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**Legal
Services
Society**

October 30, 2018

Legal Aid Brief

Incentive payment for some family, child protection and limited representation contracts

LSS is pleased to announce a \$500 incentive payment for each family and child protection contract accepted by a lawyer in a community where LSS is having difficulty placing cases with local lawyers.

The incentive fee will also apply to the new family limited representation contracts that were implemented today (see [Notice to Counsel](#)) provided those contracts are in the same locations where LSS has difficulty placing cases.

When the Attorney General announced LSS's budget for the current fiscal year, he directed LSS to set aside \$1 million for a tariff incentive program.

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

LSS believes clients are best served by lawyers in the community because they are familiar with local circumstances (which is particularly important in child protection cases) and are more readily accessible to clients. Assigning lawyers from outside the community also increases LSS's costs, as travel fees are required.

LSS determined that the \$1 million incentive fund would be best used to address these concerns.

In August 2018, LSS surveyed lawyers in communities where placing family and child protection cases is a concern. The survey found that a \$500 incentive payment would result in a majority of lawyers taking more contracts in their home communities.

LSS will pay the fee retroactively on all eligible family and child protection contracts issued from April 1, 2018 to March 31, 2019, as well as on limited representation contracts issued from today's date to March 31, 2019.

LSS hopes the additional \$500 will encourage lawyers to accept more family and CFCSA contracts, take advantage of the new limited representation contract, and that it will encourage others to join LSS's roster of lawyers.

If you have questions, contact lawyersresources@lss.bc.ca.

Additional Information

1. What is a "local lawyer"?

LSS defines a "local lawyer" as one whose office is within 80 kilometres of the court location.

2. Why does the incentive fee only apply to family and child protection cases?

LSS has greater difficulty placing family and child protection cases with local lawyers than it has with criminal cases.

3. To which court locations does the incentive fee apply?

The fee applies to those locations where fewer than 90 per cent of contracts were issued to local lawyers since 2015. All locations are eligible except: Abbotsford, Campbell River, Chilliwack, Courtenay, Kamloops, New Westminster, North Vancouver, Port Coquitlam, Richmond, Sidney, Surrey, Vancouver, Victoria and Western Communities.

4. I live in one of the underserved communities, but do not regularly take contracts. Who should I contact

take more?

Contact an LSS local agent in [your area](#).

5. What is the time frame for the incentive fee?

The fee will be paid retroactively and going forward on all eligible contracts issued from April 1, 2018 to March 31, 2019.

The project will be evaluated to determine if it meets LSS's objective of increasing the number of family and child protection cases assigned to local lawyers. Whether the incentive payment continues beyond March 31, 2019 will depend upon the success of the program and available funding.

6. How will I know if a contract is eligible for the incentive fee? Do I have to bill separately for the incentive fee?

The incentive fee is not a tariff item and will not require additional billing. A note will be placed on the contract by LSS at the time of issue stating the contract is eligible for the incentive fee.

7. How will I be paid?

LSS will pay the incentive fee automatically one complete calendar month after the contract is issued (e.g., payment for an eligible contract issued in September will be made in November).

The incentive fee will be a separate payment from all other contract payments and you will receive a separate email confirming payment.

8. Do I have to perform any specific tasks on the file to be eligible for the incentive fee? What if the client requests a change of counsel, I am required to withdraw before working on the case, or LSS terminates the contract?

Change of counsel is often outside the lawyer's control. Unanticipated conflicts or disagreements occasionally arise. To be eligible for the incentive fee, LSS expects that you will have meaningfully engaged with the client

and made substantive progress on the client's primary legal issues.

LSS will review change of counsel requests to determine if the incentive fee applies.

Where a change of counsel is required, the new lawyer will also receive the incentive fee provided the contract meets the eligibility criteria.

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

Training bursaries!

We have many training bursaries available.

Check out the course calendar in [LSS Online](#).



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