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**Legal  
Services  
Society**

June 2019

## **Legal Aid Brief**

### **Updates from the Legal Services Society**

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#### **First bargaining incentive bonus payment on its way**

The first bargaining incentive bonus (BIB) payments are expected to be made by the end of June. Eligible tariff lawyers who have submitted invoices, have been paid by LSS for those services, and have certified that the services were performed after April 27, 2019, can expect to receive the BIB payment from the Law Foundation of BC once a month from June to November, on or before the end of each month. The monthly payment will generally be for the eligible invoices submitted and paid in the previous month.

LSS will send you an email on the day the payment is deposited, and a list of which invoices the BIB payment is for. The list will include the invoice number, client name and total fees.

The BIB is a 25% bonus calculated on the amount LSS pays for services performed and invoiced between

April 28, 2019, and November 3, 2019. It is applicable to representation and schedule-based (duty counsel) contracts.

More information about the BIB, see our [Frequently Asked Questions](#).

If you have questions or need assistance, email us at [lawyer.support@lss.bc.ca](mailto:lawyer.support@lss.bc.ca), or call 604-601-6155/1-888-401-6206 (toll-free).

## **S. 525 detention reviews update**

The Supreme Court of BC has introduced new procedures for s. 525 detention reviews in response to the decision in R. v. Myers 2019 SCC 18. After some early uncertainty these procedures are now settling in. A more detailed information package is available [here](#).

In summary, Corrections notifies the court (by way of application), when its records show that someone is entitled to a s. 525 detention review; then the court sets a s. 525 scheduling hearing date. If the court record shows you as counsel of record, a Notice of Scheduling Hearing will be emailed to you.

Scheduling hearings are conducted in the Supreme Court in Vancouver with the client appearing by video. Counsel's telephone attendance, if required, can be arranged. The court's interim [Practice Direction](#) sets the expectation that counsel of record will get instructions in advance of the scheduling hearing so that you can advise the court whether a full detention review hearing is required. The court has introduced forms that facilitate adjournments and/or waivers without counsel having to appear.

As an interim measure, LSS provided duty counsel at the scheduling hearings. Our experience shows that this service is no longer required. The primary communication should come from counsel of record to the court and Crown. LSS will no longer provide duty counsel after June 27, 2019.

LSS is finalizing tariff structures to compensate counsel for this new procedure. We expect to have those systems in place by mid-July. We ask for counsel's patience if you are dealing with scheduling hearings in the meantime. More details will be provided when the tariff item is implemented.

## Updated mentorship guidelines expand options

LSS has updated its [Mentoring Counsel Guidelines](#) to broaden the scope for mentorship. The revised guidelines set out the criteria and considerations for what circumstances might qualify for mentoring and how to make a request. Updates include:

- Changed mentoring and apprentice guidelines to include lawyers who have been practising in the relevant area of law for less than five years;
- Added ability for remote mentoring assistance where suitable;
- Expanded guidelines for Family and CFCSA mentoring assistance where the case would provide the mentee with an opportunity to learn and develop advocacy skills; and
- Updated invoicing procedures.

LSS offers mentoring to provide tariff lawyers with valuable learning experience on legal aid cases. These opportunities are available to tariff lawyers with less than five years of call or who have been practising in the relevant area of law for less than five years.

Lawyers who are looking for a practical, hands-on learning experience while working on a legal aid case should first confirm the willingness of their proposed experienced counsel mentor when including that information as part of the assessment process.

As a mentor, I was able to provide guidance to junior lawyers on both substantive and procedural matters. Being a mentor allowed me to provide some useful insight and guidance to junior lawyers.  
- Tony Prkacin, partner at PGS Law

## **New contract provides service to more people**

LSS's new Criminal Early Resolution Contracts (CERCs) are proving to be successful in serving a broader range of legal aid clients.

More than 150 clients who would not otherwise qualify for representation have been assisted since the service's launch on May 15, 2019, and many cases are getting resolved without trials being set.

The new contracts have fewer eligibility requirements and will compensate you for resolving cases for clients who might otherwise have to represent themselves on matters that don't require a trial. The financial eligibility cut-off is \$1,000 higher than for a standard representation contract and there is no requirement that the client be facing jail.

CERCs authorize all billing items on a standard criminal contract, except for trial and preliminary hearing fees. Standard rules for authorization, including Gladue reports, apply to CERCs. Benefits of the service, which will be evaluated, include new clients for defence counsel, early resolution for clients and elimination of unnecessary court appearances.

LSS does not screen whether cases are suited for early resolution when CERCs are issued. The expectation is that, with a scheduled appointment, you and your client will have a better opportunity to decide if a case is suited for early resolution. If the case will proceed to trial you should help the client find assistance to prepare.

Materials have been posted to the Resources section of LSS Online that will assist many clients to better represent themselves as appropriate. The section also has a model retainer letter that is required by the Law Society for all limited retainers, as well as guidance on how to request a review for full coverage.

If your case needs more than 90 days to be resolved you should request an extension by making an authorization request. If you are actively pursuing a

resolution with Crown, or are awaiting the outcome of a future event before resolution can be finalized (e.g., completion of an alternative measures program), the extension will be granted. In your authorization request you should briefly indicate the steps that require more time and the expected date the matter will be resolved.

More information about the CERC is available on the [LSS website](#) and at [Criminal Early Resolution Contract – Summary](#).

### **Parents Legal Centres expansion update**

New Parents Legal Centres (PLCs) are now up and running in Kamloops, Victoria and Williams Lake. This brings the total to nine PLCs across the province, adding to the new centres LSS recently opened in Campbell River, Duncan, Prince George, Smithers, and to the existing PLCs in Surrey and Vancouver. LSS's regional office in Terrace will also offer PLC services soon.

PLCs are staffed with a team made up of a legal assistant, advocate, and a lawyer. Services include a lawyer's advice and representation at court unless a trial is required, and at mediations and other collaborative meetings; and an advocate's support throughout the process.

### **Bursary offer: CLEBC Family Law Conference 2019**

LSS encourages tariff lawyers to apply for a bursary to attend the [Continuing Legal Education BC's 12th Biennial Family Law Conference 2019](#) taking place on Thursday, July 4, and Friday, July 5, 2019, from 9am to 4pm in Vancouver. Webinar attendance is also possible. When applying for a bursary, be sure to add "CLE Family Law Conference 2019" to the subject line and specify whether you plan to attend the conference in person or by webinar.

Law Society of BC CPD hours: 12

## Eligibility

To be eligible for this bursary, you must have had three or more Family contracts in the 12 months prior to the event and agree to take at least three contracts over the following year. All eligible counsel are welcome to apply, however, participation in recent bursary events may impact eligibility. The selection of bursary recipients is at the discretion of LSS.

If you meet the criteria, apply by emailing [LawyersResources@lss.bc.ca](mailto:LawyersResources@lss.bc.ca) with the name of the course, your call date and vendor number, and affirm that you agree to take at least three Family contracts over the following year.

**Note:** Webinar attendees must state the number of lawyers participating.

## Questions or comments?

Contact our Lawyer Support team at: 604-601-6155 / 1-888-401-6206 or [lawyer.support@lss.bc.ca](mailto:lawyer.support@lss.bc.ca)

*Sent from the traditional unceded territory of the Coast Salish peoples, including the territories of the Musqueam, Squamish and Tsleil-Waututh Nations.*



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