" right depending on how much work I put in, the results, and how much paying time I am going to lose by resolving the matter. (10+, Lower Mainland)
- § I usually have an arrangement in place which hopefully reflects the amount of time expended (10+, Lower Mainland)
- § The difficulty in achieving the desired resolution. (10+, Lower Mainland)
- § There are too many variables to quantify. When was the plea finalized? When did it become likely to be a plea (ending trial prep.)? How much difficulty in gaining plea agreement with Crown or with client, etc.? (10+, Lower Mainland)
- § I bill according to the complexity of the case - usually depends on whether or not I can use the time for something else which is billable (10+, Lower Mainland)
- § There is no fee for subsequent days of trial; but if sentencing goes to a subsequent day, then a fee would be billed for sentencing. (10+, Lower Mainland)
- § The discount I apply depends on the ability for me to fill in the lost court time. The closer I am to the trial date the less the discount. (5-10, Lower Mainland)
- § It will depend on how far in advance the resolution occurs. If after the TCH, there will not likely be any discount. (Under 4, Vancouver Island)
- § I do most things on a flat fee basis. Negotiating a stay or a plea agreement often takes more time than preparing and running a trial. The current tariff discourages early resolution.(Under 4, Vancouver Island)

Quantified answers – block fees and hourly rates (17)

LSS Tariff Review – Compensation Survey

- § I will often reduce my fee by 1/3. I charge the client for court prep, negotiations with Crown and court time for plea and sentencing. (10+, Southern Interior)
- § My reduction is approximately 25% of the total block fee (10+, Lower Mainland)
- § Charge an amount between the fee for guilty plea/sentencing and the trial fee. (10+, Lower Mainland)
- § Sometimes, I will offer the client a percentage discount, such as a 30% discount. (10+, Southern Interior)
- § I usually include this possibility in my retainer agreement. Depending on the nature of the charge, I would typically charge \$1,000.00 if the matter is resolved a significant period of time before trial. (10+, Northwest BC)
- § I usually charge \$600 for a sentencing (10+, Southern Interior)
- § Block fee for guilty plea and speaking to sentence. (10+, Vancouver Island)
- § I consider the time of resolution, outcome, amount of retainer, amount of time and effort...the fee would be a combination of hourly rate and block fee considerations (10+, Vancouver Island)
- § I reduce the fees for subsequent trial days (10+, Lower Mainland)
- § I use my hourly rate in conjunction with the degree of success, the importance of the case, and the degree of skill and effort on my part. (10+, Southern Interior)
- § I generally charge no less than my hours expended at my full hourly rate of \$250.00 per hour (10+, Lower Mainland)
- § In addition to my hourly rate, I charge a bonus fee for a good outcome. The total never more than trial fee estimate (10+, Lower Mainland)
- § I don't really use block fees - just my hourly rate (5-10, Northeast BC)
- § I usually charge hourly, and my "trial rate" is only an estimate. If the matter settles early, the client benefits and I do not normally charge anything more than "hours in". On the other hand, if preparation is more involved or if the trial goes long, the client pays more, on an hourly basis. The retainer I get is based on my estimate made after disclosure. I will increase the retainer near trial if circumstances have made it more complicated. I do not generally do "flat rate" work. (5-10, Southern Interior)
- § I will usually make it roughly half or 2/3rds of what the block fee would have been, but only if it's been settled well before the first day of trial (5-10, Central Interior)
- § I offer a 10 to 20 % discount (Under 4, Lower Mainland)

§ Typically, if I haven't done trial prep I refund half the retainer to the client. (Under 4, Lower Mainland)

Depends on the client and other factors (9):

§ This usually depends upon the amount of time that the client in a particular case has used. Some clients never call or drop by, others call twice a day for months. Heavy users get less discount for an early resolution. (10+, Southern Interior)

§ Depending on results obtained, and clients' "ability to pay".

§ Depends on client, hours spent, etc. (10+, Lower Mainland)

§ Client specifics, i.e. ability to pay; attitude etc (10+, Southern Interior)

§ According to results/effort expended (10+, Lower Mainland)

§ So much depends on the nature of the charges and the complexity of the case. The number of issues etc. I also consider the ability to pay (10+)

§ I use the money in trust if any – often there is not enough. Bills sent after the fact are seldom paid. (10+, Central Interior)

§ Usually the full retainer has not been received (10+, Southern Interior)

§ Depends on the client (5-10, Northeast BC)

Depends on the result and other factors (7):

§ I assess the result for client and charge what I feel best represents the result and time applied. (10+, Vancouver Island)

§ Result obtained (10+, Lower Mainland)

§ Result (10+, Southern Interior)

§ Outcome driven (10+, Vancouver Island)

§ Depending on the outcome and the cost of the agreement (10+, Southern Interior)

§ If it's a stay or very favourable plea agreement - no discount. If it's a plea, I reduce to what I would charge for a plea. (10+, Lower Mainland)

§ Guesstimate (10+, Southern Interior)

§ "Value" bill - a good resolution short of a trial is often worth more to the client than a good resolution after a trial. (5-10, Southern Interior)

No discount (2):

§ Do not discount for private clients as the early resolution is typically to clients advantage and results (10+, Lower Mainland)

§ I don't discount - the work has been done at this point. (5-10, Lower Mainland)

8. Where you resolve the case without a trial on or near the scheduled trial date, how do you typically determine your fee?

Average fees and hours for selected criminal services - typical cases for client of modest means

Resolution Near Trial Date	Year of Call				Region					
	All Lawyers	Under 4 Years	4-10 Years	Over 10 Years	Central Interior	Lower Mainland	Northeast BC	Northwest BC	Southern Interior	Vancouver Island
% billing 1 st day trial fee	55.28	62.50	59.38	53.72	50.00	66.67	0.00	55.56	45.45	50.00
% billing time@ hourly rate	26.71	25.00	31.25	25.62	40.00	13.64	50.00	33.33	36.36	34.21
%using reduced block fee	24.84	12.50	9.38	29.75	10.00	24.24	25.00	11.11	36.36	23.68
%using other method	21.12	0.00	15.63	23.97	20.00	16.67	25.00	22.22	36.36	13.16
Fees as % of 1 st day trial fee	83.03	92.50	89.40	81.07	82.50	86.24	55.00	80.83	78.92	83.20

*Typical fees/hours for clients of modest means – comparison to tariff fees**

Resolution Near Trial Date	Year of Call				Tariff Fees by Offence Category			
	All Lawyers	Under 4 Years	4-10 Years	Over 10 Years	Category I	Category II	Category III	Category IV
83% of 1 st day of trial fee	\$1,988.87	\$2,152.81	\$1,987.55	\$1,977.28	\$238.00	\$375.00	\$413.00	\$650.00
100% of 1 st day trial fee	\$2,396.23	\$2,593.75	\$2,394.64	\$2,382.27	\$238.00	\$375.00	\$413.00	\$650.00

*Assumptions regarding criminal tariff fees: Resolution near trial date consists of arraignment court, guilty plea, and sentencing block fees.

Other (33):

Most respondents will charge either the full or partial fee for the first day of trial. Determination of the final fee usually involves consideration of the client's circumstances, how busy the lawyer's practice is at the time and the complexity of work done.

Fees and rates (10):

- § Charge the full fee for the first half day of trial (10+, Lower Mainland)
- § I bill for the first day and a combination of subsequent days (10+, Lower Mainland)
- § Usually guilty plea fee plus a time allowance for higher time input (10+, Central Interior)
- § Give the client a percentage discount (10+, Southern Interior)
- § I usually charge \$600 for a sentencing, but if I have done a lot of prep for trial, I usually charge \$800 (10+, Southern Interior)
- § Full fee (10+, Lower Mainland)
- § Consider pro bono (10+, Southern Interior)
- § On occasion, I may slightly reduce the fee if the case settles on or near the scheduled date. (5-10, Northwest BC)
- § If a matter resolves near the trial date I charge the full trial fee, regardless of the number days it is set for as I can't get those days back. (5-10, Vancouver Island)
- § Flat fee in most cases. (Under 4, Vancouver Island)

Depends on timing and other factors (11):

- § This really depends on whether Crown stayed at last minute or accepted lesser plea..etc...and if it is on day of trial... (10+, Lower Mainland)
- § This is too simplistic - many factors go into determining this decision including original fee, timing, whether I can find something else to do with the time, what the end result is and how it fits the client's needs. (10+, Lower Mainland)
- § You're not clear on how "near" the scheduled date. I would charge my full fee if a resolution occurred on or the day before the date of trial. If I could use my day otherwise (3 or more days advance notice), I would charge 60% as described above. (10+, Northwest BC)
- § See above. Remember, that on most LSS bills I set forth the time I spend and the number of times I appear in court for the client. (10+, Southern Interior)
- § This again will vary. If matter set for two weeks, I must charge more than the first day of trial, if all trial prep is done and I am facing an empty calendar. Depends on the type of case, the amount of work, and the circumstances of the client. Does vary, but at a minimum, full first day; may be as much as the whole thing. (10+, Lower Mainland)
- § It will depend on whether it was my input that created the result and of course the amount of time and difficulty of the work. (10+, Southern Interior)
- § Depends on time spent on preparation, research and negotiation (10+, Southern Interior)

- § It depends on the trial - a complex trial with a lot of preparation I will charge full fee up to 1st day (10+, Lower Mainland)
- § Once again, it depends on how complex and how much time did I spend resolving the matter. I consider the role that my expertise played - were legal arguments used in discussions with crown. I also consider how much time I booked for the trial. (10+)
- § Depends on the complexity and scheduled length of the trial. (10+, Lower Mainland)
- § (Same answer as for Question 8) It depends on when the resolution is achieved. With the current Crown practice of assigning files to a specific Crown coupled with the almost completely waste and incompetence (in terms of capability of 'time/cost efficiency management') inherent in the current JCM trial scheduling process, it is very seldom that the Crown turns its attention to a reasonable compromise well in advance of the trial date. Therefore, so often, most of the work is done in preparation for trial so close to the trial date that little savings is the result. The Crown finally agrees 6 or 8 months later with the proposal that we made within 1 month of the first appearance date. There is absolutely no incentive on the part of the Crown to be reasonable in the early stages.

Additionally, time and again, we are adjourned, or bumped, or can't finish or are set over for continuation (most of which is completely unfunded by LSS in those cases) because there is no direct cost to any of the service participants except the defence. Of course, the Crown, JCM, Court Services, Sheriff's services, Judges are not faced with the indirect costs personally. So it goes. When Counsel were allowed to pick the days upon which they wished to schedule their trials, they did so effectively and efficiently - one was always, with maturity, able to schedule their trials or appearances or 'stack' them in order to make full days (ie. some cases collapse, deals are rightly anticipated close to trial, other trials both sides know are going ahead, etc.) and the Judges knew if this was being abused. The complete abandonment of the trial scheduling process by the Judges to the JCM's has resulted in this worse than ever trial scheduling system. Accordingly to answer your question, the amount of any discount is directly proportional to the amount of time saved which is often little. (10+, Vancouver Island)

Depends on the client and other factors (3):

- § Depends on client, hours spent, etc. (10+, Lower Mainland)
- § Client's ability to pay; time used; difficulty in dealing with Crown etc. (10+, Southern Interior)
- § Depends on the client (5-10, Northeast BC)

Depends on the result: (2)

- § Result (10+, Southern Interior)
- § Result obtained (10+, Lower Mainland)

Other:

- § See above for factors taken into account (7)

9. Do your private retainers provide for a bonus in the event of a good result?

Yes: 22 (13.3%)

No: 144 (86.7%)

Bonus for Good Result	Year of Call				Region					
	All Lawyers	Under 4 Years	4-10 Years	Over 10 Years	Central Interior	Lower Mainland	Northeast BC	Northwest BC	Southern Interior	Vancouver Island
% of lawyers who bill	13.3	11.1	17.65	12.30	20.00	7.35	25.00	11.11	21.21	12.50
% of cases with bonus	28.75		21.00	32.27	50.00	16.67	75.00	25.00	28.00	24.00
Bonus as a % of total fees	23.91		22.00	24.77	17.50	37.50	20.00	25.50	25.50	20.00

10. What percentage of your annual total revenue is consumed by overhead costs? Please estimate:

Overhead	Year of Call				Region					
	All Lawyers	Under 4 Years	4-10 Years	Over 10 Years	Central Interior	Lower Mainland	Northeast BC	Northwest BC	Southern Interior	Vancouver Island
Overhead Costs % (Mean)	47.25	55.17	48.79	46.44	46.00	43.63	47.50	52.56	48.77	51.82

11. Do you have any further comments about billing practices in criminal law for private clients of modest means?

Do not reduce fees (3):

- § Plumbers, doctors, dentists, electricians, truckers, and all other professions charge a given rate for the job. Lawyers should be no different. The client can either afford it, or the client cannot. The practice of cutting fees because the client is perceived by the lawyer is a bad one: let the client decide if he can afford it. Why are most lawyers still practicing law at 65? Because they can't afford to retire. That does not seem to me to spell "overcharge". (10+, Central Interior)
- § I do not quote fees based on a client's ability to pay. Garages and other businesses don't do it, and I don't either. I believe that when a client tells another person about the good work that you have done for them, one of the things that they discuss is how much your services cost. So if you give one client a reduction, you are going to be faced with the question by future clients, "you gave him a break, why not me." When a person fixes your car, or repairs your house, they don't ask how much you earn, they quote their fee, and that is what I do.

How can you charge for a good result? A good result for a person who has committed a sexual assault causing bodily harm, may be a reduction in the charge to Sexual Assault with a year in real jail. It is a very poor idea to base criminal billings on result, because what a good deal is depends on the facts of the case, and the record and circumstances of the client. For example when Len Doust represented former Judge David Ramsay, and on negotiated guilty pleas Mr. Ramsay got 7 years, was that a terrible result? Who knows -- but there is no doubt that it was a fine lawyer and a difficult case -- and most particularly the only people who know are the Crown and the Defence, no one else knows what you may have managed to talk the Crown into dropping or glossing over. To give a bonus for "results" is impossible as every case is different and it is impossible to define "good" without knowing more that LSS will know about the case. And, LSS does not want to encourage lawyers to only take easy cases (where there is a bonus available). (10+, Central Interior)

§ My family should not subsidize criminal activity. If they can't pay for my time - don't do the crime. (5-10, Vancouver Island)

Nature of clients/tariff:

§ In many cases, because I am a soft touch, I make more money from legal aid than from a private retainer for a like matter. My problem with LSS formulas is that because I take on lots of troubled people charged with breach of conditions, I have to work very hard with difficult needy and time consuming individuals, and the pay is very low, as opposed to one who is charged with ACBH for example.

The most common intersection of private client of modest means and private retainer comes with an impaired charge and no jail sought; I used to do a flat fee of \$1,500 now I won't do that anymore and have taken to \$2,500. This is still probably not enough. I also now know that my colleagues may charge \$20,000 for something I would do for \$5,000 so that's over also. (10+, Southern Interior)

§ **Private retainers even from people of modest means have to in part subsidize the LSS payments.** While some lawyers can exist on only LSS through volume, I cannot. (10+, Vancouver Island)

§ Yes. The LSS Tariff is so low I have had no option but to stop taking criminal or family legal aid cases. I cannot, under the current Tariff, provide proper representation to ANY criminal or family client. Accordingly, I cannot, in good conscience, take those matters on. **The plight of the poor and disenfranchised in this province is exacerbated to the extreme by the inability of LSS to provide proper funding for representation that is desperately needed. Any lawyer with a practice of even a moderate size and moderate overhead cannot take these cases on without actually losing money.** It is high time the Provincial Government started funding LSS with the Social Service Tax it collects every month from lawyers and their paying clients -- the purpose for which the sales tax on lawyer's fees was intended in the first place. (10+, Southern Interior)

§ I seem to be able to acquire clients of modest means (meaning those who are gainfully employed in average jobs who therefore do not qualify for legal aid.) **Typically, my fees (which are not excessive) still end up to be three to four times the rate paid under the legal aid tariff for comparable work. This is because the legal aid tariff has been frozen in time for more than 12 years. Private clients do not expect free services. For example, when you have to**

attend First and 2nd appearances, trial confirmation appearances, trial confirmation appearances, new fix dates because cases do not proceed due to lack of court time or Crown adjournment requests, waiting time for cases to get on, preparation of subpoenas, interviewing clients and witnesses, private clients understand that this is work of value for which lawyers can reasonably expect to be paid. These are not considered billable services worthy of compensation or adequate compensation under L.S.S. This causes immense frustration amongst those of us who want to do a superb job under L.S.S. but need to feed or families and staff as well. (10+, Lower Mainland)

- § I live and work in the Shuswap/North Okanagan area. I am of the impression that the majority of persons in this area who run into criminal or family problems are the kinds of people who live paycheque to paycheque. If not, settlement is easy. It is more difficult when persons have assets but no financial means to resolve a case without great difficulty. I usually work with them to the end allowing them to pay as they go. I get burned quite a lot by clients in this latter scenario. (10+, Southern Interior)
- § There is still a fair amount of pro bono or deeply discounted work done. The retainer often does not appear as promised yet my work gets done, out of respect for the Court. Sometimes a bill gets paid or not rendered or written off. (10+, Vancouver Island)
- § As I indicated in #8, it is not simply a matter of charging time spent x hourly rate. Some clients (e.g. mentally challenged) require a lot more time but this does not necessarily mean a higher billing. **I look at what is involved balanced against what I know the client can afford.** Being more experienced also means [investing] less preparation time for some cases. (10+, Southern Interior)
- § This survey is not specific enough to be of any use. I may have certain block fees for specific types of offences but each client is different and really, I do not have a "typical client". (10+, Lower Mainland)
- § When you say "typical" and "clients of modest means", I am not sure what you mean. I will not quote a fee to my clients without first assessing the seriousness of the charges and the amount of work necessary to bring the matter to a conclusion that will be in the best interest of my client; of course, I consider the importance of the matter to the client, the cost and the chance for success. I find that, some impaired driving cases take more than a day of trial and others with a single issue might be completed in a half day. "Typical" is almost impossible to assess as is the comment "client of modest means". **Sorry I can't be of more assistance but I do think that unless there are specific definitions of the terms used your survey will not be helpful at all.** (10+)
- § **Modest means varies a lot.** I do some work for some clients for no fees at all, some for around 50% of my normal private rate, some for the legal aid rate. It is very hard to generalize or to accurately answer these questions. (10+, Lower Mainland)
- § **I am very flexible with clients and try and determine what they can realistically afford.** I am willing to take postdated cheques or set a schedule of payments for each step leading up to a trial or a guilty plea. I end up doing a lot of

work without being paid especially for clients who are refused legal aid because they are not facing jail or they may be earning more than the minimum for eligibility. (10+, Lower Mainland)

- § If a client is having financial problems, I am sometimes guided by the LSS Tariff and charge about 300% of what LSS would pay for pleas and sentencing, or about double the LSS Tariff for hearings. (10+, Lower Mainland)
- § I do not require a bonus for a successful result. Clients are advised of my hourly rate and the basic fee (e.g. \$2500.00 for first day of p.c. trial) and are billed according to a mixture of time and success. Equally, if the client is of modest means and we do not achieve their goal for the case I may discount the fee, although I usually won't advise them that I have done that. I have no set formula other than assessing whether I feel I earned my account based on time, success, and the skill involved. Clients come usually because of my reputation, and if I feel my experience allowed me to achieve a result not otherwise available, I will charge for that, even if not apparent from the time spent. It boils down to whether I feel it was fair that I bill that amount for the case. (10+, Lower Mainland)
- § Stagger payments up until date of trial (10+, Lower Mainland)
- § I often provide payment options, such as post dated cheques. (10+, Lower Mainland)
- § Billing is dependent on my assessment of the complexity of the case. I also charge my fees on the understanding that clients can pay in installments if arrangements are made (10+, Lower Mainland)
- § Many times if close to trial date or the matter settles prior to trial, if I am not fully retained, I will reduce the account to help the client. However, only when I truly believe the client is struggling with finances. I will also accept post dated cheques to help the client with the payment plan. (10+, Vancouver Island)
- § We provide pro-bono services for clients of modest means on summary offences, or if the Crown is proceeding summarily. On other occasions we have charged at 50% of our normal rate and charged only for court attendance and not preparation. On other occasions, for clients we have served over the years we provide pro-bono services for a variety of legal problems encountered by them. We also provide pro-bono services for our clients who have been incarcerated and are confronted by various correctional services problems. We will also represent them at their parole hearings. If we cannot provide services we refer them to other competent counsel who can. (10+, Lower Mainland)
- § **All of the responses were definitely for clients of "modest means" - daily rates, hourly rates and "breaks" for resolution are much different for clients with more substantial resources.** Many appearances and some entire files that are pleas/sentencings are done with little or no compensation if the person is one slipping through the cracks. Criminal lawyers, and to a lesser extent family lawyers, do a significant amount of unplanned pro bono work for which they receive no compensation. This fact must be factored in when determining adequate compensation for LSS work. (10+, Southern Interior)
- § I work inexpensively, everyone deserves a defence (10+, Lower Mainland)
- § A lot of them should be getting Legal Aid. (10+, Southern Interior)

- § It is not good business to send a bill after the case is over with a balance owing. It will never be paid and just becomes a receivable headache. It's better to reduce the fee to an amount the client agrees to and does pay in trust before trial (10+, Southern Interior)
- § Get your retainer in advance! Get off the records at least at the TCH if you haven't received the full retainer (10+, Southern Interior)
- § **Most lawyers just try and survive.** We take what we can get, which is seldom enough. Percentages and hourly rates are guidelines which most clients can't meet. (10+, Central Interior)
- § Too much non billable time is spent in numerous court appearances before the trial or preliminary hearing. Also, too many trials/prelims are booked for same day often resulting in adjournments, which the clients say they should not have to pay for. (10+, Southern Interior)
- § See the Answer to Question 8. We try and anticipate whether we will proceed on the scheduled days and account for it, but we usually lose out because some key player is unavailable or for some other reason beyond our control. You almost have to anticipate wasting 1 day at court in order to conduct a 1- day trial. (10+, Vancouver Island)
- § There are too many 1st appearances and arraignment appearances (Crown is often not ready at 1st appearance) and appearances to set trial dates. There are also too many trials or preliminary hearings set for the same day, often resulting in adjournments. Wasted days because of adjournments are hard to bill for as client says it's not their fault (10+, Southern Interior)
- § I believe that it is important to have an office, staff for clients to contact, appointments, and informed clients. The clients need to be kept in the loop. Lawyers must do CLE to keep up to date but it means taking time off work to upgrade. Lawyers must have access to legal research. I use to spend \$10,000 plus a year on my library now it is mostly Quick law or other internet sources but they still cost money. In addition clients need reminders, my office needs to keep contact with clients, collect letters from character witnesses, arrange alcohol and drug treatment, contact medical and psychological professionals, help arrange with other social agencies for housing, food, assessment and even employment and upgrading. Every client must have their own particulars or at least important parts of it. Every client who is charged with really serious charges should provide written instruction of how we are proceeding (trial, plea, jury trial or not). They have a contact point with lawyer. It is possible to increase profit by not having staff, meeting clients only at court and never visiting pre-trial centres such as North Fraser but clients suffer and the quality of work they get is substandard. It also results in a large increase in failing to appear, unnecessary dead time as lawyers are all over the Lower Mainland and the client can't reach them. Also there are too many totally unprepared clients going to court without any idea what is happening. Many don't know if they are pleading guilty or having a trial. They do not know the case they must meet, the possible defences, and they are kept completely out of touch by the "fly by the seat of your pants" lawyer of which I see far too many. (10+, Lower Mainland)

- § The PST is ridiculous for clients of modest means - it simply means that I pay the PST and I frequently end up paying the GST as well; you have not defined the target clients in this survey and I have assumed them to be everyone who is not a professional criminal - some clients are better off than others and frequently, they pay the freight so that I can continue to do Legal Aid cases which sadly bear no relevance to the financial needs of running a practice. Particularly with respect to guilty pleas and sentencing - give this some thought please... (10+, Lower Mainland)
- § My fees vary greatly depending on their financial circumstances. I am now practicing much less in the criminal field so my fees may not be representative of the lawyers in this area. (10+, Central Interior)
- § Difficult to answer as modest means is too vague without being defined. (10+, Lower Mainland)
- § Most of our criminal clients are of modest means. My experience is that those charged with impaired/over.08 are usually the highest wage earners. I do not make allowances for modest means. If a client wants representation they have to pay a realistic fee. I do however do a lot of 'free work' with the legal clinic in Vernon and with the Salvation Army pro-bono program, in addition to the walk-ins who do not qualify for LSS. I would like to say that I do very little LSS criminal work because the fees available are unrealistic, you just can not run a business on LSS if you want to give your clients thorough representation. (5-10, Southern Interior)
- § The fees I have indicated are my averages. If I feel that someone is low income, I usually charge a rate close to or equal to the legal aid tariff. (5-10, Southern Interior)
- § The biggest issue is getting the client to attend to timely payment of the agreed upon amounts before the TCH (5-10, Lower Mainland)
- § I rarely charge on an hourly basis. The block fee charged includes all work done on a file up to and including a trial, except for bail hearings - these are charged in addition to the block fee. (5-10, Vancouver Island)
- § This survey is difficult to complete as each case will vary depending on how modest the client's means and the likelihood of success. If the client has a very good case but very little money, I will reduce my fee accordingly. If they have a hopeless case but insist on running it notwithstanding my advice to them, I am less inclined to cut my fee drastically. (5-10, Northwest BC)
- § I don't do block fees. I give my best estimate at the front end and stick to it. (5-10, Northwest BC)
- § I sometimes worry lawyers do not provide top-calibre service when not paid as much; my view is that every case should be handled at the same high level, regardless of remuneration. (5-10, Lower Mainland)
- § My numbers are estimates only based on my personal practices. My firm is pushing me to increase those fees significantly because they are low (Under 4, Lower Mainland)

Section III - Family Law

12. What is your typical hourly rate for family law services for private clients of modest means?

Average hourly rate – typical case for client of modest means:

Hourly Fee		
All Lawyers	Mean	Median
	\$169.45	\$175.00

Hourly Fee		
By Year of Call	Mean	Median
Under 4 years	\$125.00	\$125.00
4 to 10 Years	\$162.27	\$150.00
Over 10 Years	\$172.92	\$175.00

Hourly Fee		
By Region	Mean	Median
Not Given		
Central Interior	\$181.14	\$200.00
Lower Mainland	\$168.89	\$160.50
Northeast BC	\$212.50	\$212.50
Northwest BC	\$161.00	\$150.00
Southern Interior	\$164.57	\$170.00
Vancouver Island	\$167.78	\$175.00

Hourly Fee		
Practice Status	Mean	Median
Associate	\$165.56	\$155.00
Partner	\$190.00	\$200.00
Sole Practitioner	\$163.79	\$150.00
Other	\$137.50	\$137.50
Not Given	250.00	\$250.00

Hourly Fee		
By Firm Size	Mean	Median
1	\$162.40	\$150.00
2-5	\$176.05	\$170.00
6-10	\$184.06	\$180.00
11-20	\$177.00	\$180.00
Over 20	-	-

Hourly Fee		
By Gender	Mean	Median
Male	\$176.63	\$180.00
Female	\$160.76	\$150.00

13. Please indicate the typical total fees and total hours (including all required preparation and court attendance) for the following services:

a) Early resolution (negotiated settlement at early stage without litigation)

Average fees and hours for selected family services - typical cases for client of modest means

Early Resolution	Year of Call				Region					
	All Lawyers	Under 4 Years	4-10 Years	Over 10 Years	Central Interior	Lower Mainland	Northeast BC	Northwest BC	Southern Interior	Vancouver Island
Fees (mean)	\$1,515.24	\$1,375.	\$1,568.42	\$1,503.47	\$1,910.00	\$1,750.00	\$1,150.00	\$1,398.00	\$1,528.33	\$1,180.77
Hours (mean)	10.59	10.50	11.53	10.32	10.56	11.60	4.50	8.0	14.72	7.85

*Typical fees/hours for clients of modest means – comparison to tariff fees**

Early Resolution (mean rate)	Year of Call				Family Tariff Fees
	All Lawyers	Under 4 Years	4-10 Years	Over 10 Years	
Fees	\$1,515.24	\$1,375.00	\$1,568.42	\$1,503.47	\$847.20
Hours	10.59	10.50	11.53	10.32	10.59
Effective Hourly Rate	\$143.05	\$130.95	\$136.06	\$145.69	\$80.00

*Assumptions regarding tariff fees: Early resolution fees consist of average hours paid at the hourly tariff rate..

b) Case or settlement conference in Provincial Court

Average fees and hours for selected family services - typical cases for client of modest means

Case Settlement Conf. - PC	Year of Call				Region					
	All Lawyers	Under 4 Years	4-10 Years	Over 10 Years	Central Interior	Lower Mainland	Northeast BC	Northwest BC	Southern Interior	Vancouver Island
Fees (mean)	\$868.95	\$500.00	\$853.57	\$887.24	\$795.00	\$1,191.30	\$750.00	\$452.00	\$853.50	\$676.43
Hours (mean)	5.90	3.75	5.71	6.04	4.86	6.91	4.20	3.20	7.73	4.28

Typical fees/hours for clients of modest means – comparison to tariff fees*

Case Settlement Conference – PC (mean rate)	Year of Call				Family Tariff Fees
	All Lawyers	Under 4 Years	4-10 Years	Over 10 Years	
Fees	\$868.95	\$500.00	\$853.57	\$887.24	\$472.00
Hours	5.90	3.75	5.71	6.04	5.90
Effective Hourly Rate	\$147.25	\$133.33	\$149.37	\$146.82	\$80.00

*Assumptions regarding family tariff fees: Case settlement conference in Provincial Court consists of average hours at the hourly tariff rate.

c) One-day hearing in Provincial Court to obtain interim orders

Average fees and hours for selected family services - typical cases for client of modest means

1-Day Hearing for Interim Orders - PC	Year of Call				Region					
	All Lawyers	Under 4 Years	4-10 Years	Over 10 Years	Central Interior	Lower Mainland	Northeast BC	Northwest BC	Southern Interior	Vancouver Island
Fees (mean)	\$1820.91	\$1,562.	\$1,735.71	\$1,860.00	\$1,777.50	\$2,448.91	\$1,750.00	\$1,244.00	\$1,573.57	\$1,545.24
Hours (mean)	12.72	12.50	12.97	12.64	11.00	15.92	8.00	9.80	13.23	10.38

Typical fees/hours for clients of modest means – comparison to tariff fees*

1 Day Hearing for Interim Orders– PC (mean rate)	Year of Call				Family Tariff Fees
	All Lawyers	Under 4 Years	4-10 Years	Over 10 Years	
Fees	\$1,820.91	\$1,562.50	\$1,735.71	\$1,860.00	\$1017.60
Hours	12.72	12.50	12.91	12.64	12.72
Effective Hourly Rate	\$143.17	\$125.00	\$133.79	\$147.10	\$80.00

*Assumptions regarding family tariff fees: One-day hearing in Provincial Court to obtain interim orders consists of average hours at the hourly tariff rate.

(d) Trial in Provincial Court:

Average fees and hours for selected family services - typical cases for client of modest means

Family Law Trial - PC (mean)	Year of Call				Region					
	All Lawyers	Under 4 Years	4-10 Years	Over 10 Years	Central Interior	Lower Mainland	Northeast BC	Northwest BC	Southern Interior	Vancouver Island
Fees - 1 st day of trial	\$2,257.05	\$2,175.00	\$2,112.50	\$2,311.61	\$2,193.75	\$3,217.05	\$3,125.00	\$1,840.00	\$1,693.42	\$1,822.73
Hours – 1 st day of trial	15.28	17.50	14.94	15.31	13.43	19.80	14.00	14.00	15.06	11.60
Fees – subsequent days	\$1,443.38	\$1,375.00	\$1,416.22	\$1,455.00	\$1,766.67	\$1,729.07	\$1,850.00	\$1,410.00	\$1,200.00	\$1,178.57
Hours – subsequent days	8.92	15.00	10.51	8.25	10.00	10.61	8.75	10.20	7.80	7.35

Typical fees/hours for clients of modest means – comparison to tariff fees

Family Law Trial - PC (mean rate)	Year of Call				Family Tariff Fees
	All Lawyers	Under 4 Years	4-10 Years	Over 10 Years	
Fees	\$2,257.05	\$2,175.00	\$2,112.50	\$2,311.61	n/a
Hours	15.28	17.50	14.94	15.31	
Effective Hourly Rate	\$147.70	\$124.29	\$141.36	\$150.97	
Fees – subsequent days	\$1,443.38	\$1,375.00	\$1,416.22	\$1,455.00	
Hours –subsequent days	8.92	15.00	10.51	8.25	
Effective hourly rate	\$161.80	\$91.67	\$134.69	\$176.26	

(e) Case or settlement conference in Supreme Court

Average fees and hours for selected family services - typical cases for client of modest means

Case Settlement Conf. - SC	Year of Call				Region					
	All Lawyers	Under 4 Years	4-10 Years	Over 10 Years	Central Interior	Lower Mainland	Northeast BC	Northwest BC	Southern Interior	Vancouver Island
Fees (mean)	\$1,134.29	\$1,187.5	\$1,128.21	\$1,134.50	\$1,175.00	\$1,726.09	\$650.00	\$802.00	\$951.79	\$795.65
Hours (mean)	7.92	9.50	9.38	7.38	7.81	9.93	3.00	5.60	10.20	4.87

*Typical fees/hours for clients of modest means – comparison to tariff fees**

Case Settlement Conference - BCSC (mean rate)	Year of Call				Family Tariff Fees
	All Lawyers	Under 4 Years	4-10 Years	Over 10 Years	
Fees	\$1,134.29	\$1,187.50	\$1,128.21	\$1,134.50	\$633.60
Hours	7.92	19.50	9.38	7.38	7.92
Effective Hourly Rate	\$143.24	\$125.00	\$120.22	\$153.81	\$80.00

*Assumptions regarding family tariff fees: Case settlement conference in Supreme Court consists of average hours at tariff hourly rate.

(f) One-day hearing in Supreme Court to obtain interim orders

Average fees and hours for selected family services - typical cases for client of modest means

1-Day Hearing for Interim Orders - BCSC	Year of Call				Region					
	All Lawyers	Under 4 Years	4-10 Years	Over 10 Years	Central Interior	Lower Mainland	Northeast BC	Northwest BC	Southern Interior	Vancouver Island
Fees (mean)	\$2,442.71	\$1,850.0	\$2,132.14	\$2,559.34	\$2,550.00	\$3,176.04	\$1,250.00	\$1,744.00	\$2,491.25	\$1,848.91
Hours (mean)	15.66	15.00	14.42	16.08	13.29	20.04	5.00	11.80	17.85	11.31

*Typical fees/hours for clients of modest means – comparison to tariff fees**

1-Day Hearing for Interim Orders- SC (mean rate)	Year of Call				Family Tariff Fees
	All Lawyers	Under 4 Years	4-10 Years	Over 10 Years	
Fees	\$2,442.71	\$1,850.00	\$2,132.14	\$2,559.34	\$1252.80
Hours	15.66	15.00	14.42	16.08	15.66
Effective Hourly Rate	\$155.94	\$123.33	\$147.85	\$159.20	\$80.00

*Assumptions regarding family tariff fees: One-day hearing in Supreme Court to obtain interim orders consists of average hours at hourly tariff rate.

(g) Trial in Supreme Court:

Average fees and hours for selected family services - typical cases for client of modest means

Family Law Trial - BCSC (mean)	Year of Call				Region					
	All Lawyers	Under 4 Years	4-10 Years	Over 10 Years	Central Interior	Lower Mainland	Northeast BC	Northwest BC	Southern Interior	Vancouver Island
Fees - 1 st day of trial	\$3,938.51	-	\$3,930.88	\$3,940.791	\$3,130.00	\$5,617.50	\$3,375.00	\$2,140.00	\$2,303.95	\$4,444.57
Hours – 1 st day of trial	24.30		24.82	24.13	15.88	35.56	16.00	15.00	14.79	26.00
Fees – subsequent days	\$1,749.66		\$1,769.12	\$1,743.75	\$1,810.00	\$2,110.00	\$2,000.00	\$1,560.00	\$1,637.50	\$1,530.43
Hours – subsequent days	10.87		12.88	10.22	9.63	13.40	10.00	10.60	9.47	9.98

Typical fees/hours for clients of modest means – comparison to tariff fees

Family Law Trial - BCSC (mean rate)	Year of Call				Family Tariff Fees
	All Lawyers	Under 4 Years	4-10 Years	Over 10 Years	
Fees	\$3,938.51		\$3,930.88	\$3,940.79	n/a
Hours	24.30		24.82	24.13	
Effective Hourly Rate	\$162.09		\$158.39	\$163.32	
Fees – subsequent days	\$1,749.66		\$1,769.12	\$1,743.75	
Hours –subsequent days	10.87		12.88	10.22	
Effective hourly rate	\$160.96		\$137.37	\$170.61	

14. Do your private retainers provide for a bonus in the event of a good result?

Yes: 17 (18.1%)

No: 77 (81.9%)

Bonus for Good Result	Year of Call				Region					
	All Lawyers	Under 4 Years	4-10 Years	Over 10 Years	Central Interior	Lower Mainland	Northeast BC	Northwest BC	Southern Interior	Vancouver Island
% of lawyers who bill	18.09	-	4.55	22.86	27.27	28.57	50.00	-	4.55	15.38
% of cases with bonus	13.92		50.00	10.92	10.00	14.20	10.00			20.00
Bonus as a % of total fees	16.67		10.00	17.27	17.50	15.00	30.00			15.00

15. What percentage of your annual total revenue is consumed by overhead costs?

Overhead	Year of Call				Region					
	All Lawyers	Under 4 Years	4-10 Years	Over 10 Years	Central Interior	Lower Mainland	Northeast BC	Northwest BC	Southern Interior	Vancouver Island
Overhead Costs % (Mean)	51.23%	30.00%	51.33%	51.58%	43.83%	47.52%	47.50%	51.67%	57.16%	52.24%

16. Do you have any further comments about family law billing practices for private clients of modest means?

§ This is a good survey to focus on these questions. **The problem is that in a rural area if the person cannot obtain legal aid, then that’s generally the end of the idea of legal representation.** Or in my case they come in and have no money but I know them and have for a long time then I agree reluctantly to just help them a little and then of course I am trapped and stuck and away we go. I quickly wish they had LSS even though LSS doesn’t really cover costs. (10+, Southern Interior)

- § **Running a private practice as a general practitioner, with a philosophy that community is more important than the pocket book, requires numerous extra hours at no cost to the clients.** I give free legal advice to persons on their attendance for their first meeting and if I take the case, then I charge my clients. Unfortunately, I get burned a lot but so far, I am not burned out and I still have 'faith' in the system and my personal philosophy regarding practice even if I don't get paid. I think that perhaps I am rather different in this regard. (10+, Southern Interior)
- § Unfortunately, too often I end up not getting paid some or all of my fees as the clients do not have the means to pay the costs associated with the problems that they find themselves in. **I probably write off at least 10% - 15% of my fees each year. This makes it very difficult to give anyone a break on fees. I also end up financing litigation, sometimes for years, while clients try to pay me by installments.** (10+, Southern Interior)
- § It is not unusual for our office to provide a personal discount on legal fees for clients, depending upon their financial means. In addition, we take on cases on a purely pro bono basis, except that we do require the client to pay disbursements. (10+, Southern Interior)
- § In addition to my previous comments, I would add that it is difficult to estimate a "typical" Provincial or Supreme Court application in terms of time- they are all different. We routinely spend much more time preparing than we bill for in private and LSS files. **Our professional ethics do not allow us to be ill prepared or under-prepared as our duties to the court, our clients and ourselves overshadow being properly compensated. That situation, however, is probably one of the main reasons why there is an apparent non-recruitment into this type of work by young lawyers. I don't blame them.** (10+, Southern Interior)
- § My fees are probably higher than indicated because most cases have on going conflict entailing more attendances and telephone attendances. Receivables are a continuing problem. The practice of matrimonial law in the southern interior has been adversely affected by Rule 51A, Judicial Case Conferences and the lack of Legal Aid which often results in both clients being self-represented. (10+, Southern Interior)
- § For low income clients in Provincial Court I will sometimes charge as per the tariff. However, I never reduce my fees for Supreme Court matters. (5-10, Southern Interior)
- § Separation of case conferences and settlement from trial preparation is artificial because preparation must be done in any event (10+, Southern Interior)
- § I often give my clients Preferred Client Discounts and I don't charge for all of the time if I have to do extensive research and case law searches. I often reduce the disbursements by reducing the photocopy charges to a lower rate than our firm charges out at. (5-10, Southern Interior)

- § This is a difficult question as almost any client could say (and will say) that they cannot afford our hourly rate of \$200 per hour, even clients with good paying jobs. As such, it is my practice to stick to my hourly rate of \$200 per hour for all private clients. This also reduces any confusion for staff and bookkeeping. (5-10, Southern Interior)
- § My private clients are not usually able to afford a trial of any length. It is rare that I do trials for private clients. There is usually some sort of settlement prior to trial, or if I sense the case will be very litigious, I send them to another lawyer. (Under 4, Southern Interior)
-
- § I do bill in accordance with what the client can pay, especially where the matter can likely be resolved fairly quickly, with a court application or two. (10+, Vancouver Island)
- § The foregoing hours are conservative, taking into account that clients of modest means can not afford to pay for full and complete preparation (10+, Vancouver Island)
- § Most of my client's are of modest means (10+, Vancouver Island)
- § The biggest problem with legal aid is the fact that it is difficult to get paid even at very low rates. **What I find is often I will have put in the hours and someone at head office will find that I have spent too much time, or filed something that they do not agree with etc. Not only do I find this insulting but it takes a lot of time to explain the case which of course I am not paid for. The same can be said about disbursements.** A little while ago I had witness fees deducted from my bill even though I had paid them out already. Yes I could have appealed except that again I had already spent hours justifying the witness fees (while not getting paid) that at some point one has to throw in the towel as the fees are worth less than all of the time it is taking to get them. This, however, leaves a very bad taste in ones mouth and is in fact the reason that I am not doing legal aid work any more. Finally, the strict number of hours that are assigned are often not enough which means that you have to leave your client in the middle of a very contested court battle or do a lot of work for free. (10+, Vancouver Island)
- § I have been known to give clients a break by reducing my account at the time that a bill is rendered. Sometimes that can mean a reduction of 20% of my fees. It seems to depend on whether I have accomplished what I was retained to do or if I will need to continue to work on the file. Consequently, it is usually an interim bill which is reduced. I guess rather than charge a bonus in the event of a good result, I provide a reduction when I think that the bill exceeds the value of what was achieved. (10+, Vancouver Island)
- § I do not do litigation any more...only uncontested divorces (flat rate \$600 fee) and separation agreements etc (billed on hourly rate) (10+, Vancouver Island)
- § This is somewhat artificial. Our clients of modest means are mostly on legal aid -- those who don't qualify can't even afford an hourly rate of \$80, yet alone \$120. So, really, the private clients are subsidizing legal aid, even without the PST. (10+, Central Interior)

- § I do not bill per day of trial. I bill for preparation for the entire trial no matter how long it takes. There is more prep for longer trials, less for shorter, and the client is billed for each day the trial continues. (5-10, Central Interior)
- § The legal services tariff is not sufficient to justify taking on legal services clients given the cost of running a larger office - it may be that individual practitioners can justify the tariff. (10+, Central Interior)
- § I bill family files by the hour. It is not a perfect system, but most other lawyers do it, and I have never been able to come up with a satisfactory block billing system. I have not answered all the questions because they infer a block billing system, like how much for a case conference. I generally do a lot of preparation work right at the start. I scan complex cases into Searchlight, a case management software program -- this is an expensive and initially time consuming, but if the matter goes to trial, there is far less preparation needed as the case approaches trial. (10+, Central Interior)
- § The above information is my best estimate. I cannot give you precise information. When I achieve a good result for clients who have little income the "good result" has never been, in my view, sufficient to take a bonus from them. If a client is a person of some means I might do so depending upon the circumstances of the particular case, but not if they are of modest means. (10+, Lower Mainland)
- § My rates do not change for anyone as I am of the view that if I do so (charge less for someone) there is a risk that I either may not deliver the quality of service (both in timeliness and amount of proper time) or I may be accused of not so delivering my services. I do make allowances for when I am to be paid. All clients must pay in full in advance. However, those of modest means pay in full but not necessarily all in advance. (10+, Lower Mainland)
- § I have not included in the trial preparation the actual time spent preparing for trial other than on the actual days of trial. I have not included the time spent obtaining and examining documents; summarizing evidence, preparing direct and cross examinations, doing examinations for discovery, meetings with client, formulating proposals to settle, advising client, correspondence, etc. (10+, Lower Mainland)
- § I currently, and in the recent past, have done a lot of limited retainers-- for specific aspects of an ongoing case because clients can not afford a full service or even close to a full service. **I have tried to incorporate into my practice a version of consultative work including preparation of documents without going on record for clients. I find that this rarely works because clients are overwhelmed by the prospect of taking primary responsibility for their cases and often having to appear in court without a lawyer. These clients are typically in a period of enormous stress as a result of their family law problems and are barely able to keep their work and family life together let alone act as their own lawyer-- even with my help.** Often they just give up to whatever the opposing spouse wants because they can not tolerate the continuing stress-- usually to their detriment. I should say that I act for women in family law cases about 90% of the time. (10+, Lower Mainland)

- § Often with modest means clients the actual amount billed would be further reduced depending on the financial circumstances of the client and how manageable they might have been. An easy client usually will get a further break. (10+, Lower Mainland)
- § In each case above, I gave the TOTAL cost to reach the stage of progress being asked about. It was not clear how you wanted us to do this. (10+, Lower Mainland)
- § The idea of a means test to see if the client can avoid taxes is time consuming and counter productive. The government should just cut the PST on lawyer's services. The amount of persons doing low-income work is very low and likely to get lower because of the low rate of pay. The net pay after hold-back and overhead leaves little pay for the effort. This arrangement almost ensures that the court system will be clogged with self-represented litigants for years to come. (10+, Lower Mainland)
- § I don't think the Legal Services Society has a clue about what it costs to run a law practice. Are you aware that a decent legal secretary, together with her overhead, can cost you about \$60,000.00 per year or more? (10+, Lower Mainland)
- § These questions would not lead to a clear picture of how my billing system works. It is very rare that a family law matter results in a trial so it is hard to give these answers. People who are paying for legal services are more likely to settle matters than people who have legal aid. It is also increasingly rare for there to be contested family law chambers applications these days (this is true in my practice and in the practices of others I know). The "non-legal aid" practice of family law is, for most lawyers, geared to resolution without judicial intervention. The structure of the family law tariff around actual court appearances is outdated. Unfortunately, I am not certain I have any ready solutions. (10+, Lower Mainland)
- § I work at encouraging mediation, collaboration, and consent orders. Separation Agreements come into this category. I keep the cost down by encouraging counselling, life planning, and work planning. This takes time but the end result, whether a male or female client is "satisfaction" and "face saving". Everybody potentially wins. In situations where there is abuse, these techniques obviously do not apply. (10+, Lower Mainland)
- § I generally apply my regular hourly rate (\$200) at the outset of the file. Typically, for clients of modest means (which is the majority of my clients) I then reduce their account at the time of rendering the bill based on what I believe they can afford as well as the result obtained (in view of what I advised them the result would be.) (10+, Lower Mainland)
- § In Supreme Court with the filing fees, it's hard sometimes for clients of modest means and I need to pay out the disbursements before I can pay myself from the fees. Payment, even of retainers, often has to be on payment plans and so I will often discount the fees to make it workable for the clients. (10+, Lower Mainland)
- § The time allowed under LSS retainers for family law clients is far too low for cases other than straightforward provincial court matters. For complex/ongoing provincial court matters, I spend at least 2 - 3 times as much time as I am able to bill for. Supreme Court matters are worse. The present tariff promotes a plethora of applications, as additional prep time is billable for each application. Good, negotiated resolutions (avoiding litigation) should be rewarded. (10+, Lower Mainland)

- § Straighten out the PST problem (10+, Lower Mainland)
- § We do have a lot of goodwill on the bills we give to clients. So we billed the \$200 per hour (they are really billed by the minute out of the \$200 per hour rate), and then, we good will a good portion of it to reduce the invoice. We also do a lot of work for them that we do not necessarily bill to help with the impact the bill may have on their mental health. (5-10, Lower Mainland)
- § Most of my clients are women who were dependent on their spouse for support during the marriage. Quite often the spouse is using his superior economic position to his advantage through litigation. Furthermore, in my opinion, there are two types of client's of modest means: those who have no family assets and those who have substantial family assets. The latter needs the legal resources, however, to recover and or claim those assets. Typically, these types of cases are not conducive to contingency arrangements. If the client cannot pay for legal services, they and their children will be disadvantaged. If services were structured so as to assist these types of client's through to the end of their dispute then, I think, the client would be in a position to repay the cost of legal services. In practice the LSS arrangement gets the client only part way - they do not recover assets and LSS does not recover fees. (5-10, Lower Mainland)
- § As far as I know, myself, and most of the family lawyers I practice with, undervalue our services, drastically. (5-10, Lower Mainland)
- § I do not often do work for them, because they cannot afford my services, so, the above numbers reflect my quotes to them, not actual service I have actually been able to provide many of them. (5-10, Lower Mainland)

Section IV. Do you have any further comments about the survey process or results?

LSS Administration:

- § Take all the money that is being spent by the LSS on peripheral expenses and put it ALL to legal aid. At the same time, bring back the Legal Aid Society and separate it from LSS so legal aid's money is not being taken and used by LSS for other purposes. (10+, Lower Mainland)

General:

- § The survey was not easy to complete because there are too many variables involved when deciding to represent someone of modest means. We would never turn away anyone without helping them to find other counsel. We would also take into consideration the seriousness of the offence and potential consequences in relation to sentencing. We will also try to assist a client by having them pay their fees in installments. We do not charge interest on late payment of fees.
- § My practice is principally real estate law, but the staff (expert conveyancers) do most of that work, as well as a lot of wills and estates work, and (apart from supervising that) I do mostly criminal, but some family as well. With respect to question 6, then the available answers did not allow me to accurately answer the question. (10+, Southern Interior)

- § The survey does not correctly identify what you mean by clients of modest means and some of the questions are far too simplistic for a correct or valid reply (10+, Lower Mainland)
- § I do not structure my billings in the fashion you suggest for trial work. I am not clear on the categories that you have set out as they appear to be overlapping. (10+, Lower Mainland)

Criminal:

- § The questions re criminal prep and trials were too general. Since billing is dependent on the type of case and its complexity, the questions in this survey were not sufficiently explicit--one would charge differently for a theft under, impaired, and murder. Asking for one estimate in general for a trial is not helpful, since fees and prep time vary greatly with different charges, file volume, and issues. (10+, Lower Mainland)
- § It would be a good idea to have a list of expectations for lawyers to comment on such as whether they are CBA members, attend Criminal subsection meeting, take CLE updates, are computerized, use Quick law, have law libraries, have which criminal law services, have office staff, routinely provide particulars, meet with clients at office, visit pre-trial centres, do appellate work, make charter challenges, and prepare written argument. So much of the answer depends on whether it is routine provincial court work (bail, guilty plea, sentencing) which is mindless and easy, or trial work (Charter, search wiretap and appeals), which is labour intensive. (10+, Lower Mainland)

Family Law:

- § See my remarks re family law. I think the system of billing revolving around court appearances is outdated as ADR seems to be in fashion now. (10+, Lower Mainland)
- § This survey was difficult to fill out as I would say that there are not many "typical" family law files. Some are not difficult and there is less prep and court time and some are very difficult and require a lot more prep time and court time but I did the best I could in trying to make estimates and finding an "average" formula. I can tell you that this gets easier the longer you practice law because of the familiarity with the legal process. For clients - modest means or not I try to put my court time for interim applications onto a court date when I am in Chambers on other matters so that one client does not bear the cost for the down time spent waiting to have matters heard. I also discount this time on my bills.
- § If you are after an idea of what a sensible or market-driven rate would be for family legal aid, here are a few comments. Generally, associates get paid about 30 to 33% of their billings. So, for middle to larger firms, associates are usually encouraged to limit, or eliminate legal aid. You can't bill enough. Private practitioners who do legal aid can usually only afford it if they can keep their overhead tightly under control. That usually means sharing space and sharing or doing without support staff. In turn, that means limiting your practice to provincial court -- since otherwise you can't keep up with the demands of Supreme Court documentation. Those of us in small firms who do both, and have a healthy private practice, are usually charging two to four times legal aid rates. We don't make money at legal aid at all -- and couldn't afford to have it a substantial portion of our practices. We do legal aid as a sense of pro-bono work. This is where the squeeze comes in. The present low rate limits lawyer participation to the just-started who

have no ambition for bigger cases, or the experienced lawyers who don't mind a little charity work. I can't offer you any hard practice data to suggest a market-driven rate, but my sense is it would fall somewhere in the \$100 to \$130 range. (10+, Central Interior)

- § I do a lot of legal aid work, which that it and of itself involves countless pro bono hours for the client, as we do not dump the client even if their 8 hours are up. (5-10, Lower Mainland)

Natasha Chetty
Isis Communications
April 26, 2005

Tariff Lawyer Compensation Survey - Profile of Survey Respondents

Years of Call	All Lawyers			Criminal			Family		
	Lawyers	Male	Female	Total	Male	Female	Family	Males	Female
Total	268	186	82	183	152	31	144	83	61
Under 4 Years	12	7	5	11	7	4	4	2	2
4 to 10 Years	57	37	20	40	32	8	30	15	15
Over 10 Years	199	142	57	132	113	19	110	66	44
<i>Mean Years</i>	<i>15.82</i>	<i>17.28</i>	<i>12.52</i>	<i>16.35</i>	<i>17.27</i>	<i>11.84</i>	<i>15.26</i>	<i>17.23</i>	<i>12.57</i>

Region	All Lawyers			Criminal			Family		
	Lawyers	Male	Female	Total	Male	Female	Family	Males	Female
Central Interior	21	15	6	13	10	3	14	9	5
Lower Mainland	104	74	30	77	61	16	38	23	15
Northeast BC	6	5	1	3	2	1	4	4	0
Northwest BC	12	10	2	10	8	2	8	7	1
Southern Interior	47	34	13	36	31	5	30	18	12
Vancouver Island	77	47	30	43	39	4	50	22	28
Not Given	1	1	0	1	1	0	0	0	0

Firm Size	All Lawyers			Criminal			Family		
	Lawyers	Male	Female	Total	Male	Female	Family	Males	Female
1	169	121	48	120	104	16	90	52	38
2-5	75	52	23	53	40	13	38	24	14
6-10	14	7	7	6	4	2	9	4	5
11-20	9	5	4	3	3	0	7	3	4
Over 20	1	1	0	1	1	0	0	0	0

Practice Status	All Lawyers			Criminal			Family		
	Lawyers	Male	Female	Total	Male	Female	Family	Males	Female
Associate	36	20	16	22	15	7	23	11	12
Partner	41	29	12	25	20	5	22	14	8
Sole Practitioner	186	133	53	134	115	19	95	55	40
Other	4	3	1	2	2	0	3	2	1
Not Given	1	1	0	0	0	0	1	1	0

Average Hourly Rates (Typical Case for Client of Modest Means) and Overhead Costs (Percentage of Annual Gross Revenues)

	All			Criminal			Family		
	Hourly Rate		Overhead	Hourly Fee		Overhead	Hourly Fee		Overhead
	Mean	Median	Mean	Mean	Median	Mean	Mean	Median	Mean
All Lawyers	\$172.89	\$175.00	48.53%	\$175.36	\$177.50	47.25%	\$169.45	\$175.00	51.23%

Years of Call	All			Criminal			Family		
	Hourly Fee		Overhead	Hourly Fee		Overhead	Hourly Fee		Overhead
	Mean	Median	Mean	Mean	Median	Mean	Mean	Median	Mean
Under 4 Years	\$138.89	\$125.00	51.57%	\$142.86	\$125.00	55.17%	\$125.00	\$125.00	30.00%
4 to 10 Years	\$169.09	\$150.00	49.66%	\$174.08	\$175.00	48.79%	\$162.27	\$150.00	51.33%
Over 10 Years	\$175.92	\$180.00	48.12%	\$178.16	\$200.00	46.44%	\$172.92	\$175.00	51.58%

Region	All			Criminal			Family		
	Hourly Fee		Overhead	Hourly Fee		Overhead	Hourly Fee		Overhead
	Mean	Median	Mean	Mean	Median	Mean	Mean	Median	Mean
Not Given	\$150.00	\$150.00	20.00%	\$150.00	\$150.00	20.00%			
Central Interior	\$173.03	\$185.00	45.07%	\$161.88	\$160.00	46.00%	\$181.14	\$200.00	43.83%
Lower Mainland	\$172.66	\$175.00	44.66%	\$174.62	\$182.50	43.63%	\$168.89	\$160.00	47.52%
Northeast BC	\$215.00	\$200.00	47.50%	\$216.67	\$200.00	47.50%	\$212.50	\$212.50	47.50%
Northwest BC	\$175.00	\$162.50	52.32%	\$185.00	\$175.00	52.56%	\$161.00	\$150.00	51.67%
Southern Interior	\$172.21	\$175.00	52.02%	\$178.48	\$197.50	48.77%	\$164.57	\$170.00	57.16%
Vancouver Island	\$170.17	\$175.00	51.96%	\$172.12	\$175.00	51.82%	\$167.78	\$175.00	52.24%

Firm Size	All			Criminal			Family		
	Hourly Fee		Overhead	Hourly Fee		Overhead	Hourly Fee		Overhead
	Mean	Median	Mean	Mean	Median	Mean	Mean	Median	Mean
1	\$169.96	\$175.00	47.41%	\$174.45	\$187.50	45.68%	\$162.40	\$150.00	51.41%
2-5	\$178.22	\$175.00	49.73%	\$180.00	\$175.00	49.26%	\$176.05	\$170.00	50.76%
6-10	\$173.39	\$177.50	50.00%	\$159.17	\$150.00	52.50%	\$184.06	\$180.00	47.00%
11-20	\$176.43	\$180.00	57.60%	\$175.00	\$175.00	60.00%	\$177.00	\$180.00	57.00%
Over 20			60.00%			60.00%			

Practice Status	All			Criminal			Family		
	Hourly Fee		Overhead	Hourly Fee		Overhead	Hourly Fee		Overhead
	Mean	Median	Mean	Mean	Median	Mean	Mean	Median	Mean
Associate	\$158.46	\$150.00	53.41%	\$150.47	\$150.00	54.62%	\$165.56	\$155.00	51.67%
Partner	\$188.68	\$200.00	50.64%	\$187.36	\$200.00	50.91%	\$190.00	\$200.00	50.25%
Sole Practitioner	\$172.48	\$175.00	47.27%	\$177.50	\$195.00	45.63%	\$163.79	\$150.00	51.47%
Other	\$141.67	\$150.00	47.00%	\$150.00	\$150.00	46.67%	\$137.50	\$137.50	47.50%
Not Given	\$250.00	\$250.00	60.00%				\$250.00	\$250.00	60.00%

Gender	All			Criminal			Family		
	Hourly Fee		Overhead	Hourly Fee		Overhead	Hourly Fee		Overhead
	Mean	Median	Mean	Mean	Median	Mean	Mean	Median	Mean
Female	\$164.44	\$150.00	50.93%	\$171.04	\$175.00	49.29%	\$160.76	\$150.00	52.09%
Male	\$176.42	\$180.00	47.68%	\$176.32	\$192.50	46.86%	\$176.63	\$180.00	50.43%

Average Fees and Hours for Selected Criminal Services - Typical Case for Client of Modest Means

	All Lawyers	Year of Call			Region					
		Under 4 Years	4-10 Years	Over 10 Years	Central Interior	Lower Mainland	Northeast BC	Northwest BC	Southern Interior	Vancouver Island
Guilty Plea, Sentencing - PC										
Fees (mean)	\$1,048.72	\$950.00	\$1,014.06	\$1,065.09	\$840.91	\$1,295.70	\$618.75	\$883.33	\$841.41	\$953.57
Hours (mean)	5.21	5.00	5.34	5.19	4.45	6.10	3.17	5.69	4.48	4.51
Preliminary Hearing - PC										
Fees - 1st day of trial (mean)	\$2,015.14	\$2,178.57	\$2,106.90	\$1,979.25	\$2,122.22	\$2,164.04	\$1,750.00	\$1,643.75	\$1,885.00	\$1,992.65
Hours - 1st day of trial (mean)	13.93	15.31	21.16	11.90	13.44	15.87	8.67	12.50	10.81	14.13
Fees - Subsequent Days (mean)	\$1,293.35	\$1,164.29	\$1,340.74	\$1,289.76	\$1,272.22	\$1,352.73	\$1,333.33	\$1,181.25	\$1,122.41	\$1,380.15
Hours - Subsequent Days (mean)	7.53	7.43	8.66	7.24	8.39	8.14	6.33	7.57	6.85	6.91
Trial - Provincial Court										
Fees - 1st day of trial (mean)	\$2,396.23	\$2,593.75	\$2,394.64	\$2,382.27	\$2,500.00	\$2,518.85	\$2,468.75	\$2,093.75	\$2,234.68	\$2,372.73
Hours - 1st day of trial (mean)	14.31	17.44	16.63	13.46	16.00	15.32	10.67	14.64	12.73	13.60
Fees - Subsequent Days (mean)	\$1,534.34	\$1,293.75	\$1,503.85	\$1,559.86	\$1,562.50	\$1,589.08	\$1,833.33	\$1,625.00	\$1,306.03	\$1,580.30
Hours - Subsequent Days (mean)	8.13	8.25	9.11	7.89	9.25	8.50	6.83	8.33	7.57	7.69
Trial - Supreme Court										
Fees - 1st day of trial (mean)	\$3,280.52	\$2,958.33	\$3,155.77	\$3,331.53	\$3,166.67	\$3,541.41	\$3,562.50	\$3,093.75	\$3,268.33	\$2,956.25
Hours - 1st day of trial (mean)	19.48	31.43	23.73	17.53	20.00	22.31	13.33	23.00	16.78	17.19
Fees - Subsequent Days (mean)	\$1,910.19	\$1,507.14	\$1,730.77	\$1,985.43	\$1,794.44	\$2,075.76	\$2,600.00	\$1,900.00	\$1,613.79	\$1,921.21
Hours - Subsequent Days (mean)	9.26	8.57	9.86	9.17	10.44	9.67	7.33	10.50	8.38	8.92
Early Resolution Discount										
% of Lawyers giving discount	70.81%	87.50%	56.25%	73.55%	90.00%	62.69%	100.00%	66.67%	72.73%	76.32%
% billing time @ hourly rate	44.74%	28.57%	50.00%	44.94%	33.33%	42.86%	33.33%	66.67%	50.00%	44.83%
% using reduced block fee	56.14%	42.86%	55.56%	57.30%	66.67%	52.38%	33.33%	33.33%	62.50%	58.62%
% using other method	38.60%	42.86%	22.22%	41.57%	33.33%	35.71%	66.67%	16.67%	54.17%	31.03%
Fees as % of 1st day trial fee	58.05%	52.00%	51.30%	59.71%	47.94%	62.17%	55.00%	49.33%	57.61%	57.92%
Resolution Near Trial Date										
% billing 1st day trial fee	55.28%	62.50%	59.38%	53.72%	50.00%	66.67%	0.00%	55.56%	45.45%	50.00%
% billing time @ hourly rate	26.71%	25.00%	31.25%	25.62%	40.00%	13.64%	50.00%	33.33%	36.36%	34.21%
% billing reduced block fee	24.84%	12.50%	9.38%	29.75%	10.00%	24.24%	25.00%	11.11%	36.36%	23.68%
% using other method	21.12%	0.00%	15.63%	23.97%	20.00%	16.67%	25.00%	22.22%	36.36%	13.16%
Fees as % of 1st day trial fee	83.03%	92.50%	89.40%	81.07%	82.50%	86.24%	55.00%	80.83%	78.92%	83.20%
Bonus for Good Result										
% of lawyers who bill	13.33%	11.11%	17.65%	12.30%	20.00%	7.35%	25.00%	11.11%	21.21%	12.50%
% of cases with bonus	28.75%		21.00%	32.27%	50.00%	16.67%	75.00%	25.00%	28.00%	24.00%
Bonus as % of total fees	23.91%		22.00%	24.77%	17.50%	37.50%	20.00%	25.00%	25.50%	20.00%
Overhead Costs % (Mean)	47.25%	55.17%	48.79%	46.44%	46.00%	43.63%	47.50%	52.56%	48.77%	51.82%

Criminal Law - Typical Fees/Hours for Client of Modest Means - Comparison to Tariff Fees*

	All Lawyers	Year of Call			Tariff Fees by Offence Category			
		Under 4 Years	4-10 Years	Over 10 Years	Category I	Category II	Category III	Category IV
Show Cause Hearing - PC								
Fees (mean)	\$618.33	\$518.75	\$558.04	\$640.13	\$80.00	\$120.00	\$120.00	\$150.00
Hours (mean)	3.42	3.31	3.37	3.45	3.42	3.42	3.42	3.42
<i>Effective hourly rate</i>	<i>\$180.64</i>	<i>\$156.60</i>	<i>\$165.75</i>	<i>\$185.67</i>	<i>\$23.39</i>	<i>\$35.08</i>	<i>\$35.08</i>	<i>\$43.85</i>
Guilty Plea, Sentencing - PC								
Fees (mean)	\$1,048.72	\$950.00	\$1,014.06	\$1,065.09	\$238.00	\$375.00	\$413.00	\$650.00
Hours (mean)	5.21	5.00	5.34	5.19	5.21	5.21	5.21	5.21
<i>Effective hourly Rate</i>	<i>\$201.41</i>	<i>\$190.00</i>	<i>\$189.73</i>	<i>\$205.41</i>	<i>\$45.68</i>	<i>\$71.97</i>	<i>\$79.27</i>	<i>\$124.76</i>
Preliminary Hearing - PC								
Fees - 1st day of trial (mean)	\$2,015.14	\$2,178.57	\$2,106.90	\$1,979.25	n/a	\$500.00	\$600.00	\$900.00
Hours - 1st day of trial (mean)	13.93	15.31	21.16	11.90		13.93	13.93	13.93
<i>Effective hourly rate</i>	<i>\$144.64</i>	<i>\$142.32</i>	<i>\$99.57</i>	<i>\$166.27</i>		<i>\$35.89</i>	<i>\$43.07</i>	<i>\$64.60</i>
Fees - Subsequent Days (mean)	\$1,293.35	\$1,164.29	\$1,340.74	\$1,289.76		\$500.00	\$600.00	\$900.00
Hours - Subsequent Days (mean)	7.53	7.43	8.66	7.24		7.53	7.53	7.53
<i>Effective hourly rate</i>	<i>\$171.73</i>	<i>\$156.73</i>	<i>\$154.82</i>	<i>\$178.09</i>		<i>\$66.40</i>	<i>\$79.68</i>	<i>\$119.52</i>
Trial - Provincial Court								
Fees - 1st day of trial (mean)	\$2,396.23	\$2,593.75	\$2,394.64	\$2,382.27	\$500.00	\$600.00	\$800.00	\$1,400.00
Hours - 1st day of trial (mean)	14.31	17.44	16.63	13.46	14.31	14.31	14.31	14.31
<i>Effective hourly rate</i>	<i>\$167.47</i>	<i>\$148.75</i>	<i>\$144.04</i>	<i>\$177.05</i>	<i>\$34.94</i>	<i>\$41.92</i>	<i>\$55.90</i>	<i>\$97.83</i>
Fees - Subsequent Days (mean)	\$1,534.34	\$1,293.75	\$1,503.85	\$1,559.86	\$600.00	\$800.00	\$1,000.00	\$1,400.00
Hours - Subsequent Days (mean)	8.13	8.25	9.11	7.89	8.13	8.13	8.13	8.13
<i>Effective hourly rate</i>	<i>\$188.66</i>	<i>\$156.82</i>	<i>\$165.10</i>	<i>\$197.78</i>	<i>\$73.80</i>	<i>\$98.40</i>	<i>\$123.00</i>	<i>\$172.20</i>
Trial - Supreme Court								
Fees - 1st day of trial (mean)	\$3,280.52	\$2,958.33	\$3,155.77	\$3,331.53	n/a	\$690.00	\$890.00	\$1,490.00
Hours - 1st day of trial (mean)	19.48	31.43	23.73	17.53		19.48	19.48	19.48
<i>Effective hourly rate</i>	<i>\$168.38</i>	<i>\$94.13</i>	<i>\$132.98</i>	<i>190.03</i>		<i>\$35.42</i>	<i>\$45.68</i>	<i>\$76.48</i>
Fees - Subsequent Days (mean)	\$1,910.19	\$1,507.14	\$1,730.77	\$1,985.43		\$800.00	\$1,000.00	\$1,400.00
Hours - Subsequent Days (mean)	9.26	8.57	9.86	9.17		9.26	9.26	9.26
<i>Effective hourly rate</i>	<i>\$206.27</i>	<i>\$175.83</i>	<i>\$175.47</i>	<i>\$216.59</i>		<i>\$86.39</i>	<i>\$107.99</i>	<i>\$151.18</i>
Early Resolution Fees								
58% of 1st day trial fee	\$1,389.81	\$1,504.38	\$1,388.89	\$1,381.72	\$238.00	\$375.00	\$413.00	\$650.00
Resolution Near Trial Date								
83% of 1st day trial fee	\$1,988.87	\$2,152.81	\$1,987.55	\$1,977.28	\$238.00	\$375.00	\$413.00	\$650.00
100% of 1st day trial fee	\$2,396.23	\$2,593.75	\$2,394.64	\$2,382.27	\$238.00	\$375.00	\$413.00	\$650.00

***Assumptions regarding criminal tariff fees:**

- Guilty plea and sentencing includes arraignment court fee
- Supreme Court trial fees for the first day includes a block fee for one fix-date, but no fee for jury selection (judge alone trial)
- Early resolution consists of arraignment court, guilty plea and sentencing block fees
- Resolution near trial date consists of arraignment court, guilty plea and sentencing block fees.

Average Fees and Hours for Selected Family Services - Typical Case for Client of Modest Means

	All Lawyers	Years of Call			Region					
		Under 4 Years	4-10 Years	Over 10 Years	Central Interior	Lower Mainland	Northeast BC	Northwest BC	Southern Interior	Vancouver Island
Early Resolution										
Fees (Mean)	\$1,515.24	\$1,375.00	\$1,568.42	\$1,503.47	\$1,910.00	\$1,750.00	\$1,150.00	\$1,398.00	\$1,528.33	\$1,180.77
Hours (Mean)	10.59	10.50	11.53	10.32	10.56	11.60	4.50	8.00	14.72	7.85
Case Settlement Conference - PC										
Fees (Mean)	\$868.95	\$500.00	\$853.57	\$887.24	\$795.00	\$1,191.30	\$750.00	\$452.00	\$853.50	\$676.43
Hours (Mean)	5.90	3.75	5.71	6.04	4.86	6.91	4.20	3.20	7.73	4.28
1 day hearing for interim orders - PC										
Fees (Mean)	\$1,820.91	\$1,562.50	\$1,735.71	\$1,860.00	\$1,777.50	\$2,448.91	\$1,750.00	\$1,244.00	\$1,573.57	\$1,545.24
Hours (Mean)	12.72	12.50	12.97	12.64	11.00	15.92	8.00	9.80	13.23	10.38
Trial - Provincial Court										
Fees - 1st day trial (mean)	\$2,257.05	\$2,175.00	\$2,112.50	\$2,311.61	\$2,193.75	\$3,217.05	\$3,125.00	\$1,840.00	\$1,693.42	\$1,822.73
Hours - 1st day trial (mean)	15.28	17.50	14.94	15.31	13.43	19.80	14.00	14.00	15.06	11.60
Fees - subsequent days (mean)	\$1,443.38	\$1,375.00	\$1,416.22	\$1,455.00	\$1,766.67	\$1,729.07	\$1,850.00	\$1,410.00	\$1,200.00	\$1,178.57
Hours - subsequent days (mean)	8.92	15.00	10.51	8.25	10.00	10.61	8.75	10.20	7.80	7.35
Case Settlement Conference - SC										
Fees (Mean)	\$1,134.29	\$1,187.50	\$1,128.21	\$1,134.50	\$1,175.00	\$1,726.09	\$650.00	\$802.00	\$951.79	\$795.65
Hours (Mean)	7.92	9.50	9.38	7.38	7.81	9.93	3.00	5.60	10.20	4.87
1 day hearing for interim orders - SC										
Fees (Mean)	\$2,442.71	\$1,850.00	\$2,132.14	\$2,559.34	\$2,550.00	\$3,176.04	\$1,250.00	\$1,744.00	\$2,491.25	\$1,848.91
Hours (Mean)	15.66	15.00	14.42	16.08	13.29	20.04	5.00	11.80	17.85	11.31
Trial - Supreme Court										
Fees - 1st day trial (mean)	\$3,938.51		\$3,930.88	\$3,940.79	\$3,130.00	\$5,617.50	\$3,375.00	\$2,140.00	\$2,303.95	\$4,444.57
Hours - 1st day trial (mean)	24.30		24.82	24.13	15.88	35.56	16.00	15.00	14.79	26.00
Fees - subsequent days (mean)	\$1,749.66		\$1,769.12	\$1,743.75	\$1,810.00	\$2,110.00	\$2,000.00	\$1,560.00	\$1,637.50	\$1,530.43
Hours - subsequent days (mean)	10.87		12.88	10.22	9.63	13.40	10.00	10.60	9.47	9.98
Bonus for good results										
% of lawyers who bill	18.09%	0.00%	4.55%	22.86%	27.27%	28.57%	50.00%	0.00%	4.55%	15.38%
% of cases with bonus	13.92%		50.00%	10.92%	10.00%	14.20%	10.00%		0.00%	20.00%
Bonus as % of total fees	16.67%		10.00%	17.27%	17.50%	15.00%	30.00%			15.00%
Overhead Cost - % of Gross Revenues (mean)										
	51.23%	30.00%	51.33%	51.58%	43.83%	47.52%	47.50%	51.67%	57.16%	52.24%

Family Law - Typical Fees/Hours for Client of Modest Means - Comparison to Tariff Fees*

	All Lawyers	Years of Call			Family Tariff Fees
		Under 4 Years	4-10 Years	Over 10 Years	
Early Resolution					
Fees (Mean)	\$1,515.24	\$1,375.00	\$1,568.42	\$1,503.47	\$847.20
Hours (Mean)	10.59	10.50	11.53	10.32	10.59
<i>Effective hourly rate</i>	<i>\$143.05</i>	<i>\$130.95</i>	<i>\$136.06</i>	<i>\$145.69</i>	<i>\$80.00</i>
Case Settlement Conference - PC					
Fees (Mean)	\$868.95	\$500.00	\$853.57	\$887.24	\$472.00
Hours (Mean)	5.90	3.75	5.71	6.04	5.90
<i>Effective hourly rate</i>	<i>\$147.25</i>	<i>\$133.33</i>	<i>\$149.37</i>	<i>\$146.82</i>	<i>\$80.00</i>
1 day hearing for interim orders - PC					
Fees (Mean)	\$1,820.91	\$1,562.50	\$1,735.71	\$1,860.00	\$1017.60
Hours (Mean)	12.72	12.50	12.97	12.64	12.72
<i>Effective hourly rate</i>	<i>\$143.17</i>	<i>\$125.00</i>	<i>\$133.79</i>	<i>\$147.10</i>	<i>\$80.00</i>
Trial - Provincial Court					
Fees - 1st day trial (mean)	\$2,257.05	\$2,175.00	\$2,112.50	\$2,311.61	n/a
Hours - 1st day trial (mean)	15.28	17.50	14.94	15.31	
<i>Effective hourly rate</i>	<i>\$147.70</i>	<i>\$124.29</i>	<i>\$141.36</i>	<i>\$150.97</i>	
Fees - subsequent days (mean)	\$1,443.38	\$1,375.00	\$1,416.22	\$1,455.00	
Hours - subsequent days (mean)	8.92	15.00	10.51	8.25	
<i>Effective hourly rate</i>	<i>\$161.80</i>	<i>\$91.67</i>	<i>\$134.69</i>	<i>\$176.26</i>	
Case Settlement Conference - SC					
Fees (Mean)	\$1,134.29	\$1,187.50	\$1,128.21	\$1,134.50	\$633.60
Hours (Mean)	7.92	9.50	9.38	7.38	7.92
<i>Effective hourly rate</i>	<i>\$143.24</i>	<i>\$125.00</i>	<i>\$120.22</i>	<i>\$153.81</i>	<i>\$80.00</i>
1 day hearing for interim orders - SC					
Fees (Mean)	\$2,442.71	\$1,850.00	\$2,132.14	\$2,559.34	\$1252.80
Hours (Mean)	15.66	15.00	14.42	16.08	15.66
<i>Effective hourly rate</i>	<i>\$155.94</i>	<i>\$123.33</i>	<i>\$147.85</i>	<i>\$159.20</i>	<i>\$80.00</i>
Trial - Supreme Court					
Fees - 1st day trial (mean)	\$3,938.51		\$3,930.88	\$3,940.79	n/a
Hours - 1st day trial (mean)	24.30		24.82	24.13	
<i>Effective hourly rate</i>	<i>\$162.09</i>		<i>\$158.39</i>	<i>\$163.32</i>	
Fees - subsequent days (mean)	\$1,749.66		\$1,769.12	\$1,743.75	
Hours - subsequent days (mean)	10.87		12.88	10.22	
<i>Effective hourly rate</i>	<i>\$160.96</i>		<i>\$137.37</i>	<i>\$170.61</i>	

*The figures for family tariff fees are based on the assumption that lawyers could claim payment for the average time required for the service (as reported in the survey) at the hourly tariff rate of \$80. Tariff fees for trial matters are omitted because the family tariff coverage for trials is limited.

Appendix 4B — Western Compensation and Benefits Consultants report

(See following pages.)

May 19, 2005

PRIVATE & CONFIDENTIAL

Mr. James Deitch
Manager, Tariff Services
Legal Services Society
400 - 510 Burrard Street
Vancouver, B.C.
V6C 3A8

Via e-mail: James.Deitch@lss.bc.ca

Dear Mr. Deitch:

To date, the Legal Services Society has done extensive work on the subject of legal aid tariffs, both on the rate of compensation and the tariff structure. Legal Services Society retained our Firm to review the research and other materials collected by LSS on this subject, provide advice whether any additional data was required, and develop recommendations for an appropriate rate of compensation based on all the available information. Recommended changes to the design of the tariff structure itself will be developed and put forward by Legal Services Society and are outside the scope of this review.

This letter outlines the work we completed in undertaking the tariff rate review and provides our recommendations as to an appropriate rate.

Policy Issues Impacting Rate Recommendations

In considering our tariff rate recommendations, key policy issues which we discussed with Legal Services Society included:

- ◆ What is the appropriate competitive marketplace for compensation?
- ◆ Should there be regional differences in tariff rates?
- ◆ Should there be differences in rates based on years of experience?

- ◆ What should be the relationship between average lawyer hourly rates in the competitive marketplace and the hourly rate for legal aid cases, and what should this relationship be based upon (e.g. overhead costs)?

Discussion of the Research

Legal Services Society provided us with a vast amount of research and other background material (list contained in Appendix A), as well as a recent discussion paper summarizing the work done to date by LSS on options for tariff renewal. We reviewed this information to determine if it was adequate for the purposes of recommending a new rate.

With the exception of a small number of the documents, the compensation research related largely to lawyers in other jurisdictions, both outside B.C. and outside Canada. There was also year-over-year data on judges and other legal support positions (as well as lawyers), which was relevant more for analysis of compensation trends than the quantum. LSS had also collected and provided information on B.C. crown counsel salaries.

We considered the relevance of the existing market information provided by LSS in light of the policy discussions regarding the appropriate competitive marketplace for legal aid lawyer compensation. When determining the appropriate comparison marketplace, the key questions an organization should ask are: “from what organizations do we recruit staff”; “to what organizations do we lose staff”; and, “what organizations would have positions of similar size, scope, complexity, etc.?”

Since legal aid work in British Columbia is done by B.C. lawyers, we did not consider the data on legal aid rates in other jurisdictions to be relevant to setting rates in B.C. Similarly, staff or contract lawyer positions in public sector/public service organizations are quite different in terms of roles and responsibilities, and in their employment circumstances (i.e. salaried/contract staff position, no requirement to market services, corporate environment, single client, etc.). Therefore, we did not consider the data on other publicly funded lawyers in B.C. to be as relevant in our analysis.

LSS 2005 Survey of B.C. Lawyers

Based on our review of the existing data provided by LSS, and further to discussions with LSS, we identified the need for more – and current – compensation data on B.C. lawyers, since this is the group that performs legal aid work, and since LSS is clearly facing challenges with legal aid lawyer attraction and retention.

Therefore, LSS designed and implemented a survey of B.C. lawyers to obtain information on the hourly fees charged to clients of modest means for various types of cases, and to collect information on the overhead paid by the lawyers as a percentage of annual gross revenues. We discussed the survey design with LSS and reviewed the questionnaire prior to its distribution.

The survey instrument was well-designed in that it collected information on relevant participant demographics for analysis purposes; it was easy to understand and complete by the survey participant, thereby ensuring a high level of participation; and, it captured the pertinent information required.

The survey was completed by a total of 268 lawyers across B.C. The data was tabulated and analyzed by LSS, and broken down by 3 categories of years of call, 6 regions in the province, 5 categories of firm size, and whether the respondent was an associate, partner, sole practitioner, or "other".

The results of this survey offered the most relevant and comprehensive data for the purposes of this review for the following reasons:

- ◆ It asked for the most pertinent information (i.e. hourly rates charged to clients of modest means, for the types of services provided by Legal Aid);
- ◆ The data is very current;
- ◆ It included information from the largest sample of B.C. lawyers than any of the other research material available;
- ◆ It included information from a representative cross-section of B.C. lawyers, by experience, region, firm size and practice status; and,
- ◆ It included private lawyers in B.C., who are the relevant marketplace for compensation comparisons.

Summary of Research Findings

The following conclusions were drawn from the results of this survey:

- ◆ There is a strong relationship between experience and median hourly rates;
- ◆ Except for Northeast B.C., there is not a material difference in the median hourly rates by geographic region;
- ◆ There is not a material difference in the median hourly rates by size of firm;
- ◆ Practice status has some bearing on the median hourly rates, with partners being paid the highest;
- ◆ The median hourly rate across all of the respondents is \$175; and,
- ◆ The average overhead, reported as a percentage of annual gross revenues, is just under 50%.

We also noted that the results of this survey were consistent with the compensation information from the Vancouver Association of Legal Administrators survey for 2004, which was one of the sources of compensation data provided by Legal Services Society for our review.

Recommendations

Following a review of the survey data, we met with LSS to obtain direction on the key policy issues that would have a bearing on our recommendations. It was determined, through those discussions, that there should not be regional differences in tariff rates, and that the rate should increase by experience level. These policy decisions were supported by the market data from the LSS survey of B.C. lawyers.

The other policy question – “what should be the relationship between the average hourly rate charged by B.C. lawyers to clients of modest means, and the legal aid tariff rate” – was more difficult to determine. In June 2004, the Board of the Legal Services Society adopted a number of guiding principles for the Tariff Review, one of which is that:

“LSS should maintain tariffs that provide fair and reasonable compensation to enable lawyers to recover overhead costs and obtain an appropriate level of income.”

In our discussions with LSS, we discussed what would be “an appropriate level of income” for legal aid work. It was acknowledged that legal aid tariff rates should not be the same as what the lawyers charge their private clients for the following reasons:

- ◆ Lawyers have assurance of payment from LSS for legal aid work;
- ◆ There is not a requirement for the lawyer to market his or her services to obtain legal aid work;
- ◆ Legal aid work provides a broad range of experience; and,
- ◆ Performing legal aid work offers a new lawyer with a way of developing his or her practice.

As noted earlier, the 2005 LSS survey of B.C. lawyers indicated an overhead of approximately 50% of annual gross revenues. This is consistent with findings from the 1984 Report to the Attorney General by the Task Force on Public Legal Services in British Columbia, which found that “on average, 50% of total legal fees collected from private clients by private practitioners is applied to cover overhead”. The issue then is to determine what percentage of the balance of fees should be considered an appropriate level of income.

The 1984 report recommended that half of the balance of fees normally charged to a paying client of modest means would be an appropriate level of income for legal aid cases. Given 50% overhead, and 25% of the balance, the result would be a rate that is approximately 75% of the hourly fees that an average lawyer would charge a paying client of modest means.

This recommendation appeared to be reasonable to us; and, in the absence of any further policy direction on this item, we support this approach to development a new tariff rate for LSS that we believe would achieve the objectives of attracting and retaining lawyers to perform legal aid work.

Our recommendations, therefore, are as follows:

1. Increasing rates by years of experience.
2. A maximum tariff rate of \$135 (75% of the median of the market for a lawyer with over 10 years experience).
3. Rates as follows:
 - a. \$94 per hour for lawyers with less than 4 years of experience (75% of the median of the market at that level of experience: \$125);
 - b. \$113 for lawyers with 4 to less than 10 years of experience (75% of the median of the market at that level of experience: \$150); and,
 - c. \$135 for lawyers with 10 or more years of experience (75% of the median of the market at that level of experience: \$180).
4. No regional difference in rates.

We look forward to discussing this letter with you and your colleagues. Please call me if you have any questions in the meantime.

Yours truly,



Katherine M. Sainas

cc: Mr. Michael Smith (Michael.Smith@lss.bc.ca)

DOCUMENTATION PROVIDED BY LEGAL SERVICES SOCIETY

B.C. Public Service – Legal counsel salary schedule, rates effective 2000, 2001, 2002, and 2003

2004 Canadian Lawyer compensation survey, 101 firms of various sizes across Canada, 21 in B.C.

February 2003 study on crown counsel compensation in Canada, commissioned by the Attorney General of B.C.

Report on the Incomes of Canadian Lawyers based on Income Tax Data, submitted to the Judicial Compensation and Benefits Commission, 2003

B.C. Public Service – Judges salary schedule, rates effective 2001, 2002, and 2003

Remuneration Policy for Administrative Tribunals, March 2004

Various rates paid to Crown counsel rates for the various ministries, (e.g. Criminal Justice Branch, Legal Services Branch), ICBC

B.C. Crown Counsel Association's crown counsel arbitration research

Federal public service Law Group salary ranges

Legal Aid Ontario hourly rates, 2003

Various legal aid rates from Canada and other countries

LSS tariff review, Loss of Service Survey

Vancouver Association of Legal Administrators surveys, 2000, 2001, 2002, 2003 and 2004

Various other data from Canadian Lawyer magazine surveys, 1988 – 2004

Data from Law Society of B.C. surveys of lawyer compensation, 1999 and 2000

Highlights of ComplInsight Legal 2003 survey

Data from the report of the Judicial Compensation Committee on judge's compensation, 1998

Data from the Law Society Members' Survey, 2000

Report to the Attorney General by the Task Force on Public Legal Services in British Columbia, 1984

Appendix 4C — Net incomes of private bar lawyers

In Chapter 6, we considered tariff compensation relative to prevailing private market rates for clients of modest means and remuneration levels for other public sector professionals in the justice system. In the course of our research we also collected information about BC lawyer incomes, but ultimately we did not have sufficient data to make reliable comparisons between tariff lawyer incomes and private lawyer incomes generally. Nevertheless, this section provides an overview of available data from three different sources regarding compensation for private bar lawyers.

Income tax data from the final report of the Judicial Compensation and Benefits Commission

In its Final Report in May, 2004, the “Quadrennial Commission” relied on data supplied by the Canada Revenue Agency (CRA) on the average net professional income of self-employed lawyers nationally, provincially, and in selected urban centres for the years 1997 and 2000. The report offered global figures that did not distinguish lawyers based on firm size, area of practice, or year of call. Even though they are now five years out of date, they are the most recent figures available with a sample size from across the country large enough to be considered reliable. It is important to note, however, that the Commission found a number of problems in the data obtained from the CRA, including the fact that only 20,670 lawyers reported in 2000 compared to 31,270 in 1997, an unexplained decline of 33.9%. Despite this and other shortcomings, the Commission considered these figures to be the best available estimate of the net incomes of lawyers in private practice, given that the overall sample size was still a substantial proportion of private lawyers in Canada.

A summary of the results for BC, Vancouver and Canada is set out in Table 4C-1. Some of the key income figures are as follows:

- For British Columbia, the average net professional income in 2000 was \$97,800, an increase of 1.8% over 1997.
- For the Vancouver Census Metropolitan Area, the average net professional income was \$113,300 in 2000, a decline of 7.4% from the 1997 figure of \$122,300.

Considering the income trends reflected in Table 1, lawyer incomes in BC between 1997 and 2000 were not keeping pace with the rest of the country. Net incomes for lawyers in BC and Vancouver were well below the national average. Moreover, in three out of four categories, lawyer net incomes in BC

and Vancouver declined in the period 1997-2000. The exception was the “BC all ages” category, which showed a modest increase. While the above-mentioned data problems may partially explain this decrease, BC, New Brunswick and Prince Edward Island were the only provinces to show a decline. Among metropolitan centers, the 7.4% decline in lawyer incomes in Vancouver stands in stark contrast to the substantial increases in every other major city, ranging from 19.1% in Toronto, and 25.1% in Calgary, to 105% in Montreal. Together these figures may point to underlying economic trends in the province in the late 1990’s.

Table 4C-1: Net incomes of self-employed lawyers, 1997 and 2000¹

	1997	2000	% change	April 2004 ²
BC				
All ages	\$96,100	\$97,800	+1.8	\$104,743
Sample size	(3760)	(1923)		
Ages 44 to 56	\$116,500	\$111,000	-4.7	\$118,881
Sample size	(1720)	(975)		
Vancouver CMA				
All ages	\$122,300	\$113,300	-7.4	\$121,344
Sample size	(1360)	(1242)		
Ages 44 to 56	\$160,000	\$132,500	-17.2	\$141,907
Sample size	(590)	(607)		
Canada				
All ages	\$97,000	\$124,600	+28.5	\$133,446
Sample size	(31,270)	(20,670)		
Ages 44 to 56	\$119,000	\$142,800	+20	\$152,938
Sample size	(12,770)	(9,992)		

Canadian Lawyer 2004 survey

Canadian Lawyer magazine has conducted an annual survey of lawyer incomes since the 1980s. A summary of the relevant BC data, along with comparative national figures, may be found in Tables 4C-2 and 4C-3.

¹ Judicial Compensation and Benefits Commission, *Final Report of May 31, 2004*, pp. 45, 47, online: www.quadcom.gc.ca/rpt/report.20040531.html.

² The Commission used the increase in the Industrial Aggregate Index of 7.1% between 2000 and April 2004 to index the income figures in its report, and the same figure is used here.

This survey provides more detail than the CRA data found in the Quadrennial Commission report, including salary ranges by year of call, but its major shortcoming is the small sample size. Of the 100 firms surveyed nationally, only 20 are from BC. Moreover, the salary ranges it describes for partners and associates are likely more reflective of large firms that are not active in the legal aid system. Nevertheless, it does provide information about overall market conditions facing lawyers in BC.

Canadian Lawyer noted the following trends among survey respondents in 2004 that are relevant to tariff lawyers in BC:

- Firms with less than five lawyers reported salaries that are lower or the same as the last few years.
- Significant numbers of lawyers said “We work way harder for less money than lawyers from 20 years ago.”
- For firms that will raise salaries this year, the expected increase averaged 9%.
- Benefits and perks in addition to compensation averaged about \$5,000 per year.
- Net profit averages about 50% of gross revenue. In other words overhead costs reflect approximately 50% of gross revenue.
- In general, family law was considered one of the most profitable areas of law for firms with less than five lawyers or more than 25 lawyers, but this was not true for firms with five to 25 lawyers.
- Criminal law was one of the least profitable areas of law for all firm sizes especially for firms with more than 25 lawyers).

Table 4C-2: Canadian Lawyer magazine, 2004 survey

Year of call	Mid-range	Low	High
BC law firm averages — Associate salary range³			
2003	\$53,500 – 67,750	\$42,000	\$81,000
2002	\$56,070 – 71,020	\$45,000	\$90,000
2001	n/a		
2000	n/a		
1999	\$70,000 – 91,180	\$68,000	\$110,000
1998	\$84,880 – 110,000	\$67,000	\$110,000
1997	\$72,670 – 80,670	\$60,000	\$84,000
1996 and on	n/a		

³ K. McMahon, “The 2004 *Canadian Lawyer* Compensation Survey” *Canadian Lawyer* June 2004, p.35. 21 BC law firms responded to the survey, representing 21% of the 100 firms responding nationally. 52% of the national sample of 100 firms were in the solo to four lawyer category.

Appendix 4: Lawyer Compensation

Year of call	Mid-range	Low	High
National averages — Solo to four-practitioner firms			
2003	\$47,540 – 91,500	\$30,000	\$135,000
2002	\$52,220 – 85,890	\$40,000	\$110,000
2001	\$46,110 – 85,440	\$25,000	\$117,000
2000	\$42,060 – 60,860	\$40,000	\$78,000
1999	\$63,560 – 82,400	\$40,000	\$105,000
1998	\$81,700 – 127,500	\$71,000	\$150,000
1997	\$75,000 – 96,000	\$72,000	\$120,000
1996 and on	\$68,300 – 137,000	\$35,000	\$180,000

Table 4C-3: BC law firm averages — Partner salary range

Salary range	BC percentage %	National percentage %
\$0 – \$50,000	0	11
\$51,000 – \$100,000	37	38
\$101,000 – \$150,000	41	28
\$151,000 – \$200,000	17	6
\$201,000 – \$250,000	0	4
\$251,000 – \$300,000	3	6

Law Society of BC surveys

The Law Society conducted surveys of member’s net professional income in 1990, 1999 and 2004.⁴ The 1999 and 2004 surveys do not provide global averages, but they do describe the income distribution for lawyers according to firm size, location, and practice situation. Table 4C-4 summarizes the net income distribution for sole practitioners in 1999 and 2004. In both years, just over half of lawyers had a net income below \$60,000, while the proportion of lawyers in the range of \$60,000 to \$100,000 increased from about 27% to 33%.

⁴ Information provided by the Law Society of BC. For the 1990 survey, 2341 lawyers responded, representing 35% of the active membership. However, 59% of respondents were members of large firms, which may have skewed the range upwards. The 1999 survey had a similar sample size, but the 2004 survey was conducted online and had a significantly smaller sample size. Nevertheless, the Law Society indicates that the 2004 figures are reliable.

Table 4C-4: Law Society of BC surveys — Net income range of BC lawyers

	1999	2004
<\$30,000	24%	24.6%
\$30,000 – \$59,000	27%	24.6%
\$60,000 – \$74,999	13%	16.44%
\$75,000 – 99,999	14%	16.44%
\$100,000 – 149,999	13%	9.59%

Appendix 5: Figures and Tables

Appendix 5A — Tariff lawyers

(See following pages.)

Table 5A-1: Private bar lawyer billing

Fiscal year	Totals				\$0 – \$4,999			\$5,000 – \$9,999			\$10,000 – \$49,999			\$50,000 – \$99,999			\$100,000 plus		
	Average fees per lawyer	Median fees	Total fees	No of lawyers	Lawyers	% Lawyers	% Total fees	Lawyers	% Lawyers	% Total fees	Lawyers	% Lawyers	% Total fees	Lawyers	% Lawyers	% Total fees	Lawyers	% Lawyers	% Total fees
1983/1984	\$4,079.30	\$1,215.36	\$4,226,159.22	1,036	796	76.83%	22.66%	125	12.07%	21.19%	110	10.62%	49.27%	5	0.48%	6.88%			
1984/1985	\$5,804.13	\$1,674.86	\$7,260,969.69	1,251	872	69.70%	15.39%	149	11.91%	14.63%	220	17.59%	61.67%	10	0.80%	8.31%			
1985/1986	\$6,473.45	\$1,924.96	\$8,163,015.54	1,261	860	68.20%	13.97%	152	12.05%	13.19%	231	18.32%	59.62%	18	1.43%	13.22%			
1986/1987	\$7,843.16	\$2,450.00	\$9,780,416.67	1,247	787	63.11%	11.27%	179	14.35%	13.11%	251	20.13%	55.43%	30	2.41%	20.20%			
1987/1988	\$8,821.43	\$2,595.00	\$11,194,394.82	1,269	804	63.36%	10.64%	143	11.27%	9.16%	283	22.30%	58.07%	39	3.07%	22.12%			
1988/1989	\$10,864.74	\$3,075.00	\$14,113,294.50	1,299	754	58.04%	7.65%	176	13.55%	9.15%	305	23.48%	52.36%	59	4.54%	27.10%	5	0.38%	3.73%
1989/1990	\$13,519.72	\$4,150.00	\$17,156,521.03	1,269	677	53.35%	6.02%	150	11.82%	6.27%	357	28.13%	51.35%	77	6.07%	30.82%	8	0.63%	5.55%
1990/1991	\$15,461.65	\$4,632.50	\$21,058,773.82	1,362	700	51.40%	5.24%	171	12.56%	5.87%	354	25.99%	41.61%	128	9.40%	41.65%	9	0.66%	5.63%
1991/1992	\$26,153.93	\$9,084.00	\$38,917,042.61	1,488	616	41.40%	2.67%	159	10.69%	2.99%	435	29.23%	28.21%	190	12.77%	35.92%	88	5.91%	30.22%
1992/1993	\$35,596.88	\$15,114.00	\$58,912,836.90	1,655	536	32.39%	1.63%	185	11.18%	2.31%	507	30.63%	22.51%	243	14.68%	29.51%	184	11.12%	44.05%
1993/1994	\$36,138.73	\$15,995.10	\$66,712,093.47	1,846	583	31.58%	1.71%	198	10.73%	2.12%	547	29.63%	21.58%	330	17.88%	35.40%	188	10.18%	39.18%
1994/1995	\$31,035.22	\$15,142.35	\$59,929,019.44	1,931	610	31.59%	1.92%	225	11.65%	2.73%	629	32.57%	27.89%	338	17.50%	39.00%	129	6.68%	28.46%
1995/1996	\$28,830.16	\$13,412.64	\$54,777,301.38	1,900	613	32.26%	2.07%	233	12.26%	3.06%	646	34.00%	30.54%	302	15.89%	38.85%	106	5.58%	25.47%
1996/1997	\$27,408.85	\$14,052.40	\$49,637,434.20	1,811	555	30.65%	2.03%	231	12.76%	3.37%	667	36.83%	35.08%	295	16.29%	41.37%	63	3.48%	18.14%
1997/1998	\$24,993.62	\$12,532.80	\$42,264,216.59	1,691	574	33.94%	2.55%	185	10.94%	3.20%	635	37.55%	38.47%	250	14.78%	40.83%	47	2.78%	14.94%
1998/1999	\$23,517.63	\$10,157.30	\$37,581,167.15	1,598	588	36.80%	2.86%	207	12.95%	3.99%	550	34.42%	38.17%	203	12.70%	37.19%	50	3.13%	17.79%
1999/2000	\$25,880.30	\$12,581.25	\$37,940,523.24	1,466	496	33.83%	2.44%	174	11.87%	3.28%	528	36.02%	35.99%	213	14.53%	38.80%	55	3.75%	19.48%
2000/2001	\$30,305.41	\$16,319.70	\$41,760,848.33	1,378	409	29.68%	1.85%	140	10.16%	2.45%	528	38.32%	33.38%	230	16.69%	38.90%	71	5.15%	23.42%
2001/2002	\$33,291.34	\$17,524.50	\$43,278,741.14	1,300	374	28.77%	1.54%	131	10.08%	2.19%	472	36.31%	28.61%	225	17.31%	37.03%	98	7.54%	30.63%
2002/2003	\$29,654.24	\$14,755.50	\$35,614,736.58	1,201	360	29.98%	1.98%	148	12.32%	2.99%	439	36.55%	32.06%	191	15.90%	37.65%	63	5.25%	25.32%
2003/2004	\$32,261.47	\$16,926.30	\$35,261,787.41	1,093	336	30.74%	1.73%	100	9.15%	2.03%	401	36.69%	30.78%	185	16.93%	36.58%	71	6.50%	28.88%
2004/2005	\$30,302.40	\$16,747.20	\$31,787,222.45	1,049	301	28.69%	1.62%	119	11.34%	2.71%	398	37.94%	32.28%	178	16.97%	40.09%	53	5.05%	23.31%

Table 5A-2: Lawyer and referral counts by case type (fiscal year)

Fiscal year	Total			Criminal			Family			Other		
	Lawyers	Referrals	Avg	Lawyers	Referrals	Avg	Lawyers	Referrals	Avg	Lawyers	Referrals	Avg
1990/1991	1,523	54,178	35.6	946	34,223	36.2	1,068	19,350	18.1	342	605	1.8
1991/1992	1,685	68,423	40.6	1,057	42,322	40.0	1,171	23,736	20.3	413	2,365	5.7
1992/1993	1,827	71,670	39.2	1,141	41,191	36.1	1,297	27,258	21.0	455	3,221	7.1
1993/1994	1,987	67,296	33.9	1,217	38,391	31.5	1,413	26,235	18.6	454	2,670	5.9
1994/1995	1,972	55,682	28.2	1,180	30,796	26.1	1,381	22,487	16.3	422	2,399	5.7
1995/1996	1,887	48,310	25.6	1,120	28,372	25.3	1,280	17,618	13.8	354	2,320	6.6
1996/1997	1,859	44,179	23.8	1,106	26,479	23.9	1,234	15,003	12.2	421	2,697	6.4
1997/1998	1,720	38,884	22.6	1,005	24,280	24.2	1,086	11,838	10.9	368	2,766	7.5
1998/1999	1,597	38,270	24.0	942	23,498	24.9	976	11,543	11.8	391	3,229	8.3
1999/2000	1,512	39,691	26.3	897	23,301	26.0	909	12,442	13.7	364	3,948	10.8
2000/2001	1,441	38,955	27.0	829	21,846	26.4	857	13,883	16.2	324	3,226	10.0
2001/2002	1,325	36,722	27.7	783	20,947	26.8	736	12,495	17.0	286	3,280	11.5
2002/2003	1,111	29,610	26.7	762	21,394	28.1	580	5,876	10.1	119	2,340	19.7
2003/2004	1,054	29,173	27.7	734	21,544	29.4	533	5,847	11.0	101	1,782	17.6
2004/2005	1,000	27,458	27.5	698	20,980	30.1	487	5,716	11.7	83	762	9.2

Note: Total is not the sum of Criminal, Family and Other, as some lawyers take more than one case type.

Table 5A-3: Lawyer and referral counts by region

Fiscal year	Vancouver Coastal			Fraser			Vancouver Island			Interior			Northern			Out of province		
	Lawyers	Referrals	Avg	Lawyers	Referrals	Avg	Lawyers	Referrals	Avg	Lawyers	Referrals	Avg	Lawyers	Referrals	Avg	Lawyers	Referrals	Avg
1990/1991	512	15,230	29.7	289	11,871	41.1	308	9,836	31.9	241	10,434	43.3	99	6,077	61.4	5	593	118.6
1991/1992	586	20,408	34.8	292	14,496	49.6	354	11,951	33.8	267	12,848	48.1	109	7,896	72.4	10	671	67.1
1992/1993	663	21,076	31.8	328	15,087	46.0	361	12,444	34.5	290	13,958	48.1	109	7,878	72.3	17	1,119	65.8
1993/1994	720	19,211	26.7	377	13,014	34.5	392	12,756	32.5	303	13,918	45.9	118	7,326	62.1	20	978	48.9
1994/1995	681	14,710	21.6	376	10,603	28.2	409	11,551	28.2	319	11,748	36.8	116	6,219	53.6	21	772	36.8
1995/1996	637	13,200	20.7	358	8,755	24.5	405	10,314	25.5	313	10,059	32.1	108	5,163	47.8	20	756	37.8
1996/1997	595	12,125	20.4	358	8,501	23.7	398	9,297	23.4	327	8,608	26.3	116	4,759	41.0	18	826	45.9
1997/1998	551	10,534	19.1	317	7,632	24.1	375	8,024	21.4	309	7,637	24.7	111	4,227	38.1	18	771	42.8
1998/1999	507	10,732	21.2	300	7,255	24.2	355	8,058	22.7	290	7,451	25.7	103	4,127	40.1	14	605	43.2
1999/2000	470	11,607	24.7	276	7,469	27.1	337	8,287	24.6	281	7,438	26.5	100	4,338	43.4	14	509	36.4
2000/2001	454	10,625	23.4	257	7,698	30.0	324	8,126	25.1	267	7,546	28.3	99	4,413	44.6	13	457	35.2
2001/2002	418	9,955	23.8	254	8,005	31.5	284	7,597	26.8	237	6,897	29.1	93	3,797	40.8	12	422	35.2
2002/2003	360	9,037	25.1	216	6,829	31.6	242	5,501	22.7	189	5,038	26.7	93	2,968	31.9	8	234	29.3
2003/2004	346	8,745	25.3	210	7,042	33.5	226	5,216	23.1	180	4,926	27.4	89	3,155	35.4	3	89	29.7
2004/2005	330	7,719	23.4	196	6,541	33.4	215	5,457	25.4	163	4,656	28.6	91	3,078	33.8	3	5	1.7

Table 5A-4: Lawyer and referral counts by case type (calendar year)

Calendar year	Full-time BC lawyers (LSBC)	LSS total			LSS criminal			LSS family			LSS other		
		Lawyers	Referrals	Avg	Lawyers	Referrals	Avg	Lawyers	Referrals	Avg	Lawyers	Referrals	Avg
1990	5,200	1,508	51,350	34.1	953	32,564	34.2	1,044	18,232	17.5	321	554	1.7
1991	5,350	1,630	64,261	39.4	1,008	40,226	39.9	1,142	22,326	19.5	411	1,709	4.2
1992	5,545	1,792	71,807	40.1	1,123	42,297	37.7	1,272	26,337	20.7	435	3,173	7.3
1993	5,415	1,949	69,103	35.5	1,203	39,018	32.4	1,392	27,223	19.6	452	2,862	6.3
1994	5,715	1,992	58,303	29.3	1,219	32,591	26.7	1,401	23,193	16.6	438	2,519	5.8
1995	5,803	1,950	50,967	26.1	1,154	29,221	25.3	1,340	19,487	14.5	374	2,259	6.0
1996	5,843	1,872	45,188	24.1	1,108	27,255	24.6	1,253	15,290	12.2	402	2,643	6.6
1997	5,803	1,762	40,511	23.0	1,047	24,875	23.8	1,131	12,895	11.4	389	2,741	7.0
1998	5,810	1,639	37,661	23.0	967	23,320	24.1	1,005	11,324	11.3	383	3,017	7.9
1999	5,820	1,543	39,358	25.5	919	23,426	25.5	922	11,988	13.0	383	3,944	10.3
2000	5,845	1,454	39,382	27.1	850	22,403	26.4	866	13,715	15.8	319	3,264	10.2
2001	5,855	1,369	37,928	27.7	790	21,169	26.8	773	13,255	17.1	313	3,504	11.2
2002	5,890	1,157	30,577	26.4	755	20,929	27.7	625	7,235	11.6	157	2,413	15.4
2003	5,950	1,072	29,675	27.7	744	21,677	29.1	547	5,860	10.7	97	2,138	22.0
2004	6,000	1,005	28,083	27.9	701	21,585	30.8	496	5,723	11.5	88	775	8.8

Note: Total is not the sum of criminal, family and other, as some lawyers take more than one case type. The Law Society of BC (LSBC) supplied the figures for lawyers in full-time practice.

Table 5A-5: Average years of lawyer experience

Fiscal year	Overall	Criminal	Family
1990/1991	8.9	9.9	7.2
1991/1992	9.2	10.3	7.2
1992/1993	9.4	10.8	7.3
1993/1994	9.6	11.0	7.5
1994/1995	9.8	11.4	7.6
1995/1996	10.0	11.6	7.6
1996/1997	10.4	11.8	8.1
1997/1998	11.2	12.4	8.6
1998/1999	12.0	13.2	9.5
1999/2000	12.6	13.8	10.4
2000/2001	13.1	14.5	10.8
2001/2002	13.8	15.1	11.6
2002/2003	15.0	15.7	12.2
2003/2004	15.5	16.3	12.4
2004/2005	15.9	16.8	12.8

Table 5A-6: Average years of lawyer experience by region

Fiscal year	Overall	Vancouver Coastal	Fraser	Vancouver Island	Interior	Northern	Out of province
1990/1991	8.9	9.8	7.6	8.2	9.4	9.3	9.4
1991/1992	9.2	9.6	8.2	8.8	9.7	9.3	11.0
1992/1993	9.4	9.7	8.4	9.1	10.1	9.8	8.8
1993/1994	9.6	9.7	8.7	8.9	10.6	10.2	9.3
1994/1995	9.8	9.5	8.9	8.9	11.1	11.2	6.9
1995/1996	10.0	10.6	9.3	8.8	10.6	11.8	7.2
1996/1997	10.4	11.3	9.8	9.1	11.3	10.8	9.7
1997/1998	11.2	12.4	10.4	9.9	11.9	11.5	9.6
1998/1999	12.0	13.6	11.5	10.3	12.8	11.5	9.5
1999/2000	12.6	13.9	12.3	11.1	13.3	12.3	8.9
2000/2001	13.1	14.8	12.5	12.0	13.3	12.5	8.3
2001/2002	13.8	15.6	13.0	12.5	14.5	14.0	7.9
2002/2003	15.0	16.4	14.9	13.4	15.9	13.4	8.6
2003/2004	15.5	16.7	16.0	14.4	15.8	13.2	9.0
2004/2005	15.9	17.3	16.1	14.9	16.5	13.4	9.7

Table 5A-7: Private bar lawyer billing (all tariffs)

Fiscal year	Number of lawyers billing																
	Total lawyers	\$0\$9,999	\$10,000-\$19,999	\$20,000-\$29,999	\$30,000-\$39,999	\$40,000-\$49,999	\$50,000-\$59,999	\$60,000-\$69,999	\$70,000-\$79,999	\$80,000-\$89,999	\$90,000-\$99,999	\$100,000-\$149,999	\$150,000-\$199,999	\$200,000-\$249,999	\$250,000-\$299,999	\$300,000-\$399,999	\$400,000 plus
1983/1984	1,036	921	74	23	10	3	3	2									
1984/1985	1,251	1,021	138	41	29	12	5	4	1								
1985/1986	1,261	1,012	138	46	29	18	10	7	1								
1986/1987	1,247	966	139	59	33	20	13	9	2	3	3						
1987/1988	1,269	947	140	75	44	24	16	15	3	4	1						
1988/1989	1,299	930	134	83	54	34	25	20	8	3	3	5					
1989/1990	1,269	827	155	97	50	55	25	20	15	11	6	8					
1990/1991	1,362	871	146	100	61	47	40	37	22	15	14	7	2				
1991/1992	1,488	775	184	103	88	60	44	38	42	39	27	67	15	5	1		
1992/1993	1,655	721	194	128	102	83	69	58	38	44	34	128	41	8	4	3	
1993/1994	1,846	781	208	129	117	93	83	84	61	63	39	130	44	9	3	2	
1994/1995	1,931	835	241	148	134	106	107	85	69	51	26	101	20	6	2		
1995/1996	1,900	846	256	160	127	103	88	74	63	37	40	87	13	4	2		
1996/1997	1,811	786	248	184	119	116	90	76	59	42	28	48	8	2	2	3	
1997/1998	1,691	759	245	176	119	95	73	73	50	33	21	38	5	2	1	1	
1998/1999	1,598	795	209	146	99	96	58	60	44	22	19	40	5	5			
1999/2000	1,466	670	225	109	107	87	69	48	45	32	19	41	9	4	1		
2000/2001	1,378	549	196	139	110	83	63	60	44	32	31	57	7	5		2	
2001/2002	1,300	505	180	126	85	81	53	65	44	36	27	72	20	3	2	1	
2002/2003	1,201	508	163	120	92	64	54	49	37	34	17	48	9	3	2		1
2003/2004	1,093	436	144	100	82	75	56	45	31	41	12	51	11	6	2		1
2004/2005	1,049	420	154	121	64	59	41	50	34	34	19	39	9	3	1		1

Appendix 5: Figures and Tables

Table 5A-8: Private bar lawyer billing (criminal tariff)

Fiscal year	Totals				\$0 – \$4,999			\$5,000 – \$9,999			\$10,000 – \$49,999			\$50,000 – \$99,999			\$100,000 plus		
	Average fees per lawyer	Median fees	Total fees	No of lawyers	Law- yers	% Lawyers	% Total fees	Law- yers	% Lawyers	% Total fees	Law- yers	% Lawyers	% Total fees	Law- yers	% Lawyers	% Total fees	Law- yers	% Lawyers	% Total fees
1983/1984	\$4,387.46	\$1,229.36	\$3,659,145.68	834	624	74.82%	20.48%	104	12.47%	19.85%	101	12.11%	51.89%	5	0.60%	7.78%			
1984/1985	\$5,955.00	\$1,767.48	\$5,776,353.26	970	669	68.97%	14.04%	120	12.37%	14.72%	173	17.84%	62.80%	8	0.82%	8.44%			
1985/1986	\$6,448.32	\$1,783.10	\$6,106,560.29	947	652	68.85%	13.24%	125	13.20%	14.46%	154	16.26%	56.93%	16	1.69%	15.37%			
1986/1987	\$7,540.60	\$2,177.19	\$7,148,488.91	948	631	66.56%	12.53%	122	12.87%	12.21%	170	17.93%	52.50%	25	2.64%	22.76%			
1987/1988	\$8,311.36	\$2,375.00	\$7,970,591.10	959	624	65.07%	11.24%	105	10.95%	9.57%	203	21.17%	57.58%	27	2.82%	21.61%			
1988/1989	\$10,266.35	\$2,835.00	\$9,865,961.33	961	572	59.52%	7.98%	131	13.63%	9.81%	214	22.27%	51.14%	41	4.27%	27.93%	3	0.31%	3.13%
1989/1990	\$12,436.28	\$3,872.50	\$11,603,048.43	933	507	54.34%	6.31%	127	13.61%	7.92%	242	25.94%	48.92%	53	5.68%	32.52%	4	0.43%	4.33%
1990/1991	\$13,691.39	\$3,425.00	\$13,376,490.16	977	543	55.58%	5.80%	103	10.54%	5.47%	249	25.49%	44.37%	77	7.88%	39.39%	5	0.51%	4.97%
1991/1992	\$24,613.56	\$7,565.00	\$24,884,313.01	1,011	437	43.22%	2.55%	115	11.37%	3.33%	284	28.09%	28.25%	115	11.37%	33.51%	60	5.93%	32.36%
1992/1993	\$29,475.04	\$9,160.00	\$32,422,544.02	1,100	438	39.82%	2.08%	124	11.27%	2.76%	309	28.09%	23.20%	137	12.45%	30.45%	92	8.36%	41.51%
1993/1994	\$27,357.55	\$8,935.58	\$32,281,906.02	1,180	480	40.68%	2.38%	138	11.69%	3.23%	340	28.81%	26.39%	143	12.12%	32.14%	79	6.69%	35.86%
1994/1995	\$21,906.46	\$6,829.53	\$26,703,978.18	1,219	549	45.04%	3.33%	137	11.24%	3.72%	347	28.47%	32.43%	138	11.32%	35.75%	48	3.94%	24.76%
1995/1996	\$20,798.71	\$6,061.50	\$24,126,506.70	1,160	543	46.81%	3.57%	130	11.21%	3.86%	328	28.28%	33.41%	109	9.40%	31.41%	50	4.31%	27.75%
1996/1997	\$20,519.23	\$6,338.25	\$22,612,187.79	1,102	493	44.74%	3.43%	158	14.34%	4.99%	308	27.95%	34.28%	110	9.98%	34.99%	33	2.99%	22.31%
1997/1998	\$18,540.93	\$5,821.00	\$19,004,457.40	1,025	496	48.39%	3.97%	97	9.46%	3.69%	307	29.95%	37.98%	100	9.76%	36.47%	25	2.44%	17.90%
1998/1999	\$18,023.90	\$5,393.37	\$17,338,993.95	962	461	47.92%	3.76%	115	11.95%	4.76%	277	28.79%	39.65%	85	8.84%	33.33%	24	2.49%	18.50%
1999/2000	\$18,941.88	\$6,462.13	\$16,593,082.80	876	397	45.32%	3.63%	120	13.70%	5.24%	253	28.88%	38.82%	87	9.93%	36.43%	19	2.17%	15.88%
2000/2001	\$21,266.59	\$7,839.70	\$17,459,874.33	821	347	42.27%	2.89%	94	11.45%	3.88%	261	31.79%	37.01%	93	11.33%	35.98%	26	3.17%	20.24%
2001/2002	\$22,894.97	\$9,478.80	\$17,423,074.42	761	305	40.08%	2.63%	88	11.56%	3.70%	252	33.11%	35.26%	85	11.17%	34.08%	31	4.07%	24.33%
2002/2003	\$22,582.00	\$8,378.55	\$16,710,682.02	740	314	42.43%	3.11%	83	11.22%	3.68%	235	31.76%	35.37%	79	10.68%	32.84%	29	3.92%	25.00%
2003/2004	\$27,170.98	\$11,639.70	\$19,807,646.01	729	285	39.09%	2.41%	68	9.33%	2.50%	239	32.78%	31.39%	99	13.58%	34.51%	38	5.21%	29.19%
2004/2005	\$26,840.40	\$11,305.35	\$19,217,725.94	716	267	37.29%	2.34%	76	10.61%	2.98%	241	33.66%	33.52%	100	13.97%	36.43%	32	4.47%	24.72%

Table 5A-9: Private bar lawyer billing (criminal tariff)

Fiscal years	No of lawyers billing																
	Tot. lawyers	\$0-\$9,999	\$10,000-\$19,999	\$20,000-\$29,999	\$30,000-\$39,999	\$40,000-\$49,999	\$50,000-\$59,999	\$60,000-\$69,999	\$70,000-\$79,999	\$80,000-\$89,999	\$90,000-\$99,999	\$100,000-\$149,999	\$150,000-\$199,999	\$200,000-\$249,999	\$250,000-\$299,999	\$300,000-\$399,999	\$400,000 plus
1983/1984	834	728	70	19	9	3	4	1									
1984/1985	970	789	105	32	24	12	3	4	1								
1985/1986	947	777	81	35	25	13	9	7									
1986/1987	948	753	91	38	25	16	11	7	2	3	2						
1987/1988	959	729	106	51	28	18	9	13	2	3							
1988/1989	961	703	94	67	30	23	11	20	4	4	2	3					
1989/1990	933	634	114	69	35	24	16	9	12	9	7	4					
1990/1991	977	646	119	58	47	25	24	25	12	6	10	3	2				
1991/1992	1,011	552	125	71	50	38	30	21	28	20	16	46	9	4	1		
1992/1993	1,100	562	136	77	62	34	35	33	23	24	22	60	21	7	3	1	
1993/1994	1,180	618	134	92	70	44	37	26	35	26	19	51	21	4	1	2	
1994/1995	1,219	686	154	76	63	54	42	34	29	24	9	34	11	2	1		
1995/1996	1,160	673	140	90	56	42	33	31	20	10	15	40	6	3	1		
1996/1997	1,102	651	131	80	46	51	29	22	29	13	17	22	6	2		3	
1997/1998	1,025	593	159	57	57	34	28	31	17	14	10	19	4	1	1		
1998/1999	962	576	109	83	47	38	30	22	13	12	8	21	1	2			
1999/2000	876	517	104	62	48	39	32	13	23	7	12	14	2	3			
2000/2001	821	441	115	66	48	32	34	22	19	9	9	21	3	1			1
2001/2002	761	393	104	74	46	28	29	16	14	15	11	23	6	1			1
2002/2003	740	397	95	64	45	31	23	24	13	11	8	25	2		1		1
2003/2004	729	353	88	68	46	37	35	19	23	12	10	22	12	2	1		1
2004/2005	716	343	83	72	44	42	28	24	23	12	13	24	5	1	1		1

Appendix 5: Figures and Tables

Table 5A-10: Private bar lawyer billing (family tariff)

Fiscal year	Totals				\$0 – \$4,999			\$5,000 – \$9,999			\$10,000 – \$49,999			\$50,000 – \$99,999			\$100,000 plus		
	Avg fees per lawyer	Median fees	Tot fees	No of lawyers	Law- yers	% Lawyers	% Tot fees	Law- yers	% Lawyers	% Tot fees	Law- yers	% Lawyers	% Tot fees	Law- yers	% Lawyers	% Tot fees	Law- yers	% Lawyers	% Tot fees
1983/1984	\$996.65	\$487.81	\$564,104.82	566	555	98.06%	80.05%	8	1.41%	8.90%	3	0.53%	11.06%						
1984/1985	\$1,797.73	\$752.49	\$1,483,128.95	825	744	90.18%	53.28%	65	7.88%	30.26%	16	1.94%	16.46%						
1985/1986	\$2,296.75	\$909.99	\$2,055,593.38	895	785	87.71%	46.71%	74	8.27%	24.59%	36	4.02%	28.70%						
1986/1987	\$2,937.53	\$1,145.00	\$2,629,090.27	895	753	84.13%	37.37%	82	9.16%	22.11%	60	6.70%	40.52%						
1987/1988	\$3,593.59	\$1,264.00	\$3,223,453.72	897	730	81.38%	30.10%	88	9.81%	19.49%	74	8.25%	42.26%	5	0.56%	8.15%			
1988/1989	\$4,620.21	\$1,440.00	\$4,245,973.17	919	697	75.84%	22.46%	109	11.86%	18.27%	107	11.64%	50.65%	6	0.65%	8.62%			
1989/1990	\$6,273.43	\$1,970.00	\$5,551,982.60	885	619	69.94%	16.20%	110	12.43%	14.50%	146	16.50%	58.25%	10	1.13%	11.05%			
1990/1991	\$7,909.51	\$2,325.00	\$7,680,133.66	971	651	67.04%	13.34%	121	12.46%	11.22%	173	17.82%	52.03%	23	2.37%	19.10%	3	0.31%	4.30%
1991/1992	\$12,552.30	\$3,555.00	\$13,167,363.60	1,049	605	57.67%	7.78%	132	12.58%	6.94%	241	22.97%	42.17%	61	5.82%	32.84%	10	0.95%	10.27%
1992/1993	\$19,680.30	\$6,508.00	\$23,360,513.84	1,187	539	45.41%	4.43%	160	13.48%	4.93%	343	28.90%	35.27%	100	8.42%	29.80%	45	3.79%	25.57%
1993/1994	\$23,030.62	\$7,824.00	\$30,791,935.51	1,337	553	41.36%	3.51%	168	12.57%	3.80%	411	30.74%	33.78%	146	10.92%	33.38%	59	4.41%	25.53%
1994/1995	\$21,658.30	\$8,554.97	\$30,018,399.48	1,386	543	39.18%	3.52%	189	13.64%	4.56%	464	33.48%	38.95%	145	10.46%	33.50%	45	3.25%	19.48%
1995/1996	\$19,924.10	\$8,164.60	\$27,355,793.72	1,373	549	39.99%	3.77%	191	13.91%	5.05%	461	33.58%	40.54%	140	10.20%	35.29%	32	2.33%	15.35%
1996/1997	\$18,181.83	\$8,536.70	\$23,381,837.15	1,286	502	39.04%	4.14%	191	14.85%	5.91%	469	36.47%	50.04%	109	8.48%	31.73%	15	1.17%	8.18%
1997/1998	\$17,393.93	\$7,623.00	\$20,385,683.30	1,172	484	41.30%	4.56%	172	14.68%	6.20%	395	33.70%	47.03%	111	9.47%	35.90%	10	0.85%	6.31%
1998/1999	\$16,034.16	\$6,192.00	\$17,172,582.01	1,071	488	45.56%	5.59%	148	13.82%	6.14%	348	32.49%	49.41%	74	6.91%	29.06%	13	1.21%	9.81%
1999/2000	\$18,189.90	\$7,098.80	\$17,062,125.95	938	396	42.22%	4.41%	130	13.86%	5.44%	316	33.69%	46.39%	77	8.21%	30.08%	19	2.03%	13.69%
2000/2001	\$21,303.95	\$10,238.40	\$18,150,966.03	852	313	36.74%	3.36%	110	12.91%	4.28%	326	38.26%	44.38%	78	9.15%	29.88%	25	2.93%	18.10%
2001/2002	\$24,195.12	\$9,979.20	\$19,452,875.41	804	306	38.06%	2.75%	96	11.94%	3.62%	267	33.21%	34.37%	102	12.69%	36.77%	33	4.10%	22.49%
2002/2003	\$18,598.85	\$7,459.20	\$13,205,187.02	710	288	40.56%	4.38%	97	13.66%	5.02%	260	36.62%	46.93%	48	6.76%	24.62%	17	2.39%	19.05%
2003/2004	\$15,628.14	\$6,364.80	\$8,892,411.00	569	257	45.17%	5.18%	79	13.88%	6.43%	191	33.57%	49.95%	32	5.62%	24.29%	10	1.76%	14.15%
2004/2005	\$14,526.66	\$6,130.80	\$7,553,862.64	520	234	45.00%	5.15%	74	14.23%	6.92%	176	33.85%	51.83%	30	5.77%	25.92%	6	1.15%	10.17%

Table 5A-11: Private bar lawyer billing (family tariff)

Fiscal year	Number of lawyers billing																
	Total lawyers	\$0-\$9,999	\$10,000-\$19,999	\$20,000-\$29,999	\$30,000-\$39,999	\$40,000-\$49,999	\$50,000-\$59,999	\$60,000-\$69,999	\$70,000-\$79,999	\$80,000-\$89,999	\$90,000-\$99,999	\$100,000-\$149,999	\$150,000-\$199,999	\$200,000-\$249,999	\$250,000-\$299,999	\$300,000-\$399,999	\$400,000 plus
1983/1984	566	563	2		1												
1984/1985	825	809	13	2		1											
1985/1986	895	859	30	4	1	1											
1986/1987	895	835	47	7	5	1											
1987/1988	897	818	51	16	7		5										
1988/1989	919	806	67	24	10	6	3	2	1								
1989/1990	885	729	78	31	24	13	5	4		1							
1990/1991	971	772	88	34	36	15	10	7	2	4		3					
1991/1992	1,049	737	125	52	36	28	20	15	9	7	10	7	2	1			
1992/1993	1,187	699	160	79	63	41	35	15	23	17	10	36	7	1		1	
1993/1994	1,337	721	169	108	72	62	45	31	30	20	20	43	13	1	2		
1994/1995	1,386	732	194	116	87	67	45	36	31	18	15	39	3	3			
1995/1996	1,373	740	218	115	67	61	47	32	29	17	15	24	8				
1996/1997	1,286	693	196	122	85	66	45	21	18	12	13	12	2		1		
1997/1998	1,172	656	171	113	70	41	46	30	17	9	9	8	1	1			
1998/1999	1,071	636	156	82	66	44	27	21	11	6	9	10	2	1			
1999/2000	938	526	135	77	64	40	30	19	13	12	3	16	3				
2000/2001	852	423	139	80	69	38	23	21	11	15	8	20	4	1			
2001/2002	804	402	115	68	48	36	25	36	15	18	8	24	8	1			
2002/2003	710	385	122	70	32	36	15	15	8	8	2	12	2	2	1		
2003/2004	569	336	96	40	38	17	11	9	5	5	2	9		1			
2004/2005	520	308	94	44	19	19	10	10	7	1	2	5		1			

Appendix 5: Figures and Tables

Table 5A-12: BC Ministry of Attorney General — Criminal Justice Branch — Crown counsel salaries 1994 – 2006

Classification	STEP	YOC	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Legal counsel 1	1	1	38,000	38,570	38,570	38,955	45,014	45,014	45,914	47,062	48,238	49,782	49,782	49,782	56,000
	2	2	43,909	44,568	44,568	45,914	48,366	48,366	49,303	50,536	51,799	53,457	53,457	53,457	60,420
"Entry level"	3	3	48,204	48,204	48,204	49,416	51,659	51,659	52,692	54,009	55,360	57,131	57,131	57,131	64,574
	4	4	53,094	53,890	53,890	54,429	54,982	54,982	56,081	57,483	58,920	60,806	60,806	60,806	68,727
	5	5	56,874	57,727	57,727	58,304	58,304	58,304	59,470	60,957	62,481	64,480	64,480	64,480	72,880
Legal counsel 2	1	6	60,655	61,565	61,565	62,181	62,181	62,181	63,424	65,010	66,635	68,767	68,767	68,767	77,725
	2	7	64,436	65,403	65,403	66,057	66,057	66,057	67,378	69,062	70,789	73,054	73,054	73,054	82,571
"Working level"	3	8	68,217	69,240	69,240	69,932	69,932	69,932	71,331	73,114	74,942	77,340	77,340	77,340	87,415
	4	9	72,000	73,080	73,080	73,811	73,811	73,811	75,287	77,169	79,098	81,630	81,630	81,630	92,263
	5	10	75,000	76,125	76,125	76,886	76,886	76,886	78,424	80,385	82,394	85,031	85,031	85,031	96,108
Legal counsel 3A	1	12	81,001	82,216	82,216	83,038	83,038	83,038	84,699	86,816	88,987	91,834	91,834	91,834	103,798
	2	13	83,001	84,246	84,246	85,088	85,088	85,088	86,790	88,960	91,184	94,102	94,102	94,102	106,360
	3	14	85,000	86,275	86,275	87,138	87,138	87,138	88,880	91,102	93,380	96,368	96,368	96,368	108,922
	4	15	N/A	N/A	N/A	N/A	N/A	N/A	N/A	93,246	95,577	98,636	98,636	98,636	111,485
Legal counsel 3B	1	N/A	85,001	86,276	86,276	87,139	87,139	87,139	88,882	93,247	95,579	98,637	98,637	98,637	111,487
	2	N/A	87,251	88,560	88,560	89,446	89,446	89,446	91,235	95,620	98,011	101,147	101,147	101,147	114,324
	3	N/A	89,500	90,843	90,843	91,751	91,751	91,751	93,586	97,994	100,444	103,658	103,658	103,658	117,162
	4	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	100,367	102,876	106,168	106,168	106,168	119,999
Legal counsel 4	1	N/A	89,501	90,844	90,844	91,752	91,752	91,752	93,587	100,368	102,877	106,169	106,169	106,169	120,000
	2	N/A	93,751	95,157	95,157	96,108	96,108	96,108	98,031	104,550	107,164	110,593	110,593	110,593	125,000
	3	N/A	98,000	99,470	99,470	100,465	100,465	100,465	102,474	108,732	111,450	115,017	115,017	115,017	130,000
	4	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	112,914	115,737	119,440	119,440	119,440	135,000
	5	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	117,096	120,023	123,864	123,864	123,864	140,000

Table 5A-13: Rates of pay for Justice Canada employees in the LA group 1990 – 2005

LA-00	From	To	%	LA-01	From	To	%	LA-2A	From	To	%	LA-2B	From	To	%
Jun 1, 1992	22,890	33,790		Jun 1, 1990	39,500	56,000		Jun 1, 1990	56,000	78,500		Jun 1, 1990	71,200	86,900	
Jul 1, 1997	23,350	34,470	2.01%	Jun 1, 1991	41,200	58,400	4.29%	Jun 1, 1991	58,400	81,800	4.20%	Jun 1, 1991	74,200	90,500	4.14%
Apr 1, 1998	23,820	35,155	1.99%	Jun 1, 1992	42,400	60,200	3.08%	Jun 1, 1992	60,200	84,300	3.06%	Jun 1, 1992	76,400	93,200	2.98%
1999				Jul 1, 1997	43,250	61,700	2.49%	Jul 1, 1997	61,405	85,900	1.90%	Jul 1, 1997	77,930	95,065	2.00%
2000				Apr 1, 1998	44,115	62,935	2.00%	Apr 1, 1998	62,635	87,710	2.11%	Apr 1, 1998	79,490	96,970	2.00%
Apr 1, 2001	25,575	38,175	8.59%	1999				1999				1999			
Apr 1, 2002	25,575	58,000	51.93%	2000				2000				2000			
Apr 1, 2003	26,215	59,450	2.50%	Apr 1, 2001	49,545	70,680	12.31%	Apr 1, 2001	68,650	98,510	12.31%	Apr 1, 2001	85,420	108,900	12.30%
Apr 1, 2004	26,870	60,940	2.5%	Apr 1, 2002	50,930	72,660	2.80%	Apr 1, 2002	70,570	101,270	2.80%	Apr 1, 2002	87,810	111,950	2.80%
Apr 1, 2005	27,410	62,155	2.0%	Apr 1, 2003	52,205	74,475	2.50%	Apr 1, 2003	72,335	103,800	2.50%	Apr 1, 2003	90,005	114,750	2.50%
				Apr 1, 2004	53,510	76,340	2.5%	Apr 1, 2004	74,145	106,395	2.5%	Apr 1, 2004	92,255	117,620	2.5%
				Apr 1, 2005	54,580	77,865	2.0%	Apr 1, 2005	75,630	108,525	2.0%	Apr 1, 2005	94,100	119,975	2.0%

LA-3A	From	To	%	LA-3B	From	To	%	LA-3C	From	To	%
Jun 1, 1990	77,200	97,800		Jun 1, 1990	88,500	108,000		Jun 1, 1990	98,500	120,100	
Jun 1, 1991	80,400	101,900		Jun 1, 1991	92,200	112,500	4.17%	Jun 1, 1991	102,600	125,100	4.16%
Jun 1, 1992	82,800	105,000		Jun 1, 1992	95,000	115,900	3.02%	Jun 1, 1992	105,700	128,900	3.04%
Jul 1, 1997	82,800	105,000	0.00%	Jul 1, 1997	95,000	115,900	0.00%	Jul 1, 1997	105,700	128,900	0.00%
Apr 1, 1998	86,975	110,295	5.04%	Apr 1, 1998	100,985	123,205	6.30%	Apr 1, 1998	114,910	140,130	8.71%
1999				1999				1999			
2000				2000				2000			
Apr 1, 2001	97,000	122,900	11.43%	Apr 1, 2001	112,500	137,300	11.44%	Apr 1, 2001	128,100	156,100	11.40%
Apr 1, 2002	99,300	125,800	2.36%	Apr 1, 2002	115,100	140,500	2.33%	Apr 1, 2002	131,100	159,700	2.31%
Apr 1, 2003	101,700	129,000	2.54%	Apr 1, 2003	117,900	144,100	2.56%	Apr 1, 2003	134,300	163,700	2.50%
Apr 1, 2004	104,200	132,300	2.56%	Apr 1, 2004	120,800	147,800	2.57%	Apr 1, 2004	137,600	167,800	2.50%

LA-00 — Articled student
LA-01 — "Entry level"

LA-2A — "Working level"
LA-2B and up — Managers and senior lawyers

Table 5A-14: Rates of increase for other BC justice system professionals compared to LSS hourly tariff rate

Year	Salaries					Vancouver CPI	Constant dollars				
	Provincial Court judges	Supreme Court judges	Prov crown - LC-2 10 yrs	Fed crown - LA-2A	Tariff		PC judges	SC judges	Prov crown	Fed crown	Tariff rate
1991	\$103,000	\$147,800	\$73,529	\$81,800	\$80.00	97.1	100.0	100.0	100.0	100.0	100.0
1992	\$107,000	\$155,800	\$75,000	\$84,300	\$80.00	100.0	100.9	102.4	99.0	100.1	97.1
1993	\$118,402	\$155,800	\$75,000	\$84,300	\$79.20	103.6	107.7	98.8	95.6	96.6	92.8
1994	\$118,402	\$155,800	\$75,000	\$84,300	\$76.00	105.7	105.6	96.8	93.7	94.7	87.3
1995	\$118,402	\$155,800	\$76,125	\$84,300	\$76.00	108.4	103.0	94.4	92.7	92.3	85.1
1996	\$118,402	\$155,800	\$76,125	\$84,300	\$76.00	109.2	102.2	93.7	92.1	91.6	84.5
1997	\$118,402	\$165,500	\$76,886	\$85,900	\$72.00	109.8	101.7	99.0	92.5	92.9	79.6
1998	\$134,000	\$175,800	\$76,886	\$87,710	\$72.00	110.4	114.4	104.6	92.0	94.3	79.2
1999	\$139,000	\$178,100	\$76,886	\$87,710	\$72.00	111.4	117.6	105.0	91.1	93.5	78.4
2000	\$144,000	\$198,000	\$78,424	\$87,710	\$72.00	113.9	119.2	114.2	90.9	91.4	76.7
2001	\$155,000	\$204,600	\$80,385	\$98,510	\$72.00	116.0	126.0	115.9	91.5	100.8	75.3
2002	\$158,000	\$210,200	\$82,394	\$101,270	\$72.00	118.6	125.6	116.4	91.7	101.4	73.7
2003	\$161,250	\$216,600	\$85,031	\$103,800	\$72.00	121.0	125.6	117.6	92.8	101.8	72.2
2004	\$161,250	\$219,400	\$85,031	\$106,395	\$72.00	123.4	123.2	116.8	91.0	102.3	70.8
2005	\$161,250	\$219,400	\$85,031	\$108,525	\$80.00	124.8	121.8	115.5	90.0	103.2	77.8

Appendix 5B: Tariff history and expenditures

(see following pages)

Table 5B-1: LSS criminal tariffs for the most commonly billed items

	Provincial court	Jury trial	
April 1, 1974			
Stay prior to trial	\$50		
Stay on trial date	\$100		
Guilty plea	\$75		
Trial — first day	\$150	\$200	
Trial — subsequent days	\$100	\$150	
January 1, 1979			
Stay prior to trial	\$55		
Stay on trial date	\$110		
Guilty plea	\$80		
Trial — First day	\$165	\$215	
Trial — Subsequent days	\$110	\$165	
June 1, 1980			
Stay prior to trial	\$60		
Stay on trial date	\$120		
Guilty plea	\$85		
Trial — First day	\$180	\$230	
Trial — Subsequent days	\$120	\$180	
No additional fee was paid for multiple charges, except through extra fees in rare cases			
	Sets of facts	Item 5 — Minor offences	Item 6 — Major offences
September 1, 1981			
	— multiple sets of facts introduced		
Stay prior to trial	1	\$80	\$80
	>=2	\$110	\$110
Stay on trial date	1	\$155	\$235
	>=2	\$310	\$470
Guilty plea	1	\$110	\$110
	>=2	\$155	\$155
Trial — First half-day	all	\$235	\$360
Trial — Subsequent half-days	all	\$80	\$80
October 1, 1982	As part of a restraint package that included reductions in coverage and the closure of offices and funded programs, all tariff fees were reduced by 12.5%. The fee reductions were implemented by means of automatic deductions from counsels' bills.		
January 1, 1986	The 12.5% tariff reduction was removed.		
June 1, 1986	New tariff guides were published, but all rates were unchanged		
August 1, 1987	All tariff rates were increased automatically by 25%.		
November 1, 1987	The 25% tariff increase was removed for the criminal tariff, and a new criminal tariff was implemented on November 1 that incorporated the 25% increase.		

Table 5B-1: LSS criminal tariffs for the most commonly billed items (continued)

	Sets of facts	Item 5 — Minor offences	Item 6 — Major offences
November 1, 1987			
Stay prior to or on trial date	1	\$150	\$250
	>=2	\$225	\$375
Guilty plea	1	\$150	\$250
	>=2	\$225	\$375
Trial — First half-day	1	\$300	\$500
	2	\$450	\$750
Trial — Subsequent half-days	1	\$100	\$150
	2	\$150	\$225
	Sets of facts	Item 5 — Minor offences	Item 6 — Major offences
October 1, 1988			
Stay prior to or on trial date	1	\$150	\$250
	>=2	\$225	\$375
Guilty plea	1	\$150	\$250
	>=2	\$225	\$375
Trial — First half-day	1	\$300	\$500
	2	\$450	\$750
Trial — Subsequent half-days	1	\$150	\$200
	2	\$200	\$250

Table 5B-1: LSS criminal tariffs for the most commonly billed items (continued)

	Sets of facts	Item 5 — Minor offences	Item 6 — Major offences
October 1, 1989			
Stay prior to or on trial date	1	\$150	\$250
	>=2	\$225	\$375
Guilty plea	1	\$150	\$250
	>=2	\$225	\$375
Trial — First half-day	1	\$300	\$500
	2	\$450	\$750
Trial — Subsequent half-days	all	\$200	\$250
January 1, 1991			
Stay prior to or on trial date	1	\$150	\$250
	>=2	\$225	\$375
Guilty plea	1	\$180	\$275
	>=2	\$260	\$400
Trial — First half-day	1	\$300	\$500
	2	\$450	\$750
Trial — Subsequent half-days	all	\$200	\$250

Table 5B-1: LSS criminal tariffs for the most commonly billed items (continued)

		Category I	Category II	Category III	Category IV
January 1, 1992		— offence categories introduced			
Stay prior to or on trial date		\$200	\$250	\$300	\$500
Guilty plea	1	\$250	\$300	\$350	\$550
	>=2	\$350	\$400	\$450	\$800
Trial — First half-day	per info	\$400	\$500	\$600	\$800
Trial — Subsequent half-days	per info	\$400	\$500	\$600	\$800
		Category I	Category II	Category III	Category IV
December 1, 1992					
Stay prior to or on trial date		\$180	\$220	\$270	\$450
Guilty plea	1	\$180	\$220	\$260	\$400
	>=2	\$260	\$300	\$340	\$600
Trial — First half-day	per info	\$360	\$450	\$540	\$720
Trial — Subsequent half-days	per info	\$360	\$450	\$540	\$720
October 1, 1993		All criminal tariff fees were reduced by 4.3%. The fee reductions were implemented by means of automatic deductions from counsels' bills.			
July 1, 1994		Holdbacks of 22.5% were introduced on July 1, 1994 for the non-appeal tariffs, replacing the automatic fee reductions.			
August 1, 1994		Holdback reduced to 15% for criminal tariff fees.			
September 1, 1994		Holdback reduced to 10% for criminal fees, and a new criminal tariff was implemented. The new tariff was budgeted to produce a 12.5% saving in total criminal tariff fees, in addition to the saving from the 10% holdback.			

Table 5B-1: LSS criminal tariffs for the most commonly billed items (continued)

		Category I	Category II	Category III	Category IV
September 1, 1994	— guilty plea and sentencing can be billed together				
Stay prior to trial		\$100	\$150	\$200	\$300
Stay on trial date		\$180	\$220	\$270	\$450
Guilty plea		\$120	\$200	\$200	\$300
Sentencing		\$80	\$100	\$100	\$200
Combined		\$200	\$300	\$300	\$500
Trial — First two half-days	per info	\$500	\$600	\$800	\$700
Trial — Subsequent half-days	per info	\$300	\$400	\$500	Per half-day \$700
The September 1994 tariffs for the above services have remained unchanged, other than changes in the holdback percentage.					
May 1, 1997	Holdback increased to 15% for criminal tariff fees.				
July 1, 1999	Holdback reduced to 10% for criminal tariff fees.				
April 15, 2005	Holdback reduced to 5% for tariff fees for billings received on or after April 15, 2005				
June 24, 2005	Holdback eliminated on tariff fees for billings received on or after June 24, 2005				

All the above tariff changes, with the exception of the reduction in holdbacks on April 15, 2005 and June 24, 2005 were effective for dates of assignment on or after the dates shown above. (The date of assignment is the date the client is interviewed and a file is opened for the case.)

Table 5B-2: Family tariff general preparation hours and hourly rates

	First day	Sub days				
June 1, 1980						
FRA	\$180	\$120				
Contested trials	\$350	\$120				
FCSA	\$230	\$120				
			Tariff codes		Paragraph	
	First half-day	Sub half-days	First half-day	Sub half-days	First half-day	Sub half-days
January 1, 1981						
FRA	\$235	\$80	513	687	1(a)	1(b)
Contested trials	\$325	\$100	919	968	5(a)	5(b)
FCSA	\$260	\$100	885	489	2(a)	2(b)
			Hourly rate \$		General prep hours	
June 1, 1980	\$25					
January 1, 1981	\$40					
October 1, 1982	As part of a restraint package, that included reductions in coverage and the closure of offices and funded programs, all tariff fees were reduced by 12.5%. The fee reductions were implemented by means of automatic deductions from counsels' bills					
January 1, 1986	The 12.5% tariff reduction was removed.					
June 1, 1986	New tariff guides were published, but all rates were unchanged since September 1981.					

Table 5B-2: Family tariff general preparation hours and hourly rates (continued)

August 1, 1987 All tariff rates were increased automatically by 25%.

January 1, 1988 Family tariff rates were increased automatically by 65% January 1, 1988, for an effective increase of 32% on January 1, 1988.
 [65% = (1.25 * 1.32 – 1) * 100%]. A new tariff incorporating the 65% increase was implemented on April 1, 1988.

	Hourly rate \$	General prep hours
April 1, 1988	\$50	4
October 1, 1988	\$50	6
October 1, 1989	\$50	7
January 1, 1991	\$50	8
June 1, 1991	\$80	16
April 1, 1993	\$80	26
October 1, 1993	All family tariff fees were reduced by 1%. The fee reductions were implemented by means of automatic deductions from counsels' bills.	
July 1, 1994	Holdbacks of 22.5% were introduced on July 1, 1994 for the non-appeal tariffs, replacing the automatic fee reductions.	
August 1, 1994	Holdback reduced to 10% for family tariff fees.	
	Hourly rate \$	General prep hours
September 1, 1994	\$80	8
October 1, 1994	Holdback reduced to 5% for family tariff fees.	
May 1, 1997	Holdback increased to 10% for family tariff fees.	
April 15, 2005	Holdback reduced to 5% for all tariff fees for billings received on or after April 15, 2005.	
June 24, 2005	Holdback eliminated on tariff fees for billings received on or after June 24, 2005	

All the above tariff changes, with the exception of the reduction in holdbacks on April 15, 2005 and June 24, 2005, were effective for dates of assignment on or after the dates shown above.
 (The date of assignment is the date the client is interviewed and a file is opened for the case.)

Table 5B-3: Percentage increases and decreases to the tariff of fees

The percentage changes listed below were by means of fee increases or structural changes to the tariffs, or by means of a combination of the two.

The percentage changes represented the forecasted effects of the rate and structural changes on aggregate tariff fee expenditures.

Changes up to and including those on October 1, 1993 were compound changes.

Date the tariff of fees changed (a)	Note	Criminal	Criminal appeals	Family/Child protection	Family/Child protection appeals	Immigration	Immigration appeals	Duty counsel	
April 1, 1973		0.0%		start of tariff		n/a	n/a		
April 1, 1974		25.0%		0.0%		n/a	n/a		
January 1, 1979	(b)	8.0%		8.0%		n/a	n/a		
June 1, 1980		8.0%		8.0%		n/a	n/a		
September 1, 1981		38.0%		38.0%		n/a	n/a		
October 1, 1982		(12.5%)	same as criminal	(12.5%)	same as family	n/a	n/a		
January 1, 1986	(c)	14.3%		14.3%		n/a	n/a		
August 1, 1987	(d)	25.0%		25.0%		n/a	n/a		
January 1, 1988	(e)	unchanged		32.0%		n/a	n/a		
October 1, 1988		10.0%		10.0%		n/a	n/a		
October 1, 1989		5.0%		5.0%		n/a	n/a		
January 1, 1991		6.0%		6.0%		0.0%	0.0%		
June 1, 1991		100.0%		100.0%		100.0%	100.0%	100.0%	
December 1, 1992		(15.0%)		unchanged		unchanged	unchanged	unchanged	unchanged
April 1, 1993		unchanged		10.0%		unchanged	unchanged	unchanged	unchanged
October 1, 1993	(f)	(5.3%)	(4.3%)	(1.0%)	(1.0%)	(3.2%)	(3.2%)	unchanged	

Table 5B-3: Percentage increases and decreases to the tariff of fees (continued)

Holdbacks were first implemented on July 1, 1994:

Date the tariff of fees changed (a)	Note	Criminal	Criminal appeals	Family/Child protection	Family/Child protection appeals	Immigration	Immigration appeals	Duty counsel
July 1, 1994	(g)	(22.5%)	unchanged	(22.5%)	unchanged	(22.5%)	unchanged	unchanged
August 1, 1994	(h)	(15.0%)	unchanged	(10.0%)	unchanged	(12.0%)	unchanged	unchanged
September 1, 1994	(i)	(10.0%)	unchanged	unchanged	unchanged	unchanged	unchanged	(10.0%)
October 1, 1994	(j)	unchanged	unchanged	(5.0%)	unchanged	unchanged	unchanged	unchanged
May 1, 1997		(15.0%)	(5.0%)	(10.0%)	(5.0%)	(17.0%)	(5.0%)	(15.0%)
January 1, 1999		unchanged	(15.0%)	unchanged	unchanged	unchanged	unchanged	unchanged
July 1, 1999		(10.0%)	(10.0%)	unchanged	unchanged	(10.0%)	unchanged	(10.0%)
April 1, 2002		unchanged	unchanged	unchanged	(10.0%)	(10.0%)	(10.0%)	(10.0%)
April 15, 2005		(5.0%)	(5.0%)	(5.0%)	(5.0%)	(5.0%)	(5.0%)	(5.0%)
June 24, 2005		(5.0%)	(5.0%)	(5.0%)	(5.0%)	(5.0%)	(5.0%)	(5.0%)

- (a) All the tariff changes, with the exception of the reduction in holdbacks on April 15, 2005 and June 24, 2005, were effective for dates of assignment on or after the dates shown above. The April 15, 2005 holdback reduction was effective for batch dates on or after April 15, 2005. The June 24, 2005 holdback reduction was effective for batch dates on or after June 24, 2005. (The date of assignment is the date the client is interviewed and a file is opened for the case; the batch date is the date the bill is received by LSS.)
- (b) This was the first increase since 1973 for family, and 1974 for criminal.
- (c) This removed the 12.5% restraint reduction implemented on Oct 1, 1982
(100% less 12.5% = 87.5%. 87.5% x 1.143 = 100%)
- (d) For criminal, 25% was added automatically to fees on August 1, 1987. A new tariff incorporating the 25% increase was implemented on November 1, 1987. For family, 25% was added to fees on August 1, 1987, then 65% was added to fees on January 1, 1988, for an effective increase of 32% on January 1, 1988.
[65% = (1.25*1.32 – 1)*100%]. A new tariff incorporating the 65% increase was implemented on April 1, 1988.
- (e) This was the balance of a phased 65% increase to the family tariff started on August 1, 1987 (see above).
- (f) This decrease was implemented by reducing all fees by 4.3% for criminal, 1.0% for family, and 3.2% for immigration. The fee reductions were implemented by means of automatic deductions from counsels' bills. There was a further 1% reduction of criminal fees from reducing the amount paid for drinking and driving offences.
- (g) Holdbacks were introduced on July 1, 1994 for the non-appeal tariffs and replaced the automatic fee reductions implemented on October 1, 1993. The tariff reductions for the appeal tariff remained unchanged for appeals approved by the appeals department. The tariff reductions for the appeal tariffs were technically not holdbacks; however, they have been treated the same as holdbacks each time that a holdback repayment has been made.

Table 5B-3: Percentage increases and decreases to the tariff of fees (notes, continued)

- (h) Immigration:
A new tariff was implemented on August 1, 1994.
- (i) Criminal:
New restricted coverage rules were implemented in July 1994, and a new criminal tariff was implemented on September 1, 1994. The new tariff was budgeted to produce a 12.5% saving in criminal tariff expenditures, in addition to the saving from the 10% holdback. That is to say, the effective reduction to the criminal tariff in effect before July 1, 1994 remained 22.5%.
- (j) Family:
A new case managed tariff was implemented on October 1, 1994. The new case managed tariff was budgeted to produce a 17.5% saving in family tariff expenditures, in addition to the saving from the 5% holdback. That is to say, the effective reduction to the family tariff in effect before July 1, 1994 remained 22.5%.

Appendix 5: Figures and Tables

Table 5B-4: History of holdback repayments

Total holdbacks repaid:

Fiscal year	Criminal	Duty counsel	Family	Immigration	Disclosure applications	Total
1994/1995				\$51,198		\$51,198
1995/1996						\$0
1996/1997			\$399,735			\$399,735
1997/1998			\$1,350,491			\$1,350,491
1998/1999	\$143,543		\$407,282			\$550,825
1999/2000	\$623,044	\$69,407				\$692,451
2000/2001	\$433,256	\$52,739		\$373,343		\$859,338
2001/2002						
2002/2003	\$1,408,202	\$260,134	\$1,127,376	\$204,288		\$3,000,000
2003/2004	\$1,101,849	\$237,714	\$516,434	\$144,003		\$2,000,000
2004/2005	\$1,990,817	\$511,259	\$851,344	\$88,286	\$1,107	\$3,442,814

Percentage of holdbacks repaid:

Fiscal year	Criminal	Duty counsel	Family	Immigration	Disclosure applications
1994/1995				100.00%	
1995/1996					
1996/1997			32.30%		
1997/1998			95.74%		
1998/1999	5.43%		26.27%		
1999/2000	26.30%	26.30%			
2000/2001	17.16%	17.16%		80.17%	
2001/2002					
2002/2003	75.68%	75.68%	75.68%	75.68%	
2003/2004	51.04%	51.04%	51.04%	51.04%	
2004/2005	100.00%	100.00%	100.00%	100.00%	100.00%

Figure 5B-5: LSS per capita expenditures (1992 = 100)

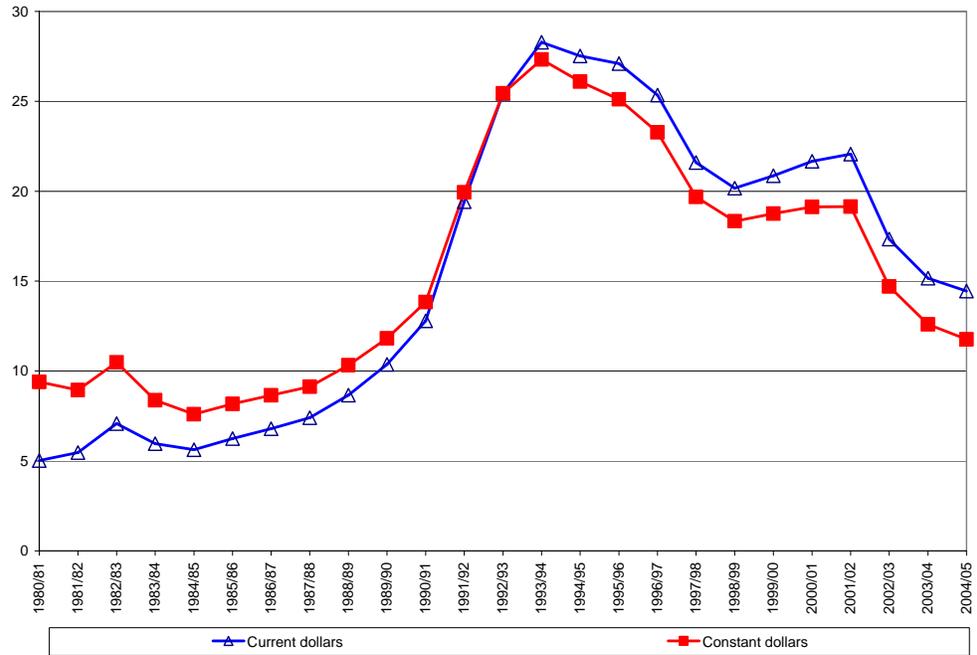


Table 5B-6: LSS per capita expenditures (1992 = 100)

Fiscal year	Current dollars		1992 constant dollars		CPI (1992=100)	Population on July 1 ('000s)
	Expenditures (\$,000s)	Per capita	Constant dollars (1992=100)	Per capita		
1980/1981	13,798	5.03	25,791	9.40	53.5	2,743.2
1981/1982	15,446	5.47	25,280	8.95	61.1	2,823.9
1982/1983	20,333	7.08	30,123	10.49	67.5	2,872.9
1983/1984	17,328	5.96	24,337	8.38	71.2	2,905.5
1984/1985	16,564	5.62	22,384	7.60	74.0	2,945.6
1985/1986	18,582	6.25	24,322	8.18	76.4	2,974.3
1986/1987	20,429	6.80	25,991	8.65	78.6	3,004.1
1987/1988	22,567	7.40	27,860	9.13	81.0	3,050.2
1988/1989	26,999	8.67	32,180	10.33	83.9	3,115.4
1989/1990	33,149	10.37	37,798	11.82	87.7	3,197.9
1990/1991	42,085	12.79	45,547	13.84	92.4	3,290.8
1991/1992	65,522	19.42	67,271	19.94	97.4	3,373.5
1992/1993	88,260	25.45	88,260	25.45	100.0	3,468.4
1993/1994	100,894	28.28	97,482	27.33	103.5	3,567.4
1994/1995	101,190	27.53	95,915	26.09	105.5	3,675.7
1995/1996	102,339	27.10	94,846	25.11	107.9	3,777.0
1996/1997	98,180	25.34	90,156	23.27	108.9	3,874.3
1997/1998	85,270	21.60	77,730	19.69	109.7	3,948.5
1998/1999	80,335	20.17	73,032	18.34	110.0	3,983.1
1999/2000	83,650	20.85	75,225	18.75	111.2	4,011.3
2000/2001	87,515	21.67	77,242	19.12	113.3	4,039.2
2001/2002	89,966	22.06	78,095	19.15	115.2	4,078.4
2002/2003	71,353	17.34	60,520	14.71	117.9	4,115.4
2003/2004	62,971	15.17	52,301	12.60	120.4	4,152.3
2004/2005	60,623	14.45	49,367	11.76	122.8	4,196.4

In order to create constant dollar figures with the effects of inflation removed, figures were converted to a base of 1992 = 100 using Statistics Canada's Consumer Price Index (CPI) for British Columbia.

The population estimates used to calculate per capita figures are as of July 1st.

Some of the above numbers do not agree with the numbers originally reported by Statistics Canada because:

- (1) Population estimates get revised subsequent to the Statistics Canada Reports
- (2) Statistics Canada changed its population date from October 1 to July 1. The above table uses July 1 throughout.

Table 5B-6: LSS per capita expenditures (1992 = 100) (notes, continued)

- (3) In publications before 2002/2003, Statistics Canada used the average CPI for Canada to adjust the figures of each province to constant dollars. The above table uses the CPI for British Columbia.
- (4) There have been changes in the base year used for CPI. For example, for 1991/1992, 1986/1987 was the base year.
- (5) Because of changes in accounting policies, some of the LSS expenditures are different from those originally reported to Statistics Canada.

Appendix 5: Figures and Tables

Table 5B-7: Provincial funding and LSS expenditures adjusted for population growth and inflation

Fiscal year	Provincial funding	Total expenditures	Tariff expenditures	Other expenditures	Population of BC on July 1 in fiscal year	Average CPI for BC in fiscal year	Provincial funding 1981/82 = 100	Total expenditures 1981/82 = 100	Tariff expenditures 1981/82 = 100	Other expenditures 1981/82 = 100	Tariff expenditures as % total expenditures	Total income	Provincial funding as % of total income
	(a)	(b)	(c)	(d)	(e)	(f)							
1980/1981	12,114,348	13,797,989	5,777,585	8,020,404	2,743,224	55.2	108.10	104.78	97.74	110.52	41.9%	13,683,208	88.5%
1981/1982	13,145,921	15,446,462	6,933,608	8,512,854	2,823,933	62.9	100.00	100.00	100.00	100.00	44.9%	15,458,672	85.0%
1982/1983	15,769,136	20,333,000	11,730,964	8,602,036	2,872,920	68.6	108.11	118.64	152.49	91.07	57.7%	18,837,709	83.7%
1983/1984	13,923,478	17,327,742	9,518,214	7,809,528	2,905,476	72.0	89.93	95.25	116.56	77.89	54.9%	16,382,548	85.0%
1984/1985	15,920,000	16,564,420	8,726,729	7,837,691	2,945,635	74.6	97.89	86.68	101.74	74.42	52.7%	18,242,338	87.3%
1985/1986	14,223,674	18,581,686	10,423,892	8,157,794	2,974,277	76.9	84.03	93.42	116.75	74.42	56.1%	17,597,652	80.8%
1986/1987	18,235,513	20,429,006	12,165,702	8,263,304	3,004,104	79.2	103.56	98.74	130.99	72.47	59.6%	22,210,651	82.1%
1987/1988	19,427,467	22,566,516	13,756,367	8,810,149	3,050,160	81.7	105.34	104.13	141.42	73.77	61.0%	23,189,586	83.8%
1988/1989	21,685,243	26,998,635	17,280,083	9,718,552	3,115,357	84.7	111.04	117.66	167.76	76.85	64.0%	26,131,408	83.0%
1989/1990	27,641,929	33,148,823	21,239,516	11,909,307	3,197,880	88.9	131.38	134.09	191.39	87.41	64.1%	33,091,668	83.5%
1990/1991	32,019,010	42,072,953	27,598,320	14,486,633	3,290,814	93.9	140.01	156.57	228.80	97.82	65.6%	40,109,703	79.8%
1991/1992	50,733,387	65,521,806	49,839,922	15,681,884	3,373,464	97.8	207.77	228.37	387.00	99.18	76.1%	62,638,992	81.0%
1992/1993	87,006,048	88,259,660	68,995,972	19,263,688	3,468,445	100.9	335.92	290.01	505.06	114.85	78.2%	92,435,306	94.1%
1993/1994	95,616,225	100,894,475	77,550,230	23,344,245	3,567,406	104.1	347.89	312.42	534.97	131.16	76.9%	101,055,400	94.6%
1994/1995	89,377,983	101,190,011	70,942,665	30,247,346	3,675,699	106.1	309.66	298.37	466.01	161.83	70.1%	94,954,282	94.1%
1995/1996	89,183,195	102,338,858	66,210,777	36,128,081	3,777,004	108.3	294.59	287.70	414.67	184.29	64.7%	94,789,082	94.1%
1996/1997	87,422,924	98,179,906	62,783,115	35,396,791	3,874,276	109.1	279.46	267.11	380.52	174.73	63.9%	92,717,490	94.3%
1997/1998	82,171,365	85,269,982	53,046,828	32,223,154	3,948,544	109.8	256.09	226.17	313.45	155.08	62.2%	86,230,384	95.3%
1998/1999	82,034,961	80,335,396	48,152,593	32,182,803	3,983,077	110.1	252.76	210.66	281.29	153.13	59.9%	86,213,047	95.2%
1999/2000	81,810,541	83,650,024	49,423,483	34,226,541	4,011,342	111.6	246.93	214.88	282.83	159.53	59.1%	86,544,948	94.5%
2000/2001	82,953,371	87,515,039	50,727,916	36,787,123	4,039,198	113.7	244.06	219.13	282.97	167.14	58.0%	88,324,187	93.9%
2001/2002	88,776,475	89,965,921	51,755,054	38,210,867	4,078,447	115.8	253.99	219.05	280.73	168.82	57.5%	93,718,186	94.7%
2002/2003	71,544,971	71,352,901	46,395,816	24,957,085	4,115,413	118.8	197.73	167.83	243.11	106.51	65.0%	76,326,537	93.7%
2003/2004	63,979,424	62,979,397	43,559,019	19,420,378	4,152,289	120.8	172.35	144.38	222.47	80.79	69.2%	71,131,172	89.9%
2004/2005	55,936,801	60,623,079	39,809,537	20,813,542	4,196,383	123.5	145.84	134.52	196.78	83.80	65.7%	64,676,570	86.5%

Table 5B-8: History of income and expenditures

Item	1980/1981	1981/1982	1982/1983	1983/1984	1984/1985	1985/1986	1986/1987	1987/1988	1988/1989
Income									
Province of British Columbia	12,114,348	13,145,921	15,769,136	13,923,478	15,920,000	14,223,674	18,235,513	19,427,467	21,685,243
Federal government	654,671	0	0	0	0	0	0	0	0
Law Foundation	640,000	1,808,492	2,760,004	1,999,996	2,000,000	3,081,237	3,690,611	3,000,000	3,000,000
Notary Foundation	0	0	0	0	0	0	0	199,796	541,844
Other	274,189	504,259	308,569	459,074	322,338	292,741	284,527	562,323	904,321
Total income	13,683,208	15,458,672	18,837,709	16,382,548	18,242,338	17,597,652	22,210,651	23,189,586	26,131,408
Expenses									
Duty counsel	na	na	na	434,500	494,123	589,413	635,806	647,799	690,904
Tariffs	5,777,585	6,933,608	11,730,964	9,083,714	8,232,606	9,575,605	11,253,265	12,899,553	16,286,549
Transcripts	na	na	na	na	na	258,874	276,631	209,015	302,630
Other	8,020,404	8,512,854	8,602,036	7,809,528	7,837,691	8,157,794	8,263,304	8,810,149	9,718,552
Total expenses									
from operations	13,797,989	15,446,462	20,333,000	17,327,742	16,564,420	18,581,686	20,429,006	22,566,516	26,998,635
Excess of income over expenses									
from operations	(114,781)	12,210	(1,495,291)	(945,194)	1,677,918	(984,034)	1,781,645	623,070	(867,227)
Deficit reduction grant									
Transition costs grant									
Transition costs									
Change in tariff estimate									
Accumulated surplus/deficit									
Beginning of year	878,332	763,551	775,761	(719,530)	(1,664,724)	13,194	(970,840)	810,805	1,433,875
Capital asset adjustment									
End of year	763,551	775,761	(719,530)	(1,664,724)	13,194	(970,840)	810,805	1,433,875	566,648

Table 5B-8: History of income and expenditures (continued)

Breakdown of duty counsel, tariff and transcript expenditures above:									
Criminal	3,690,689	4,279,375	7,930,307	6,976,834	6,351,794	6,852,407	7,872,197	8,783,171	10,674,376
Family	1,657,683	2,268,048	3,230,165	2,025,667	1,799,007	2,631,387	3,288,620	3,929,959	5,360,847
Immigration	0	0	0	0	0	0	0	0	0
Duty counsel	366,570	386,185	472,636	434,500	494,123	589,413	635,806	647,799	690,904
Brydges	0	0	0	0	0	0	0	0	0
Disclosure applications	0	0	0	0	0	0	0	0	0
Divorce clinic	0	0	0	6,595	11,233	14,428	13,543	18,772	21,260
Mental health	0	0	0	0	0	0	0	0	0
Human rights	0	0	0	0	0	0	0	0	67,334
Prison tariff	0	0	0	0	0	0	0	***	***
Transcripts	0	0	0	0	0	258,874	276,631	209,015	302,630
Pro-bono	0	0	0	0	0	0	0	76,342	104,980
Area directors	40,506	0	64,474	0	0	0	0	0	0
Salvation Army	22,137	0	30,696	30,699	33,180	37,766	39,909	40,120	0
Staff disbursements	0	0	0	43,919	37,392	39,617	38,996	51,189	57,751
Other	0	0	2,686	0	0	0	0	0	1
Total tariff per f/s	5,777,585	6,933,608	11,730,964	9,518,214	8,726,729	10,423,892	12,165,702	13,756,367	17,280,083

Table 5B-8: History of income and expenditures (continued)

Item	1989/1990	1990/1991	1991/1992	1992/1993	1993/1994	1994/1995	1995/1996	1996/1997	1997/1998
Income									
Province of British Columbia	27,641,929	32,019,010	50,733,387	87,006,048	95,616,225	89,377,983	89,183,195	87,422,924	82,171,365
Federal government	0	0	0	0	0				
Law Foundation	3,042,885	5,756,234	10,155,417	4,185,440	4,178,533	4,101,651	4,000,000	4,000,000	3,500,000
Notary Foundation	1,322,328	1,209,346	1,121,100	565,842	308,078	536,124	845,766	603,886	46,758
Other	1,084,526	1,137,113	629,088	677,976	952,564	938,524	760,121	690,680	512,261
Total income	33,091,668	40,121,703	62,638,992	92,435,306	101,055,400	94,954,282	94,789,082	92,717,490	86,230,384
Expenses									
Duty counsel	746,448	1,174,346	2,265,977	2,680,121	2,802,971	2,742,910	2,411,053	2,468,364	2,405,596
Tariffs	19,950,642	25,834,074	46,605,149	65,181,362	73,416,801	66,734,312	62,396,323	58,569,625	49,390,228
Transcripts	542,426	589,900	968,796	1,134,489	1,330,458	1,465,443	1,403,401	1,745,126	1,251,004
Other	11,909,307	14,486,633	15,681,884	19,263,688	23,344,245	30,247,346	36,128,081	35,396,791	32,223,154
Total expenses									
from operations	33,148,823	42,084,953	65,521,806	88,259,660	100,894,475	101,190,011	102,338,858	98,179,906	85,269,982
Excess of income over expenses									
from operations	(57,155)	(1,963,250)	(2,882,814)	4,175,646	160,925	(6,235,729)	(7,549,776)	(5,462,416)	960,402
Deficit reduction grant									
Transition costs grant									
Transition costs									
Change in tariff estimate									

Appendix 5: Figures and Tables

Table 5B-8: History of income and expenditures (continued)

Accumulated surplus/deficit									
Beginning of year	566,648	509,493	(1,453,757)	(4,336,571)	(160,925)	0	(6,235,729)	(13,785,505)	(17,106,042)
Capital asset adjustment								2,141,879	
End of year	509,493	(1,453,757)	(4,336,571)	(160,925)	0	(6,235,729)	(13,785,505)	(17,106,042)	(16,145,640)
Breakdown of duty counsel, tariff and transcript expenditures above:									
Criminal	12,673,005	14,689,381	27,128,495	33,786,602	33,642,670	28,308,363	25,890,839	24,960,565	20,202,649
Family	6,951,684	9,677,993	15,987,428	26,920,437	34,656,097	33,609,719	31,867,257	28,752,358	24,749,593
Immigration	53,761	1,219,180	3,119,076	4,073,281	4,512,611	4,039,172	3,543,442	3,764,652	3,387,438
Duty counsel	746,448	977,998	1,983,147	2,472,210	2,590,938	2,507,143	2,190,621	2,276,207	2,204,466
Brydges	9,240	196,348	282,830	207,912	212,033	235,766	220,432	192,157	201,130
Disclosure applications	0	0	0	0	0	0	0	0	0
Divorce clinic	14,286	18,530	23,000	30,265	35,100	42,920	36,020	42,990	0
Mental health	0	0	0	0	0	0	0	0	12,466
Human rights	50,787	56,606	69,723	109,387	175,276	332,572	196,409	219,011	271,365
Prison tariff	***	***	***	***	70,475	69,715	141,255	113,628	73,565
Transcripts	542,426	589,900	968,796	1,134,489	1,330,458	1,465,443	1,403,402	1,745,126	1,251,004
Pro-bono	103,249	92,474	189,516	156,898	201,986	145,932	181,775	192,627	197,693
Area directors	0	0	0	0	0	0	0	0	0
Salvation Army	0	0	0	0	0	0	0	0	0
Staff disbursements	94,630	79,910	87,911	102,429	122,586	184,024	539,325	523,795	495,458
Other	0	0	0	2,062	0	1,896	0	(1)	1
Total tariff per f/s	21,239,516	27,598,320	49,839,922	68,995,972	77,550,230	70,942,665	66,210,777	62,783,115	53,046,828

Table 5B-8: History of income and expenditures (continued)

Item	1998/1999	1999/2000	2000/2001	2001/2002	2002/2003	2003/2004	2004/2005
Income							
Province of British Columbia	82,034,961	81,810,541	82,953,371	88,776,475	71,544,971	63,979,424	55,936,801
Federal government						1,644,400	3,649,577
Law Foundation	2,975,000	3,175,000	3,288,674	3,388,974	3,674,463	3,607,981	3,539,475
Notary Foundation	489,790	475,658	659,052	525,936	514,995	796,171	506,346
Other	713,296	1,083,749	1,423,090	1,026,801	592,108	1,103,196	1,044,371
Total Income	86,213,047	86,544,948	88,324,187	93,718,186	76,326,537	71,131,172	64,676,570
Expenses							
Duty counsel	2,462,913	2,656,882	2,978,102	3,416,864	3,882,526	5,255,589	5,977,902
Tariffs	44,626,760	45,334,529	46,450,375	47,173,565	41,289,961	37,350,512	32,915,350
Transcripts	1,062,920	1,432,072	1,299,439	1,164,625	1,223,329	952,918	916,285
Other	32,182,803	34,226,541	36,787,123	38,210,867	24,957,085	19,420,378	20,813,542
Total expenses from operations	80,335,396	83,650,024	87,515,039	89,965,921	71,352,901	62,979,397	60,623,079
Excess of income over expenses							
from operations	5,877,651	2,894,924	809,148	3,752,265	4,973,636	8,151,775	4,053,491
Deficit reduction grant				3,740,000			
Transition costs grant				4,000,000			
Transition costs				(5,570,000)	(1,867,734)	406,969	
Change in tariff estimate						(6,637,859)	
Accumulated surplus/deficit							
Beginning of year	(16,145,640)	(10,267,989)	(7,373,065)	(6,563,917)	(641,652)	2,411,250	4,332,135
Capital asset adjustment					(53,000)		
End of year	(10,267,989)	(7,373,065)	(6,563,917)	(641,652)	2,411,250	4,332,135	8,385,626

Table 5B-8: History of income and expenditures (continued)

Breakdown of duty counsel, tariff and transcript expenditures above:							
Criminal	18,865,063	19,087,078	18,947,381	18,835,042	20,695,298	22,911,901	23,040,670
Family	20,411,083	19,923,649	20,755,415	22,363,654	15,432,865	10,408,309	9,063,271
Immigration	4,169,935	5,212,065	5,271,599	4,435,750	3,695,260	3,785,168	760,437
Duty counsel	2,257,998	2,449,565	2,766,854	3,187,290	3,639,683	5,012,051	5,639,730
Brydges	204,916	207,317	211,248	229,576	242,843	243,538	338,172
Disclosure applications	0	0	0	0	0	0	11,854
Divorce clinic	0	0	0	0	0	0	0
Mental health	18,124	17,949	17,640	22,616	644,295	0	0
Human rights	332,941	310,541	526,060	398,582	189,343	26,374	4,901
Prison tariff	72,559	92,336	142,927	173,834	97,034	0	0
Transcripts	1,062,920	1,432,072	1,299,439	1,164,625	1,223,329	952,918	916,285
Pro-bono	183,048	138,496	217,520	320,547	155,077	102,417	(77,695)
Area directors	0	0	0	0	0	0	0
Salvation Army	0	0	0	0	0	0	0
Staff disbursements	574,012	552,415	571,832	623,540	380,789	116,343	111,912
Other	(6)	0	1	(2)	0	0	0
Total tariff per f/s	48,152,593	49,423,483	50,727,916	51,755,054	46,395,816	43,559,019	39,809,537

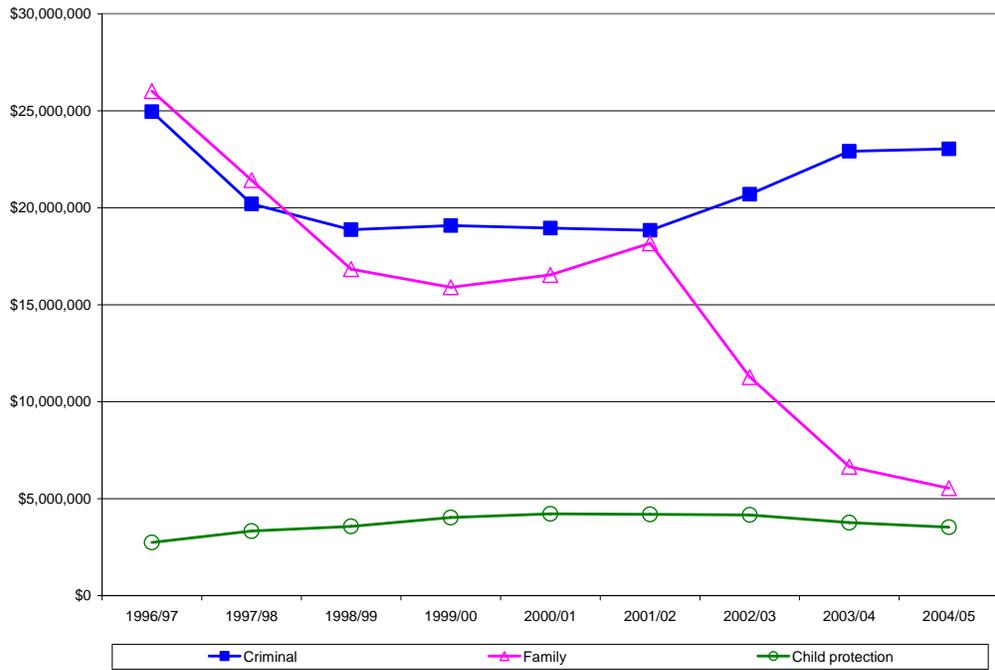
Note: A zero can mean one of three things:

- (1) no expenditures were incurred on that item for that year, or
- (2) that item was included in non-tariff expenditures for that year, or
- (3) that item was included in another tariff item for that year.

Examples:

- (1) No expenditures were incurred on immigration or Brydges before 1989/90. The *Gonzalez-Davi* decision was made in December 1989, and the Brydges ruling was made in February 1990.
- (2) Salvation Army expenditures were included in contracted services after 1987/88.
- (3) Pro-bono was included in family before 1987/88, as part of civil tariff expenditures.

Figure 5B-9: Tariff expenditures — Including holdback repayments — Criminal, family and child protection



Appendix 5: Figures and Tables

Figure 5B-10: Tariff expenditures — Including holdback repayments — Duty counsel, child protection and immigration

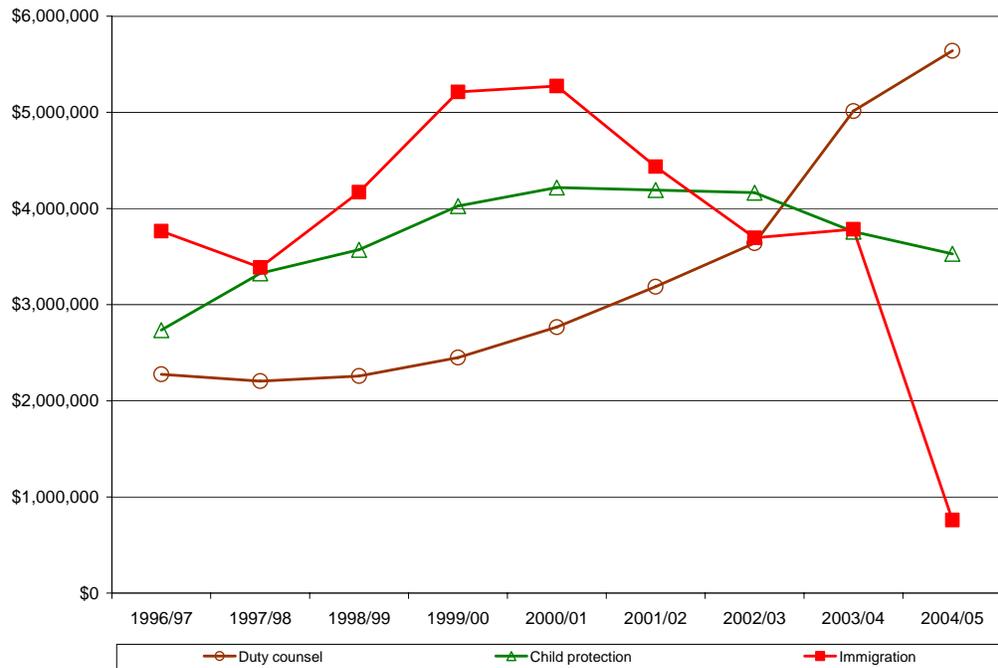


Figure 5B-11: LSS Duty counsel expenditures

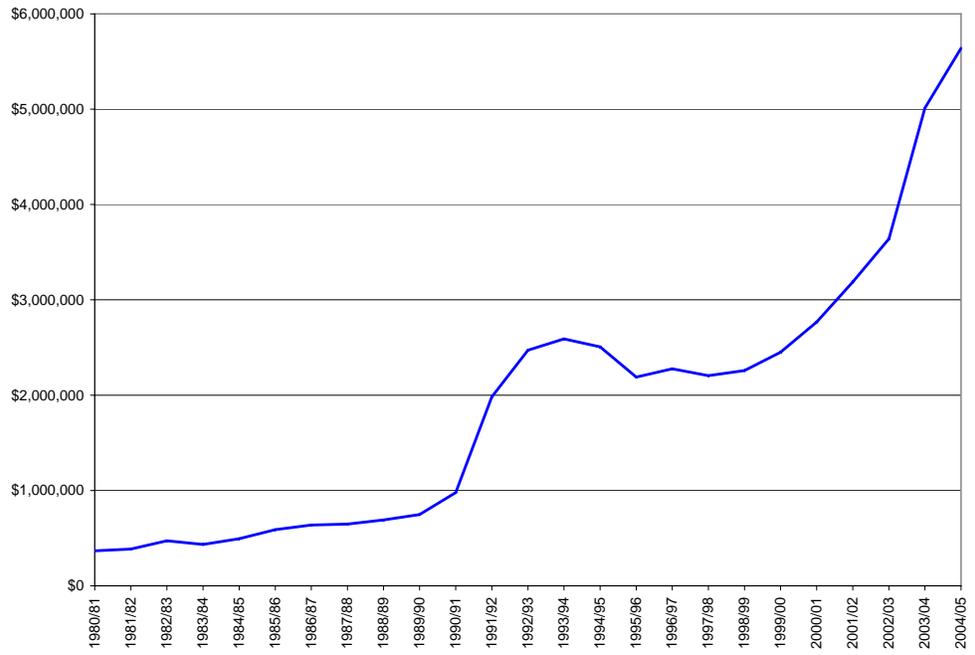


Figure 5B-12: Criminal and family fees

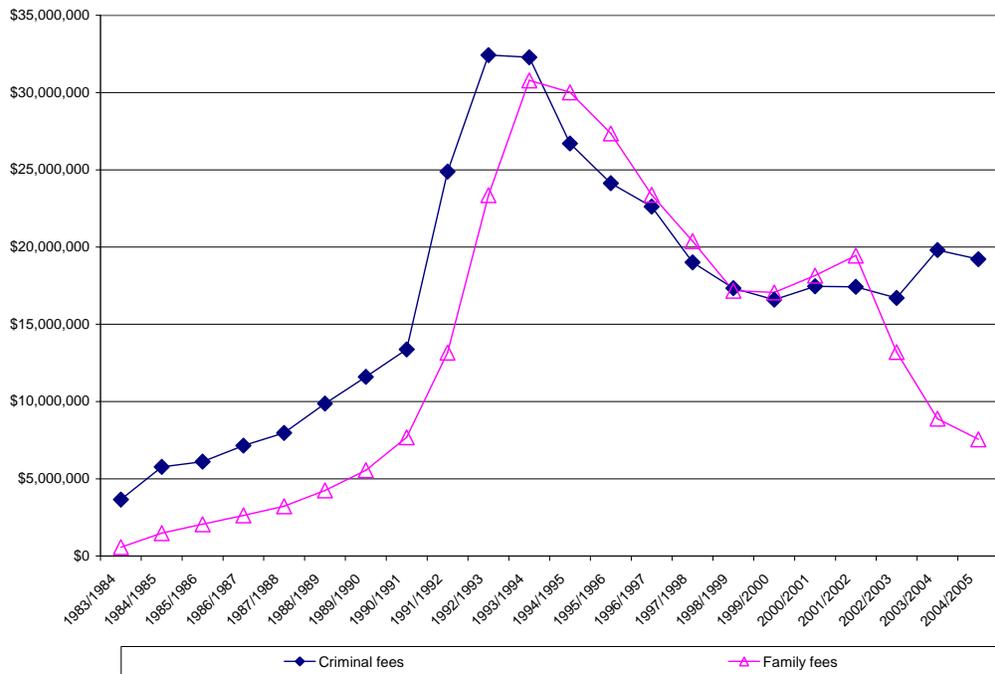


Table 5B-13: Criminal cases referred

Fiscal year	Per annual reports		Corrected			Total per LSS fact sheets
	Private bar	Total	Private bar	Staff	Total	
1983/1984			18,593	2,720	21,313	
1984/1985			23,024	2,290	25,314	
1985/1986		24,715	23,806	1,797	25,603	
1986/1987		26,754	27,094	1,632	28,726	
1987/1988		27,310	27,899	1,409	29,308	
1988/1989		28,628	29,316	1,339	30,655	30,642
1989/1990		30,134	31,397	1,212	32,609	32,448
1990/1991		33,530	34,987	1,248	36,235	36,123
1991/1992		43,917	43,099	1,282	44,381	44,260
1992/1993		43,660	42,502	1,175	43,677	43,726
1993/1994		42,041	39,918	2,221	42,139	42,141
1994/1995		36,236	32,891	3,637	36,528	36,375
1995/1996	30,203	36,555	31,335	5,375	36,710	36,555
1996/1997	26,078	31,329	26,078	5,251	31,329	31,329
1997/1998	24,079	28,702	24,079	4,623	28,702	28,702
1998/1999	23,250	28,043	23,250	4,793	28,043	28,043
1999/2000	23,089	27,479	23,089	4,390	27,479	27,479
2000/2001	21,585	25,845	21,585	4,260	25,845	25,845
2001/2002	20,349	24,288	20,349	3,939	24,288	24,288
2002/2003	21,190	21,970	21,190	780	21,970	21,970
2003/2004	21,403	21,828	21,403	425	21,828	21,828
2004/2005	20,958	21,404	20,958	446	21,404	21,404

Table 5B-14: Family cases referred

Fiscal year	Family		Child Protection		Total			Total per LSS fact sheets
	Private bar	Total	Private bar	Total	Private bar	Staff	Total	
1983/1984	3,274	5,212			3,274	1,938	5,212	
1984/1985	5,349	7,634			5,349	2,285	7,634	
1985/1986	7,078	9,005			7,078	1,927	9,005	
1986/1987	8,203	10,079			8,203	1,876	10,079	
1987/1988	9,484	11,361			9,484	1,877	11,361	
1988/1989	10,414	12,405			10,414	1,991	12,405	12,676
1989/1990	13,185	15,163			13,185	1,978	15,163	15,220
1990/1991	14,811	17,118			14,811	2,307	17,118	17,176
1991/1992	17,611	19,896			17,611	2,285	19,896	20,113
1992/1993	19,528	21,865			19,528	2,337	21,865	21,910
1993/1994	19,093	21,904			19,093	2,811	21,904	22,010
1994/1995	17,555	21,135			17,555	3,580	21,135	21,176
1995/1996	16,371	18,578			16,371	2,207	18,578	18,578
1996/1997	14,472	16,409			14,472	1,937	16,409	16,409
1997/1998	11,745	13,532			11,745	1,787	13,532	13,532
1998/1999	8,986	10,422	2,399	2,755	11,385	1,792	13,177	13,177
1999/2000	9,578	10,815	2,702	3,013	12,280	1,548	13,828	13,828
2000/2001	11,022	12,184	3,013	3,342	14,035	1,491	15,526	15,526
2001/2002	9,978	11,112	2,600	2,879	12,578	1,413	13,991	13,991
2002/2003	3,709	4,062	2,217	2,392	5,926	528	6,454	6,454
2003/2004	3,872	4,410	1,926	2,205	5,798	817	6,615	6,615
2004/2005	3,646	4,174	2,062	2,308	5,708	774	6,482	6,482

Table 5B-15: Immigration cases referred

Fiscal year	Private bar	Staff	Total
1990/1991			2,500
1991/1992			2,900
1992/1993	2,628	63	2,691
1993/1994	2,218	102	2,320
1994/1995	1,988	217	2,205
1995/1996	1,975	260	2,235
1996/1997	2,198	232	2,430
1997/1998	2,301	389	2,690
1998/1999	2,685	409	3,094
1999/2000	3,485	464	3,949
2000/2001	2,769	277	3,046
2001/2002	2,871	239	3,110
2002/2003	2,298	2	2,300
2003/2004	1,756	0	1,756
2004/2005	740	0	740

Appendix 5: Figures and Tables

Figure 5B-16: Adult and youth criminal cases referred to private bar and staff lawyers by category of offence

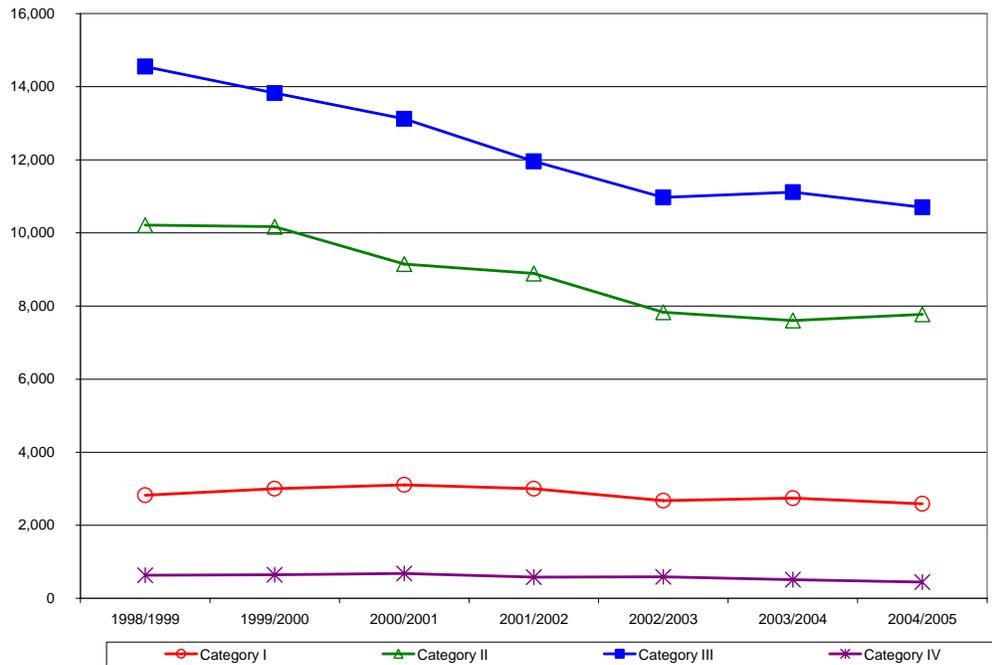
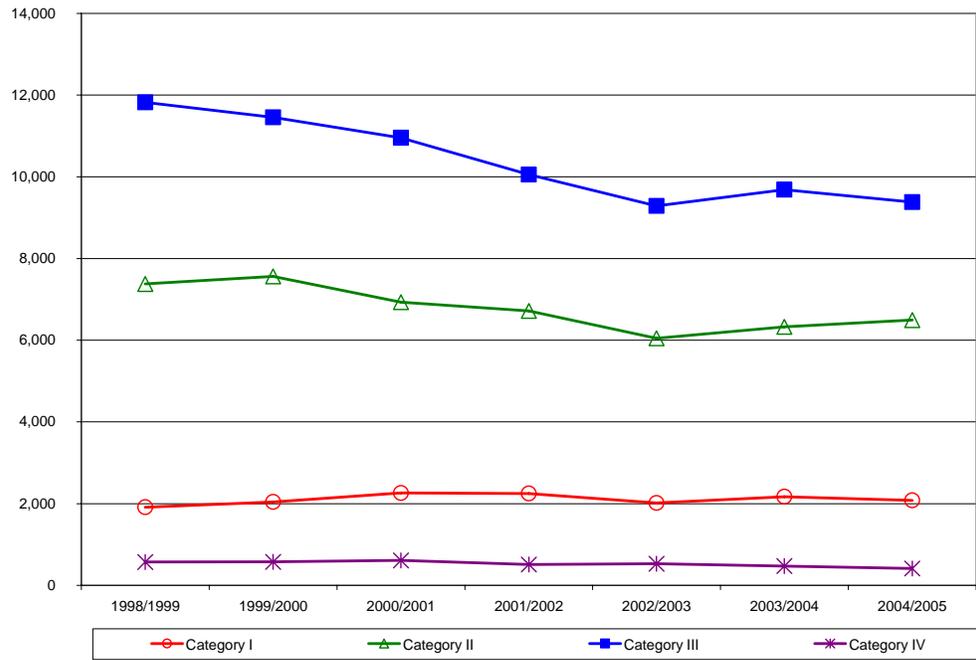


Figure 5B-17: Adult criminal cases referred to private bar and staff lawyers by category of offence



Appendix 5: Figures and Tables

Figure 5B-18: Youth criminal cases referred to private bar and staff lawyers by category of offence



Figure 5B-19: Adult criminal cases referred to private bar lawyers by category of offence

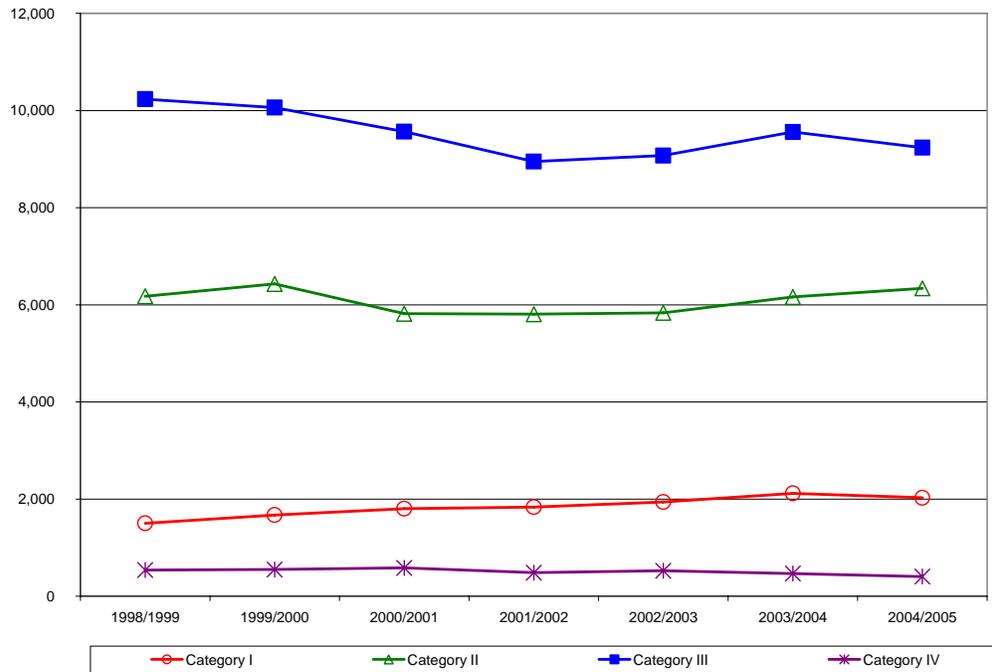


Figure 5B-20: Youth criminal cases referred to private bar lawyers by category of offence

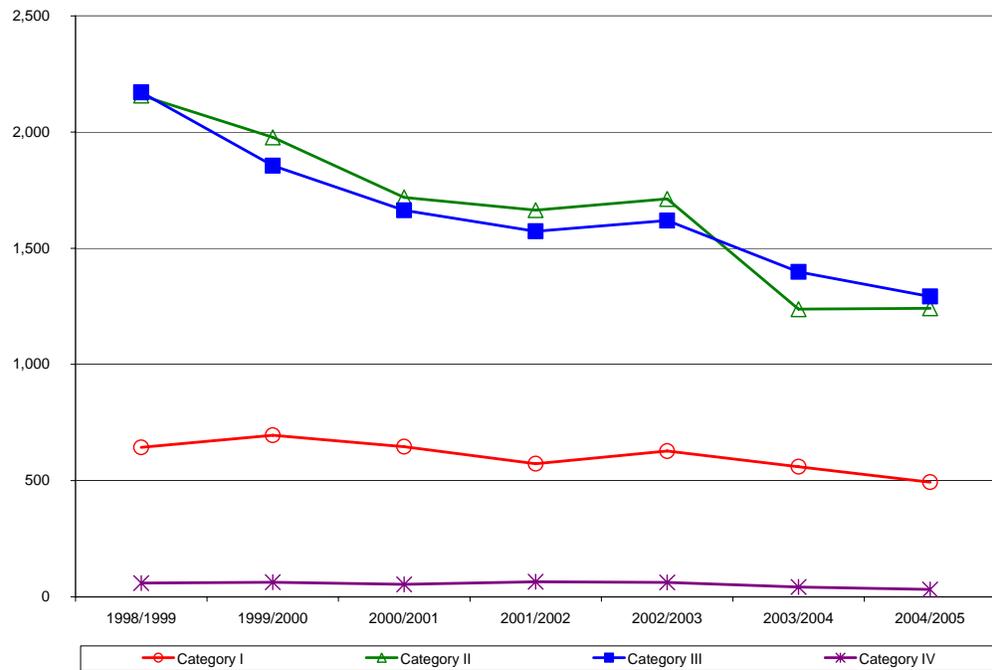


Figure 5B-21: Adult criminal cases referred to staff lawyers by category of offence

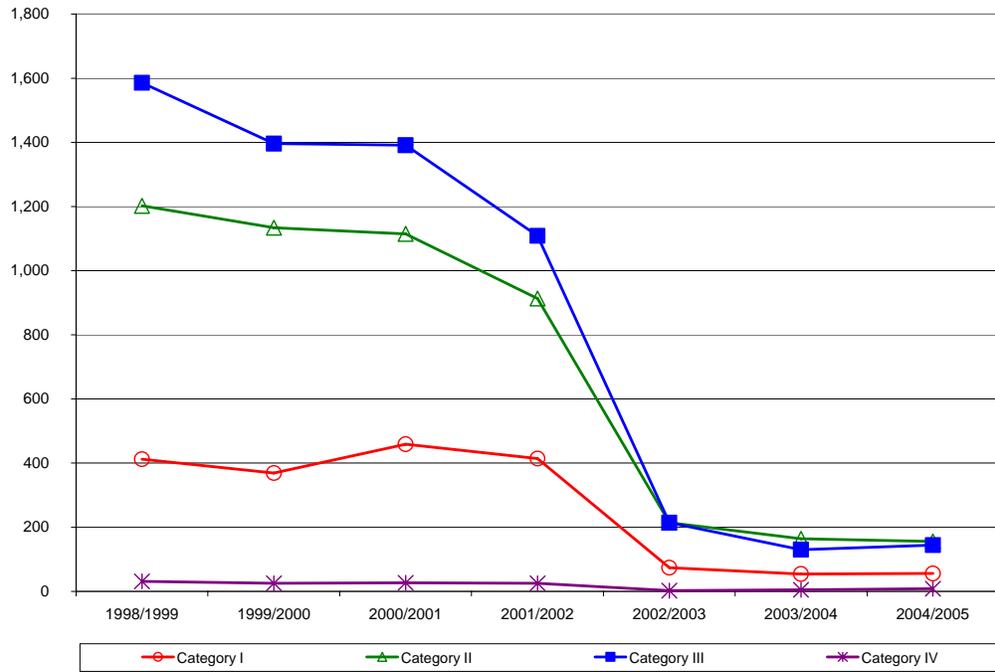


Figure 5B-22: Youth criminal cases referred to staff lawyers by category of offence

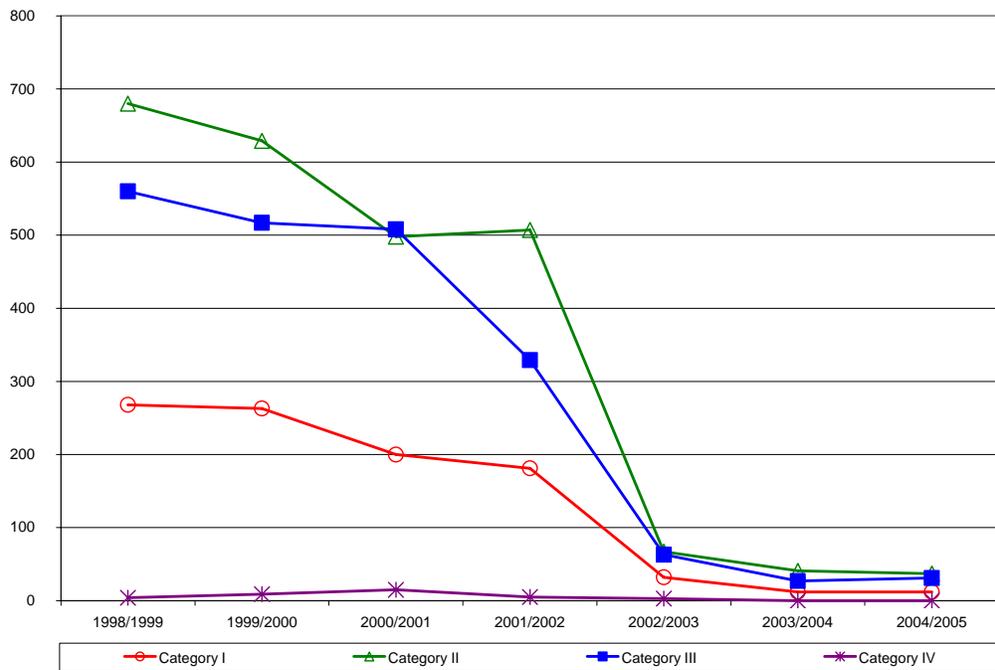
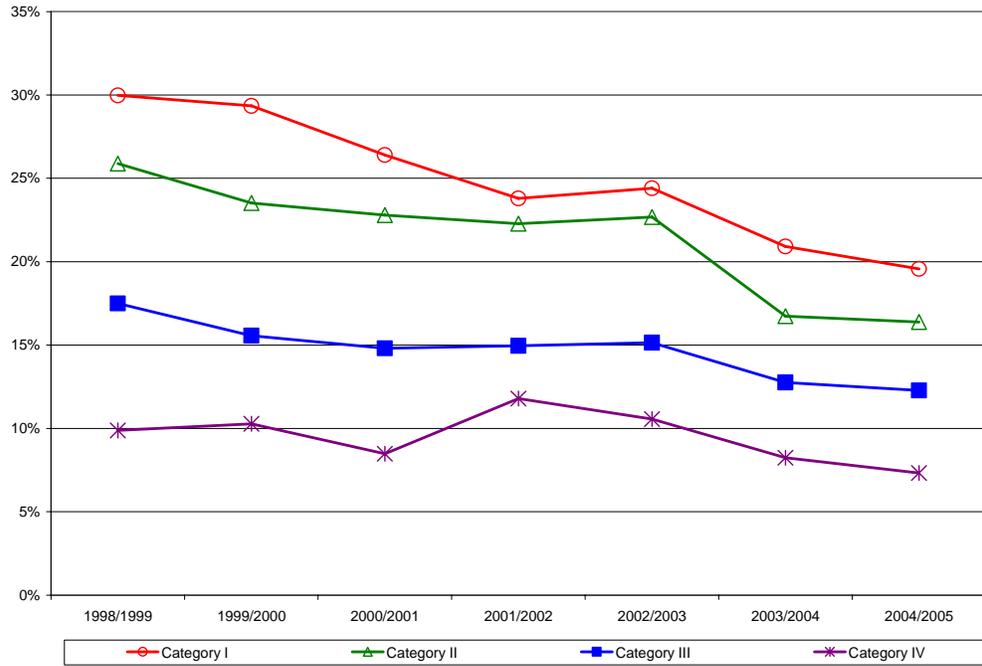


Figure 5B-23: Youth criminal cases as a percentage of all criminal cases referred to private bar lawyers



Appendix 5: Figures and Tables

Figure 5B-24: Youth criminal cases as a percentage of all criminal cases referred to private bar and staff lawyers

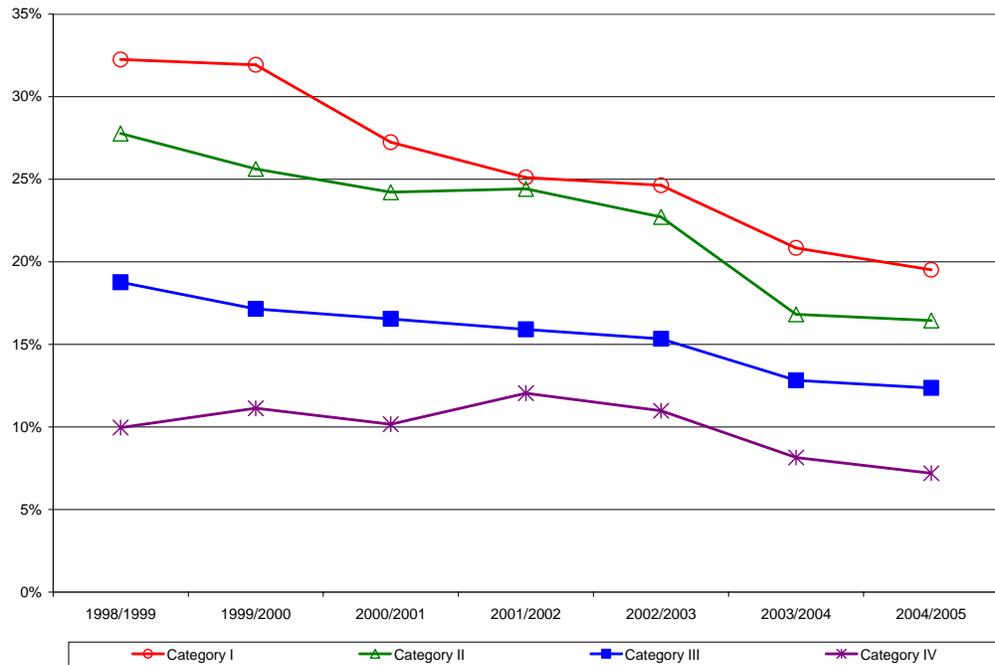


Table 5B-25: Criminal cases referred to private bar and staff lawyers

Fiscal year	Private bar			Staff			Total	Annual report	Diff.	% Inc over AR
	Youth	Adult	Total	Youth	Adult	Total				
1998/1999	5,030	18,450	23,480	1,512	3,231	4,743	28,223	28,043	180	0.6%
1999/2000	4,590	18,711	23,301	1,418	2,924	4,342	27,643	27,479	164	0.6%
2000/2001	4,081	17,765	21,846	1,221	2,992	4,213	26,059	25,845	214	0.8%
2001/2002	3,875	17,073	20,948	1,022	2,461	3,483	24,431	24,288	143	0.6%
2002/2003	4,020	17,374	21,394	165	504	669	22,063	21,970	93	0.4%
2003/2004	3,238	18,305	21,543	80	353	433	21,976	21,828	148	0.7%
2004/2005	3,059	18,004	21,063	80	364	444	21,507	21,404	103	0.5%

Fiscal year	Youth	Adult	YO as % total	Annual report		Differences		% Inc over AR	
				Youth	Adult	Youth	Adult	Youth	Adult
1998/1999	6,542	21,681	23.2%	6,489	21,554	53	127	0.8%	0.6%
1999/2000	6,008	21,635	21.7%	5,964	21,515	44	120	0.7%	0.6%
2000/2001	5,302	20,757	20.3%	5,291	20,554	11	203	0.2%	1.0%
2001/2002	4,897	19,534	20.0%	4,885	19,403	12	131	0.2%	0.7%
2002/2003	4,185	17,878	19.0%	4,176	17,794	9	84	0.2%	0.5%
2003/2004	3,318	18,658	15.1%	3,313	18,515	5	143	0.2%	0.8%
2004/2005	3,139	18,368	14.6%	3,134	18,270	5	98	0.2%	0.5%

Fiscal year	Category I — All				Category I — Private bar				Category I — Staff			
	Youth	Adult	Total	YO as % total	Youth	Adult	Total	YO as % total	Youth	Adult	Total	YO as % total
1998/1999	911	1,914	2,825	32.2%	643	1,502	2,145	30.0%	268	412	680	39.4%
1999/2000	958	2,042	3,000	31.9%	695	1,673	2,368	29.3%	263	369	632	41.6%
2000/2001	846	2,260	3,106	27.2%	646	1,801	2,447	26.4%	200	459	659	30.3%
2001/2002	754	2,249	3,003	25.1%	573	1,835	2,408	23.8%	181	414	595	30.4%
2002/2003	659	2,016	2,675	24.6%	627	1,942	2,569	24.4%	32	74	106	30.2%
2003/2004	572	2,172	2,744	20.8%	560	2,118	2,678	20.9%	12	54	66	18.2%
2004/2005	505	2,082	2,587	19.5%	493	2,026	2,519	19.6%	12	56	68	17.6%

Table 5B-25: Criminal cases referred to private bar and staff lawyers (continued)

Fiscal year	Category II — All				Category II — Private bar				Category II — Staff			
	Youth	Adult	Total	YO as % total	Youth	Adult	Total	YO as % total	Youth	Adult	Total	YO as % total
1998/1999	2,837	7,377	10,214	27.8%	2,157	6,175	8,332	25.9%	680	1,202	1,882	36.1%
1999/2000	2,606	7,563	10,169	25.6%	1,977	6,429	8,406	23.5%	629	1,134	1,763	35.7%
2000/2001	2,216	6,933	9,149	24.2%	1,718	5,818	7,536	22.8%	498	1,115	1,613	30.9%
2001/2002	2,171	6,718	8,889	24.4%	1,664	5,805	7,469	22.3%	507	913	1,420	35.7%
2002/2003	1,779	6,049	7,828	22.7%	1,712	5,835	7,547	22.7%	67	214	281	23.8%
2003/2004	1,279	6,326	7,605	16.8%	1,238	6,162	7,400	16.7%	41	164	205	20.0%
2004/2005	1,279	6,494	7,773	16.5%	1,242	6,338	7,580	16.4%	37	156	193	19.2%

Fiscal year	Category III — All				Category III — Private bar				Category III — Staff			
	Youth	Adult	Total	YO as % total	Youth	Adult	Total	YO as % total	Youth	Adult	Total	YO as % total
1998/1999	2,731	11,821	14,552	18.8%	2,171	10,235	12,406	17.5%	560	1,586	2,146	26.1%
1999/2000	2,372	11,455	13,827	17.2%	1,855	10,059	11,914	15.6%	517	1,396	1,913	27.0%
2000/2001	2,171	10,954	13,125	16.5%	1,663	9,563	11,226	14.8%	508	1,391	1,899	26.8%
2001/2002	1,902	10,056	11,958	15.9%	1,573	8,947	10,520	15.0%	329	1,109	1,438	22.9%
2002/2003	1,682	9,286	10,968	15.3%	1,619	9,072	10,691	15.1%	63	214	277	22.7%
2003/2004	1,425	9,687	11,112	12.8%	1,398	9,557	10,955	12.8%	27	130	157	17.2%
2004/2005	1,323	9,379	10,702	12.4%	1,292	9,235	10,527	12.3%	31	144	175	17.7%

Fiscal year	Category IV — All				Category IV — Private bar				Category IV — Staff			
	Youth	Adult	Total	YO as % total	Youth	Adult	Total	YO as % total	Youth	Adult	Total	YO as % total
1998/1999	63	569	632	10.0%	59	538	597	9.9%	4	31	35	11.4%
1999/2000	72	575	647	11.1%	63	550	613	10.3%	9	25	34	26.5%
2000/2001	69	610	679	10.2%	54	583	637	8.5%	15	27	42	35.7%
2001/2002	70	511	581	12.0%	65	486	551	11.8%	5	25	30	16.7%
2002/2003	65	527	592	11.0%	62	525	587	10.6%	3	2	5	60.0%
2003/2004	42	473	515	8.2%	42	468	510	8.2%	0	5	5	0.0%
2004/2005	32	413	445	7.2%	32	405	437	7.3%	0	8	8	0.0%

Table 5B-26: Family hourly rate compared with Vancouver Consumer Price Index (CPI)

Year	Average annual CPI 1992 = 100	Family hourly rate	Increases/ (reductions)	Net hourly rate	Constant dollars		LSS hourly rate for psychiatrists	Constant dollars	
					Net hourly rate 1981 = \$40	LSS hourly rate for GPs		LSS hourly rate for GPs	LSS hourly rate for psychiatrists
1981	60.7	\$40.00		\$40.00	\$40.00	\$40.00	\$50.00	\$40.00	\$50.00
1982	67.1	\$40.00		\$40.00	\$36.18	\$40.00	\$50.00	\$36.18	\$45.23
1983	70.8	\$40.00	-12.5%	\$35.00	\$30.01	\$40.00	\$50.00	\$34.29	\$42.87
1984	73.7	\$40.00	-12.5%	\$35.00	\$28.83	\$40.00	\$50.00	\$32.94	\$41.18
1985	76.0	\$40.00	-12.5%	\$35.00	\$27.95	\$40.00	\$50.00	\$31.95	\$39.93
1986	78.5	\$40.00		\$40.00	\$30.93	\$40.00	\$50.00	\$30.93	\$38.66
1987	80.9	\$40.00		\$40.00	\$30.01	\$40.00	\$50.00	\$30.01	\$37.52
1988	83.8	\$50.00		\$50.00	\$36.22	\$40.00	\$50.00	\$28.97	\$36.22
1989	87.5	\$50.00		\$50.00	\$34.69	\$40.00	\$50.00	\$27.75	\$34.69
1990	92.3	\$50.00		\$50.00	\$32.88	\$40.00	\$50.00	\$26.31	\$32.88
1991	97.1	\$80.00		\$80.00	\$50.01	\$40.00	\$50.00	\$25.01	\$31.26
1992	100.0	\$80.00		\$80.00	\$48.56	\$108.00	\$126.00	\$65.56	\$76.48
1993	103.6	\$80.00	-1.0%	\$79.20	\$46.40	\$108.00	\$126.00	\$63.28	\$73.82
1994	105.7	\$80.00	-5.0%	\$76.00	\$43.64	\$108.00	\$126.00	\$62.02	\$72.36
1995	108.4	\$80.00	-5.0%	\$76.00	\$42.56	\$129.00	\$150.00	\$72.24	\$83.99
1996	109.2	\$80.00	-5.0%	\$76.00	\$42.25	\$133.00	\$155.00	\$73.93	\$86.16
1997	109.8	\$80.00	-10.0%	\$72.00	\$39.80	\$133.00	\$155.00	\$73.53	\$85.69
1998	110.4	\$80.00	-10.0%	\$72.00	\$39.59	\$136.00	\$159.00	\$74.78	\$87.42
1999	111.4	\$80.00	-10.0%	\$72.00	\$39.23	\$136.00	\$159.00	\$74.10	\$86.64
2000	113.9	\$80.00	-10.0%	\$72.00	\$38.37	\$140.00	\$164.00	\$74.61	\$87.40
2001	116.0	\$80.00	-10.0%	\$72.00	\$37.68	\$144.00	\$169.00	\$75.35	\$88.43
2002	118.6	\$80.00	-10.0%	\$72.00	\$36.85	\$166.00	\$194.00	\$84.96	\$99.29
2003	121.0	\$80.00	-10.0%	\$72.00	\$36.12	\$166.00	\$194.00	\$83.27	\$97.32
2004	123.4	\$80.00	-10.0%	\$72.00	\$35.42	\$166.00	\$194.00	\$81.65	\$95.43

Figure 5B-27: LSS criminal tariff versus Consumer Price Index (CPI) (1974 = 100)

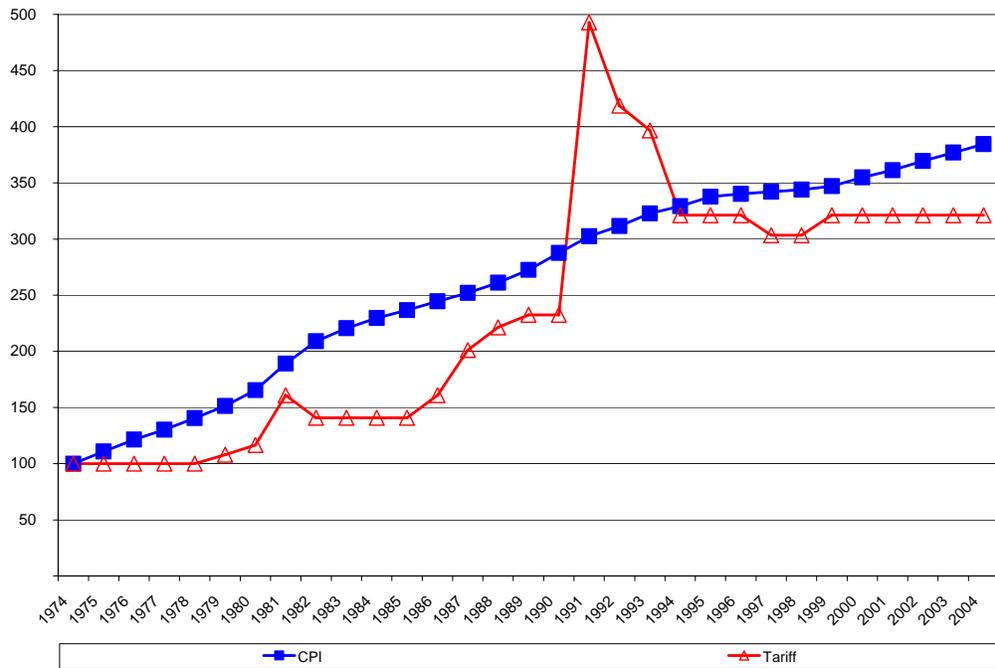


Figure 5B-28: LSS criminal tariff items in constant 1974 dollars (1974 = 100)

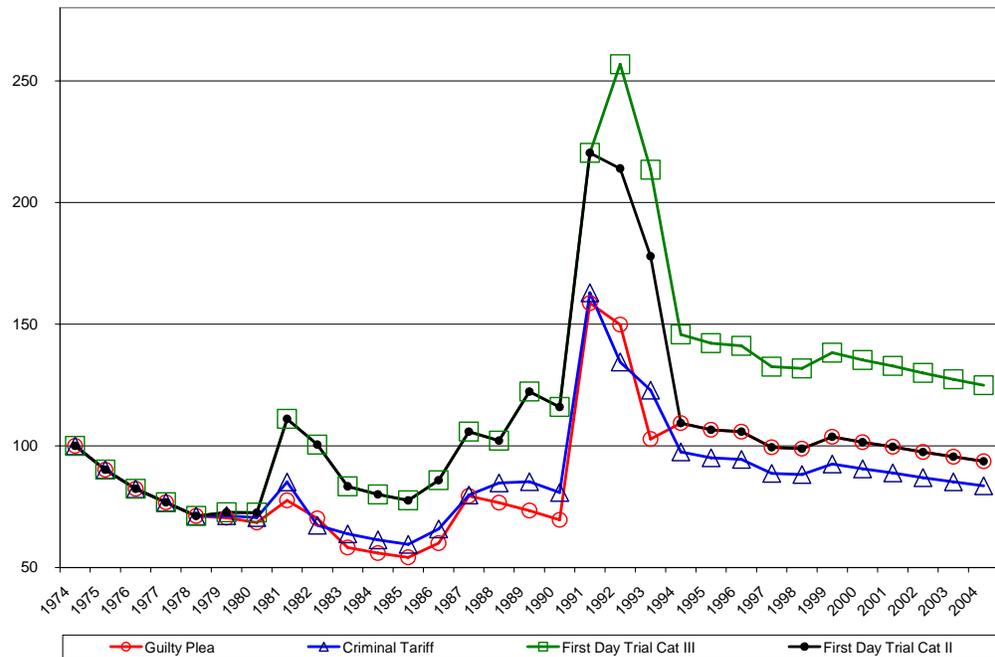


Table 5B-29: LSS criminal tariff items in constant 1974 dollars (1974 = 100)

Year	Average annual CPI 1992 = 100	Increase	1974=100	General tariff increase	Criminal tariff	Constant dollars		Increases/ (Reductions)	Guilty plea - Base	Guilty plea - Net	Constant dollars		Constant dollars		Constant dollars		
						Criminal tariff	Guilty plea 1974 = 100				1st day trial cat III - Base	1st day trial - Net	1st day trial 1974 = 100	1st day trial cat II - Base	1st day trial - Net	1st day trial 1974 = 100	
1974	32.1	11.8%	100.0		100.0	100.0			75	75	100	150	150	100	150	150	100
1975	35.6	10.9%	110.9	0.0%	100.0	90.2			75	75	90	150	150	90	150	150	90
1976	39.0	9.6%	121.5	0.0%	100.0	82.3			75	75	82	150	150	82	150	150	82
1977	41.8	7.2%	130.2	0.0%	100.0	76.8			75	75	77	150	150	77	150	150	77
1978	45.1	7.9%	140.5	0.0%	100.0	71.2			75	75	71	150	150	71	150	150	71
1979	48.6	7.8%	151.4	8.0%	108.0	71.3			80	80	70	165	165	73	165	165	73
1980	53.1	9.3%	165.4	8.0%	116.6	70.5			85	85	69	180	180	73	180	180	73
1981	60.7	14.3%	189.1	38.0%	161.0	85.1			110	110	78	315	315	111	315	315	111
1982	67.1	10.5%	209.0	-12.5%	140.8	67.4			110	110	70	315	315	100	315	315	100
1983	70.8	5.5%	220.6	0.0%	140.8	63.9	-12.5%		110	96	58	315	276	83	315	276	83
1984	73.7	4.1%	229.6	0.0%	140.8	61.3	-12.5%		110	96	56	315	276	80	315	276	80
1985	76.0	3.1%	236.8	0.0%	140.8	59.5	-12.5%		110	96	54	315	276	78	315	276	78
1986	78.5	3.3%	244.5	14.3%	161.0	65.8			110	110	60	315	315	86	315	315	86
1987	80.9	3.1%	252.0	25.0%	201.2	79.8			150	150	79	400	400	106	400	400	106
1988	83.8	3.6%	261.1	10.0%	221.4	84.8			150	150	77	400	400	102	400	400	102
1989	87.5	4.4%	272.6	5.0%	232.4	85.3			150	150	73	500	500	122	500	500	122
1990	92.3	5.5%	287.5	0.0%	232.4	80.8			150	150	70	500	500	116	500	500	116
1991	97.1	5.2%	302.5	112.0%	492.7	162.9	100.0%		180	360	159	500	1000	220	500	1000	220
1992	100.0	3.0%	311.5	-15.0%	418.8	134.4			350	350	150	1200	1200	257	1000	1000	214
1993	103.6	3.6%	322.7	-5.3%	396.6	122.9	-4.3%		260	249	103	1080	1034	213	900	861	178
1994	105.7	2.0%	329.3	-19.0%	321.2	97.5	-10.0%		300	270	109	800	720	146	600	540	109
1995	108.4	2.6%	337.7	0.0%	321.2	95.1	-10.0%		300	270	107	800	720	142	600	540	107
1996	109.2	0.7%	340.2	0.0%	321.2	94.4	-10.0%		300	270	106	800	720	141	600	540	106
1997	109.8	0.5%	342.1	-5.6%	303.3	88.7	-15.0%		300	255	99	800	680	133	600	510	99
1998	110.4	0.5%	343.9	0.0%	303.3	88.2	-15.0%		300	255	99	800	680	132	600	510	99
1999	111.4	0.9%	347.0	5.9%	321.2	92.6	-10.0%		300	270	104	800	720	138	600	540	104
2000	113.9	2.2%	354.8	0.0%	321.2	90.5	-10.0%		300	270	101	800	720	135	600	540	101
2001	116.0	1.8%	361.4	0.0%	321.2	88.9	-10.0%		300	270	100	800	720	133	600	540	100
2002	118.6	2.2%	369.5	0.0%	321.2	86.9	-10.0%		300	270	97	800	720	130	600	540	97
2003	121.0	2.0%	376.9	0.0%	321.2	85.2	-10.0%		300	270	96	800	720	127	600	540	96
2004	123.4	2.0%	384.4	0.0%	321.2	83.6	-10.0%		300	270	94	800	720	125	600	540	94

Table 5B-30: Family hourly rates versus BC Consumer Price Index (CPI)

Date	Hourly rate	BC CPI	Hourly rate (1991 constant dollars)
1979	\$25.00	48.9	\$49.80
Sep 1, 1981	\$40.00	61.1	\$63.76
Oct 1, 1982	\$35.00	67.5	\$50.50
Jan 1, 1986	\$40.00	78.6	\$49.57
Apr 1, 1988	\$50.00	83.9	\$58.05
Jun 1, 1991	\$80.00	97.4	\$80.00
Oct 1, 1994	\$76.00	105.5	\$70.16
May 1, 1997	\$72.00	109.7	\$63.93
Apr 15, 2005	\$76.00	124.1	\$59.65
Jun 24, 2005	\$80.00	124.1	\$62.79

Note: CPI for 2005 is the CPI for BC for March 2005.

Figure 5B-31: Percentage increase in annual average Vancouver Consumer Price Index (CPI)

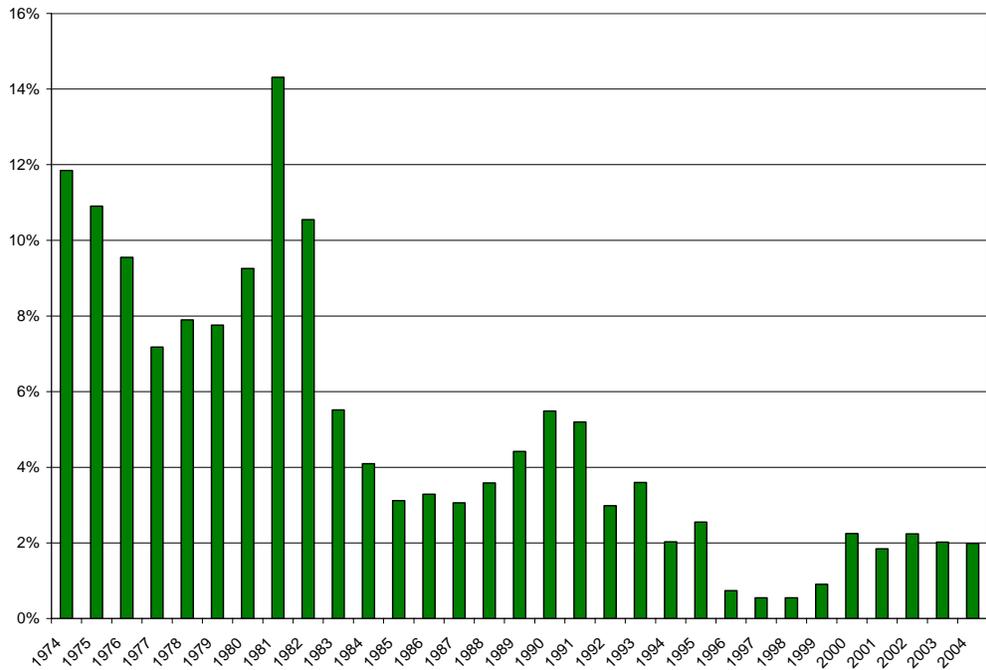


Table 5B-32: Consumer Price Index (CPI) for BC and Canada 1971 – 2004

Year	Average	BC	Canada
1971	25.4		24.9
1972	26.8		26.1
1973	28.7		28.1
1974	32.1		31.1
1975	35.6		34.5
1976	39.0		37.1
1977	41.8		40.0
1978	45.1		43.6
1979	48.6	48.9	47.6
1980	53.1	53.5	52.4
1981	60.7	61.1	58.9
1982	67.1	67.5	65.3
1983	70.8	71.2	69.1
1984	73.7	74.0	72.1
1985	76.0	76.4	75.0
1986	78.5	78.6	78.1
1987	80.9	81.0	81.5
1988	83.8	83.9	84.8
1989	87.5	87.7	89.0
1990	92.3	92.4	93.3
1991	97.1	97.4	98.5
1992	100.0	100.0	100.0
1993	103.6	103.5	101.8
1994	105.7	105.5	102.0
1995	108.4	107.9	104.2
1996	109.2	108.9	105.9
1997	109.8	109.7	107.6
1998	110.4	110.0	108.6
1999	111.4	111.2	110.5
2000	113.9	113.3	113.5
2001	116.0	115.2	116.4
2002	118.6	117.9	119.0
2003	121.0	120.4	122.3
2004	123.4	122.8	124.6

Appendix 5C: Tariff case costs

(see following pages)

Table 5C-1: Average case costs (fees and disbursements combined)

Fiscal Year	Criminal			Criminal appeal			Family			Child protection		
	All	Adult	Youth	All	Adult	Youth	All	Family	Appeal	All	CFCSA	Appeal
1983/1984	\$320.75	\$323.61	\$246.13	\$651.98	\$654.67	\$516.45	\$438.14	\$438.14				
1984/1985	\$304.61	\$315.61	\$203.56	\$576.03	\$581.54	\$454.63	\$466.65	\$465.50	\$612.74			
1985/1986	\$295.11	\$311.91	\$207.95	\$580.53	\$574.48	\$648.82	\$460.29	\$459.88	\$548.41			
1986/1987	\$309.31	\$329.16	\$224.09	\$606.41	\$612.25	\$463.47	\$480.35	\$479.41	\$653.35			
1987/1988	\$362.33	\$385.17	\$263.27	\$688.45	\$710.49	\$449.16	\$559.09	\$558.21	\$758.92			
1988/1989	\$422.24	\$448.36	\$315.21	\$884.58	\$908.37	\$629.95	\$616.10	\$615.48	\$787.34			
1989/1990	\$481.75	\$517.27	\$342.52	\$1,163.68	\$1,171.84	\$1,089.03	\$641.44	\$639.28	\$1,329.44			
1990/1991	\$494.51	\$530.28	\$358.39	\$1,437.37	\$1,487.11	\$1,125.27	\$641.25	\$637.91	\$1,267.47			
1991/1992	\$954.93	\$1,012.10	\$716.07	\$2,608.28	\$2,744.13	\$1,645.62	\$1,201.37	\$1,201.93	\$1,138.01			
1992/1993	\$938.77	\$990.91	\$717.99	\$2,859.93	\$2,944.41	\$2,275.76	\$1,356.12	\$1,354.52	\$1,539.43			
1993/1994	\$883.94	\$951.62	\$623.92	\$2,517.58	\$2,558.77	\$2,177.33	\$1,516.44	\$1,514.61	\$1,705.92			
1994/1995	\$792.16	\$859.70	\$565.59	\$3,036.87	\$3,080.19	\$2,637.35	\$1,683.98	\$1,682.66	\$1,804.67	\$1,494.87	\$1,498.01	\$982.38
1995/1996	\$829.11	\$909.80	\$551.38	\$2,907.70	\$2,968.96	\$2,184.31	\$1,767.77	\$1,764.84	\$2,061.18	\$1,483.79	\$1,483.39	\$1,602.81
1996/1997	\$853.57	\$946.63	\$541.06	\$2,791.96	\$2,863.52	\$1,703.56	\$1,753.57	\$1,751.92	\$1,927.75	\$1,931.89	\$1,894.40	\$3,940.94
1997/1998	\$808.24	\$884.96	\$563.31	\$2,735.40	\$2,741.74	\$2,651.54	\$1,795.06	\$1,789.08	\$2,513.96	\$1,690.08	\$1,647.79	\$3,684.51
1998/1999	\$772.96	\$858.55	\$465.34	\$3,820.59	\$3,922.09	\$2,351.55	\$1,890.52	\$1,883.66	\$2,752.14	\$1,671.75	\$1,652.09	\$3,014.66
1999/2000	\$871.52	\$962.22	\$510.31	\$4,460.12	\$4,576.09	\$2,857.68	\$1,834.83	\$1,823.34	\$3,278.43	\$1,655.14	\$1,632.36	\$3,203.92
2000/2001	\$925.44	\$1,024.80	\$504.46	\$4,914.31	\$4,997.39	\$2,952.32	\$1,775.32	\$1,769.67	\$2,784.37	\$1,585.85	\$1,576.73	\$2,519.20
2001/2002	\$920.02	\$1,008.64	\$537.09	\$4,726.16	\$4,769.69	\$3,072.19	\$1,521.54	\$1,513.16	\$2,576.41	\$1,589.71	\$1,582.11	\$3,044.43
2002/2003	\$1,064.84	\$1,170.83	\$616.40	\$4,639.31	\$4,800.23	\$1,224.19	\$1,402.54	\$1,399.18	\$2,130.74	\$1,679.00	\$1,654.19	\$3,777.72

Appendix 5: Figures and Tables

Table 5C-2: Average case costs (fees only)

Fiscal year	Criminal			Criminal appeal			Family			Child protection		
	All	Adult	Youth	All	Adult	Youth	All	Family	Appeal	All	CFCSA	Appeal
1983/1984	\$293.90	\$296.27	\$232.32	\$457.31	\$459.01	\$371.32	\$363.99	\$363.99				
1984/1985	\$278.82	\$288.30	\$191.79	\$410.62	\$413.93	\$337.57	\$377.12	\$376.48	\$458.15			
1985/1986	\$269.01	\$283.28	\$195.00	\$415.25	\$409.65	\$478.59	\$368.27	\$367.87	\$451.98			
1986/1987	\$284.52	\$301.45	\$211.81	\$432.20	\$434.78	\$369.00	\$386.83	\$386.17	\$509.38			
1987/1988	\$337.03	\$356.99	\$250.45	\$496.16	\$507.15	\$376.86	\$461.24	\$460.73	\$576.54			
1988/1989	\$392.99	\$416.25	\$297.70	\$685.56	\$702.68	\$502.21	\$496.90	\$496.47	\$615.86			
1989/1990	\$448.68	\$480.56	\$323.69	\$937.09	\$945.95	\$855.98	\$518.59	\$516.93	\$1,047.26			
1990/1991	\$464.76	\$496.94	\$342.30	\$1,212.30	\$1,259.71	\$914.83	\$520.73	\$518.58	\$925.13			
1991/1992	\$913.08	\$965.32	\$694.81	\$2,260.30	\$2,372.20	\$1,467.33	\$1,054.69	\$1,055.36	\$978.67			
1992/1993	\$892.78	\$939.52	\$694.83	\$2,519.64	\$2,575.45	\$2,133.68	\$1,200.20	\$1,199.28	\$1,305.94			
1993/1994	\$837.03	\$897.86	\$603.31	\$2,170.45	\$2,217.18	\$1,784.44	\$1,343.58	\$1,342.29	\$1,477.25			
1994/1995	\$730.69	\$787.32	\$540.70	\$2,486.41	\$2,518.37	\$2,191.70	\$1,445.70	\$1,444.75	\$1,532.81	\$1,359.49	\$1,362.23	\$913.10
1995/1996	\$765.10	\$838.09	\$513.86	\$2,364.96	\$2,418.18	\$1,736.61	\$1,484.50	\$1,482.96	\$1,638.66	\$1,368.26	\$1,368.80	\$1,210.30
1996/1997	\$791.30	\$873.54	\$515.12	\$2,344.78	\$2,401.44	\$1,482.89	\$1,469.75	\$1,469.38	\$1,508.57	\$1,732.79	\$1,700.49	\$3,463.90
1997/1998	\$750.47	\$817.83	\$535.43	\$2,261.46	\$2,252.53	\$2,379.45	\$1,511.15	\$1,506.45	\$2,076.55	\$1,554.37	\$1,520.21	\$3,165.44
1998/1999	\$714.71	\$790.14	\$443.62	\$2,525.58	\$2,568.54	\$1,903.71	\$1,582.89	\$1,578.11	\$2,182.74	\$1,536.65	\$1,525.01	\$2,331.48
1999/2000	\$804.63	\$886.40	\$478.98	\$2,114.44	\$2,147.49	\$1,657.70	\$1,523.10	\$1,514.96	\$2,545.72	\$1,528.12	\$1,514.51	\$2,453.71
2000/2001	\$846.57	\$933.96	\$476.27	\$2,594.68	\$2,615.86	\$2,094.65	\$1,475.28	\$1,471.80	\$2,096.83	\$1,465.52	\$1,459.20	\$2,112.07
2001/2002	\$833.30	\$909.73	\$503.00	\$2,374.11	\$2,390.76	\$1,741.50	\$1,273.13	\$1,267.14	\$2,027.77	\$1,474.56	\$1,470.77	\$2,200.20
2002/2003	\$972.34	\$1,066.09	\$575.67	\$2,491.13	\$2,561.08	\$1,006.60	\$1,180.08	\$1,176.64	\$1,924.32	\$1,556.03	\$1,545.66	\$2,433.76

Table 5C-3: Average criminal case costs

Fiscal year	All criminal			Criminal (adult)			Criminal (youth)		
	Average Cost	Average Fees	Average Disb	Average Cost	Average Fees	Average Disb	Average Cost	Average Fees	Average Disb
1983/1984	\$320.75	\$293.90	\$26.85	\$323.61	\$296.27	\$27.35	\$246.13	\$232.32	\$13.81
1984/1985	\$304.61	\$278.82	\$25.79	\$315.61	\$288.30	\$27.31	\$203.56	\$191.79	\$11.77
1985/1986	\$295.11	\$269.01	\$26.10	\$311.91	\$283.28	\$28.63	\$207.95	\$195.00	\$12.95
1986/1987	\$309.31	\$284.52	\$24.79	\$329.16	\$301.45	\$27.71	\$224.09	\$211.81	\$12.28
1987/1988	\$362.33	\$337.03	\$25.31	\$385.17	\$356.99	\$28.18	\$263.27	\$250.45	\$12.82
1988/1989	\$422.24	\$392.99	\$29.25	\$448.36	\$416.25	\$32.11	\$315.21	\$297.70	\$17.51
1989/1990	\$481.75	\$448.68	\$33.07	\$517.27	\$480.56	\$36.71	\$342.52	\$323.69	\$18.83
1990/1991	\$494.51	\$464.76	\$29.75	\$530.28	\$496.94	\$33.34	\$358.39	\$342.30	\$16.09
1991/1992	\$954.93	\$913.08	\$41.85	\$1,012.10	\$965.32	\$46.78	\$716.07	\$694.81	\$21.26
1992/1993	\$938.77	\$892.78	\$46.00	\$990.91	\$939.52	\$51.39	\$717.99	\$694.83	\$23.16
1993/1994	\$883.94	\$837.03	\$46.91	\$951.62	\$897.86	\$53.76	\$623.92	\$603.31	\$20.61
1994/1995	\$792.16	\$730.69	\$61.47	\$859.70	\$787.32	\$72.38	\$565.59	\$540.70	\$24.88
1995/1996	\$829.11	\$765.10	\$64.01	\$909.80	\$838.09	\$71.71	\$551.38	\$513.86	\$37.52
1996/1997	\$853.57	\$791.30	\$62.27	\$946.63	\$873.54	\$73.09	\$541.06	\$515.12	\$25.94
1997/1998	\$808.24	\$750.47	\$57.77	\$884.96	\$817.83	\$67.13	\$563.31	\$535.43	\$27.88
1998/1999	\$772.96	\$714.71	\$58.25	\$858.55	\$790.14	\$68.41	\$465.34	\$443.62	\$21.72
1999/2000	\$871.52	\$804.63	\$66.89	\$962.22	\$886.40	\$75.81	\$510.31	\$478.98	\$31.33
2000/2001	\$925.44	\$846.57	\$78.88	\$1,024.80	\$933.96	\$90.84	\$504.46	\$476.27	\$28.19
2001/2002	\$920.02	\$833.30	\$86.72	\$1,008.64	\$909.73	\$98.90	\$537.09	\$503.00	\$34.08
2002/2003	\$1,064.84	\$972.34	\$92.50	\$1,170.83	\$1,066.09	\$104.73	\$616.40	\$575.67	\$40.73

Table 5C-4: Average criminal appeal case costs

Fiscal year	All criminal appeals			Criminal appeals (adult)			Criminal appeals (youth)		
	Average Cost	Average Fees	Average Disb	Average Cost	Average Fees	Average Disb	Average Cost	Average Fees	Average Disb
1983/1984	\$651.98	\$457.31	\$194.67	\$654.67	\$459.01	\$195.66	\$516.45	\$371.32	\$145.12
1984/1985	\$576.03	\$410.62	\$165.42	\$581.54	\$413.93	\$167.61	\$454.63	\$337.57	\$117.06
1985/1986	\$580.53	\$415.25	\$165.28	\$574.48	\$409.65	\$164.84	\$648.82	\$478.59	\$170.23
1986/1987	\$606.41	\$432.20	\$174.21	\$612.25	\$434.78	\$177.47	\$463.47	\$369.00	\$94.47
1987/1988	\$688.45	\$496.16	\$192.30	\$710.49	\$507.15	\$203.35	\$449.16	\$376.86	\$72.31
1988/1989	\$884.58	\$685.56	\$199.03	\$908.37	\$702.68	\$205.68	\$629.95	\$502.21	\$127.74
1989/1990	\$1,163.68	\$937.09	\$226.59	\$1,171.84	\$945.95	\$225.89	\$1,089.03	\$855.98	\$233.05
1990/1991	\$1,437.37	\$1,212.30	\$225.07	\$1,487.11	\$1,259.71	\$227.40	\$1,125.27	\$914.83	\$210.44
1991/1992	\$2,608.28	\$2,260.30	\$347.99	\$2,744.13	\$2,372.20	\$371.93	\$1,645.62	\$1,467.33	\$178.29
1992/1993	\$2,859.93	\$2,519.64	\$340.29	\$2,944.41	\$2,575.45	\$368.95	\$2,275.76	\$2,133.68	\$142.08
1993/1994	\$2,517.58	\$2,170.45	\$347.13	\$2,558.77	\$2,217.18	\$341.59	\$2,177.33	\$1,784.44	\$392.89
1994/1995	\$3,036.87	\$2,486.41	\$550.46	\$3,080.19	\$2,518.37	\$561.82	\$2,637.35	\$2,191.70	\$445.65
1995/1996	\$2,907.70	\$2,364.96	\$542.74	\$2,968.96	\$2,418.18	\$550.79	\$2,184.31	\$1,736.61	\$447.70
1996/1997	\$2,791.96	\$2,344.78	\$447.19	\$2,863.52	\$2,401.44	\$462.08	\$1,703.56	\$1,482.89	\$220.67
1997/1998	\$2,735.40	\$2,261.46	\$473.93	\$2,741.74	\$2,252.53	\$489.21	\$2,651.54	\$2,379.45	\$272.09
1998/1999	\$3,820.59	\$2,525.58	\$1,295.01	\$3,922.09	\$2,568.54	\$1,353.54	\$2,351.55	\$1,903.71	\$447.84
1999/2000	\$4,460.12	\$2,114.44	\$2,345.68	\$4,576.09	\$2,147.49	\$2,428.59	\$2,857.68	\$1,657.70	\$1,199.99
2000/2001	\$4,914.31	\$2,594.68	\$2,319.62	\$4,997.39	\$2,615.86	\$2,381.53	\$2,952.32	\$2,094.65	\$857.68
2001/2002	\$4,726.16	\$2,374.11	\$2,352.05	\$4,769.69	\$2,390.76	\$2,378.93	\$3,072.19	\$1,741.50	\$1,330.69
2002/2003	\$4,639.31	\$2,491.13	\$2,148.18	\$4,800.23	\$2,561.08	\$2,239.15	\$1,224.19	\$1,006.60	\$217.59

Table 5C-5: Average family case costs

Fiscal year	All family cases			Family cases (non-appeal)			Family appeals		
	Average Cost	Average Fees	Average Disb	Average Cost	Average Fees	Average Disb	Average Cost	Average Fees	Average Disb
1983/1984	\$438.14	\$363.99	\$74.15	\$438.14	\$363.99	\$74.15			
1984/1985	\$466.65	\$377.12	\$89.53	\$465.50	\$376.48	\$89.02	\$612.74	\$458.15	\$154.60
1985/1986	\$460.29	\$368.27	\$92.02	\$459.88	\$367.87	\$92.00	\$548.41	\$451.98	\$96.43
1986/1987	\$480.35	\$386.83	\$93.52	\$479.41	\$386.17	\$93.25	\$653.35	\$509.38	\$143.98
1987/1988	\$559.09	\$461.24	\$97.85	\$558.21	\$460.73	\$97.48	\$758.92	\$576.54	\$182.38
1988/1989	\$616.10	\$496.90	\$119.20	\$615.48	\$496.47	\$119.01	\$787.34	\$615.86	\$171.48
1989/1990	\$641.44	\$518.59	\$122.85	\$639.28	\$516.93	\$122.35	\$1,329.44	\$1,047.26	\$282.18
1990/1991	\$641.25	\$520.73	\$120.51	\$637.91	\$518.58	\$119.33	\$1,267.47	\$925.13	\$342.34
1991/1992	\$1,201.37	\$1,054.69	\$146.69	\$1,201.93	\$1,055.36	\$146.57	\$1,138.01	\$978.67	\$159.34
1992/1993	\$1,356.12	\$1,200.20	\$155.92	\$1,354.52	\$1,199.28	\$155.24	\$1,539.43	\$1,305.94	\$233.49
1993/1994	\$1,516.44	\$1,343.58	\$172.86	\$1,514.61	\$1,342.29	\$172.32	\$1,705.92	\$1,477.25	\$228.67
1994/1995	\$1,683.98	\$1,445.70	\$238.28	\$1,682.66	\$1,444.75	\$237.91	\$1,804.67	\$1,532.81	\$271.86
1995/1996	\$1,767.77	\$1,484.50	\$283.28	\$1,764.84	\$1,482.96	\$281.88	\$2,061.18	\$1,638.66	\$422.52
1996/1997	\$1,753.57	\$1,469.75	\$283.82	\$1,751.92	\$1,469.38	\$282.54	\$1,927.75	\$1,508.57	\$419.19
1997/1998	\$1,795.06	\$1,511.15	\$283.91	\$1,789.08	\$1,506.45	\$282.63	\$2,513.96	\$2,076.55	\$437.41
1998/1999	\$1,890.52	\$1,582.89	\$307.63	\$1,883.66	\$1,578.11	\$305.54	\$2,752.14	\$2,182.74	\$569.40
1999/2000	\$1,834.83	\$1,523.10	\$311.73	\$1,823.34	\$1,514.96	\$308.38	\$3,278.43	\$2,545.72	\$732.71
2000/2001	\$1,775.32	\$1,475.28	\$300.04	\$1,769.67	\$1,471.80	\$297.87	\$2,784.37	\$2,096.83	\$687.55
2001/2002	\$1,521.54	\$1,273.13	\$248.41	\$1,513.16	\$1,267.14	\$246.03	\$2,576.41	\$2,027.77	\$548.64
2002/2003	\$1,402.54	\$1,180.08	\$222.47	\$1,399.18	\$1,176.64	\$222.54	\$2,130.74	\$1,924.32	\$206.42

Table 5C-6: Average child protection case costs

Fiscal year	All Child Protection Cases			Child Protection (non-appeal)			Child Protection appeals		
	Average Cost	Average Fees	Average Disb	Average Cost	Average Fees	Average Disb	Average Cost	Average Fees	Average Disb
1994/1995	\$1,494.87	\$1,359.49	\$135.37	\$1,498.01	\$1,362.23	\$135.78	\$982.38	\$913.10	\$69.28
1995/1996	\$1,483.79	\$1,368.26	\$115.53	\$1,483.39	\$1,368.80	\$114.59	\$1,602.81	\$1,210.30	\$392.51
1996/1997	\$1,931.89	\$1,732.79	\$199.10	\$1,894.40	\$1,700.49	\$193.91	\$3,940.94	\$3,463.90	\$477.04
1997/1998	\$1,690.08	\$1,554.37	\$135.70	\$1,647.79	\$1,520.21	\$127.57	\$3,684.51	\$3,165.44	\$519.07
1998/1999	\$1,671.75	\$1,536.65	\$135.10	\$1,652.09	\$1,525.01	\$127.08	\$3,014.66	\$2,331.48	\$683.18
1999/2000	\$1,655.14	\$1,528.12	\$127.02	\$1,632.36	\$1,514.51	\$117.85	\$3,203.92	\$2,453.71	\$750.20
2000/2001	\$1,585.85	\$1,465.52	\$120.33	\$1,576.73	\$1,459.20	\$117.53	\$2,519.20	\$2,112.07	\$407.13
2001/2002	\$1,589.71	\$1,474.56	\$115.15	\$1,582.11	\$1,470.77	\$111.34	\$3,044.43	\$2,200.20	\$844.23
2002/2003	\$1,679.00	\$1,556.03	\$122.97	\$1,654.19	\$1,545.66	\$108.54	\$3,777.72	\$2,433.76	\$1,343.97

Table 5C-7: Average immigration case costs

Fiscal year	Total tariff costs		All Immigration cases			Immigration cases (non-appeal)			Immigration appeals		
	Cases	Cost	Average cost	Average fees	Average disb	Average cost	Average fees	Average disb	Average cost	Average fees	Average disb
1992/1993	2,659	\$4,618,230.38	\$1,736.83	\$1,396.57	\$340.26	\$1,733.51	\$1,391.99	\$341.52	\$1,934.28	\$1,669.09	\$265.19
1993/1994	2,172	\$4,265,294.16	\$1,963.76	\$1,557.12	\$406.64	\$1,941.31	\$1,534.33	\$406.98	\$2,515.03	\$2,116.76	\$398.27
1994/1995	1,924	\$3,680,679.12	\$1,913.03	\$1,431.87	\$481.17	\$1,892.29	\$1,402.91	\$489.38	\$2,417.45	\$2,136.14	\$281.31
1995/1996	1,894	\$3,693,295.10	\$1,950.00	\$1,343.34	\$606.65	\$1,933.34	\$1,320.57	\$612.77	\$2,377.62	\$1,928.12	\$449.50
1996/1997	1,993	\$3,668,416.80	\$1,840.65	\$1,288.07	\$552.59	\$1,822.78	\$1,223.17	\$599.61	\$1,928.15	\$1,605.82	\$322.33
1997/1998	1,944	\$3,137,127.82	\$1,613.75	\$1,112.46	\$501.29	\$1,601.26	\$1,069.44	\$531.82	\$1,704.58	\$1,425.31	\$279.26
1998/1999	2,272	\$3,693,460.60	\$1,625.64	\$1,142.89	\$482.75	\$1,591.36	\$1,074.31	\$517.06	\$1,790.04	\$1,471.83	\$318.21
1999/2000	2,763	\$4,452,042.56	\$1,611.31	\$1,152.27	\$459.04	\$1,585.29	\$1,088.59	\$496.70	\$1,716.00	\$1,408.46	\$307.54
2000/2001	2,521	\$4,114,522.27	\$1,632.10	\$1,166.22	\$465.88	\$1,589.63	\$1,089.13	\$500.50	\$1,781.15	\$1,436.80	\$344.35
2001/2002	2,644	\$4,180,234.10	\$1,581.03	\$1,116.42	\$464.60	\$1,572.18	\$1,082.54	\$489.64	\$1,637.91	\$1,334.22	\$303.69
2002/2003	2,103	\$2,904,897.19	\$1,381.31	\$1,011.90	\$369.41	\$1,326.76	\$949.58	\$377.18	\$1,570.83	\$1,228.42	\$342.42

Appendix 5: Figures and Tables

Figure 5C-8: Percent of total criminal fees by quartiles — Adult

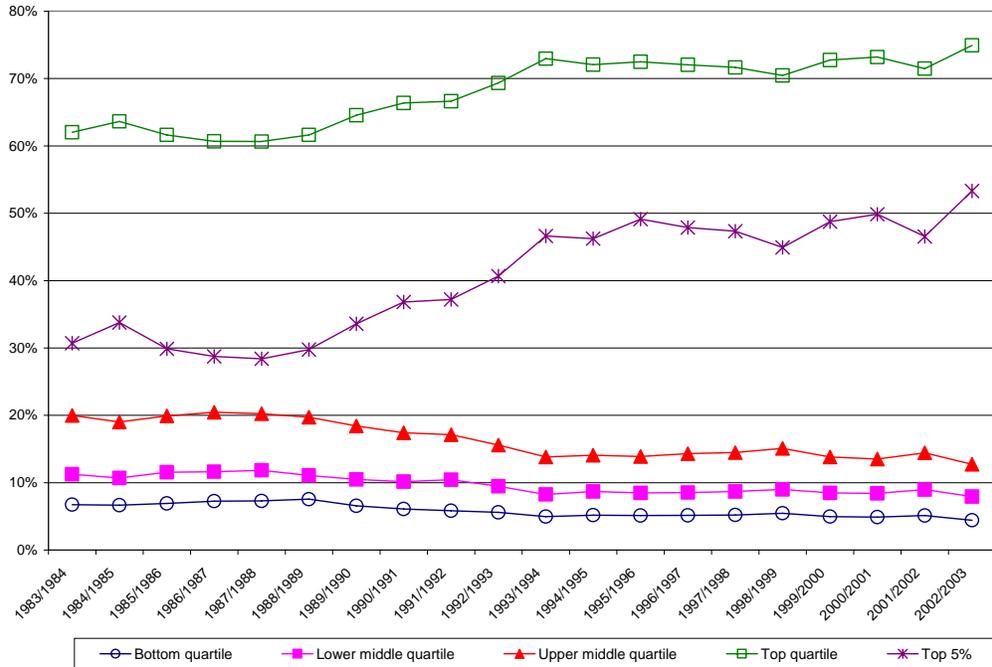
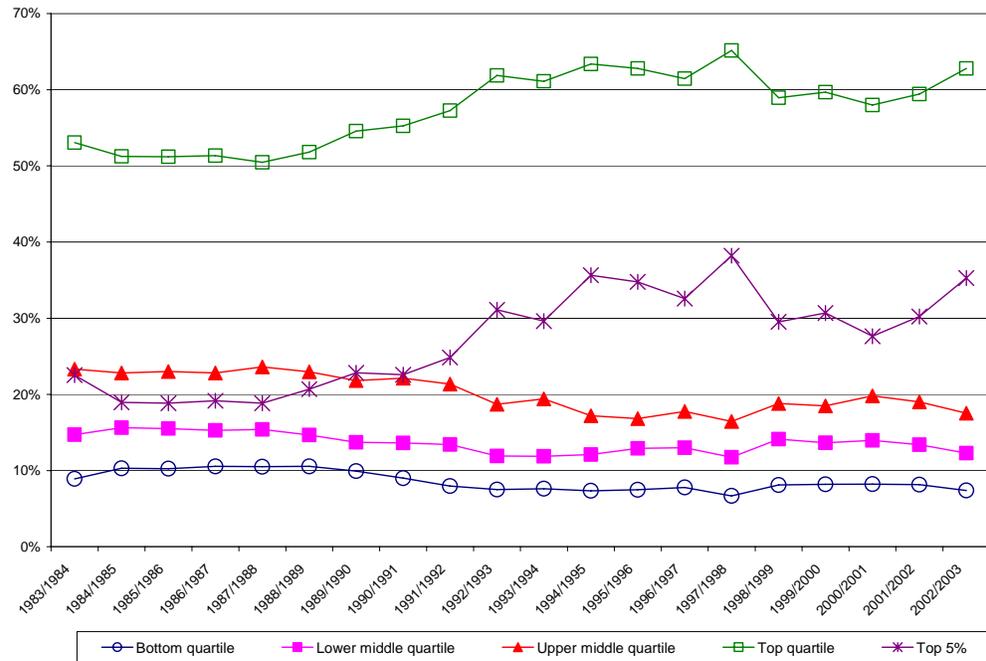


Figure 5C-9: Percent of total criminal fees by quartiles — Youth



Appendix 5: Figures and Tables

Table 5C-10: Criminal fees grouped by quartile (adult and youth)

Fiscal year	Avg fees	Bottom quartile		Lower middle quartile		Upper middle quartile		Top quartile		Top 5%	
		Avg fees	% of total	Avg fees	% of total	Avg fees	% of total	Avg fees	% of total	Avg fees	% of total
1983/1984	\$293.90	\$79.95	6.80%	\$133.25	11.34%	\$236.03	20.07%	\$726.32	61.79%	\$1,795.75	30.55%
1984/1985	\$278.82	\$77.03	6.91%	\$122.53	10.99%	\$214.55	19.24%	\$701.22	62.87%	\$1,838.01	32.96%
1985/1986	\$269.01	\$78.55	7.30%	\$128.91	11.98%	\$216.58	20.13%	\$651.98	60.59%	\$1,557.42	28.95%
1986/1987	\$284.52	\$87.82	7.72%	\$137.92	12.12%	\$234.22	20.58%	\$678.09	59.58%	\$1,580.91	27.77%
1987/1988	\$337.03	\$104.16	7.73%	\$164.90	12.23%	\$276.69	20.53%	\$802.41	59.52%	\$1,857.08	27.54%
1988/1989	\$392.99	\$125.79	8.00%	\$181.60	11.55%	\$315.12	20.05%	\$949.49	60.40%	\$2,267.98	28.86%
1989/1990	\$448.68	\$126.40	7.04%	\$194.65	10.85%	\$337.93	18.83%	\$1,135.79	63.28%	\$2,912.02	32.45%
1990/1991	\$464.76	\$121.62	6.54%	\$198.10	10.66%	\$335.84	18.07%	\$1,203.53	64.74%	\$3,247.18	34.94%
1991/1992	\$913.08	\$224.38	6.14%	\$396.49	10.86%	\$645.95	17.69%	\$2,385.49	65.31%	\$6,507.10	35.64%
1992/1993	\$892.78	\$210.10	5.88%	\$350.18	9.81%	\$572.34	16.03%	\$2,438.42	68.28%	\$7,038.23	39.43%
1993/1994	\$837.03	\$179.84	5.37%	\$294.28	8.79%	\$489.53	14.62%	\$2,384.53	71.22%	\$7,427.97	44.36%
1994/1995	\$730.69	\$162.00	5.54%	\$268.47	9.19%	\$427.37	14.62%	\$2,064.98	70.65%	\$6,538.21	44.74%
1995/1996	\$765.10	\$166.97	5.46%	\$274.72	8.98%	\$441.46	14.42%	\$2,177.13	71.14%	\$7,214.46	47.14%
1996/1997	\$791.30	\$174.73	5.52%	\$283.59	8.96%	\$470.58	14.87%	\$2,236.39	70.65%	\$7,253.38	45.82%
1997/1998	\$750.47	\$163.15	5.43%	\$270.93	9.03%	\$444.02	14.79%	\$2,123.67	70.75%	\$6,901.74	45.98%
1998/1999	\$714.71	\$165.50	5.79%	\$270.37	9.46%	\$445.05	15.57%	\$1,977.93	69.19%	\$6,180.83	43.26%
1999/2000	\$804.63	\$171.71	5.33%	\$287.02	8.92%	\$462.25	14.36%	\$2,297.42	71.38%	\$7,580.77	47.12%
2000/2001	\$846.57	\$177.06	5.23%	\$302.76	8.94%	\$476.07	14.06%	\$2,430.24	71.77%	\$8,095.57	47.83%
2001/2002	\$833.30	\$181.15	5.44%	\$314.53	9.44%	\$492.64	14.78%	\$2,345.00	70.35%	\$7,510.31	45.08%
2002/2003	\$972.34	\$184.79	4.75%	\$325.20	8.36%	\$511.48	13.15%	\$2,867.72	73.74%	\$10,009.35	51.47%

Table 5C-11: Criminal fees grouped by quartile (adult)

Fiscal year	Avg fees	Bottom quartile		Lower middle quartile		Upper middle quartile		Top quartile		Top 5%	
		Avg fees	% of total	Avg fees	% of total	Avg fees	% of total	Avg fees	% of total	Avg fees	% of total
1983/1984	\$296.27	\$79.87	6.74%	\$133.18	11.24%	\$236.95	19.99%	\$735.13	62.03%	\$1,820.58	30.71%
1984/1985	\$288.30	\$76.80	6.66%	\$123.24	10.69%	\$219.25	19.01%	\$733.91	63.64%	\$1,947.05	33.77%
1985/1986	\$283.28	\$78.28	6.91%	\$130.94	11.56%	\$225.42	19.89%	\$698.43	61.64%	\$1,692.67	29.88%
1986/1987	\$301.45	\$87.45	7.25%	\$140.31	11.64%	\$246.54	20.44%	\$731.45	60.67%	\$1,732.26	28.75%
1987/1988	\$356.99	\$103.98	7.28%	\$168.96	11.83%	\$288.99	20.24%	\$866.06	60.65%	\$2,027.47	28.39%
1988/1989	\$416.25	\$125.78	7.55%	\$184.71	11.09%	\$328.40	19.72%	\$1,026.06	61.63%	\$2,477.64	29.75%
1989/1990	\$480.56	\$125.83	6.55%	\$201.41	10.48%	\$354.18	18.42%	\$1,240.73	64.55%	\$3,228.27	33.58%
1990/1991	\$496.94	\$121.15	6.10%	\$201.69	10.15%	\$345.76	17.39%	\$1,319.17	66.36%	\$3,658.22	36.81%
1991/1992	\$965.32	\$225.03	5.83%	\$402.47	10.42%	\$661.17	17.12%	\$2,572.71	66.63%	\$7,185.53	37.21%
1992/1993	\$939.52	\$210.57	5.60%	\$356.10	9.48%	\$585.82	15.59%	\$2,605.69	69.33%	\$7,643.11	40.67%
1993/1994	\$897.86	\$178.87	4.98%	\$296.40	8.25%	\$495.95	13.81%	\$2,620.32	72.96%	\$8,373.06	46.63%
1994/1995	\$787.32	\$163.14	5.18%	\$273.82	8.69%	\$443.03	14.07%	\$2,269.45	72.06%	\$7,276.31	46.22%
1995/1996	\$838.09	\$172.20	5.14%	\$284.59	8.49%	\$465.58	13.89%	\$2,430.11	72.49%	\$8,232.49	49.12%
1996/1997	\$873.54	\$179.61	5.14%	\$297.79	8.52%	\$499.81	14.31%	\$2,517.21	72.03%	\$8,368.56	47.87%
1997/1998	\$817.83	\$170.58	5.21%	\$284.02	8.68%	\$473.03	14.46%	\$2,343.45	71.64%	\$7,736.18	47.33%
1998/1999	\$790.14	\$172.70	5.46%	\$284.27	9.00%	\$477.18	15.10%	\$2,226.16	70.44%	\$7,095.68	44.93%
1999/2000	\$886.40	\$175.98	4.96%	\$300.40	8.47%	\$490.22	13.82%	\$2,578.73	72.74%	\$8,643.53	48.76%
2000/2001	\$933.96	\$183.13	4.90%	\$314.33	8.41%	\$504.13	13.49%	\$2,734.45	73.19%	\$9,315.41	49.84%
2001/2002	\$909.73	\$186.10	5.12%	\$327.11	8.99%	\$525.04	14.43%	\$2,600.88	71.47%	\$8,474.00	46.55%
2002/2003	\$1,066.09	\$188.94	4.43%	\$338.35	7.94%	\$542.03	12.71%	\$3,194.68	74.93%	\$11,356.78	53.30%

Appendix 5: Figures and Tables

Table 5C-12: Criminal fees grouped by quartile (youth)

Fiscal year	Avg fees	Bottom quartile		Lower middle quartile		Upper middle quartile		Top quartile		Top 5%	
		Avg fees	% of total	Avg fees	% of total	Avg fees	% of total	Avg fees	% of total	Avg fees	% of total
1983/1984	\$232.32	\$82.38	8.91%	\$136.85	14.70%	\$217.09	23.32%	\$493.91	53.07%	\$1,061.88	22.53%
1984/1985	\$191.79	\$79.09	10.30%	\$119.84	15.64%	\$175.17	22.81%	\$392.79	51.25%	\$728.07	18.96%
1985/1986	\$195.00	\$79.97	10.26%	\$121.11	15.52%	\$179.47	23.00%	\$399.60	51.22%	\$734.47	18.85%
1986/1987	\$211.81	\$89.40	10.56%	\$129.54	15.29%	\$193.27	22.81%	\$435.14	51.35%	\$811.70	19.17%
1987/1988	\$250.45	\$105.15	10.50%	\$154.30	15.40%	\$236.72	23.62%	\$505.77	50.47%	\$944.37	18.85%
1988/1989	\$297.70	\$125.81	10.56%	\$174.66	14.67%	\$273.39	22.96%	\$616.79	51.81%	\$1,233.77	20.69%
1989/1990	\$323.69	\$128.60	9.93%	\$177.53	13.71%	\$282.36	21.81%	\$706.13	54.55%	\$1,477.36	22.82%
1990/1991	\$342.30	\$123.40	9.01%	\$186.49	13.62%	\$302.88	22.13%	\$756.59	55.24%	\$1,546.52	22.58%
1991/1992	\$694.81	\$221.67	7.97%	\$372.73	13.41%	\$593.54	21.36%	\$1,591.05	57.26%	\$3,448.43	24.84%
1992/1993	\$694.83	\$208.23	7.49%	\$331.25	11.92%	\$519.81	18.71%	\$1,720.37	61.88%	\$4,328.61	31.11%
1993/1994	\$603.31	\$183.72	7.61%	\$286.52	11.87%	\$468.35	19.41%	\$1,474.65	61.11%	\$3,569.43	29.61%
1994/1995	\$540.70	\$158.78	7.34%	\$261.54	12.09%	\$371.83	17.19%	\$1,370.43	63.37%	\$3,855.93	35.64%
1995/1996	\$513.86	\$153.63	7.48%	\$265.45	12.91%	\$345.85	16.82%	\$1,290.74	62.79%	\$3,577.09	34.78%
1996/1997	\$515.12	\$160.53	7.79%	\$267.76	13.00%	\$365.95	17.76%	\$1,265.98	61.45%	\$3,352.36	32.57%
1997/1998	\$535.43	\$142.76	6.67%	\$251.76	11.75%	\$351.92	16.43%	\$1,395.61	65.15%	\$4,098.60	38.20%
1998/1999	\$443.62	\$144.01	8.11%	\$250.52	14.12%	\$334.18	18.82%	\$1,045.40	58.94%	\$2,620.77	29.52%
1999/2000	\$478.98	\$156.95	8.20%	\$261.33	13.64%	\$354.26	18.49%	\$1,143.71	59.68%	\$2,937.13	30.68%
2000/2001	\$476.27	\$156.56	8.21%	\$265.90	13.97%	\$377.75	19.82%	\$1,104.39	58.00%	\$2,637.32	27.64%
2001/2002	\$503.00	\$164.08	8.15%	\$269.47	13.39%	\$382.89	19.03%	\$1,195.57	59.42%	\$3,043.03	30.21%
2002/2003	\$575.67	\$169.84	7.38%	\$282.99	12.29%	\$403.82	17.53%	\$1,446.49	62.80%	\$4,070.84	35.27%

Figure 5C-13: Criminal average fees by maximum offence category — Adult

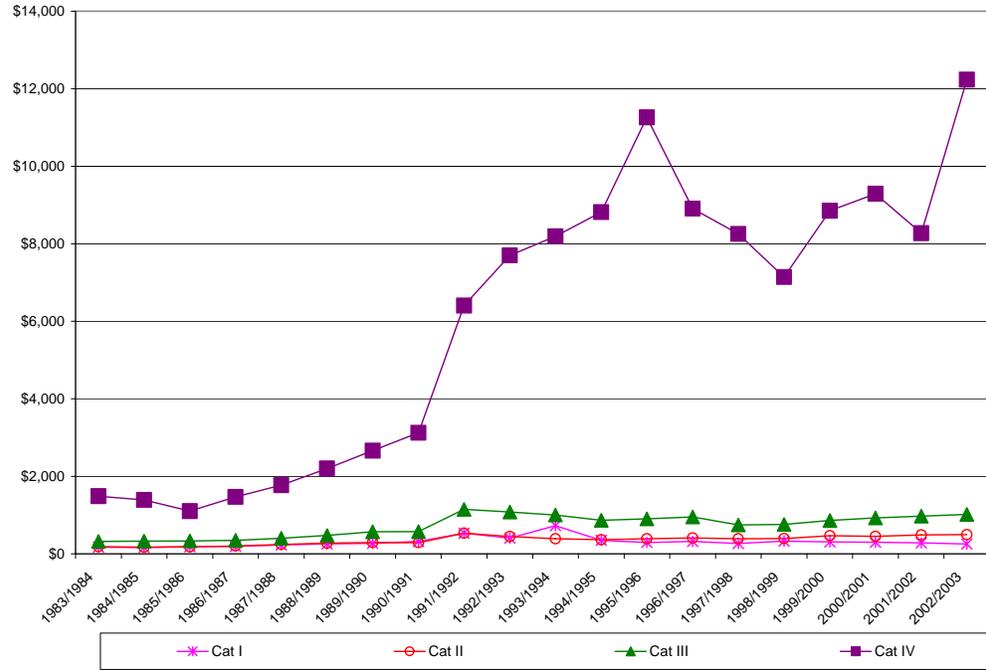


Figure 5C-14: Criminal average fees by maximum offence category — Youth

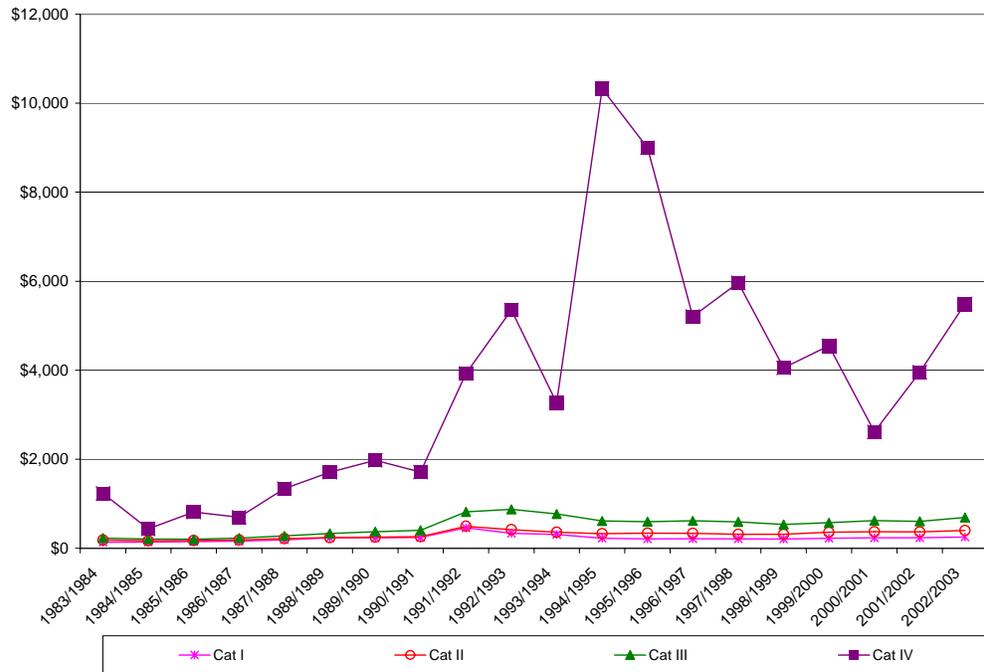


Table 5C-15: Total criminal fees by offence category

Fiscal year	Total	Cat I	Cat I %	Cat II	Cat II %	Cat III	Cat III %	Cat IV	Cat IV %
1983/1984	\$4,995,740.82	\$213,693.92	4.28%	\$902,107.59	18.06%	\$3,339,532.66	66.85%	\$540,406.65	10.82%
1984/1985	\$5,967,328.34	\$241,980.91	4.06%	\$1,177,884.07	19.74%	\$3,982,718.68	66.74%	\$564,744.68	9.46%
1985/1986	\$5,954,627.13	\$293,196.83	4.92%	\$1,448,814.92	24.33%	\$3,738,512.37	62.78%	\$474,103.01	7.96%
1986/1987	\$7,166,236.97	\$387,508.11	5.41%	\$1,904,168.63	26.57%	\$4,261,615.23	59.47%	\$612,945.00	8.55%
1987/1988	\$8,744,539.64	\$546,590.69	6.25%	\$2,261,243.85	25.86%	\$5,172,011.93	59.15%	\$764,693.17	8.74%
1988/1989	\$10,749,820.00	\$634,537.50	5.90%	\$2,673,183.75	24.87%	\$6,465,110.00	60.14%	\$976,988.75	9.09%
1989/1990	\$13,067,783.73	\$715,549.20	5.48%	\$3,083,482.50	23.60%	\$7,993,717.83	61.17%	\$1,275,034.20	9.76%
1990/1991	\$15,010,770.14	\$900,830.00	6.00%	\$3,283,296.64	21.87%	\$9,288,811.50	61.88%	\$1,537,832.00	10.24%
1991/1992	\$36,172,427.66	\$1,888,770.00	5.22%	\$7,615,571.32	21.05%	\$22,654,711.72	62.63%	\$4,013,374.62	11.10%
1992/1993	\$34,631,749.04	\$1,383,476.51	3.99%	\$6,305,487.73	18.21%	\$21,154,065.29	61.08%	\$5,788,719.51	16.72%
1993/1994	\$30,040,074.43	\$2,174,254.93	7.24%	\$5,461,332.49	18.18%	\$16,693,990.73	55.57%	\$5,710,496.28	19.01%
1994/1995	\$21,392,297.12	\$799,397.82	3.74%	\$4,336,544.28	20.27%	\$11,319,760.22	52.92%	\$4,936,594.80	23.08%
1995/1996	\$21,225,479.32	\$679,426.34	3.20%	\$4,552,883.10	21.45%	\$10,629,455.63	50.08%	\$5,363,714.25	25.27%
1996/1997	\$18,741,868.43	\$564,899.00	3.01%	\$3,309,090.75	17.66%	\$11,338,923.50	60.50%	\$3,528,955.18	18.83%
1997/1998	\$15,759,123.61	\$411,810.50	2.61%	\$2,479,880.92	15.74%	\$8,640,188.90	54.83%	\$4,227,243.29	26.82%
1998/1999	\$14,388,592.00	\$491,795.97	3.42%	\$2,562,825.01	17.81%	\$7,931,009.41	55.12%	\$3,402,961.61	23.65%
1999/2000	\$16,024,263.85	\$554,044.64	3.46%	\$3,253,552.49	20.30%	\$8,329,304.38	51.98%	\$3,887,362.34	24.26%
2000/2001	\$16,165,967.02	\$590,046.70	3.65%	\$2,889,228.15	17.87%	\$8,676,129.23	53.67%	\$4,010,562.94	24.81%
2001/2002	\$15,095,890.02	\$556,048.80	3.68%	\$3,022,812.45	20.02%	\$8,352,865.79	55.33%	\$3,164,162.98	20.96%
2002/2003	\$18,501,994.68	\$553,418.65	2.99%	\$3,185,579.65	17.22%	\$9,243,136.15	49.96%	\$5,519,860.23	29.83%

Appendix 5: Figures and Tables

Table 5C-16: Criminal case costs by quartiles (adult and youth)

Fiscal year	Avg cost	Bottom quartile			Lower middle quartile			Upper middle quartile			Top quartile			Top 5%
		Low	High	Cost%	Low	High	Cost%	Low	High	Cost%	Low	High	Cost%	Cost%
1983/1984	\$320.75	\$15.31	\$102.56	6.35%	\$102.60	\$195.25	11.07%	\$195.25	\$340.35	19.39%	\$340.38	\$32,618.54	63.19%	32.55%
1984/1985	\$304.61	\$15.31	\$99.25	6.44%	\$99.25	\$163.22	10.68%	\$163.22	\$301.87	18.70%	\$301.87	\$55,945.46	64.19%	34.48%
1985/1986	\$295.11	\$15.31	\$110.00	6.88%	\$110.00	\$166.25	11.51%	\$166.25	\$306.25	19.53%	\$306.37	\$31,148.67	62.08%	30.66%
1986/1987	\$309.31	\$17.50	\$113.17	7.24%	\$113.17	\$175.59	11.80%	\$175.64	\$324.58	20.05%	\$324.67	\$57,928.39	60.91%	29.33%
1987/1988	\$362.33	\$17.50	\$150.00	7.46%	\$150.00	\$225.00	11.94%	\$225.00	\$387.75	20.05%	\$387.90	\$31,296.62	60.56%	28.87%
1988/1989	\$422.24	\$25.00	\$153.00	7.55%	\$153.00	\$252.00	11.45%	\$252.00	\$450.00	19.64%	\$450.00	\$58,280.15	61.36%	29.94%
1989/1990	\$481.75	\$25.00	\$154.17	6.65%	\$154.19	\$276.75	10.73%	\$276.75	\$475.00	18.43%	\$475.07	\$116,402.67	64.19%	33.64%
1990/1991	\$494.51	\$25.00	\$156.25	6.27%	\$156.25	\$274.91	10.62%	\$274.92	\$478.00	17.87%	\$478.25	\$254,696.66	65.24%	35.50%
1991/1992	\$954.93	\$20.00	\$327.40	6.02%	\$327.45	\$516.24	10.68%	\$516.25	\$906.75	17.49%	\$906.75	\$241,060.81	65.81%	36.33%
1992/1993	\$938.77	\$37.50	\$300.00	5.75%	\$300.00	\$452.55	9.62%	\$452.55	\$805.40	15.82%	\$805.50	\$181,058.85	68.81%	40.08%
1993/1994	\$883.94	-\$2,907.50	\$248.82	5.24%	\$248.82	\$391.20	8.64%	\$391.20	\$696.25	14.47%	\$696.30	\$185,158.16	71.65%	44.83%
1994/1995	\$792.16	\$31.50	\$244.32	5.32%	\$244.35	\$334.22	8.79%	\$334.30	\$607.50	14.23%	\$607.50	\$233,128.51	71.66%	46.11%
1995/1996	\$829.11	\$31.50	\$270.00	5.28%	\$270.00	\$348.45	8.61%	\$348.50	\$619.35	14.06%	\$619.50	\$283,300.97	72.04%	48.24%
1996/1997	\$853.57	\$40.50	\$270.00	5.35%	\$270.00	\$378.00	8.70%	\$378.00	\$670.85	14.58%	\$671.30	\$257,806.90	71.37%	46.77%
1997/1998	\$808.24	\$29.75	\$255.00	5.23%	\$255.00	\$350.77	8.68%	\$350.77	\$624.07	14.35%	\$624.07	\$132,398.11	71.75%	47.39%
1998/1999	\$772.96	\$29.75	\$255.00	5.54%	\$255.00	\$350.82	9.08%	\$350.87	\$629.00	15.08%	\$629.00	\$81,549.22	70.29%	44.76%
1999/2000	\$871.52	\$34.20	\$258.90	5.08%	\$258.95	\$363.58	8.49%	\$363.60	\$651.30	13.83%	\$651.41	\$76,920.70	72.61%	48.67%
2000/2001	\$925.44	\$32.00	\$270.00	4.93%	\$270.00	\$375.30	8.43%	\$375.42	\$688.00	13.51%	\$688.00	\$238,026.71	73.13%	49.50%
2001/2002	\$920.02	\$33.75	\$270.00	5.09%	\$270.00	\$382.50	8.84%	\$382.50	\$715.50	14.21%	\$715.50	\$226,741.14	71.86%	46.98%
2002/2003	\$1,064.84	\$34.20	\$270.00	4.48%	\$270.00	\$405.72	7.93%	\$405.86	\$732.64	12.69%	\$733.02	\$276,021.41	74.90%	52.95%

Table 5C-17: Criminal case costs by quartiles (adult)

Fiscal year	Avg cost	Bottom quartile			Lower middle quartile			Upper middle quartile			Top quartile			Top 5%
		Low	High	Cost%	Low	High	Cost%	Low	High	Cost%	Low	High	Cost%	Cost%
1983/1984	\$323.61	\$15.31	\$102.50	6.29%	\$102.50	\$196.01	10.97%	\$196.12	\$341.24	19.32%	\$341.24	\$32,618.54	63.42%	32.72%
1984/1985	\$315.61	\$15.31	\$99.25	6.20%	\$99.25	\$166.50	10.40%	\$166.50	\$305.87	18.46%	\$305.87	\$55,945.46	64.94%	35.29%
1985/1986	\$311.91	\$15.31	\$110.00	6.51%	\$110.00	\$176.07	11.10%	\$176.20	\$318.75	19.26%	\$318.75	\$31,148.67	63.12%	31.57%
1986/1987	\$329.16	\$17.50	\$114.50	6.79%	\$114.50	\$190.25	11.39%	\$190.25	\$345.00	19.77%	\$345.00	\$57,928.39	62.05%	30.35%
1987/1988	\$385.17	\$17.50	\$150.25	7.00%	\$150.25	\$230.00	11.52%	\$230.00	\$402.13	19.75%	\$402.25	\$31,296.62	61.73%	29.76%
1988/1989	\$448.36	\$25.00	\$153.00	7.11%	\$153.00	\$273.75	10.99%	\$273.79	\$456.50	19.32%	\$456.50	\$58,280.15	62.58%	30.81%
1989/1990	\$517.27	\$25.00	\$155.00	6.17%	\$155.00	\$300.00	10.40%	\$300.00	\$503.55	18.01%	\$503.60	\$116,402.67	65.42%	34.80%
1990/1991	\$530.28	\$25.00	\$157.70	5.84%	\$157.70	\$284.29	10.14%	\$284.32	\$500.50	17.20%	\$500.50	\$254,696.66	66.83%	37.36%
1991/1992	\$1,012.10	\$20.00	\$337.80	5.72%	\$337.92	\$520.50	10.23%	\$520.50	\$939.38	16.92%	\$939.60	\$241,060.81	67.14%	37.92%
1992/1993	\$990.91	\$37.50	\$300.30	5.47%	\$300.30	\$460.30	9.28%	\$460.35	\$836.80	15.36%	\$837.70	\$181,058.85	69.89%	41.34%
1993/1994	\$951.62	-\$2,907.50	\$248.82	4.85%	\$248.82	\$400.00	8.11%	\$400.00	\$715.78	13.67%	\$715.80	\$185,158.16	73.37%	47.04%
1994/1995	\$859.70	\$38.75	\$248.58	4.95%	\$248.62	\$348.67	8.29%	\$348.67	\$642.23	13.66%	\$642.24	\$232,798.48	73.10%	47.68%
1995/1996	\$909.80	\$31.50	\$270.00	4.97%	\$270.00	\$378.00	8.19%	\$378.00	\$661.20	13.57%	\$661.25	\$283,300.97	73.27%	50.02%
1996/1997	\$946.63	\$40.50	\$270.30	4.96%	\$270.30	\$405.00	8.28%	\$405.00	\$721.42	14.02%	\$721.45	\$257,806.90	72.74%	48.80%
1997/1998	\$884.96	\$40.25	\$255.00	4.99%	\$255.00	\$362.56	8.33%	\$362.62	\$677.50	14.03%	\$677.54	\$132,398.11	72.65%	48.79%
1998/1999	\$858.55	\$29.75	\$255.00	5.20%	\$255.00	\$361.61	8.61%	\$361.62	\$681.00	14.64%	\$681.00	\$81,549.22	71.55%	46.42%
1999/2000	\$962.22	\$34.20	\$270.00	4.73%	\$270.00	\$378.00	8.05%	\$378.00	\$697.00	13.31%	\$697.00	\$76,920.70	73.91%	50.16%
2000/2001	\$1,024.80	\$34.20	\$270.00	4.60%	\$270.00	\$384.88	7.92%	\$384.90	\$728.35	12.98%	\$729.00	\$238,026.71	74.51%	51.47%
2001/2002	\$1,008.64	\$33.75	\$271.20	4.77%	\$271.20	\$408.00	8.44%	\$408.00	\$757.20	13.82%	\$757.41	\$226,741.14	72.98%	48.47%
2002/2003	\$1,170.83	\$34.20	\$274.40	4.17%	\$274.41	\$430.32	7.54%	\$430.38	\$783.19	12.22%	\$783.36	\$276,021.41	76.07%	54.73%

Appendix 5: Figures and Tables

Table 5C-18: Criminal case costs by quartiles (youth)

Fiscal year	Avg cost	Bottom quartile			Lower middle quartile			Upper middle quartile			Top quartile			Top 5%
		Low	High	Cost%	Low	High	Cost%	Low	High	Cost%	Low	High	Cost%	Cost%
1983/1984	\$246.13	\$30.62	\$115.25	8.60%	\$115.45	\$180.62	14.50%	\$183.75	\$279.82	22.89%	\$280.34	\$10,455.83	54.02%	23.60%
1984/1985	\$203.56	\$15.31	\$98.25	9.83%	\$98.25	\$138.62	15.31%	\$138.62	\$234.12	22.87%	\$234.37	\$3,557.92	51.99%	19.81%
1985/1986	\$207.95	\$15.31	\$102.81	9.82%	\$102.85	\$147.62	15.18%	\$147.62	\$240.00	22.72%	\$240.00	\$6,168.23	52.28%	19.81%
1986/1987	\$224.09	\$17.50	\$111.75	10.15%	\$111.75	\$158.00	15.05%	\$158.00	\$255.11	22.66%	\$255.75	\$5,698.60	52.14%	19.80%
1987/1988	\$263.27	\$17.50	\$150.00	10.38%	\$150.00	\$195.30	15.20%	\$195.50	\$305.00	23.32%	\$305.00	\$27,672.39	51.10%	19.49%
1988/1989	\$315.21	\$25.00	\$152.50	10.08%	\$152.50	\$225.82	14.63%	\$226.00	\$352.00	22.62%	\$352.00	\$15,311.98	52.67%	21.69%
1989/1990	\$342.52	\$25.00	\$152.50	9.49%	\$152.50	\$228.50	13.64%	\$228.60	\$375.50	21.57%	\$375.50	\$62,891.60	55.30%	23.67%
1990/1991	\$358.39	\$25.00	\$154.00	8.73%	\$154.00	\$250.00	13.63%	\$250.00	\$405.75	22.06%	\$405.75	\$18,118.25	55.58%	22.90%
1991/1992	\$716.07	\$37.80	\$310.00	7.87%	\$310.00	\$500.00	13.38%	\$500.00	\$800.00	21.25%	\$800.00	\$41,446.84	57.49%	25.17%
1992/1993	\$717.99	\$37.50	\$300.00	7.44%	\$300.00	\$404.20	11.76%	\$404.20	\$704.70	18.67%	\$704.75	\$76,744.94	62.13%	31.34%
1993/1994	\$623.92	\$45.00	\$248.82	7.55%	\$248.82	\$374.12	11.78%	\$374.13	\$630.00	19.34%	\$630.00	\$63,938.24	61.32%	29.82%
1994/1995	\$565.59	\$31.50	\$231.30	7.24%	\$231.30	\$284.35	11.78%	\$284.40	\$529.35	17.23%	\$529.70	\$233,128.51	63.75%	36.02%
1995/1996	\$551.38	\$42.18	\$243.30	7.24%	\$243.44	\$277.50	12.19%	\$277.50	\$516.71	16.60%	\$517.25	\$83,717.69	63.97%	36.55%
1996/1997	\$541.06	\$45.00	\$250.50	7.69%	\$250.65	\$282.49	12.57%	\$282.50	\$540.00	17.99%	\$540.00	\$45,986.07	61.76%	32.87%
1997/1998	\$563.31	\$29.75	\$230.10	6.52%	\$230.10	\$270.60	11.35%	\$270.70	\$497.60	16.30%	\$497.92	\$52,841.83	65.84%	38.98%
1998/1999	\$465.34	\$42.50	\$229.50	7.95%	\$229.50	\$261.75	13.59%	\$261.75	\$483.11	18.90%	\$484.50	\$45,614.50	59.56%	30.20%
1999/2000	\$510.31	\$42.50	\$243.00	7.90%	\$243.00	\$275.89	12.93%	\$275.90	\$497.52	18.07%	\$497.65	\$62,424.84	61.10%	32.59%
2000/2001	\$504.46	\$32.00	\$243.00	8.01%	\$243.00	\$306.00	13.44%	\$306.00	\$517.50	19.45%	\$517.50	\$15,812.27	59.10%	28.77%
2001/2002	\$537.09	\$37.44	\$245.41	7.87%	\$245.57	\$337.50	12.94%	\$337.50	\$532.30	18.62%	\$533.70	\$33,343.11	60.57%	31.35%
2002/2003	\$616.40	\$34.20	\$251.16	7.07%	\$251.53	\$341.82	11.81%	\$341.87	\$558.00	17.25%	\$558.00	\$52,042.30	63.87%	36.41%

Table 5C-19: Category I criminal case costs by quartiles (adult and youth)

Fiscal year	Avg cost	Bottom quartile			Lower middle quartile			Upper middle quartile			Top quartile			Top 5%
		Low	High	Cost%	Low	High	Cost%	Low	High	Cost%	Low	High	Cost%	Cost%
1983/1984	\$185.63	\$30.62	\$96.25	9.97%	\$96.25	\$138.12	15.91%	\$138.12	\$216.12	25.14%	\$216.22	\$3,445.49	48.99%	16.19%
1984/1985	\$169.32	\$15.31	\$96.25	10.15%	\$96.25	\$136.62	16.89%	\$136.62	\$208.62	25.53%	\$208.69	\$1,255.62	47.43%	15.77%
1985/1986	\$193.53	\$17.50	\$98.50	9.79%	\$98.65	\$143.07	15.85%	\$143.52	\$235.00	23.46%	\$235.00	\$3,663.46	50.90%	18.74%
1986/1987	\$197.89	\$17.50	\$110.00	10.33%	\$110.00	\$156.00	16.21%	\$156.00	\$240.00	24.73%	\$240.00	\$4,030.03	48.73%	17.02%
1987/1988	\$232.21	\$18.50	\$149.50	10.68%	\$150.00	\$170.50	16.61%	\$170.75	\$297.82	24.79%	\$298.00	\$4,171.28	47.92%	16.77%
1988/1989	\$267.30	\$50.00	\$151.25	11.77%	\$151.25	\$210.00	15.62%	\$210.04	\$304.95	24.38%	\$305.00	\$5,361.84	48.23%	18.35%
1989/1990	\$279.06	\$31.15	\$151.25	11.25%	\$151.25	\$225.00	15.43%	\$225.00	\$316.60	24.16%	\$316.62	\$7,125.00	49.16%	18.31%
1990/1991	\$316.57	\$26.25	\$151.77	9.67%	\$151.86	\$225.00	13.76%	\$225.00	\$309.30	20.76%	\$309.32	\$25,451.00	55.81%	29.22%
1991/1992	\$536.44	\$50.00	\$300.00	9.18%	\$300.00	\$367.80	15.58%	\$367.82	\$600.00	22.12%	\$600.00	\$42,373.24	53.12%	24.26%
1992/1993	\$408.03	\$50.00	\$221.50	9.99%	\$221.50	\$302.25	16.16%	\$302.25	\$437.60	22.17%	\$437.72	\$8,161.00	51.69%	22.80%
1993/1994	\$665.97	-\$2,907.50	\$184.50	5.41%	\$184.50	\$260.00	8.42%	\$260.00	\$407.37	11.99%	\$407.86	\$32,970.58	74.18%	53.44%
1994/1995	\$335.99	\$38.75	\$173.16	8.89%	\$173.16	\$187.28	13.45%	\$187.30	\$285.60	16.98%	\$285.93	\$39,350.83	60.68%	36.84%
1995/1996	\$289.07	\$45.00	\$176.10	9.84%	\$176.21	\$182.40	15.60%	\$182.50	\$252.75	17.56%	\$252.75	\$16,996.40	57.00%	30.18%
1996/1997	\$312.91	\$45.00	\$180.00	9.45%	\$180.00	\$183.00	14.44%	\$183.00	\$267.00	16.76%	\$268.20	\$47,704.00	59.35%	32.34%
1997/1998	\$269.50	\$42.50	\$162.00	10.19%	\$162.10	\$171.45	15.78%	\$171.45	\$242.20	17.83%	\$243.00	\$50,412.84	56.20%	28.76%
1998/1999	\$326.91	\$42.50	\$165.75	8.23%	\$166.25	\$171.25	13.03%	\$171.25	\$261.49	15.20%	\$261.75	\$46,221.46	63.53%	38.35%
1999/2000	\$299.16	\$34.20	\$170.00	9.90%	\$170.00	\$181.48	14.91%	\$181.48	\$280.00	18.46%	\$280.20	\$19,109.05	56.73%	29.00%
2000/2001	\$307.59	\$34.20	\$180.00	9.56%	\$180.00	\$196.90	14.88%	\$197.00	\$284.41	18.99%	\$285.25	\$15,370.51	56.58%	29.60%
2001/2002	\$298.74	\$34.20	\$180.00	9.56%	\$180.00	\$214.20	16.06%	\$214.20	\$283.56	19.77%	\$283.88	\$25,506.10	54.60%	25.68%
2002/2003	\$269.13	\$34.20	\$180.00	10.59%	\$180.00	\$214.20	18.05%	\$214.20	\$288.60	22.36%	\$289.14	\$3,870.00	48.99%	17.72%

Appendix 5: Figures and Tables

Table 5C-20: Category I criminal case costs by quartiles (adult)

Fiscal year	Avg cost	Bottom quartile			Lower middle quartile			Upper middle quartile			Top quartile			Top 5%
		Low	High	Cost%	Low	High	Cost%	Low	High	Cost%	Low	High	Cost%	Cost%
1983/1984	\$186.67	\$30.62	\$96.25	10.04%	\$96.25	\$138.62	15.89%	\$138.62	\$217.58	25.13%	\$217.72	\$3,445.49	48.94%	18.11%
1984/1985	\$172.50	\$15.31	\$96.25	10.01%	\$96.25	\$136.87	16.88%	\$137.06	\$209.89	25.59%	\$210.08	\$1,255.62	47.52%	15.84%
1985/1986	\$200.29	\$28.10	\$99.32	9.42%	\$99.49	\$152.62	15.79%	\$152.90	\$235.75	23.61%	\$235.75	\$3,663.46	51.18%	19.16%
1986/1987	\$207.92	\$17.50	\$110.50	9.87%	\$110.50	\$158.00	16.01%	\$158.00	\$246.52	24.84%	\$246.78	\$4,030.03	49.28%	17.26%
1987/1988	\$242.78	\$18.50	\$150.00	10.48%	\$150.00	\$193.75	16.31%	\$193.75	\$300.75	25.24%	\$300.75	\$4,171.28	47.97%	16.97%
1988/1989	\$273.61	\$50.00	\$151.50	11.60%	\$151.50	\$220.53	15.40%	\$221.55	\$306.34	24.32%	\$306.50	\$5,361.84	48.67%	18.97%
1989/1990	\$290.17	\$31.15	\$151.25	10.75%	\$151.25	\$225.00	15.09%	\$225.00	\$325.00	23.80%	\$325.00	\$7,125.00	50.36%	19.29%
1990/1991	\$335.70	\$50.00	\$151.75	9.15%	\$151.75	\$225.00	12.99%	\$225.00	\$311.92	19.76%	\$312.00	\$25,451.00	58.10%	32.23%
1991/1992	\$551.56	\$50.00	\$300.00	8.90%	\$300.00	\$369.00	15.14%	\$369.50	\$600.00	21.67%	\$600.00	\$42,373.24	54.30%	25.91%
1992/1993	\$423.17	\$50.00	\$222.85	9.64%	\$223.00	\$304.30	15.77%	\$304.35	\$450.60	21.72%	\$450.75	\$8,161.00	52.86%	24.04%
1993/1994	\$755.28	-\$2,907.50	\$190.40	4.77%	\$190.40	\$263.49	7.59%	\$263.57	\$432.15	11.07%	\$432.15	\$32,970.58	76.58%	53.68%
1994/1995	\$373.91	\$38.75	\$173.16	8.13%	\$173.16	\$187.70	12.09%	\$187.72	\$296.67	15.55%	\$297.27	\$39,350.83	64.23%	41.71%
1995/1996	\$318.91	\$45.00	\$170.92	8.71%	\$171.00	\$183.00	14.15%	\$183.00	\$261.93	16.30%	\$262.10	\$16,996.40	60.83%	34.42%
1996/1997	\$346.59	\$45.00	\$175.50	8.33%	\$175.80	\$183.00	13.05%	\$183.00	\$303.90	15.75%	\$306.00	\$47,704.00	62.88%	36.34%
1997/1998	\$294.14	\$42.50	\$156.80	9.24%	\$156.90	\$171.24	14.41%	\$171.25	\$243.01	16.39%	\$243.10	\$50,412.84	59.96%	33.87%
1998/1999	\$378.75	\$42.50	\$161.20	7.04%	\$161.40	\$171.50	11.22%	\$171.55	\$306.50	14.02%	\$307.60	\$46,221.46	67.72%	43.74%
1999/2000	\$326.97	\$34.20	\$170.00	8.86%	\$170.00	\$181.35	13.59%	\$181.36	\$293.98	17.23%	\$295.70	\$19,109.05	60.31%	33.39%
2000/2001	\$328.99	\$34.20	\$180.00	8.63%	\$180.00	\$199.95	13.97%	\$200.00	\$291.38	18.08%	\$292.20	\$15,370.51	59.32%	32.60%
2001/2002	\$317.14	\$34.20	\$180.00	8.97%	\$180.00	\$214.20	15.27%	\$214.20	\$289.80	18.91%	\$290.47	\$25,506.10	56.84%	28.10%
2002/2003	\$269.90	\$34.20	\$180.00	9.99%	\$180.00	\$214.20	17.97%	\$214.20	\$290.14	22.43%	\$291.36	\$2,016.26	49.61%	17.86%

Table 5C-21: Category I criminal case costs by quartiles (youth)

Fiscal year	Avg cost	Bottom quartile			Lower middle quartile			Upper middle quartile			Top quartile			Top 5%
		Low	High	Cost%	Low	High	Cost%	Low	High	Cost%	Low	High	Cost%	Cost%
1983/1984	\$142.25	\$30.62	\$96.25	10.76%	\$96.25	\$99.17	16.50%	\$116.50	\$192.50	27.34%	\$195.25	\$548.50	45.40%	13.30%
1984/1985	\$143.57	\$15.31	\$96.25	10.74%	\$96.25	\$111.61	17.39%	\$120.75	\$166.25	24.64%	\$189.12	\$636.06	47.23%	14.04%
1985/1986	\$158.57	\$17.50	\$97.00	12.06%	\$97.25	\$127.50	16.93%	\$129.42	\$174.30	23.39%	\$178.75	\$641.37	47.62%	15.60%
1986/1987	\$165.81	\$35.00	\$110.00	12.44%	\$110.00	\$132.62	17.13%	\$135.00	\$209.87	24.71%	\$220.00	\$939.25	45.72%	14.53%
1987/1988	\$194.63	\$35.00	\$126.40	11.82%	\$136.89	\$155.00	18.86%	\$155.00	\$227.00	23.74%	\$227.00	\$997.79	45.58%	15.14%
1988/1989	\$241.43	\$50.00	\$151.00	12.53%	\$151.25	\$200.00	16.82%	\$200.00	\$300.50	24.50%	\$300.75	\$1,177.88	46.15%	15.19%
1989/1990	\$244.09	\$50.00	\$151.00	13.04%	\$151.00	\$202.00	17.01%	\$202.25	\$301.75	25.35%	\$302.00	\$1,101.65	44.60%	13.71%
1990/1991	\$248.17	\$26.25	\$152.00	12.30%	\$152.00	\$225.00	17.41%	\$225.00	\$302.50	25.79%	\$302.50	\$1,023.50	44.50%	13.75%
1991/1992	\$471.11	\$50.00	\$300.00	10.81%	\$300.00	\$364.25	17.72%	\$365.00	\$555.00	24.64%	\$556.60	\$6,219.18	46.82%	15.66%
1992/1993	\$345.44	\$50.00	\$212.95	11.73%	\$213.40	\$281.50	18.16%	\$281.70	\$400.75	24.81%	\$400.75	\$1,883.52	45.30%	15.34%
1993/1994	\$314.46	\$47.85	\$180.30	11.55%	\$180.75	\$248.82	16.46%	\$248.82	\$345.72	22.13%	\$346.02	\$10,753.05	49.85%	22.75%
1994/1995	\$232.46	\$38.75	\$173.31	12.23%	\$173.61	\$185.50	19.47%	\$185.58	\$258.39	23.64%	\$258.75	\$1,281.60	44.66%	14.33%
1995/1996	\$219.24	\$45.00	\$180.00	13.54%	\$180.00	\$181.50	20.60%	\$181.65	\$234.00	21.96%	\$234.15	\$1,003.50	43.90%	14.65%
1996/1997	\$223.92	\$45.00	\$180.00	13.75%	\$180.00	\$183.00	20.28%	\$183.00	\$246.75	21.85%	\$247.50	\$991.00	44.11%	14.57%
1997/1998	\$219.33	\$42.50	\$170.00	13.09%	\$170.00	\$171.55	19.38%	\$171.60	\$239.70	21.62%	\$239.80	\$1,883.52	45.91%	14.58%
1998/1999	\$211.80	\$42.50	\$170.00	13.03%	\$170.00	\$170.60	20.16%	\$170.60	\$235.05	21.15%	\$235.65	\$1,222.33	45.66%	14.39%
1999/2000	\$235.09	\$42.50	\$171.85	13.23%	\$171.89	\$181.58	19.12%	\$181.60	\$259.37	22.63%	\$260.07	\$1,645.50	45.02%	14.26%
2000/2001	\$249.91	\$34.20	\$180.00	12.86%	\$180.00	\$190.22	18.13%	\$190.32	\$259.57	22.42%	\$260.83	\$6,888.33	46.59%	18.28%
2001/2002	\$244.23	\$37.44	\$180.00	11.81%	\$180.00	\$214.20	19.11%	\$214.20	\$262.32	23.33%	\$264.19	\$1,261.45	45.75%	15.81%
2002/2003	\$266.77	\$34.20	\$180.00	12.45%	\$180.00	\$214.20	18.31%	\$214.20	\$286.20	22.18%	\$286.20	\$3,870.00	47.06%	17.19%

Table 5C-22: Category II criminal case costs by quartiles (adult & youth)

Fiscal year	Avg cost	Bottom quartile			Lower middle quartile			Upper middle quartile			Top quartile			Top 5%
		Low	High	Cost%	Low	High	Cost%	Low	High	Cost%	Low	High	Cost%	Cost%
1983/1984	\$197.64	\$15.31	\$97.50	10.25%	\$97.50	\$140.62	15.31%	\$140.62	\$250.27	25.03%	\$250.50	\$1,610.60	49.41%	15.87%
1984/1985	\$182.25	\$15.31	\$97.25	10.68%	\$97.25	\$136.62	15.61%	\$136.62	\$221.25	24.73%	\$221.37	\$3,040.53	48.98%	16.24%
1985/1986	\$194.59	\$15.31	\$99.75	10.16%	\$99.75	\$142.12	15.57%	\$142.12	\$236.63	24.49%	\$236.75	\$2,189.36	49.78%	17.05%
1986/1987	\$212.47	\$17.50	\$111.50	10.34%	\$111.50	\$158.00	15.88%	\$158.00	\$253.14	24.93%	\$253.25	\$3,110.41	48.85%	16.17%
1987/1988	\$250.48	\$17.50	\$150.00	10.38%	\$150.00	\$194.50	15.95%	\$194.50	\$303.25	25.11%	\$303.35	\$8,016.11	48.56%	16.76%
1988/1989	\$279.43	\$25.00	\$151.00	11.17%	\$151.00	\$216.14	14.98%	\$216.30	\$326.19	24.84%	\$326.20	\$4,013.35	49.00%	16.70%
1989/1990	\$297.42	\$25.00	\$151.25	10.59%	\$151.25	\$226.00	14.82%	\$226.00	\$354.00	24.38%	\$354.00	\$4,750.36	50.21%	17.39%
1990/1991	\$294.64	\$25.00	\$152.00	10.22%	\$152.00	\$225.00	14.99%	\$225.00	\$350.00	24.17%	\$350.00	\$4,796.75	50.62%	17.62%
1991/1992	\$541.46	\$37.80	\$301.00	9.90%	\$301.00	\$400.00	15.90%	\$400.00	\$636.63	24.08%	\$636.78	\$7,609.55	50.11%	17.05%
1992/1993	\$457.93	\$37.50	\$251.35	10.68%	\$251.35	\$322.88	15.95%	\$322.88	\$512.85	23.17%	\$513.00	\$10,202.54	50.21%	18.70%
1993/1994	\$401.81	\$35.00	\$220.00	10.98%	\$220.00	\$291.80	14.99%	\$291.80	\$452.25	22.67%	\$452.25	\$6,440.76	51.36%	19.35%
1994/1995	\$378.94	\$38.75	\$212.04	10.66%	\$212.04	\$275.50	16.76%	\$275.52	\$437.20	22.08%	\$437.57	\$7,809.87	50.50%	18.71%
1995/1996	\$402.22	\$31.50	\$262.35	10.37%	\$262.50	\$278.30	16.91%	\$278.32	\$492.60	22.26%	\$492.67	\$7,157.81	50.46%	18.61%
1996/1997	\$416.49	\$45.00	\$270.00	10.37%	\$270.00	\$284.20	16.41%	\$284.20	\$515.20	22.61%	\$515.25	\$10,667.00	50.61%	18.89%
1997/1998	\$387.04	\$29.75	\$249.93	9.89%	\$249.95	\$271.80	16.67%	\$271.80	\$501.95	23.61%	\$502.16	\$5,593.00	49.83%	17.41%
1998/1999	\$391.72	\$29.75	\$255.00	10.29%	\$255.00	\$269.50	16.41%	\$269.50	\$496.50	23.07%	\$497.00	\$16,178.12	50.23%	18.69%
1999/2000	\$467.36	\$42.50	\$255.00	9.28%	\$255.00	\$317.50	14.65%	\$318.16	\$517.95	21.11%	\$518.10	\$42,000.01	54.96%	25.69%
2000/2001	\$458.15	\$32.00	\$270.00	10.10%	\$270.00	\$337.50	15.92%	\$337.50	\$540.00	22.16%	\$540.00	\$11,310.07	51.81%	20.88%
2001/2002	\$492.01	\$33.75	\$270.00	9.55%	\$270.00	\$342.42	15.48%	\$342.44	\$573.03	22.04%	\$573.31	\$34,598.14	52.93%	21.68%
2002/2003	\$501.52	\$34.20	\$270.00	9.81%	\$270.00	\$354.78	15.65%	\$355.00	\$572.52	22.19%	\$573.54	\$22,952.64	52.35%	21.81%

Table 5C-23: Category II criminal case costs by quartiles (adult)

Fiscal year	Avg cost	Bottom quartile			Lower middle quartile			Upper middle quartile			Top quartile			Top 5%
		Low	High	Cost%	Low	High	Cost%	Low	High	Cost%	Low	High	Cost%	Cost%
1983/1984	\$197.73	\$15.31	\$97.25	10.24%	\$97.25	\$140.39	15.27%	\$140.42	\$249.79	24.96%	\$250.27	\$1,610.60	49.53%	15.91%
1984/1985	\$182.95	\$15.31	\$97.25	10.62%	\$97.25	\$136.62	15.53%	\$136.62	\$221.57	24.65%	\$221.62	\$3,040.53	49.20%	16.43%
1985/1986	\$196.38	\$17.50	\$99.75	10.04%	\$99.75	\$142.74	15.45%	\$142.75	\$237.50	24.41%	\$237.50	\$2,189.36	50.11%	17.33%
1986/1987	\$215.73	\$17.50	\$111.75	10.14%	\$111.75	\$158.90	15.84%	\$159.00	\$259.30	24.95%	\$259.45	\$3,110.41	49.08%	16.31%
1987/1988	\$256.45	\$17.50	\$150.00	10.10%	\$150.00	\$196.75	15.81%	\$196.75	\$305.71	25.15%	\$305.72	\$8,016.11	48.94%	17.05%
1988/1989	\$287.75	\$25.00	\$151.00	10.82%	\$151.00	\$225.00	14.83%	\$225.00	\$344.23	24.85%	\$344.25	\$4,013.35	49.50%	16.89%
1989/1990	\$307.24	\$25.00	\$151.50	10.19%	\$151.50	\$233.00	14.81%	\$233.00	\$375.00	24.58%	\$375.00	\$4,750.36	50.42%	17.39%
1990/1991	\$302.01	\$25.00	\$152.00	9.84%	\$152.00	\$227.70	14.90%	\$227.75	\$355.00	24.21%	\$355.00	\$4,796.75	51.05%	17.88%
1991/1992	\$551.20	\$50.00	\$301.20	9.75%	\$301.20	\$402.00	15.78%	\$402.00	\$657.80	24.27%	\$657.89	\$7,609.55	50.19%	16.99%
1992/1993	\$464.74	\$37.50	\$251.50	10.51%	\$251.50	\$331.43	15.84%	\$331.50	\$521.77	23.36%	\$521.95	\$10,202.54	50.30%	18.61%
1993/1994	\$409.78	\$35.00	\$220.00	10.72%	\$220.00	\$296.67	14.88%	\$296.67	\$459.08	22.71%	\$459.10	\$6,440.76	51.69%	19.49%
1994/1995	\$389.29	\$48.30	\$212.49	10.46%	\$212.49	\$278.95	16.48%	\$279.00	\$451.19	22.20%	\$451.27	\$7,809.87	50.86%	19.08%
1995/1996	\$415.53	\$31.50	\$270.00	10.31%	\$270.00	\$283.52	16.43%	\$283.55	\$535.20	22.81%	\$535.62	\$7,157.81	50.44%	18.64%
1996/1997	\$438.62	\$45.00	\$270.00	10.17%	\$270.00	\$299.61	15.75%	\$299.90	\$540.45	23.15%	\$540.50	\$10,667.00	50.93%	19.16%
1997/1998	\$409.57	\$42.50	\$255.00	10.12%	\$255.00	\$301.40	16.05%	\$301.45	\$511.60	24.38%	\$511.60	\$5,593.00	49.45%	17.28%
1998/1999	\$415.08	\$29.75	\$255.00	10.21%	\$255.00	\$302.88	15.82%	\$304.46	\$510.10	23.63%	\$510.15	\$16,178.12	50.34%	19.10%
1999/2000	\$496.20	\$42.50	\$263.45	8.92%	\$263.48	\$337.50	14.37%	\$337.50	\$540.00	21.03%	\$540.00	\$42,000.01	55.68%	27.11%
2000/2001	\$479.46	\$45.00	\$270.00	10.07%	\$270.00	\$339.70	15.68%	\$339.72	\$547.28	22.23%	\$547.50	\$11,310.07	52.03%	21.29%
2001/2002	\$522.28	\$33.75	\$270.00	9.26%	\$270.00	\$354.19	15.19%	\$354.77	\$607.50	22.22%	\$607.50	\$34,598.14	53.34%	22.28%
2002/2003	\$526.40	\$34.20	\$271.68	9.67%	\$271.68	\$376.42	15.62%	\$376.47	\$607.50	22.40%	\$607.50	\$22,952.64	52.31%	22.05%

Table 5C-24: Category II criminal case costs by quartiles (youth)

Fiscal year	Avg cost	Bottom quartile			Lower middle quartile			Upper middle quartile			Top quartile			Top 5%
		Low	High	Cost%	Low	High	Cost%	Low	High	Cost%	Low	High	Cost%	Cost%
1983/1984	\$192.94	\$31.37	\$101.37	10.68%	\$102.81	\$169.00	18.34%	\$205.62	\$251.53	28.31%	\$253.60	\$487.62	42.67%	10.65%
1984/1985	\$173.47	\$15.81	\$97.25	11.70%	\$97.25	\$137.12	16.58%	\$137.33	\$218.24	25.98%	\$218.67	\$740.74	45.75%	13.28%
1985/1986	\$182.01	\$15.31	\$100.01	11.11%	\$100.25	\$140.62	16.54%	\$140.62	\$233.62	25.09%	\$233.87	\$869.30	47.26%	14.67%
1986/1987	\$196.40	\$17.50	\$110.75	11.44%	\$110.75	\$156.00	16.14%	\$156.00	\$240.00	25.02%	\$240.00	\$1,451.00	47.41%	15.15%
1987/1988	\$225.39	\$23.88	\$148.74	11.70%	\$149.00	\$161.25	17.02%	\$161.25	\$295.00	24.57%	\$295.00	\$1,416.94	46.71%	14.92%
1988/1989	\$248.05	\$25.00	\$151.00	12.65%	\$151.00	\$200.00	16.21%	\$200.00	\$303.50	24.71%	\$303.60	\$1,917.01	46.43%	15.52%
1989/1990	\$260.12	\$50.00	\$151.00	12.39%	\$151.00	\$200.00	15.39%	\$200.00	\$304.50	24.01%	\$304.50	\$3,459.75	48.22%	16.71%
1990/1991	\$268.92	\$50.00	\$151.75	11.71%	\$151.75	\$202.00	15.54%	\$202.25	\$311.32	24.14%	\$311.70	\$2,073.24	48.60%	16.35%
1991/1992	\$503.49	\$37.80	\$300.75	10.57%	\$300.75	\$367.00	16.60%	\$367.20	\$601.25	23.41%	\$601.25	\$5,891.08	49.42%	17.15%
1992/1993	\$431.51	\$37.50	\$250.60	11.40%	\$250.60	\$306.25	16.58%	\$306.70	\$497.55	22.32%	\$498.10	\$6,324.96	49.70%	18.92%
1993/1994	\$368.44	\$50.75	\$220.00	12.20%	\$220.00	\$271.50	15.66%	\$272.55	\$430.65	22.50%	\$430.65	\$2,975.04	49.64%	18.46%
1994/1995	\$339.64	\$38.75	\$210.99	11.55%	\$210.99	\$271.06	18.08%	\$271.20	\$381.50	21.83%	\$382.05	\$2,691.94	48.54%	16.84%
1995/1996	\$354.55	\$63.00	\$243.00	10.83%	\$243.00	\$273.00	18.83%	\$273.00	\$383.50	20.97%	\$383.50	\$3,449.45	49.36%	18.06%
1996/1997	\$351.47	\$45.00	\$243.00	11.28%	\$243.00	\$273.50	19.05%	\$273.50	\$394.70	21.80%	\$395.24	\$4,690.20	47.86%	16.88%
1997/1998	\$325.26	\$29.75	\$193.65	9.86%	\$193.75	\$256.30	18.79%	\$256.35	\$370.07	22.37%	\$373.26	\$3,027.82	48.98%	17.25%
1998/1999	\$326.53	\$43.10	\$229.50	11.01%	\$229.50	\$256.05	19.13%	\$256.05	\$362.86	22.01%	\$363.00	\$3,539.80	47.85%	16.39%
1999/2000	\$375.11	\$51.72	\$243.00	10.81%	\$243.00	\$270.35	17.48%	\$270.40	\$405.00	20.99%	\$405.00	\$5,118.00	50.71%	19.21%
2000/2001	\$388.44	\$32.00	\$243.60	10.50%	\$243.75	\$278.40	17.18%	\$278.67	\$441.00	22.48%	\$443.70	\$5,919.57	49.84%	18.85%
2001/2002	\$387.51	\$55.24	\$243.90	11.12%	\$244.29	\$282.54	17.25%	\$283.05	\$445.50	22.66%	\$445.50	\$4,229.55	48.97%	17.74%
2002/2003	\$419.36	\$36.96	\$247.50	10.59%	\$247.50	\$333.00	16.50%	\$333.00	\$454.62	21.94%	\$458.12	\$8,467.20	50.97%	20.30%

Table 5C-25: Category III criminal case costs by quartiles (adult & youth)

Fiscal year	Avg cost	Bottom quartile			Lower middle quartile			Upper middle quartile			Top quartile			Top 5%
		Low	High	Cost%	Low	High	Cost%	Low	High	Cost%	Low	High	Cost%	Cost%
1983/1984	\$340.25	\$15.31	\$123.50	6.16%	\$123.50	\$205.62	11.55%	\$205.62	\$391.87	20.82%	\$392.04	\$32,618.54	61.47%	28.81%
1984/1985	\$341.59	\$15.31	\$108.44	5.89%	\$108.45	\$202.10	10.73%	\$202.10	\$367.00	19.50%	\$367.17	\$55,945.46	63.89%	32.46%
1985/1986	\$336.39	\$15.31	\$113.00	6.23%	\$113.00	\$204.92	11.22%	\$205.00	\$375.30	20.07%	\$375.37	\$31,148.67	62.48%	29.49%
1986/1987	\$348.91	\$17.50	\$118.00	6.60%	\$118.00	\$218.00	11.51%	\$218.00	\$401.50	20.92%	\$401.86	\$21,534.99	60.97%	26.45%
1987/1988	\$407.53	\$17.50	\$151.84	6.86%	\$151.85	\$245.00	11.64%	\$245.00	\$472.00	21.20%	\$472.25	\$28,031.01	60.30%	25.55%
1988/1989	\$480.93	\$25.00	\$158.75	6.74%	\$158.75	\$300.75	11.72%	\$300.75	\$550.00	20.60%	\$550.00	\$51,755.71	60.94%	26.71%
1989/1990	\$567.05	\$25.00	\$167.50	5.78%	\$167.50	\$310.00	10.77%	\$310.00	\$605.25	19.27%	\$605.26	\$37,202.72	64.18%	31.14%
1990/1991	\$576.35	\$25.00	\$181.00	5.63%	\$181.00	\$314.10	10.83%	\$314.25	\$594.00	18.87%	\$594.25	\$254,696.66	64.67%	32.75%
1991/1992	\$1,130.97	\$20.00	\$362.50	5.73%	\$362.50	\$615.00	10.83%	\$615.00	\$1,166.00	18.73%	\$1,167.00	\$241,060.81	64.71%	32.64%
1992/1993	\$1,091.51	\$50.00	\$354.75	6.11%	\$354.76	\$600.00	10.87%	\$600.00	\$1,115.00	18.39%	\$1,115.60	\$181,058.85	64.62%	31.78%
1993/1994	\$1,000.66	\$31.62	\$326.28	5.81%	\$326.28	\$522.29	10.37%	\$522.32	\$963.85	17.43%	\$964.05	\$63,960.05	66.39%	35.10%
1994/1995	\$858.41	\$31.50	\$274.65	6.21%	\$274.65	\$451.29	10.29%	\$451.35	\$857.68	18.11%	\$857.89	\$62,542.44	65.39%	32.39%
1995/1996	\$890.25	\$42.18	\$281.32	6.33%	\$281.35	\$459.60	10.45%	\$459.78	\$855.90	17.79%	\$855.90	\$108,531.24	65.44%	34.86%
1996/1997	\$936.83	\$40.50	\$277.50	5.87%	\$277.50	\$465.50	9.75%	\$465.50	\$855.00	16.86%	\$855.00	\$185,929.92	67.52%	39.30%
1997/1998	\$755.38	\$38.75	\$259.50	6.74%	\$259.50	\$416.00	10.78%	\$416.00	\$765.00	18.54%	\$765.00	\$50,161.27	63.94%	32.69%
1998/1999	\$764.76	\$40.85	\$259.55	6.75%	\$259.55	\$426.60	10.90%	\$426.67	\$774.72	18.91%	\$775.06	\$50,706.17	63.45%	31.94%
1999/2000	\$879.90	\$40.50	\$272.00	6.12%	\$272.00	\$446.79	10.01%	\$446.95	\$821.70	17.28%	\$821.70	\$64,077.17	66.59%	36.67%
2000/2001	\$948.11	\$36.96	\$288.00	5.80%	\$288.00	\$462.55	9.91%	\$462.91	\$877.50	17.01%	\$877.50	\$53,285.28	67.28%	38.15%
2001/2002	\$1,000.26	\$41.82	\$337.50	5.83%	\$337.50	\$479.70	9.85%	\$479.70	\$904.90	16.70%	\$905.53	\$137,197.26	67.61%	38.05%
2002/2003	\$1,050.61	\$34.20	\$345.17	5.71%	\$345.22	\$509.23	9.87%	\$509.37	\$944.76	16.64%	\$945.00	\$176,683.03	67.78%	39.43%

Appendix 5: Figures and Tables

Table 5C-26: Category III criminal case costs by quartiles (adult)

Fiscal year	Avg cost	Bottom quartile			Lower middle quartile			Upper middle quartile			Top quartile			Top 5%
		Low	High	Cost%	Low	High	Cost%	Low	High	Cost%	Low	High	Cost%	Cost%
1983/1984	\$345.37	\$15.31	\$123.25	6.06%	\$123.25	\$205.87	11.43%	\$205.87	\$399.89	20.79%	\$399.98	\$32,618.54	61.72%	29.01%
1984/1985	\$357.22	\$15.31	\$109.75	5.62%	\$109.75	\$205.62	10.55%	\$205.62	\$379.62	19.42%	\$379.62	\$55,945.46	64.41%	33.09%
1985/1986	\$364.96	\$15.31	\$119.00	5.78%	\$119.14	\$208.37	10.95%	\$208.42	\$411.24	20.05%	\$411.24	\$31,148.67	63.22%	30.26%
1986/1987	\$375.11	\$17.50	\$131.68	6.19%	\$113.00	\$235.00	11.26%	\$235.00	\$432.25	20.92%	\$432.43	\$21,534.99	61.63%	26.92%
1987/1988	\$433.64	\$17.50	\$152.00	6.40%	\$152.00	\$264.15	11.20%	\$264.37	\$505.76	21.19%	\$506.00	\$28,031.01	61.22%	26.09%
1988/1989	\$511.00	\$25.00	\$158.25	6.35%	\$158.25	\$303.75	11.20%	\$303.75	\$587.00	20.51%	\$587.16	\$51,755.71	61.94%	27.33%
1989/1990	\$609.56	\$25.00	\$169.16	5.36%	\$169.18	\$325.00	10.30%	\$325.00	\$647.85	19.07%	\$647.95	\$37,202.72	65.27%	32.20%
1990/1991	\$614.11	\$25.00	\$182.25	5.31%	\$182.25	\$322.10	10.31%	\$322.19	\$623.97	18.33%	\$624.15	\$254,696.66	66.04%	34.30%
1991/1992	\$1,197.82	\$20.00	\$363.50	5.46%	\$363.50	\$623.00	10.33%	\$623.25	\$1,207.50	18.19%	\$1,207.50	\$241,060.81	66.02%	34.09%
1992/1993	\$1,134.69	\$50.00	\$357.36	5.88%	\$357.40	\$601.95	10.58%	\$602.00	\$1,150.60	18.08%	\$1,150.75	\$181,058.85	65.46%	32.64%
1993/1994	\$1,059.46	\$31.62	\$327.18	5.46%	\$327.20	\$524.95	9.82%	\$525.10	\$1,007.34	16.86%	\$1,007.71	\$63,960.05	67.86%	36.51%
1994/1995	\$929.72	\$45.15	\$279.10	5.76%	\$279.15	\$474.45	9.98%	\$475.05	\$931.18	17.87%	\$931.50	\$62,542.44	66.39%	32.92%
1995/1996	\$965.38	\$54.90	\$297.82	5.93%	\$297.88	\$493.55	10.26%	\$493.60	\$902.25	17.39%	\$902.48	\$108,531.24	66.42%	36.30%
1996/1997	\$1,013.27	\$40.50	\$283.35	5.49%	\$283.37	\$492.75	9.53%	\$492.90	\$894.45	16.34%	\$894.60	\$185,929.92	68.64%	41.02%
1997/1998	\$792.74	\$40.25	\$263.33	6.47%	\$263.35	\$431.94	10.70%	\$432.05	\$788.65	18.49%	\$788.77	\$47,889.29	64.35%	33.22%
1998/1999	\$809.28	\$40.85	\$263.75	6.41%	\$263.75	\$446.24	10.71%	\$446.24	\$802.95	18.66%	\$802.97	\$50,706.17	64.21%	32.77%
1999/2000	\$930.87	\$40.50	\$274.00	5.77%	\$274.00	\$457.64	9.74%	\$457.74	\$850.50	16.88%	\$850.50	\$64,077.17	67.61%	37.62%
2000/2001	\$998.83	\$36.96	\$299.12	5.53%	\$299.79	\$479.25	9.65%	\$479.25	\$909.00	16.69%	\$909.05	\$53,285.28	68.13%	39.23%
2001/2002	\$1,061.59	\$41.82	\$342.96	5.56%	\$343.05	\$495.72	9.52%	\$495.73	\$936.64	16.36%	\$936.78	\$137,197.26	68.56%	39.23%
2002/2003	\$1,106.07	\$34.20	\$359.00	5.51%	\$359.04	\$524.70	9.59%	\$524.70	\$983.70	16.35%	\$983.70	\$176,683.03	68.56%	40.53%

Table 5C-27: Category III criminal case costs by quartiles (youth)

Fiscal year	Avg cost	Bottom quartile			Lower middle quartile			Upper middle quartile			Top quartile			Top 5%
		Low	High	Cost%	Low	High	Cost%	Low	High	Cost%	Low	High	Cost%	Cost%
1983/1984	\$238.07	\$30.62	\$130.25	9.13%	\$133.80	\$205.62	15.28%	\$206.12	\$346.12	27.44%	\$174.20	\$5,486.32	48.15%	4.16%
1984/1985	\$217.12	\$26.25	\$102.65	9.48%	\$102.65	\$142.02	15.05%	\$142.50	\$252.62	22.36%	\$254.91	\$3,557.92	53.12%	20.27%
1985/1986	\$214.11	\$30.62	\$110.00	9.67%	\$110.00	\$155.00	15.35%	\$155.00	\$263.12	22.91%	\$263.74	\$2,352.21	52.07%	18.49%
1986/1987	\$243.25	\$17.50	\$113.00	9.57%	\$113.00	\$161.00	14.76%	\$161.00	\$283.83	22.35%	\$284.52	\$3,553.00	53.32%	19.47%
1987/1988	\$290.12	\$17.50	\$150.25	10.00%	\$150.25	\$224.00	15.16%	\$224.00	\$350.00	23.76%	\$350.00	\$2,407.30	51.09%	17.58%
1988/1989	\$352.88	\$25.00	\$160.80	9.22%	\$160.99	\$275.00	15.26%	\$275.00	\$411.34	23.25%	\$411.52	\$4,055.68	52.26%	19.56%
1989/1990	\$392.70	\$25.00	\$163.00	8.44%	\$163.00	\$276.00	14.17%	\$276.50	\$456.25	22.36%	\$456.50	\$6,158.87	55.04%	20.79%
1990/1991	\$425.10	\$25.00	\$175.00	7.47%	\$175.00	\$301.00	13.91%	\$301.00	\$505.00	22.76%	\$505.25	\$5,835.25	55.86%	21.80%
1991/1992	\$843.09	\$50.00	\$360.00	7.40%	\$360.00	\$600.00	13.95%	\$600.00	\$1,013.00	22.67%	\$1,015.00	\$11,380.67	55.99%	21.76%
1992/1993	\$899.77	\$50.00	\$351.05	7.45%	\$351.05	\$559.00	12.55%	\$559.10	\$1,003.00	20.37%	\$1,003.50	\$31,734.60	59.63%	26.10%
1993/1994	\$795.05	\$45.00	\$325.38	7.48%	\$325.38	\$517.75	12.92%	\$517.80	\$861.30	20.47%	\$861.48	\$18,385.94	59.13%	26.81%
1994/1995	\$640.18	\$31.50	\$270.75	8.26%	\$270.75	\$386.85	12.09%	\$387.00	\$698.40	20.25%	\$698.46	\$14,125.90	59.40%	27.01%
1995/1996	\$625.76	\$42.18	\$271.50	8.70%	\$271.50	\$381.45	12.17%	\$381.53	\$720.00	20.35%	\$720.00	\$9,988.61	58.78%	25.24%
1996/1997	\$648.65	\$45.00	\$271.78	8.20%	\$271.80	\$383.25	11.71%	\$383.55	\$722.73	20.14%	\$723.00	\$19,285.19	59.94%	27.85%
1997/1998	\$618.32	\$38.75	\$255.90	8.02%	\$255.90	\$357.40	11.54%	\$357.40	\$647.15	19.10%	\$648.00	\$50,161.27	61.34%	29.48%
1998/1999	\$561.92	\$42.50	\$255.80	8.95%	\$255.80	\$357.00	12.83%	\$357.00	\$626.15	20.92%	\$628.62	\$10,132.49	57.29%	24.38%
1999/2000	\$608.44	\$45.00	\$270.00	8.89%	\$270.00	\$381.70	12.70%	\$382.30	\$681.10	20.95%	\$681.85	\$12,563.20	57.46%	25.45%
2000/2001	\$659.23	\$54.00	\$273.35	8.25%	\$273.35	\$384.79	12.59%	\$385.53	\$729.00	20.18%	\$730.98	\$15,622.41	58.98%	27.03%
2001/2002	\$651.05	\$66.28	\$288.00	8.90%	\$288.00	\$386.74	13.23%	\$388.02	\$725.92	20.44%	\$727.12	\$10,001.70	57.42%	24.19%
2002/2003	\$743.32	\$40.50	\$294.30	7.65%	\$294.48	\$443.70	12.43%	\$443.73	\$794.70	19.44%	\$797.12	\$20,633.60	60.48%	28.73%

Appendix 5: Figures and Tables

Table 5C-28: Category IV criminal case costs by quartiles (adult & youth)

Fiscal year	Avg cost	Bottom quartile			Lower middle quartile			Upper middle quartile			Top quartile			Top 5%
		Low	High	Cost%	Low	High	Cost%	Low	High	Cost%	Low	High	Cost%	Cost%
1983/1984	\$1,845.77	\$30.62	\$312.52	2.32%	\$328.12	\$727.43	6.96%	\$728.89	\$1,912.72	15.80%	\$1,923.14	\$22,908.11	74.91%	35.14%
1984/1985	\$1,695.10	\$30.62	\$285.52	2.13%	\$285.86	\$658.12	6.63%	\$658.89	\$1,714.65	15.95%	\$1,727.38	\$37,223.64	75.29%	40.66%
1985/1986	\$1,374.72	\$30.62	\$275.62	2.67%	\$275.62	\$615.86	7.95%	\$626.72	\$1,436.95	17.82%	\$1,443.92	\$20,601.75	71.56%	33.13%
1986/1987	\$1,739.50	\$35.00	\$252.51	2.10%	\$253.00	\$720.00	6.51%	\$723.42	\$1,758.25	17.13%	\$1,777.50	\$57,928.39	74.26%	35.72%
1987/1988	\$2,097.29	\$35.00	\$333.00	2.21%	\$336.84	\$868.10	6.89%	\$890.88	\$2,154.59	16.59%	\$2,178.72	\$31,296.62	74.31%	34.62%
1988/1989	\$2,565.04	\$50.00	\$500.38	2.72%	\$503.75	\$1,243.75	8.13%	\$1,259.00	\$2,755.00	17.71%	\$2,761.45	\$58,280.15	71.45%	32.72%
1989/1990	\$3,046.97	\$50.00	\$576.00	2.68%	\$576.50	\$1,413.51	7.88%	\$1,420.75	\$3,109.60	17.51%	\$3,113.85	\$116,402.67	71.93%	37.66%
1990/1991	\$3,324.66	\$50.00	\$526.45	2.07%	\$530.00	\$1,462.32	7.21%	\$1,462.75	\$3,460.96	16.89%	\$3,469.24	\$68,216.92	73.82%	35.12%
1991/1992	\$6,774.64	\$50.00	\$897.20	1.94%	\$900.00	\$2,384.75	5.62%	\$2,406.00	\$6,375.00	14.96%	\$6,438.86	\$166,095.28	77.49%	41.51%
1992/1993	\$8,165.86	\$100.00	\$1,082.25	1.95%	\$1,085.50	\$2,563.20	5.20%	\$2,573.50	\$7,982.78	14.95%	\$8,045.87	\$127,334.49	77.90%	38.25%
1993/1994	\$8,297.77	\$121.22	\$915.84	1.71%	\$921.15	\$2,454.49	4.61%	\$2,490.68	\$7,816.42	13.49%	\$7,830.35	\$185,158.16	80.19%	43.97%
1994/1995	\$10,308.33	\$126.00	\$691.57	1.07%	\$700.20	\$2,191.35	3.09%	\$2,248.34	\$7,220.86	10.17%	\$7,345.97	\$233,128.51	85.68%	50.55%
1995/1996	\$12,586.40	\$81.00	\$817.06	0.99%	\$827.10	\$2,754.00	2.96%	\$2,830.42	\$12,000.94	12.28%	\$12,007.45	\$283,300.97	83.77%	41.74%
1996/1997	\$9,610.47	\$127.20	\$783.29	1.31%	\$788.25	\$2,363.54	3.50%	\$2,364.98	\$10,060.53	13.78%	\$10,200.52	\$257,806.90	81.40%	37.61%
1997/1998	\$8,970.39	\$78.55	\$554.48	0.98%	\$555.61	\$1,638.16	2.69%	\$1,655.46	\$8,712.48	11.51%	\$8,961.47	\$132,398.11	84.81%	38.00%
1998/1999	\$7,741.47	\$76.50	\$635.62	1.26%	\$637.50	\$2,035.97	3.75%	\$2,073.50	\$7,957.96	14.64%	\$7,993.70	\$81,549.22	80.35%	35.33%
1999/2000	\$9,490.17	\$81.00	\$702.00	1.09%	\$706.11	\$2,382.80	3.62%	\$2,406.39	\$10,896.00	15.19%	\$10,967.54	\$76,920.70	80.10%	30.50%
2000/2001	\$10,010.92	\$81.00	\$615.70	0.98%	\$615.98	\$1,886.70	2.75%	\$1,890.00	\$8,469.00	10.44%	\$8,609.96	\$238,026.71	85.84%	42.61%
2001/2002	\$9,028.41	\$34.20	\$715.32	1.25%	\$719.40	\$1,627.90	2.92%	\$1,650.90	\$8,180.28	10.29%	\$8,192.22	\$226,741.14	85.54%	44.24%
2002/2003	\$12,962.01	\$63.00	\$662.60	0.77%	\$668.85	\$2,124.91	2.31%	\$2,149.68	\$8,275.50	9.36%	\$8,439.87	\$276,021.41	87.57%	47.57%

Table 5C-29: Category IV criminal case costs by quartiles (adult)

Fiscal year	Avg cost	Bottom quartile			Lower middle quartile			Upper middle quartile			Top quartile			Top 5%
		Low	High	Cost%	Low	High	Cost%	Low	High	Cost%	Low	High	Cost%	Cost%
1983/1984	\$1,853.21	\$30.62	\$328.12	2.32%	\$329.67	\$727.43	7.01%	\$728.89	\$2,809.56	22.39%	\$854.71	\$22,908.11	68.28%	3.03%
1984/1985	\$1,746.19	\$30.62	\$289.42	2.12%	\$291.35	\$687.94	6.70%	\$689.86	\$1,758.77	15.85%	\$1,769.24	\$37,223.64	75.33%	40.38%
1985/1986	\$1,396.34	\$30.62	\$280.08	2.80%	\$294.69	\$660.00	8.06%	\$667.52	\$1,443.92	17.98%	\$1,451.87	\$20,601.75	71.16%	32.89%
1986/1987	\$1,837.68	\$35.00	\$277.50	2.10%	\$295.66	\$773.91	6.84%	\$774.50	\$1,881.04	17.00%	\$1,899.60	\$57,928.39	74.05%	35.54%
1987/1988	\$2,130.59	\$35.00	\$359.25	2.39%	\$367.11	\$932.78	7.27%	\$940.72	\$2,271.33	17.28%	\$2,275.15	\$31,296.62	73.07%	32.32%
1988/1989	\$2,615.23	\$50.00	\$510.00	2.70%	\$518.44	\$1,315.60	8.46%	\$1,320.54	\$2,774.28	18.10%	\$2,778.40	\$58,280.15	70.73%	32.71%
1989/1990	\$3,121.72	\$50.00	\$615.48	2.74%	\$618.68	\$1,524.96	8.20%	\$1,529.20	\$3,470.88	18.53%	\$3,482.50	\$116,402.67	70.53%	34.90%
1990/1991	\$3,481.15	\$50.00	\$557.00	2.07%	\$558.75	\$1,540.00	7.42%	\$1,545.50	\$3,575.00	17.00%	\$3,641.38	\$68,216.92	73.51%	34.30%
1991/1992	\$7,144.03	\$50.00	\$968.28	1.95%	\$992.60	\$2,742.60	6.10%	\$2,745.53	\$6,962.40	15.47%	\$6,981.65	\$166,095.28	76.48%	41.52%
1992/1993	\$8,460.04	\$100.00	\$1,158.44	1.95%	\$1,160.21	\$2,821.70	5.57%	\$2,846.65	\$8,302.67	15.56%	\$8,420.40	\$127,334.49	76.92%	37.68%
1993/1994	\$8,922.60	\$121.22	\$970.75	1.60%	\$986.00	\$2,782.98	4.78%	\$2,791.78	\$8,356.88	13.92%	\$8,433.48	\$185,158.16	79.71%	42.98%
1994/1995	\$10,240.16	\$126.00	\$691.19	1.05%	\$691.57	\$2,320.95	3.22%	\$2,364.52	\$7,527.52	10.46%	\$7,585.66	\$232,798.48	85.28%	48.61%
1995/1996	\$12,767.32	\$81.00	\$843.75	1.02%	\$847.80	\$2,899.52	3.03%	\$2,943.24	\$11,738.06	12.17%	\$12,007.45	\$283,300.97	83.77%	43.63%
1996/1997	\$10,245.24	\$127.20	\$799.45	1.25%	\$804.75	\$2,455.81	3.53%	\$2,539.47	\$11,014.75	14.07%	\$11,082.55	\$257,806.90	81.16%	37.30%
1997/1998	\$9,392.66	\$78.55	\$596.62	1.00%	\$596.63	\$1,786.84	2.71%	\$1,807.83	\$9,420.39	12.08%	\$9,484.21	\$132,398.11	84.21%	37.79%
1998/1999	\$8,122.19	\$76.50	\$662.40	1.28%	\$663.55	\$2,210.40	3.91%	\$2,228.83	\$8,191.53	14.83%	\$8,318.64	\$81,549.22	79.98%	34.02%
1999/2000	\$10,013.08	\$81.00	\$834.25	1.17%	\$837.00	\$2,790.00	4.15%	\$2,871.00	\$12,679.49	16.61%	\$12,686.95	\$76,920.70	78.08%	29.73%
2000/2001	\$10,726.45	\$81.00	\$652.61	0.94%	\$657.91	\$1,973.21	2.74%	\$1,979.70	\$10,661.85	10.80%	\$10,926.00	\$238,026.71	85.51%	41.44%
2001/2002	\$9,783.65	\$34.20	\$720.00	1.19%	\$722.12	\$1,828.50	2.90%	\$1,856.16	\$9,073.79	10.79%	\$9,089.47	\$226,741.14	85.12%	43.57%
2002/2003	\$13,901.97	\$63.00	\$720.00	0.75%	\$720.00	\$2,401.80	2.39%	\$2,445.16	\$9,589.30	9.74%	\$9,661.95	\$276,021.41	87.12%	47.33%

Appendix 5: Figures and Tables

Table 5C-30: Category IV criminal case costs by quartiles (youth)

Fiscal year	Avg cost	Bottom quartile			Lower middle quartile			Upper middle quartile			Top quartile			Top 5%
		Low	High	Cost%	Low	High	Cost%	Low	High	Cost%	Low	High	Cost%	Cost%
1983/1984	\$1,551.57	\$96.25	\$207.63	3.00%	\$264.99	\$354.37	4.44%	\$807.49	\$823.75	11.68%	\$838.17	\$10,455.83	80.88%	
1984/1985	\$559.67	\$30.62	\$166.25	5.43%	\$181.87	\$267.00	8.75%	\$327.62	\$603.71	23.43%	\$1,005.12	\$2,069.40	62.39%	20.54%
1985/1986	\$1,069.84	\$65.62	\$163.40	2.93%	\$164.75	\$467.24	6.80%	\$493.34	\$1,273.57	16.15%	\$1,468.72	\$6,168.23	74.12%	19.88%
1986/1987	\$786.48	\$35.00	\$173.06	4.26%	\$183.32	\$286.45	6.85%	\$324.80	\$720.00	15.30%	\$1,147.11	\$5,698.60	73.59%	30.48%
1987/1988	\$1,626.59	\$81.25	\$155.00	2.16%	\$162.12	\$387.00	3.60%	\$394.75	\$749.04	8.58%	\$1,216.28	\$27,672.39	85.66%	58.66%
1988/1989	\$2,073.92	\$150.00	\$308.75	3.03%	\$315.55	\$537.50	5.17%	\$670.55	\$1,608.00	14.16%	\$1,805.00	\$15,311.98	77.64%	31.53%
1989/1990	\$2,386.14	\$70.25	\$450.00	2.90%	\$457.00	\$884.50	6.45%	\$972.10	\$1,486.05	12.97%	\$1,521.00	\$62,891.60	77.68%	56.46%
1990/1991	\$1,869.27	\$54.00	\$377.50	3.64%	\$399.25	\$781.75	7.49%	\$854.50	\$1,861.17	17.92%	\$1,910.17	\$18,118.25	70.95%	28.55%
1991/1992	\$4,246.09	\$102.50	\$700.00	2.47%	\$718.75	\$1,200.00	5.12%	\$1,206.00	\$2,855.40	9.70%	\$2,900.00	\$41,446.84	82.71%	41.29%
1992/1993	\$5,706.06	\$150.00	\$800.00	2.29%	\$805.40	\$1,190.35	4.24%	\$1,212.00	\$2,315.69	7.39%	\$3,410.95	\$76,744.94	86.07%	43.79%
1993/1994	\$3,480.69	\$245.00	\$727.32	3.55%	\$731.80	\$1,310.37	7.44%	\$1,320.57	\$2,625.48	11.69%	\$2,929.59	\$63,938.24	77.32%	41.99%
1994/1995	\$10,962.48	\$255.00	\$713.45	1.22%	\$720.00	\$1,453.50	2.29%	\$1,518.75	\$5,485.34	7.83%	\$6,274.82	\$233,128.51	88.66%	67.95%
1995/1996	\$11,104.95	\$135.00	\$638.50	0.99%	\$662.00	\$1,969.52	2.54%	\$2,173.41	\$15,890.47	15.42%	\$24,100.40	\$83,717.69	81.05%	31.52%
1996/1997	\$5,567.96	\$274.65	\$675.90	2.14%	\$722.99	\$1,144.41	4.13%	\$1,319.10	\$5,458.58	13.71%	\$5,566.73	\$45,986.07	80.02%	38.67%
1997/1998	\$6,538.32	\$78.90	\$383.00	1.02%	\$398.85	\$1,202.29	2.43%	\$1,300.50	\$4,480.87	10.34%	\$5,147.04	\$52,841.83	86.21%	36.41%
1998/1999	\$4,330.16	\$86.45	\$396.45	1.52%	\$425.50	\$702.24	3.01%	\$765.00	\$4,052.50	13.36%	\$4,492.30	\$45,614.50	82.11%	37.06%
1999/2000	\$5,255.65	\$131.84	\$382.50	1.30%	\$384.54	\$686.37	2.40%	\$702.00	\$1,422.00	4.86%	\$1,908.95	\$62,424.84	91.44%	57.28%
2000/2001	\$2,855.65	\$243.00	\$458.71	3.36%	\$464.56	\$918.75	5.26%	\$977.75	\$4,361.10	17.70%	\$5,080.20	\$15,812.27	73.69%	25.37%
2001/2002	\$4,324.74	\$261.00	\$540.37	2.32%	\$589.83	\$1,002.81	4.56%	\$1,014.63	\$2,831.96	9.88%	\$3,002.85	\$33,343.11	83.24%	36.23%
2002/2003	\$6,068.98	\$281.14	\$493.42	1.64%	\$515.70	\$919.03	2.95%	\$951.84	\$3,330.69	8.08%	\$3,628.80	\$52,042.30	87.32%	42.05%

Table 5C-31: Average criminal case costs by maximum offence category (adult & youth)

Fiscal Year	All Categories			Category I			Category II			Category III			Category IV		
	Total	Fees	Disb	Total	Fees	Disb	Total	Fees	Disb	Total	Fees	Disb	Total	Fees	Disb
1983/1984	\$320.75	\$293.90	\$26.85	\$185.63	\$172.61	\$13.02	\$197.64	\$186.54	\$11.10	\$340.25	\$316.27	\$23.98	\$1,845.77	\$1,480.57	\$365.21
1984/1985	\$304.61	\$278.82	\$25.79	\$169.32	\$159.51	\$9.80	\$182.25	\$171.25	\$10.99	\$341.59	\$316.36	\$25.23	\$1,695.10	\$1,351.06	\$344.04
1985/1986	\$295.11	\$269.01	\$26.10	\$193.53	\$178.13	\$15.40	\$194.59	\$181.28	\$13.30	\$336.39	\$310.02	\$26.37	\$1,374.72	\$1,082.43	\$292.29
1986/1987	\$309.31	\$284.52	\$24.79	\$197.89	\$185.77	\$12.12	\$212.47	\$200.97	\$11.50	\$348.91	\$323.17	\$25.74	\$1,739.50	\$1,396.23	\$343.27
1987/1988	\$362.33	\$337.03	\$25.31	\$232.21	\$220.93	\$11.28	\$250.48	\$239.84	\$10.63	\$407.53	\$380.16	\$27.37	\$2,097.29	\$1,741.90	\$355.39
1988/1989	\$422.24	\$392.99	\$29.25	\$267.30	\$252.50	\$14.80	\$279.43	\$267.61	\$11.81	\$480.93	\$449.00	\$31.94	\$2,565.04	\$2,156.71	\$408.33
1989/1990	\$481.75	\$448.68	\$33.07	\$279.06	\$263.65	\$15.41	\$297.42	\$284.45	\$12.97	\$567.05	\$530.12	\$36.93	\$3,046.97	\$2,591.53	\$455.43
1990/1991	\$494.51	\$464.76	\$29.75	\$316.57	\$302.90	\$13.67	\$294.64	\$281.47	\$13.18	\$576.35	\$541.81	\$34.54	\$3,324.66	\$2,986.08	\$338.58
1991/1992	\$954.93	\$913.08	\$41.85	\$536.44	\$518.04	\$18.40	\$541.46	\$526.59	\$14.87	\$1,130.97	\$1,086.61	\$44.36	\$6,774.64	\$6,090.10	\$684.55
1992/1993	\$938.77	\$892.78	\$46.00	\$408.03	\$394.49	\$13.54	\$457.93	\$442.68	\$15.25	\$1,091.51	\$1,043.97	\$47.54	\$8,165.86	\$7,450.09	\$715.77
1993/1994	\$883.94	\$837.03	\$46.91	\$665.97	\$643.08	\$22.88	\$401.81	\$383.74	\$18.08	\$1,000.66	\$952.47	\$48.18	\$8,297.77	\$7,624.16	\$673.61
1994/1995	\$792.16	\$730.69	\$61.47	\$335.99	\$313.74	\$22.26	\$378.94	\$357.54	\$21.41	\$858.41	\$805.73	\$52.68	\$10,308.33	\$8,959.34	\$1,348.99
1995/1996	\$829.11	\$765.10	\$64.01	\$289.07	\$269.40	\$19.67	\$402.22	\$378.15	\$24.07	\$890.25	\$837.43	\$52.82	\$12,586.40	\$11,013.79	\$1,572.62
1996/1997	\$853.57	\$791.30	\$62.27	\$312.91	\$290.44	\$22.47	\$416.49	\$391.19	\$25.29	\$936.83	\$881.65	\$55.18	\$9,610.47	\$8,402.27	\$1,208.19
1997/1998	\$808.24	\$750.47	\$57.77	\$269.50	\$248.83	\$20.68	\$387.04	\$369.41	\$17.62	\$755.38	\$714.24	\$41.14	\$8,970.39	\$7,916.19	\$1,054.20
1998/1999	\$772.96	\$714.71	\$58.25	\$326.91	\$290.32	\$36.60	\$391.72	\$372.34	\$19.38	\$764.76	\$717.28	\$47.48	\$7,741.47	\$6,833.26	\$908.21
1999/2000	\$871.52	\$804.63	\$66.89	\$299.16	\$281.38	\$17.78	\$467.36	\$444.66	\$22.70	\$879.90	\$819.41	\$60.49	\$9,490.17	\$8,377.94	\$1,112.24
2000/2001	\$925.44	\$846.57	\$78.88	\$307.59	\$279.81	\$27.77	\$458.15	\$432.78	\$25.38	\$948.11	\$880.74	\$67.38	\$10,010.92	\$8,680.87	\$1,330.05
2001/2002	\$920.02	\$833.30	\$86.72	\$298.74	\$271.91	\$26.84	\$492.01	\$461.85	\$30.16	\$1,000.26	\$916.78	\$83.49	\$9,028.41	\$7,674.47	\$1,353.94
2002/2003	\$1,064.84	\$972.34	\$92.50	\$269.13	\$254.37	\$14.76	\$501.52	\$473.09	\$28.43	\$1,050.61	\$967.26	\$83.35	\$12,962.01	\$11,424.20	\$1,537.81

Appendix 5: Figures and Tables

Table 5C-32: Average criminal case costs by maximum offence category (adult)

Fiscal year	All Categories			Category I			Category II			Category III			Category IV		
	Total	Fees	Disb	Total	Fees	Disb	Total	Fees	Disb	Total	Fees	Disb	Total	Fees	Disb
1983/1984	\$323.61	\$296.27	\$27.35	\$186.67	\$173.51	\$13.16	\$197.73	\$186.55	\$11.18	\$345.37	\$320.68	\$24.68	\$1,853.21	\$1,486.81	\$366.40
1984/1985	\$315.61	\$288.30	\$27.31	\$172.50	\$162.28	\$10.22	\$182.95	\$171.72	\$11.23	\$357.22	\$330.37	\$26.85	\$1,746.19	\$1,392.24	\$353.95
1985/1986	\$311.91	\$283.28	\$28.63	\$200.29	\$183.42	\$16.87	\$196.38	\$182.53	\$13.85	\$364.96	\$335.23	\$29.73	\$1,396.34	\$1,101.36	\$294.98
1986/1987	\$329.16	\$301.45	\$27.71	\$207.92	\$194.09	\$13.83	\$215.73	\$203.67	\$12.06	\$375.11	\$346.53	\$28.58	\$1,837.68	\$1,468.22	\$369.46
1987/1988	\$385.17	\$356.99	\$28.18	\$242.78	\$230.24	\$12.54	\$256.45	\$245.35	\$11.10	\$433.64	\$403.29	\$30.35	\$2,130.59	\$1,770.22	\$360.36
1988/1989	\$448.36	\$416.25	\$32.11	\$273.61	\$257.41	\$16.20	\$287.75	\$275.41	\$12.34	\$511.00	\$476.16	\$34.84	\$2,615.23	\$2,202.53	\$412.70
1989/1990	\$517.27	\$480.56	\$36.71	\$290.17	\$273.18	\$16.99	\$307.24	\$293.78	\$13.46	\$609.56	\$568.50	\$41.06	\$3,121.72	\$2,661.08	\$460.64
1990/1991	\$530.28	\$496.94	\$33.34	\$335.70	\$320.22	\$15.48	\$302.01	\$287.82	\$14.19	\$614.11	\$576.10	\$38.01	\$3,481.15	\$3,123.00	\$358.15
1991/1992	\$1,012.10	\$965.32	\$46.78	\$551.56	\$531.39	\$20.16	\$551.20	\$535.36	\$15.84	\$1,197.82	\$1,148.81	\$49.00	\$7,144.03	\$6,406.29	\$737.75
1992/1993	\$990.91	\$939.52	\$51.39	\$423.17	\$408.80	\$14.37	\$464.74	\$448.81	\$15.93	\$1,134.69	\$1,082.42	\$52.27	\$8,460.04	\$7,700.61	\$759.43
1993/1994	\$951.62	\$897.86	\$53.76	\$755.28	\$728.35	\$26.92	\$409.78	\$389.94	\$19.84	\$1,059.46	\$1,004.85	\$54.61	\$8,922.60	\$8,189.36	\$733.25
1994/1995	\$859.70	\$787.32	\$72.38	\$373.91	\$346.51	\$27.40	\$389.29	\$365.66	\$23.63	\$929.72	\$868.87	\$60.86	\$10,240.16	\$8,817.18	\$1,422.98
1995/1996	\$909.80	\$838.09	\$71.71	\$318.91	\$294.65	\$24.27	\$415.53	\$388.93	\$26.60	\$965.38	\$905.28	\$60.11	\$12,767.32	\$11,260.21	\$1,507.11
1996/1997	\$946.63	\$873.54	\$73.09	\$346.59	\$319.53	\$27.06	\$438.62	\$409.83	\$28.78	\$1,013.27	\$951.58	\$61.69	\$10,245.24	\$8,903.76	\$1,341.48
1997/1998	\$884.96	\$817.83	\$67.13	\$294.14	\$267.32	\$26.82	\$409.57	\$389.90	\$19.67	\$792.74	\$747.61	\$45.13	\$9,392.66	\$8,254.43	\$1,138.23
1998/1999	\$858.55	\$790.14	\$68.41	\$378.75	\$328.86	\$49.89	\$415.08	\$393.25	\$21.83	\$809.28	\$757.43	\$51.86	\$8,122.19	\$7,143.62	\$978.57
1999/2000	\$962.22	\$886.40	\$75.81	\$326.97	\$305.42	\$21.56	\$496.20	\$471.58	\$24.62	\$930.87	\$865.44	\$65.43	\$10,013.08	\$8,850.79	\$1,162.29
2000/2001	\$1,024.80	\$933.96	\$90.84	\$328.99	\$297.54	\$31.45	\$479.46	\$451.75	\$27.71	\$998.83	\$926.16	\$72.67	\$10,726.45	\$9,287.38	\$1,439.07
2001/2002	\$1,008.64	\$909.73	\$98.90	\$317.14	\$284.90	\$32.24	\$522.28	\$488.84	\$33.45	\$1,061.59	\$971.40	\$90.19	\$9,783.65	\$8,271.80	\$1,511.85
2002/2003	\$1,170.83	\$1,066.09	\$104.73	\$269.90	\$254.23	\$15.66	\$526.40	\$495.92	\$30.48	\$1,106.07	\$1,016.80	\$89.27	\$13,901.97	\$12,233.80	\$1,668.17

Table 5C-33: Average criminal case costs by maximum offence category (youth)

Fiscal Year	All Categories			Category I			Category II			Category III			Category IV		
	Total	Fees	Disb	Total	Fees	Disb	Total	Fees	Disb	Total	Fees	Disb	Total	Fees	Disb
1983/1984	\$246.13	\$232.32	\$13.81	\$142.25	\$135.02	\$7.23	\$192.94	\$186.11	\$6.83	\$238.07	\$228.10	\$9.97	\$1,551.57	\$1,233.75	\$317.82
1984/1985	\$203.56	\$191.79	\$11.77	\$143.57	\$137.12	\$6.45	\$173.47	\$165.42	\$8.06	\$217.12	\$204.79	\$12.33	\$559.67	\$436.04	\$123.63
1985/1986	\$207.95	\$195.00	\$12.95	\$158.57	\$150.77	\$7.80	\$182.01	\$172.53	\$9.48	\$214.11	\$202.11	\$12.00	\$1,069.84	\$815.45	\$254.39
1986/1987	\$224.09	\$211.81	\$12.28	\$165.81	\$159.15	\$6.66	\$196.40	\$187.64	\$8.76	\$243.25	\$228.95	\$14.29	\$786.48	\$697.38	\$89.10
1987/1988	\$263.27	\$250.45	\$12.82	\$194.63	\$187.83	\$6.80	\$225.39	\$216.72	\$8.67	\$290.12	\$276.13	\$13.99	\$1,626.59	\$1,341.42	\$285.17
1988/1989	\$315.21	\$297.70	\$17.51	\$241.43	\$232.40	\$9.03	\$248.05	\$238.20	\$9.85	\$352.88	\$333.31	\$19.57	\$2,073.92	\$1,708.33	\$365.59
1989/1990	\$342.52	\$323.69	\$18.83	\$244.09	\$233.64	\$10.45	\$260.12	\$249.02	\$11.11	\$392.70	\$372.72	\$19.98	\$2,386.14	\$1,976.75	\$409.39
1990/1991	\$358.39	\$342.30	\$16.09	\$248.17	\$240.99	\$7.18	\$268.92	\$259.28	\$9.65	\$425.10	\$404.47	\$20.63	\$1,869.27	\$1,712.70	\$156.57
1991/1992	\$716.07	\$694.81	\$21.26	\$471.11	\$460.31	\$10.80	\$503.49	\$492.42	\$11.07	\$843.09	\$818.73	\$24.35	\$4,246.09	\$3,925.71	\$320.37
1992/1993	\$717.99	\$694.83	\$23.16	\$345.44	\$335.32	\$10.12	\$431.51	\$418.90	\$12.61	\$899.77	\$873.24	\$26.53	\$5,706.06	\$5,355.35	\$350.71
1993/1994	\$623.92	\$603.31	\$20.61	\$314.46	\$307.46	\$7.00	\$368.44	\$357.74	\$10.71	\$795.05	\$769.34	\$25.71	\$3,480.69	\$3,266.89	\$213.80
1994/1995	\$565.59	\$540.70	\$24.88	\$232.46	\$224.25	\$8.21	\$339.64	\$326.68	\$12.96	\$640.18	\$612.52	\$27.66	\$10,962.48	\$10,323.45	\$639.03
1995/1996	\$551.38	\$513.86	\$37.52	\$219.24	\$210.31	\$8.93	\$354.55	\$339.55	\$15.00	\$625.76	\$598.58	\$27.19	\$11,104.95	\$8,995.92	\$2,109.03
1996/1997	\$541.06	\$515.12	\$25.94	\$223.92	\$213.56	\$10.36	\$351.47	\$336.43	\$15.04	\$648.65	\$617.99	\$30.66	\$5,567.96	\$5,208.63	\$359.33
1997/1998	\$563.31	\$535.43	\$27.88	\$219.33	\$211.17	\$8.16	\$325.26	\$313.25	\$12.00	\$618.32	\$591.83	\$26.48	\$6,538.32	\$5,968.09	\$570.23
1998/1999	\$465.34	\$443.62	\$21.72	\$211.80	\$204.74	\$7.06	\$326.53	\$314.00	\$12.52	\$561.92	\$534.38	\$27.54	\$4,330.16	\$4,052.36	\$277.80
1999/2000	\$510.31	\$478.98	\$31.33	\$235.09	\$226.01	\$9.08	\$375.11	\$358.54	\$16.56	\$608.44	\$574.28	\$34.16	\$5,255.65	\$4,548.72	\$706.93
2000/2001	\$504.46	\$476.27	\$28.19	\$249.91	\$232.06	\$17.85	\$388.44	\$370.70	\$17.74	\$659.23	\$621.98	\$37.25	\$2,855.65	\$2,615.83	\$239.82
2001/2002	\$537.09	\$503.00	\$34.08	\$244.23	\$233.40	\$10.83	\$387.51	\$368.69	\$18.82	\$651.05	\$605.75	\$45.30	\$4,324.74	\$3,954.27	\$370.47
2002/2003	\$616.40	\$575.67	\$40.73	\$266.77	\$254.77	\$12.01	\$419.36	\$397.67	\$21.69	\$743.32	\$692.75	\$50.57	\$6,068.98	\$5,487.14	\$581.83

Appendix 5: Figures and Tables

Table 5C-34: Family case costs by quartiles

Fiscal year	Average cost	Bottom quartile			Lower middle quartile			Upper middle quartile			Top quartile			Top 5%
		Low	High	Cost%	Low	High	Cost%	Low	High	Cost%	Low	High	Cost%	Cost%
1983/1984	\$438.14	\$17.50	\$212.50	6.89%	\$212.62	\$309.94	14.50%	\$310.00	\$503.06	22.23%	\$503.25	\$10,171.00	56.37%	22.44%
1984/1985	\$466.65	\$8.75	\$215.62	6.74%	\$215.75	\$314.67	13.86%	\$314.93	\$530.50	21.47%	\$530.54	\$10,739.66	57.92%	24.51%
1985/1986	\$460.29	\$3.50	\$216.70	6.68%	\$216.80	\$316.00	14.31%	\$316.00	\$532.09	22.00%	\$532.50	\$10,684.30	57.02%	23.31%
1986/1987	\$480.35	\$12.00	\$240.00	6.94%	\$240.00	\$338.39	14.82%	\$338.40	\$556.51	22.34%	\$556.75	\$21,047.52	55.89%	22.74%
1987/1988	\$559.09	\$10.50	\$265.00	6.87%	\$265.19	\$411.50	15.15%	\$411.50	\$659.50	23.07%	\$659.90	\$11,286.04	54.90%	21.29%
1988/1989	\$616.10	\$10.00	\$246.50	5.85%	\$246.50	\$482.50	14.76%	\$482.50	\$774.75	24.87%	\$775.00	\$15,747.86	54.52%	19.96%
1989/1990	\$641.44	\$10.00	\$277.50	5.56%	\$277.50	\$528.00	15.45%	\$528.25	\$827.50	25.95%	\$827.75	\$17,078.65	53.04%	18.91%
1990/1991	\$641.25	\$5.00	\$260.25	5.16%	\$260.50	\$525.00	15.26%	\$525.00	\$833.18	26.03%	\$833.21	\$23,941.80	53.55%	19.29%
1991/1992	\$1,201.37	\$10.00	\$401.25	4.22%	\$401.35	\$882.00	13.07%	\$882.00	\$1,642.00	25.45%	\$1,642.35	\$24,398.48	57.25%	19.78%
1992/1993	\$1,356.12	\$8.00	\$431.10	3.99%	\$431.45	\$1,003.20	12.88%	\$1,003.25	\$1,861.36	25.65%	\$1,861.38	\$28,086.07	57.48%	19.80%
1993/1994	\$1,516.44	\$7.92	\$481.80	4.01%	\$481.90	\$1,126.61	12.92%	\$1,126.75	\$2,092.69	25.77%	\$2,093.15	\$40,051.23	57.30%	19.26%
1994/1995	\$1,683.98	\$7.65	\$533.05	4.09%	\$533.20	\$1,162.00	12.34%	\$1,162.11	\$2,221.58	24.22%	\$2,222.00	\$32,647.65	59.36%	22.07%
1995/1996	\$1,767.77	\$15.20	\$551.00	4.11%	\$551.00	\$1,173.80	12.10%	\$1,173.86	\$2,244.16	22.98%	\$2,244.30	\$30,952.94	60.81%	23.43%
1996/1997	\$1,753.57	\$8.35	\$612.25	4.64%	\$612.29	\$1,226.40	12.91%	\$1,226.40	\$2,225.85	23.50%	\$2,226.33	\$27,888.05	58.95%	22.53%
1997/1998	\$1,795.06	\$14.40	\$586.66	4.40%	\$586.80	\$1,177.20	12.15%	\$1,177.20	\$2,200.48	22.41%	\$2,201.39	\$29,671.40	61.04%	24.29%
1998/1999	\$1,890.52	\$9.75	\$615.04	4.40%	\$615.60	\$1,256.15	12.43%	\$1,256.63	\$2,402.39	23.10%	\$2,403.14	\$44,427.49	60.07%	23.41%
1999/2000	\$1,834.83	\$14.40	\$607.98	4.58%	\$608.04	\$1,212.28	12.38%	\$1,212.56	\$2,273.96	22.71%	\$2,274.38	\$42,885.70	60.33%	23.60%
2000/2001	\$1,775.32	-\$254.81	\$609.12	4.68%	\$609.23	\$1,188.74	12.58%	\$1,188.75	\$2,253.03	23.18%	\$2,253.73	\$30,210.43	59.55%	23.08%
2001/2002	\$1,521.54	\$22.39	\$601.19	5.63%	\$602.04	\$1,126.20	14.33%	\$1,126.27	\$1,946.60	24.35%	\$1,946.91	\$25,327.44	55.69%	20.01%
2002/2003	\$1,402.54	\$20.93	\$648.00	6.89%	\$648.00	\$1,106.24	15.99%	\$1,106.40	\$1,694.69	24.55%	\$1,695.80	\$20,639.20	52.57%	20.41%

Table 5C-35: Child protection case costs by quartiles

Fiscal year	Average cost	Bottom quartile			Lower middle quartile			Upper middle quartile			Top quartile			Top 5%
		Low	High	Cost%	Low	High	Cost%	Low	High	Cost%	Low	High	Cost%	Cost%
1994/1995	\$1,494.87	\$68.40	\$533.20	5.51%	\$535.15	\$922.50	11.93%	\$925.45	\$1,697.70	20.79%	\$1,718.58	\$17,791.66	61.78%	25.83%
1995/1996	\$1,483.79	\$47.52	\$573.15	6.21%	\$573.30	\$941.35	12.40%	\$945.60	\$1,733.14	21.41%	\$1,738.20	\$20,007.76	59.99%	24.10%
1996/1997	\$1,931.89	\$23.85	\$627.70	5.27%	\$629.50	\$1,155.95	11.30%	\$1,156.01	\$2,032.82	20.10%	\$2,034.47	\$109,744.17	63.33%	29.78%
1997/1998	\$1,690.08	\$28.80	\$618.00	5.84%	\$618.50	\$1,103.08	12.48%	\$1,104.82	\$1,979.82	21.96%	\$1,981.28	\$20,686.83	59.72%	23.84%
1998/1999	\$1,671.75	\$36.00	\$616.44	5.74%	\$616.46	\$1,119.60	12.70%	\$1,120.00	\$2,016.00	22.36%	\$2,016.00	\$30,709.00	59.20%	23.06%
1999/2000	\$1,655.14	\$21.60	\$629.75	5.88%	\$632.42	\$1,156.94	13.57%	\$1,157.99	\$1,967.02	22.70%	\$1,971.33	\$31,595.06	57.85%	23.19%
2000/2001	\$1,585.85	\$19.29	\$612.00	6.10%	\$612.00	\$1,121.45	13.47%	\$1,123.45	\$1,933.20	23.23%	\$1,937.42	\$43,396.75	57.20%	22.45%
2001/2002	\$1,589.71	\$21.60	\$600.45	5.81%	\$601.47	\$1,097.00	13.28%	\$1,099.28	\$1,870.06	22.65%	\$1,872.00	\$28,987.95	58.26%	23.46%
2002/2003	\$1,679.00	\$36.00	\$712.44	6.49%	\$712.80	\$1,196.91	14.14%	\$1,197.39	\$2,041.32	23.34%	\$2,044.80	\$13,524.74	56.03%	21.09%

Table 5C-36: Average Immigration case costs (fees & disbursements) — All cases including appeals

Fiscal year	Average cost	Bottom quartile		Lower middle quartile		Upper middle quartile		Top quartile		Top 5%	
		Average Cost	Cost%	Average Cost	Cost%	Average Cost	Cost%	Average Cost	Cost%	Average Cost	Cost%
1992/1993	\$1,736.83	\$451.15	6.49%	\$1,177.05	16.95%	\$1,929.38	27.78%	\$3,387.81	48.78%	\$5,158.99	14.86%
1993/1994	\$1,963.76	\$577.37	7.35%	\$1,388.74	17.68%	\$2,176.10	27.70%	\$3,712.85	47.27%	\$5,277.71	13.49%
1994/1995	\$1,913.03	\$504.00	6.59%	\$1,322.82	17.29%	\$2,142.69	28.00%	\$3,682.63	48.13%	\$5,345.27	13.94%
1995/1996	\$1,950.00	\$499.41	6.40%	\$1,338.25	17.18%	\$2,175.39	27.86%	\$3,784.35	48.57%	\$5,602.86	14.41%
1996/1997	\$1,840.65	\$429.05	5.84%	\$1,288.76	17.50%	\$2,054.17	27.89%	\$3,593.45	48.78%	\$5,370.62	14.64%
1997/1998	\$1,613.75	\$408.97	6.34%	\$1,128.84	17.49%	\$1,810.75	28.05%	\$3,106.43	48.12%	\$4,569.07	14.13%
1998/1999	\$1,625.64	\$376.56	5.79%	\$1,205.96	18.55%	\$1,863.05	28.65%	\$3,056.99	47.01%	\$4,255.03	13.13%
1999/2000	\$1,611.31	\$354.19	5.49%	\$1,191.51	18.49%	\$1,871.86	29.05%	\$3,025.85	46.96%	\$4,617.45	14.31%
2000/2001	\$1,632.10	\$313.55	4.81%	\$1,159.30	17.75%	\$1,898.97	29.08%	\$3,158.67	48.36%	\$4,724.11	14.47%
2001/2002	\$1,581.03	\$335.51	5.31%	\$1,109.89	17.55%	\$1,833.53	28.99%	\$3,045.17	48.15%	\$4,500.03	14.21%
2002/2003	\$1,381.31	\$201.21	3.64%	\$905.85	16.40%	\$1,595.81	28.90%	\$2,820.13	51.07%	\$4,289.69	15.51%

Table 5C-37: Average Immigration case costs (fees & disbursements) — Non-appeal cases

Fiscal year	Average cost	Bottom quartile		Lower middle quartile		Upper middle quartile		Top quartile		Top 5%	
		Average Cost	Cost%	Average Cost	Cost%	Average Cost	Cost%	Average Cost	Cost%	Average Cost	Cost%
1992/1993	\$1,733.51	\$451.99	6.51%	\$1,175.52	16.96%	\$1,924.63	27.77%	\$3,379.93	48.76%	\$5,150.81	14.89%
1993/1994	\$1,941.31	\$570.71	7.34%	\$1,378.20	17.76%	\$2,155.56	27.77%	\$3,658.15	47.13%	\$5,171.84	13.28%
1994/1995	\$1,892.29	\$494.91	6.54%	\$1,308.74	17.29%	\$2,126.58	28.10%	\$3,638.94	48.08%	\$5,258.72	13.83%
1995/1996	\$1,933.34	\$498.80	6.44%	\$1,330.79	17.22%	\$2,160.08	27.95%	\$3,740.55	48.40%	\$5,490.99	14.18%
1996/1997	\$1,822.78	\$384.32	5.26%	\$1,287.96	17.68%	\$2,041.14	28.01%	\$3,574.23	49.05%	\$5,350.40	14.72%
1997/1998	\$1,601.26	\$391.97	6.13%	\$1,151.33	17.96%	\$1,815.51	28.33%	\$3,049.06	47.58%	\$4,443.10	13.80%
1998/1999	\$1,591.36	\$336.98	5.29%	\$1,197.10	18.81%	\$1,863.70	29.28%	\$2,967.68	46.62%	\$4,112.93	12.92%
1999/2000	\$1,585.29	\$327.01	5.16%	\$1,234.28	19.46%	\$1,907.75	30.07%	\$2,874.39	45.31%	\$4,211.78	13.33%
2000/2001	\$1,589.63	\$229.93	3.62%	\$1,145.71	18.00%	\$1,929.88	30.38%	\$3,055.09	48.00%	\$4,550.73	14.30%
2001/2002	\$1,572.18	\$307.83	4.89%	\$1,129.19	17.96%	\$1,861.18	29.60%	\$2,990.50	47.55%	\$4,403.04	13.95%
2002/2003	\$1,326.76	\$157.13	2.97%	\$819.39	15.43%	\$1,648.02	31.03%	\$2,685.38	50.57%	\$3,914.81	14.82%

Table 5C-38: Average Immigration case costs (fees & disbursements) — Appeals

Fiscal year	Average cost	Bottom quartile		Lower middle quartile		Upper middle quartile		Top quartile		Top 5%	
		Average Cost	Cost%	Average Cost	Cost%	Average Cost	Cost%	Average Cost	Cost%	Average Cost	Cost%
1992/1993	\$1,934.28	\$401.01	5.18%	\$1,269.36	16.41%	\$2,278.25	29.45%	\$3,788.49	48.97%	\$5,538.70	13.02%
1993/1994	\$2,515.03	\$775.47	7.98%	\$1,706.90	16.77%	\$2,815.10	27.65%	\$4,845.47	47.60%	\$6,789.85	12.70%
1994/1995	\$2,417.45	\$816.44	8.44%	\$1,673.72	17.31%	\$2,576.71	26.65%	\$4,602.92	47.60%	\$6,986.01	15.21%
1995/1996	\$2,377.62	\$489.33	4.93%	\$1,559.28	16.63%	\$2,499.64	26.65%	\$4,857.32	51.79%	\$7,725.68	18.31%
1996/1997	\$1,928.15	\$663.03	8.65%	\$1,269.34	16.36%	\$2,121.19	27.67%	\$3,671.81	47.33%	\$5,465.38	14.26%
1997/1998	\$1,704.58	\$542.40	7.85%	\$976.10	14.38%	\$1,783.51	26.27%	\$3,496.60	51.50%	\$5,383.39	16.13%
1998/1999	\$1,790.04	\$581.84	8.13%	\$1,234.37	17.24%	\$1,877.78	26.23%	\$3,466.16	48.41%	\$4,735.64	13.50%
1999/2000	\$1,716.00	\$470.97	6.84%	\$1,083.16	15.84%	\$1,668.21	24.22%	\$3,632.29	53.11%	\$5,978.62	17.74%
2000/2001	\$1,781.15	\$714.31	9.97%	\$1,130.15	15.89%	\$1,762.01	24.78%	\$3,510.51	49.36%	\$5,192.85	14.60%
2001/2002	\$1,637.91	\$523.36	7.99%	\$1,032.04	15.75%	\$1,599.69	24.42%	\$3,396.54	51.84%	\$4,979.79	15.37%
2002/2003	\$1,570.83	\$577.29	9.15%	\$1,010.98	16.16%	\$1,404.17	22.25%	\$3,281.06	52.44%	\$5,166.85	16.80%

Appendix 5D: Tariff case outcomes

(see following pages)

Figure 5D-1: LSS Criminal case outcome trends — Adult

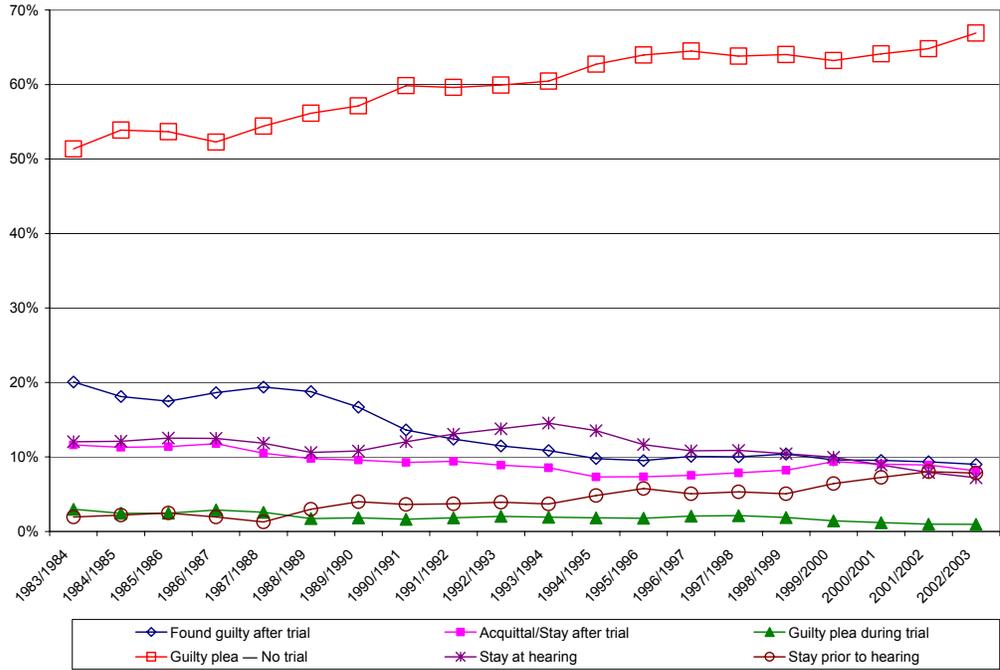
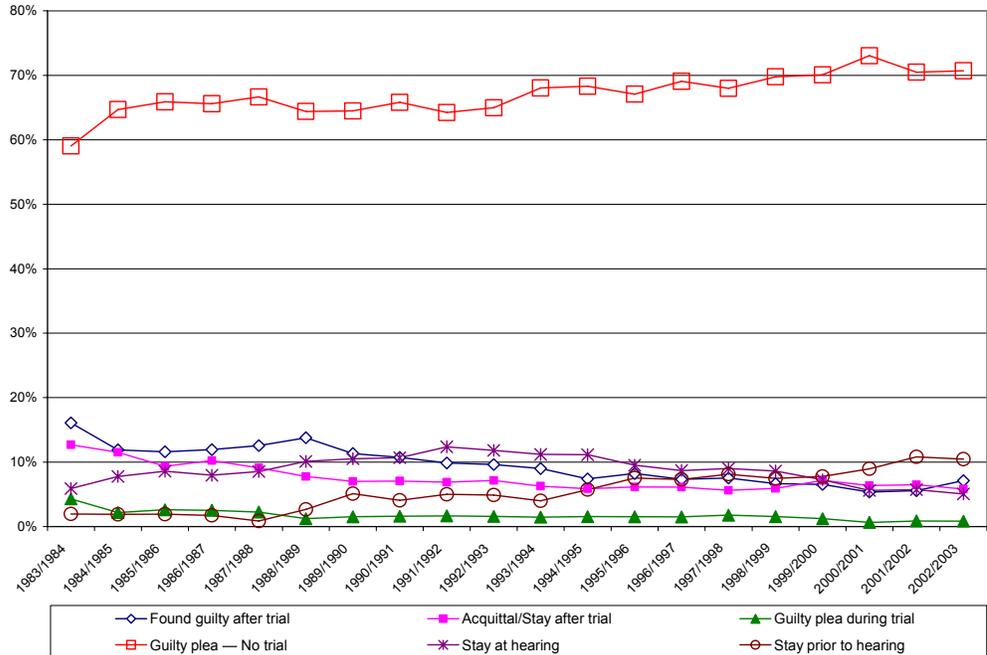


Figure 5D-2: LSS Criminal case outcome trends — Youth



Appendix 5: Figures and Tables

Figure 5D-3: LSS Criminal case outcome trends — Trial — Adult

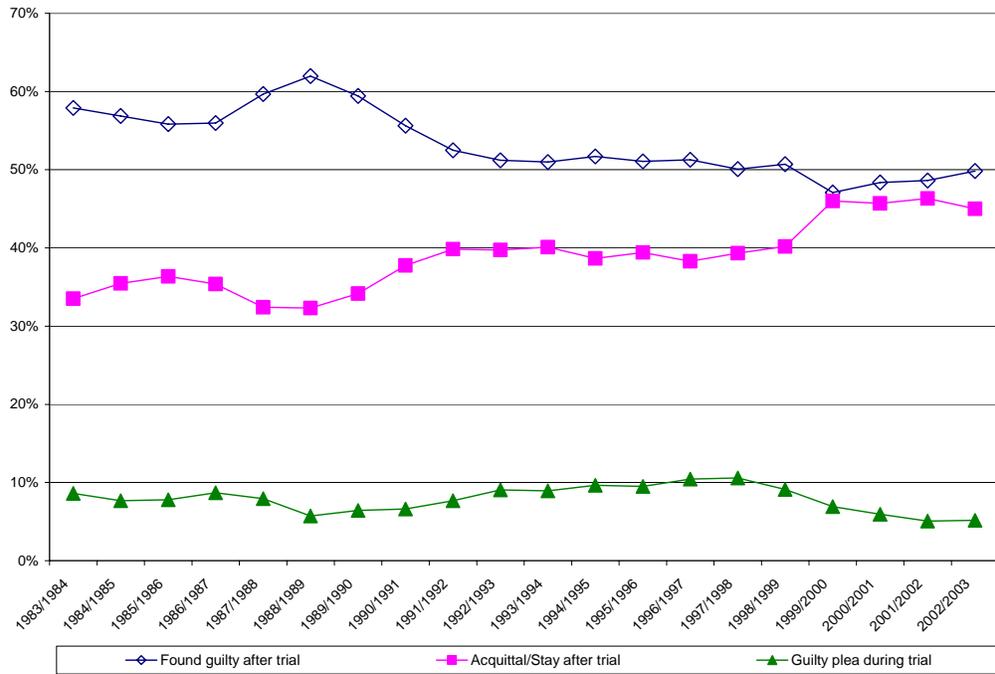


Figure 5D-4: LSS Criminal case outcome trends — Trial — Youth

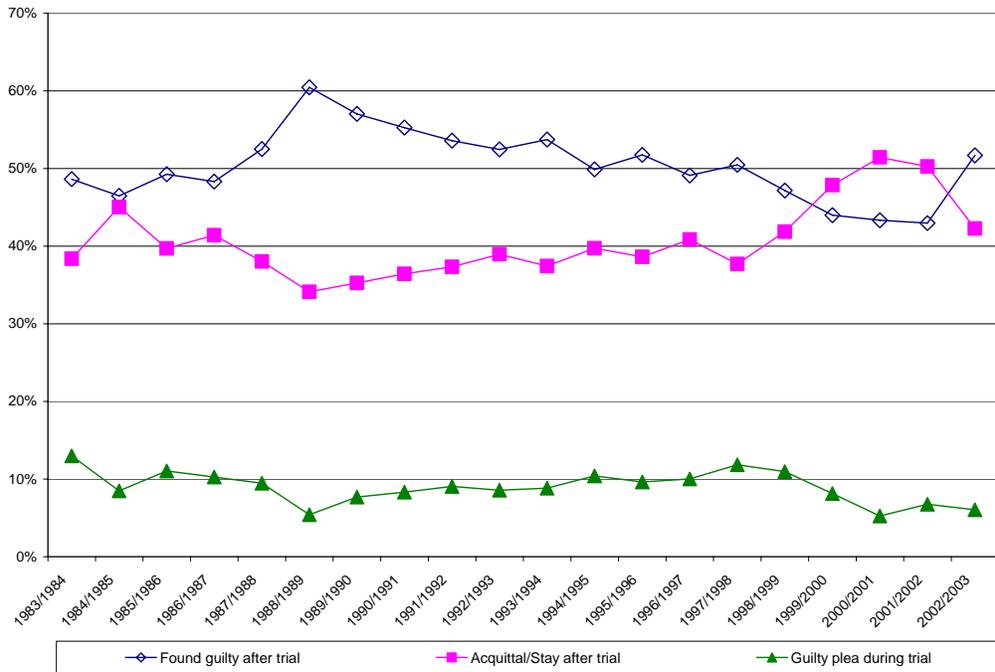


Figure 5D-5: LSS Criminal case outcome trends — No trial — Adult

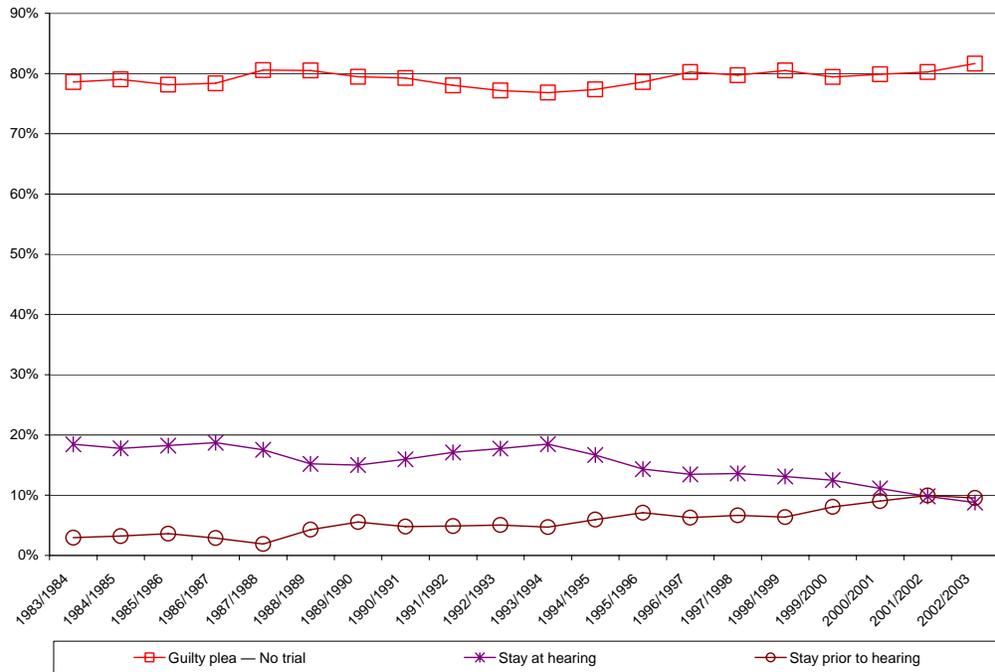
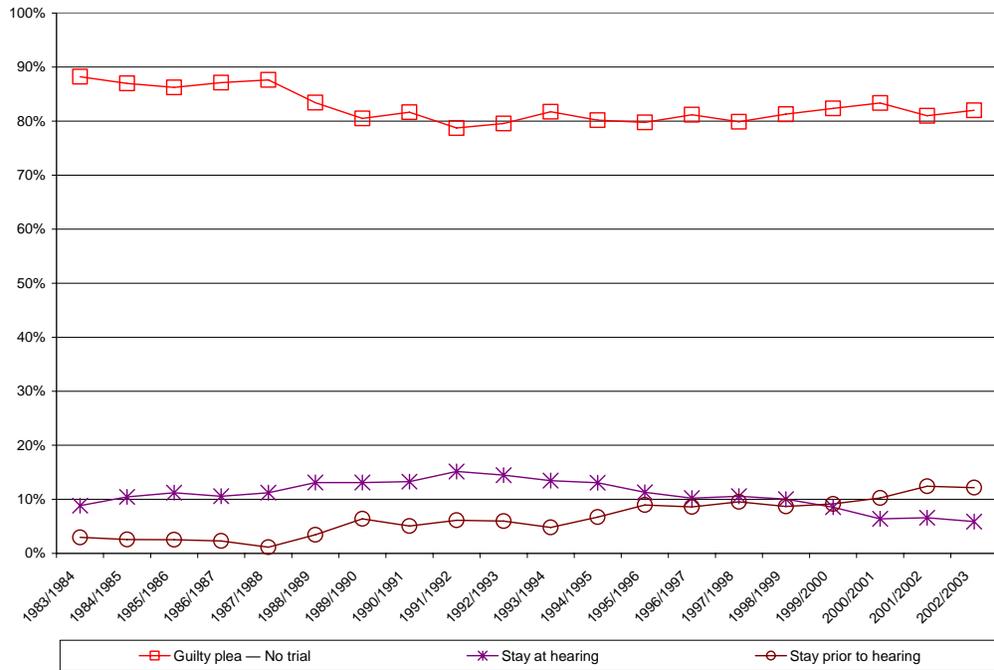


Figure 5D-6: LSS Criminal case outcome trends — No trial — Youth



Appendix 5: Figures and Tables

Table 5D-7: LSS Criminal case outcomes (adult & youth)

Fiscal year	Total	Found guilty after trial		Acquittal/Stay after trial		Guilty plea during trial		Guilty plea — No trial		Stay at hearing		Stay prior to hearing	
	Cases	Cases	%	Cases	%	Cases	%	Cases	%	Cases	%	Cases	%
1983/1984	14,155	2,819	19.92%	1,650	11.66%	430	3.04%	7,311	51.65%	1,671	11.81%	274	1.94%
1984/1985	17,954	3,132	17.44%	2,030	11.31%	433	2.41%	9,877	55.01%	2,094	11.66%	388	2.16%
1985/1986	18,765	3,094	16.49%	2,072	11.04%	464	2.47%	10,461	55.75%	2,225	11.86%	449	2.39%
1986/1987	21,363	3,699	17.31%	2,451	11.47%	602	2.82%	11,730	54.91%	2,476	11.59%	405	1.90%
1987/1988	21,490	3,875	18.03%	2,200	10.24%	540	2.51%	12,212	56.83%	2,406	11.20%	257	1.20%
1988/1989	22,635	4,017	17.75%	2,122	9.37%	368	1.63%	13,088	57.82%	2,379	10.51%	661	2.92%
1989/1990	24,454	3,802	15.55%	2,211	9.04%	427	1.75%	14,356	58.71%	2,625	10.73%	1,033	4.22%
1990/1991	26,359	3,426	13.00%	2,313	8.77%	426	1.62%	16,117	61.14%	3,097	11.75%	980	3.72%
1991/1992	32,964	3,919	11.89%	2,934	8.90%	587	1.78%	19,956	60.54%	4,259	12.92%	1,309	3.97%
1992/1993	32,647	3,623	11.10%	2,790	8.55%	633	1.94%	19,888	60.92%	4,370	13.39%	1,343	4.11%
1993/1994	30,343	3,177	10.47%	2,447	8.06%	550	1.81%	18,836	62.08%	4,194	13.82%	1,139	3.75%
1994/1995	25,157	2,320	9.22%	1,756	6.98%	442	1.76%	16,111	64.04%	3,261	12.96%	1,267	5.04%
1995/1996	24,309	2,240	9.21%	1,717	7.06%	417	1.72%	15,721	64.67%	2,714	11.16%	1,500	6.17%
1996/1997	21,087	1,990	9.44%	1,517	7.19%	405	1.92%	13,823	65.55%	2,178	10.33%	1,174	5.57%
1997/1998	18,473	1,741	9.42%	1,355	7.34%	376	2.04%	11,967	64.78%	1,930	10.45%	1,104	5.98%
1998/1999	17,864	1,711	9.58%	1,380	7.73%	321	1.80%	11,662	65.28%	1,793	10.04%	997	5.58%
1999/2000	17,499	1,575	9.00%	1,564	8.94%	240	1.37%	11,301	64.58%	1,648	9.42%	1,171	6.69%
2000/2001	16,661	1,460	8.76%	1,419	8.52%	179	1.07%	10,959	65.78%	1,384	8.31%	1,260	7.56%
2001/2002	15,786	1,369	8.67%	1,339	8.48%	151	0.96%	10,392	65.83%	1,188	7.53%	1,347	8.53%
2002/2003	16,390	1,419	8.66%	1,263	7.71%	150	0.92%	11,080	67.60%	1,115	6.80%	1,363	8.32%

Table 5D-8: LSS Criminal case outcomes (adult)

Fiscal year	Total	Found guilty after trial		Acquittal/Stay after trial		Guilty plea during trial		Guilty plea — No trial		Stay at hearing		Stay prior to hearing	
	Cases	Cases	%	Cases	%	Cases	%	Cases	%	Cases	%	Cases	%
1983/1984	13,596	2,729	20.07%	1,579	11.61%	406	2.99%	6,981	51.35%	1,638	12.05%	263	1.93%
1984/1985	16,064	2,907	18.10%	1,812	11.28%	392	2.44%	8,654	53.87%	1,947	12.12%	352	2.19%
1985/1986	15,571	2,723	17.49%	1,773	11.39%	381	2.45%	8,356	53.66%	1,951	12.53%	387	2.49%
1986/1987	17,143	3,195	18.64%	2,019	11.78%	495	2.89%	8,962	52.28%	2,140	12.48%	332	1.94%
1987/1988	17,249	3,342	19.38%	1,814	10.52%	444	2.57%	9,385	54.41%	2,044	11.85%	220	1.28%
1988/1989	18,022	3,381	18.76%	1,763	9.78%	311	1.73%	10,117	56.14%	1,912	10.61%	538	2.99%
1989/1990	19,211	3,207	16.69%	1,843	9.59%	347	1.81%	10,975	57.13%	2,074	10.80%	765	3.98%
1990/1991	20,589	2,807	13.63%	1,905	9.25%	333	1.62%	12,320	59.84%	2,480	12.05%	744	3.61%
1991/1992	26,315	3,263	12.40%	2,477	9.41%	476	1.81%	15,685	59.60%	3,437	13.06%	977	3.71%
1992/1993	26,154	2,998	11.46%	2,326	8.89%	531	2.03%	15,670	59.91%	3,603	13.78%	1,026	3.92%
1993/1994	23,859	2,593	10.87%	2,040	8.55%	454	1.90%	14,425	60.46%	3,467	14.53%	880	3.69%
1994/1995	19,243	1,883	9.79%	1,408	7.32%	351	1.82%	12,071	62.73%	2,602	13.52%	928	4.82%
1995/1996	18,754	1,783	9.51%	1,376	7.34%	332	1.77%	11,995	63.96%	2,186	11.66%	1,082	5.77%
1996/1997	16,206	1,632	10.07%	1,219	7.52%	332	2.05%	10,452	64.49%	1,754	10.82%	817	5.04%
1997/1998	14,166	1,417	10.00%	1,113	7.86%	300	2.12%	9,039	63.81%	1,543	10.89%	754	5.32%
1998/1999	13,995	1,453	10.38%	1,151	8.22%	261	1.86%	8,962	64.04%	1,460	10.43%	708	5.06%
1999/2000	14,038	1,348	9.60%	1,317	9.38%	198	1.41%	8,876	63.23%	1,397	9.95%	902	6.43%
2000/2001	13,566	1,294	9.54%	1,222	9.01%	159	1.17%	8,698	64.12%	1,211	8.93%	982	7.24%
2001/2002	12,929	1,210	9.36%	1,153	8.92%	126	0.97%	8,378	64.80%	1,024	7.92%	1,038	8.03%
2002/2003	13,384	1,205	9.00%	1,088	8.13%	125	0.93%	8,955	66.91%	963	7.20%	1,048	7.83%

Table 5D-9: LSS Criminal case outcomes (youth)

Fiscal year	Total	Found guilty after trial		Acquittal/Stay after trial		Guilty plea during trial		Guilty plea — No trial		Stay at hearing		Stay prior to hearing	
	Cases	Cases	%	Cases	%	Cases	%	Cases	%	Cases	%	Cases	%
1983/1984	559	90	16.10%	71	12.70%	24	4.29%	330	59.03%	33	5.90%	11	1.97%
1984/1985	1,890	225	11.90%	218	11.53%	41	2.17%	1,223	64.71%	147	7.78%	36	1.90%
1985/1986	3,194	371	11.62%	299	9.36%	83	2.60%	2,105	65.90%	274	8.58%	62	1.94%
1986/1987	4,220	504	11.94%	432	10.24%	107	2.54%	2,768	65.59%	336	7.96%	73	1.73%
1987/1988	4,241	533	12.57%	386	9.10%	96	2.26%	2,827	66.66%	362	8.54%	37	0.87%
1988/1989	4,613	636	13.79%	359	7.78%	57	1.24%	2,971	64.40%	467	10.12%	123	2.67%
1989/1990	5,243	595	11.35%	368	7.02%	80	1.53%	3,381	64.49%	551	10.51%	268	5.11%
1990/1991	5,770	619	10.73%	408	7.07%	93	1.61%	3,797	65.81%	617	10.69%	236	4.09%
1991/1992	6,649	656	9.87%	457	6.87%	111	1.67%	4,271	64.24%	822	12.36%	332	4.99%
1992/1993	6,493	625	9.63%	464	7.15%	102	1.57%	4,218	64.96%	767	11.81%	317	4.88%
1993/1994	6,484	584	9.01%	407	6.28%	96	1.48%	4,411	68.03%	727	11.21%	259	3.99%
1994/1995	5,914	437	7.39%	348	5.88%	91	1.54%	4,040	68.31%	659	11.14%	339	5.73%
1995/1996	5,555	457	8.23%	341	6.14%	85	1.53%	3,726	67.07%	528	9.50%	418	7.52%
1996/1997	4,881	358	7.33%	298	6.11%	73	1.50%	3,371	69.06%	424	8.69%	357	7.31%
1997/1998	4,307	324	7.52%	242	5.62%	76	1.76%	2,928	67.98%	387	8.99%	350	8.13%
1998/1999	3,869	258	6.67%	229	5.92%	60	1.55%	2,700	69.79%	333	8.61%	289	7.47%
1999/2000	3,461	227	6.56%	247	7.14%	42	1.21%	2,425	70.07%	251	7.25%	269	7.77%
2000/2001	3,095	166	5.36%	197	6.37%	20	0.65%	2,261	73.05%	173	5.59%	278	8.98%
2001/2002	2,857	159	5.57%	186	6.51%	25	0.88%	2,014	70.49%	164	5.74%	309	10.82%
2002/2003	3,006	214	7.12%	175	5.82%	25	0.83%	2,125	70.69%	152	5.06%	315	10.48%

Table 5D-10: LSS Criminal trial case outcomes (adult & youth)

Fiscal year	Total	Trial cases		Found guilty after trial		Acquittal/Stay		Guilty plea during trial		Indeterminate	
	Cases	Cases	% of Tot	Cases	% of Trial	Cases	% of Trial	Cases	% of Trial	Cases	% of Trial
1983/1984	16,998	4,930	29.00%	2,819	57.18%	1,650	33.47%	430	8.72%	31	0.63%
1984/1985	21,402	5,650	26.40%	3,132	55.43%	2,030	35.93%	433	7.66%	55	0.97%
1985/1986	22,135	5,665	25.59%	3,094	54.62%	2,072	36.58%	464	8.19%	35	0.62%
1986/1987	25,187	6,794	26.97%	3,699	54.45%	2,451	36.08%	602	8.86%	42	0.62%
1987/1988	25,946	6,668	25.70%	3,875	58.11%	2,200	32.99%	540	8.10%	53	0.79%
1988/1989	27,354	6,579	24.05%	4,017	61.06%	2,122	32.25%	368	5.59%	72	1.09%
1989/1990	29,125	6,496	22.30%	3,802	58.53%	2,211	34.04%	427	6.57%	56	0.86%
1990/1991	32,298	6,245	19.34%	3,426	54.86%	2,313	37.04%	426	6.82%	80	1.28%
1991/1992	39,616	7,566	19.10%	3,919	51.80%	2,934	38.78%	587	7.76%	126	1.67%
1992/1993	38,791	7,161	18.46%	3,623	50.59%	2,790	38.96%	633	8.84%	115	1.61%
1993/1994	35,889	6,295	17.54%	3,177	50.47%	2,447	38.87%	550	8.74%	121	1.92%
1994/1995	29,277	4,603	15.72%	2,320	50.40%	1,756	38.15%	442	9.60%	85	1.85%
1995/1996	27,742	4,467	16.10%	2,240	50.15%	1,717	38.44%	417	9.34%	93	2.08%
1996/1997	23,685	4,003	16.90%	1,990	49.71%	1,517	37.90%	405	10.12%	91	2.27%
1997/1998	20,999	3,551	16.91%	1,741	49.03%	1,355	38.16%	376	10.59%	79	2.22%
1998/1999	20,132	3,532	17.54%	1,711	48.44%	1,380	39.07%	321	9.09%	120	3.40%
1999/2000	19,917	3,636	18.26%	1,575	43.32%	1,564	43.01%	240	6.60%	257	7.07%
2000/2001	19,095	3,273	17.14%	1,460	44.61%	1,419	43.35%	179	5.47%	215	6.57%
2001/2002	18,113	3,074	16.97%	1,369	44.53%	1,339	43.56%	151	4.91%	215	6.99%
2002/2003	18,892	3,062	16.21%	1,419	46.34%	1,263	41.25%	150	4.90%	230	7.51%

Table 5D-11: Criminal trial case outcome (adult)

Fiscal year	Total	Trial cases		Found guilty after trial		Acquittal/Stay		Guilty plea during trial		Indeterminate	
	Cases	Cases	% of Tot	Cases	% of Trial	Cases	% of Trial	Cases	% of Trial	Cases	% of Trial
1983/1984	16,369	4,744	28.98%	2,729	57.53%	1,579	33.28%	406	8.56%	30	0.63%
1984/1985	19,300	5,165	26.76%	2,907	56.28%	1,812	35.08%	392	7.59%	54	1.05%
1985/1986	18,558	4,908	26.45%	2,723	55.48%	1,773	36.12%	381	7.76%	31	0.63%
1986/1987	20,430	5,745	28.12%	3,195	55.61%	2,019	35.14%	495	8.62%	36	0.63%
1987/1988	21,085	5,649	26.79%	3,342	59.16%	1,814	32.11%	444	7.86%	49	0.87%
1988/1989	21,987	5,521	25.11%	3,381	61.24%	1,763	31.93%	311	5.63%	66	1.20%
1989/1990	23,206	5,446	23.47%	3,207	58.89%	1,843	33.84%	347	6.37%	49	0.90%
1990/1991	25,576	5,114	20.00%	2,807	54.89%	1,905	37.25%	333	6.51%	69	1.35%
1991/1992	31,965	6,330	19.80%	3,263	51.55%	2,477	39.13%	476	7.52%	114	1.80%
1992/1993	31,381	5,960	18.99%	2,998	50.30%	2,326	39.03%	531	8.91%	105	1.76%
1993/1994	28,477	5,198	18.25%	2,593	49.88%	2,040	39.25%	454	8.73%	111	2.14%
1994/1995	22,554	3,715	16.47%	1,883	50.69%	1,408	37.90%	351	9.45%	73	1.97%
1995/1996	21,497	3,570	16.61%	1,783	49.94%	1,376	38.54%	332	9.30%	79	2.21%
1996/1997	18,250	3,262	17.87%	1,632	50.03%	1,219	37.37%	332	10.18%	79	2.42%
1997/1998	15,990	2,904	18.16%	1,417	48.79%	1,113	38.33%	300	10.33%	74	2.55%
1998/1999	15,750	2,972	18.87%	1,453	48.89%	1,151	38.73%	261	8.78%	107	3.60%
1999/2000	15,920	3,086	19.38%	1,348	43.68%	1,317	42.68%	198	6.42%	223	7.23%
2000/2001	15,449	2,861	18.52%	1,294	45.23%	1,222	42.71%	159	5.56%	186	6.50%
2001/2002	14,709	2,683	18.24%	1,210	45.10%	1,153	42.97%	126	4.70%	194	7.23%
2002/2003	15,283	2,620	17.14%	1,205	45.99%	1,088	41.53%	125	4.77%	202	7.71%

Table 5D-12: LSS Criminal trial case outcomes (youth)

Fiscal year	Total	Trial cases		Found guilty after trial		Acquittal/Stay		Guilty plea during trial		Indeterminate	
	Cases	Cases	% of Tot	Cases	% of Trial	Cases	% of Trial	Cases	% of Trial	Cases	% of Trial
1983/1984	629	186	29.57%	90	48.39%	71	38.17%	24	12.90%	1	0.54%
1984/1985	2,102	485	23.07%	225	46.39%	218	44.95%	41	8.45%	1	0.21%
1985/1986	3,577	757	21.16%	371	49.01%	299	39.50%	83	10.96%	4	0.53%
1986/1987	4,757	1,049	22.05%	504	48.05%	432	41.18%	107	10.20%	6	0.57%
1987/1988	4,861	1,019	20.96%	533	52.31%	386	37.88%	96	9.42%	4	0.39%
1988/1989	5,367	1,058	19.71%	636	60.11%	359	33.93%	57	5.39%	6	0.57%
1989/1990	5,919	1,050	17.74%	595	56.67%	368	35.05%	80	7.62%	7	0.67%
1990/1991	6,722	1,131	16.83%	619	54.73%	408	36.07%	93	8.22%	11	0.97%
1991/1992	7,651	1,236	16.15%	656	53.07%	457	36.97%	111	8.98%	12	0.97%
1992/1993	7,410	1,201	16.21%	625	52.04%	464	38.63%	102	8.49%	10	0.83%
1993/1994	7,412	1,097	14.80%	584	53.24%	407	37.10%	96	8.75%	10	0.91%
1994/1995	6,723	888	13.21%	437	49.21%	348	39.19%	91	10.25%	12	1.35%
1995/1996	6,245	897	14.36%	457	50.95%	341	38.02%	85	9.48%	14	1.56%
1996/1997	5,435	741	13.63%	358	48.31%	298	40.22%	73	9.85%	12	1.62%
1997/1998	5,009	647	12.92%	324	50.08%	242	37.40%	76	11.75%	5	0.77%
1998/1999	4,382	560	12.78%	258	46.07%	229	40.89%	60	10.71%	13	2.32%
1999/2000	3,997	550	13.76%	227	41.27%	247	44.91%	42	7.64%	34	6.18%
2000/2001	3,646	412	11.30%	166	40.29%	197	47.82%	20	4.85%	29	7.04%
2001/2002	3,404	391	11.49%	159	40.66%	186	47.57%	25	6.39%	21	5.37%
2002/2003	3,609	442	12.25%	214	48.42%	175	39.59%	25	5.66%	28	6.33%

Appendix 5: Figures and Tables

Table 5D-13: LSS Criminal case outcomes — Category I (adult & youth)

Fiscal year	Total cases	Trial cases						Non-trial cases					
		Found guilty after trial		Acquittal/Stay		Guilty plea during trial		Guilty plea — No trial		Stay at hearing		Stay prior to hearing	
		Cases	%	Cases	%	Cases	%	Cases	%	Cases	%	Cases	%
1983/1984	1,052	177	16.83%	197	18.73%	10	0.95%	481	45.72%	153	14.54%	34	3.23%
1984/1985	1,254	183	14.59%	206	16.43%	10	0.80%	611	48.72%	185	14.75%	59	4.70%
1985/1986	1,412	186	13.17%	196	13.88%	12	0.85%	758	53.68%	212	15.01%	48	3.40%
1986/1987	1,746	238	13.63%	254	14.55%	28	1.60%	945	54.12%	234	13.40%	47	2.69%
1987/1988	2,052	305	14.86%	276	13.45%	27	1.32%	1,129	55.02%	280	13.65%	35	1.71%
1988/1989	2,143	327	15.26%	257	11.99%	14	0.65%	1,156	53.94%	287	13.39%	102	4.76%
1989/1990	2,331	246	10.55%	277	11.88%	14	0.60%	1,311	56.24%	325	13.94%	158	6.78%
1990/1991	2,481	242	9.75%	223	8.99%	11	0.44%	1,482	59.73%	386	15.56%	137	5.52%
1991/1992	3,087	251	8.13%	279	9.04%	22	0.71%	1,839	59.57%	520	16.84%	176	5.70%
1992/1993	2,970	226	7.61%	254	8.55%	26	0.88%	1,770	59.60%	515	17.34%	179	6.03%
1993/1994	2,852	336	11.78%	224	7.85%	22	0.77%	1,709	59.92%	414	14.52%	147	5.15%
1994/1995	2,161	140	6.48%	112	5.18%	7	0.32%	1,483	68.63%	293	13.56%	126	5.83%
1995/1996	2,190	129	5.89%	132	6.03%	9	0.41%	1,478	67.49%	258	11.78%	184	8.40%
1996/1997	1,719	132	7.68%	107	6.22%	14	0.81%	1,150	66.90%	181	10.53%	135	7.85%
1997/1998	1,463	73	4.99%	80	5.47%	6	0.41%	1,008	68.90%	173	11.83%	123	8.41%
1998/1999	1,499	80	5.34%	107	7.14%	15	1.00%	1,021	68.11%	150	10.01%	126	8.41%
1999/2000	1,761	92	5.22%	99	5.62%	14	0.80%	1,241	70.47%	155	8.80%	160	9.09%
2000/2001	1,871	81	4.33%	99	5.29%	11	0.59%	1,334	71.30%	148	7.91%	198	10.58%
2001/2002	1,828	80	4.38%	103	5.63%	7	0.38%	1,301	71.17%	133	7.28%	204	11.16%
2002/2003	1,911	85	4.45%	83	4.34%	7	0.37%	1,406	73.57%	118	6.17%	212	11.09%

Table 5D-14: LSS Criminal case outcomes — Category II (adult & youth)

Fiscal year	Total cases	Trial cases						Non-trial cases					
		Found guilty after trial		Acquittal/Stay		Guilty plea during trial		Guilty plea — No trial		Stay at hearing		Stay prior to hearing	
		Cases	%	Cases	%	Cases	%	Cases	%	Cases	%	Cases	%
1983/1984	4,282	914	21.35%	463	10.81%	127	2.97%	2,225	51.96%	464	10.84%	89	2.08%
1984/1985	6,082	1,113	18.30%	718	11.81%	124	2.04%	3,342	54.95%	669	11.00%	116	1.91%
1985/1986	7,152	1,240	17.34%	785	10.98%	150	2.10%	3,914	54.73%	893	12.49%	170	2.38%
1986/1987	8,372	1,499	17.90%	1,028	12.28%	175	2.09%	4,384	52.37%	1,117	13.34%	169	2.02%
1987/1988	7,996	1,514	18.93%	879	10.99%	176	2.20%	4,270	53.40%	1,058	13.23%	99	1.24%
1988/1989	8,239	1,611	19.55%	798	9.69%	102	1.24%	4,470	54.25%	1,012	12.28%	246	2.99%
1989/1990	9,093	1,545	16.99%	783	8.61%	124	1.36%	5,014	55.14%	1,171	12.88%	456	5.01%
1990/1991	9,512	1,217	12.79%	855	8.99%	123	1.29%	5,496	57.78%	1,419	14.92%	402	4.23%
1991/1992	11,963	1,393	11.64%	1,066	8.91%	143	1.20%	6,837	57.15%	1,959	16.38%	565	4.72%
1992/1993	11,988	1,215	10.14%	971	8.10%	147	1.23%	7,020	58.56%	2,065	17.23%	570	4.75%
1993/1994	12,102	1,120	9.25%	901	7.45%	154	1.27%	7,309	60.39%	2,113	17.46%	505	4.17%
1994/1995	10,504	880	8.38%	674	6.42%	128	1.22%	6,614	62.97%	1,676	15.96%	532	5.06%
1995/1996	10,587	910	8.60%	698	6.59%	148	1.40%	6,790	64.14%	1,463	13.82%	578	5.46%
1996/1997	7,472	614	8.22%	471	6.30%	106	1.42%	4,916	65.79%	960	12.85%	405	5.42%
1997/1998	5,824	457	7.85%	384	6.59%	83	1.43%	3,841	65.95%	706	12.12%	353	6.06%
1998/1999	6,055	474	7.83%	393	6.49%	71	1.17%	4,062	67.09%	727	12.01%	328	5.42%
1999/2000	6,383	460	7.21%	497	7.79%	63	0.99%	4,208	65.93%	695	10.89%	460	7.21%
2000/2001	5,764	409	7.10%	384	6.66%	39	0.68%	3,925	68.10%	551	9.56%	456	7.91%
2001/2002	5,636	404	7.17%	393	6.97%	35	0.62%	3,802	67.46%	473	8.39%	529	9.39%
2002/2003	5,787	396	6.84%	358	6.19%	32	0.55%	4,068	70.30%	424	7.33%	509	8.80%

Appendix 5: Figures and Tables

Table 5D-15: LSS Criminal case outcomes — Category III (adult & youth)

Fiscal year	Total cases	Trial cases						Non-trial cases					
		Found guilty after trial		Acquittal/Stay		Guilty plea during trial		Guilty plea — No trial		Stay at hearing		Stay prior to hearing	
		Cases	%	Cases	%	Cases	%	Cases	%	Cases	%	Cases	%
1983/1984	8,548	1,632	19.09%	933	10.91%	282	3.30%	4,523	52.91%	1,029	12.04%	149	1.74%
1984/1985	10,301	1,740	16.89%	1,046	10.15%	287	2.79%	5,802	56.32%	1,218	11.82%	208	2.02%
1985/1986	9,893	1,586	16.03%	1,037	10.48%	279	2.82%	5,664	57.25%	1,103	11.15%	224	2.26%
1986/1987	10,918	1,857	17.01%	1,109	10.16%	390	3.57%	6,275	57.47%	1,102	10.09%	185	1.69%
1987/1988	11,119	1,949	17.53%	990	8.90%	328	2.95%	6,682	60.10%	1,051	9.45%	119	1.07%
1988/1989	11,906	1,969	16.54%	1,002	8.42%	234	1.97%	7,329	61.56%	1,064	8.94%	308	2.59%
1989/1990	12,629	1,874	14.84%	1,086	8.60%	283	2.24%	7,882	62.41%	1,099	8.70%	405	3.21%
1990/1991	13,974	1,859	13.30%	1,155	8.27%	284	2.03%	8,979	64.26%	1,270	9.09%	427	3.06%
1991/1992	17,387	2,132	12.26%	1,499	8.62%	406	2.34%	11,062	63.62%	1,743	10.02%	545	3.13%
1992/1993	17,079	2,011	11.77%	1,451	8.50%	429	2.51%	10,873	63.66%	1,742	10.20%	573	3.35%
1993/1994	14,782	1,557	10.53%	1,205	8.15%	346	2.34%	9,582	64.82%	1,620	10.96%	472	3.19%
1994/1995	12,033	1,169	9.71%	902	7.50%	286	2.38%	7,829	65.06%	1,257	10.45%	590	4.90%
1995/1996	11,118	1,065	9.58%	824	7.41%	241	2.17%	7,305	65.70%	967	8.70%	716	6.44%
1996/1997	11,528	1,141	9.90%	889	7.71%	267	2.32%	7,597	65.90%	1,019	8.84%	615	5.33%
1997/1998	10,728	1,091	10.17%	823	7.67%	267	2.49%	6,908	64.39%	1,035	9.65%	604	5.63%
1998/1999	9,888	1,053	10.65%	818	8.27%	216	2.18%	6,391	64.63%	888	8.98%	522	5.28%
1999/2000	8,964	924	10.31%	901	10.05%	153	1.71%	5,670	63.25%	781	8.71%	535	5.97%
2000/2001	8,636	880	10.19%	875	10.13%	115	1.33%	5,521	63.93%	666	7.71%	579	6.70%
2001/2002	7,976	815	10.22%	776	9.73%	96	1.20%	5,128	64.29%	570	7.15%	591	7.41%
2002/2003	8,328	845	10.15%	765	9.19%	96	1.15%	5,463	65.60%	553	6.64%	606	7.28%

Table 5D-16: LSS Criminal case outcomes — Category IV (adult & youth)

Fiscal year	Total cases	Trial cases						Non-trial cases					
		Found guilty after trial		Acquittal/Stay		Guilty plea during trial		Guilty plea — No trial		Stay at hearing		Stay prior to hearing	
		Cases	%	Cases	%	Cases	%	Cases	%	Cases	%	Cases	%
1983/1984	273	96	35.16%	57	20.88%	11	4.03%	82	30.04%	25	9.16%	2	0.73%
1984/1985	317	96	30.28%	60	18.93%	12	3.79%	122	38.49%	22	6.94%	5	1.58%
1985/1986	308	82	26.62%	54	17.53%	23	7.47%	125	40.58%	17	5.52%	7	2.27%
1986/1987	327	105	32.11%	60	18.35%	9	2.75%	126	38.53%	23	7.03%	4	1.22%
1987/1988	323	107	33.13%	55	17.03%	9	2.79%	131	40.56%	17	5.26%	4	1.24%
1988/1989	347	110	31.70%	65	18.73%	18	5.19%	133	38.33%	16	4.61%	5	1.44%
1989/1990	401	137	34.16%	65	16.21%	6	1.50%	149	37.16%	30	7.48%	14	3.49%
1990/1991	392	108	27.55%	80	20.41%	8	2.04%	160	40.82%	22	5.61%	14	3.57%
1991/1992	527	143	27.13%	90	17.08%	16	3.04%	218	41.37%	37	7.02%	23	4.36%
1992/1993	610	171	28.03%	114	18.69%	31	5.08%	225	36.89%	48	7.87%	21	3.44%
1993/1994	607	164	27.02%	117	19.28%	28	4.61%	236	38.88%	47	7.74%	15	2.47%
1994/1995	459	131	28.54%	68	14.81%	21	4.58%	185	40.31%	35	7.63%	19	4.14%
1995/1996	414	136	32.85%	63	15.22%	19	4.59%	148	35.75%	26	6.28%	22	5.31%
1996/1997	368	103	27.99%	50	13.59%	18	4.89%	160	43.48%	18	4.89%	19	5.16%
1997/1998	458	120	26.20%	68	14.85%	20	4.37%	210	45.85%	16	3.49%	24	5.24%
1998/1999	422	104	24.64%	62	14.69%	19	4.50%	188	44.55%	28	6.64%	21	4.98%
1999/2000	391	99	25.32%	67	17.14%	10	2.56%	182	46.55%	17	4.35%	16	4.09%
2000/2001	390	90	23.08%	61	15.64%	14	3.59%	179	45.90%	19	4.87%	27	6.92%
2001/2002	346	70	20.23%	67	19.36%	13	3.76%	161	46.53%	12	3.47%	23	6.65%
2002/2003	364	93	25.55%	57	15.66%	15	4.12%	143	39.29%	20	5.49%	36	9.89%

Appendix 5: Figures and Tables

Figure 5D-17: Average fees for criminal cases where accused is found guilty after a trial (by offence category)

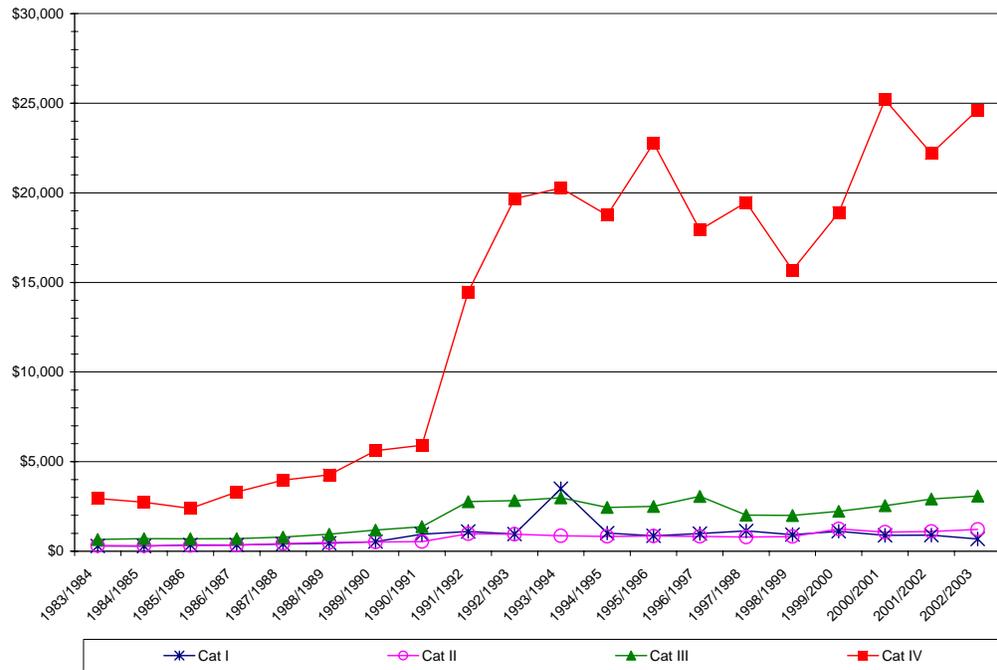


Figure 5D-18: Average fees for criminal cases resulting in an acquittal or stay at trial (by offence category)

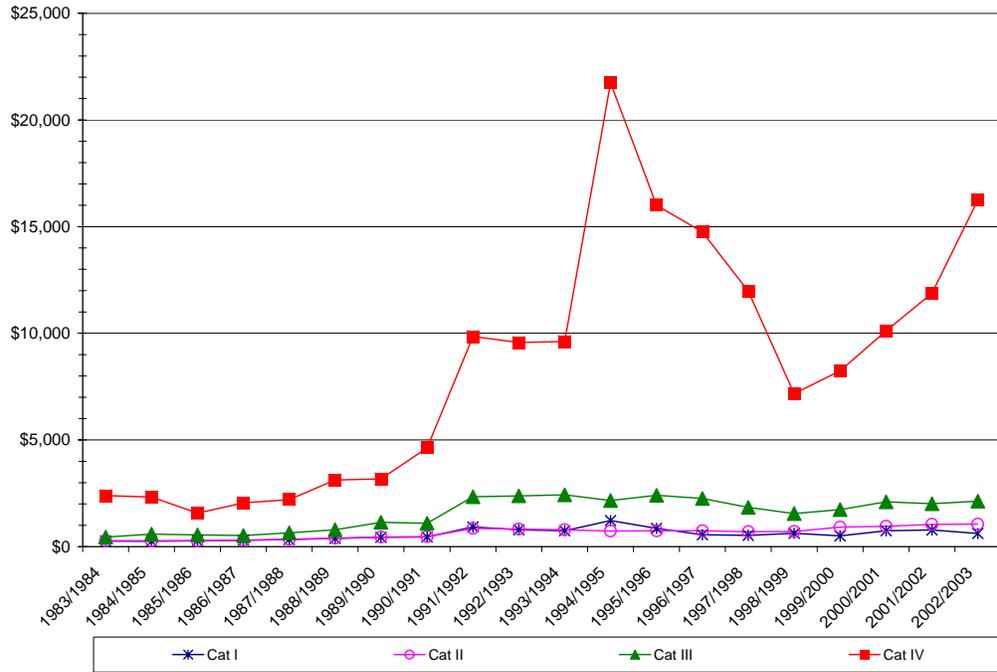
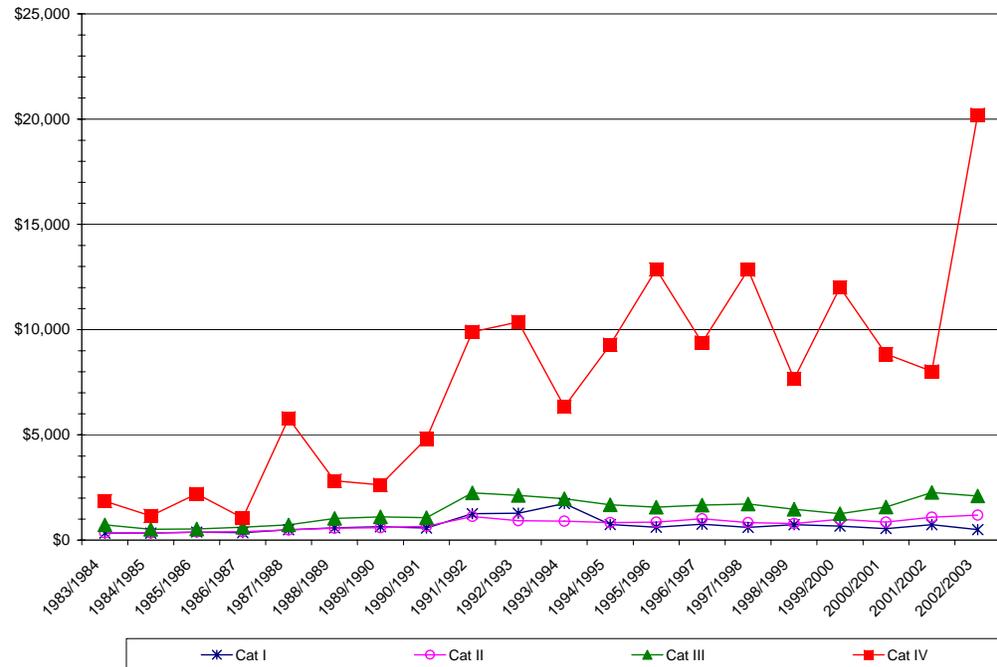


Figure 5D-19: Average fees for criminal cases resulting in a guilty plea during the trial (by offence category)



Appendix 5: Figures and Tables

Table 5D-20: Average fees for criminal cases going to trial (by offence category)

Fiscal year	All categories			Category I			Category II			Category III			Category IV		
	All	Adult	Youth	All	Adult	Youth	All	Adult	Youth	All	Adult	Youth	All	Adult	Youth
1983/1984	\$558.38	\$564.32	\$406.89	\$281.45	\$281.65	\$205.62	\$307.09	\$308.04	\$264.55	\$606.47	\$618.65	\$386.11	\$2,654.41	\$2,633.07	\$4,414.37
1984/1985	\$571.27	\$592.36	\$346.66	\$273.97	\$274.36	\$267.87	\$292.38	\$294.31	\$269.48	\$670.31	\$701.60	\$381.83	\$2,628.87	\$2,664.65	\$1,099.21
1985/1986	\$529.68	\$554.77	\$367.02	\$312.93	\$314.67	\$293.06	\$311.99	\$315.15	\$289.91	\$636.48	\$679.21	\$396.62	\$2,068.49	\$2,111.45	\$1,411.18
1986/1987	\$546.00	\$571.75	\$404.97	\$323.28	\$327.01	\$296.03	\$334.88	\$337.30	\$321.32	\$635.02	\$671.75	\$450.37	\$2,722.91	\$2,823.20	\$1,540.89
1987/1988	\$650.32	\$682.59	\$471.38	\$382.94	\$382.36	\$388.15	\$403.60	\$408.74	\$377.37	\$742.82	\$788.15	\$505.52	\$3,478.02	\$3,425.86	\$4,955.83
1988/1989	\$782.31	\$820.37	\$583.75	\$430.74	\$433.10	\$410.08	\$460.30	\$467.82	\$422.18	\$911.74	\$968.68	\$640.19	\$3,807.89	\$3,853.45	\$3,314.71
1989/1990	\$983.61	\$1,038.29	\$700.04	\$488.19	\$495.56	\$432.14	\$503.26	\$508.61	\$473.99	\$1,183.48	\$1,274.80	\$765.23	\$4,728.62	\$4,787.69	\$4,122.37
1990/1991	\$1,089.85	\$1,168.08	\$736.14	\$708.82	\$753.23	\$413.49	\$516.90	\$522.28	\$493.93	\$1,269.01	\$1,365.72	\$852.49	\$5,227.28	\$5,395.14	\$3,464.72
1991/1992	\$2,229.91	\$2,363.60	\$1,545.25	\$1,047.05	\$1,081.32	\$782.85	\$936.16	\$937.19	\$931.17	\$2,585.87	\$2,768.59	\$1,684.94	\$12,358.41	\$12,531.52	\$10,752.00
1992/1993	\$2,468.03	\$2,588.51	\$1,870.16	\$880.50	\$900.76	\$710.00	\$897.17	\$893.96	\$912.26	\$2,579.97	\$2,693.35	\$2,058.02	\$14,880.18	\$14,914.85	\$14,476.06
1993/1994	\$2,649.81	\$2,853.53	\$1,684.51	\$2,424.83	\$2,556.03	\$976.42	\$836.78	\$839.00	\$824.93	\$2,662.36	\$2,861.52	\$1,918.85	\$15,216.33	\$15,999.92	\$7,537.20
1994/1995	\$2,501.03	\$2,657.78	\$1,845.26	\$1,235.93	\$1,345.25	\$464.14	\$790.42	\$802.90	\$731.98	\$2,260.06	\$2,422.71	\$1,690.20	\$19,084.84	\$18,613.95	\$23,771.27
1995/1996	\$2,641.95	\$2,880.49	\$1,692.60	\$925.58	\$982.35	\$537.94	\$808.38	\$813.52	\$786.28	\$2,411.34	\$2,657.89	\$1,581.15	\$21,208.27	\$21,740.62	\$17,072.31
1996/1997	\$2,627.73	\$2,850.05	\$1,649.05	\$930.67	\$967.08	\$536.73	\$817.37	\$833.70	\$748.88	\$2,634.27	\$2,866.80	\$1,691.66	\$16,875.39	\$17,531.55	\$11,813.57
1997/1998	\$2,502.29	\$2,625.40	\$1,949.73	\$815.21	\$865.38	\$538.24	\$757.82	\$755.12	\$769.57	\$1,942.19	\$1,994.23	\$1,715.63	\$16,824.34	\$17,391.43	\$13,232.74
1998/1999	\$2,173.09	\$2,330.12	\$1,339.71	\$1,004.68	\$1,084.28	\$494.17	\$765.91	\$776.30	\$719.71	\$1,804.98	\$1,892.14	\$1,338.21	\$13,872.70	\$14,220.64	\$9,762.65
1999/2000	\$2,514.70	\$2,717.93	\$1,374.39	\$865.40	\$934.74	\$498.09	\$1,099.84	\$1,159.18	\$848.56	\$2,141.90	\$2,263.06	\$1,389.21	\$15,900.27	\$16,090.39	\$12,874.25
2000/2001	\$2,900.44	\$3,107.09	\$1,465.42	\$919.81	\$961.08	\$638.57	\$998.65	\$1,009.72	\$942.20	\$2,457.89	\$2,552.73	\$1,722.95	\$18,972.57	\$19,948.61	\$4,819.95
2001/2002	\$2,792.86	\$2,965.53	\$1,608.01	\$819.33	\$835.88	\$659.04	\$1,080.66	\$1,117.51	\$886.91	\$2,578.50	\$2,708.24	\$1,579.20	\$16,774.96	\$18,094.72	\$7,662.30
2002/2003	\$3,763.43	\$4,044.97	\$2,094.59	\$647.39	\$631.94	\$751.69	\$1,143.09	\$1,158.96	\$1,071.15	\$2,842.36	\$2,995.81	\$1,866.18	\$24,621.62	\$25,577.26	\$14,864.07

Table 5D-21: Average fees for criminal cases where accused is found guilty after a trial (by offence category)

Fiscal year	All categories			Category I			Category II			Category III			Category IV		
	All	Adult	Youth	All	Adult	Youth	All	Adult	Youth	All	Adult	Youth	All	Adult	Youth
1983/1984	\$598.93	\$606.68	\$363.71	\$297.82	\$297.82		\$315.69	\$316.64	\$275.52	\$652.47	\$664.14	\$384.20	\$2,940.42	\$2,962.71	\$822.50
1984/1985	\$601.34	\$616.05	\$411.28	\$282.64	\$282.69	\$280.87	\$301.69	\$302.54	\$289.52	\$708.43	\$730.79	\$458.76	\$2,741.90	\$2,813.32	\$1,099.21
1985/1986	\$569.98	\$595.31	\$384.05	\$351.89	\$360.92	\$262.13	\$322.24	\$325.25	\$297.45	\$695.50	\$736.64	\$437.36	\$2,383.27	\$2,407.53	\$1,412.81
1986/1987	\$608.24	\$631.75	\$459.16	\$348.10	\$351.67	\$301.62	\$345.75	\$346.50	\$340.77	\$700.71	\$736.16	\$498.56	\$3,309.67	\$3,513.95	\$1,726.46
1987/1988	\$705.78	\$733.41	\$532.53	\$404.50	\$405.59	\$396.07	\$425.95	\$429.39	\$403.99	\$790.91	\$832.85	\$549.00	\$3,973.39	\$3,883.39	\$5,809.50
1988/1989	\$815.26	\$845.10	\$656.63	\$452.06	\$453.58	\$438.97	\$485.22	\$492.38	\$446.41	\$952.85	\$1,004.28	\$704.70	\$4,265.66	\$4,296.62	\$4,034.62
1989/1990	\$1,032.74	\$1,080.55	\$775.08	\$539.02	\$549.43	\$458.04	\$522.73	\$526.91	\$498.17	\$1,183.26	\$1,262.16	\$815.45	\$5,612.14	\$5,575.50	\$6,031.82
1990/1991	\$1,189.37	\$1,273.42	\$808.21	\$947.76	\$1,012.36	\$433.33	\$538.16	\$542.93	\$516.92	\$1,372.76	\$1,483.82	\$905.49	\$5,912.13	\$6,129.77	\$4,171.04
1991/1992	\$2,454.32	\$2,627.45	\$1,593.14	\$1,108.96	\$1,143.07	\$813.85	\$979.48	\$980.84	\$973.12	\$2,770.36	\$2,992.02	\$1,728.42	\$14,470.66	\$14,622.80	\$12,645.00
1992/1993	\$2,873.49	\$3,042.50	\$2,062.79	\$953.43	\$1,003.54	\$584.07	\$948.53	\$932.72	\$1,026.87	\$2,823.74	\$2,961.25	\$2,244.83	\$19,673.63	\$19,427.62	\$24,685.94
1993/1994	\$3,182.04	\$3,468.62	\$1,909.63	\$3,493.36	\$3,628.07	\$1,570.69	\$862.91	\$867.55	\$839.73	\$2,983.11	\$3,217.71	\$2,203.04	\$20,270.85	\$21,435.40	\$8,703.08
1994/1995	\$2,665.48	\$2,845.99	\$1,887.66	\$1,013.18	\$1,103.64	\$437.09	\$827.58	\$841.00	\$757.87	\$2,443.68	\$2,625.40	\$1,823.78	\$18,756.77	\$18,595.44	\$20,516.79
1995/1996	\$2,968.36	\$3,278.14	\$1,759.74	\$860.44	\$903.79	\$531.00	\$850.45	\$857.05	\$823.85	\$2,504.48	\$2,754.29	\$1,681.53	\$22,771.64	\$23,307.68	\$17,699.88
1996/1997	\$3,005.53	\$3,287.46	\$1,720.33	\$985.43	\$1,025.93	\$580.50	\$831.97	\$842.06	\$788.63	\$3,061.03	\$3,351.25	\$1,852.84	\$17,936.67	\$18,505.55	\$11,995.00
1997/1998	\$2,862.23	\$2,973.55	\$2,375.37	\$1,131.04	\$1,223.48	\$610.00	\$796.58	\$809.44	\$738.65	\$2,016.69	\$2,062.38	\$1,830.54	\$19,469.40	\$19,317.07	\$20,535.75
1998/1999	\$2,450.99	\$2,635.67	\$1,410.88	\$928.09	\$988.59	\$548.64	\$819.55	\$836.32	\$755.20	\$1,994.48	\$2,082.33	\$1,439.92	\$15,680.19	\$15,698.25	\$15,322.52
1999/2000	\$2,927.15	\$3,132.22	\$1,709.36	\$1,111.94	\$1,257.50	\$469.76	\$1,245.67	\$1,335.22	\$807.10	\$2,234.19	\$2,347.02	\$1,512.97	\$18,894.54	\$18,941.26	\$18,280.46
2000/2001	\$3,432.09	\$3,643.87	\$1,781.24	\$891.85	\$945.92	\$507.96	\$1,064.30	\$1,069.05	\$1,038.20	\$2,540.29	\$2,572.88	\$2,243.26	\$25,198.44	\$26,640.76	\$5,005.95
2001/2002	\$3,248.89	\$3,485.35	\$1,449.44	\$894.88	\$905.74	\$760.95	\$1,105.31	\$1,140.00	\$939.77	\$2,915.28	\$3,027.53	\$1,823.78	\$22,194.89	\$24,319.65	\$3,072.09
2002/2003	\$3,831.65	\$4,207.10	\$1,717.55	\$684.47	\$645.58	\$865.92	\$1,218.01	\$1,207.58	\$1,268.30	\$3,083.76	\$3,279.28	\$1,988.53	\$24,632.49	\$25,300.34	\$4,596.90

Appendix 5: Figures and Tables

Table 5D-22: Average fees for criminal cases resulting in an acquittal or stay at trial (by offence category)

Fiscal year	All categories			Category I			Category II			Category III			Category IV		
	All	Adult	Youth	All	Adult	Youth	All	Adult	Youth	All	Adult	Youth	All	Adult	Youth
1983/1984	\$441.40	\$448.49	\$283.54	\$262.07	\$262.36	\$205.62	\$277.80	\$278.34	\$253.31	\$441.31	\$451.72	\$289.87	\$2,391.39	\$2,391.39	
1984/1985	\$491.62	\$517.68	\$275.00	\$258.88	\$258.32	\$264.45	\$269.41	\$272.85	\$237.53	\$585.09	\$625.63	\$296.88	\$2,320.35	\$2,320.35	
1985/1986	\$448.20	\$472.58	\$303.64	\$271.39	\$268.46	\$309.42	\$281.03	\$284.02	\$264.41	\$549.62	\$591.22	\$323.31	\$1,572.45	\$1,644.74	\$668.91
1986/1987	\$444.68	\$468.92	\$331.39	\$295.80	\$297.50	\$286.12	\$308.27	\$312.17	\$290.65	\$518.16	\$550.68	\$375.61	\$2,053.88	\$2,109.96	\$427.50
1987/1988	\$530.20	\$564.28	\$370.02	\$341.11	\$338.15	\$370.85	\$346.34	\$350.50	\$330.97	\$652.86	\$704.23	\$410.27	\$2,209.33	\$2,237.51	\$687.50
1988/1989	\$666.80	\$712.73	\$441.25	\$389.69	\$391.48	\$375.00	\$397.63	\$402.85	\$376.12	\$792.73	\$852.82	\$506.81	\$3,125.88	\$3,158.32	\$1,050.00
1989/1990	\$864.87	\$922.60	\$575.75	\$438.63	\$441.30	\$416.67	\$451.39	\$454.97	\$433.71	\$1,133.85	\$1,240.10	\$657.32	\$3,168.27	\$3,402.85	\$1,496.88
1990/1991	\$925.25	\$996.60	\$592.14	\$450.70	\$461.20	\$394.29	\$466.44	\$469.90	\$452.05	\$1,099.68	\$1,180.43	\$720.96	\$4,633.44	\$4,793.09	\$1,600.00
1991/1992	\$1,895.03	\$1,996.11	\$1,347.18	\$923.78	\$971.94	\$608.78	\$857.84	\$861.54	\$839.38	\$2,336.14	\$2,491.56	\$1,478.62	\$9,843.87	\$10,029.53	\$8,637.08
1992/1993	\$1,986.35	\$2,118.97	\$1,321.51	\$792.60	\$787.79	\$836.60	\$823.21	\$830.72	\$792.17	\$2,378.44	\$2,516.90	\$1,679.79	\$9,562.54	\$10,103.20	\$3,939.67
1993/1994	\$2,017.71	\$2,143.99	\$1,384.76	\$741.37	\$770.33	\$510.90	\$792.98	\$797.62	\$765.97	\$2,433.13	\$2,644.23	\$1,579.91	\$9,614.22	\$9,931.55	\$6,556.35
1994/1995	\$2,311.72	\$2,399.73	\$1,955.61	\$1,218.42	\$1,313.22	\$496.44	\$736.60	\$743.21	\$707.58	\$2,159.35	\$2,324.27	\$1,587.83	\$21,745.79	\$20,230.08	\$33,113.57
1995/1996	\$2,107.38	\$2,304.56	\$1,311.70	\$859.01	\$915.41	\$543.15	\$737.58	\$745.11	\$704.07	\$2,405.61	\$2,675.41	\$1,492.86	\$15,998.79	\$16,246.16	\$13,129.20
1996/1997	\$2,079.34	\$2,224.38	\$1,486.01	\$563.64	\$570.58	\$488.00	\$738.46	\$749.48	\$698.08	\$2,259.56	\$2,445.01	\$1,523.99	\$14,749.56	\$15,666.80	\$10,571.00
1997/1998	\$1,944.48	\$2,076.34	\$1,338.03	\$525.32	\$534.54	\$481.86	\$700.11	\$685.43	\$760.57	\$1,834.58	\$1,899.33	\$1,529.24	\$11,971.21	\$13,122.67	\$4,422.79
1998/1999	\$1,488.46	\$1,565.80	\$1,099.74	\$628.58	\$659.86	\$463.00	\$705.56	\$712.91	\$667.05	\$1,546.85	\$1,619.06	\$1,200.15	\$7,164.70	\$7,620.12	\$4,090.63
1999/2000	\$1,676.75	\$1,784.67	\$1,101.30	\$506.74	\$503.50	\$522.36	\$915.28	\$931.33	\$850.74	\$1,737.58	\$1,802.04	\$1,348.33	\$8,236.07	\$8,523.21	\$2,110.33
2000/2001	\$2,041.06	\$2,169.74	\$1,242.79	\$740.63	\$746.61	\$707.10	\$956.08	\$972.15	\$878.63	\$2,101.27	\$2,209.22	\$1,358.27	\$10,117.83	\$10,566.45	\$5,093.28
2001/2002	\$2,125.33	\$2,184.04	\$1,761.42	\$783.36	\$809.87	\$582.30	\$1,043.09	\$1,079.80	\$839.34	\$2,009.89	\$2,104.46	\$1,391.93	\$11,873.55	\$11,939.66	\$11,537.02
2002/2003	\$2,362.92	\$2,455.79	\$1,785.54	\$617.47	\$624.30	\$561.30	\$1,053.45	\$1,089.77	\$883.39	\$2,130.41	\$2,192.62	\$1,706.94	\$16,249.60	\$16,187.35	\$16,896.96

Table 5D-23: Average fees for criminal cases resulting in a guilty plea during the trial (by offence category)

Fiscal year	All categories			Category I			Category II			Category III			Category IV		
	All	Adult	Youth	All	Adult	Youth	All	Adult	Youth	All	Adult	Youth	All	Adult	Youth
1983/1984	\$633.74	\$615.85	\$936.28	\$329.87	\$329.87		\$352.97	\$355.33	\$205.62	\$723.18	\$727.52	\$669.20	\$1,858.57	\$1,243.80	\$8,006.24
1984/1985	\$477.04	\$487.91	\$373.15	\$332.06	\$332.06		\$337.60	\$336.78	\$346.93	\$514.29	\$530.35	\$381.61	\$1,148.07	\$1,148.07	
1985/1986	\$564.63	\$576.93	\$508.16	\$380.15	\$361.08	\$590.00	\$382.18	\$383.73	\$370.76	\$536.13	\$561.45	\$445.62	\$2,196.47	\$2,139.42	\$2,576.86
1986/1987	\$548.90	\$570.91	\$447.06	\$354.29	\$363.50	\$331.25	\$398.31	\$400.37	\$387.50	\$618.93	\$649.06	\$483.60	\$1,047.50	\$1,047.50	
1987/1988	\$716.16	\$753.83	\$541.91	\$492.22	\$494.35	\$465.63	\$483.35	\$481.90	\$491.39	\$720.37	\$760.37	\$564.55	\$5,787.08	\$5,787.08	
1988/1989	\$974.47	\$1,030.52	\$668.64	\$585.71	\$585.71		\$566.91	\$568.28	\$552.78	\$1,033.35	\$1,119.64	\$680.71	\$2,820.83	\$3,059.38	\$912.50
1989/1990	\$961.79	\$1,014.83	\$731.72	\$628.57	\$690.91	\$400.00	\$593.15	\$619.66	\$463.10	\$1,104.54	\$1,167.28	\$850.22	\$2,625.00	\$2,625.00	
1990/1991	\$1,007.92	\$1,034.25	\$913.66	\$571.82	\$574.00	\$550.00	\$656.42	\$682.68	\$548.13	\$1,069.73	\$1,093.81	\$990.19	\$4,817.81	\$5,438.33	\$2,956.25
1991/1992	\$2,147.12	\$2,184.08	\$1,988.60	\$1,255.45	\$1,021.00	\$3,600.00	\$1,126.43	\$1,108.46	\$1,207.31	\$2,249.62	\$2,300.19	\$2,049.82	\$9,894.37	\$9,616.67	\$14,060.00
1992/1993	\$2,210.99	\$2,023.22	\$3,188.51	\$1,283.08	\$1,327.92	\$745.00	\$924.35	\$938.71	\$827.63	\$2,118.93	\$2,080.06	\$2,308.49	\$10,364.46	\$7,904.57	\$17,436.67
1993/1994	\$1,878.56	\$1,952.69	\$1,527.96	\$1,741.06	\$1,937.36	\$497.78	\$898.59	\$885.84	\$971.21	\$1,962.90	\$2,046.55	\$1,620.92	\$6,334.17	\$6,335.64	\$6,315.00
1994/1995	\$1,782.12	\$1,915.35	\$1,268.26	\$739.99	\$770.33	\$558.00	\$829.80	\$864.18	\$717.50	\$1,683.22	\$1,739.80	\$1,460.78	\$9,281.13	\$9,805.28	\$4,301.72
1995/1996	\$1,806.09	\$1,625.73	\$2,510.58	\$615.00	\$615.00		\$854.45	\$836.93	\$945.00	\$1,563.67	\$1,578.29	\$1,514.21	\$12,858.06	\$10,528.13	\$17,906.25
1996/1997	\$1,806.49	\$1,895.96	\$1,399.56	\$755.36	\$778.85	\$450.00	\$1,018.49	\$1,043.28	\$824.25	\$1,663.31	\$1,712.54	\$1,485.93	\$9,388.25	\$10,209.09	\$2,821.50
1997/1998	\$2,094.58	\$2,126.66	\$1,967.95	\$609.08	\$609.08		\$828.42	\$789.92	\$1,002.92	\$1,716.10	\$1,758.58	\$1,552.35	\$12,847.55	\$14,843.57	\$8,190.16
1998/1999	\$1,648.88	\$1,737.88	\$1,261.72	\$736.10	\$736.10		\$789.78	\$800.81	\$722.50	\$1,465.63	\$1,507.75	\$1,322.05	\$7,663.11	\$7,883.42	\$3,697.50
1999/2000	\$1,601.79	\$1,711.99	\$1,082.29	\$665.29	\$683.42	\$556.50	\$986.86	\$983.12	\$996.19	\$1,260.83	\$1,274.73	\$1,173.51	\$12,003.65	\$13,140.94	\$1,768.00
2000/2001	\$1,925.65	\$1,968.79	\$1,582.70	\$553.01	\$553.01		\$858.83	\$884.46	\$684.54	\$1,576.80	\$1,538.99	\$1,849.56	\$8,841.60	\$9,341.93	\$2,337.30
2001/2002	\$2,415.72	\$2,604.24	\$1,465.56	\$731.06	\$691.50	\$968.40	\$1,086.99	\$1,137.54	\$842.70	\$2,264.15	\$2,455.63	\$1,306.74	\$8,019.42	\$8,595.08	\$4,853.25
2002/2003	\$3,639.77	\$3,661.94	\$3,528.90	\$501.94	\$501.94		\$1,186.99	\$1,195.55	\$1,165.10	\$2,097.69	\$2,134.23	\$1,783.44	\$20,205.97	\$27,020.81	\$9,983.70

Appendix 5: Figures and Tables

Table 5D-24: Average fees for criminal cases resulting in a guilty plea (no trial held) (by offence category)

Fiscal year	All categories			Category I			Category II			Category III			Category IV		
	All	Adult	Youth	All	Adult	Youth	All	Adult	Youth	All	Adult	Youth	All	Adult	Youth
1983/1984	\$176.43	\$176.79	\$168.76	\$128.07	\$127.91	\$133.61	\$133.18	\$132.78	\$157.87	\$196.04	\$197.73	\$170.08	\$551.93	\$575.93	\$247.91
1984/1985	\$165.74	\$168.16	\$148.63	\$121.40	\$121.95	\$118.20	\$123.68	\$123.86	\$121.63	\$187.87	\$192.98	\$158.84	\$487.14	\$510.32	\$227.50
1985/1986	\$175.17	\$180.22	\$155.16	\$135.33	\$136.47	\$131.21	\$134.72	\$135.08	\$132.26	\$199.78	\$212.57	\$161.54	\$568.75	\$570.45	\$557.19
1986/1987	\$185.16	\$191.62	\$164.25	\$141.39	\$138.94	\$147.21	\$149.72	\$150.80	\$145.25	\$210.35	\$222.25	\$176.01	\$492.22	\$532.15	\$267.37
1987/1988	\$236.54	\$246.35	\$203.96	\$178.59	\$181.26	\$172.22	\$190.10	\$193.49	\$178.29	\$267.46	\$279.78	\$225.90	\$672.27	\$711.20	\$318.85
1988/1989	\$294.22	\$305.93	\$254.34	\$215.75	\$211.68	\$228.82	\$225.16	\$228.70	\$214.20	\$336.64	\$351.98	\$281.24	\$959.45	\$980.99	\$790.00
1989/1990	\$322.22	\$337.57	\$272.39	\$227.02	\$226.17	\$228.90	\$243.61	\$249.30	\$225.85	\$374.45	\$392.89	\$309.07	\$1,041.93	\$1,083.67	\$787.50
1990/1991	\$343.03	\$355.58	\$302.32	\$239.64	\$235.06	\$252.96	\$262.49	\$268.73	\$244.41	\$390.10	\$401.60	\$349.73	\$1,425.55	\$1,508.70	\$677.19
1991/1992	\$683.95	\$698.15	\$631.78	\$468.63	\$460.23	\$498.59	\$517.58	\$524.87	\$492.55	\$793.40	\$807.66	\$738.93	\$2,164.19	\$2,280.20	\$1,408.10
1992/1993	\$602.86	\$618.09	\$546.28	\$351.98	\$354.12	\$345.06	\$410.49	\$416.87	\$388.57	\$733.28	\$744.66	\$687.98	\$2,276.20	\$2,445.18	\$1,293.03
1993/1994	\$500.45	\$508.06	\$475.57	\$288.18	\$288.23	\$288.04	\$343.95	\$348.44	\$327.11	\$621.68	\$631.14	\$593.41	\$1,962.54	\$2,142.52	\$1,106.56
1994/1995	\$442.90	\$460.46	\$390.46	\$235.00	\$231.70	\$242.53	\$331.60	\$337.17	\$311.33	\$546.70	\$577.31	\$465.46	\$1,696.26	\$1,748.81	\$1,285.88
1995/1996	\$446.63	\$473.01	\$361.70	\$211.22	\$208.53	\$216.20	\$357.38	\$366.59	\$324.33	\$543.13	\$578.69	\$426.79	\$2,128.85	\$2,209.18	\$1,509.88
1996/1997	\$470.34	\$497.85	\$385.02	\$215.10	\$211.33	\$222.49	\$374.89	\$388.33	\$336.26	\$539.32	\$567.81	\$439.21	\$1,961.70	\$2,064.58	\$1,515.90
1997/1998	\$441.38	\$462.05	\$377.57	\$206.79	\$204.26	\$211.02	\$362.15	\$376.47	\$320.68	\$480.00	\$496.94	\$420.25	\$1,746.12	\$1,744.01	\$1,755.33
1998/1999	\$444.54	\$472.92	\$350.32	\$212.77	\$213.86	\$210.95	\$357.01	\$369.99	\$320.81	\$491.33	\$510.95	\$408.85	\$2,003.81	\$2,113.54	\$1,027.79
1999/2000	\$465.56	\$487.20	\$386.33	\$223.83	\$222.26	\$226.63	\$377.85	\$388.50	\$342.31	\$501.75	\$514.84	\$439.34	\$3,014.15	\$3,055.91	\$2,763.58
2000/2001	\$463.41	\$480.60	\$397.28	\$230.85	\$230.55	\$231.47	\$394.91	\$401.31	\$372.71	\$522.10	\$533.32	\$466.60	\$1,888.50	\$1,924.89	\$1,641.68
2001/2002	\$482.10	\$497.05	\$419.90	\$240.96	\$239.22	\$245.20	\$419.06	\$429.36	\$379.76	\$556.21	\$570.32	\$482.36	\$1,558.96	\$1,404.55	\$2,534.52
2002/2003	\$492.42	\$512.23	\$408.95	\$246.34	\$243.63	\$252.84	\$433.36	\$445.09	\$388.07	\$575.16	\$590.00	\$494.81	\$1,431.37	\$1,543.37	\$815.32

Table 5D-25: Average fees for criminal cases resulting in a stay at hearing (no trial held) (by offence category)

Fiscal year	All categories			Category I			Category II			Category III			Category IV		
	All	Adult	Youth	All	Adult	Youth	All	Adult	Youth	All	Adult	Youth	All	Adult	Youth
1983/1984	\$209.62	\$210.09	\$186.40	\$153.18	\$153.00	\$179.37	\$158.34	\$158.37	\$156.40	\$234.62	\$236.08	\$171.00	\$478.01	\$465.11	\$787.49
1984/1985	\$199.78	\$201.79	\$173.09	\$155.08	\$155.67	\$148.45	\$159.02	\$158.94	\$160.14	\$228.81	\$232.38	\$183.50	\$208.20	\$208.20	
1985/1986	\$192.82	\$196.38	\$167.48	\$153.12	\$151.73	\$165.74	\$164.67	\$165.65	\$156.33	\$220.24	\$227.98	\$174.30	\$388.08	\$388.08	
1986/1987	\$209.59	\$214.28	\$179.67	\$180.96	\$186.09	\$161.58	\$180.49	\$181.33	\$174.93	\$241.84	\$249.02	\$191.65	\$368.37	\$400.38	\$155.00
1987/1988	\$231.43	\$237.96	\$194.55	\$183.95	\$187.08	\$168.02	\$193.36	\$195.03	\$184.77	\$277.07	\$289.78	\$194.35	\$561.54	\$430.09	\$1,175.00
1988/1989	\$243.39	\$257.54	\$185.44	\$193.29	\$192.65	\$195.76	\$187.45	\$194.00	\$163.31	\$301.79	\$322.62	\$207.16	\$796.09	\$796.09	
1989/1990	\$263.48	\$280.85	\$198.09	\$201.85	\$201.98	\$201.25	\$207.10	\$215.60	\$175.60	\$325.53	\$356.67	\$213.49	\$858.33	\$867.59	\$775.00
1990/1991	\$273.57	\$291.89	\$199.93	\$211.92	\$217.39	\$189.94	\$203.60	\$209.03	\$182.65	\$358.10	\$391.24	\$220.85	\$988.64	\$995.24	\$850.00
1991/1992	\$483.43	\$508.24	\$379.72	\$336.40	\$339.23	\$322.70	\$361.39	\$369.11	\$328.99	\$643.95	\$695.21	\$439.20	\$1,450.00	\$1,585.00	\$871.43
1992/1993	\$427.40	\$449.44	\$323.90	\$277.51	\$285.35	\$238.97	\$300.32	\$304.99	\$279.16	\$578.55	\$617.36	\$394.23	\$2,017.19	\$2,108.30	\$1,015.00
1993/1994	\$387.34	\$408.16	\$288.02	\$235.25	\$238.78	\$217.24	\$267.81	\$272.40	\$245.96	\$522.65	\$560.19	\$348.29	\$2,436.86	\$2,622.30	\$879.10
1994/1995	\$340.87	\$355.97	\$281.26	\$199.55	\$199.87	\$198.14	\$243.27	\$243.88	\$240.76	\$488.60	\$529.74	\$341.04	\$891.87	\$905.65	\$744.92
1995/1996	\$308.09	\$322.87	\$246.90	\$187.22	\$186.82	\$188.34	\$235.07	\$237.79	\$223.48	\$433.27	\$463.60	\$300.65	\$960.72	\$986.03	\$657.00
1996/1997	\$317.00	\$329.52	\$265.19	\$191.34	\$194.58	\$179.54	\$252.14	\$256.98	\$236.78	\$388.53	\$400.07	\$323.74	\$990.25	\$982.32	\$1,125.00
1997/1998	\$309.92	\$323.01	\$257.73	\$172.14	\$172.08	\$172.30	\$237.80	\$247.15	\$210.25	\$362.48	\$370.87	\$317.59	\$1,582.23	\$1,598.80	\$1,466.25
1998/1999	\$321.21	\$336.88	\$252.50	\$173.45	\$179.75	\$153.47	\$259.64	\$271.70	\$217.28	\$383.68	\$395.04	\$319.74	\$730.06	\$758.10	\$365.50
1999/2000	\$363.55	\$377.06	\$288.38	\$200.17	\$205.98	\$179.46	\$302.90	\$309.47	\$274.33	\$444.13	\$455.94	\$344.76	\$630.84	\$670.90	\$500.63
2000/2001	\$409.11	\$417.50	\$350.35	\$250.29	\$261.83	\$196.13	\$329.23	\$330.07	\$324.77	\$474.53	\$476.15	\$457.87	\$1,669.56	\$1,748.82	\$243.00
2001/2002	\$416.29	\$423.73	\$369.86	\$216.58	\$211.78	\$240.75	\$368.46	\$374.94	\$335.12	\$497.90	\$503.91	\$450.35	\$638.93	\$630.33	\$733.50
2002/2003	\$456.85	\$457.10	\$455.27	\$232.22	\$228.53	\$254.12	\$382.27	\$385.96	\$364.54	\$538.75	\$539.24	\$534.66	\$1,098.59	\$896.88	\$2,241.60

Appendix 5: Figures and Tables

Table 5D-26: Average fees for criminal cases resulting in a stay prior to hearing (by offence category)

Fiscal year	All categories			Category I			Category II			Category III			Category IV		
	All	Adult	Youth	All	Adult	Youth	All	Adult	Youth	All	Adult	Youth	All	Adult	Youth
1983/1984	\$47.95	\$47.93	\$48.52	\$42.72	\$42.24	\$50.31	\$44.95	\$44.37	\$70.00	\$51.17	\$51.63	\$41.87	\$30.62	\$30.62	
1984/1985	\$40.77	\$41.61	\$32.50	\$33.18	\$33.88	\$28.71	\$37.84	\$37.97	\$36.09	\$44.80	\$46.10	\$32.59	\$30.62	\$30.62	
1985/1986	\$56.50	\$57.99	\$47.26	\$44.28	\$46.14	\$35.00	\$43.91	\$44.21	\$41.74	\$66.88	\$69.15	\$53.75	\$114.10	\$114.10	
1986/1987	\$56.82	\$58.56	\$48.90	\$45.43	\$45.44	\$45.38	\$46.48	\$45.68	\$50.17	\$68.61	\$72.37	\$49.17	\$82.50	\$82.50	
1987/1988	\$118.05	\$128.25	\$57.40	\$87.86	\$96.29	\$37.25	\$53.85	\$55.00	\$50.05	\$176.87	\$184.19	\$87.36	\$221.10	\$221.10	
1988/1989	\$232.24	\$249.51	\$156.71	\$181.86	\$185.88	\$161.76	\$164.53	\$169.37	\$147.73	\$279.83	\$302.68	\$164.71	\$1,660.00	\$1,660.00	
1989/1990	\$217.96	\$233.43	\$173.79	\$190.98	\$198.57	\$165.28	\$168.75	\$171.18	\$163.38	\$258.77	\$277.38	\$193.61	\$944.64	\$944.64	
1990/1991	\$237.79	\$259.08	\$170.66	\$183.94	\$182.18	\$188.89	\$174.50	\$179.39	\$160.85	\$301.54	\$338.05	\$170.43	\$637.50	\$642.31	\$575.00
1991/1992	\$417.46	\$436.12	\$362.55	\$317.47	\$317.75	\$316.67	\$329.86	\$338.85	\$307.13	\$497.81	\$516.07	\$435.16	\$1,430.43	\$1,550.00	\$862.50
1992/1993	\$378.87	\$401.45	\$305.78	\$264.55	\$279.63	\$219.67	\$276.29	\$288.85	\$246.48	\$502.07	\$515.24	\$440.51	\$775.95	\$810.26	\$450.00
1993/1994	\$319.78	\$337.11	\$260.91	\$193.16	\$192.51	\$195.22	\$232.07	\$231.68	\$233.28	\$435.30	\$468.01	\$315.18	\$878.54	\$909.15	\$450.00
1994/1995	\$314.39	\$354.47	\$204.65	\$127.82	\$130.01	\$123.29	\$188.87	\$191.40	\$183.18	\$417.60	\$465.01	\$254.69	\$1,860.91	\$1,941.79	\$405.00
1995/1996	\$313.85	\$365.90	\$179.13	\$112.23	\$116.03	\$102.06	\$170.76	\$179.41	\$156.68	\$443.92	\$497.06	\$236.43	\$1,526.52	\$1,640.03	\$391.50
1996/1997	\$289.08	\$334.71	\$184.66	\$105.53	\$106.03	\$104.63	\$175.72	\$188.78	\$156.54	\$378.93	\$421.06	\$238.60	\$1,101.32	\$1,223.44	\$450.00
1997/1998	\$294.43	\$352.66	\$168.99	\$101.73	\$100.08	\$104.90	\$157.31	\$173.58	\$138.33	\$326.30	\$359.25	\$222.00	\$2,496.82	\$2,496.82	
1998/1999	\$337.82	\$406.28	\$170.10	\$102.07	\$105.58	\$95.28	\$168.77	\$186.86	\$144.47	\$467.80	\$524.98	\$235.19	\$1,161.63	\$1,321.23	\$204.00
1999/2000	\$311.00	\$346.33	\$192.53	\$117.12	\$120.39	\$105.88	\$212.03	\$226.72	\$179.79	\$400.34	\$430.49	\$245.09	\$2,107.52	\$2,353.95	\$382.50
2000/2001	\$336.37	\$371.84	\$211.09	\$133.60	\$133.21	\$134.92	\$245.38	\$269.85	\$194.46	\$423.82	\$448.42	\$278.89	\$1,484.68	\$1,526.21	\$405.00
2001/2002	\$306.44	\$334.71	\$211.48	\$124.60	\$129.48	\$113.16	\$244.79	\$263.43	\$194.01	\$389.63	\$410.49	\$290.77	\$1,199.66	\$1,332.36	\$315.00
2002/2003	\$337.60	\$358.47	\$268.18	\$130.98	\$133.46	\$123.14	\$269.93	\$277.45	\$253.82	\$429.25	\$442.79	\$359.06	\$968.35	\$1,030.33	\$472.50

Table 5D-27: Total LSS criminal tariff fees by case outcome

Fiscal year	Total net fees	Found guilty after trial		Acquittal/Stay		Guilty plea during trial		Guilty plea — No trial		Stay at hearing		Stay prior to hearing	
		Fees	% of Tot	Fees	% of Tot	Fees	% of Tot	Fees	% of Tot	Fees	% of Tot	Fees	% of Tot
1983/1984	\$4,342,484	\$1,688,374	38.88%	\$728,303	16.77%	\$272,507	6.28%	\$1,289,881	29.70%	\$350,281	8.07%	\$13,139	0.30%
1984/1985	\$5,159,101	\$1,883,393	36.51%	\$997,986	19.34%	\$206,560	4.00%	\$1,637,007	31.73%	\$418,338	8.11%	\$15,818	0.31%
1985/1986	\$5,241,081	\$1,763,520	33.65%	\$928,669	17.72%	\$261,987	5.00%	\$1,832,501	34.96%	\$429,033	8.19%	\$25,371	0.48%
1986/1987	\$6,384,100	\$2,249,862	35.24%	\$1,089,912	17.07%	\$330,437	5.18%	\$2,171,944	34.02%	\$518,933	8.13%	\$23,013	0.36%
1987/1988	\$7,763,771	\$2,734,888	35.23%	\$1,166,431	15.02%	\$386,726	4.98%	\$2,888,567	37.21%	\$556,821	7.17%	\$30,338	0.39%
1988/1989	\$9,631,691	\$3,274,898	34.00%	\$1,414,958	14.69%	\$358,605	3.72%	\$3,850,704	39.98%	\$579,015	6.01%	\$153,513	1.59%
1989/1990	\$11,791,933	\$3,926,495	33.30%	\$1,912,231	16.22%	\$410,685	3.48%	\$4,625,747	39.23%	\$691,625	5.87%	\$225,150	1.91%
1990/1991	\$13,253,113	\$4,074,768	30.75%	\$2,140,110	16.15%	\$429,375	3.24%	\$5,528,576	41.72%	\$847,253	6.39%	\$233,033	1.76%
1991/1992	\$32,693,117	\$9,618,484	29.42%	\$5,560,016	17.01%	\$1,260,357	3.86%	\$13,648,857	41.75%	\$2,058,947	6.30%	\$546,456	1.67%
1992/1993	\$31,718,364	\$10,410,658	32.82%	\$5,541,905	17.47%	\$1,399,558	4.41%	\$11,989,676	37.80%	\$1,867,745	5.89%	\$508,822	1.60%
1993/1994	\$27,495,153	\$10,109,344	36.77%	\$4,937,336	17.96%	\$1,033,207	3.76%	\$9,426,539	34.28%	\$1,624,495	5.91%	\$364,231	1.32%
1994/1995	\$19,676,508	\$6,183,916	31.43%	\$4,059,378	20.63%	\$787,698	4.00%	\$7,135,618	36.26%	\$1,111,571	5.65%	\$398,326	2.02%
1995/1996	\$19,348,967	\$6,649,117	34.36%	\$3,618,364	18.70%	\$753,141	3.89%	\$7,021,406	36.29%	\$836,162	4.32%	\$470,777	2.43%
1996/1997	\$17,398,244	\$5,981,011	34.38%	\$3,154,354	18.13%	\$731,628	4.21%	\$6,501,441	37.37%	\$690,427	3.97%	\$339,383	1.95%
1997/1998	\$14,610,665	\$4,983,139	34.11%	\$2,634,768	18.03%	\$787,562	5.39%	\$5,282,005	36.15%	\$598,143	4.09%	\$325,050	2.22%
1998/1999	\$12,873,960	\$4,193,640	32.57%	\$2,054,078	15.96%	\$529,290	4.11%	\$5,184,225	40.27%	\$575,923	4.47%	\$336,803	2.62%
1999/2000	\$13,841,707	\$4,610,260	33.31%	\$2,622,438	18.95%	\$384,430	2.78%	\$5,261,271	38.01%	\$599,130	4.33%	\$364,177	2.63%
2000/2001	\$14,320,361	\$5,010,852	34.99%	\$2,896,259	20.22%	\$344,691	2.41%	\$5,078,525	35.46%	\$566,209	3.95%	\$423,825	2.96%
2001/2002	\$13,575,617	\$4,447,732	32.76%	\$2,845,819	20.96%	\$364,773	2.69%	\$5,009,961	36.90%	\$494,555	3.64%	\$412,776	3.04%
2002/2003	\$15,393,022	\$5,437,110	35.32%	\$2,984,374	19.39%	\$545,965	3.55%	\$5,456,037	35.44%	\$509,386	3.31%	\$460,149	2.99%

Appendix 5: Figures and Tables

Table 5D-28: Total LSS criminal tariff fees by case outcome

Fiscal year	Total cases	Total net fees	Trial cases				Non trial cases			
			Cases	% Cases	Fees	% Fees	Cases	% Cases	Fees	% Fees
1983/1984	16,998	\$4,995,741	4,930	29.00%	\$2,752,826	55.10%	12,068	71.00%	\$2,242,915	44.90%
1984/1985	21,402	\$5,967,328	5,650	26.40%	\$3,227,677	54.09%	15,752	73.60%	\$2,739,651	45.91%
1985/1986	22,135	\$5,954,627	5,665	25.59%	\$3,000,657	50.39%	16,470	74.41%	\$2,953,970	49.61%
1986/1987	25,187	\$7,166,237	6,794	26.97%	\$3,709,508	51.76%	18,393	73.03%	\$3,456,729	48.24%
1987/1988	25,946	\$8,744,540	6,668	25.70%	\$4,336,304	49.59%	19,278	74.30%	\$4,408,236	50.41%
1988/1989	27,354	\$10,749,820	6,579	24.05%	\$5,146,850	47.88%	20,775	75.95%	\$5,602,970	52.12%
1989/1990	29,125	\$13,067,784	6,496	22.30%	\$6,389,553	48.90%	22,629	77.70%	\$6,678,231	51.10%
1990/1991	32,298	\$15,010,770	6,245	19.34%	\$6,806,137	45.34%	26,053	80.66%	\$8,204,633	54.66%
1991/1992	39,616	\$36,172,428	7,566	19.10%	\$16,871,483	46.64%	32,050	80.90%	\$19,300,945	53.36%
1992/1993	38,791	\$34,631,749	7,161	18.46%	\$17,673,576	51.03%	31,630	81.54%	\$16,958,173	48.97%
1993/1994	35,889	\$30,040,074	6,295	17.54%	\$16,680,568	55.53%	29,594	82.46%	\$13,359,506	44.47%
1994/1995	29,277	\$21,392,297	4,603	15.72%	\$11,512,241	53.81%	24,674	84.28%	\$9,880,056	46.19%
1995/1996	27,742	\$21,225,479	4,467	16.10%	\$11,801,606	55.60%	23,275	83.90%	\$9,423,873	44.40%
1996/1997	23,685	\$18,741,868	4,003	16.90%	\$10,518,809	56.12%	19,682	83.10%	\$8,223,059	43.88%
1997/1998	20,999	\$15,759,124	3,551	16.91%	\$8,885,634	56.38%	17,448	83.09%	\$6,873,489	43.62%
1998/1999	20,132	\$14,388,592	3,532	17.54%	\$7,675,343	53.34%	16,600	82.46%	\$6,713,249	46.66%
1999/2000	19,917	\$16,025,119	3,636	18.26%	\$9,143,451	57.06%	16,281	81.74%	\$6,881,668	42.94%
2000/2001	19,095	\$16,169,080	3,273	17.14%	\$9,493,143	58.71%	15,822	82.86%	\$6,675,937	41.29%
2001/2002	18,113	\$15,099,928	3,074	16.97%	\$8,585,238	56.86%	15,039	83.03%	\$6,514,690	43.14%
2002/2003	18,892	\$18,592,798	3,062	16.21%	\$11,523,627	61.98%	15,830	83.79%	\$7,069,171	38.02%

Table 5D-29: Total LSS criminal trial fees by maximum offence category

Fiscal year	Total		Category I					Category II					Category III					Category IV				
	Cases	Fees	Cases	% Cases	Costs	% Costs	Avg Cost	Cases	% Cases	Costs	% Costs	Avg Cost	Cases	% Cases	Costs	% Costs	Avg Cost	Cases	% Cases	Costs	% Costs	Avg Cost
1983/1984	4,930	\$2,752,826	388	7.9%	\$109,202	4.0%	\$281	1,513	30.7%	\$464,631	16.9%	\$307	2,862	58.1%	\$1,735,707	63.1%	\$606	167	3.4%	\$443,286	16.1%	\$2,654
1984/1985	5,650	\$3,227,677	402	7.1%	\$110,136	3.4%	\$274	1,966	34.8%	\$574,823	17.8%	\$292	3,107	55.0%	\$2,082,665	64.5%	\$670	175	3.1%	\$460,053	14.3%	\$2,629
1985/1986	5,665	\$3,000,657	399	7.0%	\$124,860	4.2%	\$313	2,186	38.6%	\$682,007	22.7%	\$312	2,917	51.5%	\$1,856,626	61.9%	\$636	163	2.9%	\$337,164	11.2%	\$2,068
1986/1987	6,794	\$3,709,508	524	7.7%	\$169,400	4.6%	\$323	2,716	40.0%	\$909,526	24.5%	\$335	3,375	49.7%	\$2,143,182	57.8%	\$635	179	2.6%	\$487,400	13.1%	\$2,723
1987/1988	6,668	\$4,336,304	615	9.2%	\$235,511	5.4%	\$383	2,585	38.8%	\$1,043,313	24.1%	\$404	3,292	49.4%	\$2,445,349	56.4%	\$743	176	2.6%	\$612,131	14.1%	\$3,478
1988/1989	6,579	\$5,146,850	605	9.2%	\$260,600	5.1%	\$431	2,531	38.5%	\$1,165,015	22.6%	\$460	3,242	49.3%	\$2,955,850	57.4%	\$912	201	3.1%	\$765,385	14.9%	\$3,808
1989/1990	6,496	\$6,389,553	542	8.3%	\$264,600	4.1%	\$488	2,470	38.0%	\$1,243,048	19.5%	\$503	3,270	50.3%	\$3,869,980	60.6%	\$1,183	214	3.3%	\$1,011,925	15.8%	\$4,729
1990/1991	6,245	\$6,806,137	482	7.7%	\$341,653	5.0%	\$709	2,218	35.5%	\$1,146,488	16.8%	\$517	3,338	53.5%	\$4,235,950	62.2%	\$1,269	207	3.3%	\$1,082,047	15.9%	\$5,227
1991/1992	7,566	\$16,871,483	566	7.5%	\$592,628	3.5%	\$1,047	2,627	34.7%	\$2,459,285	14.6%	\$936	4,116	54.4%	\$10,643,458	63.1%	\$2,586	257	3.4%	\$3,176,112	18.8%	\$12,358
1992/1993	7,161	\$17,673,576	518	7.2%	\$456,100	2.6%	\$881	2,358	32.9%	\$2,115,536	12.0%	\$897	3,956	55.2%	\$10,206,363	57.7%	\$2,580	329	4.6%	\$4,895,578	27.7%	\$14,880
1993/1994	6,295	\$16,680,568	602	9.6%	\$1,459,750	8.8%	\$2,425	2,193	34.8%	\$1,835,058	11.0%	\$837	3,176	50.5%	\$8,455,667	50.7%	\$2,662	324	5.1%	\$4,930,092	29.6%	\$15,216
1994/1995	4,603	\$11,512,241	266	5.8%	\$328,759	2.9%	\$1,236	1,693	36.8%	\$1,338,177	11.6%	\$790	2,414	52.4%	\$5,455,792	47.4%	\$2,260	230	5.0%	\$4,389,513	38.1%	\$19,085
1995/1996	4,467	\$11,801,606	274	6.1%	\$253,609	2.1%	\$926	1,777	39.8%	\$1,436,499	12.2%	\$808	2,188	49.0%	\$5,276,013	44.7%	\$2,411	228	5.1%	\$4,835,484	41.0%	\$21,208
1996/1997	4,003	\$10,518,809	260	6.5%	\$241,974	2.3%	\$931	1,205	30.1%	\$984,934	9.4%	\$817	2,355	58.8%	\$6,203,705	59.0%	\$2,634	183	4.6%	\$3,088,196	29.4%	\$16,875
1997/1998	3,551	\$8,885,634	163	4.6%	\$132,879	1.5%	\$815	930	26.2%	\$704,774	7.9%	\$758	2,238	63.0%	\$4,346,627	48.9%	\$1,942	220	6.2%	\$3,701,354	41.7%	\$16,824
1998/1999	3,532	\$7,675,343	215	6.1%	\$216,007	2.8%	\$1,005	964	27.3%	\$738,339	9.6%	\$766	2,148	60.8%	\$3,877,095	50.5%	\$1,805	205	5.8%	\$2,843,903	37.1%	\$13,873
1999/2000	3,636	\$9,143,451	233	6.4%	\$201,638	2.2%	\$865	1,094	30.1%	\$1,203,220	13.2%	\$1,100	2,106	57.9%	\$4,510,836	49.3%	\$2,142	203	5.6%	\$3,227,756	35.3%	\$15,900
2000/2001	3,273	\$9,493,143	211	6.4%	\$194,080	2.0%	\$920	890	27.2%	\$888,795	9.4%	\$999	1,986	60.7%	\$4,881,370	51.4%	\$2,458	186	5.7%	\$3,528,897	37.2%	\$18,973
2001/2002	3,074	\$8,585,238	203	6.6%	\$166,324	1.9%	\$819	895	29.1%	\$967,193	11.3%	\$1,081	1,810	58.9%	\$4,667,078	54.4%	\$2,578	166	5.4%	\$2,784,643	32.4%	\$16,775
2002/2003	3,062	\$11,523,627	186	6.1%	\$120,415	1.0%	\$647	830	27.1%	\$948,765	8.2%	\$1,143	1,833	59.9%	\$5,210,042	45.2%	\$2,842	213	7.0%	\$5,244,405	45.5%	\$24,622

Table 5D-30: LSS criminal trials — Number of half days by quartiles (adult & youth)

Fiscal year	Avg 1/2 days	Bottom quartile			Lower middle quartile			Upper middle quartile			Top quartile			Top 5%
		Low	High	1/2 Day%	Low	High	1/2 Day%	Low	High	1/2 Day%	Low	High	1/2 Day%	1/2 Day%
1983/1984	2.51	1	1	9.95%	1	1	9.94%	1	2	19.25%	2	138	60.86%	32.55%
1984/1985	2.72	1	1	9.20%	1	1	9.21%	1	2	16.82%	2	225	64.78%	39.48%
1985/1986	2.29	1	1	10.93%	1	1	10.92%	1	2	18.94%	2	213	59.21%	31.20%
1986/1987	2.09	1	1	11.95%	1	1	11.94%	1	2	19.07%	2	91	57.04%	28.30%
1987/1988	2.19	1	1	11.45%	1	1	11.44%	1	2	18.38%	2	130	58.74%	30.55%
1988/1989	2.23	1	1	11.21%	1	1	11.21%	1	2	18.72%	2	197	58.86%	31.32%
1989/1990	2.47	1	1	10.13%	1	1	10.13%	1	2	17.26%	2	148	62.48%	35.40%
1990/1991	2.72	1	1	9.19%	1	1	9.19%	1	2	16.16%	2	607	65.46%	38.79%
1991/1992	2.90	1	1	8.63%	1	1	8.63%	1	2	16.15%	2	719	66.60%	39.03%
1992/1993	2.92	1	1	8.57%	1	2	8.57%	2	3	17.46%	3	222	65.40%	34.82%
1993/1994	3.75	1	1	6.66%	1	2	7.33%	2	3	14.48%	3	307	71.52%	41.64%
1994/1995	3.93	1	1	6.35%	1	2	7.22%	2	3	14.12%	3	986	72.31%	45.94%
1995/1996	4.49	1	1	5.56%	1	2	6.73%	2	3	12.77%	3	479	74.95%	49.80%
1996/1997	4.57	1	1	5.47%	1	2	6.74%	2	3	12.38%	3	387	75.41%	50.71%
1997/1998	4.28	1	1	5.84%	1	2	7.37%	2	3	13.47%	3	210	73.32%	45.97%
1998/1999	3.90	1	1	6.42%	1	2	8.11%	2	3	14.25%	3	182	71.22%	42.87%
1999/2000	4.59	1	1	5.44%	1	2	6.76%	2	3	12.24%	3	199	75.56%	49.70%
2000/2001	4.97	1	1	5.03%	1	2	6.46%	2	3	11.88%	3	479	76.63%	50.60%
2001/2002	4.36	1	1	5.74%	1	2	8.06%	2	4	14.59%	4	235	71.61%	42.60%
2002/2003	5.61	1	1	4.45%	1	2	7.40%	2	4	11.53%	4	593	76.62%	51.51%

Table 5D-31: LSS criminal trials — Number of half days by quartiles (adult)

Fiscal year	Avg 1/2 days	Bottom quartile			Lower middle quartile			Upper middle quartile			Top quartile			Top 5%
		Low	High	1/2 Day%	Low	High	1/2 Day%	Low	High	1/2 Day%	Low	High	1/2 Day%	1/2 Day%
1983/1984	2.54	1	1	9.84%	1	1	9.85%	1	2	19.11%	2	138	61.19%	32.74%
1984/1985	2.81	1	1	8.91%	1	1	8.90%	1	2	16.53%	2	225	65.66%	40.62%
1985/1986	2.38	1	1	10.49%	1	1	10.50%	1	2	18.42%	2	213	60.60%	32.40%
1986/1987	2.16	1	1	11.60%	1	1	11.60%	1	2	18.60%	2	91	58.20%	29.25%
1987/1988	2.26	1	1	11.05%	1	1	11.06%	1	2	17.84%	2	130	60.04%	31.55%
1988/1989	2.31	1	1	10.80%	1	1	10.80%	1	2	18.33%	2	197	60.06%	32.49%
1989/1990	2.58	1	1	9.70%	1	1	9.69%	1	2	16.74%	2	148	63.87%	36.90%
1990/1991	2.89	1	1	8.66%	1	1	8.67%	1	2	15.43%	2	607	67.25%	40.59%
1991/1992	3.07	1	1	8.15%	1	1	8.15%	1	2	15.53%	2	719	68.17%	40.54%
1992/1993	3.03	1	1	8.24%	1	2	8.28%	2	3	16.91%	3	222	66.57%	35.88%
1993/1994	4.03	1	1	6.21%	1	2	6.91%	2	3	13.71%	3	307	73.17%	42.94%
1994/1995	4.15	1	1	6.03%	1	2	6.75%	2	3	13.57%	3	986	73.65%	46.89%
1995/1996	4.95	1	1	5.05%	1	2	6.03%	2	3	11.68%	3	479	77.24%	52.29%
1996/1997	4.97	1	1	5.04%	1	2	6.21%	2	3	11.51%	3	387	77.25%	53.15%
1997/1998	4.44	1	1	5.63%	1	2	6.93%	2	3	12.98%	3	210	74.46%	47.00%
1998/1999	4.16	1	1	6.00%	1	2	7.65%	2	3	13.55%	3	182	72.79%	44.40%
1999/2000	4.99	1	1	5.01%	1	2	6.42%	2	3	11.59%	3	199	76.97%	50.41%
2000/2001	5.31	1	1	4.72%	1	2	6.14%	2	4	11.35%	4	479	77.80%	51.70%
2001/2002	4.60	1	1	5.44%	1	2	7.69%	2	4	14.27%	4	235	72.61%	43.46%
2002/2003	5.98	1	1	4.18%	1	2	6.83%	2	4	11.02%	4	593	77.96%	53.16%

Table 5D-32: LSS criminal trials — Number of half days by quartiles (youth)

Fiscal year	Avg 1/2 days	Bottom quartile			Lower middle quartile			Upper middle quartile			Top quartile			Top 5%
		Low	High	1/2 Day%	Low	High	1/2 Day%	Low	High	1/2 Day%	Low	High	1/2 Day%	1/2 Day%
1983/1984	1.87	1	1	13.35%	1	1	13.35%	1	2	23.30%	2	37	50.00%	20.74%
1984/1985	1.75	1	1	14.24%	1	1	14.35%	1	2	21.53%	2	16	49.88%	18.98%
1985/1986	1.69	1	1	14.87%	1	1	14.79%	1	2	23.81%	2	14	46.53%	17.26%
1986/1987	1.75	1	1	14.30%	1	1	14.25%	1	2	22.23%	2	40	49.22%	19.59%
1987/1988	1.76	1	1	14.20%	1	1	14.14%	1	2	22.27%	2	96	49.39%	20.77%
1988/1989	1.79	1	1	13.98%	1	1	13.93%	1	2	21.34%	2	36	50.75%	22.01%
1989/1990	1.88	1	1	13.29%	1	1	13.24%	1	2	21.01%	2	62	52.46%	22.62%
1990/1991	1.97	1	1	12.66%	1	1	12.71%	1	2	20.97%	2	74	53.67%	23.72%
1991/1992	2.02	1	1	12.36%	1	1	12.36%	1	2	20.98%	2	52	54.29%	25.47%
1992/1993	2.34	1	1	10.70%	1	1	10.70%	1	2	21.19%	2	60	57.40%	26.10%
1993/1994	2.45	1	1	10.21%	1	2	10.69%	2	3	20.43%	3	48	58.67%	26.63%
1994/1995	3.02	1	1	8.31%	1	2	9.93%	2	3	17.31%	3	442	64.45%	38.54%
1995/1996	2.69	1	1	9.33%	1	2	11.87%	2	3	20.67%	3	64	58.13%	25.02%
1996/1997	2.83	1	1	8.87%	1	2	10.81%	2	3	19.35%	3	60	60.98%	28.02%
1997/1998	3.59	1	1	6.99%	1	2	9.74%	2	3	16.26%	3	119	67.02%	39.20%
1998/1999	2.50	1	1	9.96%	1	2	12.08%	2	3	20.28%	3	51	57.67%	25.30%
1999/2000	2.40	1	1	10.39%	1	2	10.70%	2	2	20.79%	2	102	58.12%	29.36%
2000/2001	2.66	1	1	9.34%	1	2	10.90%	2	3	20.70%	3	31	59.07%	27.11%
2001/2002	2.70	1	1	9.19%	1	2	12.32%	2	3	20.66%	3	41	57.82%	26.07%
2002/2003	3.42	1	1	7.34%	1	2	13.15%	2	3	17.98%	3	57	61.53%	32.06%

Table 5D-33: LSS criminal trials — Number of half days by quartiles — Category I (adult & youth)

Fiscal year	Avg 1/2 days	Bottom quartile			Lower middle quartile			Upper middle quartile			Top quartile			Top 5%
		Low	High	1/2 Day%	Low	High	1/2 Day%	Low	High	1/2 Day%	Low	High	1/2 Day%	1/2 Day%
1983/1984	1.48	1	1	16.84%	1	1	16.84%	1	1	16.84%	2	8	49.48%	18.04%
1984/1985	1.42	1	1	17.42%	1	1	17.60%	1	2	18.82%	2	16	46.17%	16.20%
1985/1986	1.70	1	1	14.78%	1	1	14.63%	1	2	19.23%	2	15	51.36%	22.67%
1986/1987	1.46	1	1	17.10%	1	1	17.10%	1	2	17.75%	2	9	48.06%	16.97%
1987/1988	1.49	1	1	16.74%	1	1	16.85%	1	2	19.22%	2	7	47.19%	17.28%
1988/1989	1.60	1	1	15.53%	1	1	15.63%	1	2	16.34%	2	26	52.50%	24.62%
1989/1990	1.57	1	1	15.80%	1	1	15.91%	1	2	19.40%	2	22	48.90%	19.63%
1990/1991	4.02	1	1	6.19%	1	1	6.24%	1	2	7.57%	2	74	80.01%	60.48%
1991/1992	2.06	1	1	12.11%	1	1	12.11%	1	2	15.96%	2	54	59.82%	35.42%
1992/1993	1.70	1	1	14.82%	1	1	14.71%	1	2	18.55%	2	17	51.92%	23.64%
1993/1994	6.44	1	1	3.88%	1	1	3.88%	1	9	11.75%	9	66	80.49%	27.99%
1994/1995	2.87	1	1	8.63%	1	1	8.76%	1	2	9.93%	2	48	72.68%	43.27%
1995/1996	2.53	1	1	9.97%	1	1	9.83%	1	2	13.15%	2	42	67.05%	44.08%
1996/1997	2.44	1	1	10.34%	1	1	10.19%	1	2	16.14%	2	81	63.32%	40.13%
1997/1998	2.35	1	1	10.65%	1	1	10.65%	1	2	12.99%	2	87	65.71%	40.00%
1998/1999	3.29	1	1	7.61%	1	1	7.61%	1	2	10.28%	2	101	74.51%	53.94%
1999/2000	2.50	1	1	10.14%	1	1	9.97%	1	2	12.89%	2	72	67.01%	46.39%
2000/2001	2.50	1	1	9.85%	1	1	10.04%	1	2	12.12%	2	33	67.99%	43.56%
2001/2002	1.79	1	1	13.74%	1	1	14.01%	1	2	15.93%	2	35	56.32%	28.30%
2002/2003	1.74	1	1	14.51%	1	1	14.20%	1	2	27.16%	2	9	44.14%	16.05%

Table 5D-34: LSS criminal trials — Number of half days by quartiles — Category II (adult & youth)

Fiscal year	Avg 1/2 days	Bottom quartile			Lower middle quartile			Upper middle quartile			Top quartile			Top 5%
		Low	High	1/2 Day%	Low	High	1/2 Day%	Low	High	1/2 Day%	Low	High	1/2 Day%	1/2 Day%
1983/1984	1.54	1	1	16.21%	1	1	16.25%	1	2	22.50%	2	20	45.04%	15.65%
1984/1985	1.46	1	1	17.17%	1	1	17.13%	1	2	21.02%	2	16	44.68%	14.74%
1985/1986	1.46	1	1	17.06%	1	1	17.10%	1	2	21.62%	2	10	44.22%	14.37%
1986/1987	1.40	1	1	17.87%	1	1	17.84%	1	2	19.90%	2	11	44.40%	13.91%
1987/1988	1.41	1	1	17.75%	1	1	17.78%	1	2	18.63%	2	32	45.83%	15.51%
1988/1989	1.39	1	1	18.01%	1	1	18.01%	1	2	19.76%	2	7	44.22%	13.62%
1989/1990	1.41	1	1	17.79%	1	1	17.76%	1	2	19.19%	2	16	45.26%	15.22%
1990/1991	1.41	1	1	17.69%	1	1	17.69%	1	2	19.99%	2	11	44.62%	14.66%
1991/1992	1.43	1	1	17.47%	1	1	17.47%	1	2	21.09%	2	8	43.96%	13.70%
1992/1993	1.51	1	1	16.54%	1	1	16.51%	1	2	21.39%	2	21	45.57%	16.04%
1993/1994	1.55	1	1	16.10%	1	1	16.10%	1	2	23.43%	2	10	44.37%	14.56%
1994/1995	1.63	1	1	15.33%	1	1	15.29%	1	2	22.87%	2	15	46.51%	16.96%
1995/1996	1.72	1	1	14.53%	1	1	14.53%	1	2	22.71%	2	17	48.23%	17.74%
1996/1997	1.70	1	1	14.70%	1	1	14.65%	1	2	22.89%	2	23	47.76%	17.64%
1997/1998	1.67	1	1	14.90%	1	1	14.97%	1	2	22.45%	2	22	47.69%	18.14%
1998/1999	1.75	1	1	14.35%	1	1	14.29%	1	2	23.63%	2	14	47.73%	17.60%
1999/2000	2.61	1	1	9.58%	1	1	9.61%	1	2	16.94%	2	108	63.87%	42.55%
2000/2001	2.09	1	1	12.02%	1	1	11.97%	1	2	22.26%	2	21	53.75%	23.29%
2001/2002	2.23	1	1	11.16%	1	1	11.21%	1	2	22.27%	2	59	55.36%	23.87%
2002/2003	2.32	1	1	10.76%	1	2	12.84%	2	2	21.53%	2	52	54.86%	23.87%

Table 5D-35: LSS criminal trials — Number of half days by quartiles — Category III (adult & youth)

Fiscal year	Avg 1/2 days	Bottom quartile			Lower middle quartile			Upper middle quartile			Top quartile			Top 5%
		Low	High	1/2 Day%	Low	High	1/2 Day%	Low	High	1/2 Day%	Low	High	1/2 Day%	1/2 Day%
1983/1984	2.59	1	1	9.66%	1	2	12.12%	2	3	20.37%	3	138	57.86%	27.75%
1984/1985	3.15	1	1	7.95%	1	2	9.54%	2	3	16.90%	3	225	65.61%	40.02%
1985/1986	2.64	1	1	9.45%	1	2	9.88%	2	3	19.11%	3	213	61.56%	32.29%
1986/1987	2.31	1	1	10.85%	1	1	10.84%	1	2	21.39%	2	79	56.92%	24.71%
1987/1988	2.36	1	1	10.59%	1	2	10.78%	2	2	21.18%	2	130	57.46%	25.27%
1988/1989	2.47	1	1	10.12%	1	2	11.40%	2	2	20.25%	2	197	58.23%	27.50%
1989/1990	2.84	1	1	8.81%	1	2	9.92%	2	3	18.07%	3	143	63.20%	33.92%
1990/1991	2.84	1	1	8.80%	1	2	10.05%	2	3	18.42%	3	607	62.73%	32.76%
1991/1992	3.27	1	1	7.63%	1	2	9.67%	2	3	16.96%	3	719	65.74%	36.10%
1992/1993	2.91	1	1	8.57%	1	2	11.88%	2	3	19.92%	3	222	59.63%	24.78%
1993/1994	3.26	1	1	7.67%	1	2	10.87%	2	4	18.73%	4	65	62.74%	27.71%
1994/1995	3.26	1	1	7.69%	1	2	11.89%	2	4	20.80%	4	66	59.62%	23.52%
1995/1996	3.98	1	1	6.28%	1	2	10.59%	2	4	18.67%	4	127	64.46%	31.96%
1996/1997	4.93	1	1	5.06%	1	2	7.81%	2	4	13.30%	4	387	73.83%	48.68%
1997/1998	3.50	1	1	7.15%	1	2	10.85%	2	4	18.04%	4	119	63.96%	31.09%
1998/1999	3.27	1	1	7.64%	1	2	11.53%	2	4	18.36%	4	168	62.47%	28.84%
1999/2000	3.84	1	1	6.51%	1	2	9.49%	2	4	16.13%	4	166	67.87%	36.96%
2000/2001	4.43	1	1	5.64%	1	2	8.25%	2	4	14.87%	4	177	71.23%	42.87%
2001/2002	4.27	1	1	5.86%	1	2	9.58%	2	4	17.26%	4	145	67.30%	35.20%
2002/2003	4.82	1	1	5.18%	1	2	9.59%	2	4	14.87%	4	383	70.36%	40.95%

Table 5D-36: LSS criminal trials — Number of half days by quartiles — Category IV (adult & youth)

Fiscal year	Avg 1/2 days	Bottom quartile			Lower middle quartile			Upper middle quartile			Top quartile			Top 5%
		Low	High	1/2 Day%	Low	High	1/2 Day%	Low	High	1/2 Day%	Low	High	1/2 Day%	1/2 Day%
1983/1984	12.46	1	3	3.17%	3	7	9.42%	7	14	19.47%	14	100	67.93%	22.93%
1984/1985	12.03	1	3	3.71%	3	6	8.88%	6	13	18.51%	14	109	68.91%	31.28%
1985/1986	8.41	1	2	4.54%	2	6	11.24%	6	10	21.11%	10	44	63.11%	21.54%
1986/1987	10.51	1	3	3.56%	3	6	11.22%	6	12	21.37%	13	91	63.85%	25.57%
1987/1988	12.49	1	2	3.17%	2	7	9.45%	7	15	20.76%	16	125	66.62%	26.52%
1988/1989	10.84	1	2	3.17%	2	6	8.91%	6	11	18.45%	11	121	69.47%	27.23%
1989/1990	11.21	1	3	3.76%	3	6	9.83%	6	11	18.37%	12	148	68.04%	32.25%
1990/1991	11.63	1	2	3.08%	2	6	8.76%	6	13	18.45%	13	126	69.71%	29.56%
1991/1992	13.45	1	2	2.76%	3	6	7.99%	6	12	16.66%	13	192	72.59%	32.70%
1992/1993	14.77	1	3	2.87%	3	7	8.10%	7	17	18.02%	17	173	71.01%	33.74%
1993/1994	18.61	1	3	2.32%	3	7	6.36%	7	15	13.48%	15	307	77.85%	36.42%
1994/1995	29.28	1	4	2.08%	4	8	4.81%	8	20	10.17%	20	986	82.94%	49.32%
1995/1996	33.52	1	5	1.97%	5	12	5.77%	12	34	15.87%	34	479	76.40%	37.80%
1996/1997	21.73	1	4	2.35%	4	11	8.36%	12	24	20.16%	25	362	69.12%	31.20%
1997/1998	24.77	1	4	1.87%	4	11	6.98%	11	30	18.83%	30	210	72.32%	26.45%
1998/1999	21.18	1	3	2.04%	4	9	7.15%	10	25	18.45%	25	182	72.36%	28.39%
1999/2000	25.53	1	4	1.76%	4	11	6.81%	11	37	18.89%	37	199	72.54%	24.55%
2000/2001	27.33	1	3	1.75%	4	10	5.65%	10	25	15.72%	27	479	76.89%	35.58%
2001/2002	19.93	1	3	2.39%	3	7	6.01%	7	23	17.04%	24	235	74.55%	31.70%
2002/2003	28.58	1	3	1.51%	3	10	5.16%	10	29	13.54%	29	593	79.79%	40.89%

Table 5D-37: Percentage of all criminal cases resulting in a jail sentence

Fiscal year	All categories	Category I	Category II	Category III	Category IV
1999/2000	36.21%	33.27%	28.43%	41.60%	53.45%
2000/2001	36.48%	33.10%	29.75%	41.06%	51.52%
2001/2002	36.67%	33.79%	29.76%	41.49%	54.13%
2002/2003	37.60%	33.04%	31.77%	42.16%	49.47%

Table 5D-38: Percentage of all criminal trial cases resulting in a jail sentence

Fiscal year	All categories	Category I	Category II	Category III	Category IV
1999/2000	33.00%	22.32%	20.84%	39.27%	45.81%
2000/2001	33.36%	18.96%	25.28%	36.71%	52.69%
2001/2002	34.03%	26.60%	23.24%	38.07%	57.23%
2002/2003	37.46%	31.18%	26.14%	40.64%	59.62%

Table 5D-39: Percentage of all criminal trial cases with a guilty verdict resulting in a jail sentence

Fiscal year	All categories	Category I	Category II	Category III	Category IV
1998/1999	58.68%	34.38%	32.43%	68.89%	84.48%
1999/2000	57.04%	40.45%	37.84%	65.80%	81.61%
2000/2001	56.91%	44.00%	44.16%	61.61%	81.93%
2001/2002	59.71%	59.74%	45.08%	64.45%	89.55%
2002/2003	59.15%	62.03%	43.54%	62.50%	93.10%

Table 5D-40: Percentage of all criminal cases with a guilty plea resulting in a jail sentence

Fiscal year	All categories	Category I	Category II	Category III	Category IV
1998/1999	54.34%	45.93%	43.26%	62.38%	82.28%
1999/2000	53.68%	48.26%	44.91%	60.23%	83.70%
2000/2001	55.18%	50.24%	46.58%	61.56%	79.56%
2001/2002	55.98%	51.77%	47.46%	62.46%	79.27%
2002/2003	55.22%	48.25%	48.82%	61.06%	77.24%

Table 5D-41: Average sentence (months) for criminal trial cases with a guilty verdict

Fiscal year	All categories	Category I	Category II	Category III	Category IV
1998/1999	12.02	1.04	3.68	8.36	52.99
1999/2000	9.34	1.17	3.21	8.00	44.00
2000/2001	9.27	2.44	3.23	9.27	32.11
2001/2002	10.79	0.97	5.12	9.70	48.12
2002/2003	11.47	1.31	3.80	10.65	41.68

Table 5D-42: Average sentence (months) for criminal cases with a guilty plea

Fiscal year	All categories	Category I	Category II	Category III	Category IV
1998/1999	6.11	0.91	2.20	6.92	37.16
1999/2000	5.09	1.01	2.31	6.49	23.30
2000/2001	4.85	1.19	2.29	6.28	19.58
2001/2002	4.92	0.89	2.45	6.56	17.78
2002/2003	5.22	1.19	2.88	6.87	20.43

Appendix 6: Other Approaches

Appendix 6A — The DuPont Legal Model

DuPont Legal, the corporate law department of the US-based DuPont Corporation, has developed an approach to managing the legal services it receives from outside law firms that has garnered significant attention in the United States.⁵ In 1992, DuPont Legal began reviewing its operations as part of a company-wide effort to reduce corporate expenses by \$1 billion. This led to the development of what became known as the DuPont Legal Model, a dramatic, three-year restructuring that saw DuPont shift from a system consisting of 350 outside law firms around the US to a core network of 35 “Primary Law Firms” (“PLFs”) and additional non-legal service providers. This “convergence process” enabled DuPont Legal to integrate the successful firms more closely into its operations, establishing by contract some far-reaching requirements that made the outside law firms function more as an extension of DuPont Legal’s in-house counsel.

The DuPont Legal Model has produced significant results. In 1993, when DuPont initiated the restructuring, legal fees for outside law firms had peaked at \$87 million. Within a few years, the Legal Model had enabled DuPont to realize substantial cost savings, so that by 2003 annual savings had reached about \$33 million. At the same time, DuPont was able to manage its overall case load more efficiently: “cycle times” for litigation files, the period between initial filing and resolution, were cut in half, and its case docket declined by 70%.

⁵ The discussion in this section is based on the material collected at the DuPont Legal website (www.dupontlegalmodel.com), as well as Thomas L. Sager and Julie S. Mazza, *The Competitive Edge: The Growing Power of the DuPont Legal Model*, 4th ed. (Dupont Legal Function Publication, 2005).

The DuPont Legal Model represents an integrated approach to the management of legal services, using basic business principles to improve quality and efficiency, and reduce costs, while working to achieve strategic goals. The key element is “strategic partnering” between DuPont Legal and the PLFs, which emphasizes long-term collaboration and a sharing of risks and rewards. The model provides a framework for in-house and outside counsel to continuously evaluate legal work to improve productivity and emphasize results. It relies extensively on new technology to integrate the PLFs into the DuPont network, and seeks to find the optimal distribution of work between lawyers, paralegals, and non-legal administrative staff. One of the principal objectives is to implement hiring and promotion policies that promote workplace diversity.

The DuPont Legal Model utilizes a number of methods to promote efficiency and results.

Early case assessment

DuPont Legal emphasizes Early Case Assessment (ECA) to analyze a legal problem and plan litigation at an early stage. It requires an early focus on the nature of the issues, the client’s objectives, and the costs and benefits of different options for handling the case, rather than reflexively processing the case on a standard litigation model. The assessment process affords a method for early collection and evaluation of relevant information. This analysis forms the basis for an overall case strategy, and helps establish timelines and budgets for each stage of the litigation. DuPont is careful to emphasize that ECA is not designed to promote “settlement at any cost”; rather, its purpose is to ensure that each new case is subject to a consistent, rigorous analysis in order to establish a cost-effective plan for resolving the legal problem, whether through settlement or litigation.

Alternative billing

Alternative billing arrangements form another important component of the Legal Model. DuPont has attempted to deemphasize the billable hour as the basic compensation mechanism, and has sought to develop alternate billing mechanisms that compensate law firms on the basis of value produced, rather than time expended. These mechanisms seek to shift the balance of risks and rewards between DuPont and its outside law firms, and incorporate incentives to reward law firms that succeed in meeting DuPont objectives.

DuPont recognizes that finding the right billing method will depend on the nature of the case. Some examples include:

- Flat or fixed fees — This involves payment of a set amount, typically for work of a standardized or routine nature.

- Bonus arrangements — In this method, a law firm may reduce its standard fees in return for the promise of a bonus where it meets predetermined targets. For example, its bonus might consist of a portion of any fees saved by resolving a case under budget.
- Blended rates — The law firm may bill a uniform hourly rate rather than the varying charge-out rates it would normally apply for lawyers of different seniority levels and expertise. This may encourage a more cost-effective allocation of lawyer time to a case.
- Volume discounts — DuPont may negotiate discounted hourly rates in exchange for delivering a specified volume of work to a law firm.
- Fee caps — To encourage efficiency, DuPont and the law firm may impose a ceiling for legal costs on a particular case

Performance metrics

DuPont Legal has developed a sophisticated system for evaluating cost, quality and effectiveness of the legal services it receives. Relying on “performance metrics” — “. . . standards for monitoring individuals, organizations, or programs over time . . .” — DuPont has focused attention on the extent to which in-house and PLF counsel are meeting DuPont objectives.⁶ Initially, both in-house and PLF counsel were sceptical about DuPont’s ability to develop effective tools for measuring and analyzing legal services. While they accepted that DuPont’s legal service delivery could be assessed using certain “bottom-line” measures, such as cost of legal services or annual payouts, there was resistance to the notion of evaluating the different elements of service delivery that produced those bottom-line results.

DuPont’s performance metrics attempt to evaluate both “. . . efficiency (the business of law) and quality and results (the practice of law).” After extensive research and consultations, DuPont developed metrics in the following areas:⁷

Case/Caseload

- Disposition and outcome
- Cases filed with PLFs and non-PLFs
- Closed and Opened
- Trends

⁶ Thomas L. Sager and Gerard G. Boccuti, ‘Achieving the Common Goal: DuPont’s Performance Metrics’ (1997) 15:5 *ACCA Docket* 12 – 26 (available at www.dupontlegalmodel.com).

⁷ *ibid.*

Cycle Time

- Time required to complete cases
- Trends

Alternative Fee Arrangements

- Cost-effectiveness of alternatives to hourly billing
- Impact on results

Early Case Assessment

- Consistent application of ECA
- Use of strategic budgeting
- Comparison of results to non-ECA cases

Costs

- Costs per case, PLF, lawyer
- Total costs compared to transaction costs
- Fees paid to PLFs
- Trends

Technology Usage

- Utilization of DuPont Legal systems
- Compliance with best practices

Resource Allocation

- Partner/associate hours per case
- Partner/associate hours per task
- Disbursements and/or billing methods
- Supplier utilization
- Compliance with best practices

The model emphasizes the importance of technology and reliable data collection in creating and implementing the performance metrics, describing the amount of resources required as “staggering.” DuPont assigned a dedicated, multi-disciplinary team, including an outside consultant, to design and test the system. They developed procedures for ensuring that data systems, the foundation of the metrics, were timely, reliable, and capable of handling the variability in litigation files that often complicates comparative analysis. Among other things, the team recognized that in order to make the system simple for managers and lawyers to use, they needed to minimize the number of performance metrics (no more than 14 to 18), and present the

information in a readily digestible format. DuPont Legal now periodically circulates three basic types of reports:

- “At-a-glance” reports — These are one page snapshots of DuPont’s overall caseload, with details about average costs, cycle time, and cases closed compared to results for the previous three years
- “You-are-here” reports — These reports are a main source of information for DuPont Legal’s lawyers, and provide a breakdown of average values for various measures along with the position of the individual lawyer in relation to the average.
- “Task-based” reports — These provide detailed analysis based on data extracted from DuPont’s task-based billing system, which enables a detailed breakdown of costs and time spent on different activities for different case types. This enables DuPont to analyze the services of particular law firms, budget based on expected costs, and tailor alternative billing methods based on past billing patterns.

Persuading lawyers to accept the performance metrics as a useful tool was a significant challenge:

Implementation of the metrics program was a revolutionary event that required a change in corporate culture. Performance issues would now be discussed, costs would be closely analyzed, and outside counsel’s performance would undergo analysis based on objective measures rather than subjective ratings.⁸

Nevertheless, according to Dupont Legal, the metrics have been essential to the success of the Legal Model, as they provide a basic method for evaluating service delivery.

⁸ Ibid.

Appendix 6B — BC Ministry of Attorney General — Legal Services Branch

As discussed in Chapter 6, the Ministry of Attorney General (the ministry) uses competitive bidding to select private law firms around BC to provide legal services to staff members of the Ministry of Children and Family Development (MCFD) in child protection cases, as well as defence for youth in care who are facing prosecutions pursuant to the Youth Criminal Justice Act, and family maintenance enforcement under the Family Maintenance Program (FMP).⁹

In the child protection context, private law firms act as counsel for the director, and generally take instructions from, and provide advice and representation to, the MCFD staff who are responsible for individual child protection cases. The ministry used a request for proposal process to select contractors in different regions of the province. The most recent round of contracts have a term of two and a half years ending March 31st, 2007. The ministry will negotiate new contracts when it moves to a regional governance model. The majority of private law firms have acted as director's counsel on a long-term basis.

Both the MCFD and the ministry play a role in performance management. For MCFD, line social workers are responsible for the handling of individual files and providing instructions to Director's counsel regarding the litigation. Thus, MCFD staff are in a position to monitor the quality of service provided by Director's counsel.

Each year, MCFD circulates evaluation forms to social workers and other MCFD staff members to obtain feedback on the services Director's counsel provide. The evaluation forms ask social workers to rate counsel's performance on a scale of 1 ("poor") to 5 ("excellent"), and encourages respondents to offer detailed comments on both positive and negative elements of performance. The forms seek feedback in the following areas:

- Lawyer accessibility
- Availability of legal advice before and after taking initial legal action
- Counsel's preparation of witnesses, including social workers, for court hearings
- Counsel's willingness to follow instructions
- Counsel's efforts to inform the social worker of progress in the case
- Counsel's promptness in providing copies of court orders

⁹ Staff members in the Legal Services Branch of the Ministry of Attorney General provided the information on which this section is based.

- Details of any meetings with counsel regarding service delivery concerns
- Suggestions for improvement
- Identification of best features

Under the contracts, outside law firms must provide monthly reports to the ministry detailing the services provided. For each case, they must indicate the case type and report separately on time spent on each of the following activities:

- Disclosure
- Preparation
- Court time
- Consultations/meetings
- Staff education/training
- Mediation/Family conference/ADR
- Travel time

In the past the ministry's data management system combined lawyer's reported hours into an aggregate figure for all cases in a period, but it now tracks the information by individual case.

Throughout the term of the contracts, the ministry reviews the total hours spent by each contracting law firm to determine whether the monthly payment is yielding an appropriate hourly rate. The review process is triggered only by the ministry and not by the contractors. The ministry is currently developing the capacity to evaluate case profiles in order to compare individual lawyer performance against average hours for different case types. Once completed this system will enable the ministry to estimate the typical hours required to provide a service (e.g. to obtain a continuing care order), and identify instances where there is a significant variance. There are certainly some challenges in developing the "benchmark" figures, since there are many variables that can account for differences. The ministry is exploring the possibility of using statistical data to develop target hours for specific services. At present, the ministry does not conduct a regular review of case profiles, unless there is an external trigger (e.g. a complaint), but it does review these profiles if it plans to extend contracts or issue a new request for proposals. The ministry is also able to develop case profiles using the timekeeping statistics its in-house counsel produce.

Appendix 6C — Insurance Corporation of BC

As noted in Chapter 6, the Insurance Corporation of BC (ICBC) is a provincial Crown corporation established to provide universal auto insurance to BC motorists and administer driver licensing and vehicle registration. As the province's largest insurer, ICBC employs a mix of in-house and outside counsel to provide claims-related legal services.¹⁰

Strategic Alliance

From 1985 to 1999, the Ministry of Attorney General managed ICBC's relationships with outside law firms through its Crown Corporation Legal Services Program (CCLSP). The ministry was directly involved in the setting of hourly rates, the selection of outside law firms, and the distribution of legal work.

In 1999, the ministry authorized ICBC to embark on a competitive process to select outside law firms to handle its claims-related legal services. ICBC developed and issued a request for proposals, while the ministry retained authority to approve the selection process and results. The basic process resembled the franchising model adopted for legal aid firms in England and Wales, albeit with a higher degree of government involvement.

The contracts with outside law firms resulting from this first RFP process, termed "Strategic Alliance 1," ran from July 1, 2000 to June 30, 2003. Under this regime, ICBC scaled the rates payable to counsel according to the standard tariff of outside counsel rates authorized by the ministry under the CCLSP.

From 2002, by virtue of a Memorandum of Understanding negotiated between ICBC and the government, ICBC was no longer subject to direct Ministry oversight under the CCLSP. This set the stage for a further competitive process, under the rubric Strategic Alliance 2, which resulted in agreements covering the period 2003 to 2006. In this second round of contracts, to ensure sufficient interest from outside law firms providing quality services, the rates payable bore a more direct relationship to market conditions. In 2006, ICBC will embark on a new round of competition for contracts covering the next three-year period.

Under the Strategic Alliance, the number of participating firms has declined over time. In 1999, there were 150 to 155 firms engaged as outside counsel. Under Strategic Alliance 1, ICBC awarded contracts to 120 firms, including 15 new firms, which means about 50 previous outside law firms were unsuccessful. As of 2003, through Strategic Alliance 2, there were 110

¹⁰ The discussion that follows is based on information provided by ICBC.

contracting law firms. Despite this decline, ICBC emphasizes that the objective of Strategic Alliance is not consolidation of service provision. Rather, any attrition is the result of rationalization and the application of a sound business analysis on a case-by-case basis.

As part of the Strategic Alliance, outside law firms must cooperate in ICBC's technology strategy, which has enabled it to develop a number of management programs. ICBC maintains a dedicated external website accessible only to in-house and outside counsel, which contains summaries of recent caselaw, ICBC policy documents regarding file handling, current instructions to lawyers on the conduct of litigation, a list of ICBC contacts, and various forms.

Outside law firms are also required to adhere to ICBC's Litigation Management Strategy, which contains instructions to counsel and adjusters on billing, file management, roles and responsibilities, and the conduct of certain types of litigation files.

A key component of the Strategic Alliance is performance evaluation. ICBC evaluates counsel on the basis of results, service and costs. ICBC relies on the following measures to monitor performance and provide regular feedback to counsel:

- A Counsel Evaluation program
- ICBC staff communications regarding performance
- Investigations in response to complaints, which may include file reviews and interviews
- Periodic, formal performance reviews by the Special Counsel department
- Comparisons of actual and estimated billings
- Random financial and file audits

In addition, ICBC relies on the performance evaluation of its in-house counsel to review and refine its performance management processes.

Counsel evaluation program

ICBC developed a Counsel Evaluation Program to promote a "performance-based environment" among both in-house and outside counsel. ICBC piloted the Program in March, 1995 and it became fully operational by July, 1995. Under the program, ICBC claims staff, typically the adjusters responsible for each litigation file, submit electronically a standard evaluation form upon resolution of a claim in which they rank the lawyer on a scale of one ("Poor") to five ("Excellent") according to six criteria:

1. Providing appropriate advice, recommendations, and guidance.
2. Accepting and following instructions in a timely manner.

3. Preparing for and presenting the defence at meetings, discoveries, ADR and court appearances.
4. Attitude and conduct (professional, courteous, and defence-oriented);
5. Contribution to results.
6. Overall performance.

The program is not mandatory, and claims staff are not required to submit an evaluation form on every closed file; for example, they generally do not submit forms if the file resolved prior to examination for discovery, counsel had little involvement, or an evaluation was previously submitted. In practice, a lawyer is more likely to receive an evaluation if the performance on a particular file is very good, or very poor.

Between 1995 and 2003, ICBC collected over 38,000 evaluation forms. By analyzing the data from its Counsel Evaluation Program, ICBC can identify trends in the quality of the legal services it receives, and make informed business and management decisions. ICBC management has found that the information derived from the program assists in:

- Evaluating and providing feedback on the overall performance of firms and individual counsel within a region;
- Identifying those firms and individuals who provide excellent service and making corresponding adjustments to firm case volumes and complexity of assigned files;
- Identifying, analyzing and monitoring poor performance trends with respect to firms and individual counsel;
- Evaluating proposals received under its periodic RFP processes;
- Providing input for developing lists of specialist counsel and firms;
- Assessing and, where appropriate, increasing hourly rates for senior counsel;
- Improving performance reviews and professional development for in-house counsel.

By examining the evaluations that yield an overall “poor” or “fair” rating, ICBC can identify the types of problems that lead to lower quality service. By contrast, reviewing those evaluations producing an “excellent” rating enables ICBC to understand what constitutes high quality service.

ICBC also breaks the evaluation data down on a regional basis, to identify local trends.

For those files receiving a counsel evaluation, ICBC also tracks how the case resolved: settlement by adjuster, settlement by counsel, ADR, trial, or offer to settle. This enables ICBC to evaluate whether its litigation files are being resolved in accordance with its policies and priorities. Also, ICBC evaluates

the overall performance ratings for counsel based on the mode of resolution, enabling broad comparisons of the quality of service for each method.

ICBC reports on the results of the Counsel Evaluation Program to its legal service providers. It provides summaries of the annual ratings in preceding years, and includes both aggregate ratings and regional figures, to enable law firms to understand where they stand. In addition, ICBC provides regular “report cards” to outside law firms listing the individual evaluations received for its lawyers, identifying the adjuster who submitted the evaluation, and setting out the adjuster’s overall ratings.

ICBC has conducted periodic reviews of the Program to refine the measurement tool and ensure that the information it provides is accurate and fair. Since the basic data consists of a qualitative assessment by individual ICBC staff members, each assessment has an unavoidable element of subjectivity. While it would be unreasonable to rely on a handful of assessments from a single year, over four or five years ICBC might acquire 60 or 70 evaluations or more for an individual lawyer. By compiling a large number of evaluations over an extended period of time, ICBC aims to minimize the impact of anomalous assessments and generate increasingly objective measures.

At present, ICBC has collected over 42,000 separate evaluations, so there is now a sufficient body of data available that the Program presents a reliable measure of how ICBC staff perceive the quality of legal services. The number of evaluations containing overall ratings of “poor” or “fair” has remained relatively static at 1 or 2% each year, but the proportion of “good” and “excellent” ratings has steadily increased, reaching 91% in 2004.

Legal billing analysis project

In March 2002, as part of its Strategic Alliance contracts, ICBC implemented a Legal Billing Analysis project to “. . . implement data collection and analysis processes and systems to record the legal fees and hours of work and to assist in measuring the cost-effectiveness of outside law firms.” Under this program, in addition to submitting their ordinary accounts to adjusters for review and payment, law firms must provide via email standard form legal account summaries, which will enable ICBC to compile a database for analysis and reporting in the following areas:

- Time spent, generalized activities and cost of outside legal counsel on a per file basis by file complexity.
- Legal resource allocation on a per file basis by file complexity
- Estimated hours assigned compared to actual hours spent on a per file basis.

In implementing this system, ICBC did encounter some initial challenges in persuading outside counsel to submit their billing summaries and to use the appropriate computer formats.

Using this system, ICBC planned to develop additional evaluation tools and enhance performance, for example, by:

- Adopting a Uniform Task-based Management System (UTBMS)
- Developing integrated cost, performance and results information collection, analysis and reporting
- Improving file assignments to match file complexity to firm expertise for better outcomes
- Improving the conduct of litigation files
- Implementing electronic information exchange
- Developing the process for future Strategic Alliance selection processes

ICBC is beginning to use this program to evaluate law firm billing profiles. As part of the selection process, competing law firms are required to set out their proposed allocation of time to be spent on files by senior, intermediate, and junior counsel, as well as legal assistants. In selecting a successful proponent, ICBC evaluates the likely cost of legal services based on the proposed allocation, and ranks firms accordingly. The next step is to review the actual billings of outside law firms to identify variances between proposed and actual billing profiles, which may suggest, for example, that a particular firm is allocating much more senior counsel time to its files than is appropriate.

Trial evaluation program

Since November, 1996, ICBC has maintained a Trial Evaluation Program that collects information regarding all cases that proceed to trial at all court levels, as well as Rule 18A applications and appeals. Since January 2002, ICBC has required outside counsel to complete and submit a standard Trial Evaluation Form as soon as judgment is rendered in a case. Where a judgment is appealed, counsel must submit a further evaluation form when judgment is rendered in the appeal. The forms are designed to capture relevant information about the trial from counsel, and may be submitted electronically.

Appendix 6D — Department of Justice (Canada) — Federal Prosecution Service

As discussed in Chapter 6, the federal government’s Federal Prosecution Service (FPS) is responsible for prosecution of offences under federal legislation other than the Criminal Code.¹¹ The bulk of its work consists of criminal drug prosecutions, with the balance made up of regulatory offences under various federal enactments, for example, tax fraud or fisheries prosecutions. It is also responsible for extradition cases and foreign requests for legal assistance. As of 2001, the FPS employed about 316 in-house counsel in its 13 regional offices across the country. The FPS also contracts with private law firms to act as federal “agents,” largely in areas not served by a regional office, but also to handle overflow. Although some agents are appointed on an “ad hoc” basis, most are “standing” agents, which means the FPS retains them to prosecute all offences arising under specified legislation in a given region. FPS agents provide services under contracts with no fixed termination date. The contracts include terms and conditions covering billing, performance, and administration standards, with provision for auditing of work completed and bills rendered. Agents must also adhere to the service guidelines published in the FPS Deskbook. The FPS typically recruits agents through local newspaper advertisements, and screens applicants using background checks and references. In 2003/2004, there were 250 law firms (comprising 1000 individual lawyers) acting as agents for the FPS across the country, with annual billings ranging from \$10,000 to \$1.5 million. The total FPS expenditure on agents was \$29.5 million.

Federal Prosecution Service Review

In 2001, the FPS completed a review of its operations to evaluate methods of managing demands for its services and improving efficiency and effectiveness in its service delivery. The review offered the following assessment of FPS management practices and systems:

At present, the FPS lacks the rudimentary elements of an efficiently managed operation. There is an absence of reliable data on workload and related costs, spotty reporting, a lack of coordinated planning to ensure that resources are utilized strategically and efficiently, and limited

¹¹ The discussion in this section is based on information provided by the FPS, as well as the following resources available on the Department of Justice website, including: Department of Justice, *The Federal Prosecution Service Review* (Ottawa, 2001), online: canada.justice.gc.ca/en/dept/pub/fps/fpsrp.pdf; Department of Justice, *Federal Prosecution Service Renewal: Year in Review – Renewing the FPS Commitment to Canadians* (Ottawa: Communications Canada, 2002), online: canada.justice.gc.ca/en/dept/pub/fps/fps_renewal_yir.html; and the materials collected at canada.justice.gc.ca/en/dept/legal_agents/index.html.

accountability for the resources actually spent. The FPS urgently needs greater rigour and transparency in its ability to quantify its workload, establish priorities, allocate resources, and keep track of performance and results.¹²

The review found that the lack of an effective management framework prevented the FPS from effectively regulating its workload, analyzing case profiles using a complexity matrix to enable strategic grouping of cases, and introducing performance standards. Similarly, although the FPS introduced timekeeping in 1998, its system did not track the work being performed by type of charge or key activity. Thus, it was unable to use timekeeping records as an effective management tool for performance appraisal. The review recommended as a “highest priority” that the FPS develop effective management information and budgeting systems for its workload.

The review also offered an overview of the existing agent system and an assessment of some of its deficiencies. This followed an internal audit of the agent system in 1999, after which the FPS took steps to improve fiscal management, data collection, and service quality. Among other things, it set up new units to administer agent contracts:

- The Agent Affairs Unit in Ottawa, which is responsible for maintaining service quality, managing the Drug Prosecution Fund (which funds much of the agent work), and reducing costs.
- Agent Supervision Units in six regional offices, whose purpose is to monitor quality, assist in agent selection, provide litigation support, meet training needs, advise on administrative matters and ensure contract compliance.
- Legal Contracts Support Section, which monitors billing practices.

Despite these improvements, the 2001 review found that service quality and cost remained a problem. Anecdotal evidence suggested that the quality of in-house work was superior, and the RCMP raised concerns about agent capacity to handle complex cases. Among the quality concerns, the review noted:

- A lack of reliable data prevented useful comparisons between the work performed by staff prosecutors and agents.
- A lack of adequate funding to allow effective agent supervision
- A lack of adequate entry requirements for new agents
- Compensation rates hindered the FPS in attracting competent lawyers in some areas.

Regarding compensation, the review noted that the FPS was preparing to embark on a phased increase of hourly rates, with plans to study different

¹² Department of Justice, *Federal Prosecution Service Review*, p.7.

payment methods. The review also raised the question of whether compensation mechanisms contained appropriate incentives for agents to implement FPS policy objectives (e.g. diversion).

The review identified a number of pilot projects, including enhanced agent supervision in BC, which has four priorities:

- Focus on areas with the highest agent billings
- Early case intervention for major files
- Agent training
- Improving taxation of accounts

The review recommended that FPS consider options to transfer agent work to in-house counsel and improve service quality among agents. The specific measures included:

- Implementing an application process
- Adopting a formal evaluation mechanism for use in the selection process
- Increasing supervision resources
- Expanding agent training
- Introducing measures to ensure agents carry out FPS policies, especially alternatives to prosecution
- Finding appropriate alternatives where agents cannot handle complex cases.

Agent benchmarking

Since 2001 the FPS has implemented a number of changes to its management processes.¹³ For example, it developed a benchmarking system to track and analyze agent billings. The FPS has used the system in Ontario for the past two and half years, and in BC for the past year. The FPS developed the system with the assistance of a systems and management process consulting firm.

A key component of the system is standardized formatting for lawyer accounts. The FPS developed its own litigation codes based on the American Bar Association's Uniform Task-Based Management system, which divides litigation into phases, and assigns activity codes to different activities within each phase. This system requires agents to assign a code to each unit of time they bill.

When FPS receives an agent account, it is reviewed against the “the terms and conditions of employment” which sets out the billing and service

¹³ Department of Justice, *Federal Prosecution Service Renewal*.

requirements that lawyers are expected to follow. All bills are reviewed for compliance with terms and conditions.

The FPS also evaluates lawyer billings using its Legal Risk Management framework, which is a form of financial risk assessment based on cost, case complexity, and other factors. Those bills that are identified as “high risk,” due to publicity in the case, past concerns regarding the agent, or the amount of billings on the file, are subject to a pre-payment audit. If a bill is deemed high risk, Ottawa analysts send it to the local agent supervisor, who reviews it for “reasonableness.”

Bills that are not high risk are subject to statistical sampling, based on various benchmarks and filters the FPS has developed. At present, there are 9 different file profiles for different types of cases, e.g. cultivation, simple possession, etc. For each profile, there are two sub-categories depending on whether or not the case involved a trial. Thus, there are a total of 18 categories. Within each of those categories, the FPS presently evaluates four specific benchmarks:

- The total cost of the file
- The total number of hours spent by the agent
- The duration of the file (in months)
- The average cost per hour

Also, since the FPS has four different hourly rates, this benchmark assesses how lawyer time is assigned to a case, with the presumption that simple cases will have more junior lawyers and hence a lower rate, while complex cases will require a senior lawyer and produce a corresponding higher rate.

The FPS assigns a risk value to different types of files, for example a simple possession case with no trial would be low risk, while a large importation case, or large tax evasion case, would be high risk. The FPS first developed the benchmarks based on closed files, using data from previous years. The benchmarks are subject to continual revision, using incoming case data; currently they are recalibrating the benchmarks every 6 months, and eventually they will do so each quarter. The benchmarks will accordingly fall into a tighter and tighter range over time, as agents who deviate too much from the range will be reviewed and gradually bring their practice into line with the statistical benchmarks.

Introduction of this system has not added significantly to lawyer administration time, as they have always been required to submit billings based on standard timekeeping methods. One change, however, is that in the past, the FPS received a single bill each month that reflected work on all the files dealt with in the relevant period. This prevented ready analysis of any individual files on a periodic or cumulative basis. Now, data is collected on an individual file basis, which enables assessment of an individual account

against total billings on the file (including breakdowns using the activity codes to discern what type of work is being done).

By the end of the current phase (Phase 3) in the development of its benchmarking protocols, the FPS will be able to regionalize the benchmarks within each province so that individual agents can be compared to other agents working in the same court region, or even the same court location.

The next step for the FPS is to develop an “ultimate risk value” that broadens the statistical evaluation beyond simple case profile data to encompass aspects of practice administration and compliance with contract terms, for example, office or file security, staff training, win/loss records, relations with police, relations with the defence bar, etc.. The FPS will identify factors to quantify, and establish a point value for each factor. The cumulative scores on the various factors will enable the FPS to distinguish high risk and low risk agents, which will determine the frequency and intensity of file audits.

To administer this ultimate risk value system, the FPS plans to make office visits on a 3-year cycle, except where complaints or other triggers justify more frequent assessment. Due to internal policy considerations, the FPS has not yet reached the stage where its assessment of agents based on the benchmarking system would lead to termination of a contract.