

Retroactive Authorization Requests/Disbursements

Part 1: Definitions

Authorization request: a written request made to LABC via the Lawyer Portal for approval to provide a legal service, incur a disbursement, bill a tariff item or amend a term of a representation or duty counsel contract.

Service date: the day, month, and year that a particular service was provided to a client on a legal aid contract.

CIS: Client Information System

CMC: Case Management Coordinator

Exceptional circumstances: includes situations where:

- a. the lawyer was unable to request authorization before incurring the expense or contracting for third-party services due to urgent demands of the case (or circumstances beyond the lawyer's control); or
- b. denying a retroactive authorization request would create undue hardship or significant unfairness.

LABC: Legal Aid BC

Submitted date: the date the authorization request was submitted by the lawyer.

Retroactive authorization request: an authorization request submitted to LABC *after* contracting for third-party services, incurring the expense or exceeding the tariff limit.

Part 2: Policy

1. To be reimbursed for a disbursement that is not automatically authorized or is authorized only to a specified limit, a lawyer must obtain authorization *before* contracting for third-party services, incurring the expense, or exceeding the limit.
2. In assessing retroactive authorization requests, LABC will consider:
 - a. whether the disbursement meets the necessary and reasonable guidelines set out in the Disbursements Tariff (i.e., would the authorization request have been approved if submitted in advance as required),
 - b. whether "exceptional circumstances" exist, and
 - c. whether the request will be fully or partially approved.
3. LABC may deny a retroactive authorization request without further review by the CMC where the lawyer has been granted multiple retroactive authorizations based on exceptional circumstances.
4. All retroactive authorization requests are also subject to the six-month billing policy. A lawyer must submit an authorization request to LABC for review no more than six months after the last date of service to the client.

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Part 3: Procedures

1. An authorization request is submitted via the Lawyer Portal to LABC for consideration.
2. The request is assigned to the appropriate CMC.
3. If the CMC requires more information to make a decision, the CMC will request more information from the lawyer through the authorization form. If the CMC does not receive a response from the lawyer within 30 days, the authorization request will be considered abandoned.
4. The CMC applies the disbursement guidelines set out in the Disbursement Tariff and six-month policy, and records retroactive authorization requests under the lawyer's profile. The CMC makes a decision as to whether:
 - a. any exceptional circumstances exist, and
 - b. the request will be partially or fully approved or denied.
5. The CMC may, as necessary, consult with the relevant supervisor or subject matter expert in assessing the retroactive authorization request.
6. The CMC's decision is conveyed to the lawyer in writing.

Part 4: Request for Review

1. A lawyer may send a written request for review to the CMC outlining why they do not agree with the CMC's decision within 30 days of receiving the original decision.
2. If the request for review includes new information, the CMC may reapply this policy, reassess their original decision (i.e., approve or partially approve the request), and convey the new decision to the lawyer in writing.
3. If the request for review does not include new information, or if the CMC's reassessment does not change their original decision, the CMC gathers all information and documents relating to the authorization request, refers the information to the supervisor, Lawyer Services or their designate for review.
4. The supervisor reviews the authorization, consults with the relevant Legal Services manager as necessary, makes a decision to partially, fully approve or deny the authorization request, and the decision is conveyed in writing to the lawyer.

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History

Questions to: Manager, Lawyer Services

July 2023: Amended the “one-time exception” rule; and performed other housekeeping changes.

September 24, 2020: Updated all references from “LSS” to “LABC.”

September 1, 2016: Updated terminology and department name. **April**

27, 2015: Reformatted and updated terminology.

EMC Approved March 13, 2012 — new policy

SEE [POLICY](#) AND [FORMS](#) PAGES FOR: Other policies and forms referenced in this document.