



Lawyer Orientation Manual

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



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Published on the traditional unceded territory of the Coast Salish peoples, including the territories of the xʷməθkʷəy̓əm (Musqueam), Skwxwú7mesh (Squamish), and sə́lilwətaʔ/Selilwitulh (Tsleil-Waututh) Nations.

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# Introduction



Welcome to the Legal Services Society (LSS). 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, and 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 LSS, our legal aid services, and working with us. You'll also find out about billing tips and the resources available to help you in your law practice.

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

If you still 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 reference, the online *LSS Tariffs*, and other LSS policies, the latter two take precedence.



We'd love your feedback! Email [lawyersresources@lss.bc.ca](mailto:lawyersresources@lss.bc.ca) anytime.



The Legal Services Society (LSS) is a non-profit organization created by the LSS 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 and the Notary Foundation. We're independent of government and accountable to the public.

## Structure and governance

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

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

- Public Legal Information and Applications
- Legal Advice and Representation
- Strategic Planning, Policy, and Human Resources
- Indigenous Services
- Finance and Corporate Services

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

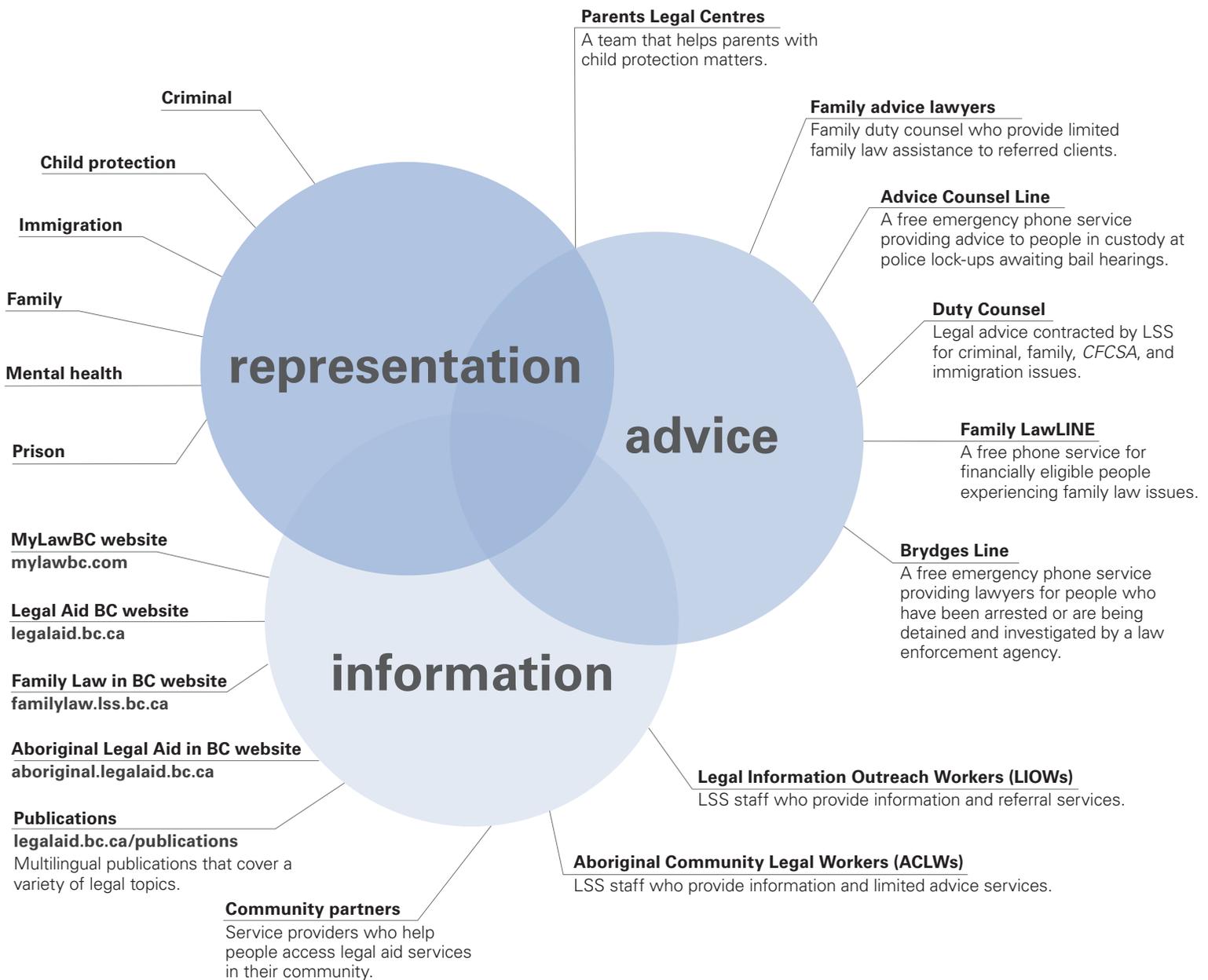


[Find out about funding, mandate, and governance →](#)



## Services

At LSS, 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:





## 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 (CFCSA) matters,
- criminal charges,
- immigration problems, and
- prison and mental health law issues.

LSS works with approximately 900 private bar lawyers who take legal aid contracts.

## Applying in person

LSS provides legal aid intake services in person at:

- LSS regional centres in Vancouver and Terrace,
- our satellite office in Port Coquitlam,
- local courthouses, and
- local agent offices in communities across the province.



[Find legal aid locations →](#)

## Applying by phone

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.)

Intake services are available through our LSS call centre in Vancouver. 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 LSS



## 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 →](#)



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 LSS vendor number](#)
- [Access LSS Online](#)
- [Get a contract](#)
- [Use the LSS Tariffs](#)
- [Bill your invoices](#)

This chapter also provides information about audits and complaints, getting help with contracts, and working with other counsel.

## Get your LSS vendor number

Before you can accept a legal aid contract, you need to get an LSS 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 [finance.support@lss.bc.ca](mailto:finance.support@lss.bc.ca) or fax your documents to 604-682-7967. (It may take up to three 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@lss.bc.ca](mailto:finance.support@lss.bc.ca).



[Register for LSS Online →](#)

We'll process your registration and send you a welcome email with your vendor number, LSS Online username and temporary password, and information about our range of online resources. Our lawyer support team will be in touch to arrange your orientation to LSS.



## Access LSS Online

### Lawyer Support Team

lawyer.support@lss.bc.ca  
604-601-6155 or 1-888-401-6206

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

LSS Online 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 LSS,
- updating your practice details,
- accessing a number of lawyer resources, and
- finding out what's new.

To set up your LSS Online account:

- Log in to the system using the username ("firstname.lastname") and password we sent you.
- Change your temporary password the first time you log in. Passwords are case-sensitive. (Don't share your password with anyone.)
- Enter your practice information in "My Profile." Profile information includes the types of contracts you're interested in, your specialities, and the locations where you'll take contracts. Please keep your information current so we can contact you, contract you, and pay you correctly.

## Resources

Our secure billing and information system includes the following tools:

### How to use LSS Online:

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



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## Resources for lawyers

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

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## Forms

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

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## LSS Tariffs

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

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## Notices to Counsel

Notifications of changes or updates to the LSS Tariffs.

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## What's New

LSS Online newsfeed that contains LSS news, updates to policies and programs, and billing and practice tips.

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## LSS policies

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

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## Contacts for lawyers

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

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## 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 LSS Online) that sets out some of the details about the client and the case. In general, a contract authorizes you to provide and bill LSS 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, and any restrictions that apply.
- After receiving the initial contract, you may need to submit an authorization request (via LSS Online) for extraordinary services or disbursements.
- LSS will consider requests for extra legal fees at the conclusion of the matter, or additional preparation during active contracts. Please submit requests via LSS Online and ensure your invoices are up to date.
- If your request is granted, we'll issue an authorization setting out the details.

LSS 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 LSS 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 LSS guidelines for coverage or financial eligibility.

# Working with LSS



## Retainer agreements with clients

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



[Refer to our LSS 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

LSS 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 Pacific Region Enforcement Centre of the Canada Border Services Agency in Vancouver.



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

## Circuit counsel

LSS provides circuit counsel to attend remote circuit court locations in BC. We use a competitive bidding process to establish term contracts with specific lawyers to provide legal representation and other services in regions served by circuit courts. We notify the tariff bar when we're seeking lawyers to act as circuit counsel.

“

I believe that we're performing a very necessary service in protecting the legal rights of the poor and disenfranchised in our society.

Dianne Andiel, Victoria

”



## Use the LSS Tariffs

The latest version of the *LSS 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 LSS vendor number, and are also posted on our website and LSS Online.

### Your tariff contract

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

### Your responsibilities

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

### LSS 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 LSS funds:

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



## Disbursements

The *Disbursements Tariff* describes the types of expenses you may incur when providing legal services to LSS 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.

LSS 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.

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

LSS pays contracted transcription companies directly for transcripts.

To request authorization for disbursements, submit a tariff item authorization request via LSS Online.

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 LSS?
- Is the other side contributing to the cost?

# Working with LSS



## Compensation

LSS has a number of different methods for compensating lawyers, as outlined below.

Hourly rates and block fees		
Type of rate/fee	Details	Breakdown
<b>Hourly rates</b> <i>(See General Terms and Conditions)</i>	Maximum billable hours specified within individual tariffs. Applies to these tariffs: <ul style="list-style-type: none"><li>• Family</li><li>• CFCSA</li><li>• Immigration</li><li>• Appeals and Judicial Reviews</li><li>• Duty Counsel</li><li>• Criminal (Case Management)</li><li>• Criminal (Enhanced Fees)</li></ul>	Includes these billing items: <ul style="list-style-type: none"><li>• General preparation</li><li>• Preparation for specific proceedings</li><li>• Attendance</li></ul>
<b>Block fees</b>	<ul style="list-style-type: none"><li>• Criminal (see <i>Criminal Tariff</i>)</li><li>• Circuit counsel (see <i>Duty Counsel Tariff</i>)</li></ul>	Flat legal fees paid for a particular service, which covers all work done for that service (including preparation and attendance).

# Working with LSS



## Tiered rates and fees

<b>Tiered rates</b>	The differential tariff rates for lawyers based on call date, service start date of contract, and tariff item. Tiered rates do not apply to administrative and summary offences.		
<b>Tier</b>	<b>Years of call</b>	<b>Block fees</b>	<b>Hourly rate</b>
1	Less than 4 years	Amount specified in tariff item	\$83.90
2	4 to 10 years	Applicable Tier 1 rate plus 5%	\$88.10
3	More than 10 years	Applicable Tier 1 rate plus 10%	\$92.29
<b>Enhanced fees</b>	Fees in excess of the tiered rates LSS normally pays to counsel. The hourly rates below are for attendance and preparation.		
<b>Counsel</b>	<b>Hourly rate</b>		
Senior counsel	\$125.00		
Junior counsel	\$62.93 - \$83.90		
<b>Further legal fees</b>			
<b>Extra fees</b> <i>(See General Terms and Conditions)</i>	LSS may, at its discretion, pay extra legal fees after considering other factors. To be requested at the conclusion of the case, after counsel submits a final invoice.		
<b>Additional preparation</b>	To be requested before the conclusion of the contract (if it's recognized that substantially more hours than permitted under the applicable tariff are required to complete the contract). Must submit an up-to-date invoice.		
Request these fees with an authorization request in LSS Online. Include timesheets, supporting documents, and additional information. Email appeals or judicial review cases to <a href="mailto:helpdesk.appeals@lss.bc.ca">helpdesk.appeals@lss.bc.ca</a> or fax to 604-682-0956.			



## Billing

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

All your fees and disbursements must be submitted through LSS Online.

Authorization requests and applications for the following services may also be submitted via LSS Online:

- authorization of transcripts,
- applying for Criminal Case Management,
- applying for extended family services, and
- applying for extended *CFCSA* services.



[Learn more in the LSS Tariffs →](#)

## Before you submit your invoices

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

- *LSS Tariffs*
- Notices to Counsel

These resources in LSS Online can help you with the billing process:

- How to Use LSS Online (User Guide, FAQs, and training videos)
- What's New (newsfeed)

## General notes

- Your assistant may complete invoices, but only you, as a vendor, can personally submit invoices for processing/payment.
- LSS is exempt from PST on fees.
- GST is paid on all fees and disbursements and is applied by LSS at the time of payment.
- Bill services in chronological order by date.
- Be careful to choose the description of services correctly.

# Working with LSS



- LSS will consider requests for extra legal fees at the end of the contract, or additional preparation during active contracts; send requests via LSS Online 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 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 *LSS General Terms and Conditions* for a sample timesheet form.

## Inquiries and deductions

LSS reviews lawyers' invoices to ensure that they follow the *LSS 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.



## 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

- 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. Eligibility is based on merit considerations, available budget, and other factors.

## Child protection

- Ensure that the child's name you're listing appears on the contract; if a second child is apprehended, 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) is made; a Continuing Custody Order, 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; it's been two years since the service start date; or the Director withdraws all applications.



- You'll receive only one contract, regardless of the number of apprehensions. Bill all issues under that contract.
- Application for leave to cancel a Continuing Custody Order requires prior approval. (Terrace office applications are reviewed by their managing lawyer; all other applications must be approved by the family services coordinator 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@lss.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 contract will set out your total authorized hours for the service period of the contract.
- 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 LSS Online for items that require prior authorization (as stated in the *LSS Tariffs*):
  - to bill any disbursement not listed in the tariff; submit an authorization request for a tariff item via LSS Online.
  - 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.
- LSS pays contracted transcription companies directly.
- LSS isn't responsible for any contract for disbursements made between a lawyer and a third party.



## Quality assistance

LSS is growing the Quality Assistance 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 LSS

We welcome hearing from our lawyers 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.

LSS has a variety of resources to help you provide quality service to LSS 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 the Legal Aid Ontario's LAO LAW weekly digest, 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 LSS Online, such as primers on Gladue rights, First Nations/Indigenous Court, relationship violence, etc.

# Working with LSS



- *Working with Your Legal Aid Lawyer*, a plain-language fact sheet that outlines the standard of service LSS clients can expect to receive from their lawyers (available on our website in English, Arabic, Chinese, French, Punjabi, and Spanish)

As we expand the Quality Assistance 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 out more about LSS quality assistance initiatives →](#)



Email your questions or suggestions about how LSS can support you in your work to [lawyersresources@lss.bc.ca](mailto:lawyersresources@lss.bc.ca)



## Working with other counsel

<b>Counsel agent</b>	<p>You can bill LSS for the legal services of an alternative service provider without prior authorization if:</p> <ul style="list-style-type: none"><li>• the alternate service provider has a valid LSS vendor number and is in good standing with the Law Society of BC,</li><li>• the services were provided in BC,</li><li>• the services are billable according to the <i>LSS Tariffs</i>,</li><li>• the service provider didn't assume conduct of the contract, and</li><li>• the services the service provider performed are indicated on the invoice.</li></ul>
<b>Articled student</b>	<p>You can bill LSS 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>LSS Tariffs</i>.)</p>
<b>Mentoring and apprentice counsel</b>	<p>Mentoring assistance helps lawyers as they begin to take on more serious cases with greater procedural or substantive complexity. LSS will help referral lawyers with less than five years' call, or who have practiced in the relevant area of law for less than five years, to get mentoring assistance on their LSS 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 LSS 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> <p>The apprentice counsel may bill at a rate of \$41.95 per hour. The experienced lawyer may bill at the applicable tiered rate for time spent mentoring.</p>



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

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



## Audits and complaints

The LSS Audit and Investigation (A&I) Department ensures that private bar lawyers acting for legal aid clients bill LSS 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 LSS clients.

### Audits

LSS 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, LSS may determine that the lawyer is required to reimburse LSS 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 LSS policies and procedures.

### Complaints about lawyers

#### **Audit and Investigation Department**

Legal Services Society, 400 - 510 Burrard Street, Vancouver, BC V6C 3A8  
complaints@lss.bc.ca

If LSS 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, LSS 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**.

# Client Intake Process



## Eligibility

Applicants must show they're financially eligible to receive legal advice or legal representation services from LSS. 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 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***

#### **Financial eligibility based on**

- household size
- net monthly 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 LSS. 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.



[Find out about eligibility →](#)

The onus is on the applicant to satisfy LSS requirements and to prove income and deductions. If the client's financial situation improves, LSS must be advised of the change and may reassess eligibility.



[Find out about changes in client's financial situation on page 31 →](#)

## Legal advice

There is a separate financial eligibility test for LSS 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 LSS 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 LSS 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)

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. LSS 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 fax the form to LSS.



We refer clients to lawyers who have an active LSS 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 LSS 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, LSS 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, LSS may appoint counsel in the community where the client lives.

## No choice of counsel

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

If a client makes a request for a specific type of lawyer (e.g., an Indigenous lawyer, a female lawyer, or a lawyer from a particular cultural background), our staff will try to accommodate the request.

Beginning January 31, 2019, if a client with a family or *CFCSA* matter



requests an Indigenous lawyer and there is no Indigenous lawyer available in the community where the case will be heard, LSS 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 LSS budget to fund travel.)

## Change of counsel

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

- the client is still financially eligible for assistance,
- covered issues are still unresolved and appointing another lawyer will help get them 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* and realistic given the circumstances of the contract.

### Lawyer-initiated

You must inform us via a Change of Counsel authorization request in LSS Online if 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 the society 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 LSS about their financial situation or their legal case.

## Freedom of information

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

604-601-6046

Under the *Inter-provincial/Territorial Reciprocity Agreement*, LSS has reciprocal agreements with the other Canadian provinces and territories to provide legal representation services to people with legal issues outside of their resident province or territory. LSS provides coverage outside of BC for family and immigration matters. Although the agreement doesn't cover criminal matters, these issues may be covered in other ways. Contact the reciprocals coordinator for family, immigration, or criminal law matters.



## Out-of-province coverage for family issues

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



## 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 LSS Intake referring office or tell the client to contact LSS for a financial reassessment (*LSS Tariffs – General Terms and Conditions*).

Reassessments normally occur:

- if LSS believes that a client's financial circumstances may have improved during the course of a contract;
- if an applicant/client or counsel notifies LSS of an improvement in financial circumstances;
- if LSS 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 LSS 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.



## Termination of services

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



[See conversion to private retainer on page 33 →](#)

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.

LSS 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, LSS 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 LSS of the funds, and hold the funds in trust until LSS 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 LSS of any changes to the client's financial situation in accordance with the *LSS Tariffs – General Terms and Conditions*. If LSS 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), LSS 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 LSS.

## Complaints about client eligibility

LSS 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 Services Society, 400 - 510 Burrard Street, Vancouver, BC V6C 3A8  
complaints@lss.bc.ca  
604-682-0979 (fax)



[Learn more about complaints →](#)

# Areas of Law



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

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## ***Criminal***

- Legal representation
- Legal advice
- The tariff
- Criminal Case Management program
- Enhanced fee cases
- Rowbotham applications
- Appeals

## ***Family***

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

## ***Child protection***

- Parents Legal Centre
- 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
- 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 Provincial Courts and some Supreme Courts throughout BC. 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

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

### Adults

Legal representation is available to applicants who are charged with a criminal offence, meet LSS financial eligibility criteria, and, if convicted, are likely to:

- go to jail or get a conditional sentence; or
- lose their livelihood; or
- face a risk of removal from Canada.

Representation is also provided where approved applicants:

- don't face imprisonment if convicted but have a mental or physical disability that prevents them from defending themselves, or
- are Indigenous and their ability to follow a traditional livelihood of hunting and fishing could be affected if they're convicted of an offence (including charges under the federal *Fisheries Act* and the provincial *Wildlife Act* and *Firearms Act*).

Limited representation (i.e., summary advice or non-trial resolution) is also provided 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.



[Find out about financial eligibility →](#)



**Note:** LSS 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.

In early 2019, 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.

The list of courts will be updated as new courts are added.



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



## **Youth**

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, LSS will provide legal aid coverage until the *YCJA* case is completed.

Youths charged under provincial statutes, including the *Motor Vehicle Act*, must meet LSS 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 LSS. 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.

## **Victims of crime**

Victims of sexual offences are eligible for legal aid in situations where the defence lawyer seeks disclosure of personal records (i.e., counselling or medical records). Applicants in these cases don't have to be financially eligible to qualify for representation. LSS pays counsel with funding from the Victim Services and Crime Prevention Division of the Ministry of Justice.

Depending on the circumstances of the case, the ministry may agree to provide funding for:

- witnesses or victim service agencies served with disclosure applications, or
- victims of other (non-sexual) offences served with applications to produce records that aren't disclosure applications.



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



## **Witnesses**

**Managing Lawyer, Criminal Law Services**  
604-601-6027 and 604-601-6195 (fax)

LSS doesn't provide representation for witnesses unless 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**

LSS 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 the Lower Mainland, 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 section 486.3 for counsel to cross-examine vulnerable witnesses. These contracts authorize more limited appearances in court. The authorized appearances can be reviewed through the Authorization process as appropriate.

# Areas of Law



## Legal advice

LSS provides legal advice through the following services:

- in- and out-of-custody duty counsel,
- circuit counsel, and
- the Brydges Line.

## Duty counsel

Duty counsel give advice to all accused, regardless of their financial situation.

Criminal duty counsel, including those in youth court, are assigned by legal aid offices for their catchment area. In locations where courts are usually busy, duty counsel are assigned regularly. In some smaller communities, duty counsel are appointed only as needed.

LSS also provides duty counsel services at First Nations/Indigenous Court locations.

## Getting on the duty counsel roster

LSS is responsible for approving the lawyers for the rosters in each location, at its discretion. Generally LSS assigns those who practise in the community where the court is located, who are actively accepting legal aid contracts, and who have demonstrated experience in the practice of criminal law.

Contact your nearest legal aid office to ask to be added to the criminal duty counsel roster for your community.

## In-custody duty counsel

In-custody duty counsel help adults and youth in custody in provincial criminal courts. In particular, they:

- interview the accused in the lock-up before the start of court;
- explain the nature of the charges and the court procedures;
- explain how to apply for legal aid; and

# Areas of Law



- appear in court and handle show cause hearings, remands, variations of bail, bail on new charges, adjournments, and guilty pleas, as appropriate, for any in-custody accused who wants their case concluded that day.

## 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.

## Out-of-custody duty counsel

Out-of-custody duty counsel provide summary advice and assistance in both adult and youth court to accused people making initial appearances in Provincial Court. If time permits, duty counsel may help clients with simple bail variations, negotiations, or guilty pleas.

## Expanded criminal duty counsel

LSS provides continuing duty counsel services in select locations. Expanded criminal duty counsel will continue to work with clients who meet program criteria to determine if matters can be appropriately resolved before the matter is set for trial. In locations with expanded criminal duty counsel, contracts for representation may be deferred until the need for trial has been confirmed.

## **Circuit counsel**

LSS retains circuit counsel if the location and operation of a circuit court make it impractical or impossible to refer eligible clients to local counsel. Circuit counsel provide criminal duty counsel services or legal representation for qualified individuals. Qualified individuals in circuit locations are only referred to other lawyers if circuit counsel isn't able to act.



## ***Brydges Line***

604-601-6027 and 604-601-6195 (fax)

LSS contracts with private bar lawyers to operate the Brydges Line, a province-wide toll-free telephone service. People can call to speak to a lawyer if they're:

- arrested, or
- detained and under active investigation by the police or another law enforcement agency for a criminal offence but aren't yet charged, and need emergency legal services.

For a person arrested for murder, manslaughter, or attempted murder, the on-duty Brydges lawyer contacts a local senior member of the bar able to provide an in-depth consultation.



## 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, LSS 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.

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

Category of offence	
<b>Administrative</b>	Includes the least serious offences (where the Crown proceeds summarily and the maximum sentence is six months), such as motor vehicle offences (e.g., driving while suspended), failure to appear in court, or breach of probation.
<b>Summary</b>	Includes most summary or hybrid offences (where the Crown proceeds summarily and the maximum sentence is six months), such as simple assault, <i>Criminal Code</i> driving offences (e.g., dangerous driving), or theft under \$5,000.
<b>Indictable</b>	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. It also includes summary matters where the minimum sentence is greater than six months (except for breach of probation), and unlawful confinement or abduction cases where the Crown proceeds summarily.
<b>Major</b>	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 →](#)



## **Duty counsel**

Duty counsel and advice counsel are paid an hourly rate up to the maximum number of hours specified in the contract. If additional hours are required, counsel must submit a request for extra legal fees when they submit their invoices.



[See the Duty Counsel Tariff →](#)

## **Circuit counsel**

LSS 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 →](#)

## **Criminal Case Management program**

### **Case Management**

helpdesk.case-mgt@lss.bc.ca  
604-601-6155 (tel)  
604-681-7963 (fax)

The Criminal Case Management (CCM) program is designed to help LSS 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. The block fee tariff doesn't apply to CCM cases; CCM cases are paid on an hourly tariff for preparation and court attendance with the exception of travel fees.



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



## Enhanced fee cases

Enhanced fees may be available for senior counsel (\$125 per hour) in cases that LSS 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, LSS will appoint counsel and make payments according to the tariff contract, or as a case subject to case management. In some situations, LSS may approve 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@lss.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 LSS Appeals Section at the Vancouver regional centre reviews all appeal requests for merit. LSS only funds criminal appeals that fall under the society's criminal law coverage criteria 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@lss.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

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

### **Mediation and collaborative law**

LSS 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 Law Referral Services, and
- Extended Services.

### **Family law contract**

Each family law 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 LSS 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 LSS. However, LSS 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 services, below.

### 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 →](#)

# Areas of Law



## Eligibility

Applicants must be financially eligible and have a covered issue. Additionally, if children are involved, applicants must be the parents (including same-sex partners) 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.

Children under the age of 19 can also apply for legal aid. 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 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, LSS considers merit, available budget, and other criteria.

To apply for Extended Services, submit an authorization request with your Extended Family Services Opinion Letter using LSS Online.

To request a review of a case, submit an authorization request with any supporting information using LSS Online.



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

LSS takes a discretionary approach to authorization of extended services. LSS 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, LSS may, on an exceptional basis, provide further funding.



## **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 negotiate a settlement or to represent themselves.

If you have time remaining after addressing the issues on the contract, you may help the client address other significant related family legal issues.

These contracts are not eligible for extended family services.

## **Eligibility**

Clients must still be financially eligible under the LSS guidelines. The test LSS applies is whether the client has made good-faith efforts to negotiate a settlement and whether resolving the issues will result in a significant benefit to the client.

## **Settlements and judgments**

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



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



## Legal advice

LSS 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 and emergency protection orders, and uncontested guardianship/custody, contact/parenting time/access, and support hearings;
- 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 case conferences.

Priority is given to clients who have matters in court that day and who meet the LSS 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).

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.



[Find FDC court locations →](#)



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@lss.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 LSS will be reviewed to determine your experience); and
- a satisfactory history with the LSS Audit & Investigation Department and the Law Society.

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 LSS.



## **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 Ministry of Justice's family justice counsellors 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 to them 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 in mediation.

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

## **Circuit counsel**

LSS 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 LSS. 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 LSS telephone 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 on page 68 →](#)



## The tariff

The *Family Tariff* includes family law referral services and extended services. The tariff for duty and advice counsel family 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@lss.bc.ca

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

Family appeals 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 LSS 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.



[Learn more about family appeals →](#)



## Child protection

LSS 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 LSS coverage guidelines. This section explains our child protection services, the *CFCSA Tariff*, and the appeals process.



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

## 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, LSS provides a contract when:

- an applicant's child has been removed by the Ministry of Children and Family Development (MCFD),
- MCFD is investigating protection concerns and there is risk of the child being removed from the parent's care,
- the applicant and MCFD 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.

LSS 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 to a person other than the child's parents, and the parental relationship with the child is at risk.



Applicants must be parents (including same-sex partners) 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.

LSS 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.

The *LSS Tariffs* state that the case is ongoing until the children are returned to the family or MCFD becomes a guardian under a Continuing Custody Order, 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 is a guardian of a child named in a *CFCSA* matter under a continuing care agreement, MCFD will arrange for appointment of counsel through the Ministry of Justice.



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



## Legal advice

LSS 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 46 →](#)

## Legal advice (and representation) for children

### Lawyer Support Team

lawyer.support@lss.bc.ca  
604-601-6155 or 1-888-401-6206

Under an agreement with MCFD, LSS 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, the 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 the Appeals Section (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 actual time for attendance in court (for all appearances other than attendance at a commencement hearing).

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 after counsel has submitted an Opinion Checklist to Case Management and the initial *CFCSA* contract hours have been exhausted after providing reasonable services.



[See the \*CFCSA\* tariff →](#)

## Appeals

### Appeals Section

helpdesk.appeals@lss.bc.ca

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

To request an appeal, apply to the LSS 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

LSS 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 Pacific Region Enforcement 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

LSS provides legal representation for the following immigration matters.

### **Refugee claims**

#### **Commenced with a Basis of Claim (BOC) Form**

LSS 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, LSS 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 LSS Appeals Section at the Vancouver regional centre screens all PRRA applications for merit regardless of the client's country of origin. If LSS issues a contract, you're entitled to bill general preparation time up to the amount authorized on the contract.



## ***Humanitarian and Compassionate applications***

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

## ***Other immigration cases***

LSS 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)
- 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

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

## **Duty counsel**

LSS provides duty counsel for people in detention in Vancouver at the Pacific Region Enforcement 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@lss.bc.ca  
604-601-6066 and 604-601-6195 (fax)

Immigration duty counsel is provided Monday to Friday for people in detention at the Pacific Region Enforcement Centre of the Canada Border Services Agency in Vancouver.

LSS 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.



## The tariff

Here are some important LSS 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, LSS 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@lss.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 LSS Appeals Section screens for merit regardless of the client's country of origin. If LSS 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

LSS delivers prison law services in all federal and provincial correctional facilities in BC. The prisoner's first point of contact with LSS is through the LSS call centre. LSS 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

LSS 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. LSS 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.

LSS 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.

LSS 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 LSS 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, LSS will treat the case as a Criminal Case Management (CCM) program case. Fax a **CCM Questionnaire** with a draft budget to Case Management.

#### **Case Management**

helpdesk.case-mgt@lss.bc.ca

604-601-6155 (tel)

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

LSS 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.

The review panel consists of a chair, a doctor appointed by the hospital, and a person appointed by the patient. Patients have the right to counsel at these proceedings because the review panels determine whether they should continue to be detained.

LSS 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*.

#### **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.

LSS contracts with CLAS to provide representation at review board hearings in the Lower Mainland. LSS provides representation at review board hearings outside the Lower Mainland 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.

# Areas of Law



## 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.



LSS provides legal information through our publications, websites, and in-person services.

Directing your clients to other LSS resources and services or community services is an effective way to provide them with additional legal information and support, particularly if you're limited to providing legal advice services on a specific legal issue.

## Publications

LSS produces a variety of plain-language publications about the law, many of which are translated into additional languages. LSS publications can be accessed on the LSS website, at legal aid offices, or by placing orders through Crown Publications.



[Read publications at legalaid.bc.ca](http://legalaid.bc.ca) →

[Order publications: www.crownpub.bc.ca](http://www.crownpub.bc.ca) →

## Websites

### Legal Aid BC website

The Legal Aid BC website is designed to provide the public with information about the legal resources and services that are available to them. You can direct your clients to:

- information about legal aid in BC,
- 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 for couples to negotiate a separation agreement or a parenting plan (with help from a mediator, if needed), and links to all LSS publications.

[Learn more on MyLawBC →](#)



[Watch a video about the Dialogue Tool →](#)

[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 rights, 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 court fees, or make separation agreements. Also allows you to save time spent providing basic legal information to clients.



[Find family law information →](#)



## In Person

### 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 LSS telephone 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 LSS staff who provide information and referral services in person and over the phone. LHOWs:

- help people find legal information and self-help resources on the Internet;
- give people printed legal information; and
- refer people to other LSS services, such as family duty counsel, family advice lawyers, and other community services.



[Learn about LHOWs →](#)



## Aboriginal community legal workers

Aboriginal community legal workers (ACLWs) are LSS 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 agencies on contract with LSS to help people access legal aid services. Community partners are located throughout BC, mainly in rural, remote, and Indigenous communities.



[Learn about Community partners →](#)



## Other community resources

### Clicklaw

[www.clicklaw.bc.ca](http://www.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](http://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

[www.povnet.org](http://www.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.



## A

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

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

**Aboriginal Legal Aid in BC website:** An LSS 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 Legal Aid BC 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 LSS for legal services.

**Area of law:** The categories of legal problems for which LSS has created separate tariffs (e.g., criminal, family, 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 LSS Online 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 LSS 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 LSS considers eligible to receive legal services after determining they meet LSS coverage and eligibility criteria.

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

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

**Contract lawyer:** A lawyer who accepts a contract.



**Conversion to private retainer:** The decision by LSS 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 LSS makes legal services available, or the range of legal services LSS may fund, as determined by LSS.

**Criminal Case Management (CCM):** The case management program LSS 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 LSS 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 LSS 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 LSS 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 LSS 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 LSS 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 LSS 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 LSS to family law clients who meet the eligibility and coverage guidelines for a contract under the *Family Tariff*.

**Family LawLINE:** An LSS 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.



**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 LSS 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. LSS uses *Aboriginal* and *Indigenous* interchangeably.

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

## L

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

**Legal Aid BC website:** The LSS 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 LSS, for legal services provided to clients.

**Legal information outreach workers (LIOWs):** LSS staff who refer clients to appropriate resources and help clients access legal information, understand court forms, and use LSS 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.

**LSS:** The Legal Services Society.

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

## M

**MyLawBC website:** An LSS 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 LSS 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 LSS or local agent office that issues a contract to the contract lawyer.

**Regional centres:** LSS offices located in Terrace and 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 LSS, 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 LSS authorizes contract lawyers to bill LSS for legal services provided to a client.

**Service stop date:** As specified by LSS, 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 LSS, processed by LSS 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 LSS for legal services provided or expenses incurred on a client's behalf.

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

**Tiered rates:** The LSS 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:** An LSS Online newsfeed that contains tariff updates and billing tips for tariff lawyers.