

Advance notice of tariff and operational changes

As you are aware from my last message to the tariff bar, there has been a significant increase in demand for legal aid. At the end of November 2008, referrals for emergency family services were up 21% over budget and criminal referrals were up 5%. Immigration referrals were up 76% over the last fiscal year. These increases are expected to continue in the 2009/2010 fiscal year that begins on April 1.

I do not expect government funding to be reduced in the next fiscal year, nor do I anticipate any increase, except for previously negotiated collective agreements and employment contracts and an additional \$2 million earmarked for the exceptional case fund. Non-government funding is expected to decline. For example, the Notary Foundation grant is budgeted to be more than \$2 million below what we budgeted in 2008/2009.

Faced with these challenges, the Legal Services Society's board of directors instructed the society to prepare a budget that brings service costs more in line with government funding for criminal and family services. To achieve this, the society has made a number of changes to its staffing and operations, the services it provides, and the projects it was funding from non-government surplus revenues. These changes will enable LSS to refocus its resources and finances to ensure assistance is available within current funding for those most in need. These decisions will have a significant impact on LSS, the tariff bar, and LSS clients, and were extremely difficult for both the board and LSS staff.

Service and tariff changes

Complete details of these changes will be provided in a Notice to Counsel at a later date.

Criminal tariff

- The administrative fee for all referrals will be eliminated after March 31, 2009.
- Tiered rates for criminal duty counsel will be eliminated after March 31, 2009.
- All adult Category I offences will be eliminated after March 31, 2009.
- Out-of-custody duty counsel assignments will be eliminated in courthouses where LSS provides separate duty counsel for in-custody clients by June 30, 2009.
- These measures are expected to save \$3.6 million annually.

Family and CFCSA tariff

- The administrative fee for all referrals will be eliminated after March 31, 2009.
- Dispute resolution referrals will be eliminated and extended services significantly reduced after March 31, 2009.
- Duty counsel services will be reduced in some courthouses at a date to be determined.
- These measures are expected to save \$1.6 million annually.

Immigration tariff

Notice to Counsel #61, issued January 9, 2009, outlined changes to the immigration tariff. To summarize, LSS is:

- Introducing stricter merit screening of applications for Personal Information Form referrals.

- Managing Refugee Protection Division hearing referrals to remain within budget.
- Terminating hearing referrals issued on or after April 1, 2008, with the opportunity for clients to reapply closer to their hearing date.
- Introducing stricter standards for approving referrals on applications made to the LSS Appeals Department.
- Eliminating the administrative fee for all immigration referrals after March 31, 2009.
- Making the above-noted changes to help manage the demand within the existing budget of \$1.7 million.

Staff and operational changes

- Effective April 2009, there will be a 16 percent reduction in staff in the Lower Mainland (38 positions). This includes elimination of the staff lawyer service delivery model in Vancouver and Surrey and a reduction in LawLINE staff.
- The reduction in scope of a number of special projects will also result in a reduction of staff positions associated with those projects.
- The projected budget saving is \$2.5 million.

Additional budget adjustments

- Several special projects that provide services over and above those the government funds, and which LSS funds from non-government revenue have been reduced in scope. These include LawLINE, integration of legal aid services with social services, etc. This will result in an anticipated budget adjustment of \$5 million.
- LSS will also be using some project funds for an expanded duty counsel pilot project.
- Notwithstanding a total budget adjustment of 12.7 million, LSS will be required to use more than \$3.2 million of its non-government revenue to support criminal, family, and child protection legal aid. If savings are greater than projected, the additional money will be used to enhance duty counsel services.

Operational and strategic review

LSS will be conducting a review of selected business processes to look for operational efficiencies. This review will help LSS deal with future changes in demand or future changes in funding with minimal disruption to its operations and infrastructure. Any recommendations for improvements to our current business process will be announced in July or August.

Later this year, the board of directors will conduct a strategic review of LSS's core services and how best to deliver those services with limited financial and staffing resources. Any recommendations or changes to the society's strategic direction will be announced at a later date.

Questions, comments and suggestions

If you have questions, comments, or suggestions, please send them to LSS at LSS-Services@lss.bc.ca.

Mark Benton
Executive Director