



# Notice to Counsel

January 2026, #130

## **Minimum Eligibility Requirements for Serious Criminal Cases, Revised Compliance Policy, New Criminal Record Check Process**

Please note that this Notice to Counsel discusses three important policy changes that impact lawyers who provide legal aid.

### **Updated Choice of Counsel policy**

Effective February 1, 2026, Legal Aid BC (LABC) is updating its Choice of Counsel policy to include minimum eligibility requirements (based on year of call) for counsel accepting contracts to represent clients in certain types of criminal cases. This is a quality assurance measure that aims to assist LABC clients in retaining lawyers with the necessary experience to act in more serious and complex cases. LABC consulted with the Criminal Tariff Advisory Committee in developing this policy change.

LABC's Choice of Counsel policy will be amended to include a year of call minimum for these specific offences, while allowing LABC discretion to make limited exceptions.

### **Minimum year-of-call requirements**

Offence Type	Minimum Year of Call
Sexual assault	4 years
Sexual offences: other (pornography, sexual touching)	4 years
Unlawful confinement: indictable	4 years
Kidnapping: abduction	4 years
Aggravated sexual assault	4 years
Sexual assault with weapon or causing bodily harm	4 years
Dangerous or impaired driving/criminal negligence causing death	8 years
Culpable homicide (murder, manslaughter, infanticide) as well as attempted murder	8 years
Dangerous and long-term offender hearings	8 years

If a lawyer meets the year of call minimum, they can accept a contract for one of the listed offences absent any applicable practice restrictions. Where a qualified counsel of record relies on an alternate service provider (ASP), the ASP must also meet the year of call minimum, except where the ASP:

- handles purely procedural matters such as fix dates on the instructions of counsel of record; or
- is the assigned junior counsel acting under the direct supervision of counsel of record.

Under the revised choice of counsel policy, if legal aid is approved for a client on one of the above-listed charges and the client has no choice of counsel, LABC Intake staff will limit their lawyer search to lawyers who meet the eligibility requirements. Where an LABC client requests a lawyer who does not meet the year of call requirement applicable in the case, the lawyer may request that LABC make an exception. The lawyer's request must be made in writing, outlining the nature of the case and the relevant practice experience they have acquired that equips them competently to conduct an effective defence. Requests for exceptions can be submitted to LABC Intake and will be reviewed by LABC's criminal law team.

For lawyers who do not currently meet the year of call minimum, LABC also offers opportunities to gain experience by serving as junior counsel (see [Notice to Counsel # 118 \(August 2022\)](#)) as well as through the [mentor/apprentice program](#).

## Newly revised compliance policy

LABC has revised its policies governing the handling of complaints, and the procedures surrounding the investigations and resolution of issues. The former “Lawyer Compliance policy” has been replaced by a new “[Client Services Compliance policy](#)”. The new policy is broader in scope and now applies to all external service providers who deliver services to clients, and includes not only private bar lawyers but also local agents, duty counsel, and mental health and prison justice service providers.

Arising in response to the recommendation of the Office of the Auditor General, the new policy more clearly sets out the standards service providers are expected to meet in terms of alignment with legal and professional standards, confidentiality, billing accuracy, and competence. The procedures for the intake, screening, investigation, and resolution of complaints are clearly set out.

Private bar lawyers and other legal aid providers are required to review the new policy and ensure their services are aligned with the standards set out within.

## Criminal record check requirements

Legal aid lawyers will now be required, per the *Criminal Records Review Act*, to submit a criminal record check, aligning with the current requirements for all LABC staff and contractors. As part of our ongoing commitment to continuous improvement and risk management, we are implementing this measure because lawyers in this role may work with children and other vulnerable individuals, and a criminal record check is necessary to support client safety and program integrity.

See LABC’s [Criminal Records Check policy](#) for more information.

This requirement will come into effect **February 1, 2026**, and applies to both current lawyers with an existing vendor number and lawyers applying for a

new vendor number. Lawyers will have six (6) months to submit their application. Lawyers who do not submit their criminal record check within six (6) months may have their vendor number suspended until the process is complete.

LABC will cover the payment for the criminal record check if completed **on or before March 20, 2026**; applicants are only required to complete and submit the application and costs will be automatically paid when the application has been submitted.

To complete the criminal record check, applicants must have:

- A **BCeID** or **BC Services Card**
- The **BC Services Card mobile app**

Lawyers can complete the criminal record check by visiting the [Criminal Record Check Portal](#). Please ensure that any proof of submission or confirmation is saved as a PDF.

Thank you for your cooperation in completing this requirement.

*Rhaea Bailey*  
*Vice-President, Legal Strategy*

*January 22, 2026*

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## Questions or comments?

Contact our Lawyer Support team:

- Call 604-601-6155; 1-888-401-6206 (no charge), or
  - Email [lawyer.support@legalaid.bc.ca](mailto:lawyer.support@legalaid.bc.ca)
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