

COVID-19 Temporary Criminal Tariff Changes

ALERT: due to COVID-19 suspension of regular court operations, Legal Aid BC (LABC) is introducing a temporary tariff rule to allow for earlier and more flexible billing of the *Non-trial resolution* (NTR), *Multiple information resolution*, and *Visiting clients in custody* items. The rule will be reviewed as matters progress and will be rescinded by further notice.

Updates to LABC Non-trial resolution, Multiple information resolution, and Visiting clients in custody tariff items

Non-trial resolution and multiple information resolution

In recognition of the changes to Court procedures resulting from the public safety response to the COVID-19 pandemic, court attendance for some *Non-trial resolution* services is not required.

Effective April 1, 2020, for the purpose of billing the *Non-trial resolution* fee, a matter will be treated as resolved if the Crown and Defence have reached an agreement to resolve all outstanding matters on an information. Counsel must document the consent of both the Crown and the client. A copy of such documentation (e.g. file notes, email, letters) must be attached to the invoice when billing under this temporary rule. When billing a non-trial resolution without a court appearance, use the date of the confirmed agreement with the Crown as the service date. If counsel bills a non-trial resolution without a court appearance, the subsequent court appearance to confirm the non-trial resolution is not billable.

In circumstances where the resolution of multiple Informations will proceed before the same judge you may only bill the *Non-trial resolution* once and you may bill the *Multiple information resolution* fee for the other informations included in resolution agreement.

Visiting clients in custody

Effective for visits on or after March 16, 2020, counsel will be able to bill the *Visiting clients in custody* fee when they take instructions from a client in a correctional or detention facility by telephone or video. In person attendance at a facility is not required to bill the item. If you visit more than one client by telephone or video on the same day, you may temporarily bill for each client telephone or video visit.

As always, we welcome your feedback regarding the *LABC Tariffs*. If you have any comments, please email lawyer.support@legalaid.bc.ca.

Heidi Mason,
Vice-President, Legal Advice and Representation

April 21, 2020

Questions or comments?

Contact our Lawyer Support team:

- Call 604-601-6155; 1-888-401-6206 (no charge), or
- Email lawyer.support@lss.bc.ca

RESOURCES

LAWYER PORTAL

LABC TARIFFS

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