



Lawyer Orientation Manual

What you need to know about **Legal Aid Work**

© 2021 Legal Services Society

Published on the traditional unceded territory of the Coast Salish peoples, including the territories of the x^wməθk^wəyəm (Musqueam), Sk̓wx̓wú7mesh (Squamish), and sə́lilwətaʔ/Selilwitulh (Tsleil-Waututh) Nations.

Third edition: December 2021

First edition: June 2014, updated November 2016

ISSN 2368-2922 (online)

Acknowledgements

Editors: Wendy Barron and Jennifer Hepburn

Designer: Caitlan Kuo

Project coordinator: Janice Conick

Thank you to Adina Popescu, Branka Mastijasic, Brigitte Petersen, Carmen Chow, David Griffith, Don English, Jacqueline Wood, Janice Conick, John Simpson, Michael Cline, Michael Smith, Ram Sidhu, Rod Holloway, Sarah Khan, Sherry Poirier, and Susanna Hughes, who generously contributed input, comments, and feedback to this publication. Thanks also to the lawyers who contributed testimonials for this booklet.

The information in this booklet is up to date as of December 2021.

What You Need to Know About Legal Aid Work is published by Legal Aid BC (LABC), a non-profit organization that provides legal aid to British Columbians. LABC is separate from the BC government, its primary funder. It also receives grants from the Law Foundation and the Notary Foundation (of BC).



1 Introduction

2 About LABC

Structure and governance
Services

6 Working with LABC

Get your LABC vendor number
Access and use the Lawyer Portal
Stay up to date on News from LABC
Get a contract
Use the LABC Tariffs
Billing
Quality assurance
Working with other counsel
Audits and complaints

22 Client Intake Process

Eligibility
Applications for legal representation

25 Contracts

Choice of counsel
No choice of counsel
Change of counsel
Client confidentiality
Freedom of information
Reciprocals
Changes in client's financial situation
Complaints about client eligibility

32 Areas of Law

Criminal
Family
Child protection
Immigration
Prison
Mental health

65 Client Resources

Think like a teacher!
PLEI legal review
Publications
Websites
In person/by phone
Other community resources

73 Glossary

Introduction



Welcome to Legal Aid BC (LABC). We've been providing legal aid services to people with low incomes in BC since 1979.

We're pleased that you've decided to make legal aid work part of your practice. You're helping to ensure that British Columbians have access to justice.

Whether you're starting your legal career or you're a seasoned lawyer, doing legal aid work will provide you with many opportunities and benefits. You'll be:

- fulfilling your sense of social responsibility;
- taking on interesting case work in criminal, family, child protection, and immigration law, as well as appeals;
- gaining significant courtroom experience;
- receiving access to extensive practice resources and support services;
- getting paid in a timely and efficient manner; and
- working with an organization that's committed to helping people find solutions to their legal issues.

We're here to help you work effectively with your legal aid clients. This booklet is your quick reference for legal aid work. It introduces you to LABC, our legal aid services, and working with us. You'll also find out about billing tips and resources to support your law practice.

The booklet includes links to information in other sections, as well as links to LABC web pages and other website resources.

If you need more information, you can contact our staff, who are always available to answer your questions.

We'll be updating this reference tool as needed. In any instance of discrepancy between this booklet, the online *LABC Tariffs*, and other LABC policies, the latter two take precedence.



We invite your feedback! Email lawyers.resources@legalaid.bc.ca anytime.

About LABC



LABC is a non-profit organization created by the Legal Services Society Act in 1979 to provide legal aid to people with low incomes in BC. We're funded primarily by the provincial government, and also receive grants from the Law Foundation of BC and the Notary Foundation of BC.

We're independent of government and accountable to the public.

Structure and governance

LABC is led by a board of directors whose nine members are appointed by the government (five) and by the Law Society of BC (four).

The board appoints a chief executive officer (CEO) to administer the business of the organization. LABC is managed by an executive management committee made up of the CEO and the vice presidents of our three divisions:

- Public Legal Information and Applications
- Legal Advice and Representation
- Corporate Services

These divisions and the executive office operate out of our Vancouver Regional Centre, providing direct client services, management, and administrative support.



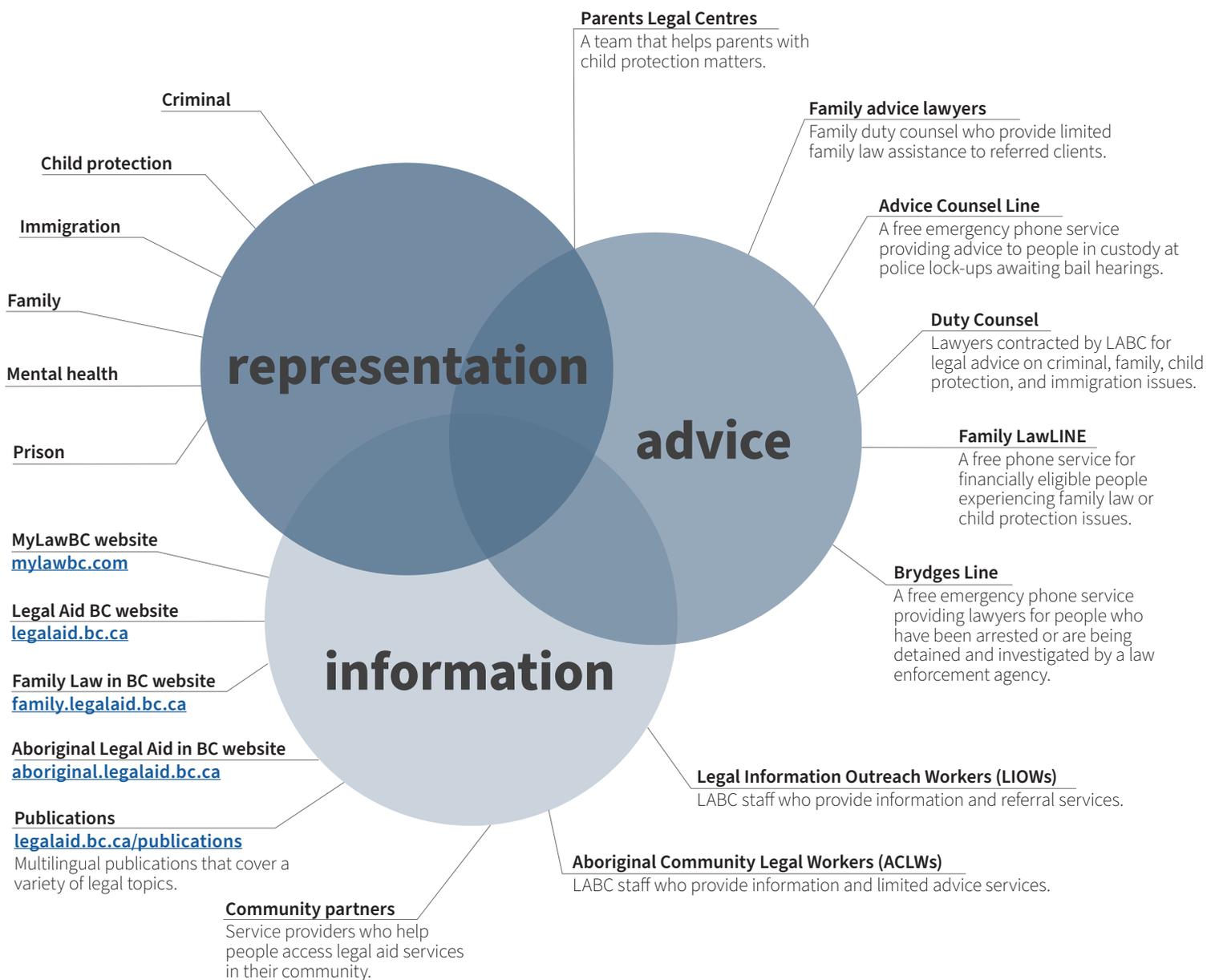
[Learn more about LABC's structure, governance, and history. →](#)

About LABC



Services

At LABC, we've taken an innovative approach to making a wide range of legal aid services available to people with low incomes in BC. Our legal services include:



About LABC



Legal representation

We provide legal representation to financially eligible people whose issues are covered by our guidelines. These issues may include:

- serious family problems,
- child protection matters,
- criminal charges,
- immigration problems, and
- prison and mental health law issues.

LABC works with approximately 1000 private bar lawyers who take legal aid contracts.

Applying in person

LABC provides legal aid intake services in person at:

- LABC Vancouver Regional Centre,
- Parents Legal Centres,
- local courthouses, and
- local agent offices in communities across the province.



[Find legal aid locations →](#)

Applying by phone



COVID-19 NOTICE: At the time of updating this manual, in person Intake services are unavailable at many courthouses, please watch for updates on our [website](#).

Intake services are available through our LABC Call Centre in Vancouver.

604-408-2172 or 1-866-577-2525 (no charge)
Immigration applications: 604-601-6076 or 1-888-601-6076 (no charge)
Hours: 9:00 a.m. to 4:00 p.m. (except Wednesdays – 9:00 a.m. to 2:30 p.m.)

The Call Centre provides a recorded legal aid welcome message in six languages: English, Cantonese, French, Mandarin, Punjabi, and Spanish. Interpretation services may be provided when appropriate.

About LABC



Legal advice

We provide general legal advice to financially eligible people through duty counsel and telephone services.



[Learn more about these services →](#)

Legal information

Our information services are available to everyone, regardless of income. We provide legal information through front-line staff, publications, and websites.



[Learn more about these services →](#)

Working with LABC



We want your experience working with us to be positive, so we make it easy for you. Your legal aid work includes the following steps, which are explained in this chapter.

- **Get your LABC vendor number**
- **Access and use the Lawyer Portal**
- **Get a contract**
- **Use the LABC Tariffs**
- **Bill your invoices**

This chapter also provides information about audits and complaints, getting help with contracts, working with other counsel, and staying up to date on news from LABC.

Get your LABC vendor number

Before you can accept a legal aid contract, you need to get an LABC vendor number, which is your permanent ID in our computer system.

How to apply:

- Visit our page for lawyers **interested in doing legal aid work**.
- Download and complete the **Lawyer Vendor Application Form-A**.
- Print and sign the form.
- Scan the form and a void cheque, and email the file to lawyer.support@legalaid.bc.ca. (It may take up to 10 business days to process your registration.)
- Use the [Lawyer Direct Deposit Form-C](#) to let us know about changes to your bank information. Email the form to finance.support@legalaid.bc.ca.



[Register for the Lawyer Portal](#) →

We'll process your application and send you a welcome email with your vendor number, your Lawyer Portal username and temporary password, and information about our range of online resources. Our lawyer support team will be in touch to arrange a one-on-one LABC orientation session with you. Our orientation program qualifies you for two CPD credits.



Access and use the Lawyer Portal

Lawyer Support Team

lawyer.support@legalaid.bc.ca

604-601-6155 or 1-888-401-6206

The lawyer support team will answer all your questions about the *LABC Tariffs*, how to use the Lawyer Portal, payment, etc. Call or email any time; we're here to help you!

The Lawyer Portal is our secure billing and information system where you can manage various aspects of your legal aid work such as:

- viewing your contract details,
- submitting invoices and viewing payments,
- making various authorization requests,
- communicating with LABC,
- updating your practice details,
- accessing a number of lawyer resources, and
- finding out what's new.

Resources

Our secure billing and information system includes the following tools:

How to use the Lawyer Portal:

Check out the FAQs, user guide, eLearning modules, and instructional videos to help you become familiar with the various aspects of the Lawyer Portal.

Resources for lawyers

LABC resources in Indigenous, civil, criminal, and family law; mentoring counsel information; and quality assurance resources (such as LAO Law Memoranda, CLE case digests, CLE courses, TLABC Group List Servers, and mentoring projects).

Working with LABC



Forms

Various opinion letters, common forms, and worksheets to help in your legal aid work and in communicating with LABC.

LABC Tariffs

An online guide to how LABC compensates you for your work on legal aid contracts, and the framework for the contract between LABC and lawyers. Includes individual PDFs of each tariff chapter.

Notices to Counsel

Notifications of changes or updates to the LABC Tariffs.

What's New

The Lawyer Portal newsfeed that contains LABC news, updates to policies and programs, and billing and practice tips.

LABC policies

A list of the LABC policies that apply to your legal aid work, available in PDF.

Contacts for lawyers

A list of who to contact at LABC with your inquiries.



Stay up to date on News from LABC

LABC provides updates through What's New in the Lawyer portal and the Legal Aid Brief (LAB), a newsletter for the tariff bar that contains LABC news, updates to policies and programs, billing and practice tips, information on training bursaries, and more. Find the most recent articles, or use the search function in [Lawyer News](#).

Get a contract

We'll send you a contract when a client who's been approved for legal aid asks that you be appointed as their counsel. Sometimes, we may send you offers for contracts where a client hasn't requested a specific lawyer.

About your contract:

- You'll receive a contract (through the Lawyer Portal) that sets out some of the details about the client and the case. In general, a contract authorizes you to provide and bill LABC for services according to the tariff contract.



[Find out about using the tariffs on page 11 →](#)

- The contract may also contain specific instructions about the services you're authorized to provide, disbursements you can incur, the contract start and stop date, bill-by date, and any restrictions that apply.
- After receiving the initial contract, you may need to submit an authorization request (via the Lawyer Portal) for extraordinary services or disbursements.
- LABC will consider requests for extra fees at the conclusion of the matter, or additional preparation while the case is ongoing. Please submit requests via the Lawyer Portal and ensure your invoices are up to date.
- If your request is granted, we'll issue an authorization setting out the details.

Working with LABC



LABC has the right to:

- refuse payment for services or expenses we didn't authorize. Please ensure you have a contract for the case and understand what's billable under your contract and what LABC has authorized before providing services or incurring any expenses in a legal aid case.
- cancel a contract at any time if a client no longer meets LABC guidelines for coverage or financial eligibility.

Retainer agreements with clients

Although the tariff contract sets the retainer agreement between you and LABC, we recommend that you also use retainer agreements with your LABC clients.



[Refer to our LABC family services retainer agreement →](#)

The Law Society of BC provides precedents that may be adapted for legal aid purposes in other areas of law.



[See the Law Society of BC website →](#)

The duty counsel roster

LABC contracts with lawyers to provide duty counsel services for criminal, family (including child protection), and immigration matters.

Duty counsel can:

- speak for clients in court on simple matters,
- give advice about legal issues and court procedures,
- speak to bail,
- help with documents, and
- possibly negotiate issues.

Duty counsel provide services at Provincial and Supreme courthouses or at the British Columbia Immigration Holding Centre of the Canada Border Services Agency in Vancouver.



[Learn more about criminal duty counsel on page 39 →](#)





Use the LABC Tariffs

The latest version of the *LABC Tariffs* is available on our website. Changes to the tariffs are announced in Notices to Counsel that are emailed to all lawyers who have an active LABC vendor number, and are also posted on the LABC website and the Lawyer Portal.

Your tariff contract

When you accept a legal aid contract, you agree to provide services based on the tariff contract (your retainer agreement with LABC). Your agreement is based on the *LABC Tariffs* and any other specific instructions we give you for a contract.

This includes:

- the General Terms and Conditions;
- the applicable tariff for the area of law;
- the specific items and instructions on the issued contract;
- authorization instructions provided in an authorization request; and
- instructions provided in other forms (email, etc.).

Your responsibilities

The General Terms and Conditions chapter of the *LABC Tariffs* sets out the basic framework of the tariff contract and describes your responsibilities.

LABC Tariffs

Each area of law (contract type) covered by legal aid has a separate tariff chapter, as listed below. Each chapter specifies the rules and amounts payable for the various services that LABC funds:

- Criminal,
- Family,
- Child Protection,
- Immigration,
- Appeals and Judicial Reviews, and
- Duty Counsel (including Circuit Counsel).

Working with LABC



Disbursements

The *Disbursements Tariff* describes the types of expenses you may incur when providing legal services to LABC clients, and the limits on those expenses.

You won't usually need prior authorization for necessary and reasonable disbursements. However, some disbursements are not automatically authorized or are authorized only to a specified limit. You must obtain authorization *before* incurring the expense or exceeding the limit, or you may not be paid.

LABC authorizes disbursements it considers necessary and reasonable. A disbursement is considered *necessary* if it's likely to significantly advance the client's case or if the client's case will be significantly disadvantaged without it. *Reasonableness* depends on the amount of the disbursement and the circumstances of the particular case.

LABC generally won't authorize payments for items that are considered general office overhead, unless expressly permitted in the *Disbursements Tariff*.

LABC pays contracted transcription companies directly for transcripts.

To request authorization for disbursements, submit a tariff item authorization request via the Lawyer Portal.

Additional considerations include:

- Will the expenditure result in a tangible benefit to the client?
- Does the disbursement relate to the primary legal issues identified on the representation contract, or will it assist in the resolution of a primary legal issue?
- Would a client of modest means incur the disbursement?
- Is this an economical option for this disbursement?
- Is the disbursement consistent with others allowed by LABC?
- Is the other side contributing to the cost?

Working with LABC



Compensation

LABC has a number of different methods for compensating lawyers, as outlined below. See the [LABC Tariffs](#) for more information.

Billing

Lawyer Support Team
lawyer.support@legalaid.bc.ca
604-601-6155 or 1-888-401-6206

All your fees and disbursements must be submitted through the Lawyer Portal.



[Learn more in the LABC Tariffs →](#)

Before you submit your invoices

Please refer to these resources to find out about billing updates and changes to our tariffs:

- *LABC Tariffs*
- Notices to Counsel

These resources in the Lawyer Portal can help you with the billing process:

- How to Use the Lawyer Portal (User Guide, FAQs, and training videos)
- What's New (newsfeed)

Working with LABC



General notes

- Your assistant may complete invoices, but only you, as a vendor, can personally submit invoices for processing/payment.
- LABC is exempt from PST on fees.
- GST is paid on all fees and disbursements and is applied by LABC at the time of payment.
- Bill services in chronological order by date.
- Be careful to choose the description of services correctly.
- LABC will consider requests for extra fees at the end of the contract, or additional preparation while the case is ongoing; send requests via the Lawyer Portal and ensure your invoices are up to date.
- Check the service stop date on all contracts.
- Check the bill-by date on all contracts.
- Email us at lawyer.support@legalaid.bc.ca with the appropriate changes to any billing errors you notice.
- To check payment details, click the report link under the Payments tab.

Record keeping

You must maintain typed (not handwritten) timekeeping records detailing the service date and description of services to support all tariff items billable on an hourly basis, and attach them to your invoice. Your invoice may be audited up to two years after the date of payment. See the *LABC General Terms and Conditions* for a sample timesheet form.

Inquiries and deductions

LABC reviews lawyers' invoices to ensure that they follow the *LABC Tariffs*. We'll notify you if we have a question about your invoice. Reply by email to a request for more information from Lawyer Services; you don't need to reply if additional information isn't required.

You must respond to the inquiry in writing within 30 days. If we determine that your invoice contains items that shouldn't have been billed, we'll reject it or process an adjustment.

Working with LABC



Criminal

- Ensure that the charges correlate to those included on your contract.
- You may add new charges to your existing contract in most circumstances. For details and restrictions, please refer to the *Criminal Tariff*.
- Supreme Court bail reviews, excluding those under section 525, require prior authorization by the Case Management Section.
- The tiered rates and fees don't apply to administrative and summary offences, or criminal enhanced fee cases.
- When there are co-accused, you can bill one full fee and an additional one-half fee per service provided, regardless of the number of additional clients.
- Record the court location and level where the matter was heard, not where the charges originated.
- If more information is needed, provide a note, as prompted.

Family

- Check the primary legal issues identified on the contract and the scope of the contract (standard, limited, or protection order).
- The services you provide to your client should focus on the primary legal issues identified on the representation contract. If after addressing the primary legal issues listed on the contract you find you have time remaining, you may address your client's significant family secondary legal issues.
- You may apply for extended family services if nothing further can reasonably be done under the current family law contract and further services are required to address the primary legal issues. Eligibility is based on merit considerations, available budget, and other factors outlined in the Family Tariff.

Working with LABC



Child protection

- Ensure that the child's name you're listing appears on the contract; if a second child is removed, please contact the referring office to add that child's name to the contract.
- If more information is needed, provide a note, as prompted.
- A *CFCSA* contract continues until the child is returned to the family without conditions; a Permanent Transfer of Custody before a Continuing Custody Order (s. 54.01) or a Continuing Custody Order is made; a Temporary Custody Order or Supervision Order has expired and there is no further ministry involvement; your retainer has ended because of a change of counsel or other actions taken by the client; the stop date on the contract has expired;; or the Director withdraws all applications.
- You'll receive only one contract, regardless of the number of removals. Bill all issues under that contract.
- Applications to cancel a Continuing Custody Order or for access after a Continuing Custody Order has been made require prior approval. (Coverage for these issues must be approved by the family law department in the Vancouver office.)

Re-removal/re-apprehension

- Re-removals from Supervision Orders are included in an initial Removal contract.
- Separate removals (other children) are also included in an initial Removal contract.

Immigration

- Check the service stop date for your contract; immigration contracts are often for one year or less.
- If there are multiple clients, bill for preparation time on each client's separate contract. For the first client, you may bill full preparation time. For the second adult client, you can claim up to an additional half block of preparation time. For every additional adult client, you may claim up to an additional quarter block of preparation time.



Appeals

Appeals Section

helpdesk.appeals@legalaid.bc.ca

604-601-6085 and 604-682-0956 (fax)

- Authorization from our Appeals Section is required for all *Appeals Tariff* items.
- Contact the Appeals Section if the preauthorized hours are inadequate.
- Non-refugee hearings require authorization from the Appeals Section.

Duty counsel and circuit counsel

- Your duty counsel contract is supplemented by your duty counsel schedule. The duty counsel schedule specifies your assigned dates, locations and services.
- You may claim more than one service date on a single invoice.
- If you saw no clients, choose any service and primary issue and enter "0" for the number of clients.

Disbursements for all tariffs

- Please submit a tariff item authorization request in the Lawyer Portal for items that require prior authorization (as stated in the *LABC Tariffs*):
 - » to bill any disbursement not listed in the tariff; submit an authorization request for a tariff item via the Lawyer Portal.
 - » to bill in excess of the preauthorized limits in the tariff.
- "Units" are the number of pages, kilometres, or hours.
- Keep your receipts on file in case of an audit.
- LABC pays contracted transcription companies directly.
- LABC isn't responsible for any contract for disbursements made between a lawyer and a third party.



Quality assurance

LABC is growing its Quality Assurance Program to meet the following goals:

- Promote career-long learning for lawyers.
- Encourage collaboration among colleagues.
- Invest in lawyers so they can provide the quality of services needed to meet the unique needs of our clients.
- Strengthen the relationship between lawyers and LABC.

We welcome hearing from you as we build our program to best meet these goals. Please tell us your ideas for how to support and enhance the delivery of legal aid services.

LABC has a variety of resources to help you provide quality service to LABC clients. Our bursary program recently expanded significantly, with the aim of providing courses that help eligible tariff lawyers fulfill CPD requirements and develop their competencies in various subjects such as expert evidence, meeting the unique needs of legal aid clients, and cultural competency.

Other lawyer resources include the following:

- [Mentoring assistance](#) from experienced counsel for lawyers who have less than five years' call or who need practice experience in an area of law to receive support.
- Subscription to the [CLE Case Digest Connection](#) for criminal and family matters.
- Subscription to the [TLABC Family Law litigation group list server](#).
- Subscription to the [TLABC Criminal Defence litigation group list server](#).
- Subscription to [Legal Aid Ontario's The Bottom Line](#) refugee newsletter, which contains summaries of case law and legislation relating to refugee and immigration law, and provides links to decisions in CANLII.
- Access to [LAO LAW legal research memoranda](#).
- Various materials in the Resources section of the Lawyer Portal, such as primers on Gladue rights, First Nations/Indigenous Court, relationship violence, etc.
- *Working with Your Legal Aid Lawyer*, a plain-language fact sheet that outlines the standard of service LABC clients can expect to receive from their lawyers (available on the LABC website in English, Arabic, Chinese, French, Punjabi, and Spanish).

Working with LABC



As we expand the Quality Assurance Program, we will explore building better practices in the following areas:

- Improving our tariff lawyer recruitment strategies, especially in under-served communities.
- Improving our on-boarding process to better equip new tariff lawyers with available tools at the outset and to clearly outline expectations.
- Developing a competency matrix so we can target training and supports for the skills needed to serve the unique needs of our clients.
- Developing an off-boarding process that will help us understand the challenges and opportunities in our relationship with lawyers.
- Strengthening our communication channels with lawyers so that they are mutual, engaging, timely, and helpful; this includes creating more face-to-face opportunities to meet with lawyers across the province.



Find more practice resources →



Email your questions or suggestions about how LABC can support you in your work to lawyers.resources@legalaid.bc.ca



Working with other counsel

Counsel agent	<p>You can bill LABC for the legal services of an alternate service provider without prior authorization if:</p> <ul style="list-style-type: none">• the alternate service provider has a valid LABC vendor number and is in good standing with the Law Society of BC,• the services were provided in BC,• the services are billable according to the <i>LABC Tariffs</i>,• the service provider didn't assume conduct of the contract, and• the services the service provider performed are indicated on the invoice.
Articled student	<p>You can bill LABC for certain legal services provided by an articled student. (More details can be found in the <i>General Terms and Conditions</i> section of the <i>LABC Tariffs</i>.)</p>
Mentoring and apprentice counsel	<p>Mentoring assistance helps lawyers as they begin to take on more serious cases with greater procedural or substantive complexity. LABC will help referral lawyers with less than five years' call, or who have practised in the relevant area of law for less than five years, to get mentoring assistance on their LABC cases from experienced counsel.</p> <p>Alternatively, lawyers with less than five years' call may arrange to act as apprentice counsel on an experienced lawyer's LABC case. The purpose is to offer the apprentice lawyer a practical learning experience, rather than provide the experienced lawyer with junior counsel for the case.</p>



[Find out more about mentoring or apprentice counsel →](#)

[Find out more about working with other counsel →](#)



Audits and complaints

The LABC Audit and Investigation (A&I) Department ensures that private bar lawyers acting for legal aid clients bill LABC appropriately for their services. Through the complaints process, A&I investigates and monitors the quality of service and other service-related concerns with respect to LABC clients.

Audits

LABC is accountable for the public funds it receives. Our audit program helps to ensure that we manage our financial resources soundly. The A&I Department performs audits of tariff items commonly billed incorrectly or of contracts reflecting anomalies. Following an audit, LABC may determine that the lawyer is required to reimburse LABC for funds paid that weren't in accordance with the tariff contract. Information obtained through our audit program and feedback from lawyers is also used to improve the tariff and other LABC policies and procedures.

Complaints about lawyers

Audit and Investigation Department

Legal Aid BC, 400 - 510 Burrard Street, Vancouver, BC V6C 3A8

complaints@legalaid.bc.ca

If LABC receives a complaint about a lawyer, our A&I Department will formally register the complaint and, depending on its source and nature, will follow up appropriately. If the complaint merits a full investigation, all sides will be given an opportunity to state their views. If the concerns are determined to be serious and substantiated, LABC may restrict the type or number of contracts the lawyer can take, or suspend or revoke the lawyer's vendor number under our **Lawyer Compliance Policy**.



Eligibility

Applicants must show they're financially eligible to receive legal advice or legal representation services from LABC. Financial eligibility guidelines differ for advice and representation. But everyone is entitled to receive free legal information. Applicants don't need to reside in BC or hold Canadian citizenship to qualify for legal aid services.

representation

Financial eligibility based on

- household size
- net household income (after tax and deductions)
- assets

Conditions/Exceptions

- An applicant's net monthly household income and assets must fall below certain limits, based on household size.
- Income of all household members is included in the calculation of net income (except the income of children under 18 years old).
- Applicants on BC income assistance aren't subject to the asset test.

advice

Criminal and Immigration advice

no financial eligibility requirement

Family advice

Financial eligibility based on

- household size
- net monthly household income (after tax and deductions)

Conditions/Exceptions

Clients who aren't eligible can still receive limited advice from:

- family duty counsel
- family advice lawyer
- Family LawLINE

information

Financial eligibility:

- N/A

Conditions/Exceptions:

- N/A

In very limited types of circumstances, financial requirements aren't necessary for court-ordered counsel, disclosure applications, material witnesses (under s. 278 of the *Criminal Code*), mental health representation, and youth charged under the *Youth Criminal Justice Act*.

Client Intake Process



Legal representation

Applicants whose income is below the guidelines may own some assets and still be eligible for legal representation through LABC. However, if their share of equity in disposable assets is above the asset guidelines, they aren't eligible for legal representation, regardless of their net monthly income.

Limited representation may be available for applicants whose income is above the guidelines and/or have coverage issues that are outside the threshold for standard representation contracts.



[Find out about eligibility →](#)

The onus is on the applicant to satisfy LABC requirements and to prove income and deductions. If the lawyer is aware that the client's financial situation improved, they must advise LABC of the change and LABC may reassess eligibility.



[Find out about changes in client's financial situation on page 29 →](#)

Legal advice

There is a separate financial eligibility test for LABC legal advice services, including family duty counsel, family advice lawyers, and Family LawLINE services.



[Find out about eligibility →](#)

“

I've found it deeply fulfilling to work hard for clients who always remember my advocacy as a bright spot in their time of need.

Lisa Jean Helps, Vancouver

”

Client Intake Process



Applications for legal representation

Our intake staff determine whether applicants for legal representation meet LABC financial and coverage guidelines, and then refer eligible clients to lawyers. If applicants aren't eligible for legal representation, intake staff may provide general legal information and referrals to other LABC services or other agencies.



[Find out more about applications →](#)

Coverage and eligibility reviews

Provincial Supervisor, Legal Aid Applications

425 - 510 Burrard Street,

Vancouver, BC V6C 3A8

604-682-0787 (fax)

provincialsupervisors@legalaid.bc.ca

Applicants who are refused legal representation for any reason have the right to apply for a review of that decision. Requests for reviews must be submitted in writing and should be submitted as soon as possible. LABC will consider requests received up to 30 days after the decision. Applicants who want a review must complete a Legal Aid Representation Services – Refused form, which they can get from an intake legal assistant. Applicants must set out the reasons why they think the decision was wrong, and email or fax the form to LABC.



We refer clients to lawyers who have an active LABC vendor number, are members in good standing with the Law Society of BC, hold a Law Society certificate, and who we deem eligible.

Choice of counsel

We refer clients to the lawyer of their choice, provided the lawyer is available, is willing to take the file, and practises in the community where the case will be heard (i.e., within 80 kilometres of the court location).

Exceptions to the general policy

Clients may choose a lawyer from outside the community if the lawyer is willing to take the file and has an active LABC vendor number, and:

- the client faces a minimum of life imprisonment, or
- the client faces dangerous offender proceedings, or
- the trial is to be conducted in French (and there is no French-speaking local counsel), or
- no local counsel is available.

In the circumstances above, a lawyer is entitled to travel fees and expenses. In other cases, LABC may appoint non-local counsel if the lawyer is prepared to waive travel fees.

In exceptional circumstances, if a client lives a considerable distance from court, and cannot travel to meet with local counsel, LABC may appoint counsel in the community where the client lives.

As of January 31, 2019, if a client with a family or *CFCSA* matter requests an Indigenous lawyer and there is not one available in the community where the case will be heard, LABC will try to find an Indigenous lawyer from outside the community to take the file. (This is for a trial period only and is subject to available LABC budget to fund travel.)



No choice of counsel

If a client doesn't know an appropriate lawyer, LABC will assign the contract to an available lawyer on our vendor list. LABC will consider the client's unique needs and the demands and complexity of the case.

If a client requests a specific type of lawyer (e.g., an Indigenous lawyer, a lawyer who identifies as a particular gender, or a lawyer from a particular cultural background), our staff will try to accommodate the request.

Change of counsel

LABC permits change of counsel only in *limited* circumstances. If a client applies for a change of counsel, LABC will confirm that:

- the client is still financially eligible for assistance,
- the client made the request in good faith;
- covered issues are still unresolved and appointing another lawyer will help get them stabilized or resolved, and
- the client has a *valid* reason for requesting a change and the request is *reasonable*.

A *valid* reason for a change of counsel is when the client has legitimate concerns about the quality of the service being provided by counsel, or the client-lawyer relationship has completely broken down and can't be repaired. A request is *reasonable* when the client's instructions and expectations are *reasonable*.

Lawyer-initiated

You must inform us via a Change of Counsel authorization request in the Lawyer Portal as soon as you know you'd like to withdraw from a contract. We'll appoint a new lawyer if the client is still eligible, the issue(s) is coverable, there is a valid reason for the change, and the request is reasonable. We will also appoint a new lawyer if you tell us that you must withdraw from a case and the withdrawal meets the requirements set out in the Law Society of BC's *Code of Professional Conduct for British Columbia* (Chapter 2).



Client confidentiality

Section 23 of the *Legal Services Society Act* covers the issue of privilege.

All information disclosed by a client or applicant for legal services to an employee or agent of LABC or funded agency is privileged and must be kept confidential as in a client-lawyer relationship.

All clients who are receiving legal representation services have to agree to the terms of a contract that allows their lawyers to give information to LABC about their financial situation or their legal case. Legal Aid BC is statute-bound to protect the confidentiality of the information we receive about clients' cases.

Freedom of information

LABC is subject to the provisions of the *Freedom of Information and Protection of Privacy Act*. LABC collects and uses personal information solely to operate its business and provide legal aid in British Columbia. In making decisions about releasing records, LABC protects the confidentiality of personal information, and provides as much information as allowable as quickly as possible.

Lawyers' invoices for fees and disbursements on behalf of their legal aid clients are considered part of the client's personal file (as well as part of the lawyer's file). Copies of these invoices are routinely provided to clients who request them.

Reciprocals

Reciprocals Coordinator
reciprocity@legalaid.bc.ca
604-601-6046

A BC applicant with a family legal issue in another province/territory may apply directly to the corresponding province/territory.

If the applicant requires assistance, contact the Reciprocals Coordinator.

Note: Quebec does not have a direct line for applications. For applicants with a legal issue in Quebec, contact the Reciprocals Coordinator.



Out-of-province coverage

for family issues

Applicant's place of residence	Location of legal issue	Coverage conditions
BC	Another province/territory	Applicant: <ul style="list-style-type: none"> • is financially eligible in BC, and • has a family law problem covered by the LABC family coverage guidelines and by the legal aid plan in the other province/territory.
Another province/territory	BC	Applicant: <ul style="list-style-type: none"> • is financially eligible for legal representation in the province/territory where they reside, and • has a family law problem covered by the legal aid plan in the province/territory where they reside and by the LABC family coverage guidelines.



Changes in client's financial situation

Clients receiving legal representation may be reassessed at certain times to determine if they're still financially eligible.

If you become aware that a client's financial circumstances have improved, you must notify the LABC Intake referring office or tell the client to contact LABC for a financial reassessment (*LABC Tariffs – General Terms and Conditions*).

Reassessments normally occur:

- if LABC believes that a client's financial circumstances may have improved during the course of a contract;
- if an applicant/client or counsel notifies LABC of an improvement in financial circumstances;
- if LABC becomes aware of assets, income, or family relationships that the client didn't disclose during the intake application;
- to verify financial information provided in the original application;
- if an applicant/client receives assets or money, such as a windfall;
- if a client receives funds from a judgment or settlement during or after the conclusion of their contract;
- when a client is released from custody (clients are advised to contact the LABC Intake referring office upon release);
- when a client's EI benefits end;
- when a new contract is opened (if more than 90 days have passed since the last financial assessment);
- when a change of lawyer is processed;
- at a significant juncture in a case (e.g., between a preliminary hearing and a trial), or when applying for Extended Family Services;
- as a result of a complaint about the client's financial eligibility; or
- on a random basis for auditing purposes.

Contracts



Termination of services

If a client is found to be no longer financially eligible, their contract is terminated. Clients may need to repay LABC or may be billed by their lawyer privately where authorized.



[See conversion to private retainer on page 31 →](#)

The client's reassessed eligibility applies to all ongoing legal aid contracts. For example, if the client has an open family contract and an open criminal contract, and is found ineligible upon reassessment, both contracts will be terminated.

LABC may terminate legal representation when:

- a client doesn't respond to requests for updated information; or
- a client no longer has a coverable problem or unreasonably fails to accept legal advice.

If a client is found financially ineligible but their circumstances later change, they may reapply. A client also has the right to a review of any decision made by our intake staff about termination; however, decisions made by our Audit & Investigation department after a financial investigation are final, and the client has no avenue of appeal.

Settlements and judgments

If a client receives assets or settlement funds, LABC will decide if they should pay some or all of the legal expenses for their case, and, if so, will determine:

- whether the client remains eligible for legal aid;
- the amount the client should pay; and,
- whether you're authorized to enter into a private retainer with the client from the date of the settlement judgment assessment.

Upon receipt of any settlement funds, you must notify LABC of the funds, and hold the funds in trust until LABC requests repayment or authorizes release of all or part of the funds to the client.



[See General Terms and Conditions →](#)

[See the settlements and judgments policy →](#)

For questions about repayments,
contact our financial review &
collections coordinator at
604-601-6194.



Conversion to private retainer

A contract lawyer must notify LABC of any changes to the client's financial situation in accordance with the *LABC Tariffs – General Terms and Conditions*. If LABC determines that the client is no longer financially eligible, the financial review and collections coordinator will give the contract lawyer written authorization to convert to a private retainer.

We recommend that you have a retainer letter with the client that addresses the possibility of conversion to private retainer and sets out the rate that you'll bill privately if the matter is converted.

If a contract lawyer can't negotiate a private retainer with a client, and withdrawing from the contract would amount to a breach of the Law Society of BC's *Code of Professional Conduct for British Columbia* (Chapter 3), LABC may allow a person who is otherwise not financially eligible for legal representation to continue to receive legal aid until the end of the contract or until it's permissible for counsel to withdraw.

You mustn't bill a client privately on any matter related to the case specified in a contract without prior written authorization from LABC.

Complaints about client eligibility

LABC also investigates complaints regarding clients who are receiving legal representation who may not meet the financial eligibility guidelines or have matters that aren't coverable issues for the services. Where we confirm reports of abuse of legal aid services, we terminate coverage and, where possible, recover funds that have been paid out on these cases from the clients.

Direct your written complaint(s) to:

Audit & Investigation Department

Legal Aid BC, 400 - 510 Burrard Street, Vancouver, BC V6C 3A8

complaints@legalaid.bc.ca

604-682-0979 (fax)



[Learn more about complaints →](#)

Areas of Law



LABC provides legal representation and advice services in the following areas of law.

Criminal

- Legal representation
- Legal advice
- The tariff
- Enhanced fee cases
- Rowbotham applications
- Appeals

Family

- Objective of family legal aid services
- Legal representation
- Legal advice
- The tariff
- Appeals

Child protection

- Parents Legal Centres
- Legal representation
- Legal advice
- The tariff
- Appeals

Immigration

- Legal representation
- Legal advice
- The tariff
- Appeals to the Refugee Appeal Division and Judicial Reviews

Prison

- Legal representation
- Judicial reviews

Mental health

- Legal representation – hearings
- General criminal law cases



Criminal

This section describes the legal representation and advice services that we provide for criminal law matters in BC courts. It also explains the *Criminal Tariff*, our Criminal Case Management program, enhanced fee cases, and Rowbotham applications and appeals.



[Find out about criminal law information resources on page 66 →](#)

Legal representation

LABC provides legal representation services for the following applicants and issues.

Adults

Persons who qualify for legal aid on coverage and financial grounds are entitled to full representation by a lawyer under a Criminal Standard Contract. This allows the lawyer to provide all reasonable and necessary services to defend the client, including conducting a trial.

Limited representation in the form of a Criminal Early Resolution Contract (CERC) is available where the applicant:

- doesn't face a risk of jail; or
- faces a risk of jail and has a higher household monthly income; and
- isn't going to trial.

Under a CERC, defence counsel can review disclosure, advise the client, negotiate with Crown, and represent the client in a non-trial resolution, but cannot take the case to trial.



[Find out about financial eligibility →](#)

Areas of Law



Youths

Youths charged under the *Youth Criminal Justice Act (YCJA)* are eligible for legal representation regardless of their financial situation. If a person is over 18 but is facing a *YCJA* criminal offence, LABC will provide legal aid coverage until the *YCJA* case is completed.

Youths charged under provincial statutes, including the *Motor Vehicle Act*, must meet LABC financial and coverage criteria for legal representation.

Permanent or temporary wards of the Ministry of Children and Family Development get representation through that ministry, not through LABC. This applies to youths who are in care pursuant to a court order. Youths under short-term voluntary care agreements are eligible for legal aid, since the ministry isn't responsible for providing counsel.

Criminal Case Management program

Case Management

lawyer.support@legalaid.bc.ca

604-601-6155 and 604-681-7963 (fax)

The Criminal Case Management (CCM) program is designed to help LABC better predict costs in long trials, efficiently allocate legal aid funding, and provide appropriate resources to represent clients in serious criminal cases.

CCM applies to all criminal cases where hearings are scheduled for more than 20 half-days (i.e., 10 trial days) or preparation of the case is anticipated to exceed 75 hours. For cases that meet these criteria, counsel must complete and submit a Criminal Case Management Questionnaire with a budget proposal for the case, including fees and significant disbursements (e.g. experts, travel). If approved, LABC will issue a specific CCM contract to counsel. Rather than the block fee tariff, CCM cases are paid on an hourly basis for preparation and court attendance within the limits specified in the approved budget.



[See the CCM policy and procedures →](#)



Criminal Early Resolution Contracts (CERCs)

Out-of-custody duty counsel services are limited by what counsel can accomplish on the day of their assignment. To extend services to a range of clients who do not qualify for full standard referrals, LABC offers CERCs to financially qualified clients. Risk of jail need not be demonstrated to issue a CERC and the financial income thresholds are \$1,000 per month higher than for standard contracts.

CERCs combine elements of summary advice and representation. CERCs are issued for individual clients and last up to six months. CERCs allow the client to meet with a lawyer at a mutually convenient time, review police reports, and decide whether to pursue resolution with Crown. If the matter is not suited to resolution, the retainer will end once the client has received summary advice and guidance to either represent themselves or retain legal assistance.

CERCs are designed to encourage appropriate resolution before matters are set down for trial. If counsel resolves the charges, the LABC tariff pays the same for the resolution as a standard contract of representation including Gladue fees. Only pre-trial conference fees and trial fees are excluded from a CERC.

If a client should take their matter to trial and you believe the circumstances meet our standard coverage criteria, we encourage you to contact the issuing office to seek a review. Counsel in consultation with the client may be aware of significant circumstances that were not considered when the original coverage decision was made.



Note: LABC uses *Aboriginal* and *Indigenous* interchangeably to refer to anyone who identifies as Aboriginal, including status Indians, non-status Indians, Métis, and Inuit.

Gladue rights for Indigenous people

Section 718.2(e) of the *Criminal Code* (enacted in 1996) mandates restraint in the use of imprisonment as a sanction in sentencing, and calls for particular attention to the circumstances of Indigenous offenders.

The Supreme Court of Canada interprets s. 718.2(e)'s application to Indigenous offenders in *R. v. Gladue* (1999), noting the over-incarceration of Indigenous people in Canada, the systemic discrimination they experience throughout our criminal justice system, and their unique perspectives and traditions with respect to responding to wrongdoing.

People who are Indigenous (status and non-status Indians, Métis, and Inuit) have rights under the *Criminal Code* known as Gladue rights. Gladue refers to the special consideration that judges must give an Indigenous person when sentencing or setting bail. In addition to Gladue rights, Indigenous people may be able to have their bail or sentencing hearing in First Nations/Indigenous Court of BC.

As of April 1, 2021, the Gladue Services Department of the BC First Nations Justice Council is responsible for the administration and management of the Gladue reports program in BC. To request a Gladue report for your client, contact the [BC First Nations Justice Council](#).

Indigenous Courts

First Nations/Indigenous Court is held one day a month at the Provincial Court in:

- Duncan
- Kamloops
- Merritt
- New Westminster
- North Vancouver, and
- Prince George.

See the [BC Provincial Court website](#) for an up-to-date court list.



[Learn more about Gladue and First Nations/Indigenous Court →](#)



Victims of crime

Victims and witnesses in proceedings relating to sexual or violent offences are eligible for legal representation in situations where the defence lawyer seeks disclosure of personal records (e.g., counselling or medical records) held by third parties. This is thanks to a funding agreement between LABC and the Victim Services and Crime Prevention Division of the Ministry of Public Safety and Solicitor General.

Victims of crime facing applications to lead sexual history evidence, or defence applications to lead victim records in possession of the accused, are also entitled to legal representation.

Crown counsel will generally initiate a legal aid application on behalf of a victim and such applicants don't have to financially qualify for representation. In most cases, coverage for victims is automatic, but in some cases it requires prior approval from Victim Services. Where coverage is approved, LABC will issue a contract to a lawyer to represent the victim in responding to the application. The contract specifies hours for preparation and attendance.



[Find out more on the Ministry of Justice website →](#)

Witnesses

LABC provides representation in two limited circumstances:

- The LABC agreement with Victim Services (see preceding section) provides for representation of witnesses served with defence applications to produce records under s.278.3 of the Criminal Code or the common law process set out in *R. v. O'Connor*.
- LABC may consider funding representation for witnesses if the testimony of the witness would create a risk of that person being charged with a coverable criminal offence. Approval for coverage requires prior authorization.



Other types of proceedings

LABC covers other types of matters such as:

- Extradition hearings.
- Annual review hearings and Review Board hearings for people found unfit or not criminally responsible due to mental disorder under the *Criminal Code*. When hearings are in Greater Vancouver, representation is provided by the Community Legal Assistance Society (CLAS) wherever possible.
- Coroner's inquests. This requires prior approval by the Managing Lawyer, Criminal Law Services. Cases will only be approved if the testimony of the client puts the client at risk in relation to a coverable criminal offence.
- Limited representation where the court has made an order under s. 486.3 of the *Criminal Code* for counsel to cross-examine vulnerable witnesses. These contracts authorize more limited appearances in court, but counsel may continue representation beyond cross-examination if the client consents and the trial will complete within two days. Counsel may also request authorization to continue beyond two days.
- Limited representation where the court has made an order under s.672.24 of the *Criminal Code* appointing counsel for the purposes of determining whether an accused is fit to stand trial.



Duty counsel

Duty counsel are assigned to provide brief service to all accused who want help, regardless of their financial situation. Duty counsel are provided throughout the province.

Duty counsel assignments specify a date, a court location, a service (in-custody or out-of-custody), and a number of authorized hours. Duty counsel are paid at their applicable tiered hourly rate. Criminal duty counsel assignments are scheduled by local agents' offices or by the Duty Counsel Coordinator in Vancouver. Billings for duty counsel must be submitted within two months of each assigned date of service.

LABC maintains rosters of lawyers who have been selected to provide duty counsel services in each location and for each service type. In selecting duty counsel rosters, LABC consults with local agents. We consider experience in criminal law, engagement with local legal aid practice, demonstrated skills related to client need, effectiveness in dealing with cases under time pressures, and the ability of LABC to maintain rosters suited to the expected number of shifts. Duty counsel opportunities vary considerably by location.

In-custody duty counsel

In-custody duty counsel ensure that all accused who have been arrested and detained have representation for bail hearings. When bail hearings can be conducted the same day, duty counsel provide representation at the bail hearing. When the bail hearing is adjourned to another day, duty counsel make sure that the client will be connected to counsel by their next appearance.

Out-of-custody duty counsel

Out-of-custody duty counsel provide summary advice to unrepresented accused appearing in remand court. Out-of-custody duty counsel can help clients apply for legal aid, provide summary advice about court procedures, and assist with resolution of cases as time permits. During COVID-19, the priority for out-of-custody duty counsel is to connect the client to a lawyer who can provide services to the client away from the courthouse, often through CERCs.



COVID-19 NOTICE: Bail hearings and remand processes in Provincial Court fundamentally changed during the COVID-19 pandemic. These changes started in the North (Region 5) and continue to be developed for other regions. Virtual bail hearings triggered a fundamental rebuild of in-custody duty counsel assignments and responsibilities. Virtual bail hearings are expected to be the default process for the foreseeable future.

During COVID-19 public health restrictions, the Provincial Court has limited personal attendance at courthouses. These procedures affect how out-of-custody duty counsel services can be delivered.

Areas of Law



Youth court

Duty counsel will provide advice at detention reviews under the YCJA. If the case is complicated, duty counsel should advise the client to apply for a Standard Criminal Contract.

If you are interested in duty counsel work, contact the Duty Counsel Coordinator: dutycounsel@legalaid.bc.ca

Circuit counsel

The Provincial Court of BC operates a number of circuit courts in more rural or remote areas of BC. Circuit courts sit irregularly and do not have a permanent registry, judge, or staff. Many circuit courts serve largely Indigenous communities. LABC designates circuit counsel for scheduled sittings of the circuit court, if the location and operation of the court make it impractical or impossible to refer eligible clients to local counsel. Generally, LABC recruits a specific lawyer (or lawyers) who will serve as circuit counsel for a location on a continuing basis. Circuit counsel provide summary advice similar to out-of-custody duty counsel and legal representation for qualified individuals. Qualified individuals in circuit locations are only referred to other lawyers if circuit counsel isn't able to act.

LABC generally has a standing contract with a lawyer for each location. Circuit counsel are responsible for handling all eligible cases on a circuit for a fixed half-day or weekly fee. The tariff rate includes all preparation on dates between circuits.



[See the Duty Counsel Tariff →](#)



Legal advice

Brydges Advice Line

The Brydges Advice Line is a province-wide toll-free telephone service available 24 hours a day, 7 days a week. LABC contracts with a third-party contractor to deliver this service. People can call to speak to a lawyer if they're:

- arrested, or
- aren't yet charged, but are being investigated for a criminal offence by a law enforcement agency, and
- need emergency legal services.

Records of Brydges advice can be obtained through the Brydges service provider if they are needed for subsequent proceedings.

For a person arrested for murder, manslaughter, or attempted murder, the on-duty Brydges lawyer will generally engage a local senior member of the criminal defence bar who can provide an in-depth consultation. LABC maintains a separate roster of on-call senior lawyers to provide this augmented service.

Areas of Law



The tariff

Most criminal law services are paid according to block fees that are based largely on court appearances and include preparation time. For example, LABC doesn't pay separately for case preparation and research, meetings with clients (unless visiting a client in custody), some court appearances such as attendances for adjournments, time spent on the telephone and writing correspondence, or time spent interviewing witnesses. All of these services are included in the block fee.

LABC categorizes offences based on seriousness, and the legal fees for services vary according to the category of offence. LABC will periodically review the categories of offence as changes are made to the *Criminal Code*.

Category of offence

(for the detailed list, see the offence categories listed in the Criminal Tariff)

Administrative	Includes the least serious offences, such as motor vehicle offences (e.g., driving while suspended), failure to appear in court, or breach of probation.
Summary	Includes most summary or hybrid offences, such as simple assault, <i>Criminal Code</i> driving offences (e.g., dangerous driving), or theft under \$5,000.
Indictable	Includes most indictable offences, such as more serious assaults, breaking and entering, dangerous or impaired driving causing death or bodily harm, criminal negligence, or conspiracy.
Major	Includes non-Criminal Case Management cases for the most serious offences, such as murder, attempted murder, manslaughter, aggravated sexual assault, sexual assault with a weapon or causing bodily harm, kidnapping, or dangerous offender and long-term offender hearings. It also includes unlawful confinement or abduction cases where the Crown proceeds by indictment.



[Learn more in the Criminal Tariff →](#)

Areas of Law



Enhanced fee cases

Enhanced fees may be available for senior counsel in cases that LABC considers to be complex criminal matters. The case must be either a CCM case where the general preparation exceeds 300 hours or a complex criminal appeal.



[Learn more about enhanced fees →](#)

Rowbotham applications

Anyone charged with a serious criminal offence who has been denied a contract can apply to a judge to appoint a lawyer for them in accordance with the decision in *R. v. Rowbotham et al* (1988) 25 O.A.C. 321.

If the application is successful, LABC will appoint counsel and issue the appropriate contract for representation. In some situations, LABC may approve “discretionary coverage” without requiring the applicant to go to court for an order. This is normally done when a client is only slightly above the financial eligibility criteria and the matter is complex.



Appeals

Appeals Section

helpdesk.appeals@legalaid.bc.ca

604-601-6085 and 604-682-0956 (fax)

The *Appeals and Judicial Reviews Tariff* contains detailed information about criminal appeals and judicial reviews. The LABC Appeals Section at the Vancouver Regional Centre reviews all appeal requests for merit. LABC only funds criminal appeals that fall under the society's criminal law coverage criteria (e.g., risk of jail, loss of livelihood, etc.) and have a reasonable chance of success.

To get a legal aid contract for a criminal appeal, have your client reapply for legal aid. Then you can either:

- contact the Appeals Section (see above), or
- submit a **Criminal Appeal Opinion Letter Questionnaire** about the case.

Transcripts

Appeals Coordinator

helpdesk.appeals@legalaid.bc.ca

604-601-6085 and 604-682-0956 (fax)

Apply to the Appeals Coordinator for approval of appeal transcripts. The court generally orders and covers the cost of transcripts for sentence appeals to the BC Court of Appeal.



[Get instructions on how to order transcripts →](#)



Family

LABC provides legal representation and advice services for family law issues in Provincial Courts and some Supreme Courts throughout BC. This section outlines our objective, our family law services, the Family Tariff, and the appeals process.



[Find out about family law information resources for clients on page 66 →](#)

Objective of family legal aid services

In the BC family justice system, there is increasing emphasis on consensual dispute resolution (CDR), coupled with effective trial representation for cases that require litigation to resolve. LABC has adopted the following policy statement as its fundamental objective for family legal aid services.

To help eligible people resolve their family law legal problems by:

- focusing on the needs of children and families,
- encouraging the use of non-adversarial settlement processes, and
- supporting court processes to resolve disputes when non-adversarial approaches aren't appropriate or effective.

This reflects the LABC goal of providing legal aid services that are proportionate to client needs, and will guide the organization in its delivery of family legal aid services and its participation in family justice system reform.

Mediation and collaborative law

LABC recognizes mediation and collaborative law approaches as effective tools in achieving early CDR in family law cases.

Mediation involves the use of a trained, independent facilitator to assist the parties in reaching agreements that accommodate their interests, with the cost of the mediator typically shared by both sides.



Collaborative law takes a variety of forms, but fundamentally involves a commitment to an interest-based resolution of a dispute without litigation. Some cases feature signed collaborative law agreements stipulating that the lawyers involved will withdraw if negotiations fail and the case proceeds to litigation. Other approaches are less formal, and may simply entail structured settlement negotiations involving the parties and their lawyers (“four-way” meetings).

Legal representation

Legal representation is governed by the *Family Tariff*, which is divided into:

- Family standard representation contract,
- Family limited representation contract,
- Protection order contract, and
- Extended family services.

Family standard representation contract

Each family standard representation contract identifies the primary issues for which the contract was granted. These issues generally involve emergency or high-conflict situations.

The services you provide to your client should focus on the primary issues identified on the contract.

If you have time remaining after addressing the primary issues listed on the contract, you may address your client’s significant related family legal issues.

If an applicant is covered under the LABC guidelines, you may provide services to obtain the usual relief under the *Family Law Act (FLA)* or the *Divorce Act*, as long as it can be done within the hours provided by LABC. However, LABC won’t provide coverage or extend coverage to obtain a divorce only. If more hours are required for clients whose primary issues haven’t been resolved, see Extended family services, below.



Limited representation contract (trial period)

You may receive a limited representation contract to provide unbundled services to eligible clients with financial security issues who do not meet the coverage guidelines for a full representation contract. These contracts are intended to provide the client with the assistance necessary to effectively prepare for mediation, negotiate an agreement, or prepare to represent themselves in court.

These contracts are not eligible for extended family services or travel authorization.

If you are issued a limited representation contract and you believe your client is entitled to a family standard representation contract, contact provincialsupervisors@legalaids.bc.ca to request a reassessment for your client.

Clients must be financially eligible under the LABC guidelines.

Protection order contract

You may receive a limited contract (protection order only) if your client requires a protection order under the FLA and doesn't otherwise qualify for a family law contract.



[Learn more in the Family Tariff →](#)

Eligibility

Applicants must be financially eligible and have a covered issue. Additionally, if children are involved, applicants must be the parents or parties to the proceedings who are:

- members of the children's immediate or extended family,
- relatives or individuals who have lived with the children in a parental or custodial relationship, or
- members of the community who have a cultural or traditional responsibility toward the children.

Parents who are under the age of 19 can also apply for legal aid if they are dealing with family law matters concerning their child(ren). However, if the applicant is a temporary or permanent ward of the Ministry of Children and Family Development, it's up to the ministry to provide counsel.



Extended family services

If you need more time to resolve the primary issues listed on the family contract, you may apply for extended services.

In deciding whether extended services should be granted, LABC considers merit, available budget, and other criteria.

To apply for extended family services, submit an authorization request with your Extended Family Services Opinion Letter, copies of any orders obtained, and any other relevant documents using the Lawyer Portal.



[Learn more in the Family Tariff →](#)

LABC takes a discretionary approach to authorization of extended services. LABC uses case management to review opinion letters from counsel and to generally authorize a block of extended services. Where legal issues persist and if funds permit, LABC may, on an exceptional basis, provide further funding.

Settlements and judgments

Family law contracts may involve applications to recover family assets. In cases where a client receives a judgment or settlement, LABC may require the client to repay the fees and expenses to LABC.



[See the Settlements and Judgments policy →](#)



Legal advice

LABC provides family legal advice through the following services:

- family duty counsel,
- family advice lawyers,
- circuit court, and
- Family LawLINE.

Family duty counsel

Family duty counsel (FDC) are lawyers scheduled in most Provincial and some Supreme Courts. They give legal advice to financially eligible clients with family law problems involving the *Family Law Act*, the *Family Maintenance Enforcement Act*, the *Child, Family and Community Service Act*, the *Divorce Act*, and the *Interjurisdictional Support Orders Act*.

FDC may:

- give legal advice about parenting, child and spousal support, property (limited), tentative settlement agreements, and court procedures;
- speak for clients in court on simple matters such as adjournments, consent orders, priority parenting matters, emergency protection orders, and hearings for uncontested guardianship, contact/parenting time, and support;
- represent clients at Family Management Conferences (if arranged in advance);
- help clients draft documents, review documents to be filed in court, and negotiate and settle issues; and
- prepare for and attend Judicial Case Conferences or Family Settlement Conferences.

Priority is given to clients who have matters in court that day and who meet the LABC income test for legal advice services. Financially eligible clients may receive up to three hours of legal advice. Once these clients have been helped, FDC may help others who need legal advice about family issues (usually 20 to 45 minutes of service, depending on availability).



[Find FDC court locations →](#)



In Provincial Court, FDC services are provided on scheduled family list (remand) days and, in some locations, on non-list days for general advice. Family list days for first-time court appearances are usually one to two days a week in larger communities and once or twice a month in smaller communities. In certain Supreme Court locations, FDC advice services are provided.

In Vancouver and Victoria, the FDC service is co-housed with family justice counsellors in the Provincial and Supreme Court complex to enhance both services. Client files are maintained and counsel can help clients prepare for their case over several meetings.

Getting on the duty counsel roster

Duty Counsel Coordinator

(Vancouver Regional Centre)

dutycounsel@legalaid.bc.ca

604-601-6066 and 604-601-6195 (fax)

To be eligible for family duty counsel work, you must have:

- a minimum of two years' experience practising family law and a minimum of two years' experience in the court location for which you have applied;
- a sufficient level of expertise in cases under the *Family Law Act*, the *Divorce Act*, and the *Child, Family and Community Service Act* (your history of accepting these types of contracts from LABC will be reviewed to determine your experience); and
- a satisfactory history with the LABC Audit & Investigation Department and the Law Society of BC.

Other considerations include:

- the need for diversity within the roster (e.g., fluency in an additional language),
- family or civil mediation training,
- collaborative law training,
- experience with the *Family Maintenance Enforcement Act*,
- the location of your practice,
- other family duty counsel experience, and
- feedback from stakeholders contacted by LABC.



Family advice lawyers

Family advice lawyers are family duty counsel who provide advice in various locations, unrelated to days that courts are sitting. For example, they serve clients of the Family Justice Services Division in Kamloops, Kelowna, Nanaimo, New Westminster, Prince George, Surrey, Vancouver, Victoria, and in a few other community-based locations.

Financially eligible clients who are referred by a family justice counsellor or child support officer may receive up to three hours of advice on issues concerning parenting and child support, property (limited), tentative settlement agreements, and court procedures.

They can help clients:

- prepare for court appearances,
- follow up on the proceedings,
- prepare for negotiation or mediation, and
- understand their rights and responsibilities.

Clients who aren't financially eligible can still receive an initial 45-minute appointment (with a referral from a family justice counsellor) if they are engaged in mediation.

Family advice lawyers are governed by the *Duty Counsel Tariff*.

Circuit counsel

LABC provides circuit counsel on some Provincial Court circuit sittings around BC. Circuit counsel can act as FDC on the circuit, and may also provide representation and other services in certain circumstances where approved by LABC. Qualified individuals in circuit locations are only referred to other lawyers if circuit counsel isn't able to act.

Family LawLINE

Family LawLINE is an LABC telephone advice service for financially eligible people that provides information and next-step legal advice and coaching on family law and child protection matters.



[Find out more in Client Resources on page 67 →](#)

Areas of Law



The tariff

The *Family Tariff* includes family standard representation contract, family limited representation contract (FLRC), and extended family services. The tariff for family duty counsel, advice lawyers, and Family LawLINE services can be found in the *Duty Counsel Tariff*.



[Learn more in the Family Tariff →](#)

[Learn more in the Duty Counsel Tariff →](#)

Appeals

Appeals Section

helpdesk.appeals@legalaid.bc.ca

604-601-6085 and 604-682-0956 (fax)

Family appeals contracts are limited to cases where a child is removed from their parents' care and other matters related to parenting where there's a risk of physical or severe emotional or psychological harm to the children or applicant, or where there is a risk the children will be removed from the jurisdiction.

Apply to the LABC Appeals Section (which will approve funding for an appeal only if there's a reasonable chance of success).

You can:

- call the Appeals Section (see above), or
- submit a [Family Appeal Opinion Letter Questionnaire](#) about the case by email or fax. (You must be logged in to the Lawyer Portal for that link to work.)



[Learn more about family appeals →](#)



Child protection

LABC provides legal representation and advice services to financially eligible clients who have a legal problem that falls under the *Child, Family and Community Service Act (CFCSA)* and LABC coverage guidelines. This section explains our child protection services, the *CFCSA Tariff*, and the appeals process.



[Find out more in Client Resources on page 67 →](#)

Parents Legal Centres

Parents Legal Centres are available in certain locations to help parents with child protection matters. Wrap-around services are delivered by a staff team of lawyer, advocate, and administrative/intake legal assistant, working together on behalf of families.



[Find out about Parents Legal Centres →](#)

Legal representation

Where the Parents Legal Centre can't provide services, LABC provides a contract when:

- an applicant's child has been removed by the Ministry of Children and Family Development (MCFD) or a Delegated Aboriginal Agency (DAA),
- MCFD or a DAA is investigating protection concerns and there is risk of the child being removed from the parent's care,
- the applicant and MCFD or a DAA have reached a proposed plan of care for the child and the client requires legal advice about the voluntary care agreement or a safety plan.

LABC may provide a contract when:

- a parent or other eligible adult wants to apply for access to or the return of a child in continuing care; or
- a parent opposes the permanent transfer of a child who is in the continuing care of MCFD or a DAA to a person other than the child's parents, and the parental relationship with the child is at risk; or
- another adult who is not a party (i.e., another family member or member of the child's community) but who wishes to provide temporary or permanent care of a child who has been or may be removed by MCFD or a DAA.



Applicants must be parents or parties to the proceedings who are:

- members of the child's immediate family,
- relatives or individuals who have lived with the child in a parental or custodial relationship, or
- members of the community who have a cultural or traditional responsibility toward the child.

LABC may provide a contract for an applicant who is a family or community member and is not a party to the proceeding but who wishes to provide temporary or permanent care of a child who is at risk of removal or has been removed by MCFD or a DAA.

The *LABC Tariffs* state that the case is ongoing until:

- the children are returned to the family without conditions;
- MCFD (or a DAA) becomes a guardian under a Continuing Custody Order;
- custody of the child is permanently transferred pursuant to s.54.01;
- the Director withdraws all applications, or
- the parenting issues related to a child in care are resolved and you've submitted your final bill.

If, during the life of the contract:

- the child gets re-removed after return or before a Supervision Order has expired, or
- an additional child or children are removed from the client at another time,

contact the referring office to have the new child/children added to the existing CFCSA contract and request extended services if more hours are needed.

If MCFD or a DAA is a guardian of a minor parent named in a CFCSA matter, pursuant to either a temporary or continuing custody order, MCFD or the DAA will arrange for appointment of counsel through the Ministry of Justice.



[Learn more about when a CFCSA contract ends →](#)

Areas of Law



Legal advice

LABC provides legal advice services in child protection matters through:

- duty counsel services,
- independent advice for children over 12 years of age, and
- Family LawLINE.

Duty counsel

Family duty counsel lawyers give legal advice to clients with family and child protection problems.



[Find out more in the family law section on page 49 →](#)

Legal advice (and representation) for children

Family Law Services
ILA.CFCSA@legalaid.bc.ca
604-601-6009

Under an agreement with MCFD, LABC has created a province-wide roster of lawyers who can provide independent legal advice to children over 12 when referred by the child's social worker if:

- the child's consent is required for a court-ordered plan of care,
- MCFD is the child's guardian and the child is consenting to an adoption, or
- MCFD is the child's guardian and the child is consenting to the permanent transfer of their guardianship or custody to a party who isn't a parent.

Additionally, under this agreement, lawyers can provide advice to third parties who consider accepting permanent guardianship/custody of children.

The CFCSA requires independent representation for children who are made a "party to the proceedings" under the CFCSA. The applicant should contact the child's social worker, who arranges for appointment of counsel through the Ministry of Justice. The ministry pays for these legal services. For more information, contact Family Law Services (see above).



Family LawLINE



[Find out about this service on page 68 →](#)

The tariff

The *CFCSA Tariff* is billable per hour at the tariff rate up to specified maximums for preparation time, and attendance in court.

An initial *CFCSA* contract authorizes you to represent your client subject to the terms and conditions of the tariff contract. In some circumstances, extended services may be authorized if the initial *CFCSA* contract hours have been exhausted after providing reasonable services.

To request extended services, submit an authorization request through the Lawyer Portal, and provide an Opinion Checklist, copies of any orders obtained, and any other relevant documents.



[See the CFCSA tariff →](#)

Appeals

Appeals Section

helpdesk.appeals@legalaid.bc.ca

604-601-6085 and 604-682-0956 (fax)

To request an appeal representation contract, apply to the LABC Appeals Section, which will approve funding for an appeal only if there is a reasonable chance of success.

You can:

- call the Appeals Section (see above), or
- submit a **CFCSA Appeal Opinion Letter Questionnaire** about the case by email or fax.



[Learn more about family appeals and CFCSA matters →](#)



Immigration

LABC provides legal representation and advice for financially eligible clients who need help initiating refugee claims, who are appealing a refugee claim decision, or who face an immigration proceeding that could result in their removal from Canada to a country where they're at risk, as considered in sections 96 and 97 of the *Immigration and Refugee Protection Act*. To receive a contract, applicants must have a reasonable chance of being successful in their case.

Legal advice services for immigration matters include duty counsel services at the British Columbia Immigration Holding Centre of the Canada Border Services Agency in Vancouver and a telephone advice line for detained refugee claimants.

This section also discusses the *Immigration Tariff* and appeals and reviews.



[Find out about legal information resources for clients on page 66 →](#)

Legal representation

LABC provides legal representation for the following immigration matters.

Refugee claims

Commenced with a Basis of Claim (BOC) Form

LABC screens all applications for legal aid representation in refugee claim cases for merit regardless of a person's country of origin.

If there is merit, LABC will issue a refugee claim contract that authorizes you to bill up to a set amount of preparation time and actual attendance time at a hearing. You may also bill up to a set amount for interpreter fees and translation fees without prior authorization. The amounts of preparation time are set in the *Immigration Tariff*. The amounts for interpreter fees and translation fees are set in the *Disbursements Tariff*.

Pre-removal risk assessments

Clients must apply for legal aid if they want legal assistance in submitting a Pre-Removal Risk Assessment (PRRA) application. The LABC Appeals Section at the Vancouver Regional Centre screens all PRRA applications for merit regardless of the client's country of origin. If LABC issues a contract, you're entitled to bill general preparation time up to the amount authorized on the contract.



Humanitarian and Compassionate applications

The LABC Appeals Section at the Vancouver Regional Centre screens all Humanitarian and Compassionate applications for merit regardless of the client's country of origin. If LABC issues a contract, you're entitled to bill general preparation time up to the amount authorized on the contract.

Other immigration cases

LABC may fund the following types of other immigration cases if there is sufficient merit and the client is at risk:

- complex admissibility hearings before the Adjudication Division,
- applications to reopen or reinstate proceedings before the Immigration and Refugee Board,
- cases involving loss of permanent resident status before the Immigration Appeal Division,
- various appeals and judicial reviews (see below), and
- applications to the Refugee Protection Division to cease or to vacate refugee protection status.

These cases are processed by the Appeals Section at the Vancouver Regional Centre.



[See the Appeals and Judicial Reviews Tariff \(Immigration appeals\) →](#)

Areas of Law



Legal advice

LABC provides legal advice services for people detained on immigration holds through duty counsel.

Duty counsel

LABC provides duty counsel for people in detention in Vancouver at the British Columbia Immigration Holding Centre of the Canada Border Services Agency. Duty counsel provide clients who are detained with legal advice about immigration proceedings. They can also represent clients at initial detention hearings (48-hour hearings and 7-day reviews). They can also represent detainees at 30-day reviews if there's been a change in circumstances and there's a reasonable chance they'll be released.

There is no financial eligibility test for immigration duty counsel services.

Getting on the duty counsel roster

Duty Counsel Coordinator (Vancouver Regional Centre)
dutycounsel@legalaid.bc.ca
604-601-6066 and 604-601-6195 (fax)

Immigration duty counsel is provided Monday to Friday for people in detention at the British Columbia Immigration Holding Centre of the Canada Border Services Agency in Vancouver.

LABC determines who will be added to the immigration duty counsel roster. Counsel are chosen on the basis of demonstrated experience in immigration and refugee cases including detention hearings and detention reviews.

Contact the duty counsel coordinator in Vancouver to ask to be added to the immigration duty counsel roster.

Areas of Law



The tariff

Here are some important LABC tariff guidelines that affect immigration services:

- The service stop date for the immigration duty counsel services that you'll provide is noted on your contract.
- Even if your clients have been referred separately, LABC considers them to be multiple clients if cases are treated by the Immigration and Refugee Board as a family unit or joined matter. For further details about how to bill for multiple clients, see the *Immigration Tariff*.
- A change of counsel will only be granted in exceptional circumstances and must be authorized.



[Learn more about refugee cases commenced by a BOC form →](#)

[For other matters, see the Appeals and Judicial Reviews Tariff →](#)

Appeals to the Refugee Appeal Division and Judicial Reviews

Appeals Section

helpdesk.appeals@legalaid.bc.ca

604-601-6085 and 604-682-0956 (fax)

Legal representation is provided for appeals to the Refugee Appeal Division of the Immigration and Refugee Board and judicial review cases in Federal Court where the appeal case has a reasonable chance of success, the underlying case has a reasonable chance of success, and the person is at risk if removed from Canada. The LABC Appeals Section screens for merit regardless of the client's country of origin. If LABC determines there's merit, we'll issue a contract indicating the number of hours authorized.

You can:

- call or email the Appeals Section (see above), or
- submit an **Immigration Appeal Opinion Letter Questionnaire** about the case.



[See more in the Appeals and Judicial Reviews Tariff →](#)



Prison

LABC delivers prison law services in all federal and provincial correctional facilities in BC. The prisoner's first point of contact with LABC is through the LABC Call Centre. LABC has local and toll-free phone numbers, with priority access, that prisoners can call from prison. If the client has an issue that deals with the liberty interest of the prisoner, they're referred to the West Coast Prison Justice Society (WCPJS). The WCPJS then determines the level of service to be provided, ranging from legal information to legal representation.

Legal representation

LABC policy is based on the right to counsel under the *Canadian Charter of Rights and Freedoms*. Services may be provided to clients who have serious and complex problems that affect their liberty and require a lawyer to ensure a fair hearing.

LABC may provide representation for clients facing:

- internal disciplinary hearings,
- involuntary transfers to higher security,
- detention hearings at the point of statutory release,
- segregation,
- parole suspension or revocation, or
- unlawful detention as a result of the miscalculation of sentence.

LABC funds the WCPJS, also known as Prisoners Legal Services, to provide legal information, self-help assistance, and representation in administrative proceedings such as disciplinary hearings, rebuttals to involuntary transfer recommendations, and appeals to the Appeal Division of the National Parole Board.

LABC's Appeals Section handles legal aid applications and may issue contracts for any prison law matters that will be heard by a court, including judicial reviews of administrative decisions and any further appeals.



Reviews

Judicial reviews under section 745.6

Judicial reviews under section 745.6 of the *Criminal Code* (“faint hope” applications) provide for a review of the parole ineligibility period with respect to certain life sentences after the prisoner has served 15 years. Applications are made to the appropriate chief justice in the province where the conviction took place. The application is a two-stage process. First, there is a “judicial screening” hearing where a judge decides if the application has a reasonable chance of success. If it has, the application is referred for a full hearing before a judge and jury.

The LABC Appeals Section reviews the initial application for legal aid to bring a section 745.6 application. The Appeals Section will only fund coverage if the application has a reasonable chance of success. The Appeals Section issues contracts under the *Appeals and Judicial Reviews Tariff* only for the “judicial screening” hearing and any appeals of the decision on the judicial screening.

If the applicant is successful and the case proceeds to a full hearing before a judge and jury, LABC will treat the case as a Criminal Case Management (CCM) program case. Email a **CCM Questionnaire** with a draft budget to Case Management.

Case Management

lawyer.support@legalaid.bc.ca

604-601-6155 and 604-681-7963 (fax)

Inter-provincial reviews

Prisoners are often incarcerated in institutions outside the province or territory where they were convicted. The Association of Legal Aid Plans has a protocol for handling inter-provincial reviews.

Under this protocol, the legal aid plan in the jurisdiction where the hearing will take place (i.e., where the crime and conviction occurred) appoints and pays for lead counsel, who manages the case. Lead counsel will call on legal aid plans in other provinces or territories to provide and pay for work that must be done in those jurisdictions.



Mental health

LABC delivers mental health law services in both civil and criminal cases.

Legal representation – hearings

Mental Health Act review panels

People who are detained in a mental health facility against their will under the *Mental Health Act* are eligible for legal representation at a mental health review panel hearing.

Patients have the right to counsel at these proceedings because the review panels determine whether they should continue to be detained.

LABC contracts with the Community Legal Assistance Society (CLAS) to provide representation at mental health review panels in BC where people are detained under the *Mental Health Act*.

Judicial reviews of *Mental Health Act* review panel decisions may be funded by the Appeals Section.

Criminal Code review boards

People who are found unfit to stand trial or not criminally responsible by reason of mental disorder have a right to counsel at *Criminal Code* review board hearings. The review board makes decisions about whether to detain individuals at forensic psychiatric hospitals or restrict their liberty in the community.

LABC contracts with CLAS to provide representation at review board hearings in Greater Vancouver. LABC provides representation at review board hearings outside Greater Vancouver through contracts to the private bar. You can find billing information in the *Criminal Tariff*.

Appeals of review board dispositions lie with the BC Court of Appeal and may be funded by the Appeals Section.



Adult Guardianship Act and Health Care (Consent) and Care Facility (Admission) Act

The *Adult Guardianship Act* allows a designated agency to apply to the Provincial Court to detain or provide services to an adult without consent who is experiencing abuse, neglect, or self-neglect. Designated agencies are health authorities (e.g., Fraser Health Authority) or Community Living BC. The *Health Care (Consent) and Care Facility (Admission) Act* allows a designated agency to apply to dispense with a person's consent to treatment.

Sometimes adults are detained in hospitals or other facilities under the *Adult Guardianship Act* or *Health Care (Consent) and Care Facility (Admission) Act* without court orders or for longer than the time permitted under such orders.

The Appeals Section can assist persons to respond to these court applications or to appeal or judicially review detention or decisions dispensing with consent to treatment.

General criminal law cases

Legal representation may be provided to financially eligible applicants who don't face a risk of imprisonment upon conviction of *Criminal Code* or related federal offences if their mental or emotional disability prevents them from defending themselves because:

- they can't understand the nature of the proceedings or the possible consequences; or
- they aren't able to communicate effectively with counsel or the court.



Think Like a Teacher!

We're the major producer of public legal education and information (PLEI) in BC. In 2019-20, we distributed over 100,000 print PLEI publications and nearly a million users visited our popular websites: Family Law in BC, Aboriginal Legal Aid in BC, MyLawBC, and the Legal Aid BC corporate website.

We design our PLEI resources to meet the needs of diverse audiences. Information is presented in a variety of formats, including comic books, and some resources are translated for those with English as additional language. Our PLEI resources are free to the public, including the mailing of print publications. You can even order a publication and have it mailed to a client.

We test our print publications and online resources extensively to make sure they're accessible to all British Columbians, including those with literacy, language, cultural, and other barriers.

These resources can provide added value for your clients, helping you to explain the legal process and next steps. If you have feedback about any of our PLEI resources, please let us know!



Email feedback about our PLEI resources to publications@legalaid.bc.ca.

PLEI Legal Review

Our publishing team of writers, editors, and designers works closely with lawyers to produce PLEI content and ensure legal accuracy. If you're interested in being a legal reviewer and helping us produce quality publications and websites, please click below and fill out the request form.



[Become a Legal Aid BC legal reviewer →](#)

Publications

LABC produces a variety of plain-language publications about the law. LABC publications can be accessed on LABC's four websites, at legal aid offices, or by placing orders through Crown Publications.



[Read publications at legalaid.bc.ca →](#)

[How to order publications →](#)

[Order publications at crownpub.bc.ca →](#)



Websites

Legal Aid BC website

The Legal Aid BC website is designed to provide lawyers, community workers, and the public with information about available legal resources and services. You can direct your clients to:

- information about legal aid in BC,
- explainer videos and webinar recordings,
- The Factum blog,
- resources for community workers,
- reports, service plans, and evaluations,
- publications that explain the law and the court process, and
- links to other relevant sites.



[Find out more →](#)

MyLawBC website

MyLawBC is an interactive platform that contains guided pathways on family law, family violence, wills and personal planning, and foreclosure. Users answer questions and get a tailored action plan to address their situation. The site also contains a collaborative online tool (the Family Resolution Centre) for couples to negotiate parenting or child support arrangements (with help from a mediator, if needed).



[Learn more on MyLawBC →](#)

[Learn about the Family Resolution Centre →](#)

Aboriginal Legal Aid in BC website

The Aboriginal Legal Aid in BC website is the place to look for information about legal rights for Aboriginal peoples, including:

- child protection/removal,
- fishing, hunting, and gathering rights (harvesting rights),
- legal issues on reserve,
- Gladue, and
- First Nations/Indigenous Court.



[Learn more about resources for Indigenous people →](#)



Family Law in BC website

The Family Law in BC website contains comprehensive family law information in various formats, including step-by-step guides, court forms, definitions, and frequently asked questions. Useful if you're providing unbundled services and need to refer clients to step-by-step guides to get a divorce, get or change court orders, get orders to waive Supreme Court fees, or make separation agreements. Also allows you to save time spent providing basic legal information to clients.



[Find family law information →](#)

[Step-by-step guides by topic →](#)

[Find a court form →](#)

Learn with Legal Aid BC

"Learn with Legal Aid BC" is an educational program for frontline community workers delivered via webinars and in-person conferences and workshops around BC. It empowers them to help people with low incomes access legal information, legal aid intake, and advocacy services. Local lawyers are often invited to participate as speakers.

If you would like to become a speaker, please click below and fill out the request form.



[Become a speaker for Legal Aid BC →](#)

Social media and newsletters

Twitter

[@legalaidbc →](#)

Facebook

[@LegalAidBC →](#)

The Factum blog and newsletter

[The Factum Blog →](#)

The Factum is a place to talk about the law in British Columbia and how people can navigate the legal system. While we talk a bit about all aspects of the law, we focus mainly on how the legal system affects people who can't afford a lawyer.



In Person/By Phone

Family LawLINE

604-408-2172 or 1-866-577-2525
Mondays, Tuesdays, Thursdays, and Fridays: 9:00 a.m. – 3:00 p.m.
Wednesdays: 9:00 a.m. – 2:30 p.m.

Family LawLINE is a free LABC telephone advice service that provides legal information and advice on family law matters. Family lawyers provide brief next-step advice and direct callers to other information or services. To be considered for this service, people can contact our Call Centre (see above).



[Find out more →](#)

Legal information outreach workers

Legal information outreach workers (LHOWs) are LABC staff who can:

- provide you with legal information and referral services by phone, online chat, or in person,
- help you find legal information and self-help resources on the Internet;
- give you printed legal information;
- refer you to other services, such as duty counsel and other community services to get legal advice;
- visit community groups to talk about legal aid services, where to find legal information and resources, and where to get legal help;
- answer questions at information tables at conferences and community events;
- collect feedback from community workers and the public about Legal Aid BC (LABC) programs and publications; and
- assist Downtown Community Court and New Westminister First Nations Court clients.



[Learn about LHOWs →](#)



LIOWs are available at the LABC Vancouver Regional Centre.



COVID-19 NOTICE: LIOWs are available only by phone at this time. Or at LiveHelp chat service through the Family Law in BC [website](#).

510 Burrard Street, Suite 400
Vancouver, BC; V6C 3A8
604-601-6166
Mondays, Tuesdays, Thursdays, and Fridays: 8:30 a.m. – 4:30 p.m.
Wednesdays: 8:30 a.m. – 12:30 p.m.

Aboriginal community legal workers

Aboriginal community legal workers (ACLWs) are LABC staff who are available in Duncan and Nanaimo to provide information and limited advice services. ACLWs:

- explain the legal process and other options,
- attend court with clients,
- help clients prepare forms and letters,
- participate in negotiations,
- speak on behalf of clients, such as to MCFD, and
- give referrals to other services.



[Learn about ACLWs →](#)

Community partners

Community partners are service providers located throughout BC, mainly in rural, remote, hard-to-reach, and Indigenous communities. LABC partners with these agencies to help the people they serve apply for legal aid; access legal advice services; locate and navigate public legal education and information (both in print and online); educate other service providers in the community about legal aid; and connect people to others who can help. Community partners also provide public access computers with Internet.



[Learn about Community partners →](#)



Parents Legal Centre

Parents Legal Centres (PLCs) provide free advice through a lawyer and advocate to help parents address a social worker's concerns about their children's safety. The lawyer provides legal advice, represents parents during mediations, other meetings, and in court. The advocate offers information and support, connects parents with other services, such as counselling and housing, and goes with parents to meetings and appointments. While PLCs focus on helping parents resolve their child protection matters early on, they provide services at any stage of the parent's involvement with a child protection social worker. There are 10 PLC locations across the province.

LABC has partnered with 26 numerous organizations across the province, where clients can have access to a private office space and a computer, to seek free legal help for their child protection matter by video, phone, or in person.



[Learn about Parents Legal Centre Network →](#)



Other community resources

Clicklaw

clicklaw.bc.ca

A website with information provided by legal organizations that educates British Columbians about the law and helps them solve their legal problems.

Justice Access Centres

www2.gov.bc.ca/gov/content/justice/about-bcs-justice-system/jac

Justice Access Centres provide legal information, assessment, mediation, legal advice services, and referrals. The centres aim to help clients solve family and civil law problems by preparing them to participate effectively in negotiation, mediation, or the court process, if necessary. There are locations in Nanaimo, Surrey, Vancouver, and Victoria.

PovNet

povnet.org

PovNet is a searchable website for people with low incomes, and for advocates and community groups involved in anti-poverty work. The site provides legal information and links to poverty law resources, and lists community advocates available in BC.



Access Pro Bono

accessprobono.ca
604-878-7400 (Greater Vancouver)
1-877-762-6664 (elsewhere in BC)

Access Pro Bono may be able to get free legal advice or help preparing for court. These services are for people who don't qualify for legal aid but can't afford a lawyer.

Child Support Officers

604-660-2421 (Greater Vancouver)
250-387-6121 (Greater Victoria)
1-800-663-7867 (Elsewhere in BC)

Child support officers help parents make agreements about child support or get child support orders. They provide free information and referrals and help with negotiations.

Native Courtworker and Counselling Association of BC

nccabc.ca
604-985-5355 (Greater Vancouver)
Toll Free: 1-877-811-1190 (elsewhere in BC)

The Native Courtworker and Counselling Association of British Columbia is "A Helping Hand to Justice" for all Indigenous people across British Columbia. Their mission is to provide culturally appropriate justice- and health- related services according to individual needs.



A

Aboriginal: A person who identifies as Aboriginal, including status Indian, non-status Indian, Métis, and Inuk. LABC uses Aboriginal and Indigenous interchangeably.

Aboriginal community legal workers (ACLWs): LABC staff who provide legal information and limited advice services.

Aboriginal Legal Aid in BC website: An LABC website where First Nations, Inuit, and Métis people can find information about legal issues important to them. Information includes the rights of Indigenous peoples, Indigenous justice initiatives in BC, help from Parents Legal Centres and other LABC services.

Additional preparation: The legal fees in excess of the tariff allowance that contract lawyers may request at the outset or during the course of a contract.

Alternate service provider (counsel agent): A lawyer, articling student, mentor, or apprentice counsel who performs legal services on a contract lawyer's behalf.

Applicant: A person who applies to LABC for legal services.

Area of law: The categories of legal problems for which LABC has created separate tariffs (e.g., criminal, family, child protection, and immigration).

Association of Legal Aid Plans: An association of legal aid providers from across Canada.

Authorization request: A request for a change or addition to your contract that can be submitted in the Lawyer Portal for review.

B

Brydges Line: Telephone legal advice for people arrested or detained or under active investigation by the police, but not yet charged with an offence.

C

Call centre: A toll-free telephone service for people making legal aid applications.

Case: One or more related legal problems arising for a client.

Change of counsel: A request made by either the client or lawyer for new counsel to be appointed on a representation contract.

Circuit counsel: Lawyers who contract with LABC to provide legal representation and other services where the location and operation of a circuit court make it impractical to refer clients to local counsel.

Clicklaw: A website with information provided by legal organizations that educates British Columbians about the law and helps them solve their legal problems.

Client: An applicant LABC considers eligible to receive legal services after determining they meet LABC coverage and eligibility criteria.

Community partners: Service providers located throughout BC who are on contract with LABC to help people access legal aid services.

Contract: LABC authorization for a lawyer to provide legal services to a client and to bill LABC for legal fees and disbursements for the case according to the tariff contract.

Contract lawyer: A lawyer who accepts a contract.

Glossary



Conversion to private retainer: The decision by LABC to terminate a contract and authorize a contract lawyer to bill a client privately for legal fees and disbursements, incurred from the date the private retainer was authorized.

Coverage: The range of legal problems for which LABC makes legal services available, or the range of legal services LABC may fund, as determined by LABC.

Criminal Case Management (CCM): The case management program LABC uses to manage the allocation of funds in criminal matters scheduled for more than 10 days.

D

Disbursements: Expenses contract lawyers incur on behalf of clients while providing legal services.

Duty counsel: Lawyers who LABC assigns to court and other locations to provide limited assistance to people with low incomes who don't have legal representation.

E

Eligibility: Refers to whether an applicant is financially qualified for legal aid services in accordance with the eligibility guidelines.

Enhanced fees: The legal fees LABC pays to senior counsel in enhanced fee cases.

Extended CFCSA services: A block of hours that may be authorized, in some circumstances, after counsel has submitted an Opinion Checklist to LABC Case Management and the initial CFCSA contract hours have been exhausted.

Extended family services: A block of hours that may be authorized in some circumstances, after counsel has submitted an Opinion Letter to LABC Case Management and the initial family law contract hours have been exhausted.

Extra legal fees: Legal fees in excess of tariff rates that contract lawyers request from LABC at the conclusion of a contract.

F

Family advice lawyers: Family duty counsel who provide limited family law assistance to clients referred to them by family justice counsellors at a community-based advice clinic.

Family Law in BC website: An LABC website that contains step-by-step guides, videos, and other resources to help people understand family law issues.

Family law contract: Legal representation provided by LABC to family law clients who meet the eligibility and coverage guidelines for a contract under the *Family Tariff*.

Family LawLINE: An LABC telephone service for financially eligible people experiencing family law issues. Lawyers provide legal information and next-step advice and coaching on family law and child protection matters, and direct callers to other information or services.

Family list days: Days on which court appearances take place for *Family Law Act* and *Child, Family, and Community Service Act* matters, such as child support and child protection. Family list days are usually held one or two days each week in larger centres and once or twice a month in smaller communities.

Glossary



Financial reassessment: Clients may be reassessed from time to time to confirm their financial eligibility for services.

H

Half-day: A court sitting either before or after the lunch adjournment.

Hourly rate: The hourly rate set by LABC to be billed in tenths of an hour.

I

Indigenous: A person who identifies as Aboriginal, including status Indian, non-status Indian, Métis, and Inuk. LABC uses *Aboriginal* and *Indigenous* interchangeably.

Invoices: All legal fees and disbursements submitted by contract lawyers to LABC.

L

LABC: Legal Aid BC.

Lawyer Portal: The secure LABC website application that allows contract lawyers to bill LABC and submit disbursement requests electronically; search for experts; update profile information; access payment records; and access information and resources LABC provides to support lawyers.

Legal aid: Legal information, advice, and representation services provided under the *Legal Services Society Act*.

Legal Aid BC website: The LABC website that provides information about legal aid services and resources, links to multilingual publications, tariff information, and resources for contract lawyers.

Legal fees: The fees contract lawyers bill LABC, for legal services provided to clients.

Legal information outreach workers (LHOWs):

LABC staff who refer clients to appropriate resources and help clients access legal information, understand court forms, and use LABC websites.

Legal services: Services ordinarily provided by a lawyer that are billable according to the tariff contract and provided to clients by contract lawyers pursuant to a contract.

Local agents: Private bar lawyers who provide intake services in their community.

M

MyLawBC website: An LABC website where users can find help with a variety of legal problems, including family law issues, wills and personal planning, and foreclosure. Users answer questions related to their issue and receive a personalized plan and next steps to take to solve their problem. Also contains an online negotiation platform for separating couples to create a separation agreement or a parenting plan (with help available from a mediator, if needed).

N

Notice to Counsel: Notices LABC issues periodically to inform lawyers about changes to the tariff contract.



P

Parents Legal Centres: A place for parents to get help with child protection matters from a team made up of a lawyer, an advocate, and an administrative/legal assistant, working together on behalf of families.

PovNet: A searchable website on poverty law issues, with information on and links to poverty law resources, and online discussion groups for advocates.

R

Reciprocals: Agreements made between provinces regarding funding of legal services for residents in one province facing civil and family proceedings in another province.

Referring office: The LABC or local agent office that issues a contract to the contract lawyer.

Regional Centre: LABC office located in Vancouver.

Rowbotham application: An application made by someone who has been denied legal aid, asking the court for a stay of proceedings until they have been provided a government-funded lawyer.

S

Service bill-by date: As specified by LABC, the date after which a lawyer can no longer bill for any services provided to the client under that contract.

Service start date: The date from which LABC authorizes contract lawyers to bill LABC for legal services provided to a client.

Service stop date: As specified by LABC, the date after which a lawyer can no longer provide services to a client under that contract.

Settlement judgment assessment: An assessment to determine if a client is still eligible to receive legal aid or is required to repay LABC, processed by LABC when the client receives a settlement or judgment during (or shortly after) their contract.

Summary advice: Legal information and assistance on where to go or what to do next. Summary advice may involve a review of facts or an analysis of the problem; it may be given quickly or in detail, depending on the problem and the resources available.

T

Tariff(s): The schedule(s) of legal fees and disbursements payable by LABC for legal services provided or expenses incurred on a client's behalf.

Tariff contract: The retainer agreement between LABC and contract lawyers, as modified from time to time by LABC, which includes the contents of the *LABC Tariffs*, Notices to Counsel, and other written instructions that LABC may provide to contract lawyers directly or through the LABC website.

Tiered rates: The LABC system of differential tariff rates for lawyers based on their years of call to the bar at the time a contract is issued.

W

What's New: A Lawyer Portal newsfeed that contains tariff updates and billing tips for tariff lawyers.