

**MINISTRY OF JUSTICE
JUSTICE SERVICES BRANCH
BRIEFING NOTE**

PURPOSE: For DECISION of the Attorney General (AG)

ISSUE: Legal Services Society's (LSS) 2015/16 budget management plan.

SUMMARY:

- It is recommended that the AG send the attached letter (Attachment 4) to the LSS Board Chair (Chair) and approve LSS' 2015/16 budget management plan with a modification to the plan that was presented by the Chair in his letter and revised submission dated February 13, 2015 (Attachment 2).

BACKGROUND:

- LSS submitted the first version of their 2015/16 budget management plan on January 16, 2015.
- The AG sent a letter to the Chair on January 26, 2015, requesting resubmission of the budget management plan by February 17, 2015, to include:
 - forecast information and revisions to format, for analysis and comparability purposes; and
 - confirmation that LSS would continue to adhere to the guiding principles established last year for the management of LSS' 2014/15 budget:
 - the LSS Board will manage government funding to the bottom line and not to the individual tariff line items in the budget; and
 - the LSS Board will prioritize delivery of tariff services over administrative and operation costs, and among tariff services—the relative priority would be as follows: child protection; family; and criminal.
- On February 13, the Chair sent a letter accompanying the revised version of their 2015/16 budget management plan to the AG. The letter confirms agreement with the principles and priorities as requested by the AG, and included an attachment reflecting the forecast and formatting adjustments.
- On February 26, LSS staff indicated to ministry staff that their interpretation of the direction in the budget approval letter for fiscal year 2014/15 to manage to the bottom line applies to the \$2 million funding for Justice Transformation (JT). Wording is included in the recommended letter for 2015/16 to clarify that this is not the case. Dedicated funding envelopes (for major cases, federal high cost cases, immigration, drug court, community court as well as JT) must be directed to the purposes for which they are intended.

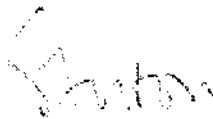
- LSS continues to advise of risks associated with its proposed budget management plan (e.g., amortization costs of a new technology system); however, ministry staff consider these to be relatively minor risks and will continue to monitor and work with LSS to manage these risks.

OTHER MINISTRIES IMPACTED/CONSULTED:

- Government's *Budget 2015* has now been tabled in the House, confirming budget decisions related to LSS to be as anticipated by ministry staff and as approved by Treasury Board Staff's review of LSS's budget as presented in its Service Plan released on Budget Day.
- **As such, the 2015/16 budget management plan that LSS submitted on February 13, 2015 now conforms to the conditions required for approval.**
- **Ministry staff recommend that the AG approve the budget, provided the \$2 million in JT funding is 'ring-fenced' and sign the attached letter to the Board Chair indicating her approval.**

DECISION APPROVED / NOT APPROVED

DATE:



March 13, 2015

The Honourable Suzanne Anton QC
Minister of Justice and Attorney General

Prepared by:
Kathleen Rawlinson
Senior Business & Policy Advisor
Justice Services Branch
250.356.8083

Approved by:
James Deitch
Executive Director
Justice Services Branch
250.387.2109

Attachments:

1. Letter from the AG to the Chair dated January 26, 2015.
2. Letter and 2015/16 budget management plan from LSS Board Chair to the AG dated February 13, 2015
3. Letter from the AG to the LSS Board Chair with the same direction for fiscal year 2015/16 as the budget approval letter for last year.
4. Recommended letter from the AG to the LSS Board Chair.

Approved by: Jay Chalke, QC
Assistant Deputy Minister

Date:

Approved by: Richard J. M. Fyfe, Q.C.

Cliff: 413783 (Revised)

X-REF: 413711

Date Prepared: Mar 11, 2015

Date Decision Required: Mar 12, 2015

Deputy Attorney General

pc: Tara Faganello

Assistant Deputy Minister

ATTACHMENT 1



JAN 28 2015

Mr. Tom Christensen
Chair
Board of Directors
Legal Services Society
400 – 510 Burrard Street
Vancouver BC V6C 3B9

Dear Mr. Christensen:

Thank you for your letter dated January 16, 2015, and the budget management plan for 2015/16. As you know in accordance with Section 18 of the *Legal Services Society Act* (the Act), the Attorney General has 30 days to either approve that budget or return it and require the Legal Services Society (LSS) to prepare and submit a revised budget.

The budget cannot be approved at this time because we have not yet received the full set of final budget decisions and directives for the ministry from Treasury Board (TB). As such, pursuant to Subsection 18(2) of the Act, I am returning the budget submitted on January 16, 2015, and asking LSS to re-submit this budget by February 17, 2015.

Assuming the ministry budget is maintained for 2015/16, I will approve the resubmitted budget if the following revisions are made to the plan:

- I. Amend the principles for the 2015/16 budget management plan set out in the attachment to the budget submitted to reflect the language as agreed by the LSS Board in 2014/15 which stated that LSS would:
 - o manage the LSS budget to the bottom line and not to the individual tariff line items in the budget; and
 - o prioritize tariff services ahead of administrative and operational spending, with the relative priority as follows:
 - child protection;
 - family;
 - criminal.

.../2

Ministry of
Justice

Office of the
Minister of Justice
and Attorney General

Mailing Address:
PO Box 9844 Stn Prov Govt
Victoria BC V8W 9E2
e-mail: JAG.Minister@gov.bc.ca
website: www.gov.bc.ca/justice

Telephone: 250 387-1866
Facsimile: 250 387-6411

ATTACHMENT 2



**Legal
Services
Society**

Providing legal aid
in British Columbia
since 1979

Suite 400
510 Burrard Street
Vancouver, BC V6C 3A8

Tel: (604) 601-6000
Fax: (604) 682-0678
www.lsa.bc.ca

Executive Office

February 13, 2015

The Honourable Suzanne Anton, QC
Attorney General and Minister of Justice
Minister's Office
PROVINCE OF BRITISH COLUMBIA
PO Box 9044, Stn Prov Govt
Victoria, BC V8W 9E2

Dear Madam Attorney,

Re: Legal Services Society ("LSS") Budget 2015/16

Attached is a budget and budget management plan that I trust will meet with your approval.

Like 2014/15, the 2015/16 budget differentiates government and non-government funded services.

This budget has been developed within the framework and principles established by the *Legal Services Society Act*, the Memorandum of Understanding mandated by section 21 of that Act, and the LSS commitment to transparency and accountability to all its funders.

As you know the LSS Board of Directors oversees LSS revenue and expenditures throughout the year and the management of the budget through the year occurs within the statutory framework and is further guided by the direction and priorities established by the LSS Board of Directors.

That direction and those priorities are:

1. LSS will provide services articulated in the MOU to the amount of the available government funding;
2. LSS will manage its government funding to the bottom line and not to the individual tariff line items within the budget;
3. LSS will prioritize services over administrative and operational expenditures to the extent that this can be done without compromising the ongoing effectiveness of the society;
4. LSS will prioritize preservation of services in the following order:
 - a) Child protection
 - b) Family
 - c) Criminal; and



**Legal
Services
Society**

Providing legal aid
in British Columbia
since 1979

Suite 400
510 Burrard Street
Vancouver, BC V6C 3A8

Tel: (604) 681-8000
Fax: (604) 682-0679
www.lss.bc.ca

Executive Office

5. Subject to Board approval, LSS will make any necessary tariff service adjustments on the basis of the mitigation strategies included with this document.

Thank you for your ongoing support to LSS.

Respectfully,

Tom Christensen,
Chair – LSS Board of Directors

Cc: Jay Chaikie, QC, Assistant Deputy Minister, Ministry of Attorney General
Mark Benton, QC, CEO

- Attachments: 1. 2015/16 Amended Budget Management Plan – Principles, Assumptions, Key Cost Drivers and Budget Process
2. Final Amended 2015/16 Operating Budget
3. Amended Application and Referral Volumes
4. Budget Pressures, Cost Drivers and Mitigation Strategies: Criminal, Family and CCPSA

Legal Services Society
2015/16 Amended Budget Management Plan
Principles, Assumptions, Key Cost Drivers and Budget Process

Principles for 2015/16:

This budget differentiates government and non-government funded services.

This budget has been developed within the framework and principles established by the *Legal Services Society Act*, the Memorandum of Understanding mandated by section 21 of that Act, and the LSS commitment to transparency and accountability to all its funders. The management of the budget through the year occurs within that framework and is further guided by the direction and priorities established by the LSS Board of Directors.

That direction and those priorities are:

- LSS will provide services to the amount of the available government funding
- LSS will continue its practice of managing government funding to the bottom line and not to the individual tariff line items within the budget
- LSS will prioritize services over administrative and operational expenditures to the extent that this can be done without compromising the ongoing effectiveness of the society
- LSS will prioritize services in the following order:
 - a) Child protection
 - b) Family
 - c) Criminal
- Subject to Board approval, LSS will make any necessary tariff service adjustments on the basis of the mitigation strategies included with this document.

Key Assumptions:

1. Revenues from the Provincial Government will remain at 2014/15 levels other than additional funds received under the Economic Stability Mandate.
2. Law Foundation funding was decreased by \$645K based on new funding levels.
3. Referral volumes will remain constant with 2014/15 levels, unless indicated otherwise.
4. The society will manage services to the total available budget.
5. Justice Innovation Transformation Initiatives ("JITI") projects will be fully operational on or before April 1, 2015.
6. Client Information System ("CIS") goes live in 2015/16 and amortization costs will start once it's brought into production. The annual amortization is expected to cost up to \$430K per year on a full year basis.

Key Cost Drivers:

1. All tariff budgets were calculated based on a fee code analysis rather than an estimate of the average case cost. This process is consistent with 2014/15. See Budget Development Process below for further details on the process followed.
2. Referral volumes were calculated using actual applications and referrals for each month over the past four and a half years.
3. The *Child, Family and Community Service Act* ("CFCSA") budget has been increased by \$350k due to higher number of referrals compared to prior years and higher average case costs.

4. The amortization budget includes an additional \$430k for CIS amortization.
5. Does not include any amounts for salary increases, other than step increases for unionized staff and excluded non-management staff.
6. Included is a 2% increase in the cost of employee benefits.
7. Included is an additional \$200k for Family Duty Counsel (to maintain 2014/15 service levels).
8. Included in the budget is an increase of \$67k for premises due to higher lease costs.

Risks Not Budgeted For:

1. The tariff budgets have not been adjusted for any changes to government policy, or new initiatives that may impact the society.
2. The tariff budgets have not been adjusted for higher volumes due to the Ministry of Children and Family Development ("MCFD") hiring 200 additional social workers.
3. The tariff budgets have not been adjusted for any potential shortfall in cessation/vacation matters as it relates to immigration.
4. The tariff budgets have not been adjusted for any potential CIS or JTI impacts.
5. The tariff budgets were not adjusted for any referrals related to significant one-time events (eg. the anti-pipeline demonstration contempt proceedings).

Budget Development Process

Historical Budget Preparation using the Average Case Cost Model:

In prior years the society calculated a tariff budget by multiplying the number of cases expected in a particular tariff by the expected average case cost for that tariff.

We first reviewed the historical applications and referral rates for each tariff. We then estimated volumes by looking at application trends and anticipated referral rates for the coming year.

We then looked at the historical average case cost for each tariff and adjusted them for known changes to the tariff.

$$\begin{aligned} \text{Eg. Number of Applications} \times \text{Referral Rate} &= \text{Number of referrals} \\ \text{Number of referrals} \times \text{Average Case Cost} &= \text{Tariff Budget} \end{aligned}$$

Disadvantages of the historical process:

1. Did not allow for any material changes in volumes from one year to the next
2. Did not consider the cost pattern of cases at different stages of the process
3. Did not allow for analysis of what was causing the average case cost to change until the cases were 18 months old (not proactive; it was reactive)

To overcome these disadvantages, the society changed the budgeting process in 2014/15 and beyond to include the following:

1. Referrals from prior years and a projection for the upcoming year
2. Base the budget on tariff fee codes per case
3. Reviewed the age of outstanding cases

Current Budget Development Process by Fee Code:

The 2015/16 Tariff Budgets have been developed based on fee items rather than the Average Case Cost model. In some cases a tariff might have over 200 separate fee codes that may apply. In order to do this the society analyzed all fees and disbursements for all invoices submitted for 3 years. Approximately 900,000 lines of data were consolidated and analysed to determine budgets by fee codes.

Fee Code Analysis Example:

To determine the budget for Family general prep fees, the cost for this fee item was consolidated based on actual invoices received from lawyers over a 3 - 12 month period, starting with September 1 through August 31, for the years 2012, 2013 and 2014. The data included total fees, total hours, the number of cases that billed general prep, and the total number of cases that billed during the 12 month period. This data is used to calculate:

- Average Hourly Rate
- The % of cases that billed that billed General Prep
- The average units per case that billed General Prep

Family General Prep 2015/16 Operating Budget calculation table:

	Sept 1, 2011 to August 31, 2012	Sept 1, 2012 to August 31, 2013	Sept 1, 2013 to August 31, 2014	2015/16 Budget
Total fees	\$6,200,707	\$8,572,842	\$5,614,495	\$5,399,200
Hours billed	70,242	75,133	64,433	62,060
Average \$ per hour	\$86.28	\$87.48	\$87.14	\$87.00
# of cases billed GP	6,095	6,327	5,708	5,350
Total cases billed	6,822	6,998	6,403	6,000
% of cases billed GP	89.3%	90.4%	89.1%	89.1%
Hours per billed cases GP	11.5	11.9	11.3	11.6

Calculation of Budget:

Budget # of billed cases × Budgeted % that will bill GP × Budgeted hours per cases billed GP × Average Hourly Rate
= (5,000 × 89.1%) × 11.6 × \$87.00
= 5,350 × 11.6 × \$87.00 = \$5,399,220 (rounded to \$5,399,200)

This exercise was repeated for all major fee code items representing at least 90% of the total costs of the tariff. All other costs were consolidated into one group and budgeted as one item.

All budgeted fee codes and the other consolidated codes were totaled to determine the total budget for the tariff.

Review Process:

The above analysis was used to allocate the 2015/16 budget by fee code. This data is incorporated into a reporting structure and tested on a monthly basis if the actual results are consistent with the budget. From time to time we adjust services to clients based on actual results.

Testing now includes over 1.1 million rows of data.

Cliff: 413783 (Revised)

X-REF: 413711

Date Prepared: Mar 11, 2015

Date Decision Required: Mar 12, 2015

Legal Services Society
Final Amended 2015/16 Operating Budget
Figures in thousands

	2014/15 Budget	2014/15 EIS Forecast	2015/16 Budget	Client Funded	Non-Client Funded	2015/17 Budget	2017/18 Budget
Provincial Revenue							
Crime	65,018	65,018	65,888	65,888		65,136	65,136
Justice Transformation	2,000	2,000	2,000	2,000		2,000	2,000
Category B	1,813	2,019	1,813	1,813		1,813	1,813
Category C	2,859	2,950	2,859	2,859		2,859	2,859
Federal High Cost	600	50	650	650		650	650
Immigration	1,700	1,700	1,700	1,700		1,700	1,700
Drug Court	120	120	120	120		120	120
Community Court	370	370	370	370		370	370
Total Provincial Revenue	74,528	74,233	74,598	74,598		74,648	74,764
Other Revenue							
Law Foundation	2,600	2,600	2,600		2,600	2,600	2,600
Notary Foundation	500	500	500		500	500	500
Investment Income	400	400	400		400	400	400
Other	113	768	113		113	113	113
Total Other Revenue	4,613	5,238	4,613		4,613	4,613	4,613
Total Revenue	79,141	79,471	79,211	74,598	4,613	79,261	79,377
Tariff Services							
Criminal Category A	21,796	21,478	22,134	22,134		22,101	22,101
Category B	1,400	1,400	1,400	1,400		1,400	1,400
Category C	2,374	2,479	2,374	2,374		2,374	2,374
Criminal Duty Counsel	5,375	5,228	5,375	5,375		5,375	5,375
Justice Transformation	2,000	2,000	2,000	2,000		2,000	2,000
Federal High Cost	650	50	650	650		650	650
Family Category A	14,430	9,278	9,300	9,300		9,300	9,300
Family Duty Counsel	3,153	3,253	3,153	3,153		3,153	3,153
Family Law Line	413	413	413	413		413	413
CPGA Category A	7,000	7,000	7,350	7,350		7,350	7,350
Immigration & Refugee	1,500	1,500	1,500	1,500		1,500	1,500
Operational Representation	2,516	2,516	2,516	2,516		2,516	2,516
Total Tariff Services	58,507	58,878	58,817	57,563	454	58,817	58,817
Tariff Processing							
Application Processing	1,899	1,899	1,897	1,870	27	1,897	1,897
Category B Admin	5,743	5,743	5,743	5,743	170	5,743	5,743
Category C Admin	413	413	413	413		413	413
Immigration & Refugee Admin	481	481	481	481		481	481
Publication	200	200	200	200		200	200
Community Engagement	1,920	1,920	1,924	1,924	944	1,924	1,924
Aboriginal Services	917	917	917	917	917	917	917
Executive Office	554	554	554	554	554	554	554
Support	1,208	1,208	1,207	1,207		1,207	1,207
IT Services	1,823	1,823	1,823	1,823		1,823	1,823
Finance & Admin	1,401	1,401	1,404	1,404		1,404	1,404
Amortization	1,450	1,450	1,450	1,450		1,450	1,450
Premises	624	624	624	624		624	624
Total Operating Costs	20,584	20,591	20,517	17,913	3,604	20,667	20,787
Total Costs	79,091	79,469	79,334	74,584	4,898	79,684	79,804
Net Surplus/(Deficit)							

The Honourable Suzanne Anton, Q.C., Attorney General and Minister of Justice
February 12, 2015

Legal Services Society
Amended Application and Referral Volumes
For the Fiscal Year April 1, 2015 to March 31, 2016

	2011/12 Actual	2012/13 Actual	2013/14 Actual	3 Yr. Average	Budget	2014/15 Forecast (A)	Variance	2015/16 Budget (B)	Budget - Forecast (A-B)
Criminal Admin									
Application	4,290	4,266	4,551	4,376	4,590	4,709	159	4,440	(269)
Referrals	3,359	3,401	3,636	3,465	3,610	3,774	164	3,550	(224)
Referral %	78.3%	79.4%	79.9%	79.2%	79.3%	80.0%		80.0%	
Summary									
Application	10,906	10,361	10,097	10,588	10,950	10,112	(838)	10,450	138
Referrals	7,520	7,341	7,261	7,357	7,670	7,280	(390)	7,300	20
Referral %	68.5%	69.5%	71.7%	69.8%	70.0%	71.0%		70.0%	
Indictable									
Application	10,433	9,912	9,793	10,055	9,970	9,274	(696)	9,300	26
Referrals	8,860	8,465	8,340	8,555	8,350	7,924	(426)	8,000	76
Referral %	84.8%	85.4%	85.2%	84.1%	83.6%	85.0%		86.0%	
Major									
Application	340	342	354	335	390	314	(76)	330	19
Referrals	334	324	280	315	340	285	(55)	311	16
Referral %	96.0%	94.7%	91.7%	94.2%	87.2%	94.0%		96.0%	
Criminal Sub-Total									
Application	26,083	25,101	24,755	25,313	25,860	24,409	(1,451)	24,520	111
Referrals	20,062	19,531	19,505	19,706	19,970	19,275	(697)	19,161	(112)
Referral %	77.0%	77.6%	78.8%	77.8%	77.2%	79.0%		78.0%	
CPCSA									
Application	2,721	2,635	2,281	2,639	3,150	3,293	143	3,280	(13)
Referrals	2,187	2,305	2,353	2,348	2,830	2,998	(232)	2,620	22
Referral %	80.4%	81.3%	78.3%	79.9%	90%	79.0%		80.0%	
Family									
Application	9,319	9,449	9,384	9,377	9,700	9,057	(663)	9,048	9
Referrals	4,120	4,357	3,725	4,067	4,100	3,564	(536)	3,660	76
Referral %	44.2%	46.1%	39.8%	43.4%	42.3%	39.0%		40.0%	
Total									
Application	38,123	37,385	37,380	37,629	38,710	36,719	(1,971)	36,840	101
Referrals	28,309	26,193	29,783	26,122	26,900	25,433	(1,465)	25,421	(14)

The Honourable Suzanne Anton, QC, Attorney General and Minister of Justice
February 13, 2015

BUDGET PRESSURES, COST DRIVERS AND MITIGATION STRATEGIES**CRIMINAL**

Risk (Budget Pressure)	Cost Driver	Mitigation Strategy
Possible acceleration or deceleration of cases in the Provincial Court affecting the number of bills and therefore expenditures.	<ul style="list-style-type: none"> • Changes to the Provincial Court trial scheduling process • Possible impact of Crown fee ownership project include: <ul style="list-style-type: none"> - Earlier resolution of criminal cases thereby increasing the number and frequency of bills processed by LSS in fiscal 2015/16 - Delayed or reduced approval of charges. 	<ul style="list-style-type: none"> • If expenditures exceed budget, LSS will reduce expenditures through one or all of the following options: <ul style="list-style-type: none"> - Eliminating or reducing out of custody duty counsel services. - Eliminating or restricting coverage for Administrative offences. - Limit the number of referrals to the available budget • If expenditures are below budget, LSS will allocate excess to deficits in other tariffs in accordance with the Memorandum of Understanding
Increase in the average cost per case	<ul style="list-style-type: none"> • Determination of constitutionality of mandatory minimum penalties (<i>Safe Streets and Communities Act</i>) drives case costs higher • Procedural complexity increases trial length • Increase in externally driven disbursement costs (BCMA rates, transcript costs, meterage, etc.) 	<ul style="list-style-type: none"> • See above
Increase in the average length and overall cost of complex criminal proceedings.	<ul style="list-style-type: none"> • Higher volumes of drug and gang related prosecutions • Increase in frequency and duration of pre-trial applications related to disclosure, privilege, and Crown positions related to Charter issues 	<ul style="list-style-type: none"> • See above

The Honourable Suzanne Anton, QC, Attorney General and Minister of Justice
February 11, 2015

BUDGET PRESSURES, COST DRIVERS AND MITIGATION STRATEGIES FAMILY

To manage family law expenditures to budget, LSS restricts services to situations where safety is at risk or there is a persistent denial of access to children. The society further limits expenditures by restricting discretionary services. A consequence of this is that LSS currently refuses more than 60 per cent of applicants for family representation services. Family services are not expected to be a fiscal pressure in 2015/2016. Should costs and demands fluctuate, this document outlines LSS's mitigation strategies to further contain expenditures.

Risk (Budget Pressure)	Cost Driver	Mitigation Strategy
Demand for referrals exceeds budget	<ul style="list-style-type: none"> ▪ <i>Family Law Act</i> – provides a broader definition of violence ▪ More clients qualify for legal aid as definition of violence is more broadly understood 	<ul style="list-style-type: none"> ▪ Limit the number of referrals to available budget ▪ Eliminate discretionary coverage for clients with income within \$200 of financial cut-off ▪ Eliminate any discretionary coverage for clients regardless of need or ability to pay
Average case cost increases	<ul style="list-style-type: none"> • <i>Family Law Act</i> creates a statutory obligation on lawyers to screen for family violence – impacts usage of general preparation hours • Lack of available court time requires multiple and duplicate hearing preparations. This may change in some locations to accelerated billing patterns as family cases given priority • Increased travel costs due to lack of available lawyers in many regions • New legislation creates increased usage of 	<ul style="list-style-type: none"> ▪ Reduce the scope of legal services offered to qualifying clients • Limit or reduce preparation & attendance for mediation per referral • Limit total number of mediations per referral

**BUDGET PRESSURES, COST DRIVERS AND MITIGATION STRATEGIES
FAMILY**

Risk (Budget Pressure)	Cost Driver	Mitigation Strategy
	<p>preparation hours as counsel learns leading decisions & challenges interpretations</p> <ul style="list-style-type: none"> • Increase in externally driven disbursement costs (BCMA rates, transcript costs, meterage, etc.) • Statutory emphasis on out-of-court dispute resolution by mediation or arbitration creates growing disbursement expenditures & counsel fees for mediation/arbitration 	
Tariff billing & number of bills exceeds budget	<ul style="list-style-type: none"> • Accelerated scheduling of cases as family trials given priority • Increased tools available in legislation such as conduct & enforcement orders 	<ul style="list-style-type: none"> • Limit the number of referrals to the available budget • Reduce the scope of services to qualified clients • Limit or reduce preparation & attendance hours for court applications per referral

BUDGET PRESSURES, COST DRIVERS AND MITIGATION STRATEGIES**CFCSA**

Risk (Budget Pressure)	Cost Driver	Mitigation Strategy
Demand for referrals exceeds budget	<ul style="list-style-type: none"> • Increase in number of clients applying for coverage in Child Protection cases • Increased applications prior to removal of children as a result of increased awareness of legal rights related to parenting • Increased child poverty rates in BC leading to more children at risk. 	<ul style="list-style-type: none"> • Limit referrals to available budget • Limit preparation & attendance at Family Group Conferences • Eliminate any discretionary coverage for clients regardless of need or ability to pay • Provide a more restrictive level of advice service to clients at the "pre-removal" protection stage
Increased average case costs	<ul style="list-style-type: none"> • Increased usage and cost of consensual dispute resolution processes at family assessment stage • Increased usage of consensual resolution processes at all levels of intervention • Increased usage of hours available in tariff for related poverty issues such as benefit entitlement, housing, debt • Increase in externally driven disbursement costs (BCMA rates, transcript costs, meterage, etc.) 	<ul style="list-style-type: none"> • Limit preparation & attendance hours for dispute resolution processes • Limit number of mediations allowed per referral • Eliminate extended services for complex CFCSA cases that require more hours than provided in tariff • Eliminate legal services currently covered by the tariff for related poverty issues
Potential acceleration or deceleration of cases in court affecting the number of bills received and therefore expenditures.	<ul style="list-style-type: none"> • Projected accelerated scheduling of cases due to changes in provincial court trial scheduling process and additional available hearing dates 	<ul style="list-style-type: none"> • Manage the number of referrals to the available budget • Reduce the scope of legal services offered to qualifying clients

The Honourable Suzanne Anton, QC, Attorney General and Minister of Justice
February 13, 2015

ATTACHMENT 3

Mr. Tom Christensen
Chair
Board of Directors
Legal Services Society
400 – 510 Burrard Street
Vancouver BC V6C 3B9

Dear Mr. Christensen:

On behalf of the Government of British Columbia I write to advise you that I approve the 2015/16 three-year budget management plan for Legal Services Society (LSS) as submitted on February 13, 2015, with the conditions and principles agreed upon and confirmed by your letter of the same date.

Please submit LSS's first forecast for fiscal year 2015/16 to ministry staff by Thursday, May 14, 2015.

I appreciate the time and diligence that you, the LSS board, and staff have put towards these matters and look forward to ongoing collaboration with LSS.

Yours very truly,

Suzanne Anton QC
Attorney General
Minister of Justice

pc: Mr. Richard Fyfe, Q.C.
Ms. Lori Wanamaker, FCA
Mr. Jay Chalke, QC
Mr. Mark Benton, QC

ATTACHMENT 4

Mr. Tom Christensen
Chair
Board of Directors
Legal Services Society
400 – 510 Burrard Street
Vancouver BC V6C 3B9

Dear Mr. Christensen:

On behalf of the Government of British Columbia I write to advise you that I approve the 2015/16 three-year budget management plan for Legal Services Society (LSS) as submitted on February 13, 2015, with the conditions and principles agreed upon and confirmed by your letter of the same date, but with clarification of item (2) in your letter:

"2. LSS will manage its government funding to the bottom line and not to the individual tariff line items with the budget."

Managing to the bottom line, consistent with our discussion last year, means prioritizing service delivery over administrative expenditures and not managing to individual tariff line items within the budget. It also means directing dedicated funding envelopes (such as those for Justice Transformation, major cases, federal high cost cases, immigration, drug court, community court) to the purposes for which they are intended.

Please submit LSS's first forecast for fiscal year 2015/16 to ministry staff by Thursday, May 14, 2015.

I appreciate the time and diligence that you, the LSS board, and staff have put towards these matters and look forward to ongoing collaboration with LSS.

Yours very truly,

Suzanne Anton QC

Cliff: 413783 (Revised)

X-REF: 413711

Date Prepared: Mar 11, 2015

Date Decision Required: Mar 12, 2015

Attorney General
Minister of Justice

pc: Mr. Richard Fyfe, Q.C.
Ms. Lori Wanamaker, FCA
Mr. Jay Chalke, QC
Mr. Mark Benton, QC

Richter, Connie JAG:EX

From: Fyfe, Richard J JAG:EX
Sent: Monday, March 9, 2015 8:54 AM
To: Dayman, Marlene JAG:EX
Cc: Richter, Connie JAG:EX
Subject: RE: BN - LSS Budgment Management Plan - 413783 and request for AG Briefing

Approved.
RF

Richard J.M. Fyfe QC
Deputy Attorney General
Ministry of Justice and Attorney General

Phone: (250) 356-0149
Fax: (250) 387-6224

This communication (both the message and any attachments) is confidential and may be protected by solicitor-client privilege. It is intended only for the use of the person or persons to whom it is addressed. Any distribution, copying, or other use by anyone else is strictly prohibited. If you have received this communication in error, please destroy the email message and any attachments immediately and notify my office by telephone or by email.

From: Dayman, Marlene JAG:EX
Sent: Friday, March 6, 2015 12:38 PM
To: Fyfe, Richard J JAG:EX
Cc: Richter, Connie JAG:EX
Subject: BN - LSS Budgment Management Plan - 413783 and request for AG Briefing
Importance: High

Hello Richard,

Attached is a Briefing Note for your approval and to be forwarded to the Minister for Decision.

The email string below gives information regarding this BN and the LSS Tariff BN which has already been sent to the Minister's office at your direction.

As mentioned below, a briefing with the Minister will be required before March 16.

I will work with Connie on this matter when she returns on Monday, and after you have approved this attached Note.....regards.....Mar

From: Philippides, Edna M JAG:EX
Sent: Friday, March 6, 2015 12:26 PM
To: Dayman, Marlene JAG:EX
Subject: FW: BN - LSS Budgment Management Plan - 413783 and request for AG Briefing
Importance: High

Hi again, an error in the below: both briefings – budget and tariff – have to happen at the same time, as I am advised the tariff issue has come about because of the budget.

Very sorry to add further confusion to the mix!

Edna

From: Philippides, Edna M JAG:EX
Sent: Friday, March 6, 2015 12:20 PM
To: Dayman, Marlene JAG:EX
Subject: BN - LSS Budgmet Management Plan - 413783 and request for AG Briefing
Importance: High

Hi Marlene,

As discussed, attached is the subject briefing note, revised to indicated a 'required by' date of 16 March. We are requesting a briefing with the AG, somewhat urgently, because if the AG does not respond to LSS with respect to its submitted budget within 30 days of receipt, then the budget is deemed to be approved. I've included a bit of background chronology below.

- LSS submitted the first version of their 2015/16 budget management plan on January 16, 2015.
- The AG sent a letter to the Chair on January 26, 2015, requesting resubmission of the budget management plan by February 17, 2015
- On February 13, the Chair sent a letter accompanying the revised version of their 2015/16 budget management plan to the AG.

The briefing note recommends that the AG to approve the LSS budget; Jay advises that this is a straightforward briefing, and could be done at a regular AG/DAG briefing if that makes things easier. If possible, it would make sense to brief the AG with respect to a second LSS issue - LSS Tariffs (BN 413481) - at the same time, but that one could also be done at a later date.

Please let me know if there is anything further you need.

Thank you.

Edna Philippides
Executive Administrative Assistant
Justice Services Branch
250 356-6582

Dayman, Marlene JAG:EX

From: Minister, JAG JAG:EX
Sent: Monday, February 16, 2015 12:47 PM
To: Green, Greg JAG:EX
Subject: AAA FW: Legal Services Society ("LSS") Budget 2015/16
Attachments: Transmittal_LtrAG_FinalBudget_Feb13_2015.pdf; LSS2015_16_FinalBudgetPackage_Feb13_2015.pdf

From: Tennant, Laura JAG:EX
Sent: Monday, February 16, 2015 11:42 AM
To: Minister, JAG JAG:EX
Subject: FW: Legal Services Society ("LSS") Budget 2015/16

Thank you Candice, please AAA.

From: Minister, JAG JAG:EX
Sent: Monday, February 16, 2015 11:40 AM
To: Tennant, Laura JAG:EX
Subject: FW: Legal Services Society ("LSS") Budget 2015/16

Hi Laura,

Action please – many thanks,

Candice

From: LSS Chair [<mailto:lss.chair@lss.bc.ca>]
Sent: Monday, February 16, 2015 11:38 AM
To: Minister, JAG JAG:EX; JAG WEBFEEDBACK JAG:EX
Cc: Chalke, Jay JAG:EX; Mark Benton; Tom P. Christensen (Tom.Christensen@nixonwenger.com)
Subject: Legal Services Society ("LSS") Budget 2015/16

Dear Madam Attorney,

As requested in your letter of January 26, 2015, please find attached the following documents relating to the 2015/16 Budget:

1. Transmittal letter dated February 13, 2015
2. 2015/16 Amended Budget Management Plan: Principles, Assumptions, Key Cost Drivers and Budget Process dated February 13, 2015
3. Final Amended 2015/16 Operating Budget dated February 13, 2015
4. Amended Application and Referral Volumes for the Fiscal Year April 1, 2015 to March 31, 2016 dated February 13, 2015
5. Budget pressures, cost drivers and mitigation strategies: Criminal, Family and CFCSA dated February 13, 2015

I look forward to receiving approval of the 2015/16 budget.

Kind regards,

Tom Christensen

Chair, Legal Services Society Board of Directors

400 – 510 Burrard Street

Vancouver, BC, V6A 3A8

Cell: s.17

Tel: c/o 604.601.6138/Fax: 604.682.0914

Email: LSSChair@lss.bc.ca

--The information in this e-mail, and any documents that may be attached, is confidential and may be legally privileged. Any unauthorized use, or disclosure of this message by an unintended recipient, is strictly prohibited. If you received this e-mail in error, please notify the sender immediately by replying to this e-mail and delete the material from your system. Thank you.--



Executive Office

February 13, 2015

The Honourable Suzanne Anton, QC
Attorney General and Minister of Justice
Minister's Office
PROVINCE OF BRITISH COLUMBIA
PO Box 9044, Stn Prov Govt
Victoria, BC V8W 9E2

Dear Madam Attorney,

Re: Legal Services Society ("LSS") Budget 2015/16

Attached is a budget and budget management plan that I trust will meet with your approval.

Like 2014/15, the 2015/16 budget differentiates government and non-government funded services.

This budget has been developed within the framework and principles established by the *Legal Services Society Act*, the Memorandum of Understanding mandated by section 21 of that Act, and the LSS commitment to transparency and accountability to all its funders.

As you know the LSS Board of Directors oversees LSS revenue and expenditures throughout the year and the management of the budget through the year occurs within the statutory framework and is further guided by the direction and priorities established by the LSS Board of Directors.

That direction and those priorities are:

1. LSS will provide services articulated in the MOU to the amount of the available government funding;
2. LSS will manage its government funding to the bottom line and not to the individual tariff line items within the budget;
3. LSS will prioritize services over administrative and operational expenditures to the extent that this can be done without compromising the ongoing effectiveness of the society;
4. LSS will prioritize preservation of services in the following order:
 - a) Child protection
 - b) Family
 - c) Criminal; and



5. Subject to Board approval, LSS will make any necessary tariff service adjustments on the basis of the mitigation strategies included with this document.

Thank you for your ongoing support to LSS.

Respectfully,

Tom Christensen,
Chair – LSS Board of Directors

Cc: Jay Chalke, QC, Assistant Deputy Minister, Ministry of Attorney General
Mark Benton, QC, CEO

- Attachments: 1. 2015/16 Amended Budget Management Plan – Principles, Assumptions, Key Cost Drivers and Budget Process
2. Final Amended 2015/16 Operating Budget
3. Amended Application and Referral Volumes
4. Budget Pressures, Cost Drivers and Mitigation Strategies: Criminal, Family and CFCSA

**Legal Services Society
2015/16 Amended Budget Management Plan
Principles, Assumptions, Key Cost Drivers and Budget Process**

Principles for 2015/16:

This budget differentiates government and non-government funded services.

This budget has been developed within the framework and principles established by the *Legal Services Society Act*, the Memorandum of Understanding mandated by section 21 of that *Act*, and the LSS commitment to transparency and accountability to all its funders. The management of the budget through the year occurs within that framework and is further guided by the direction and priorities established by the LSS Board of Directors.

That direction and those priorities are:

- LSS will provide services to the amount of the available government funding
- LSS will continue its practice of managing government funding to the bottom line and not to the individual tariff line items within the budget
- LSS will prioritize services over administrative and operational expenditures to the extent that this can be done without compromising the ongoing effectiveness of the society
- LSS will prioritize services in the following order:
 - a) Child protection
 - b) Family
 - c) Criminal
- Subject to Board approval, LSS will make any necessary tariff service adjustments on the basis of the mitigation strategies included with this document.

Key Assumptions:

1. Revenues from the Provincial Government will remain at 2014/15 levels other than additional funds received under the Economic Stability Mandate.
2. Law Foundation funding was decreased by \$645K based on new funding levels.
3. Referral volumes will remain constant with 2014/15 levels, unless indicated otherwise.
4. The society will manage services to the total available budget.
5. Justice Innovation Transformation Initiatives ("JITI") projects will be fully operational on or before April 1, 2015.
6. Client Information System ("CIS") goes live in 2015/16 and amortization costs will start once it's brought into production. The annual amortization is expected to cost up to \$430K per year on a full year basis.

Key Cost Drivers:

1. All tariff budgets were calculated based on a fee code analysis rather than an estimate of the average case cost. This process is consistent with 2014/15. See Budget Development Process below for further details on the process followed.
2. Referral volumes were calculated using actual applications and referrals for each month over the past four and a half years.
3. The *Child, Family and Community Service Act* ("CFCSA") budget has been increased by \$350k due to higher number of referrals compared to prior years and higher average case costs.

4. The amortization budget includes an additional \$430k for CIS amortization.
5. Does not include any amounts for salary increases, other than step increases for unionized staff and excluded non-management staff.
6. Included is a 2% increase in the cost of employee benefits.
7. Included is an additional \$200k for Family Duty Counsel (to maintain 2014/15 service levels).
8. Included in the budget is an increase of \$67k for premises due to higher lease costs.

Risks Not Budgeted For:

1. The tariff budgets have not been adjusted for any changes to government policy, or new initiatives that may impact the society.
2. The tariff budgets have not been adjusted for higher volumes due to the Ministry of Children and Family Development ("MCFD") hiring 200 additional social workers.
3. The tariff budgets have not been adjusted for any potential shortfall in cessation/vacation matters as it relates to Immigration.
4. The tariff budgets have not been adjusted for any potential CIS or JITI impacts.
5. The tariff budgets were not adjusted for any referrals related to significant one-time events (eg. the anti-pipeline demonstration contempt proceedings).

Budget Development Process

Historical Budget Preparation using the Average Case Cost Model:

In prior years the society calculated a tariff budget by multiplying the number of cases expected in a particular tariff by the expected average case cost for that tariff.

We first reviewed the historical applications and referral rates for each tariff. We then estimated volumes by looking at application trends and anticipated referral rates for the coming year.

We then looked at the historical average case cost for each tariff and adjusted them for known changes to the tariff.

**Eg. Number of Applications x Referral Rate = Number of referrals
Number of referrals x Average Case Cost = Tariff Budget**

Disadvantages of the historical process:

1. Did not allow for any material changes in volumes from one year to the next
2. Did not consider the cost pattern of cases at different stages of the process
3. Did not allow for analysis of what was causing the average case cost to change until the cases were 18 months old (not proactive; it was reactive)

To overcome these disadvantages, the society changed the budgeting process in 2014/15 and beyond to include the following:

1. Referrals from prior years and a projection for the upcoming year
2. Base the budget on tariff fee codes per case
3. Reviewed the age of outstanding cases

Current Budget Development Process by Fee Code:

The 2015/16 Tariff Budgets have been developed based on fee items rather than the Average Case Cost model. In some cases a tariff might have over 200 separate fee codes that may apply. In order to do this the society analyzed all fees and disbursements for all invoices submitted for 3 years. Approximately 900,000 lines of data were consolidated and analysed to determine budgets by fee codes.

Fee Code Analysis Example:

To determine the budget for Family general prep fees, the cost for this fee item was consolidated based on actual invoices received from lawyers over a 3 - 12 month period, starting with September 1 through August 31, for the years 2012, 2013 and 2014. The data included total fees, total hours, the number of cases that billed general prep, and the total number of cases that billed during the 12 month period. This data is used to calculate:

- Average Hourly Rate
- The % of cases that billed that billed General Prep
- The average units per case that billed General Prep

Family General Prep 2015/16 Operating Budget calculation table:

	Sept 1, 2011 to August 31, 2012	Sept 1, 2012 to August 31, 2013	Sept 1, 2013 to August 31, 2014	2015/16 Budget
Total fees	\$6,200,707	\$6,572,842	\$5,614,495	\$5,399,200
Hours billed	70,242	75,133	64,433	62,060
Average \$ per hour	\$88.28	\$87.48	\$87.14	\$87.00
# of cases billed GP	6,095	6,327	5,708	5,350
Total cases billed	6,822	6,998	6,403	6,000
% of cases billed GP	89.3%	90.4%	89.1%	89.1%
Hours per billed cases GP	11.5	11.9	11.3	11.6

Calculation of Budget:

Budget # of billed cases × Budgeted % that will bill GP × Budgeted hours per cases billed GP × Average Hourly Rate

$$= (6,000 \times 89.1\%) \times 11.6 \times \$87.00$$

$$= 5,350 \times 11.6 \times \$87.00 = \$5,399,220 \text{ (rounded to } \$5,399,200 \text{)}$$

This exercise was repeated for all major fee code items representing at least 90% of the total costs of the tariff. All other costs were consolidated into one group and budgeted as one item.

All budgeted fee codes and the other consolidated codes were totaled to determine the total budget for the tariff.

Review Process:

The above analysis was used to allocate the 2015/16 budget by fee code. This data is incorporated into a reporting structure and tested on a monthly basis if the actual results are consistent with the budget. From time to time we adjust services to clients based on actual results.

Testing now includes over 1.1 million rows of data.

Legal Services Society
Final Amended 2015/16 Operating Budget
Figures in thousands

	2014/15 Budget	2014/15 Q3 Forecast	2015/16 Budget	Gov't Funded	Non-Gov't Funded	2016/17 Budget	2017/18 Budget
Provincial Revenue							
Grant	65,018	65,018	65,088	65,088	-	65,138	65,258
Justice Transformation	2,000	2,000	2,000	2,000	-	2,000	2,000
Category B	1,813	2,013	1,813	1,813	-	1,813	1,813
Category C	2,855	2,960	2,855	2,855	-	2,855	2,855
Federal High Cost	650	50	650	650	-	650	650
Immigration	1,700	1,700	1,700	1,700	-	1,700	1,700
Drug Court	120	120	120	120	-	120	120
Community Court	370	370	370	370	-	370	370
Total Provincial Revenue	74,526	74,231	74,596	74,596	-	74,646	74,766
Other Revenue							
Law Foundation	3,600	3,600	2,955	-	2,955	2,955	2,955
Notary Foundation	450	450	500	-	500	500	500
Investment Income	400	400	468	-	468	468	468
Other	115	788	115	-	115	115	115
Total Other Revenue	4,565	5,238	4,038	-	4,038	4,038	4,038
Total Revenue	79,091	79,469	78,634	74,596	4,038	78,684	78,804
Tariff Services							
Criminal Category A	21,796	23,479	22,103	22,103	-	22,103	22,103
Category B	1,400	1,600	1,400	1,400	-	1,400	1,400
Category C	2,374	2,479	2,374	2,374	-	2,374	2,374
Criminal Duty Counsel	5,375	5,275	5,375	5,375	-	5,375	5,375
Justice Transformation	2,000	2,000	2,000	2,000	-	2,000	2,000
Federal High Cost	650	483	650	650	-	650	650
Family Category A	10,426	9,176	9,000	9,000	-	9,000	9,000
Family Duty Counsel	3,155	3,255	3,295	3,295	-	3,295	3,295
Family Law Line	315	315	454	-	454	454	454
CFCSA Category A	7,000	7,000	7,350	7,350	-	7,350	7,350
Immigration & Refugee	1,500	1,500	1,500	1,500	-	1,500	1,500
Contracted Representation Services	2,516	2,516	2,516	2,516	-	2,516	2,516
Total Tariff Services	58,507	59,078	58,017	57,563	454	58,017	58,017
Tariff Processing	1,890	1,890	1,997	1,370	627	1,997	1,997
Application Processing	5,242	5,242	5,296	5,126	170	5,296	5,296
Category B Admin	413	413	413	413	-	413	413
Category C Admin	481	481	481	481	-	481	481
Immigration & Refugee Admin	200	200	200	200	-	200	200
Publishing	1,920	1,920	1,324	380	944	1,324	1,324
Community Engagement	937	937	955	-	955	955	955
Aboriginal Services	556	556	595	-	595	595	595
Executive Office	1,208	1,208	1,287	1,287	-	1,287	1,287
SPPHR	1,825	1,825	1,846	1,846	-	1,896	2,016
IT Services	1,901	1,901	2,004	2,004	-	2,004	2,004
Finance & Admin	1,459	1,377	1,376	1,376	-	1,376	1,376
Amortization	624	513	936	927	9	936	936
Premises	1,928	1,928	1,907	1,623	284	1,907	1,907
Total Operating Costs	20,584	20,391	20,617	17,033	3,584	20,667	20,787
Total Costs	79,091	79,469	78,634	74,596	4,038	78,684	78,804
Net Surplus/(Deficit)	-	-	-	-	-	-	-

The Honourable Suzanne Anton, QC, Attorney General and Minister of Justice
February 13, 2015

Legal Services Society
Amended Application and Referral Volumes
For the Fiscal Year April 1, 2015 to March 31, 2016

	2011/12 Actual	2012/13 Actual	2013/14 Actual	3 Yr. Average		Budget	2014/15 Forecast (B)	Variance		2015/16 Budget (A)	Budget - Forecast (A-B)
Criminal Admin											
Application	4,290	4,286	4,551	4,376		4,550	4,709	159		4,440	(269)
Referrals	3,359	3,401	3,636	3,465		3,610	3,774	164		3,550	(224)
Referral %	78.3%	79.4%	79.9%	79.2%		79.3%	80.0%			80.0%	
Summary											
Application	10,986	10,561	10,097	10,548		10,950	10,112	(838)		10,450	338
Referrals	7,520	7,341	7,241	7,367		7,670	7,280	(390)		7,300	20
Referral %	68.5%	69.5%	71.7%	69.8%		70.0%	72.0%			70.0%	
Indictable											
Application	10,459	9,912	9,793	10,055		9,970	9,274	(696)		9,300	26
Referrals	8,869	8,465	8,340	8,558		8,350	7,924	(426)		8,000	76
Referral %	84.8%	85.4%	85.2%	85.1%		83.8%	85.0%			86.0%	
Major											
Application	348	342	314	335		390	314	(76)		330	16
Referrals	334	324	288	315		340	295	(45)		311	16
Referral %	96.0%	94.7%	91.7%	94.2%		87.2%	94.0%			94.0%	
Criminal Sub-Total											
Application	26,083	25,101	24,755	25,313		25,860	24,409	(1,451)		24,520	111
Referrals	20,082	19,531	19,505	19,706		19,970	19,273	(697)		19,161	(112)
Referral %	77.0%	77.8%	78.8%	77.8%		77.2%	79.0%			78.0%	
CFCSA											
Application	2,721	2,835	3,261	2,939		3,150	3,293	143		3,280	(13)
Referrals	2,187	2,305	2,553	2,348		2,830	2,598	(232)		2,620	22
Referral %	80.4%	81.3%	78.3%	79.9%		90%	79.0%			80.0%	
Family											
Application	9,319	9,449	9,364	9,377		9,700	9,037	(663)		9,040	3
Referrals	4,120	4,357	3,725	4,067		4,100	3,564	(536)		3,640	76
Referral %	44.2%	46.1%	39.8%	43.4%		42.3%	39.0%			40.0%	
Total											
Application	38,123	37,385	37,380	37,629		38,710	36,739	(1,971)		36,840	101
Referrals	26,389	26,193	25,783	26,122		26,900	25,435	(1,465)		25,421	(14)

The Honourable Suzanne Anton, QC, Attorney General and Minister of Justice
February 13, 2015

BUDGET PRESSURES, COST DRIVERS AND MITIGATION STRATEGIES CRIMINAL

Risk (Budget Pressure)	Cost Driver	Mitigation Strategy
Possible acceleration or deceleration of cases in the Provincial Court affecting the number of bills and therefore expenditures.	<ul style="list-style-type: none"> Changes to the Provincial Court trial scheduling process Possible impact of Crown file ownership project include: <ul style="list-style-type: none"> Earlier resolution of criminal cases thereby increasing the number and frequency of bills processed by LSS in fiscal 2015/16 Delayed or reduced approval of charges. 	<ul style="list-style-type: none"> If expenditures exceed budget, LSS will reduce expenditures through one or all of the following options: <ul style="list-style-type: none"> Eliminating or reducing out of custody duty counsel services. Eliminating or restricting coverage for Administrative offences. Limit the number of referrals to the available budget If expenditures are below budget, LSS will allocate excess to deficits in other tariffs in accordance with the Memorandum of Understanding
Increase in the average cost per case	<ul style="list-style-type: none"> Determination of constitutionality of mandatory minimum penalties (<i>Safe Streets and Communities Act</i>) drives case costs higher Procedural complexity increases trial length Increase in externally driven disbursement costs (BCMA rates, transcript costs, meterage, etc.) 	<ul style="list-style-type: none"> See above
Increase in the average length and overall cost of complex criminal proceedings.	<ul style="list-style-type: none"> Higher volumes of drug and gang related prosecutions Increase in frequency and duration of pre-trial applications related to disclosure, privilege, and Crown positions related to Charter issues 	<ul style="list-style-type: none"> See above

The Honourable Suzanne Anton, QC, Attorney General and Minister of Justice
February 13, 2015

BUDGET PRESSURES, COST DRIVERS AND MITIGATION STRATEGIES

FAMILY

To manage family law expenditures to budget, LSS restricts services to situations where safety is at risk or there is a persistent denial of access to children. The society further limits expenditures by restricting discretionary services. A consequence of this is that LSS currently refuses more than 60 per cent of applicants for family representation services. Family services are not expected to be a fiscal pressure in 2015/2016. Should costs and demands fluctuate, this document outlines LSS's mitigation strategies to further contain expenditures.

Risk (Budget Pressure)	Cost Driver	Mitigation Strategy
Demand for referrals exceeds budget	<ul style="list-style-type: none"> Family Law Act – provides a broader definition of violence More clients qualify for legal aid as definition of violence is more broadly understood 	<ul style="list-style-type: none"> Limit the number of referrals to available budget Eliminate discretionary coverage for clients with income within \$200 of financial cut-off Eliminate any discretionary coverage for clients regardless of need or ability to pay
Average case cost increases	<ul style="list-style-type: none"> Family Law Act creates a statutory obligation on lawyers to screen for family violence - impacts usage of general preparation hours Lack of available court time requires multiple and duplicate hearing preparations. This may change in some locations to accelerated billing patterns as family cases given priority Increased travel costs due to lack of available lawyers in many regions New legislation creates increased usage of 	<ul style="list-style-type: none"> Reduce the scope of legal services offered to qualifying clients Limit or reduce preparation & attendance for mediation per referral Limit total number of mediations per referral

The Honourable Suzanne Anton, QC, Attorney General and Minister of Justice
February 13, 2015

BUDGET PRESSURES, COST DRIVERS AND MITIGATION STRATEGIES FAMILY

Risk (Budget Pressure)	Cost Driver	Mitigation Strategy
	<p>preparation hours as counsel learns leading decisions & challenges interpretations</p> <ul style="list-style-type: none"> • Increase in externally driven disbursement costs (BCMA rates, transcript costs, meterage, etc.) • Statutory emphasis on out-of-court dispute resolution by mediation or arbitration creates growing disbursement expenditures & counsel fees for mediation/arbitration 	
Tariff billing & number of bills exceeds budget	<ul style="list-style-type: none"> • Accelerated scheduling of cases as family trials given priority • Increased tools available in legislation such as conduct & enforcement orders 	<ul style="list-style-type: none"> • Limit the number of referrals to the available budget • Reduce the scope of services to qualified clients • Limit or reduce preparation & attendance hours for court applications per referral

BUDGET PRESSURES, COST DRIVERS AND MITIGATION STRATEGIES

CFCSA

Risk (Budget Pressure)	Cost Driver	Mitigation Strategy
Demand for referrals exceeds budget	<ul style="list-style-type: none"> • Increase in number of clients applying for coverage in Child Protection cases • Increased applications prior to removal of children as a result of increased awareness of legal rights related to parenting • Increased child poverty rates in BC leading to more children at risk. 	<ul style="list-style-type: none"> • Limit referrals to available budget • Limit preparation & attendance at Family Group Conferences • Eliminate any discretionary coverage for clients regardless of need or ability to pay • Provide a more restrictive level of advice service to clients at the "pre-removal" protection stage
Increased average case costs	<ul style="list-style-type: none"> • Increased usage and cost of consensual dispute resolution processes at family assessment stage • Increased usage of consensual resolution processes at all levels of intervention • Increased usage of hours available in tariff for related poverty issues such as benefit entitlement, housing, debt • Increase in externally driven disbursement costs (BCMA rates, transcript costs, meterage, etc.) 	<ul style="list-style-type: none"> • Limit preparation & attendance hours for dispute resolution processes • Limit number of mediations allowed per referral • Eliminate extended services for complex CFCSA cases that require more hours than provided in tariff • Eliminate legal services currently covered by the tariff for related poverty issues
Potential acceleration or deceleration of cases in court affecting the number of bills received and therefore expenditures.	<ul style="list-style-type: none"> • Projected accelerated scheduling of cases due to changes in provincial court trial scheduling process and additional available hearing dates 	<ul style="list-style-type: none"> • Manage the number of referrals to the available budget • Reduce the scope of legal services offered to qualifying clients

The Honourable Suzanne Anton, QC, Attorney General and Minister of Justice
February 13, 2015

Mr. Tom Christensen
Chair
Board of Directors
Legal Services Society
400 – 510 Burrard Street
Vancouver BC V6C 3B9

Dear Mr. Christensen:

On behalf of the Government of British Columbia I write to advise you that I approve the 2015/16 three-year budget management plan for Legal Services Society (LSS) as submitted on February 13, 2015, with the conditions and principles agreed upon and confirmed by your letter of the same date, but with clarification of item (2) in your letter:

“2. LSS will manage its government funding to the bottom line and not to the individual tariff line items with the budget.”

Managing to the bottom line, consistent with our discussion last year, means prioritizing service delivery over administrative expenditures and not managing to individual tariff line items within the budget. It also means directing dedicated funding envelopes (such as those for Justice Transformation, major cases, federal high cost cases, immigration, drug court, community court) to the purposes for which they are intended.

Please submit LSS's first forecast for fiscal year 2015/16 to ministry staff by Thursday, May 14, 2015.

.../2

Mr. Tom Christensen
Page 2

I appreciate the time and diligence that you, the LSS board, and staff have put towards these matters and look forward to ongoing collaboration with LSS.

Yours very truly,

Suzanne Anton QC
Attorney General
Minister of Justice

pc: Mr. Richard Fyfe, Q.C.
Ms. Lori Wanamaker, FCA
Mr. Jay Chalke, QC
Mr. Mark Benton, QC

Dayman, Marlene JAG:EX

From: Hughes, Candice JAG:EX
Sent: Monday, January 12, 2015 3:34 PM
To: King, Kim J M JAG:EX
Subject: FW: LSS 2015/16 Budget materials
Attachments: TransmittalLtr_LSSBudget_Pkg_January_9_2015.pdf

From: Langlands, Kevin J JAG:EX
Sent: Monday, January 12, 2015 3:29 PM
To: Hughes, Candice JAG:EX
Cc: Lalonde, Jarett JAG:EX
Subject: FW: LSS 2015/16 Budget materials

Candice, AG Draft Reply please

From: Minister, JAG JAG:EX
Sent: Monday, January 12, 2015 8:49 AM
To: Lalonde, Jarett JAG:EX; Langlands, Kevin J JAG:EX; Tennant, Laura JAG:EX
Cc: Walker, Nikki JAG:EX; Hansen, Lucy JAG:EX
Subject: FW: LSS 2015/16 Budget materials

Good Morning,

Letter from LSS – Mark Benton – for your information.

Kevin – Action please – many thanks,

Candice

From: Mark Benton [<mailto:Mark.Benton@lss.bc.ca>]
Sent: Friday, January 9, 2015 4:50 PM
To: Minister, JAG JAG:EX
Cc: Fyfe, Richard J JAG:EX; Faganello, Tara JAG:EX; Chalke, Jay JAG:EX; Wanamaker, Lori JAG:EX; Tom Christensen (Tom.Christensen@nixonwenger.com); Gulnar Nanjijuma; Harold Clark; Doug Wong; Sheryl Lee
Subject: LSS 2015/16 Budget materials

Please find attached the following documents in response to the AG's letter of December 4, 2014 addressed to the LSS Board Chair, Tom Christensen:

1. Letter dated January 9, 2015 from Mark Benton, QC, Chief Executive Officer; and
2. Documents in response to the Minister's request including a draft 2015/16 LSS budget.

Thanks

MB

--The information in this e-mail, and any documents that may be attached, is confidential and may be legally privileged. Any unauthorized use, or disclosure of this message by an unintended recipient, is strictly prohibited. If you received this e-mail in error, please notify the sender immediately by replying to this e-mail and delete the material from your system. Thank you.--



**Legal
Services
Society**

Providing legal aid
in British Columbia
since 1979

Suite 400
510 Burrard Street
Vancouver, BC V6C 3A8

Tel: (604) 601-6000
Fax: (604) 682-0914
www.lss.bc.ca

Office of the Chief Executive Officer

January 9, 2015

The Honourable Suzanne Anton, QC
Attorney General and Minister of Justice
Minister's Office
PROVINCE OF BRITISH COLUMBIA
PO Box 9044 St. Prov Govt
Victoria, BC, V8W 9E2

Dear Madam Attorney,

Re: Legal Services Society ("LSS") Budget Management Plan for 2015/2016 – 2018/19

I write in response to your letter of December 4, 2014, addressed to LSS Board Chair, Tom Christensen and have enclosed a draft three year LSS budget plan.

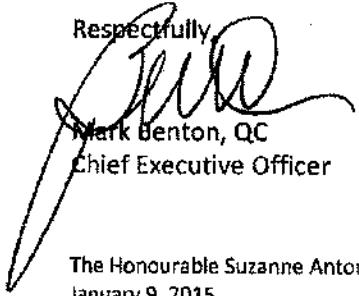
As a result of our very productive meeting December 17, 2014, Mr. Christensen asked that I prepare a revised budget plan for consideration by the LSS Board of Directors at its meeting January 15, 2015. That draft budget together with the supporting documentation you have requested is attached; it includes the additional revenue detail provided by your Ministry staff to LSS on December 30, 2014. It is my understanding that subject to the advice of the LSS' Board Finance Committee Mr. Christensen will be recommending this budget to the board.

The budget will remain in draft form until adopted by the board. In the interim I am forwarding it to you in keeping with your request of December 4, 2014.

On a related matter you may be aware that a draft Mandate Letter dated October 24, 2014 was forwarded on your behalf to the LSS Board for its consideration with the expectation that it would be executed by each Board member. Because that letter includes a specific direction to LSS that its Client Information System costs be kept within the bounds of the approved budget, the board has determined that the Mandate Letter terms cannot be endorsed until the budget itself is finalized. Accordingly the LSS response to that draft will be delayed until the budget process with your Ministry is completed.

Thank you for your ongoing support.

Respectfully,


Mark Benton, QC
Chief Executive Officer

The Honourable Suzanne Anton, QC, Attorney General and Minister of Justice
January 9, 2015

Page 1 of 2



Cc: Tom Christensen, Chair – LSS Board of Directors
Lori Wanamaker, FCA, Deputy Solicitor General and Deputy Minister of Justice
Richard Fyfe, QC, Deputy Attorney General
Jay Chalke, QC, Assistant Deputy Minister, Ministry of Attorney General
Tara Faganellio, Assistant Deputy Minister and Executive Financial Officer

Attachments

The Honourable Suzanne Anton, QC, Attorney General and Minister of Justice
January 9, 2014

Page 2 of 2

Legal Services Society
Amended Operating Budget
For the Fiscal Year April 1, 2015 to March 31, 2016

	2013/14 Actual	2014/15 Budget	Final 2015-16 Budget	Government Funding	Non-Gov't Funding	2016-17 Forecast	2017-18 Forecast
Revenue							
JAG Grant	75.194	74.526	74.596	74.596		74.646	74.766
Law Foundation	3.719	3.600	2.955		2.955	2.955	2.955
Notary Foundation	0.487	0.450	0.500		0.500	0.500	0.500
Investment	0.398	0.400	0.468		0.468	0.468	0.468
Other	0.260	0.115	0.115		0.115	0.115	0.115
Total Revenue	80.058	79.091	78.634	74.596	4.038	78.684	78.804
Tariff							
Criminal							
Admin Offenses	1.413	0.396	1.517	1.517		1.517	1.517
Summary	4.334	4.100	4.161	4.161		4.161	4.161
Indictable	11.371	10.500	10.124	10.124		10.124	10.124
Major	0.810	0.800	0.700	0.700		0.700	0.700
CCM	5.846	4.700	4.300	4.300		4.300	4.300
Cat B	1.745	1.400	1.400	1.400		1.400	1.400
Cat C	4.246	2.375	2.375	2.375		2.375	2.375
Criminal Appeals	1.103	1.300	1.300	1.300		1.300	1.300
Federal High Cost	0.357	0.650	0.650	0.650		0.650	0.650
Sub total Criminal	31.225	26.221	26.527	26.527	-	26.527	26.527
Criminal Duty Counsel	5.317	5.375	5.375	5.375		5.375	5.375
Family	10.498	10.426	9.000	9.000		9.000	9.000
Family Duty Counsel	3.535	3.462	3.749	3.295	0.454	3.749	3.749
Child Protection	7.522	7.000	7.350	7.350		7.350	7.350
Justice Transformation	0.000	1.780	2.000	2.000		2.000	2.000
Immigration	1.440	1.500	1.500	1.500		1.500	1.500
Contracted Tariff Services	2.547	2.516	2.516	2.516		2.516	2.516
Total Tariff	62.084	58.280	58.017	57.563	0.454	58.017	58.017
Operations							
Executive Office	0.964	1.065	1.080	1.080		1.080	1.080
PLIA	7.490	8.418	7.950	4.993	2.957	7.950	7.950
LAR	3.466	3.921	3.789	3.162	0.627	3.789	3.789
SPPHR	1.741	2.070	2.084	2.084		2.134	2.254
FCS	4.943	5.134	5.429	5.429		5.429	5.429
Contingency	(0.130)	0.203	0.285	0.285		0.285	0.285
Total Operating	18.474	20.811	20.617	17.033	3.584	20.667	20.787
Total Cost	80.558	79.091	78.634	74.596	4.038	78.684	78.804
Net Surplus / (Deficit)	(0.500)	-	-	-	-	-	-

For JAG - January 9/15

Legal Services Society
Budget Management Plan
Departmental Budget by Expenditure Category
2015/16 Operating Budget
January 9, 2015

Expenditure by Category	Executive Office	PLJA	LAR	SPPHR	FCS	Contingency	TOTAL
Salaries	\$0.6	\$4.2	\$2.8	\$1.5	\$2.6	\$0.1	\$11.7
Contracted Services	0.2	2.8	0.4	0.3	0.2	0.0	4.1
Premises	0.1	0.6	0.4	0.2	0.6	0.0	1.9
Computer	0.0	0.0	0.0	0.0	1.1	0.0	1.1
Amortization	0.0	0.0	0.0	0.0	0.9	0.0	0.9
Travel Expenses	0.0	0.1	0.0	0.0	0.0	0.0	0.2
Office	0.1	0.2	0.1	0.0	0.1	0.0	0.5
Other	0.0	0.0	0.0	0.0	0.0	0.2	0.2
Total Departmental Budget	1.1	8.0	3.8	2.1	5.4	0.3	20.6
Amount per 2015/16 Budget	\$1.1	\$8.0	\$3.8	\$2.1	\$5.4	\$0.3	\$20.6

2015/16 Service Plan Financial Plan		
Summary Financial Outlook	2014/15 Q3 Forecast	2015/16 Budget
Salaries	\$ 11.4	\$ 11.7
Contracted Services	5.1	4.1
Premises	1.9	1.9
Computers	1.0	1.1
Amortization	0.6	0.9
Travel	0.1	0.2
Office	0.4	0.5
Other	0.2	0.2
Total	\$ 20.7	\$ 20.6

For JAG - January 9/15

Legal Services Society
2015/16 Budget Management Plan
Principles, Assumptions, Key Cost Drivers and Budget Process
January 9, 2015

Principles for 2015/16:

The final budget differentiates government and non-government funded services.

The final budget assumes LSS will provide services to the amount of the available budget. To accomplish this, LSS will:

- Monitor and, if necessary, adjust tariff budgets using the mitigation strategies included with this budget;
- Prioritize services in the following order: CFCSA, Family and Criminal; *and*
- Adjust referral volumes to provide services to the available budget.

Key Assumptions:

1. Revenues from the Provincial Government will remain at 2014/15 levels other than additional funds received under the Economic Stability Man-date.
2. Law Foundation funding was decreased by \$645K based on new funding levels.
3. Referral volumes will remain constant with 2014/15 levels.
4. **The society will manage services to the total available budget.**
5. No additional services will be provided by the society, other than additional Family Duty Counsel (see 7 below).
6. Justice Innovation Transformation Initiatives ("JITI") projects will be fully operational on or before April 1, 2015.
7. Client Information System ("CIS") goes live in 2015/16 and amortization costs will start once it's brought into production. The annual amortization is expected to cost up to \$430K per year on a full year basis.

Key Cost Drivers:

1. All tariff budgets were calculated based on a fee code analysis rather than an estimate of the average case cost. This process is consistent with 2014/15. See Budget Development Process below for further details on the process followed.
2. Referral volumes were calculated using actual applications and referrals for each month over the past four and a half years.
3. The *Child, Family and Community Service Act* ("CFCSA") budget has been increased by \$350k due to higher number of referrals compared to prior years and higher average case costs.

4. The amortization budget includes an additional \$430k for CIS amortization.
5. Does not include any amounts for salary increases, other than step increases for unionized staff and excluded non-management staff.
6. Included is a 2% increase in the cost of employee benefits.
7. Included is an additional \$200k for Family Duty Counsel (to maintain 2014/15 service levels).
8. Included in the budget is an increase of \$67k for premises due to higher lease costs.

Risks Not Budgeted For:

1. The tariff budgets have not been adjusted for any changes to government policy, or new initiatives that may impact the society.
2. The tariff budgets have not been adjusted for higher volumes due to the Ministry of Children and Family Development ("MCFD") hiring 200 additional social workers.
3. The tariff budgets have not been adjusted for any potential CIS or JTI impacts.
4. The tariff budgets were not adjusted for any referrals related to significant one-time events (eg. the Kinder Morgan anti-pipeline demonstrations)

Budget Development Process

Historical Budget Preparation using the Average Case Cost Model:

In prior years the society calculated a tariff budget by multiplying the number of cases expected in a particular tariff by the expected average case cost for that tariff.

We first reviewed the historical applications and referral rates for each tariff. We then estimated volumes by looking at application trends and anticipated referral rates for the coming year.

We then looked at the historical average case cost for each tariff and adjusted them for known changes to the tariff.

Eg. Number of Applications x Referral Rate = Number of referrals

Number of referrals x Average Case Cost = Tariff Budget

Disadvantages of the historical process:

1. Did not allow for any material changes in volumes from one year to the next
2. Did not consider the cost pattern of cases at different stages of the process
3. Did not allow for analysis of what was causing the average case cost to change until the cases were 18 months old (not proactive; it was reactive)

For Budget Management Plan for JAG – Jan.9/15

To overcome these disadvantages, the society changed the budgeting process in 2014/15 and beyond to include the following:

1. Referrals from prior years and a projection for the upcoming year
2. Base the budget on tariff fee codes per case
3. Reviewed the age of outstanding cases

Current Budget Development Process by Fee Code:

The 2015/16 Tariff Budgets have been developed based on fee items rather than the Average Case Cost model. In some cases a tariff might have over 200 separate fee codes that may apply. In order to do this the society analyzed all fees and disbursements for all invoices submitted for 3 years. Approximately 900,000 lines of data were consolidated and analysed to determine budgets by fee codes.

Fee Code Analysis Example:

To determine the budget for Family general prep fees, the cost for this fee item was consolidated based on actual invoices received from lawyers over a 3 - 12 month period, starting with September 1 through August 31, for the years 2012, 2013 and 2014. The data included total fees, total hours, the number of cases that billed general prep, and the total number of cases that billed during the 12 month period. This data is used to calculate:

- Average Hourly Rate
- The % of cases that billed that billed General Prep
- The average units per case that billed General Prep

Family General Prep 2015/16 Operating Budget calculation table:

	Sept 1, 2011 to August 31, 2012	Sept 1, 2012 to August 31, 2013	Sept 1, 2013 to August 31, 2014	2015/16 Budget
Total fees	\$6,200,707	\$6,572,842	\$5,614,495	\$5,399,200
Hours billed	70,242	75,133	64,433	62,060
Average \$ per hour	\$88.28	\$87.48	\$87.14	\$87.00
# of cases billed GP	6,095	6,327	5,708	5,350
Total cases billed	6,822	6,998	6,403	6,000
% of cases billed GP	89.3%	90.4%	89.1%	89.1%
Hours per billed cases GP	11.5	11.9	11.3	11.6

Calculation of Budget:

Budget # of billed cases × Budgeted % that will bill GP × Budgeted hours per cases billed GP × Average Hourly Rate
 = (6,000 × 89.1%) × 11.6 × \$87.00
 = 5,350 × 11.6 × \$87.00 = \$5,399,220 (rounded to \$5,399,200)

For Budget Management Plan for JAG – Jan.9/15

This exercise was repeated for all major fee code items representing at least 90% of the total costs of the tariff. All other costs were consolidated into one group and budgeted as one item.

All budgeted fee codes and the other consolidated codes were totaled to determine the total budget for the tariff.

Review Process:

The above analysis was used to allocate the 2015/16 budget by fee code. This data is incorporated into a reporting structure and tested on a monthly basis if the actual results are consistent with the budget. From time to time we adjust services to clients based on actual results.

Testing now includes over 1.1 million rows of data.

Legal Services Society
Capital Additions & Amortization Schedules
For the Fiscal Year April 1/15 through March 31/16 in (000's)

Additions

Project Name	13/14 Actual	14/15 Q3 Actual	14/15 Forecast	15/16 Budget	16/17 Forecast	17/18 Forecast	18/19 Forecast	19/20 Forecast	20/21 Forecast	21/22 Forecast	22/23 Forecast	23/24 Forecast	24/25 Forecast
Office Furniture and Equipment			140	140	100	100	100	100	100	100	100	100	100
Tenancy Improvement			140	140				3,000					
Client Information System	1,768	1,389	1,993	400									
Information Technology	27	41	400	400	400	400	400	400	400	400	400	400	400
Large Case Management													
Intranet				150									
Hardware			20	150	150	150	150	150	150	150	150	150	150
Total Additions	1,795	1,430	2,693	1,380	650	650	650	3,650	650	650	650	650	650

Amortization

Project Name	13/14 Actual	14/15 Q3 Actual	14/15 Forecast	15/16 Budget	16/17 Forecast	17/18 Forecast	18/19 Forecast	19/20 Forecast	20/21 Forecast	21/22 Forecast	22/23 Forecast	23/24 Forecast	24/25 Forecast
Office Furniture and Equipment	120	52	71	71	38	52	58	68	78	88	98	100	100
Tenancy Improvement	191	143	214	214	228	238	238	238	238	238	238	238	238
Client Information System			0	430	430	430	430	430	430	430	430	430	430
Information Technology	260	72	188	151	138	200	400	400	400	400	400	400	400
Large Case Management	36	27	36	36	36	22							
Intranet				15	30	30	30	30	15				
Hardware			4	19	49	79	109	150	150	150	150	150	150
Total Amortization	607	294	513	936	949	1,051	1,265	1,316	1,311	1,306	1,316	1,318	1,318

For JAG - January 9/15

Budget Pressures, Cost Drivers and Mitigation Strategies Criminal

Risk (Budget Pressure)	Cost Driver	Mitigation Strategy
Possible acceleration or deceleration of cases in the Provincial Court affecting the number of bills and therefore expenditures.	<ul style="list-style-type: none"> Changes to the Provincial Court trial scheduling process Possible impact of Crown file ownership project include: <ul style="list-style-type: none"> Earlier resolution of criminal cases thereby increasing the number and frequency of bills processed by LSS in fiscal 2015/16 Delayed or reduced approval of charges. 	<ul style="list-style-type: none"> If expenditures exceed budget, LSS will reduce expenditures through one or all of the following options: <ul style="list-style-type: none"> Eliminating or reducing out of custody duty counsel services. Eliminating or restricting coverage for Administrative offences. Limit the number of referrals to the available budget If expenditures are below budget, LSS will allocate excess to deficits in other tariffs in accordance with the Memorandum of Understanding
Increase in the average cost	<ul style="list-style-type: none"> Determination of constitutionality of mandatory minimum penalties (<i>Safe Streets and Communities Act</i>) drives case costs higher Procedural complexity increases trial length Increase in externally driven disbursement costs (BCMA rates, transcript costs, meterage, etc.) 	<ul style="list-style-type: none"> See above
Increase in the average length and overall cost of complex criminal proceedings.	<ul style="list-style-type: none"> Higher volumes of drug and gang related prosecutions Increase in frequency and duration of pre-trial applications related to disclosure, privilege, and Crown positions related to Charter issues 	<ul style="list-style-type: none"> See above

For JAG - January 9/15

Budget Pressures, Cost Drivers and Mitigation Strategies Family

To manage family law expenditures to budget, LSS restricts services to situations where safety is at risk or there is a persistent denial of access to children. The society further limits expenditures by restricting discretionary services. A consequence of this is that LSS currently refuses more than 60 per cent of applicants for family representation services. Family services are not expected to be a fiscal pressure in 2015/2016. Should costs and demands fluctuate, this document outlines LSS's mitigation strategies to further contain expenditures.

Risk (Budget Pressure)	Cost Driver	Mitigation Strategy
Demand for referrals exceeds budget	<ul style="list-style-type: none"> Family Law Act – provides a broader definition of violence More clients qualify for legal aid as definition of violence is more broadly understood 	<ul style="list-style-type: none"> Limit the number of referrals to available budget. Eliminate discretionary coverage for clients with income within \$200 of financial cut-off Eliminate any discretionary coverage for clients regardless of need or ability to pay
Increase in average case cost	<ul style="list-style-type: none"> Family Law Act creates a statutory obligation on lawyers to screen for family violence - impacts usage of general preparation hours Lack of available court time requires multiple and duplicate hearing preparations. This may change in some locations to accelerated billing patterns as family cases given priority Increased travel costs due to lack of available lawyers in many regions New legislation creates increased usage of preparation hours as counsel learns leading decisions & challenges interpretations 	<ul style="list-style-type: none"> Reduce the scope of legal services offered to qualifying clients Limit or reduce preparation & attendance for mediation per referral Limit total number of mediations per referral

Budget Pressures, Cost Drivers and Mitigation Strategies Family

Risk (Budget Pressure)	Cost Driver	Mitigation Strategy
	<ul style="list-style-type: none"> • Increase in externally driven disbursement costs (BCMA rates, transcript costs, meterage, etc.) • Statutory emphasis on out-of-court dispute resolution by mediation or arbitration creates growing disbursement expenditures & counsel fees for mediation/arbitration 	
Tariff billing & number of bills exceeds budget	<ul style="list-style-type: none"> • Accelerated scheduling of cases as family trials given priority • Increased tools available in legislation such as conduct & enforcement orders 	<ul style="list-style-type: none"> • Limit the number of referrals to the available budget • Reduce the scope of services to qualified clients • Limit or reduce preparation & attendance hours for court applications per referral

Budget Pressures, Cost Drivers and Mitigation Strategies CFCSA

Risk (Budget Pressure)	Cost Driver	Mitigation Strategy
Demand for referrals exceeds budget	<ul style="list-style-type: none"> • Increase in number of clients applying for coverage in Child Protection cases • Increased applications prior to removal of children as a result of increased awareness of legal rights related to parenting • Increased child poverty rates in BC leading to more children at risk. 	<ul style="list-style-type: none"> • Limit referrals to available budget • Limit preparation & attendance at Family Group Conferences • Eliminate any discretionary coverage for clients regardless of need or ability to pay • Provide a more restrictive level of advice service to clients at the "pre-removal" protection stage
Increase in the average case cost	<ul style="list-style-type: none"> • Increased usage and cost of consensual dispute resolution processes at family assessment stage • Increased usage of consensual resolution processes at all levels of intervention • Increased usage of hours available in tariff for related poverty issues such as benefit entitlement, housing, debt • Increase in externally driven disbursement costs (BCMA rates, transcript costs, meterage, etc.) 	<ul style="list-style-type: none"> • Limit preparation & attendance hours for dispute resolution processes • Limit number of mediations allowed per referral • Eliminate extended services for complex CFCSA cases that require more hours than provided in tariff • Eliminate legal services currently covered by the tariff for related poverty issues
Potential acceleration or deceleration of cases in court affecting the number of bills received and therefore expenditures.	<ul style="list-style-type: none"> • Projected accelerated scheduling of cases due to changes in provincial court trial scheduling process and additional available hearing dates 	<ul style="list-style-type: none"> • Manage the number of referrals to the available budget • Reduce the scope of legal services offered to qualifying clients

For JAG - January 9/15

Dayman, Marlene JAG:EX

From: Minister, JAG JAG:EX
Sent: Friday, January 16, 2015 2:44 PM
To: King, Kim J M JAG:EX
Subject: FW: Legal Services Society Final Budget Plan for 2015/16 and Legal Services Society 2015/16 Mandate Letter
Attachments: LtrAG_Chair_FinalBudget2015_16_January16.pdf; AmendedOperatingBudget_2015_16_JAG_Jan16_2015.pdf; PrinciplesAssumptionsKeyCostDrivers_2015_16Budget_JAG_Jan16_2015.pdf; Amended_Apps_Referrals_JAG_Jan16_2015.pdf; MitigationStrategies_Criminal_Family_CFCSA_JAG_Jan16_2015.pdf; Signed_Scanned_2015_16LSSMandateLtr_Tom_Jan152015.pdf

From: Langlands, Kevin J JAG:EX
Sent: Friday, January 16, 2015 2:01 PM
To: Minister, JAG JAG:EX
Cc: Lalonde, Jarett JAG:EX; Tennant, Laura JAG:EX; Walker, Nikki JAG:EX; Hansen, Lucy JAG:EX
Subject: Re: Legal Services Society Final Budget Plan for 2015/16 and Legal Services Society 2015/16 Mandate Letter

Reply from MSA please

Kevin Langlands

Ministerial Assistant to the Hon. Suzanne Anton
Attorney General and Minister of Justice
P: 250-387-2308 | E:kevin.langlands@gov.bc.ca

On Jan 16, 2015, at 13:50, Minister, JAG JAG:EX <JAG.Minister@gov.bc.ca> wrote:

Hi Jarett, Kevin and Laura,

FYI – also, action please – many thanks,

Candice

From: LSS Chair [<mailto:lss.chair@lss.bc.ca>]
Sent: Friday, January 16, 2015 12:27 PM
To: Minister, JAG JAG:EX
Cc: Tom P. Christensen (Tom.Christensen@nixonwenger.com); Chalke, Jay JAG:EX; Mark Benton
Subject: Legal Services Society Final Budget Plan for 2015/16 and Legal Services Society 2015/16 Mandate Letter

Dear Madam Attorney,

Please find attached a letter dated January 16, 2015 relating to the LSS Final Budget Plan for 2015/16 and the LSS 2015/2016 Mandate Letter together with the attachments listed. The originals will be mailed to you under separate cover.

I look forward to receiving approval of the 2015/16 Budget and a signed copy of the Mandate Letter.

Kind regards,

Tom Christensen

Chair, Legal Services Society Board of Directors

400 – 510 Burrard Street

Vancouver, BC, V6A 3A8

Cell: s.17

Tel: c/o 604.601.6138/Fax: 604.682.0914

Email: LSSChair@lss.bc.ca

--The information in this e-mail, and any documents that may be attached, is confidential and may be legally privileged. Any unauthorized use, or disclosure of this message by an unintended recipient, is strictly prohibited. If you received this e-mail in error, please notify the sender immediately by replying to this e-mail and delete the material from your system. Thank you.--



**Legal
Services
Society**

Providing legal aid
in British Columbia
since 1979

Suite 400
510 Burrard Street
Vancouver, BC V6C 3A8

Tel: (604) 601-6000
Fax: (604) 682-0914
www.lss.bc.ca

Executive Office

January 16, 2015

The Honourable Suzanne Anton, QC
Attorney General and Minister of Justice
Minister's Office
PROVINCE OF BRITISH COLUMBIA
PO Box 9044 St. Prov Govt
Victoria, BC, V8W 9E2

Dear Madam Attorney,

**Re: 1. Legal Services Society ("LSS") Final Budget Plan for 2015/2016
2. Legal Services Society ("LSS") 2015/16 Mandate Letter**

Further to letter of January 9, 2015 from Mark Benton, QC, enclosed is the Legal Services Society's budget for 2015/16 as approved by the board of directors.

As you will know from previous correspondence and our December 17, 2014 meeting, the Legal Services Society requested deficit authorization to balance the budget by withdrawing \$430,000 from the society's accumulated surplus.

Upon receiving the Ministry's advice that the request would not proceed to Treasury Board, the board directed the society to find the necessary savings within the tariff budget without reducing services.

Accordingly, the society has reassessed and amended its initial projections for the 2015/16 criminal tariff budget by \$430,000. This assumes a lower volume of referrals for indictable offences and a lower average case cost for summary offences.

While this reassessment is not unreasonable given prior years' experience, the board remains concerned that it erodes the society's ability to address tariff fluctuations and significantly increases the society's financial risk. This risk is of particular concern given that most, if not all, fiscal pressures are outside the society's control.

We will continue to work with your Ministry to contain tariff costs and should it be necessary will address any pressures in accordance with the mitigation strategies previously identified and the Memorandum of Understanding.

Also enclosed is the 2015/16 Mandate Letter that I have signed on behalf of the LSS Board and will forward the letter signed by the full board as soon as this is available. I look forward to receiving a signed copy of the 2015/16 Mandate Letter in due course.

The Honourable Suzanne Anton, QC, Attorney General and Minister of Justice
January 16, 2015

Page 1 of 2



I look forward to continuing our dialogue at our next quarterly meeting.

Respectfully,

Tom Christensen,
Chair - LSS Board of Directors

Cc: Jay Chalke, QC, Assistant Deputy Minister, Ministry of Attorney General
Mark Benton, QC, CEO

Attachments: 1. LSS Amended Operating Budget for the fiscal year April 1, 2015 to March 31, 2016, dated January 16, 2015
2. LSS 2015/16 Budget Management Plan – Principles, Assumptions, Key Cost Drivers and Budget Process, dated January 16, 2015
3. LSS Amended Application and Referral Volumes for the fiscal year April 1, 2015 to March 31, 2016, dated January 16, 2015
4. Budget Pressures, Cost Drivers and Mitigation Strategies: Criminal, Family, CFCSA, dated January 16, 2015
5. 2015/16 Mandate Letter signed by the LSS Chair dated January 15, 2015.

The Honourable Suzanne Anton, QC, Attorney General and Minister of Justice
January 16, 2015

Page 2 of 2

Legal Services Society
Amended Operating Budget
For the Fiscal Year April 1, 2015 to March 31, 2016

	2014/15 Budget	Final 2015-16 Budget	Government Funding	Non-Gov't Funding	2016-17 Forecast	2017-18 Forecast
Revenue						
JAG Grant	74.526	74.596	74.596		74.646	74.766
Law Foundation	3.600	2.955		2.955	2.955	2.955
Notary Foundation	0.450	0.500		0.500	0.500	0.500
Investment	0.400	0.468		0.468	0.468	0.468
Other	0.115	0.115		0.115	0.115	0.115
Total Revenue	79.091	78.634	74.596	4.038	78.684	78.804
Tariff						
Criminal						
Admin Offenses	0.396	1.517	1.517		1.517	1.517
Summary	4.100	4.161	4.161		4.161	4.161
Indictable	10.500	10.124	10.124		10.124	10.124
Major	0.800	0.700	0.700		0.700	0.700
CCM	4.700	4.300	4.300		4.300	4.300
Cat B	1.400	1.400	1.400		1.400	1.400
Cat C	2.375	2.375	2.375		2.375	2.375
Criminal Appeals	1.300	1.300	1.300		1.300	1.300
Federal High Cost	0.650	0.650	0.650		0.650	0.650
Sub total Criminal	26.221	26.527	26.527	-	26.527	26.527
Criminal Duty Counsel	5.375	5.375	5.375		5.375	5.375
Family	10.426	9.000	9.000		9.000	9.000
Family Duty Counsel	3.462	3.749	3.295	0.454	3.749	3.749
Child Protection	7.000	7.350	7.350		7.350	7.350
Justice Transformation	1.780	2.000	2.000		2.000	2.000
Immigration	1.500	1.500	1.500		1.500	1.500
Contracted Tariff Services	2.516	2.516	2.516		2.516	2.516
Total Tariff	58.280	58.017	57.563	0.454	58.017	58.017
Operations						
Executive Office	1.065	1.080	1.080		1.080	1.080
PLIA	8.418	7.950	4.993	2.957	7.950	7.950
LAR	3.921	3.789	3.162	0.627	3.789	3.789
SPPHR	2.070	2.084	2.084		2.134	2.254
FCS	5.134	5.429	5.429		5.429	5.429
Contingency	0.203	0.285	0.285		0.285	0.285
Total Operating	20.811	20.617	17.033	3.584	20.667	20.787
Total Cost	79.091	78.634	74.596	4.038	78.684	78.804
Net Surplus / (Deficit)	-	-	-	-	-	-

The Honourable Suzanne Anton, QC, Attorney General and Minister of Justice
January 16, 2015

Legal Services Society

2015/16 Budget Management Plan

Principles, Assumptions, Key Cost Drivers and Budget Process

Principles for 2015/16:

The final budget differentiates government and non-government funded services.

The final budget assumes LSS will provide services to the amount of the available budget. To accomplish this, LSS will:

- Monitor and, if necessary, adjust tariff budgets using the mitigation strategies included with this budget;
- Prioritize services in the following order: CFCSA, Family and Criminal; *and*
- Adjust referral volumes to provide services to the available budget.

Key Assumptions:

1. Revenues from the Provincial Government will remain at 2014/15 levels other than additional funds received under the Economic Stability Mandate.
2. Law Foundation funding was decreased by \$645K based on new funding levels.
3. Referral volumes will remain constant with 2014/15 levels.
4. The society will manage services to the total available budget.
5. Justice Innovation Transformation Initiatives ("JITI") projects will be fully operational on or before April 1, 2015.
6. Client Information System ("CIS") goes live in 2015/16 and amortization costs will start once it's brought into production. The annual amortization is expected to cost up to \$430K per year on a full year basis.

Key Cost Drivers:

1. All tariff budgets were calculated based on a fee code analysis rather than an estimate of the average case cost. This process is consistent with 2014/15. See Budget Development Process below for further details on the process followed.
2. Referral volumes were calculated using actual applications and referrals for each month over the past four and a half years.
3. The *Child, Family and Community Service Act* ("CFCSA") budget has been increased by \$350k due to higher number of referrals compared to prior years and higher average case costs.
4. The amortization budget includes an additional \$430k for CIS amortization.
5. Does not include any amounts for salary increases, other than step increases for unionized staff and excluded non-management staff.
6. Included is a 2% increase in the cost of employee benefits.

7. Included is an additional \$200k for Family Duty Counsel (to maintain 2014/15 service levels).
8. Included in the budget is an increase of \$67k for premises due to higher lease costs.

Risks Not Budgeted For:

1. The tariff budgets have not been adjusted for any changes to government policy, or new initiatives that may impact the society.
2. The tariff budgets have not been adjusted for higher volumes due to the Ministry of Children and Family Development ("MCFD") hiring 200 additional social workers.
3. The tariff budgets have not been adjusted for any potential CIS or JITI impacts.
4. The tariff budgets were not adjusted for any referrals related to significant one-time events (e.g. anti-pipeline demonstration contempt proceedings).

Tariff Budget Development Process

Historical Budget Preparation using the Average Case Cost Model:

In prior years the society calculated a tariff budget by multiplying the number of cases expected in a particular tariff by the expected average case cost for that tariff.

We first reviewed the historical applications and referral rates for each tariff. We then estimated volumes by looking at application trends and anticipated referral rates for the coming year.

We then looked at the historical average case cost for each tariff and adjusted them for known changes to the tariff.

E.g. Number of Applications x Referral Rate = Number of referrals

Number of referrals x Average Case Cost = Tariff Budget

Disadvantages of the historical process:

1. Did not allow for any material changes in volumes from one year to the next
2. Did not consider the cost pattern of cases at different stages of the process
3. Did not allow for analysis of what was causing the average case cost to change until the cases were 18 months old (not proactive; it was reactive)

To overcome these disadvantages, the society changed the budgeting process in 2014/15 and beyond to include the following:

1. Referrals from prior years and a projection for the upcoming year
2. Base the budget on tariff fee codes per case
3. Reviewed the age of outstanding cases

Current Budget Development Process by Fee Code:

The 2015/16 Tariff Budgets have been developed based on fee items rather than the Average Case Cost model. In some cases a tariff might have over 200 separate fee codes that may apply. In order to do this the society analyzed all fees and disbursements for all invoices submitted for 3 years. Approximately 900,000 lines of data were consolidated and analysed to determine budgets by fee codes.

Fee Code Analysis Example:

To determine the budget for Family general prep fees, the cost for this fee item was consolidated based on actual invoices received from lawyers over a 3 - 12 month period, starting with September 1 through August 31, for the years 2012, 2013 and 2014. The data included total fees, total hours, the number of cases that billed general prep, and the total number of cases that billed during the 12 month period. This data is used to calculate:

- Average Hourly Rate
- The % of cases that billed that billed General Prep
- The average units per case that billed General Prep

Family General Prep 2015/16 Operating Budget calculation table:

	Sept 1, 2011 to August 31, 2012	Sept 1, 2012 to August 31, 2013	Sept 1, 2013 to August 31, 2014	2015/16 Budget
Total fees	\$6,200,707	\$6,572,842	\$5,614,495	\$5,399,200
Hours billed	70,242	75,133	64,433	62,060
Average \$ per hour	\$88.28	\$87.48	\$87.14	\$87.00
# of cases billed GP	6,095	6,327	5,708	5,350
Total cases billed	6,822	6,998	6,403	6,000
% of cases billed GP	89.3%	90.4%	89.1%	89.1%
Hours per billed cases GP	11.5	11.9	11.3	11.6

Calculation of Budget:

Budget # of billed cases × Budgeted % that will bill GP × Budgeted hours per cases billed GP × Average Hourly Rate
 = (6,000 × 89.1%) × 11.6 × \$87.00
 = 5,350 × 11.6 × \$87.00 = \$5,399,220 (rounded to \$5,399,200)

This exercise was repeated for all major fee code items representing at least 90% of the total costs of the tariff. All other costs were consolidated into one group and budgeted as one item.

All budgeted fee codes and the other consolidated codes were totaled to determine the total budget for the tariff.

Review Process:

The above analysis was used to allocate the 2015/16 budget by fee code. This data is incorporated into a reporting structure and tested on a monthly basis if the actual results are consistent with the budget. From time to time we adjust services to clients based on actual results.

Testing now includes over 1.1 million rows of data.

Legal Services Society
Amended Application and Referral Volumes
For the Fiscal Year April 1, 2015 to March 31, 2016

	2011/12 Actual	2012/13 Actual	2013/14 Actual	3 Yr. Average		Budget	2014/15 Forecast (B)	Variance		2015/16 Budget (A)	Budget - Forecast (A-B)
Criminal Admin											
Application	4,290	4,286	4,551	4,376		4,550	4,709	159		4,440	(269)
Referrals	3,359	3,401	3,636	3,465		3,610	3,774	164		3,550	(224)
Referral %	78.3%	79.4%	79.9%	79.2%		79.3%	80.0%			80.0%	
Summary											
Application	10,986	10,561	10,097	10,548		10,950	10,112	(838)		10,450	338
Referrals	7,520	7,341	7,241	7,367		7,670	7,280	(390)		7,300	20
Referral %	68.5%	69.5%	71.7%	69.8%		70.0%	72.0%			70.0%	
Indictable											
Application	10,459	9,912	9,793	10,055		9,970	9,274	(696)		9,300	26
Referrals	8,869	8,465	8,340	8,558		8,350	7,924	(426)		8,000	76
Referral %	84.8%	85.4%	85.2%	85.1%		83.8%	85.0%			86.0%	
Major											
Application	348	342	314	335		390	314	(76)		330	16
Referrals	334	324	288	315		340	295	(45)		311	16
Referral %	96.0%	94.7%	91.7%	94.2%		87.2%	94.0%			94.0%	
Criminal Sub-Total											
Application	26,083	25,101	24,755	25,313		25,860	24,409	(1,451)		24,520	111
Referrals	20,082	19,531	19,505	19,706		19,970	19,273	(697)		19,161	(112)
Referral %	77.0%	77.8%	78.8%	77.8%		77.2%	79.0%			78.0%	
CFCSA											
Application	2,721	2,835	3,261	2,939		3,150	3,293	143		3,280	(13)
Referrals	2,187	2,305	2,553	2,348		2,830	2,598	(232)		2,620	22
Referral %	80.4%	81.3%	78.3%	79.9%		90%	79.0%			80.0%	
Family											
Application	9,319	9,449	9,364	9,377		9,700	9,037	(663)		9,040	3
Referrals	4,120	4,357	3,725	4,067		4,100	3,564	(536)		3,640	76
Referral %	44.2%	46.1%	39.8%	43.4%		42.3%	39.0%			40.0%	
Total											
Application	38,123	37,385	37,380	37,629		38,710	36,739	(1,971)		36,840	101
Referrals	26,389	26,193	25,783	26,122		26,900	25,435	(1,465)		25,421	(14)

The Honourable Suzanne Anton, QC, Attorney General and Minister of Justice
January 16, 2015

Budget Pressures, Cost Drivers and Mitigation Strategies Criminal

Risk (Budget Pressure)	Cost Driver	Mitigation Strategy
Possible acceleration or deceleration of cases in the Provincial Court affecting the number of bills and therefore expenditures.	<ul style="list-style-type: none"> Changes to the Provincial Court trial scheduling process Possible impact of Crown file ownership project include: <ul style="list-style-type: none"> Earlier resolution of criminal cases thereby increasing the number and frequency of bills processed by LSS in fiscal 2015/16 Delayed or reduced approval of charges. 	<ul style="list-style-type: none"> If expenditures exceed budget, LSS will reduce expenditures through one or all of the following options: <ul style="list-style-type: none"> Eliminating or reducing out of custody duty counsel services. Eliminating or restricting coverage for Administrative offences. Limit the number of referrals to the available budget If expenditures are below budget, LSS will allocate excess to deficits in other tariffs in accordance with the Memorandum of Understanding
Increase in the average cost	<ul style="list-style-type: none"> Determination of constitutionality of mandatory minimum penalties (<i>Safe Streets and Communities Act</i>) drives case costs higher Procedural complexity increases trial length Increase in externally driven disbursement costs (BCMA rates, transcript costs, meterage, etc.) 	<ul style="list-style-type: none"> See above
Increase in the average length and overall cost of complex criminal proceedings.	<ul style="list-style-type: none"> Higher volumes of drug and gang related prosecutions Increase in frequency and duration of pre-trial applications related to disclosure, privilege, and Crown positions related to Charter issues 	<ul style="list-style-type: none"> See above

The Honourable Suzanne Anton, QC, Attorney General and Minister of Justice
January 16, 2015

Budget Pressures, Cost Drivers and Mitigation Strategies Family

To manage family law expenditures to budget, LSS restricts services to situations where safety is at risk or there is a persistent denial of access to children. The society further limits expenditures by restricting discretionary services. A consequence of this is that LSS currently refuses more than 60 per cent of applicants for family representation services. Family services are not expected to be a fiscal pressure in 2015/2016. Should costs and demands fluctuate, this document outlines LSS's mitigation strategies to further contain expenditures.

Risk (Budget Pressure)	Cost Driver	Mitigation Strategy
Demand for referrals exceeds budget	<ul style="list-style-type: none"> • <i>Family Law Act</i> – provides a broader definition of violence • More clients qualify for legal aid as definition of violence is more broadly understood 	<ul style="list-style-type: none"> • Limit the number of referrals to available budget • Eliminate discretionary coverage for clients with income within \$200 of financial cut-off • Eliminate any discretionary coverage for clients regardless of need or ability to pay
Increase in average case cost	<ul style="list-style-type: none"> • Family Law Act creates a statutory obligation on lawyers to screen for family violence - impacts usage of general preparation hours • Lack of available court time requires multiple and duplicate hearing preparations. This may change in some locations to accelerated billing patterns as family cases given priority • Increased travel costs due to lack of available lawyers in many regions • New legislation creates increased usage of preparation hours as counsel learns leading decisions & challenges interpretations 	<ul style="list-style-type: none"> • Reduce the scope of legal services offered to qualifying clients • Limit or reduce preparation & attendance for mediation per referral • Limit total number of mediations per referral

Budget Pressures, Cost Drivers and Mitigation Strategies Family

Risk (Budget Pressure)	Cost Driver	Mitigation Strategy
	<ul style="list-style-type: none"> • Increase in externally driven disbursement costs (BCMA rates, transcript costs, meterage, etc.) • Statutory emphasis on out-of-court dispute resolution by mediation or arbitration creates growing disbursement expenditures & counsel fees for mediation/arbitration 	
Tariff billing & number of bills exceeds budget	<ul style="list-style-type: none"> • Accelerated scheduling of cases as family trials given priority • Increased tools available in legislation such as conduct & enforcement orders 	<ul style="list-style-type: none"> • Limit the number of referrals to the available budget • Reduce the scope of services to qualified clients • Limit or reduce preparation & attendance hours for court applications per referral

Budget Pressures, Cost Drivers and Mitigation Strategies CFCSA

Risk (Budget Pressure)	Cost Driver	Mitigation Strategy
Demand for referrals exceeds budget	<ul style="list-style-type: none"> • Increase in number of clients applying for coverage in Child Protection cases • Increased applications prior to removal of children as a result of increased awareness of legal rights related to parenting • Increased child poverty rates in BC leading to more children at risk. 	<ul style="list-style-type: none"> • Limit referrals to available budget • Limit preparation & attendance at Family Group Conferences • Eliminate any discretionary coverage for clients regardless of need or ability to pay • Provide a more restrictive level of advice service to clients at the "pre-removal" protection stage
Increase in the average case cost	<ul style="list-style-type: none"> • Increased usage and cost of consensual dispute resolution processes at family assessment stage • Increased usage of consensual resolution processes at all levels of intervention • Increased usage of hours available in tariff for related poverty issues such as benefit entitlement, housing, debt • Increase in externally driven disbursement costs (BCMA rates, transcript costs, meterage, etc.) 	<ul style="list-style-type: none"> • Limit preparation & attendance hours for dispute resolution processes • Limit number of mediations allowed per referral • Eliminate extended services for complex CFCSA cases that require more hours than provided in tariff • Eliminate legal services currently covered by the tariff for related poverty issues
Potential acceleration or deceleration of cases in court affecting the number of bills received and therefore expenditures.	<ul style="list-style-type: none"> • Projected accelerated scheduling of cases due to changes in provincial court trial scheduling process and additional available hearing dates 	<ul style="list-style-type: none"> • Manage the number of referrals to the available budget • Reduce the scope of legal services offered to qualifying clients

The Honourable Suzanne Anton, QC, Attorney General and Minister of Justice
January 16, 2015



January 15, 2015

Mr. Tom Christensen
Chair, Board of Directors
Legal Services Society
400-510 Burrard Street
Vancouver, BC, V6C 3B9

Dear Mr. Christensen:

Re: 2015/16 Mandate Letter

British Columbians have come to expect the high quality products and services delivered by their provincial public sector organizations. The Province is well served by our public sector organizations. It is the responsibility of the boards and senior management teams of these organizations to lead and manage in the best interests of the Province and the taxpayer by strengthening accountability and promoting cost control.

One of government's core values is respect for the taxpayer's dollar. It is critical that public sector organizations operate as efficiently as possible, in order to ensure British Columbians are provided with services at the lowest cost possible. This requires constant focus on maintaining a cost-conscious and principled culture through the efficient delivery of services that stand the test of public scrutiny and help develop a prosperous economy in an environmentally sustainable manner. The foundation of this work is the government's commitment to controlling spending and balancing the budget.

Legal Services Society (LSS) is directed to take the following specific strategic priority actions for 2015/16:

1. Continue implementation of the new Client Information System (CIS), within the budget approved by the LSS board on January 15, 2015, to improve delivery and management of LSS services.
2. Implement, monitor, and evaluate the five Justice Innovation Transformation Initiatives (JITI).
3. Work with the Ministry of Justice, the Judiciary, and other key provincial and national stakeholders to identify drivers of and systemic and sustainable solutions to the increasing cost and complexity of large criminal cases.

These specific strategic priority actions and the Taxpayer Accountability Principles (TAPs) actions are to be included and integrated in your 2015/16-17/18 Service Plan.

.../2



Mr. Tom Christensen

Page 2

As part of the commitment to fiscal responsibility and to ensure the best possible use of government resources, provincial public sector organizations now operate under the TAPS (attached) announced by Premier Christy Clark in June 2014. Through the implementation of TAPS, leadership teams in public sector organizations are leading a change to a cost-conscious public sector that strengthens cost management capabilities and fosters a principled culture of efficiency and accountability at all levels. This leadership includes implementing your organization's Code of Conduct which contains conflict of interest provisions and post-employment restrictions.

LSS is expected to fully adopt the TAPS – cost consciousness (efficiency), accountability, appropriate compensation, service, respect and integrity. The actions, as detailed in the 2014 Transition Letter, are to be completely implemented in 2015/16. For further information on the TAPS, please see, <http://gov.bc.ca/crownaccountabilities>

To support the implementation of the TAPS, please ensure all board members sign this 2015/16 mandate letter and the signed letter is posted publicly on your organization's website. This letter does not create any legal or binding obligations on the parties.

Government is committed to further strengthening accountability, improving the management of public funds and revitalizing the relationship between government and public sector organizations. This strong focus on improved two-way communication is to support and ensure a complete understanding of government directions, expectations, accountabilities and alignment with strategic priorities. As such, it is important that each of us advise the other in a timely manner of any issues that may materially affect the business of LSS and/or the interests of government, including information on any risks to achieving financial forecasts and performance targets.

I look forward to our regular quarterly meetings that focus on strategic priorities, performance against the TAPS, results and working together to protect the public interest at all times.

Yours very truly,

Date:

Suzanne Anton QC
Attorney General
Minister of Justice



Cc: Honourable Christy Clark
Premier

John Dyble
Deputy Minister to the Premier and Cabinet Secretary

Peter Milburn
Deputy Minister and Secretary to Treasury Board
Ministry of Finance

Cheryl Wenezenki-Yolland Associate
Deputy Minister Ministry of Finance

Richard Fyfe, QC
Deputy Attorney General
Ministry of Justice

Mark Benton QC
Chief Executive Officer
Legal Services Society

Barbara Brink, CM, OBC
Board Member, Legal Services Society

Sheryl N. Lee, CPA, CA
Board Member, Legal Services Society

Alison MacPhail
Board Member, Legal Services Society

Dinyar Marzban, QC
Board Member, Legal Services Society

Annita McPhee
Board Member, Legal Services Society

Suzette Narbonne
Board Member, Legal Services Society

Puneet P.K. Sandhar
Board Member, Legal Services Society

Darrell J. Wickstrom
Board Member, Legal Services Society

Attachment: Taxpayer Accountability Principles



The Legal Services Society Board of Directors is committed to the full implementation of the Taxpayer Accountability Principles as they apply to the Legal Services Society and has included those principles along with the strategic priority actions in the LSS 2015/16 – 2017/18 Service Plan.

Tom Christensen
Chair, Legal Services Society

Date: *January 15, 2015*

This endorsement is signed by the Legal Services Society Board Chair, Tom Christensen, on behalf of, and with the consent of the following LSS Board members:

Barbara Brink, CM, OBC
Sheryl N. Lee, CPA, CA
Alison MacPhail
Dinyar Marzban, QC
Annita McPhee
Suzette Narbonne
Puneet P.K. Sandhar
Darrell J. Wickstrom



B.C. Taxpayer Accountability Principles

Further information available at: <http://gov.bc.ca/crownaccountabilities>

- 1 Cost Consciousness (Efficiency)** Strengthen cost management capabilities and foster a culture of cost-consciousness at all levels of public sector organizations. Provide public services and programs as efficiently and effectively as possible to "bend the cost curve" and support sustainable public policies and programs as a lasting legacy for generations to come.
- 2 Accountability** Transparently manage responsibilities according to a set of common public sector principles in the best interest of the citizens of the province. By enhancing organizational efficiency and effectiveness in the planning, reporting and decision making, public sector organizations will ensure actions are aligned with government's strategic mandate.
- 3 Appropriate Compensation** Comply with a rigorous, standardized approach to performance management and employee compensation, which reflects appropriate compensation for work across the public sector that is consistent with government's taxpayer accountability principles and respectful of the taxpayer.
- 4 Service** Maintain a clear focus on positive outcomes for citizens of British Columbia by delivering cost-efficient, effective, value-for-money public services and programs.
- 5 Respect** Engage in equitable, compassionate, respectful and effective communications that ensure all parties are properly informed or consulted on actions, decisions and public communications in a timely manner. Proactively collaborate in a spirit of partnership that respects the use of taxpayers' monies.
- 6 Integrity** Make decisions and take actions that are transparent, ethical and free from conflict of interest. Require the establishment of a strong ethical code of conduct for all employees and executives. Serve the citizens of British Columbia by respecting the shared public trust and acting in accordance with the taxpayer accountability principles.



BRITISH
COLUMBIA

JAN 26 2015

Mr. Tom Christensen
Chair
Board of Directors
Legal Services Society
400 – 510 Burrard Street
Vancouver BC V6C 3B9

Dear Mr. Christensen:

Thank you for your letter dated January 16, 2015, and the budget management plan for 2015/16. As you know in accordance with Section 18 of the *Legal Services Society Act* (the Act), the Attorney General has 30 days to either approve that budget or return it and require the Legal Services Society (LSS) to prepare and submit a revised budget.

The budget cannot be approved at this time because we have not yet received the full set of final budget decisions and directives for the ministry from Treasury Board (TB). As such, pursuant to Subsection 18(2) of the Act, I am returning the budget submitted on January 16, 2015, and asking LSS to re-submit this budget by February 17, 2015.

Assuming the ministry budget is maintained for 2015/16, I will approve the resubmitted budget if the following revisions are made to the plan:

1. Amend the principles for the 2015/16 budget management plan set out in the attachment to the budget submitted to reflect the language as agreed by the LSS Board in 2014/15 which stated that LSS would:
 - manage the LSS budget to the bottom line and not to the individual tariff line items in the budget; and
 - prioritize tariff services ahead of administrative and operational spending, with the relative priority as follows:
 - child protection;
 - family;
 - criminal.

.../2

Ministry of
Justice

Office of the
Minister of Justice
and Attorney General

Mailing Address:
PO Box 9044 Stn Prov Govt
Victoria BC V8W 9E2
e-mail: JAG.Minister@gov.bc.ca
website: www.gov.bc.ca/Justice

Telephone: 250 387-1866
Facsimile: 250 387-6411

Mr. Tom Christensen
Page 2

2. Submit the proposed operating budget in the same format as approved by the LSS Board on February 14, 2014, and submitted to the Attorney General on March 18, 2014.
3. Include with the revised budget management plan a copy of the final version of the third quarter forecast to permit comparison to the proposed budget.

Ministry staff can provide your staff with any additional information they may require to assist in the preparation of the revised budget management plan.

I appreciate the time and diligence that you, the LSS board, and staff have put towards these matters and look forward to ongoing collaboration with LSS.

Yours very truly,



Suzanne Anton QC
Attorney General
Minister of Justice

pc: Mr. Richard J. M. Fyfe, Q.C.
Ms. Lori Wanamaker, FCA
Mr. Jay Chalke, Q.C.
Mr. Mark Benton, Q.C.

414017

**MINISTRY OF JUSTICE
JUSTICE SERVICES BRANCH
BRIEFING NOTE**

PURPOSE: For INFORMATION for Richard Fyfe, Deputy Minister

ISSUE: Lawyers' Rights Watch Canada Report – "The Right to Legal Aid: How British Columbia's Legal Aid System Fails to Meet International Human Rights Obligations."

SUMMARY:

- On October 1, 2014 Lawyers' Rights Watch Canada released a report titled "The Right to Legal Aid: How British Columbia's Legal Aid System Fails to Meet International Human Rights Obligations" (the "Report"). A compendium report was released at the same time titled "The Right to Legal Aid: A Handbook on International Law Rights to Legal Aid."
- The Report asserts that BC's legal aid system, including its statutory regime, fails to meet the international obligations by which BC is bound.
- The Report summarizes the services provided by the Legal Services Society in contrast to the articles of several international treaties and conventions, leading to the assertion that BC's legal aid system does not meet international obligations.
- The Report canvasses the various attempts at litigation around the issue of the "inadequacy" of legal aid funding/services in BC. It notes that litigation has failed to get any traction, and draws a link between the failed litigation and the fact that international obligations have not been asserted as a line of argument.

BACKGROUND:

Report summary

- The Report opens by canvassing the last 15 years of legal aid in BC – funding reductions in 2002, leading to service reductions and a wholesale restructuring of legal aid provision.
- The authors cite the Doust Report and others, noting that the service reductions have had the greatest impact on women and marginalized people; further that "...the provincial and federal government are at risk of legal challenges that they are failing to meet their statutory, common law, constitutional, and international obligations."
- Various articles of treaties and conventions are cited as a contrast to the legal aid services available in BC. For example, the International Covenant on Civil and Political Rights (ICCPR) states:

Article 14(3) In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

(d) – To be tried in his presence, and to defend himself in person or through *legal assistance of his own choosing*; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, *in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it.*
[emphasis added]

- The UN Human Rights Committee has confirmed that the right to counsel guaranteed by Article 14 of the ICCPR applies to the determination of both criminal charges and to "rights and obligations" in civil proceedings. The report is silent as to whether the determination of "rights and obligations" is solely in respect of the state or whether it applies in purely private civil matters.
- In May 2006, the Committee on Economic, Social and Cultural Rights (CESRC) noted an "inadequate availability of civil legal aid," particularly for economic and social rights. The CESRC expressed particular concern with cuts to civil legal aid in BC, concluding, "This leads to a situation where poor people, in particular single women, who are denied benefits and services to which they are entitled under domestic law, cannot access domestic remedies."
- The Committee on the Elimination of All Forms of Racial Discrimination has determined that the International Convention on the Elimination of all forms of Racial Discrimination also imposes a duty to provide legal aid when it is necessary to do so to ensure the enjoyment by all of protected rights.
- A 2012 report commissioned by the Office of the United Nations High Commissioner for Refugees found that recent changes to Canada's asylum procedures, together with cuts in legal aid funding across Canada, have resulted in an increase in unrepresented claims by persons seeking asylum in Canada. The report notes that this has a major impact on the fairness of the proceedings.
- The UN Basic Principles on the Role of Lawyers (1990) includes the following:
 1. All persons are entitled to call upon the assistance of the lawyer of their choice to protect and establish their rights and to defend them in all stages of criminal proceedings.
 2. Government shall ensure that efficient procedures and responsive mechanisms for effective and equal access to lawyers are provided...without distinction of any kind, such as discrimination based on...property, birth, economic or other status.
 3. Governments shall ensure the provision of sufficient funding and other resources for legal services to the poor and, as necessary, to other disadvantaged persons.
 6. Governments shall ensure that all persons are immediately informed by the competent authority of their right to be assisted by a lawyer of their own choice upon arrest or detention, or when charged with a criminal offence.
- United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (2013) represent the first international instrument dedicated exclusively to the provision of legal aid. Drawn from international standards and recognized good practices, the Principles and Guidelines are intended to provide guidance to states on "... the fundamental principles on which a legal aid system in criminal justice should be based ..." and "... outline the specific elements required for an effective and sustainable national legal aid system, in order to strengthen access to legal aid." The Principles and Guidelines have been interpreted as fully applicable to civil and administrative law cases.
- Noting that the aim of legal aid is "to contribute to the elimination of obstacles and barriers that impair or restrict access to justice," the Special Rapporteur of the Human Rights Council called for the broadest definition of legal aid possible, which should include not only the right to free legal assistance in criminal proceedings, but also the

provision of effective legal assistance in any judicial or extrajudicial procedure aimed at determining rights and obligations. It is unclear whether this is intended to apply to all civil proceedings, or simply the ones involving the state.

- The Report goes on to canvass the Rowbotham jurisprudence in Canada and notes that the rights under Canadian law do not go nearly as far as the International Law Requirements.
- With respect to the statutory scheme, the authors note that the statutory framework in BC does not enshrine a right to legal aid, the eligibility requirements for legal aid, or any appeal provisions for decisions from the legal aid provider. The International Principles and Guidelines suggest that states should have national legislation codifying these things. Apart from the absence of a "right" to legal aid, BC's statute empowers the legal aid provider to establish these things independent from government.
- The Report makes 20 recommendations for amendments to the *Legal Services Society Act* [SBC 2002 c. 30], and four other recommendations for the government generally. (see Appendix 1)

Government response

s.14

- Although BC's statute does not create a right to legal aid, and there is a lack of representation services for civil matters in BC's legal aid scheme, by and large BC provides the majority of services that the international conventions and treaties require. Qualifying individuals can select any lawyer they like as long as that lawyer takes legal aid files; lawyers are available at all stages of a criminal proceeding for qualifying individuals; BC provides legal aid in immigration and refugee matters; and while the argument can be made that service reductions disproportionately affect women and marginalized people, the scheme itself does not discriminate on the basis of gender, religion, or nationality.

OTHER BRANCHES/MINISTRIES IMPACTED/CONSULTED:

- Legal Services Branch
- Government Communications and Public Engagement

Prepared by:

Paula Bowering
Senior Policy Analyst
Justice Services Branch
250-356-8062

Approved by:

James Deitch
Executive Director
Justice Services Branch
250-387-2109

Attachment: Appendix A – Government Messaging in Response to Report (Advice to Minister, September 30, 2014)

Approved by: Jay Chalke, QC
Assistant Deputy Minister

Date: 6 March 2015

Page 075 to/à Page 079

Withheld pursuant to/removed as

s.14

Richter, Connie JAG:EX

From: Fyfe, Richard J JAG:EX
Sent: Monday, March 9, 2015 8:52 AM
To: Dayman, Marlene JAG:EX
Cc: Richter, Connie JAG:EX
Subject: RE: BN - Lawyers Rights Watch Canada - Report - 414017

Please forward to MO.

Richard J.M. Fyfe QC
Deputy Attorney General
Ministry of Justice and Attorney General

Phone: (250) 356-0149
Fax: (250) 387-6224

This communication (both the message and any attachments) is confidential and may be protected by solicitor-client privilege. It is intended only for the use of the person or persons to whom it is addressed. Any distribution, copying, or other use by anyone else is strictly prohibited. If you have received this communication in error, please destroy the email message and any attachments immediately and notify my office by telephone or by email.

From: Dayman, Marlene JAG:EX
Sent: Friday, March 6, 2015 3:13 PM
To: Fyfe, Richard J JAG:EX
Cc: Richter, Connie JAG:EX
Subject: FW: BN - Lawyers Rights Watch Canada - Report - 414017

Richard,

Attached is a Briefing Note which is in support of a meeting with members of Lawyers Rights Watch scheduled for Tuesday, 10 March at 9:00 (and the pre-meeting at 8:45).....thanks.....Mar

Marlene Dayman,
A/Senior Executive Assistant
Deputy Attorney General's Office, Ministry of Justice
PO Box 9290 Stn Prov Gov't, Victoria, BC V8W 9J7
Ph: 250-387-5211

This message, including any attachments to it, is not to be disclosed outside of the Provincial Government without prior written approval from the Ministry of Justice. If you have received this communication in error, please destroy the email message and any attachments immediately and notify me by telephone or by email.

Lawyers' Rights Watch Canada

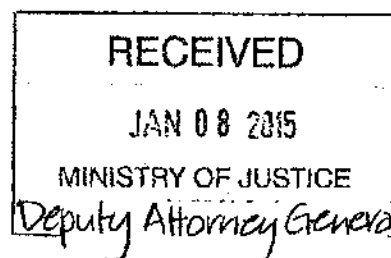
NGO in Special Consultative Status with the Economic and Social Council of the United Nations
Promoting human rights by protecting those who defend them

www.lrwc.org – lrwc@portal.ca – Tel: +1 604 736 1175 – Fax: +1 604 736 1170
3220 West 13th Avenue, Vancouver, B.C. CANADA V6K 2V5

Monday, January 5, 2015

Richard J.M. Fyfe, Q.C.
Deputy Attorney General of BC
PO Box 9290 Stn Prov Govt
Victoria BC V8W 9J7

Dear Richard Fyfe;



Re: Provision of Legal Aid in BC

Thank you for your letter of 19 December 2014 acknowledging receipt of the LRWC publications on the international law rights to legal aid.

We would like to meet with you and Attorney General Anton to further discuss the international law obligations outlined in the LRWC reports and how these obligations affect individual rights and government obligations in the Province of British Columbia. While there are differences as to the exact nature of government duties to provide legal aid in BC, there is consensus and considerable evidence that the inadequacy of the present system has reached a crisis point.

We believe it would be useful for you to meet with LRWC members Michael Mulligan and Catherine Morris. Catherine Morris, who assisted with the editing of the LRWC publications, is an adjunct professor at the University of Victoria Faculty of Law specializing in international human rights law. Michael Mulligan is a leading advocate for fair legal aid in BC and is very informed about the mounting problems arising from inadequate legal aid coverage for both criminal and civil litigants in BC. Ms Morris will contact your office to arrange a meeting.

Webcasts and podcasts of the presentations made at the launch of the two LRWC publications are now available and we invite you to make these available to members of your ministry.

- Webcasts of Legal Aid: A Right of a Privilege available:
<http://www.lrwc.org/legal-aid-a-right-or-a-privilege-video/>
 - The webcasts are also available on YouTube.
- Podcasts of Legal Aid: A Right of a Privilege available:
<http://www.lrwc.org/legal-aid-a-right-or-a-privilege-video/#Podcast>

N.B. scroll down to bottom of the page.

- Power Point accompanying the presentation by Lois Leslie available:
<http://www.lrwc.org/legal-aid-a-right-or-a-privilege-powerpoint-slides/>

The web and podcasts are divided into 5 sections featuring presentations by: Lois Leslie, author of the LRWC publications (Chapters 1 and 2); Michael Mulligan, Justice Austin Cullen and the Honourable Anne Rowles, retired Justice of the BC Court of Appeal (Chapter 3); Anthony Robinson and Birgit Eder (Chapter 4); Questions and answers moderated by lawyer Michael Mulligan (Chapter 5).

This LRWC project had three core purposes: to provide a reference for lawyers, judges, legislators and other advocates in their efforts to ensure equal access to justice through the provision of adequate legal aid; to review and compare Canadian jurisprudence and British Columbia practice with the international law standards relevant to Canada; and to inform and equip Canadian professionals on the obligations set out in international law.

The LRWC publications are available online and print copies can be purchased through lrwc@portal.ca.

- *The Right to Legal Aid: A Guide to International Law Rights to Legal Aid*
- *The Right to Legal Aid: How BC's Legal Aid System Fails to Comply with International Law Obligations*

We look forward to meeting with you and The Honourable Attorney General Suzanne Anton.

Sincerely,



Gail Davidson, Executive Director, LRWC

Copied to:

Catherine Morris
s.22

Email: cmorris@lampion.bc.ca

Michael Mulligan,
Mulligan Tam Pearson Law Corp.
3rd Floor - 536 Broughton St.
Victoria, B.C. Canada V8W 1C6
www.mtplaw.com

413481

**MINISTRY OF JUSTICE
JUSTICE SERVICES BRANCH
BRIEFING NOTE**

PURPOSE: For INFORMATION of the Attorney General.

ISSUE: Legal aid tariffs, and lawyers accepting legal aid referrals.

SUMMARY:

- Legal aid tariff rates in BC have been the same since 2005 with the exception of the creation of the Exceptional Responsibility Premium (ERP) in 2010.
- Legal Services Society (LSS) tracks the number of lawyers accepting referrals by geographical areas of BC.

BACKGROUND:

Legal aid tariff rates

- A summary of tariff rates in Canadian jurisdictions, based on years of call, current to date (further detail is in Appendix A):

Years of Call	Hourly Rate
0 – 2 years	New Brunswick, criminal: \$58.00 New Brunswick, civil: \$58.00
2 – 5 years	New Brunswick, criminal: \$64.00
2 + years	New Brunswick, civil: \$70.00
Less than 4 years	BC: \$83.90 BC, junior counsel: \$62.93 Ontario, Northern: \$114.33 Ontario, all other areas: \$109.13
Less than 5 years	Newfoundland/Labrador: \$45.00 Nova Scotia: \$70.00
4 or more years but less than 10	BC: \$88.10 BC, junior counsel: \$66.07 Ontario, Northern: \$128.63 Ontario, all other areas: \$122.78
5 years or more	Newfoundland/Labrador: \$55.00 Nova Scotia: \$80.00 New Brunswick, criminal: \$70.00 New Brunswick, civil: \$70.00

10 or more years	BC: \$92.29 BC, junior counsel: \$69.22 Ontario, Northern: \$142.93 Ontario, all other areas: \$136.43 Nova Scotia: \$95.00 For offences for which the mandatory sentence is imprisonment for life (e.g. murder)
Enhanced fees	BC: \$125.00 BC, junior counsel: \$62.93 - \$83.90
Major Cases: Exceptional Responsibility Premium (ERP) rate (BC) Complex Criminal Case rate (ON)	BC: \$143.75 Ontario, Northern: \$163.72 Ontario, all other areas: \$161.05
Supreme Court matters	Newfoundland/Labrador: up to \$60.00
Articled Students	BC: \$62.93

- Tariff rates in **Alberta, Manitoba and Saskatchewan** are not designated in a manner close enough to BC's legal aid tariff system to allow for easy or equitable comparison. Information on those systems is outlined below, with reference sources:
 - **Alberta:**
 - In February 2008, Legal Aid Alberta launched a new tariff, for civil and criminal cases, that allowed roster lawyers to bill hours within a block without being restricted by a compartmentalized tariff. (See examples in Appendix A). The tariff has proven to be a useful and popular resource among roster lawyers.
 - **Manitoba:**
 - Legal Aid Manitoba (LAM) uses a mixed system, with about half the cases handled by lawyers on staff (57 in fiscal 2013/14) and half by lawyers from the private bar.
 - In fiscal 2013/14, LAM approved 81% of the total applications of 33,063, up slightly from the prior year at 77% of 33,286 applications.
 - Tariffs: see Appendix A for examples.
 - **Saskatchewan:** Legal Aid Saskatchewan currently offers two different billing options for criminal cases - an hourly rate or a fixed fee amount; for civil cases, the rate is hourly only. (See Appendix A for examples)

Legal Aid Referrals

Region	Total Lawyers in LSS database	Total Active Lawyers	Lawyers who took a referral in 2013/14	% of Lawyers who took referrals vs Lawyers active
Interior/East Kootenays	280	121	89	74%
North	184	63	47	75%
North West	87	36	29	81%
Okanagan/West Kootenays	366	117	86	74%
Out Of Province	57	10	6	60%
Surrey/Fraser Valley	753	302	204	68%
Vancouver Island	1,035	322	218	68%
Vancouver/Sunshine Coast	1,931	619	368	59%
Total	4,693	1,590	1,047	66%

- Notes on above table:
 - Region is based on a lawyer's office location;
 - A lawyer is considered active if he:
 - submitted an invoice to LSS in the past four years; or
 - had a referral since April 1, 2008; or
 - had a system 'id' created for him by LSS; and
 - has not been blocked in their system.
- LSS policy and practice: LSS normally refers clients to the lawyer of their choice if the lawyer practices within 80 kilometres of the court in which the matter will be heard, provided the lawyer is willing to take the case.
 - Criminal cases: clients may choose a lawyer from outside the community where the case will be heard under certain conditions (eg: possibility of life imprisonment).
 - Family cases: counsel is appointed from the community where the case is being heard. If no local counsel is available, a lawyer from a different community may be appointed.
 - Other situations: clients may be referred to a lawyer of their choice from outside the community where the case will be heard only if that lawyer agrees to waive travel fees and expenses.

OTHER MINISTRIES IMPACTED/CONSULTED:

- Not applicable.

Prepared by:

Approved by:

Kathleen Rawlinson
Senior Business & Policy Advisor
Justice Services Branch
250.356.8083

James Deitch
Executive Director
Justice Services Branch
250.387.2109

Approved by: Jay Chalke, QC
Assistant Deputy Minister

Date: February 27, 2015

Approved by: 
Richard J. M. Fyfe, Q.C.
Deputy Attorney General

Date: 3 March 2015

Attachment: Appendix A – Tariff Rates in Canada

Appendix A

Tariff Rates in Canada

All rates are current as of February 2015. Note that comparability among the rates for various types of services for each province, in the examples provided below, may be impacted by differing definitions of key terms, 'bundling' of services, and other factors, which vary considerably among the provinces.

British Columbia (Legal Services Society):

Reference:

<http://www.lss.bc.ca/assets/lawyers/tariffGuide/gtc/gtcApril2014.pdf>

Tiered Rates

Tier	Years of call	Block fees	Hourly rate
1	Less than 4 years	Amount specified in tariff item (Junior counsel: 75% of amount*)	\$83.90 (Junior counsel \$62.93)
2	4 or more years and less than 10 years	Applicable Tier 1 rate plus 5 percent	\$88.10 (Junior counsel \$66.07)

2	10 or more years	Applicable Tier 1 rate plus 10 percent	\$92.29 (Junior counsel \$69.22)
---	------------------	--	----------------------------------

* Exception: Junior counsel receives 100% of the amount for legal services provided in court when the senior counsel is not in attendance.

Enhanced Fee Rates (fees in excess of the tiered rates LSS normally pays to counsel):

Enhanced fees	Hourly rate
Senior counsel	\$125.00
Junior counsel	\$62.93 — \$83.90**

** LSS will determine the rate after considering the junior counsel's experience, qualifications, and the tasks assigned to junior counsel in the case.

Exceptional Responsibility Premium: a 15% increase in any tiered rates and/or enhanced fees that LSS pays to counsel pursuant to the *Enhanced Fees and Exceptional Premium* policy: ie, Senior counsel rate of \$125.00 plus 15% = \$143.75.

Articled students

	Block fees	Hourly rate
Articled students	Amount specified in tariff item	\$62.93

Reference:

<http://www.lss.bc.ca/assets/lawyers/tariffGuide/gtc/gtcApril2014.pdf>

Alberta

In February 2008, LAA launched a new tariff for civil and criminal cases that allowed roster lawyers to bill hours within a block without being restricted by a compartmentalized tariff. The tariff has proven to be a useful and popular resource among roster lawyers. Examples:

- Criminal:
 - Pre-trial conference: \$168 (or \$148 for a Student-at-Law);
 - Guilty plea: \$252 (or \$222 for a Student-at-Law)
 - Appeal – file opening fee: \$100.
- Civil:
 - File opening fee: \$100;
 - Base civil coverage: \$84/hour (or \$74/hour for a Student-at-Law); maximum 30 hours;
 - Immigration: \$84/hour (or \$74/hour for a Student-at-Law).

Reference:

<http://www.legalaid.ab.ca/roster/Documents/2009%20Tariff-%20PRINTER%20FRIENDLY.pdf>

Manitoba

Examples of block rates :

- Criminal (for 'Category C' cases, ie not major or complex):
 - Pre-trial conference: \$100;
 - Guilty plea: \$450 (inclusive of other applicable services);
 - Duty counsel: \$80/hour to a maximum of \$260.
- Civil:
 - Examination for discovery or on an affidavit:
 - Preparation: \$80/hour to \$270 maximum;
 - Attendance: \$80/hour.
 - Domestic matters less than three hours: \$80/hour;
 - Immigration inquiry: \$530 (including all preparation and appearances).

Reference:

http://www.legalaid.mb.ca/pdf/tariff_2008.pdf

Saskatchewan

Legal Aid Saskatchewan currently offers two different billing options for criminal cases - an hourly rate or a fixed fee amount for criminal cases; for civil cases, the rates are hourly.

Examples:

- Criminal (fixed):
 - Preliminary hearing and/or Provincial Court Trial (for all offences except homicide, kidnapping and arson): \$560;
 - Queen's Bench Trial: \$880.
- Criminal (hourly):
 - Preparation, summary conviction: \$88/hour, 10 hour maximum;
 - 90 day bail reviews: \$88/hour, 3 hour maximum;
 - Court appearance: \$88/hour.
- Civil (hourly):
 - Pre-trial conference: \$88/hour, 10 hour maximum;
 - Trial: \$88/hour, 15 hour maximum (for preparation and trial);
 - Appeal: \$88/hour, 25 hour maximum (for preparation and trial).

References:

http://www.legalaid.sk.ca/lawyer/how_much_paid/criminal.php

http://www.legalaid.sk.ca/lawyer/how_much_paid/civil_family.php

Ontario

In 2010, Legal Aid Ontario (LAO) established a schedule of tariff increases for the following seven years (Year 7 is April 1, 2015 to March 31, 2016) for both criminal and civil cases. LAO uses block fees for some of the more common criminal charges.

Hourly Rates:

The new rates effective April 1, 2015 for all areas except Northern Ontario are as follows*:

Effective	Previous rate	New rate effective April 1, 2015
Lawyer rate tier 1	\$103.94	\$109.13
Lawyer rate tier 2	\$116.93	\$122.78
Lawyer rate tier 3	\$129.93	\$136.43
Complex Criminal Case rate	\$148.84	\$161.05

The new tariff rate effective April 1, 2015 for Northern Ontario is as follows*:

Effective	Previous rate	New rate effective April 1, 2015
Lawyer rate tier 1	\$114.33	\$114.33
Lawyer rate tier 2	\$128.63	\$128.63
Lawyer rate tier 3	\$142.93	\$142.93
Complex Criminal Case rate	\$163.72	\$163.72

*As of April 1, 2015, the Guaranteed Daily Rate (GDR) is \$1,125.68 (same as prior year). The GDR is available only for certain services, such as duty counsel, in five designated areas (rural/remote).

Block fees:

LAO began paying block/fixed fees for criminal matters in May 2010, replacing the hourly tariff model on certain common charges. Examples:

- Guilty plea (for certain charges; excludes assault): \$650;
- Bail review: \$350;
- Mental health fee: tbd. Note this is in development; the purpose is to fund additional services required for clients with serious mental health issues.

Reference:

http://www.legalaid.on.ca/en/info/tariff_billing.asp

Newfoundland and Labrador

Newfoundland and Labrador announced in March 2014 that they will be investing an additional \$7.1 million in the legal aid system over the next three years, with \$2.1 million being funded through Budget 2014. Newfoundland and Labrador currently have the lowest tariff rates in the country.

Tier	Hourly rate
less than 5 years	\$45.00
5 years or more	\$55.00

Supreme Court matters	up to \$60.00
-----------------------	---------------

Reference:

http://www.justice.gov.nl.ca/just/publications/pdf/legal_aid_review_march2014.pdf

Nova Scotia

A lawyer will be paid for preparation time and court appearances at the rates set out in the following table, according to the number of years' experience the lawyer has practising law as a member of the Nova Scotia Barristers' Society or an equivalent organization in another jurisdiction.

Years' experience	Rate per hour
less than 5	\$70.00
5 or more	\$80.00
10 or more	\$95.00 for offences for which the mandatory sentence is imprisonment for life (e.g. murder)

Reference:

<https://www.novascotia.ca/just/regulations/regs/lagentar.htm>

New Brunswick

Tariffs / Hour

Criminal	2004-2005	2005-2011	2011-2013	2013-2014
0 – 2 years admitted to Bar	48	58	58	58
2 – 5 years admitted to Bar	54	64	64	64
5 + years admitted to Bar	60	70	70	70
Civil				
0 – 2 years admitted to Bar	43*	58*	58	58
2 + years admitted to Bar	(n/a)	(n/a)	62	70

*Regardless of years admitted to Bar

Reference:

<http://www.legaid.nb.ca/en/uploads/file/Annual%20Report%20NBLASC%20-%20CSAJNB%20Rapport%20annuel%202013-2014.pdf>

Quebec

Quebec provides legal aid services through a mixed model of staff and private bar lawyers. The tariff of fees for lawyers in private practice is set out in an agreement between the Minister of Justice and the Barreau du Quebec. The current agreement is in effect until September 2017.

The agreement provides for a fixed fee for all legal services; no other fees, travel expenses or other expenses are eligible for reimbursement. Examples:

- For all services rendered until a decision on an agreement between the parties submitted for review of the judgment: \$400;
- Where legal aid is withdrawn under section 4.11.1 of the Act or the beneficiaries renounce before filing at the Registry of an agreement between the parties, the lawyer is entitled to all services he rendered at a flat fee of \$ 100.

Reference:

<http://www.barreau.qc.ca/fr/barreau/lois-reglements/>

Richter, Connie JAG:EX

From: Fyfe, Richard J JAG:EX
Sent: Tuesday, March 3, 2015 2:36 PM
To: Dayman, Marlene JAG:EX
Cc: Richter, Connie JAG:EX
Subject: RE: BN - LSS Tariffs - CLIFF 413481

Thanks. Please forward to MO for information.

RF

Richard J.M. Fyfe QC
Deputy Attorney General
Ministry of Justice and Attorney General

Phone: (250) 356-0149
Fax: (250) 387-6224

This communication (both the message and any attachments) is confidential and may be protected by solicitor-client privilege. It is intended only for the use of the person or persons to whom it is addressed. Any distribution, copying, or other use by anyone else is strictly prohibited. If you have received this communication in error, please destroy the email message and any attachments immediately and notify my office by telephone or by email.

From: Dayman, Marlene JAG:EX
Sent: Monday, March 2, 2015 1:23 PM
To: Fyfe, Richard J JAG:EX
Cc: Richter, Connie JAG:EX
Subject: BN - LSS Tariffs - CLIFF 413481

Hello Richard,

Attached is an Information Briefing Note for the Minister's information.

Once you have approved, I will forward to the Minister's office.....many thanks.....Mar

Marlene Dayman,
A/Senior Executive Assistant
Deputy Attorney General's Office, Ministry of Justice
PO Box 9290 Stn Prov Gov't, Victoria, BC V8W 9J7
Ph: 250-387-5211

This message, including any attachments to it, is not to be disclosed outside of the Provincial Government without prior written approval from the Ministry of Justice. If you have received this communication in error, please destroy the email message and any attachments immediately and notify me by telephone or by email.

Schultz, Janis JAG:EX

From: Deitch, James JAG:EX
Sent: Monday, January 12, 2015 5:07 PM
To: Harold Clark
Cc: Teresa Nesbitt; Schultz, Janis JAG:EX
Subject: 01-12 - FW: LSS 2015/16 Budget materials
Attachments: TransmittalLtr_LSSBudget_Pkg_January_9_2015.pdf

Categories: Actioned - ready to file

Harold:

Would you have time to discuss the transmittal letter with me tomorrow morning?

I am available between 10:30 and noon. If not please suggest an alternate time.

Thanks.

James Deitch
Executive Director
Criminal Justice and Legal Access Policy Division
Justice Services Branch
Ministry of Justice
3rd floor, 703 Broughton Street
PO Box 9243, Stn Prov Govt
Victoria, BC V8W 9J2

www.criminaljusticereform.gov.bc.ca
<http://www.gov.bc.ca/ag/index.html>

Phone: 250.387.2109
Fax: 250.356.6552
Cell: 250.580.5612

Please consider the environment before printing this e-mail



**Legal
Services
Society**

Providing legal aid
in British Columbia
since 1979

Suite 400
510 Burrard Street
Vancouver, BC V6C 3A8

Tel: (604) 601-6000
Fax: (604) 682-0914
www.lss.bc.ca

Office of the Chief Executive Officer

January 9, 2015

The Honourable Suzanne Anton, QC
Attorney General and Minister of Justice
Minister's Office
PROVINCE OF BRITISH COLUMBIA
PO Box 9044 St. Prov Govt
Victoria, BC, V8W 9E2

Dear Madam Attorney,

Re: Legal Services Society ("LSS") Budget Management Plan for 2015/2016 – 2018/19

I write in response to your letter of December 4, 2014, addressed to LSS Board Chair, Tom Christensen and have enclosed a draft three year LSS budget plan.

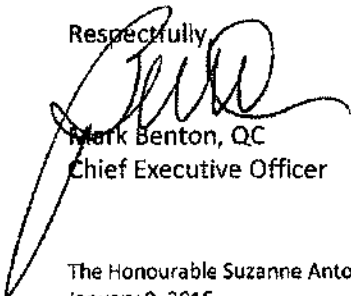
As a result of our very productive meeting December 17, 2014, Mr. Christensen asked that I prepare a revised budget plan for consideration by the LSS Board of Directors at its meeting January 15, 2015. That draft budget together with the supporting documentation you have requested is attached; it includes the additional revenue detail provided by your Ministry staff to LSS on December 30, 2014. It is my understanding that subject to the advice of the LSS' Board Finance Committee Mr. Christensen will be recommending this budget to the board.

The budget will remain in draft form until adopted by the board. In the interim I am forwarding it to you in keeping with your request of December 4, 2014.

On a related matter you may be aware that a draft Mandate Letter dated October 24, 2014 was forwarded on your behalf to the LSS Board for its consideration with the expectation that it would be executed by each Board member. Because that letter includes a specific direction to LSS that its Client Information System costs be kept within the bounds of the approved budget, the board has determined that the Mandate Letter terms cannot be endorsed until the budget itself is finalized. Accordingly the LSS response to that draft will be delayed until the budget process with your Ministry is completed.

Thank you for your ongoing support.

Respectfully


Mark Benton, QC
Chief Executive Officer

The Honourable Suzanne Anton, QC, Attorney General and Minister of Justice
January 9, 2015

Page 1 of 2



Cc: Tom Christensen, Chair – LSS Board of Directors
Lori Wanamaker, FCA, Deputy Solicitor General and Deputy Minister of Justice
Richard Fyfe, QC, Deputy Attorney General
Jay Chalke, QC, Assistant Deputy Minister, Ministry of Attorney General
Tara Faganello, Assistant Deputy Minister and Executive Financial Officer

Attachments

The Honourable Suzanne Anton, QC, Attorney General and Minister of Justice
January 9, 2014

Page 2 of 2

Legal Services Society
Amended Operating Budget
For the Fiscal Year April 1, 2015 to March 31, 2016

	2013/14	2014/15	Final	Government	Non-Gov't	2016-17	2017-18
	Actual	Budget	2015-16 Budget	Funding	Funding	Forecast	Forecast
Revenue							
JAG Grant	75.194	74.526	74.596	74.596		74.646	74.766
Law Foundation	3.719	3.600	2.955		2.955	2.955	2.955
Notary Foundation	0.487	0.450	0.500		0.500	0.500	0.500
Investment	0.398	0.400	0.468		0.468	0.468	0.468
Other	0.260	0.115	0.115		0.115	0.115	0.115
Total Revenue	80.058	79.091	78.634	74.596	4.038	78.684	78.804
Tariff							
Criminal							
Admin Offenses	1.413	0.396	1.517	1.517		1.517	1.517
Summary	4.334	4.100	4.161	4.161		4.161	4.161
Indictable	11.371	10.500	10.124	10.124		10.124	10.124
Major	0.810	0.800	0.700	0.700		0.700	0.700
CCM	5.846	4.700	4.300	4.300		4.300	4.300
Cat B	1.745	1.400	1.400	1.400		1.400	1.400
Cat C	4.246	2.375	2.375	2.375		2.375	2.375
Criminal Appeals	1.103	1.300	1.300	1.300		1.300	1.300
Federal High Cost	0.357	0.650	0.650	0.650		0.650	0.650
Sub total Criminal	31.225	26.221	26.527	26.527	-	26.527	26.527
Criminal Duty Counsel	5.317	5.375	5.375	5.375		5.375	5.375
Family	10.498	10.426	9.000	9.000		9.000	9.000
Family Duty Counsel	3.535	3.462	3.749	3.295	0.454	3.749	3.749
Child Protection	7.522	7.000	7.350	7.350		7.350	7.350
Justice Transformation	0.000	1.780	2.000	2.000		2.000	2.000
Immigration	1.440	1.500	1.500	1.500		1.500	1.500
Contracted Tariff Services	2.547	2.516	2.516	2.516		2.516	2.516
Total Tariff	62.084	58.280	58.017	57.563	0.454	58.017	58.017
Operations							
Executive Office	0.964	1.065	1.080	1.080		1.080	1.080
PLIA	7.490	8.418	7.950	4.993	2.957	7.950	7.950
LAR	3.466	3.921	3.789	3.162	0.627	3.789	3.789
SPPHR	1.741	2.070	2.084	2.084		2.134	2.254
FCS	4.943	5.134	5.429	5.429		5.429	5.429
Contingency	(0.130)	0.203	0.285	0.285		0.285	0.285
Total Operating	18.474	20.811	20.617	17.033	3.584	20.667	20.787
Total Cost	80.558	79.091	78.634	74.596	4.038	78.684	78.804
Net Surplus / (Deficit)	(0.500)	-	-	-	-	-	-

For JAG - January 9/15

Legal Services Society
Budget Management Plan
Departmental Budget by Expenditure Category
2015/16 Operating Budget
January 9, 2015

Expenditure by Category	Executive Office	PLIA	LAR	SPPHR	FCS	Contingency	TOTAL
Salaries	\$0.6	\$4.2	\$2.8	\$1.5	\$2.6	\$0.1	\$11.7
Contracted Services	0.2	2.8	0.4	0.3	0.2	0.0	4.1
Premises	0.1	0.6	0.4	0.2	0.6	0.0	1.9
Computer	0.0	0.0	0.0	0.0	1.1	0.0	1.1
Amortization	0.0	0.0	0.0	0.0	0.9	0.0	0.9
Travel Expenses	0.0	0.1	0.0	0.0	0.0	0.0	0.2
Office	0.1	0.2	0.1	0.0	0.1	0.0	0.5
Other	0.0	0.0	0.0	0.0	0.0	0.2	0.2
Total Departmental Budget	1.1	8.0	3.8	2.1	5.4	0.3	20.6
Amount per 2015/16 Budget	\$1.1	\$8.0	\$3.8	\$2.1	\$5.4	\$0.3	\$20.6

2015/16 Service Plan Financial Plan Summary Financial Outlook	2014/15 Q3 Forecast	2015/16 Budget
Salaries	\$ 11.4	\$ 11.7
Contracted Services	5.1	4.1
Premises	1.9	1.9
Computers	1.0	1.1
Amortization	0.6	0.9
Travel	0.1	0.2
Office	0.4	0.5
Other	0.2	0.2
Total	\$ 20.7	\$ 20.6

For JAG - January 9/15

Legal Services Society
2015/16 Budget Management Plan
Principles, Assumptions, Key Cost Drivers and Budget Process
January 9, 2015

Principles for 2015/16:

The final budget differentiates government and non-government funded services.

The final budget assumes LSS will provide services to the amount of the available budget. To accomplish this, LSS will:

- Monitor and, if necessary, adjust tariff budgets using the mitigation strategies included with this budget;
- Prioritize services in the following order: CFCSA, Family and Criminal; *and*
- Adjust referral volumes to provide services to the available budget.

Key Assumptions:

1. Revenues from the Provincial Government will remain at 2014/15 levels other than additional funds received under the Economic Stability Man-date.
2. Law Foundation funding was decreased by \$645K based on new funding levels.
3. Referral volumes will remain constant with 2014/15 levels.
4. **The society will manage services to the total available budget.**
5. No additional services will be provided by the society, other than additional Family Duty Counsel (see 7 below).
6. Justice Innovation Transformation Initiatives ("JITI") projects will be fully operational on or before April 1, 2015.
7. Client Information System ("CIS") goes live in 2015/16 and amortization costs will start once it's brought into production. The annual amortization is expected to cost up to \$430K per year on a full year basis.

Key Cost Drivers:

1. All tariff budgets were calculated based on a fee code analysis rather than an estimate of the average case cost. This process is consistent with 2014/15. See Budget Development Process below for further details on the process followed.
2. Referral volumes were calculated using actual applications and referrals for each month over the past four and a half years.
3. The *Child, Family and Community Service Act* ("CFCSA") budget has been increased by \$350k due to higher number of referrals compared to prior years and higher average case costs.

For Budget Management Plan for JAG – Jan.9/15

4. The amortization budget includes an additional \$430k for CIS amortization.
5. Does not include any amounts for salary increases, other than step increases for unionized staff and excluded non-management staff.
6. Included is a 2% increase in the cost of employee benefits.
7. Included is an additional \$200k for Family Duty Counsel (to maintain 2014/15 service levels).
8. Included in the budget is an increase of \$67k for premises due to higher lease costs.

Risks Not Budgeted For:

1. The tariff budgets have not been adjusted for any changes to government policy, or new initiatives that may impact the society.
2. The tariff budgets have not been adjusted for higher volumes due to the Ministry of Children and Family Development ("MCFD") hiring 200 additional social workers.
3. The tariff budgets have not been adjusted for any potential CIS or JITI impacts.
4. The tariff budgets were not adjusted for any referrals related to significant one-time events (eg. the Kinder Morgan anti-pipeline demonstrations)

Budget Development Process

Historical Budget Preparation using the Average Case Cost Model:

In prior years the society calculated a tariff budget by multiplying the number of cases expected in a particular tariff by the expected average case cost for that tariff.

We first reviewed the historical applications and referral rates for each tariff. We then estimated volumes by looking at application trends and anticipated referral rates for the coming year.

We then looked at the historical average case cost for each tariff and adjusted them for known changes to the tariff.

Eg. Number of Applications x Referral Rate = Number of referrals

Number of referrals x Average Case Cost = Tariff Budget

Disadvantages of the historical process:

1. Did not allow for any material changes in volumes from one year to the next
2. Did not consider the cost pattern of cases at different stages of the process
3. Did not allow for analysis of what was causing the average case cost to change until the cases were 18 months old (not proactive; it was reactive)

For Budget Management Plan for JAG – Jan.9/15

To overcome these disadvantages, the society changed the budgeting process in 2014/15 and beyond to include the following:

1. Referrals from prior years and a projection for the upcoming year
2. Base the budget on tariff fee codes per case
3. Reviewed the age of outstanding cases

Current Budget Development Process by Fee Code:

The 2015/16 Tariff Budgets have been developed based on fee items rather than the Average Case Cost model. In some cases a tariff might have over 200 separate fee codes that may apply. In order to do this the society analyzed all fees and disbursements for all invoices submitted for 3 years. Approximately 900,000 lines of data were consolidated and analysed to determine budgets by fee codes.

Fee Code Analysis Example:

To determine the budget for Family general prep fees, the cost for this fee item was consolidated based on actual invoices received from lawyers over a 3 - 12 month period, starting with September 1 through August 31, for the years 2012, 2013 and 2014. The data included total fees, total hours, the number of cases that billed general prep, and the total number of cases that billed during the 12 month period. This data is used to calculate:

- Average Hourly Rate
- The % of cases that billed that billed General Prep
- The average units per case that billed General Prep

Family General Prep 2015/16 Operating Budget calculation table:

	Sept 1, 2011 to August 31, 2012	Sept 1, 2012 to August 31, 2013	Sept 1, 2013 to August 31, 2014	2015/16 Budget
Total fees	\$6,200,707	\$6,572,842	\$5,614,495	\$5,399,200
Hours billed	70,242	75,133	64,433	62,060
Average \$ per hour	\$88.28	\$87.48	\$87.14	\$87.00
# of cases billed GP	6,095	6,327	5,708	5,350
Total cases billed	6,822	6,998	6,403	6,000
% of cases billed GP	89.3%	90.4%	89.1%	89.1%
Hours per billed cases GP	11.5	11.9	11.3	11.6

Calculation of Budget:

Budget # of billed cases × Budgeted % that will bill GP × Budgeted hours per cases billed GP × Average Hourly Rate
 = (6,000 × 89.1%) × 11.6 × \$87.00
 = 5,350 × 11.6 × \$87.00 = \$5,399,220 (rounded to \$5,399,200)

For Budget Management Plan for JAG – Jan.9/15

This exercise was repeated for all major fee code items representing at least 90% of the total costs of the tariff. All other costs were consolidated into one group and budgeted as one item.

All budgeted fee codes and the other consolidated codes were totaled to determine the total budget for the tariff.

Review Process:

The above analysis was used to allocate the 2015/16 budget by fee code. This data is incorporated into a reporting structure and tested on a monthly basis if the actual results are consistent with the budget. From time to time we adjust services to clients based on actual results.

Testing now includes over 1.1 million rows of data.

Legal Services Society
Capital Additions & Amortization Schedules
For the Fiscal Year April 1/15 through March 31/16 in (000's)

Additions

Project Name	13/14 Actual	14/15 Q3 Actual	14/15 Forecast	15/16 Budget	16/17 Forecast	17/18 Forecast	18/19 Forecast	19/20 Forecast	20/21 Forecast	21/22 Forecast	22/23 Forecast	23/24 Forecast	24/25 Forecast
Office Furniture and Equipment			140	140	100	100	100	100	100	100	100	100	100
Tenancy Improvement			140	140				3,000					
Client Information System	1,768	1,389	1,993	400									
Information Technology	27	41	400	400	400	400	400	400	400	400	400	400	400
Large Case Management													
Intranet				150									
Hardware			20	150	150	150	150	150	150	150	150	150	150
Total Additions	1,795	1,430	2,693	1,380	650	650	650	3,650	650	650	650	650	650

Amortization

Project Name	13/14 Actual	14/15 Q3 Actual	14/15 Forecast	15/16 Budget	16/17 Forecast	17/18 Forecast	18/19 Forecast	19/20 Forecast	20/21 Forecast	21/22 Forecast	22/23 Forecast	23/24 Forecast	24/25 Forecast
Office Furniture and Equipment	120	52	71	71	38	52	58	68	78	88	98	100	100
Tenancy Improvement	191	143	214	214	228	238	238	238	238	238	238	238	238
Client Information System			0	430	430	430	430	430	430	430	430	430	430
Information Technology	260	72	188	151	138	200	400	400	400	400	400	400	400
Large Case Management	36	27	36	36	36	22							
Intranet				15	30	30	30	30	15				
Hardware			4	19	49	79	109	150	150	150	150	150	150
Total Amortization	607	294	513	936	949	1,051	1,265	1,316	1,311	1,306	1,316	1,318	1,318

For JAG - January 9/15

Budget Pressures, Cost Drivers and Mitigation Strategies Criminal

Risk (Budget Pressure)	Cost Driver	Mitigation Strategy
Possible acceleration or deceleration of cases in the Provincial Court affecting the number of bills and therefore expenditures.	<ul style="list-style-type: none"> • Changes to the Provincial Court trial scheduling process • Possible impact of Crown file ownership project include: <ul style="list-style-type: none"> - Earlier resolution of criminal cases thereby increasing the number and frequency of bills processed by LSS in fiscal 2015/16 - Delayed or reduced approval of charges. 	<ul style="list-style-type: none"> • If expenditures exceed budget, LSS will reduce expenditures through one or all of the following options: <ul style="list-style-type: none"> - Eliminating or reducing out of custody duty counsel services. - Eliminating or restricting coverage for Administrative offences. - Limit the number of referrals to the available budget • If expenditures are below budget, LSS will allocate excess to deficits in other tariffs in accordance with the Memorandum of Understanding
Increase in the average cost	<ul style="list-style-type: none"> • Determination of constitutionality of mandatory minimum penalties (<i>Safe Streets and Communities Act</i>) drives case costs higher • Procedural complexity increases trial length • Increase in externally driven disbursement costs (BCMA rates, transcript costs, meterage, etc.) 	<ul style="list-style-type: none"> • See above
Increase in the average length and overall cost of complex criminal proceedings.	<ul style="list-style-type: none"> • Higher volumes of drug and gang related prosecutions • Increase in frequency and duration of pre-trial applications related to disclosure, privilege, and Crown positions related to Charter issues 	<ul style="list-style-type: none"> • See above

For JAG - January 9/15

Budget Pressures, Cost Drivers and Mitigation Strategies Family

To manage family law expenditures to budget, LSS restricts services to situations where safety is at risk or there is a persistent denial of access to children. The society further limits expenditures by restricting discretionary services. A consequence of this is that LSS currently refuses more than 60 per cent of applicants for family representation services. Family services are not expected to be a fiscal pressure in 2015/2016. Should costs and demands fluctuate, this document outlines LSS's mitigation strategies to further contain expenditures.

Risk (Budget Pressure)	Cost Driver	Mitigation Strategy
Demand for referrals exceeds budget	<ul style="list-style-type: none"> • <i>Family Law Act</i> – provides a broader definition of violence • More clients qualify for legal aid as definition of violence is more broadly understood 	<ul style="list-style-type: none"> • Limit the number of referrals to available budget • Eliminate discretionary coverage for clients with income within \$200 of financial cut-off • Eliminate any discretionary coverage for clients regardless of need or ability to pay
Increase in average case cost	<ul style="list-style-type: none"> • <i>Family Law Act</i> creates a statutory obligation on lawyers to screen for family violence - impacts usage of general preparation hours • Lack of available court time requires multiple and duplicate hearing preparations. This may change in some locations to accelerated billing patterns as family cases given priority • Increased travel costs due to lack of available lawyers in many regions • New legislation creates increased usage of preparation hours as counsel learns leading decisions & challenges interpretations 	<ul style="list-style-type: none"> • Reduce the scope of legal services offered to qualifying clients • Limit or reduce preparation & attendance for mediation per referral • Limit total number of mediations per referral

Budget Pressures, Cost Drivers and Mitigation Strategies Family

Risk (Budget Pressure)	Cost Driver	Mitigation Strategy
	<ul style="list-style-type: none"> • Increase in externally driven disbursement costs (BCMA rates, transcript costs, meterage, etc.) • Statutory emphasis on out-of-court dispute resolution by mediation or arbitration creates growing disbursement expenditures & counsel fees for mediation/arbitration 	
Tariff billing & number of bills exceeds budget	<ul style="list-style-type: none"> • Accelerated scheduling of cases as family trials given priority • Increased tools available in legislation such as conduct & enforcement orders 	<ul style="list-style-type: none"> • Limit the number of referrals to the available budget • Reduce the scope of services to qualified clients • Limit or reduce preparation & attendance hours for court applications per referral

Budget Pressures, Cost Drivers and Mitigation Strategies CFCSA

Risk (Budget Pressure)	Cost Driver	Mitigation Strategy
Demand for referrals exceeds budget	<ul style="list-style-type: none"> • Increase in number of clients applying for coverage in Child Protection cases • Increased applications prior to removal of children as a result of increased awareness of legal rights related to parenting • Increased child poverty rates in BC leading to more children at risk. 	<ul style="list-style-type: none"> • Limit referrals to available budget • Limit preparation & attendance at Family Group Conferences • Eliminate any discretionary coverage for clients regardless of need or ability to pay • Provide a more restrictive level of advice service to clients at the "pre-removal" protection stage
Increase in the average case cost	<ul style="list-style-type: none"> • Increased usage and cost of consensual dispute resolution processes at family assessment stage • Increased usage of consensual resolution processes at all levels of intervention • Increased usage of hours available in tariff for related poverty issues such as benefit entitlement, housing, debt • Increase in externally driven disbursement costs (BCMA rates, transcript costs, meterage, etc.) 	<ul style="list-style-type: none"> • Limit preparation & attendance hours for dispute resolution processes • Limit number of mediations allowed per referral • Eliminate extended services for complex CFCSA cases that require more hours than provided in tariff • Eliminate legal services currently covered by the tariff for related poverty issues
Potential acceleration or deceleration of cases in court affecting the number of bills received and therefore expenditures.	<ul style="list-style-type: none"> • Projected accelerated scheduling of cases due to changes in provincial court trial scheduling process and additional available hearing dates 	<ul style="list-style-type: none"> • Manage the number of referrals to the available budget • Reduce the scope of legal services offered to qualifying clients

For JAG - January 9/15

Schultz, Janis JAG:EX

From: Grills, Sean C JAG:EX
Sent: Wednesday, January 14, 2015 2:44 PM
To: Rawlinson, Kathleen JAG:EX
Subject: RE: LSS 2015/16 Budget materials

Hi Kathleen, thanks and things are certainly getting better ☺

Here are the numbers:

- 2013/14 - \$6.1M (YE actual)
- 2014/15 - \$4.3M (Q3 forecast)
- 2015/16 - \$6.4M (5-year average forecast)

I am not certain on the forecast for 2015/16 but am using what I had provided to FPA some time ago when they were looking for a number to provide to TBS. We decided to use the 5-year average for 2009/10 to 2013/14.

Cheers
Sean

From: Rawlinson, Kathleen JAG:EX
Sent: Wednesday, January 14, 2015 9:38 AM
To: Grills, Sean C JAG:EX
Subject: RE: LSS 2015/16 Budget materials

Hi there Sean – I hope things are settling down for you soon, I'm trying to not bother you this week, but if I could ask you to update this small table if you have the numbers handy? Note this is for JSB + LSS combined. It's the table we had in last year's BN for the LSS Budget Plan.

I've set up a meeting for Jamie, you & me to go through it tomorrow, so if you have it before then, great, but if not then Friday's good as Jamie doesn't need the good draft til then. Thanks!

- History and forecast of total major case costs for JSB/LSS (Category C):

	Actual 2008/09	Actual 2009/10	Actual 2010/11	Actual 2011/12	Actual 2012/13	Forecast Actual 2013/14	Forecast 2014/15
(\$ mil)	2.8	3.7	3.4	9.3	9.5	6.5	6.3

And Forecast 2015/16?

From: Deitch, James JAG:EX
Sent: Monday, January 12, 2015 10:26 AM
To: Rawlinson, Kathleen JAG:EX; Chalke, Jay JAG:EX
Cc: Grills, Sean C JAG:EX
Subject: RE: LSS 2015/16 Budget materials

Kathleen:

These are issues that should be identified in the BN you draft on the LSS Budget Management Plan. As discussed, we need to brief the AG not later than February 2 so if you could have a draft for my review by Friday that would be great.

Thanks.

James Deitch
Executive Director
Criminal Justice and Legal Access Policy Division
Justice Services Branch
Ministry of Justice
3rd floor, 703 Broughton Street
PO Box 9243, Stn Prov Govt
Victoria, BC V8W 9J2

www.criminaljusticereform.gov.bc.ca
<http://www.gov.bc.ca/ag/index.html>

Phone: 250.387.2109
Fax: 250.356.6552
Cell: s.17

Please consider the environment before printing this e-mail

From: Rawlinson, Kathleen JAG:EX
Sent: Monday, January 12, 2015 9:52 AM
To: Chalke, Jay JAG:EX; Deitch, James JAG:EX
Cc: Grills, Sean C JAG:EX
Subject: RE: LSS 2015/16 Budget materials

LSS has a significant timing flaw in their letter, which I've confirmed with CARO: the LSS Mandate Letter has to be publicly released on Budget Day (Feb 17), & the AG can't approve the LSS budget before that – usually weeks afterward, closer to Mar 31, to view it in the context of other budget decisions.

So LSS holding the Mandate Letter til after their budget is finalized won't work.

From: Chalke, Jay JAG:EX
Sent: Friday, January 9, 2015 4:53 PM
To: Deitch, James JAG:EX
Cc: Grills, Sean C JAG:EX; Rawlinson, Kathleen JAG:EX
Subject: FW: LSS 2015/16 Budget materials

FYI

From: Mark Benton [<mailto:Mark.Benton@lss.bc.ca>]
Sent: Friday, January 9, 2015 4:50 PM
To: Minister, JAG JAG:EX
Cc: Fyfe, Richard J JAG:EX; Faganello, Tara JAG:EX; Chalke, Jay JAG:EX; Wanamaker, Lori JAG:EX; Tom Christensen (Tom.Christensen@nixonwenger.com); Gulnar Nanjijuma; Harold Clark; Doug Wong; Sheryl Lee
Subject: LSS 2015/16 Budget materials

Please find attached the following documents in response to the AG's letter of December 4, 2014 addressed to the LSS Board Chair, Tom Christensen:

1. Letter dated January 9, 2015 from Mark Benton, QC, Chief Executive Officer; and
2. Documents in response to the Minister's request including a draft 2015/16 LSS budget.

Thanks

MB

--The information in this e-mail, and any documents that may be attached, is confidential and may be legally privileged. Any unauthorized use, or disclosure of this message by an unintended recipient, is strictly prohibited. If you received this e-mail in error, please notify the sender immediately by replying to this e-mail and delete the material from your system. Thank you.--

Page 111 to/à Page 125

Withheld pursuant to/removed as

s.13

Schultz, Janis JAG:EX

From: Rawlinson, Kathleen JAG:EX
Sent: Thursday, January 15, 2015 1:51 PM
To: Schultz, Janis JAG:EX; Wallbank, Cindy M JAG:EX
Cc: Deitch, James JAG:EX; Grills, Sean C JAG:EX; Jackson, Wendy JAG:EX
Subject: FOR 3:15 MTG re LSS Budget
Attachments: BN for AG Response to LSS Budget 2015-16, Jan 15 2015 DRAFT for 3pm discussion.docx; TransmittalLtr_LSSBudget_Pkg_January_9_2015.pdf

Janis or Cindy, would you please print 4 copies of each of the 2 attached files and give to Jamie for our 3:00 meeting today (which Jamie just advised will actually not start til about 3:15 due to a mtg he has right before that)?

The BN attached is still drafty, but is good enough to cliff. (Don't worry about any of the attachments listed in the BN though).

Sean & Wendy: I will walk-thru during the mtg, so no need to review in advance, unless you really want to.

Thanks,
Kathleen

Kathleen Rawlinson BA, CMA (US)
Senior Policy and Business Advisor
Criminal Justice & Legal Access Policy Division
Justice Services Branch, Ministry of Justice
(250) 356-8083

Page 127 to/à Page 134

Withheld pursuant to/removed as

s.13

Schultz, Janis JAG:EX

From: Rawlinson, Kathleen JAG:EX
Sent: Tuesday, February 17, 2015 12:46 PM
To: Wallbank, Cindy M JAG:EX; Schultz, Janis JAG:EX
Cc: Deitch, James JAG:EX
Subject: FW: AAA FW: Legal Services Society ("LSS") Budget 2015/16
Attachments: BN re AG Letter to LSS Board Chair Budget Approval, Feb 17 2015 draft.docx; AG to LSS Board Chair for Budget Revisions, Jan 26 2015.pdf; Transmittal_LtrAG_FinalBudget_Feb13_2015.pdf; LSS2015_16_FinalBudgetPackage_Feb13_2015.pdf

Janis/Cindy: here's a draft BN & letter (with attachments) for Jamie's review please.

Thanks,
Kathleen

From: Wallbank, Cindy M JAG:EX
Sent: Monday, February 16, 2015 4:12 PM
To: Rawlinson, Kathleen JAG:EX
Subject: FW: AAA FW: Legal Services Society ("LSS") Budget 2015/16

Here ya go!

Cindy Wallbank
Administrative Assistant
Criminal Justice and Legal Access Policy Division
Justice Services Branch
Telephone: 250-387-6987
Email: Cindy.Wallbank@gov.bc.ca

From: Minister, JAG JAG:EX
Sent: Monday, February 16, 2015 12:47 PM
To: Green, Greg JAG:EX
Subject: AAA FW: Legal Services Society ("LSS") Budget 2015/16

From: Tennant, Laura JAG:EX
Sent: Monday, February 16, 2015 11:42 AM
To: Minister, JAG JAG:EX
Subject: FW: Legal Services Society ("LSS") Budget 2015/16

Thank you Candice, please AAA.

From: Minister, JAG JAG:EX
Sent: Monday, February 16, 2015 11:40 AM
To: Tennant, Laura JAG:EX
Subject: FW: Legal Services Society ("LSS") Budget 2015/16

Hi Laura,

Schultz, Janis JAG:EX

From: Schultz, Janis JAG:EX
Sent: Wednesday, February 18, 2015 12:31 PM
To: Deitch, James JAG:EX
Subject: 413783 - For Approval - CLIFF 413783 - Request for Approval of 2015/16 Budget Management Plan
Attachments: 413783 - Request for approval of LSS 2015-16 Budget.docx

Jamie: Attached for your review/approval is the subject BN. Hard copy also provided.

Thanks.
Janis

Page 137 to/à Page 139

Withheld pursuant to/removed as

s.13

Page 140 to/à Page 141

Withheld pursuant to/removed as

DUPLICATE

Page 142 to/à Page 153

Withheld pursuant to/removed as

s.13

Schultz, Janis JAG:EX

From: Schultz, Janis JAG:EX
Sent: Thursday, February 19, 2015 9:02 AM
To: Philippides, Edna M JAG:EX
Cc: Rawlinson, Kathleen JAG:EX
Subject: 413783 - BN - Request for approval of LSS 2015/16 Budget - 413783
Attachments: 413783 - Request for approval of LSS 2015-16 Budget.docx

Hi Edna: Attached for Jay's approval is the subject BN, which Jamie has approved.

Thanks.
Janis

Janis Schultz

Office Manager
Criminal Justice and Legal Access Policy Division
Justice Services Branch
Ministry of Justice
Phone: (250) 387-0312 Fax: (250) 356-6552
E-mail: janis.schultz@gov.bc.ca

Page 155 to/à Page 169

Withheld pursuant to/removed as

s.13

Schultz, Janis JAG:EX

From: Wallbank, Cindy M JAG:EX
Sent: Thursday, February 19, 2015 11:14 AM
To: Vermaning, Tiny JAG:EX
Cc: Schultz, Janis JAG:EX
Subject: 413783 - BN 413783 & 413711(letter)
Attachments: RE: CLIFF Referral 413711 - AAA

Tiny, this BN has gone up the pike. Just letting you know that if the Minister approves the BN (with letter included in the BN), without any changes to the letter, the version in CLIFF log 413711 is ready for to go.

ALSO: 413711 hasn't yet been changed to reflect that it is now an AG Draft Reply (see attached email with that request earlier).

Thanks,

Cindy Wallbank

Administrative Assistant
Criminal Justice and Legal Access Policy Division
Justice Services Branch
Telephone: 250-387-6987
Email: Cindy.Wallbank@gov.bc.ca

Schultz, Janis JAG:EX

From: Philippides, Edna M JAG:EX
Sent: Monday, February 23, 2015 3:34 PM
To: Schultz, Janis JAG:EX; Wallbank, Cindy M JAG:EX; Vermaning, Tiny JAG:EX
Subject: 413783 - FW: BN - LSS 2015-16 Budget Management Plan
Attachments: 413783 - Request for approval of LSS 2015-16 Budget.docx

FYI.

Tiny, there is an AG draft attached for whenever we get approval.

Thanks.

From: Philippides, Edna M JAG:EX
Sent: Monday, February 23, 2015 3:33 PM
To: Dayman, Marlene JAG:EX
Subject: BN - LSS 2015-16 Budget Management Plan

Hi Marlene,

Attached is the above-referenced briefing note, approved by JSB ADM, for Deputy approval and forwarding to the AG for decision.

Thanks.

Schultz, Janis JAG:EX

From: Philippides, Edna M JAG:EX
Sent: Monday, February 23, 2015 5:33 PM
To: Dayman, Marlene JAG:EX
Cc: Vermaning, Tiny JAG:EX; Schultz, Janis JAG:EX; Wallbank, Cindy M JAG:EX
Subject: 413783 - FW: BN - LSS 2015-16 Budget Management Plan
Attachments: 413783 - Request for approval of LSS 2015-16 Budget.docx

Hi Marlene,

Here is the revised briefing note with x-ref added. Thanks.

From: Philippides, Edna M JAG:EX
Sent: Monday, February 23, 2015 3:51 PM
To: Dayman, Marlene JAG:EX
Subject: FW: BN - LSS 2015-16 Budget Management Plan

Hi there,

Please hold off on this one — I've just been advised there is a cross-reference for the attached draft AG letter, so I will revise the briefing note and send it to you again.

E.

From: Philippides, Edna M JAG:EX
Sent: Monday, February 23, 2015 3:33 PM
To: Dayman, Marlene JAG:EX
Subject: BN - LSS 2015-16 Budget Management Plan

Hi Marlene,

Attached is the above-referenced briefing note, approved by JSB ADM, for Deputy approval and forwarding to the AG for decision.

Thanks.

Page 173 to/à Page 187

Withheld pursuant to/removed as

s.13

Wallbank, Cindy M JAG:EX

From: Wallbank, Cindy M JAG:EX
Sent: Monday, March 9, 2015 4:05 PM
To: Vermaning, Tiny JAG:EX
Subject: RE: MEETING REQUEST: BN - LSS Budget Management Plan - 413783

What room at LEG?

Cindy Wallbank
Administrative Assistant
Criminal Justice and Legal Access Policy Division
Justice Services Branch
Telephone: 250-387-6987
Email: Cindy.Wallbank@gov.bc.ca

From: Vermaning, Tiny JAG:EX
Sent: Monday, March 9, 2015 4:04 PM
To: Wallbank, Cindy M JAG:EX
Subject: RE: MEETING REQUEST: BN - LSS Budget Management Plan - 413783

Thanks. FYI, Jay will be doing by phone.

Tiny

From: Wallbank, Cindy M JAG:EX
Sent: Monday, March 9, 2015 3:53 PM
To: Vermaning, Tiny JAG:EX
Subject: RE: MEETING REQUEST: BN - LSS Budget Management Plan - 413783

Jay and Jamie (please put in jay's calendar)

Cindy Wallbank
Administrative Assistant
Criminal Justice and Legal Access Policy Division
Justice Services Branch
Telephone: 250-387-6987
Email: Cindy.Wallbank@gov.bc.ca

From: Vermaning, Tiny JAG:EX
Sent: Monday, March 9, 2015 3:01 PM
To: Wallbank, Cindy M JAG:EX
Cc: Schultz, Janis JAG:EX; Philippides, Edna M JAG:EX
Subject: FW: MEETING REQUEST: BN - LSS Budget Management Plan - 413783

Would you please advise who would attend the meeting below at the MO on Thursday.

Thanks.

Tiny

From: Richter, Connie JAG:EX
Sent: Monday, March 9, 2015 12:46 PM
To: Vermaning, Tiny JAG:EX
Cc: Philippides, Edna M JAG:EX; Dayman, Marlene JAG:EX
Subject: MEETING REQUEST: BN - LSS Budget Management Plan - 413783

Good afternoon, Tiny.

Further to the below, the MO would like to schedule the briefing for Thursday, March 12th from 3:30-4:30.

Please advise who will attend from JSB asap.

FYI, the DAG will not be attending.

Thank you, C

From: Dayman, Marlene JAG:EX
Sent: Monday, March 9, 2015 11:33 AM
To: Lalonde, Jarett JAG:EX; Langlands, Kevin J JAG:EX; Tennant, Laura JAG:EX; Walker, Nikki JAG:EX; Hansen, Lucy JAG:EX; Hughes, Candice JAG:EX
Cc: Richter, Connie JAG:EX; Schollen, Tasha GCPE:EX; Carwithen, Kelsie GCPE:EX; Philippides, Edna M JAG:EX; Vermaning, Tiny JAG:EX
Subject: FW: BN - LSS Budget Management Plan - 413783

Hello,

Attached is a BN for the Minister's decision.

Please note that Connie will be in touch to schedule a briefing between Jay Chalke, the Deputy and the Minister before March 16.

Also, a related briefing note regarding LSS Tariffs was sent on March 6 (email attached).....many thanks.....Mar

Marlene Dayman,
A/Senior Executive Assistant
Deputy Attorney General's Office, Ministry of Justice
PO Box 9290 Stn Prov Gov't, Victoria, BC V8W 9J7
Ph: 250-387-5211

This message, including any attachments to it, is not to be disclosed outside of the Provincial Government without prior written approval from the Ministry of Justice. If you have received this communication in error, please destroy the email message and any attachments immediately and notify me by telephone or by email.

Schultz, Janis JAG:EX

From: Wallbank, Cindy M JAG:EX
Sent: Tuesday, March 10, 2015 8:46 AM
To: Schultz, Janis JAG:EX
Subject: 413783 - FW: MEETING REQUEST: BN - LSS Budget Management Plan - 413783

Follow Up Flag: Follow up
Flag Status: Completed

AG briefing info

Cindy Wallbank

Administrative Assistant
Criminal Justice and Legal Access Policy Division
Justice Services Branch
Telephone: 250-387-6987
Email: Cindy.Wallbank@gov.bc.ca

From: Vermaning, Tiny JAG:EX
Sent: Monday, March 9, 2015 4:04 PM
To: Wallbank, Cindy M JAG:EX
Subject: RE: MEETING REQUEST: BN - LSS Budget Management Plan - 413783

Thanks. FYI, Jay will be doing by phone.

Tiny

From: Wallbank, Cindy M JAG:EX
Sent: Monday, March 9, 2015 3:53 PM
To: Vermaning, Tiny JAG:EX
Subject: RE: MEETING REQUEST: BN - LSS Budget Management Plan - 413783

Jay and Jamie (please put in jay's calendar)

Cindy Wallbank

Administrative Assistant
Criminal Justice and Legal Access Policy Division
Justice Services Branch
Telephone: 250-387-6987
Email: Cindy.Wallbank@gov.bc.ca

From: Vermaning, Tiny JAG:EX
Sent: Monday, March 9, 2015 3:01 PM
To: Wallbank, Cindy M JAG:EX
Cc: Schultz, Janis JAG:EX; Philippides, Edna M JAG:EX
Subject: FW: MEETING REQUEST: BN - LSS Budget Management Plan - 413783

Would you please advise who would attend the meeting below at the MO on Thursday.

Thanks.

Tiny

From: Richter, Connie JAG:EX
Sent: Monday, March 9, 2015 12:46 PM
To: Vermaning, Tiny JAG:EX
Cc: Philippides, Edna M JAG:EX; Dayman, Marlene JAG:EX
Subject: MEETING REQUEST: BN - LSS Budget Management Plan - 413783

Good afternoon, Tiny.

Further to the below, the MO would like to schedule the briefing for Thursday, March 12th from 3:30-4:30.

Please advise who will attend from JSB asap.

FYI, the DAG will not be attending.

Thank you, C

From: Dayman, Marlene JAG:EX
Sent: Monday, March 9, 2015 11:33 AM
To: Lalonde, Jarett JAG:EX; Langlands, Kevin J JAG:EX; Tennant, Laura JAG:EX; Walker, Nikki JAG:EX; Hansen, Lucy JAG:EX; Hughes, Candice JAG:EX
Cc: Richter, Connie JAG:EX; Schollen, Tasha GCPE:EX; Carwithen, Kelsie GCPE:EX; Philippides, Edna M JAG:EX; Vermaning, Tiny JAG:EX
Subject: FW: BN - LSS Budget Management Plan - 413783

Hello,

Attached is a BN for the Minister's decision.

Please note that Connie will be in touch to schedule a briefing between Jay Chalke, the Deputy and the Minister before March 16.

Also, a related briefing note regarding LSS Tariffs was sent on March 6 (email attached).....many thanks.....Mar

Marlene Dayman,
A/Senior Executive Assistant
Deputy Attorney General's Office, Ministry of Justice
PO Box 9290 Stn Prov Gov't, Victoria, BC V8W 9J7
Ph: 250-387-5211

This message, including any attachments to it, is not to be disclosed outside of the Provincial Government without prior written approval from the Ministry of Justice. If you have received this communication in error, please destroy the email message and any attachments immediately and notify me by telephone or by email.

Schultz, Janis JAG:EX

From: Rawlinson, Kathleen JAG:EX
Sent: Wednesday, March 11, 2015 3:35 PM
To: Schultz, Janis JAG:EX
Cc: Philippides, Edna M JAG:EX; Deitch, James JAG:EX; Grills, Sean C JAG:EX; Jackson, Wendy JAG:EX
Subject: 413783 - RE: BN - Request for approval of LSS 2015/16 Budget - 413783
Attachments: 413783 - Request for approval of LSS 2015-16 Budget REVISED Mar 11 2015.docx

Janis, please provide this revised BN attached to Jamie for his review, and to take with him to the AG tomorrow. Note that in addition to the BN itself being updated, I've added an alternate version of the letter (attachment #4).

Thanks,
Kathleen

From: Rawlinson, Kathleen JAG:EX
Sent: Wednesday, March 11, 2015 11:19 AM
To: Schultz, Janis JAG:EX
Cc: Philippides, Edna M JAG:EX; Deitch, James JAG:EX
Subject: RE: BN - Request for approval of LSS 2015/16 Budget - 413783

Janis, just so you know, Jamie has asked me to update this BN, which I'll do asap, and then he will be taking it with him to the AG mtg tomorrow, thanks.

From: Schultz, Janis JAG:EX
Sent: Thursday, February 19, 2015 9:02 AM
To: Philippides, Edna M JAG:EX
Cc: Rawlinson, Kathleen JAG:EX
Subject: BN - Request for approval of LSS 2015/16 Budget - 413783

Hi Edna: Attached for Jay's approval is the subject BN, which Jamie has approved.

Thanks.
Janis

Janis Schultz

Office Manager
Criminal Justice and Legal Access Policy Division
Justice Services Branch
Ministry of Justice
Phone: (250) 387-0312 Fax: (250) 356-6552
E-mail: janis.schultz@gov.bc.ca

Page 193 to/à Page 210

Withheld pursuant to/removed as

s.13

Schultz, Janis JAG:EX

From: Schultz, Janis JAG:EX
Sent: Thursday, March 12, 2015 10:22 AM
To: Philippides, Edna M JAG:EX
Cc: Deitch, James JAG:EX; Rawlinson, Kathleen JAG:EX; Vermaning, Tiny JAG:EX
Subject: 413783 - RUSH BN - Request for Approval of LSS 2015-16 Budget Plan - 413783 REVISED
Attachments: 413783 - Request for approval of LSS 2015-16 Budget REVISED Mar 11 2015.docx; 413783 - Request for approval of LSS 2015-16 Budget REVISED - in Tracked Changes.docx; 411711 - Revised AG Letter Approving LSS 2015-16 Budget Plan.docx

Hi Edna: Attached for Jay's approval is the subject BN, which has been approved by Jamie. The BN is required for the AG briefing this afternoon at 5:45 pm. I've also attached a copy of the original BN in tracked changes. The BN was revised because of an issue that arose after the original BN went forward. The issue has been addressed in the revised BN as indicated on the tracked changes version.

Tiny: the AG Draft Reply is attached for processing once everything is approved. This is also a revised version of the letter that accompanied the previous version of the BN.

Thanks very much.

Janis

Janis Schultz

Office Manager
Criminal Justice and Legal Access Policy Division
Justice Services Branch
Ministry of Justice
Phone: (250) 387-0312 Fax: (250) 356-6552
E-mail: janis.schultz@gov.bc.ca

**MINISTRY OF JUSTICE
JUSTICE SERVICES BRANCH
BRIEFING NOTE**

PURPOSE: For DECISION of the Attorney General (AG)

ISSUE: Legal Services Society's (LSS) 2015/16 budget management plan.

SUMMARY:

- It is recommended that the AG send the attached letter (Attachment 4) to the LSS Board Chair (Chair) and approve LSS' 2015/16 budget management plan with a modification to the plan that was presented by the Chair in his letter and revised submission dated February 13, 2015 (Attachment 2).

BACKGROUND:

- LSS submitted the first version of their 2015/16 budget management plan on January 16, 2015.
- The AG sent a letter to the Chair on January 26, 2015, requesting resubmission of the budget management plan by February 17, 2015, to include:
 - forecast information and revisions to format, for analysis and comparability purposes; and
 - confirmation that LSS would continue to adhere to the guiding principles established last year for the management of LSS' 2014/15 budget:
 - the LSS Board will manage government funding to the bottom line and not to the individual tariff line items in the budget; and
 - the LSS Board will prioritize delivery of tariff services over administrative and operation costs, and among tariff services—the relative priority would be as follows: child protection; family; and criminal.
- On February 13, the Chair sent a letter accompanying the revised version of their 2015/16 budget management plan to the AG. The letter confirms agreement with the principles and priorities as requested by the AG, and included an attachment reflecting the forecast and formatting adjustments.
- On February 26, LSS staff indicated to ministry staff that their interpretation of the direction in the budget approval letter for fiscal year 2014/15 to manage to the bottom line applies to the \$2 million funding for Justice Transformation (JT). Wording is included in the recommended letter for 2015/16 to clarify that this is not the case. Dedicated funding envelopes (for major cases, federal high cost cases, immigration, drug court, community court as well as JT) must be directed to the purposes for which they are intended.

- LSS continues to advise of risks associated with its proposed budget management plan (e.g., amortization costs of a new technology system); however, ministry staff consider these to be relatively minor risks and will continue to monitor and work with LSS to manage these risks.

OTHER MINISTRIES IMPACTED/CONSULTED:

- Government's *Budget 2015* has now been tabled in the House, confirming budget decisions related to LSS to be as anticipated by ministry staff and as approved by Treasury Board Staff's review of LSS's budget as presented in its Service Plan released on Budget Day.
- **As such, the 2015/16 budget management plan that LSS submitted on February 13, 2015 now conforms to the conditions required for approval.**
- **Ministry staff recommend that the AG approve the budget, provided the \$2 million in JT funding is 'ring-fenced' and sign the attached letter to the Board Chair indicating her approval.**

DECISION APPROVED / NOT APPROVED

DATE:

The Honourable Suzanne Anton QC
Minister of Justice and Attorney General

Prepared by:
Kathleen Rawlinson
Senior Business & Policy Advisor
Justice Services Branch
250.356.8083

Approved by:
James Deitch
Executive Director
Justice Services Branch
250.387.2109

Attachments:

1. Letter from the AG to the Chair dated January 26, 2015.
2. Letter and 2015/16 budget management plan from LSS Board Chair to the AG dated February 13, 2015
3. Letter from the AG to the LSS Board Chair with the same direction for fiscal year 2015/16 as the budget approval letter for last year.
4. Recommended letter from the AG to the LSS Board Chair.

Approved by: Jay Chalke, QC
Assistant Deputy Minister

Date:

Approved by: Richard J. M. Fyfe, Q.C.
Deputy Attorney General

pc: Tara Faganello
Assistant Deputy Minister

Page 214 to/à Page 228

Withheld pursuant to/removed as

DUPLICATE

Page 229 to/à Page 248

Withheld pursuant to/removed as

s.13

Wallbank, Cindy M JAG:EX

From: Wallbank, Cindy M JAG:EX
Sent: Friday, March 13, 2015 1:09 PM
To: Schultz, Janis JAG:EX
Subject: FW: CLIFF 411711 - AG Letter Approving LSS 2015-16 Budget Plan
Attachments: 413711 - Revised AG Letter Approving LSS 2015-16 Budget Plan.docx

Importance: High

FYI

Cindy Wallbank
Administrative Assistant
Criminal Justice and Legal Access Policy Division
Justice Services Branch
Telephone: 250-387-6987
Email: Cindy.Wallbank@gov.bc.ca

From: Wallbank, Cindy M JAG:EX
Sent: Friday, March 13, 2015 1:07 PM
To: Green, Greg JAG:EX
Subject: FW: CLIFF 411711 - AG Letter Approving LSS 2015-16 Budget Plan
Importance: High

Greg,

This is a super duper RUSH as the AG has a briefing 4:00 pm today and this letter will need to be signed at that meeting. If you could do a quick p/e and print on letterhead, I can come up and pick it up for Jay Chalke and James Deitch to take to the briefing with them. The DAG and AG have already approved the letter via the BN 413783 that went up earlier and was approved. The minister had asked for a couple of revisions, which are done and in the current version in CLIFF.

Please let me know when to come and pick it up.

Cindy Wallbank
Administrative Assistant
Criminal Justice and Legal Access Policy Division
Justice Services Branch
Telephone: 250-387-6987
Email: Cindy.Wallbank@gov.bc.ca

From: Schultz, Janis JAG:EX
Sent: Friday, March 13, 2015 12:51 PM
To: Wallbank, Cindy M JAG:EX
Subject: CLIFF 411711 - AG Letter Approving LSS 2015-16 Budget Plan

Hi Cindy: Here's the letter that needs to be finalized on AG letterhead for Jamie to take to the 4 pm briefing with her.

Thanks very much.
Janis

Page 250 to/à Page 251

Withheld pursuant to/removed as

DUPLICATE

Schultz, Janis JAG:EX

From: Schultz, Janis JAG:EX
Sent: Monday, March 16, 2015 10:34 AM
To: Tennant, Laura JAG:EX
Cc: Philippides, Edna M JAG:EX
Subject: 413783 - FW: BN - LSS Budget Management Plan - 413783 (AG Briefing at 3:30 this afternoon)
Attachments: 413783 - Request for approval of LSS 2015-16 Budget REVISED Mar 11 2015....docx

Hi Laura: As per Jamie's email below, attached is the BN for the Minister's e-signature.

Thanks very much.
Janis

Janis Schultz

Office Manager
Criminal Justice and Legal Access Policy Division
Justice Services Branch
Ministry of Justice
Phone: (250) 387-0312 Fax: (250) 356-6552
E-mail: janis.schultz@gov.bc.ca

From: Deitch, James JAG:EX
Sent: Friday, March 13, 2015 9:00 PM
To: Schultz, Janis JAG:EX
Cc: Tennant, Laura JAG:EX
Subject: FW: BN - LSS Budget Management Plan - 413783 (AG Briefing at 3:30 this afternoon)

Janis:

Can you send the revised BN to Laura on Monday so she can apply the Minister's e-signature and then return it to the DAG's office as usual?

Laura:

Hope this is agreeable. I had anticipated that Jay would get the Minister to sign it Friday but that did not happen.

Thanks both.

James Deitch
Executive Director
Criminal Justice and Legal Access Policy Division
Justice Services Branch
Ministry of Justice
3rd floor, 703 Broughton Street
PO Box 9243, Stn Prov Govt

Schultz, Janis JAG:EX

From: Tennant, Laura JAG:EX
Sent: Tuesday, March 17, 2015 6:15 PM
To: Schultz, Janis JAG:EX
Cc: Philippides, Edna M JAG:EX
Subject: 413783 - RE: BN - LSS Budget Management Plan - 413783 (AG Briefing at 3:30 this afternoon)
Attachments: 413783 - Request for approval of LSS 2015-16 Budget REVISED Mar 11 2015 .pdf

Hi Janis,
Please find attached.

Thank you

From: Schultz, Janis JAG:EX
Sent: Monday, March 16, 2015 10:34 AM
To: Tennant, Laura JAG:EX
Cc: Philippides, Edna M JAG:EX
Subject: FW: BN - LSS Budget Management Plan - 413783 (AG Briefing at 3:30 this afternoon)

Hi Laura: As per Jamie's email below, attached is the BN for the Minister's e-signature.

Thanks very much.
Janis

Janis Schultz

Office Manager
Criminal Justice and Legal Access Policy Division
Justice Services Branch
Ministry of Justice
Phone: (250) 387-0312 Fax: (250) 356-6552
E-mail: janis.schultz@gov.bc.ca

From: Deitch, James JAG:EX
Sent: Friday, March 13, 2015 9:00 PM
To: Schultz, Janis JAG:EX
Cc: Tennant, Laura JAG:EX
Subject: FW: BN - LSS Budget Management Plan - 413783 (AG Briefing at 3:30 this afternoon)

Janis:

Can you send the revised BN to Laura on Monday so she can apply the Minister's e-signature and then return it to the DAG's office as usual?

Laura:

Hope this is agreeable. I had anticipated that Jay would get the Minister to sign it Friday but that did not happen.

Thanks both.

James Deitch
Executive Director
Criminal Justice and Legal Access Policy Division
Justice Services Branch
Ministry of Justice
3rd floor, 703 Broughton Street
PO Box 9243, Stn Prov Govt
Victoria, BC V8W 9J2

www.criminaljusticereform.gov.bc.ca
<http://www.gov.bc.ca/ag/index.html>

Phone: 250.387.2109

Fax: 250.356.6552

Cell: s.17

Please consider the environment before printing this e-mail

Page 255 to/à Page 272

Withheld pursuant to/removed as

DUPLICATE

Schultz, Janis JAG:EX

From: Philippides, Edna M JAG:EX
Sent: Friday, January 30, 2015 10:58 AM
To: Chalke, Jay JAG:EX; Deitch, James JAG:EX
Cc: Schultz, Janis JAG:EX
Subject: FW: Meeting: Lawyers Rights Watch Canada
Attachments: Item 5 - Lawyers' Rights Watch Canada.pdf

Good morning,

Please see below. Deputy hasn't asked for material, but I'm including you in this message, Jamie, in case either of you think material should be prepared.

E.

From: Richter, Connie JAG:EX
Sent: Friday, January 30, 2015 10:34 AM
To: Philippides, Edna M JAG:EX
Subject: Meeting: Lawyers Rights Watch Canada

Hi Edna,

The attached, for Jay's review, was discussed with the Minister recently.

It was decided that the DAG and Jay would meet with the LRWC members so I will work to schedule this meeting and I'll be in touch asap re the details.

C

Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations

Promoting human rights by protecting those who defend them

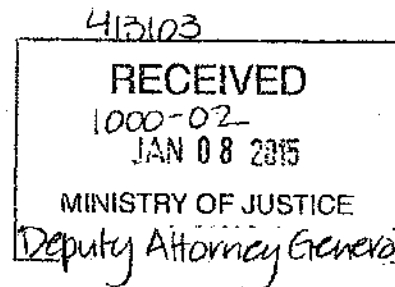
www.lrwc.org – lrwc@portal.ca – Tel: +1 604 736 1175 – Fax: +1 604 736 1170
3220 West 13th Avenue, Vancouver, B.C. CANADA V6K 2V5

Monday, January 5, 2015

Richard J.M. Fyfe, Q.C.
Deputy Attorney General of BC
PO Box 9290 Stn Prov Govt
Victoria BC V8W 9J7

Dear Richard Fyfe;

Re: Provision of Legal Aid in BC



Thank you for your letter of 19 December 2014 acknowledging receipt of the LRWC publications on the international law rights to legal aid.

We would like to meet with you and Attorney General Anton to further discuss the international law obligations outlined in the LRWC reports and how these obligations affect individual rights and government obligations in the Province of British Columbia. While there are differences as to the exact nature of government duties to provide legal aid in BC, there is consensus and considerable evidence that the inadequacy of the present system has reached a crisis point.

We believe it would be useful for you to meet with LRWC members Michael Mulligan and Catherine Morris. Catherine Morris, who assisted with the editing of the LRWC publications, is an adjunct professor at the University of Victoria Faculty of Law specializing in international human rights law. Michael Mulligan is a leading advocate for fair legal aid in BC and is very informed about the mounting problems arising from inadequate legal aid coverage for both criminal and civil litigants in BC. Ms Morris will contact your office to arrange a meeting.

Webcasts and podcasts of the presentations made at the launch of the two LRWC publications are now available and we invite you to make these available to members of your ministry.

- Webcasts of Legal Aid: A Right of a Privilege available:
<http://www.lrwc.org/legal-aid-a-right-or-a-privilege-video/>
 - The webcasts are also available on YouTube.
- Podcasts of Legal Aid: A Right of a Privilege available:
<http://www.lrwc.org/legal-aid-a-right-or-a-privilege-video/#Podcast>

N.B. scroll down to bottom of the page.

- Power Point accompanying the presentation by Lois Leslie available:
<http://www.lrwc.org/legal-aid-a-right-or-a-privilege-powerpoint-slides/>

The web and podcasts are divided into 5 sections featuring presentations by: Lois Leslie, author of the LRWC publications (Chapters 1 and 2); Michael Mulligan, Justice Austin Cullen and the Honourable Anne Rowles, retired Justice of the BC Court of Appeal (Chapter 3); Anthony Robinson and Birgit Eder (Chapter 4); Questions and answers moderated by lawyer Michael Mulligan (Chapter 5).

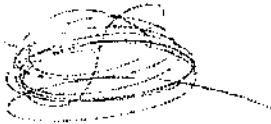
This LRWC project had three core purposes: to provide a reference for lawyers, judges, legislators and other advocates in their efforts to ensure equal access to justice through the provision of adequate legal aid; to review and compare Canadian jurisprudence and British Columbia practice with the international law standards relevant to Canada; and to inform and equip Canadian professionals on the obligations set out in international law.

The LRWC publications are available online and print copies can be purchased through lrwc@portal.ca.

- *The Right to Legal Aid: A Guide to International Law Rights to Legal Aid*
- *The Right to Legal Aid: How BC's Legal Aid System Fails to Comply with International Law Obligations*

We look forward to meeting with you and The Honourable Attorney General Suzanne Anton.

Sincerely,



Gail Davidson, Executive Director, LRWC
Copied to:

Catherine Morris
1745 Garnet Road,
Victoria, BC V8P 3K2
Email: cmorris@lampion.bc.ca

Michael Mulligan,
Mulligan Tam Pearson Law Corp.
3rd Floor - 536 Broughton St.
Victoria, B.C. Canada V8W 1C6
www.mtplaw.com

Schultz, Janis JAG:EX

From: Chalke, Jay JAG:EX
Sent: Friday, January 30, 2015 11:06 AM
To: Philippides, Edna M JAG:EX; Deitch, James JAG:EX
Cc: Schultz, Janis JAG:EX
Subject: RE: Meeting: Lawyers Rights Watch Canada

Yes, I think a BN for the meeting is needed.

From: Philippides, Edna M JAG:EX
Sent: Friday, January 30, 2015 10:58 AM
To: Chalke, Jay JAG:EX; Deitch, James JAG:EX
Cc: Schultz, Janis JAG:EX
Subject: FW: Meeting: Lawyers Rights Watch Canada

Good morning,

Please see below. Deputy hasn't asked for material, but I'm including you in this message, Jamie, in case either of you think material should be prepared.

E.

From: Richter, Connie JAG:EX
Sent: Friday, January 30, 2015 10:34 AM
To: Philippides, Edna M JAG:EX
Subject: Meeting: Lawyers Rights Watch Canada

Hi Edna,

The attached, for Jay's review, was discussed with the Minister recently.

It was decided that the DAG and Jay would meet with the LRWC members so I will work to schedule this meeting and I'll be in touch asap re the details.

C

Schultz, Janis JAG:EX

From: Deitch, James JAG:EX
Sent: Friday, January 30, 2015 5:40 PM
To: Chalke, Jay JAG:EX; Philippides, Edna M JAG:EX
Cc: Schultz, Janis JAG:EX
Subject: RE: Meeting: Lawyers Rights Watch Canada

Jay:

I have assigned this for an update next week.

Edna:

Please let me know and copy Janis when the meeting is set.

Thanks.

James Deitch
Executive Director
Criminal Justice and Legal Access Policy Division
Justice Services Branch
Ministry of Justice
3rd floor, 703 Broughton Street
PO Box 9243, Stn Prov Govt
Victoria, BC V8W 9J2

www.criminaljusticereform.gov.bc.ca
<http://www.gov.bc.ca/ag/index.html>

Phone: 250.387.2109
Fax: 250.356.6552
Cell: s.17

Please consider the environment before printing this e-mail

From: Chalke, Jay JAG:EX
Sent: Friday, January 30, 2015 11:06 AM
To: Philippides, Edna M JAG:EX; Deitch, James JAG:EX
Cc: Schultz, Janis JAG:EX
Subject: RE: Meeting: Lawyers Rights Watch Canada

Yes, I think a BN for the meeting is needed.

From: Philippides, Edna M JAG:EX
Sent: Friday, January 30, 2015 10:58 AM
To: Chalke, Jay JAG:EX; Deitch, James JAG:EX
Cc: Schultz, Janis JAG:EX
Subject: FW: Meeting: Lawyers Rights Watch Canada

Good morning,

Please see below. Deputy hasn't asked for material, but I'm including you in this message, Jamie, in case either of you think material should be prepared.

E.

From: Richter, Connie JAG:EX
Sent: Friday, January 30, 2015 10:34 AM
To: Philippides, Edna M JAG:EX
Subject: Meeting: Lawyers Rights Watch Canada

Hi Edna,

The attached, for Jay's review, was discussed with the Minister recently.

It was decided that the DAG and Jay would meet with the LRWC members so I will work to schedule this meeting and I'll be in touch asap re the details.

C

Schultz, Janis JAG:EX

From: Philippides, Edna M JAG:EX
Sent: Monday, February 2, 2015 2:52 PM
To: Deitch, James JAG:EX
Cc: Schultz, Janis JAG:EX
Subject: FW: Meeting: Lawyers Rights Watch Canada

FYI below – but not confirmed yet ...

From: Richter, Connie JAG:EX
Sent: Monday, February 2, 2015 1:18 PM
To: Philippides, Edna M JAG:EX
Subject: RE: Meeting: Lawyers Rights Watch Canada

Hi Edna,

Could you pls. hold Feb. 19th at 11AM for the meeting?

I will confirm asap.

C

From: Philippides, Edna M JAG:EX
Sent: Friday, January 30, 2015 11:21 AM
To: Richter, Connie JAG:EX
Subject: FW: Meeting: Lawyers Rights Watch Canada

Hi again, CJLAPD will prepare a briefing note for the Deputy for this meeting.

Thanks.

From: Philippides, Edna M JAG:EX
Sent: Friday, January 30, 2015 10:55 AM
To: Richter, Connie JAG:EX
Subject: RE: Meeting: Lawyers Rights Watch Canada

I'm sending this to Jamie as well to see if any materials need to be prepared. Has Richard asked for any material?

From: Richter, Connie JAG:EX
Sent: Friday, January 30, 2015 10:50 AM
To: Philippides, Edna M JAG:EX
Subject: RE: Meeting: Lawyers Rights Watch Canada

So sorry, it's here now.

From: Philippides, Edna M JAG:EX
Sent: Friday, January 30, 2015 10:47 AM
To: Richter, Connie JAG:EX
Subject: RE: Meeting: Lawyers Rights Watch Canada

Thanks Connie, will wait to hear.

Attachment ... ?

From: Richter, Connie JAG:EX
Sent: Friday, January 30, 2015 10:34 AM
To: Philippides, Edna M JAG:EX
Subject: Meeting: Lawyers Rights Watch Canada

Hi Edna,

The attached, for Jay's review, was discussed with the Minister recently.

It was decided that the DAG and Jay would meet with the LRWC members so I will work to schedule this meeting and I'll be in touch asap re the details.

C

Schultz, Janis JAG:EX

From: Philippides, Edna M JAG:EX
Sent: Tuesday, February 3, 2015 12:45 PM
To: Deitch, James JAG:EX
Cc: Schultz, Janis JAG:EX
Subject: FW: Meeting: Lawyers Rights Watch Canada

DAG is now looking at 5 March – more time to prepare the briefing note ... ☺

From: Richter, Connie JAG:EX
Sent: Tuesday, February 3, 2015 12:41 PM
To: Philippides, Edna M JAG:EX
Subject: RE: Meeting: Lawyers Rights Watch Canada

Hi Edna,

The 19th doesn't work so could you pls. hold March 5th at 1:30? It's ok for Jay, correct?

Thx, C

From: Philippides, Edna M JAG:EX
Sent: Monday, February 2, 2015 1:20 PM
To: Richter, Connie JAG:EX
Subject: RE: Meeting: Lawyers Rights Watch Canada

Done.

From: Richter, Connie JAG:EX
Sent: Monday, February 2, 2015 1:18 PM
To: Philippides, Edna M JAG:EX
Subject: RE: Meeting: Lawyers Rights Watch Canada

Hi Edna,

Could you pls. hold Feb. 19th at 11AM for the meeting?

I will confirm asap.

C

From: Philippides, Edna M JAG:EX
Sent: Friday, January 30, 2015 11:21 AM
To: Richter, Connie JAG:EX
Subject: FW: Meeting: Lawyers Rights Watch Canada

Hi again, CJLAPD will prepare a briefing note for the Deputy for this meeting.

Thanks.

From: Philippides, Edna M JAG:EX
Sent: Friday, January 30, 2015 10:55 AM
To: Richter, Connie JAG:EX
Subject: RE: Meeting: Lawyers Rights Watch Canada

I'm sending this to Jamie as well to see if any materials need to be prepared. Has Richard asked for any material?

From: Richter, Connie JAG:EX
Sent: Friday, January 30, 2015 10:50 AM
To: Philippides, Edna M JAG:EX
Subject: RE: Meeting: Lawyers Rights Watch Canada

So sorry, it's here now.

From: Philippides, Edna M JAG:EX
Sent: Friday, January 30, 2015 10:47 AM
To: Richter, Connie JAG:EX
Subject: RE: Meeting: Lawyers Rights Watch Canada

Thanks Connie, will wait to hear.

Attachment ... ?

From: Richter, Connie JAG:EX
Sent: Friday, January 30, 2015 10:34 AM
To: Philippides, Edna M JAG:EX
Subject: Meeting: Lawyers Rights Watch Canada

Hi Edna,

The attached, for Jay's review, was discussed with the Minister recently.

It was decided that the DAG and Jay would meet with the LRWC members so I will work to schedule this meeting and I'll be in touch asap re the details.

C

Schultz, Janis JAG:EX

From: Bowering, Paula JAG:EX
Sent: Thursday, February 5, 2015 10:40 AM
To: Deitch, James JAG:EX
Cc: Schultz, Janis JAG:EX
Subject: RE: Meeting: Lawyers Rights Watch Canada

Hi Jamie,

I am working on this BN. Do you have any specific information about what the DAG and Jay will be talking with the two lawyers about and what they want in the BN?

Thank you,
Paula

From: Deitch, James JAG:EX
Sent: Friday, January 30, 2015 5:39 PM
To: Bowering, Paula JAG:EX
Cc: Jackson, Wendy JAG:EX; Schultz, Janis JAG:EX
Subject: FW: Meeting: Lawyers Rights Watch Canada

Paula:

Could you prepare a BN on this issue next week working with Wendy? I think that we already did one earlier so it really is probably more of an update to inform the meeting which between the DAG and Jay and the two lawyers. I will let you know when the meeting is set.

Thanks.

James Deitch
Executive Director
Criminal Justice and Legal Access Policy Division
Justice Services Branch
Ministry of Justice
3rd floor, 703 Broughton Street
PO Box 9243, Stn Prov Govt
Victoria, BC V8W 9J2

www.criminaljusticereform.gov.bc.ca
<http://www.gov.bc.ca/ag/index.html>

Phone: 250.387.2109
Fax: 250.356.6552
Cell: s.17

Please consider the environment before printing this e-mail

From: Chalke, Jay JAG:EX
Sent: Friday, January 30, 2015 11:06 AM
To: Philippides, Edna M JAG:EX; Deitch, James JAG:EX
Cc: Schultz, Janis JAG:EX
Subject: RE: Meeting: Lawyers Rights Watch Canada

Yes, I think a BN for the meeting is needed.

From: Philippides, Edna M JAG:EX
Sent: Friday, January 30, 2015 10:58 AM
To: Chalke, Jay JAG:EX; Deitch, James JAG:EX
Cc: Schultz, Janis JAG:EX
Subject: FW: Meeting: Lawyers Rights Watch Canada

Good morning,

Please see below. Deputy hasn't asked for material, but I'm including you in this message, Jamie, in case either of you think material should be prepared.

E.

From: Richter, Connie JAG:EX
Sent: Friday, January 30, 2015 10:34 AM
To: Philippides, Edna M JAG:EX
Subject: Meeting: Lawyers Rights Watch Canada

Hi Edna,

The attached, for Jay's review, was discussed with the Minister recently.

It was decided that the DAG and Jay would meet with the LRWC members so I will work to schedule this meeting and I'll be in touch asap re the details.

C

Schultz, Janis JAG:EX

From: Deitch, James JAG:EX
Sent: Thursday, February 5, 2015 9:44 PM
To: Bowering, Paula JAG:EX
Cc: Schultz, Janis JAG:EX
Subject: FW: Meeting: Lawyers Rights Watch Canada

Paula:

Briefing is not until March 5 so if you can get me draft BN by Feb. 21 that would be great.

Thanks.

James Deitch
Executive Director
Criminal Justice and Legal Access Policy Division
Justice Services Branch
Ministry of Justice
3rd floor, 703 Broughton Street
PO Box 9243, Stn Prov Govt
Victoria, BC V8W 9J2

www.criminaljusticereform.gov.bc.ca
<http://www.gov.bc.ca/ag/index.html>

Phone: 250.387.2109
Fax: 250.356.6552
Cell: s 17

Please consider the environment before printing this e-mail

From: Philippides, Edna M JAG:EX
Sent: Tuesday, February 3, 2015 12:45 PM
To: Deitch, James JAG:EX
Cc: Schultz, Janis JAG:EX
Subject: FW: Meeting: Lawyers Rights Watch Canada

DAG is now looking at 5 March – more time to prepare the briefing note ... ☺

From: Richter, Connie JAG:EX
Sent: Tuesday, February 3, 2015 12:41 PM
To: Philippides, Edna M JAG:EX
Subject: RE: Meeting: Lawyers Rights Watch Canada

Hi Edna,

The 19th doesn't work so could you pls. hold March 5th at 1:30? It's ok for Jay, correct?

Thx, C

From: Philippides, Edna M JAG:EX
Sent: Monday, February 2, 2015 1:20 PM
To: Richter, Connie JAG:EX
Subject: RE: Meeting: Lawyers Rights Watch Canada

Done.

From: Richter, Connie JAG:EX
Sent: Monday, February 2, 2015 1:18 PM
To: Philippides, Edna M JAG:EX
Subject: RE: Meeting: Lawyers Rights Watch Canada

Hi Edna,

Could you pls. hold Feb. 19th at 11AM for the meeting?

I will confirm asap.

C

From: Philippides, Edna M JAG:EX
Sent: Friday, January 30, 2015 11:21 AM
To: Richter, Connie JAG:EX
Subject: FW: Meeting: Lawyers Rights Watch Canada

Hi again, CJLAPD will prepare a briefing note for the Deputy for this meeting.

Thanks.

From: Philippides, Edna M JAG:EX
Sent: Friday, January 30, 2015 10:55 AM
To: Richter, Connie JAG:EX
Subject: RE: Meeting: Lawyers Rights Watch Canada

I'm sending this to Jamie as well to see if any materials need to be prepared. Has Richard asked for any material?

From: Richter, Connie JAG:EX
Sent: Friday, January 30, 2015 10:50 AM
To: Philippides, Edna M JAG:EX
Subject: RE: Meeting: Lawyers Rights Watch Canada

So sorry, it's here now.

From: Philippides, Edna M JAG:EX
Sent: Friday, January 30, 2015 10:47 AM

To: Richter, Connie JAG:EX
Subject: RE: Meeting: Lawyers Rights Watch Canada

Thanks Connie, will wait to hear.

Attachment ... ?

From: Richter, Connie JAG:EX
Sent: Friday, January 30, 2015 10:34 AM
To: Philippides, Edna M JAG:EX
Subject: Meeting: Lawyers Rights Watch Canada

Hi Edna,

The attached, for Jay's review, was discussed with the Minister recently.

It was decided that the DAG and Jay would meet with the LRWC members so I will work to schedule this meeting and I'll be in touch asap re the details.

C

Schultz, Janis JAG:EX

From: Philippides, Edna M JAG:EX
Sent: Wednesday, February 18, 2015 10:53 AM
To: Schultz, Janis JAG:EX
Subject: FW: CONFIRMATION: Lawyers Rights Watch Canada

From: Richter, Connie JAG:EX
Sent: Tuesday, February 17, 2015 1:59 PM
To: Philippides, Edna M JAG:EX
Subject: RE: CONFIRMATION: Lawyers Rights Watch Canada

Hi Edna,

A brief note to follow up re the below please.

Also, fyi, the log number is 413103 (not 413013).

From: Philippides, Edna M JAG:EX
Sent: Wednesday, February 11, 2015 10:00 AM
To: Richter, Connie JAG:EX
Subject: RE: CONFIRMATION: Lawyers Rights Watch Canada

Okay, thanks. I'll check on status of the briefing note.

From: Richter, Connie JAG:EX
Sent: Wednesday, February 11, 2015 9:52 AM
To: Philippides, Edna M JAG:EX
Subject: RE: CONFIRMATION: Lawyers Rights Watch Canada

Good morning, Edna.

Further to the below, I have generated a referral line under log 413013 for the BN.

Thank you, C

From: Richter, Connie JAG:EX
Sent: Tuesday, February 10, 2015 4:33 PM
To: Philippides, Edna M JAG:EX
Subject: CONFIRMATION: Lawyers Rights Watch Canada

Hi Edna,

This meeting is now scheduled for March 10th at 9AM in the DAG's office.

The attendees will be Michael Mulligan and Catherine Morris.

On Jan. 30th you advised that CJLAPD would prepare a BN. Do you happen to know the status of it?

Thank you, C

From: Philippides, Edna M JAG:EX
Sent: Tuesday, February 3, 2015 12:44 PM
To: Richter, Connie JAG:EX
Subject: RE: Meeting: Lawyers Rights Watch Canada

Yes, looks good, thanks, I'm holding that time.

From: Richter, Connie JAG:EX
Sent: Tuesday, February 3, 2015 12:41 PM
To: Philippides, Edna M JAG:EX
Subject: RE: Meeting: Lawyers Rights Watch Canada

Hi Edna,

The 19th doesn't work so could you pls. hold March 5th at 1:30? It's ok for Jay, correct?

Thx, C

From: Philippides, Edna M JAG:EX
Sent: Monday, February 2, 2015 1:20 PM
To: Richter, Connie JAG:EX
Subject: RE: Meeting: Lawyers Rights Watch Canada

Done.

From: Richter, Connie JAG:EX
Sent: Monday, February 2, 2015 1:18 PM
To: Philippides, Edna M JAG:EX
Subject: RE: Meeting: Lawyers Rights Watch Canada

Hi Edna,

Could you pls. hold Feb. 19th at 11AM for the meeting?

I will confirm asap.

C

From: Philippides, Edna M JAG:EX
Sent: Friday, January 30, 2015 11:21 AM
To: Richter, Connie JAG:EX
Subject: FW: Meeting: Lawyers Rights Watch Canada

Hi again, CJLAPD will prepare a briefing note for the Deputy for this meeting.

Thanks.

From: Philippides, Edna M JAG:EX
Sent: Friday, January 30, 2015 10:55 AM
To: Richter, Connie JAG:EX
Subject: RE: Meeting: Lawyers Rights Watch Canada

I'm sending this to Jamic as well to see if any materials need to be prepared. Has Richard asked for any material?

From: Richter, Connie JAG:EX
Sent: Friday, January 30, 2015 10:50 AM
To: Philippides, Edna M JAG:EX
Subject: RE: Meeting: Lawyers Rights Watch Canada

So sorry, it's here now.

From: Philippides, Edna M JAG:EX
Sent: Friday, January 30, 2015 10:47 AM
To: Richter, Connie JAG:EX
Subject: RE: Meeting: Lawyers Rights Watch Canada

Thanks Connie, will wait to hear.

Attachment ... ?

From: Richter, Connie JAG:EX
Sent: Friday, January 30, 2015 10:34 AM
To: Philippides, Edna M JAG:EX
Subject: Meeting: Lawyers Rights Watch Canada

Hi Edna,

The attached, for Jay's review, was discussed with the Minister recently.

It was decided that the DAG and Jay would meet with the LRWC members so I will work to schedule this meeting and I'll be in touch asap re the details.

C

Schultz, Janis JAG:EX

From: Schultz, Janis JAG:EX
Sent: Tuesday, March 3, 2015 3:40 PM
To: Deitch, James JAG:EX
Subject: 414017 - DAG IBN re Lawyers' Rights Watch Canada Report
Attachments: 414017 - DAG IBN re LRWC Report.docx

Jamie: attached is the subject BN for your review/approval. Hard copy also provided.

Thanks.
Janis

Page 292 to/à Page 299

Withheld pursuant to/removed as

DUPLICATE

Schultz, Janis JAG:EX

From: Deitch, James JAG:EX
Sent: Thursday, March 5, 2015 12:09 PM
To: Schultz, Janis JAG:EX
Cc: Bowering, Paula JAG:EX
Subject: 414017 - DAG IBN re LRWC Report
Attachments: 414017 - DAG IBN re LRWC Report.docx

Follow Up Flag: Follow up
Flag Status: Completed

Janis:

Can you make changes and confirm with Paula about the two comments within?

I would like to brief Jay on this today.

Thanks, Jamie

**MINISTRY OF JUSTICE
JUSTICE SERVICES BRANCH
BRIEFING NOTE**

PURPOSE: For INFORMATION for Richard Fyfe, Deputy Minister

ISSUE: Lawyers' Rights Watch Canada Report – "The Right to Legal Aid: How British Columbia's Legal Aid System Fails to Meet International Human Rights Obligations."

SUMMARY:

- On October 1, 2014 Lawyers' Rights Watch Canada released a report titled "The Right to Legal Aid: How British Columbia's Legal Aid System Fails to Meet International Human Rights Obligations" (the "Report"). A compendium report was released at the same time titled "The Right to Legal Aid: A Handbook on International Law Rights to Legal Aid."
- The Report asserts that BC's legal aid system, including its statutory regime, fails to meet the international obligations by which BC is bound.
- The Report summarizes the services provided by the Legal Services Society in contrast to the articles of several international treaties and conventions, leading to the assertion that BC's legal aid system does not meet international obligations.
- The Report canvasses the various attempts at litigation around the issue of the "inadequacy" of legal aid funding/services in BC. It notes that litigation has failed to get any traction, and draws a link between the failed litigation and the fact that international obligations have not been asserted as a line of argument.

BACKGROUND:

Report summary

- The Report opens by canvassing the last 15 years of legal aid in BC – funding reductions in 2002, leading to service reductions and a wholesale restructuring of legal aid provision.
- The authors cite the Doust Report and others, noting that the service reductions have had the greatest impact on women and marginalized people; further that "...the provincial and federal government are at risk of legal challenges that they are failing to meet their statutory, common law, constitutional, and international obligations."
- Various articles of treaties and conventions are cited as a contrast to the legal aid services available in BC. For example, the International Covenant on Civil and Political Rights (ICCPR) states:

Article 14(3) In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

(d) – To be tried in his presence, and to defend himself in person or through *legal assistance of his own choosing*; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, *in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it.*
[emphasis added]

Page 302 to/à Page 303

Withheld pursuant to/removed as

s.13

**Appendix A – Government Messaging in Response to Report (Advice to Minister,
September 30, 2014)**

LAWYERS' RIGHTS WATCH REPORT 2014

Legal Aid Funding

MANDATE: Access to justice

VALUE: Our government recognizes the importance of supporting legal aid and is committed to encouraging innovation aimed at increasing access to justice.

TOP MESSAGES:

- We are aware of the report from Lawyers' Rights Watch Canada. Ministry staff is reviewing the report and considering its recommendations.
- As part of my mandate as Attorney General and Minister of Justice, I'm working hard to transform the system to ensure British Columbians have access to justice when they need it.
- We're increasing legal aid funding by an additional \$2 million in each of the next three years - bringing our total commitment to \$74.5 million in 2014/15.
- The extra \$6 million over the next three years will be used to fund five legal aid pilot projects:
 - Full-time family duty counsel at the Victoria Justice Access Centre
 - Provincial expansion of the Family LawLINE
 - An expanded criminal duty counsel pilot in two locations to be determined

- Implementation of a Parents Legal Centre for child protection matters
 - Testing of mediation referrals for family justice matters
- This extra funding will help increase access to family and criminal legal aid services, which will help support low-income British Columbians to find quicker resolutions with better outcomes.
- Access to justice, however, is more than access to court and legal representation. There are many situations – such as family law – where court is not the best option for resolving disputes.
- That's why government spends approximately \$30 million annually on access to justice services, such as family mediation at Family Justice Centres, Justice Access Centres and the Family Maintenance Enforcement Program.
- We are working on services to help prevent disputes, reach early resolutions and go to court only when necessary.

If asked about Canada's international human rights obligations:

- B.C. is fully aware of Canada's international human rights commitments.
- In fact, B.C.'s legal aid program provides legal representation in situations involving citizens' Charter rights, such as in criminal and child protection matters and in family situations where there is a risk of violence either to the applicant or his or her children.

If asked about enacting legislation:

- At this time we don't see the need to introduce a new law in this area. The Legal Services Society Act gives the LSS flexibility in determining how it can best deliver its services.
- Ministry staff is reviewing the report, however, we will consider its recommendations as we continue to work to improve access to justice for vulnerable British Columbians.

BACKGROUND:

The Lawyers' Rights Watch Report, "The Right to Legal Aid: How British Columbia's Legal Aid System Fails to Meet International Human Rights Obligations," will be released Oct. 1, 2014. The report asserts that B.C.'s legal aid system fails to meet international obligations that the province is bound by.

The authors of the report cite various other reports that assert government cuts to legal aid services have had the greatest impact on women and marginalized people. The report alleges "the provincial and federal governments are at risk of legal challenges that they are failing to meet their statutory, common law, constitutional, and international obligations."

To date, despite several attempts at litigation, it has not been demonstrated that British Columbia is failing to meet its Charter obligations. The authors of the Report make the case that in these attempts at litigation, a breach of international rights has not been asserted.

The report makes a total of 24 recommendations, including enacting legislation that would significantly expand B.C.'s legal aid program to ensure all people, regardless of economic status, would receive legal aid for most matters before the courts. The report also recommends the province engage in various forms of public engagement and inter-governmental dialogue — most of which the province is already doing in some capacity.

Recommendations:

1. legal aid is available to all people—regardless of economic, social, or any other status to access the courts in all matters—including civil, administrative and criminal cases to ensure a right to a remedy for protection not only of the civil and political rights and freedoms enshrined in the Charter, but also of internationally protected economic, social, and cultural rights;
2. legal aid is provided, regardless of a person's means, where the interests of justice so require;
3. "legal aid" is defined broadly, including, inter alia, legal education, access to legal information and other services provided for persons through alternative dispute resolution mechanisms and restorative justice processes, and any judicial or extrajudicial procedure aimed at determining rights and obligations;
4. effective legal aid is provided promptly at all stages of the judicial process;

5. particular attention is paid to the improvement of legal aid in the areas of family and poverty law;
6. particular attention is paid to the needs of marginalized, vulnerable and historically oppressed groups regarding effective access to the justice system—this includes an emphasis on ensuring meaningful access to legal aid for women, children, indigenous peoples, individuals subjected to torture, and groups with special needs;
7. leadership from an independent legal profession is involved in determining methods of delivery;
8. information on the right to legal aid is made available to the general public through all appropriate means;
9. legal aid is provided, where appropriate, to victims and witnesses of crime, including crimes of domestic violence.
10. persons are informed of their right to legal aid and other procedural safeguards prior to any questioning and at the time of deprivation of liberty;
11. persons urgently requiring legal aid at police stations, detention centres or courts are provided preliminary legal aid while their eligibility is being determined;
12. the right to a remedy is guaranteed in the event that access to legal aid is undermined, delayed or denied or if persons have not been adequately informed of their right to legal aid;
13. minimum qualifications and training of professionals and paralegals working for the legal aid system are established and maintained;
14. legal protection of the rights of women is guaranteed on the basis of functional equality with men and ensure effective protection of women against all forms of discrimination;
15. legal aid is accessible, age-appropriate, multidisciplinary, effective and responsive to the specific legal and social needs of children, and that children are always exempt from any "means test";
16. specific criteria are listed to determine eligibility for legal aid, particularly with respect to the limits of the financial means that trigger eligibility;
17. sufficient budgetary and human resources are allocated to ensure the maintenance of a comprehensive legal aid system that is accessible, effective, sustainable and credible;
18. where responsibilities to provide legal aid are shared among government and nongovernment legal aid providers, appropriate mechanisms are in place to facilitate effective coordination;
19. individuals have the right to appeal to an independent tribunal a decision on legal aid; and
20. the effectiveness and comprehensiveness of the legal aid system in British Columbia is consistently monitored, regularly reviewed, and continually improved.

LRWC also recommends the following:

1. British Columbia should fund efforts of non-government organizations providing human rights advocacy, especially those working in cooperation with an independent legal profession;
2. British Columbia should engage in national and international dialogue and expand public engagement on the topic of legal aid;

3. British Columbia should establish public-private and other forms of partnerships to extend the reach of legal aid; and
4. In future cases concerning the right to legal aid, counsel should make submissions on international treaties, customary international law, and other international law obligations in connection with the right to legal aid.

In 2014/15, the Legal Services Society is receiving an additional \$2 million per year for three years — a total of \$6 million — for legal aid initiatives in the areas of criminal and family law.

Program Area	Deputy / ADM	GCPE
W. Jackson -Sept. 30	J. Chalke - Sept. 30	PAO - Jim Zeeben - Sept. 30 L Mulholland - Sept 30 Tasha Schollen - Sept 30

Schultz, Janis JAG:EX

From: Bowering, Paula JAG:EX
Sent: Thursday, March 5, 2015 12:22 PM
To: Schultz, Janis JAG:EX; Deitch, James JAG:EX
Subject: 414017 - DAG IBN re LRWC Report

Hi Janis,

s.13

s.13 . It is my understanding that the briefing note is to support the DAG when he attends a meeting with representatives from lawyers rights watch Canada. As he may bring the briefing with him, I prepared the formatting in such a way as to make it easy for him to refer to things during discussion if necessary.

I hope this explanation makes sense. I'll leave it to you and Jamie to decide whether to leave the highlighting in or to remove it.

Paula

On Mar 5, 2015, at 12:13 PM, "Schultz, Janis JAG:EX" <Janis.Schultz@gov.bc.ca> wrote:

Hi Paula: As per Jamie's email below, would you please respond to his comments on the attached BN. His meeting with Jay is at 3:30.

Thanks very much.
Janis

From: Deitch, James JAG:EX
Sent: Thursday, March 5, 2015 12:09 PM
To: Schultz, Janis JAG:EX
Cc: Bowering, Paula JAG:EX
Subject: 414017 - DAG IBN re LRWC Report

Janis:

Can you make changes and confirm with Paula about the two comments within?

I would like to brief Jay on this today.

Thanks, Jamie

<414017 - DAG IBN re LRWC Report - March 5.docx>

Schultz, Janis JAG:EX

From: Bowering, Paula JAG:EX
Sent: Friday, March 27, 2015 10:07 AM
To: Schultz, Janis JAG:EX
Subject: LRWC report
Attachments: Right-to-Legal-Aid.BC-Fails-Sept.19.BN_.pdf

Hi Janis,

The report is attached. It was in my folders at:

s.15,s.17

Paula Bowering, Senior Policy Analyst
Criminal Justice and Legal Access Policy Division, Justice Services Branch, Ministry of Justice
3rd Floor, 703 Broughton Street, PO Box 9243 Stn Prov Govt, Victoria BC V8W 912
250-356-8062 desk, 250-208-7304 cell, 250-356-6552 fax, paula.bowering@gov.bc.ca

Schultz, Janis JAG:EX

From: Rawlinson, Kathleen JAG:EX
Sent: Friday, January 30, 2015 3:56 PM
To: Deitch, James JAG:EX; Wallbank, Cindy M JAG:EX; Schultz, Janis JAG:EX
Subject: 413481 - IBN-AG re LSS Tariffs
Attachments: IBN-AG re LSS Tariffs, Jan 27 2015.docx

Janis/Cindy: please provide this attached draft BN to Jamie for his review. However, Jamie, not sure how much effort you want to invest in reviewing this prior to us receiving the referral data from LSS (ETA of Tuesday Feb 3), but am sending it to you anyway as you originally asked for it by today, and gives Cindy & Janis a chance to cliff etc.

There's some info on the other 2 items, including the Task Force info Nancy provided, that you could review in the attached. I guess an option could be to separate the topics into 2 BNs (?) if we want to get it going faster.

Thanks,
Kathleen

From: Deitch, James JAG:EX
Sent: Monday, January 26, 2015 4:31 PM
To: Rawlinson, Kathleen JAG:EX
Cc: Jackson, Wendy JAG:EX
Subject: AG's request

Kathleen:

The AG this morning requested some further information about the LSS tariff and how the current level of payment affects the bar and options to address this.

The DAG has requested that we prepare a BN that would outline the comparison of tariff rates within Canadian jurisdictions, we have done this previously so this would really just be matter of updating the information.

Second aspect for BN would be showing the number of lawyers taking LSS referrals, the trend on these numbers and the regional aspects to this, e.g. the AG was travelling in the north-east last week and met with the bar in Fort St. John where she was advised that there is a particular challenge in obtaining local counsel to accept LSS referrals.

Finally the DAG suggested reference to the Law Society Task Force on Legal Service Providers which is looking at how legal services can be provided by non-lawyers in certain circumstances. Consideration of how this might apply to legal aid services would be worthy of consideration and discussion with LSS staff.

Sarah may be able to assist you with the research for this BN. Please discuss with Sherri to determine her availability.

I think the AG would like to have this information prior to the House returning on February 10.

If you could have a draft for me by Friday that would be great.

Thanks.

James Deitch
Executive Director
Criminal Justice and Legal Access Policy Division

Schultz, Janis JAG:EX

From: Rawlinson, Kathleen JAG:EX
Sent: Friday, February 13, 2015 2:22 PM
To: Deitch, James JAG:EX
Cc: Schultz, Janis JAG:EX; Wallbank, Cindy M JAG:EX
Subject: 413481 - RE: IBN-AG re LSS Tariffs Jan 27 2015
Attachments: IBN-AG re LSS Tariffs, Feb 13 2015 revised.docx

Jamie: I've marked up the attached with further research, for your review – there are quite a few updates. Hopefully it all makes sense.

Thanks,
Kathleen

From: Rawlinson, Kathleen JAG:EX
Sent: Wednesday, February 4, 2015 12:30 PM
To: Deitch, James JAG:EX
Cc: Schultz, Janis JAG:EX
Subject: RE: IBN-AG re LSS Tariffs Jan 27 2015

Jamie: yes, I will follow up. I was using existing, approved tariff info & wording from notes we already had, as discussed at last week's DMC and in the original 'AG's request' email – but I can do this additional research; it will just take some more time.

Thanks,
Kathleen

From: Deitch, James JAG:EX
Sent: Tuesday, February 3, 2015 6:32 PM
To: Rawlinson, Kathleen JAG:EX
Cc: Schultz, Janis JAG:EX
Subject: IBN-AG re LSS Tariffs Jan 27 2015

Kathleen:

I have made some revisions and added a number of comments where I think we should obtain additional information.

Could you follow up on this?

Thanks, Jamie

Page 313 to/à Page 322

Withheld pursuant to/removed as

s.13

Schultz, Janis JAG:EX

From: Schultz, Janis JAG:EX
Sent: Thursday, February 19, 2015 1:03 PM
To: Deitch, James JAG:EX
Cc: Wallbank, Cindy M JAG:EX; Rawlinson, Kathleen JAG:EX
Subject: 413481 - FW: IBN-AG re LSS Tariffs - Feb 19
Attachments: 413481 - IBN-AG re LSS Tariffs - revised Feb 19 2015.docx

Jamie: Attached for your review is the subject BN with Kathleen's latest changes.

Janis

From: Rawlinson, Kathleen JAG:EX
Sent: Thursday, February 19, 2015 12:57 PM
To: Schultz, Janis JAG:EX
Cc: Wallbank, Cindy M JAG:EX; Mason, Sarah JAG:EX
Subject: RE: IBN-AG re LSS Tariffs Jan 27 2015

Janis, here's the BN for Jamie's review, which is responding to his hard-copy version (which I'll put on your desk). I used the e-version you emailed me this morning -- only changed filename to have today's date. As requested, am cc'ing Cindy; not cc'ing Jamie; but also fyi'ing Sarah, to keep her apprised so she can do her EN on a related topic.

Thanks!
Kathleen

**MINISTRY OF JUSTICE
JUSTICE SERVICES BRANCH
BRIEFING NOTE**

PURPOSE: For INFORMATION of the Attorney General.

ISSUE: Legal aid tariffs, referrals and non-lawyer services.

SUMMARY:

- Legal aid tariff rates in BC have been the same since 2005 with the exception of the creation of the Exceptional Responsibility Premium (ERP) in 2010.
- Legal Services Society (LSS) tracks the number of lawyers accepting referrals by geographical areas of BC.
- The Law Society Task Force on Legal Service Providers is looking at how legal services can be provided by non-lawyers in some circumstances.

BACKGROUND:

Legal aid tariff rates

- A summary of tariff rates in Canadian jurisdictions, based on years of call, current to date (further detail is in Appendix A):

Years of Call	Hourly Rate
0 – 2 years	New Brunswick, criminal: \$58.00
	New Brunswick, civil: \$58.00
2 – 5 years	New Brunswick, criminal: \$64.00
2 + years	New Brunswick, civil: \$70.00
Less than 4 years	BC: \$83.90
	BC, junior counsel: \$62.93
	Ontario, Northern: \$114.33
	Ontario, all other areas: \$109.13
Less than 5 years	Newfoundland/Labrador: \$45.00
	Nova Scotia: \$70.00
4 or more years but less than 10	BC: \$88.10
	BC, junior counsel: \$66.07
	Ontario, Northern: \$128.63
	Ontario, all other areas: \$122.78
5 years or more	Newfoundland/Labrador: \$55.00
	Nova Scotia: \$80.00
	New Brunswick, criminal: \$70.00
	New Brunswick, civil: \$70.00
	BC: \$92.29
10 or more years	BC, junior counsel: \$69.22

	Ontario, Northern:142.93 Ontario, all other areas: \$136.43
	Nova Scotia: \$95.00 For offences for which the mandatory sentence is imprisonment for life (e.g. murder)
Enhanced fees	BC: \$125.00 BC, junior counsel: \$62.93 - \$83.90
Major Cases: Exceptional Responsibility Premium (ERP) rate (BC) Complex Criminal Case rate (ON)	BC: \$143.75 Ontario, Northern: \$163.72 Ontario, all other areas: \$161.05
Supreme Court matters	Newfoundland/Labrador: up to \$60.00
Articled Students	BC: \$62.93

- Tariff rates in **Alberta, Manitoba and Saskatchewan** are not designated in a manner close enough to BC's legal aid tariff system to allow for easy or equitable comparison. Information on those systems is outlined below, with reference sources:
 - **Alberta:**
 - In February 2008, Legal Aid Alberta launched a new tariff, for civil and criminal cases, that allowed roster lawyers to bill hours within a block without being restricted by a compartmentalized tariff. (See examples in Appendix A). The tariff has proven to be a useful and popular resource among roster lawyers.
 - **Manitoba:**
 - Legal Aid Manitoba (LAM) uses a mixed system, with about half the cases handled by lawyers on staff (57 in fiscal 2013/14) and half by lawyers from the private bar.
 - In fiscal 2013/14, LAM approved 81% of the total applications of 33,063, up slightly from the prior year at 77% of 33,286 applications.
 - Tariffs: see Appendix A for examples.
 - **Saskatchewan:** Legal Aid Saskatchewan currently offers two different billing options for criminal cases - an hourly rate or a fixed fee amount; for civil cases, the rate is hourly only. (See Appendix A for examples)

Legal Aid Referrals

Region	Total Lawyers in LSS database	Total Active Lawyers	Lawyers who took a referral in 2013/14	% of Lawyers who took referrals vs Lawyers active
Interior/East Kootenays	280	121	89	74%
North	184	63	47	75%
North West	87	36	29	81%
Okanagan/West Kootenays	366	117	86	74%
Out Of Province	57	10	6	60%
Surrey/Fraser Valley	753	302	204	68%
Vancouver Island	1,035	322	218	68%
Vancouver/Sunshine Coast	1,931	619	368	59%
Total	4,693	1,590	1,047	66%

- Notes on above table:
 - Region is based on a lawyer's office location;
 - A lawyer is considered active if he:
 - submitted an invoice to LSS in the past four years; or
 - had a referral since April 1, 2008; or
 - had a system 'id' created for him by LSS; and
 - has not been blocked in their system.
- LSS policy and practice: LSS normally refers clients to the lawyer of their choice if the lawyer practices within 80 kilometres of the court in which the matter will be heard, provided the lawyer is willing to take the case.
 - Criminal cases: clients may choose a lawyer from outside the community where the case will be heard under certain conditions (eg: possibility of life imprisonment).
 - Family cases: counsel is appointed from the community where the case is being heard. If no local counsel is available, a lawyer from a different community may be appointed.
 - Other situations: clients may be referred to a lawyer of their choice from outside the community where the case will be heard only if that lawyer agrees to waive travel fees and expenses.

Non-Lawyer Services

- The Law Society Task Force on Legal Service Providers (the Task Force) was created to develop a framework to enable regulation of other existing, or new, legal service providers. It has been focusing on the areas of public need and the types of services that are required to meet that need and whether enabling a service provider other than lawyers to provide legal services would address some access to justice issues.

Page 327 to/à Page 330

Withheld pursuant to/removed as

s.13

Page 331

Withheld pursuant to/removed as

DUPLICATE

10 or more	\$95.00 for offences for which the mandatory sentence is imprisonment for life (e.g. murder)
------------	--

Reference:
<https://www.novascotia.ca/just/regulations/regs/lagentar.htm>

New Brunswick

Tariffs / Hour

Criminal	2004-2005	2005-2011	2011-2013	2013-2014
0 – 2 years admitted to Bar	48	58	58	58
2 – 5 years admitted to Bar	54	64	64	64
5 + years admitted to Bar	60	70	70	70
Civil				
0 – 2 years admitted to Bar	43*	58*	58	58
2 + years admitted to Bar	(n/a)	(n/a)	62	70

*Regardless of years admitted to Bar

Reference:
<http://www.legalaid.nb.ca/en/uploads/file/Annual%20Report%20NBLASC%20-%20CSAJNB%20Rapport%20annuel%202013-2014.pdf>

Quebec

Quebec provides legal aid services through a mixed model of staff and private bar lawyers. The tariff of fees for lawyers in private practice is set out in an agreement between the Minister of Justice and the Barreau du Quebec. The current agreement is in effect until September 2017.

The agreement provides for a fixed fee for all legal services; no other fees, travel expenses or other expenses are eligible for reimbursement. Examples:

- For all services rendered until a decision on an agreement between the parties submitted a joint request for review of the judgment: \$400;
- Where legal aid is withdrawn under section 4.11.1 of the Act or the beneficiaries renounce before filing at the Registry of an agreement between the parties, the lawyer is entitled to all services he rendered at a flat fee of \$ 100.

Cliff: 413481
Date Prepared: February 19, 2015

Reference:
<http://www.barreau.qc.ca/fr/barreau/lois-reglements/>

Schultz, Janis JAG:EX

From: Deitch, James JAG:EX
Sent: Thursday, February 19, 2015 9:40 PM
To: Schultz, Janis JAG:EX
Cc: Wallbank, Cindy M JAG:EX; Rawlinson, Kathleen JAG:EX
Subject: 413481 - RE: IBN-AG re LSS Tariffs - Feb 19

One minor change on hard copy and back to Cindy to finalize and send to Edna for Jay's approval.

Thanks all!

James Deitch
Executive Director
Criminal Justice and Legal Access Policy Division
Justice Services Branch
Ministry of Justice
3rd floor, 703 Broughton Street
PO Box 9243, Stn Prov Govt
Victoria, BC V8W 9J2

www.criminaljusticereform.gov.bc.ca
<http://www.gov.bc.ca/ag/index.html>

Phone: 250.387.2109
Fax: 250.356.6552
Cell: 250.580.5612

Please consider the environment before printing this e-mail

From: Schultz, Janis JAG:EX
Sent: Thursday, February 19, 2015 1:03 PM
To: Deitch, James JAG:EX
Cc: Wallbank, Cindy M JAG:EX; Rawlinson, Kathleen JAG:EX
Subject: FW: IBN-AG re LSS Tariffs - Feb 19

Jamie: Attached for your review is the subject BN with Kathleen's latest changes.

Janis

From: Rawlinson, Kathleen JAG:EX
Sent: Thursday, February 19, 2015 12:57 PM
To: Schultz, Janis JAG:EX
Cc: Wallbank, Cindy M JAG:EX; Mason, Sarah JAG:EX
Subject: RE: IBN-AG re LSS Tariffs Jan 27 2015

Janis, here's the BN for Jamie's review, which is responding to his hard-copy version (which I'll put on your desk). I used the e-version you emailed me this morning – only changed filename to have today's date. As requested, am cc'ing Cindy; not cc'ing Jamie; but also fyi'ing Sarah, to keep her apprised so she can do her EN on a related topic.

Thanks!

Schultz, Janis JAG:EX

From: Rawlinson, Kathleen JAG:EX
Sent: Friday, February 20, 2015 10:22 AM
To: Mason, Sarah JAG:EX
Subject: FW: 413481 - IBN-AG re LSS Tariffs - revised Feb 19 2015
Attachments: 413481 - IBN-AG re LSS Tariffs - revised Feb 19 2015.docx

Sarah, here's the Jamie-approved version, attached.

From: Wallbank, Cindy M JAG:EX
Sent: Friday, February 20, 2015 10:21 AM
To: Philippides, Edna M JAG:EX
Cc: Vermaning, Tiny JAG:EX; Schultz, Janis JAG:EX; Rawlinson, Kathleen JAG:EX; Deitch, James JAG:EX
Subject: 413481 - IBN-AG re LSS Tariffs - revised Feb 19 2015

Hi Edna,
This BN is regarding Legal aid tariffs, referrals and non-lawyer services.

Over to you for ADM approval and onward.

Thanks,
Cindy

Page 336 to/à Page 340

Withheld pursuant to/removed as

DUPLICATE

Schultz, Janis JAG:EX

From: Deitch, James JAG:EX
Sent: Sunday, February 22, 2015 9:38 PM
To: Philippides, Edna M JAG:EX; Wallbank, Cindy M JAG:EX
Cc: Vermaning, Tiny JAG:EX; Schultz, Janis JAG:EX; Rawlinson, Kathleen JAG:EX
Subject: 413481 - IBN-AG re LSS Tariffs - revised Feb 19 2015

Edna:

No rush but it was a request from the AG.

Thanks.

James Deitch
Executive Director
Criminal Justice and Legal Access Policy Division
Justice Services Branch
Ministry of Justice
3rd floor, 703 Broughton Street
PO Box 9243, Stn Prov Govt
Victoria, BC V8W 9J2

www.criminaljusticereform.gov.bc.ca
<http://www.gov.bc.ca/ag/index.html>

Phone: 250.387.2109
Fax: 250.356.6552
Cell: s.17

Please consider the environment before printing this e-mail

From: Philippides, Edna M JAG:EX
Sent: Friday, February 20, 2015 12:28 PM
To: Wallbank, Cindy M JAG:EX
Cc: Vermaning, Tiny JAG:EX; Schultz, Janis JAG:EX; Rawlinson, Kathleen JAG:EX; Deitch, James JAG:EX
Subject: RE: 413481 - IBN-AG re LSS Tariffs - revised Feb 19 2015

Jay isn't back in Victoria until next Wednesday, and is swamped right now, so unless you tell me otherwise I'm going to leave this for him for next Wednesday rather than emailing it to him now, particularly as it is an information note without a 'required by' date.

Thanks.

From: Wallbank, Cindy M JAG:EX
Sent: Friday, February 20, 2015 10:21 AM
To: Philippides, Edna M JAG:EX
Cc: Vermaning, Tiny JAG:EX; Schultz, Janis JAG:EX; Rawlinson, Kathleen JAG:EX; Deitch, James JAG:EX
Subject: 413481 - IBN-AG re LSS Tariffs - revised Feb 19 2015

Hi Edna,

This BN is regarding Legal aid tariffs, referrals and non-lawyer services.

Over to you for ADM approval and onward.

Thanks,
Cindy

Schultz, Janis JAG:EX

From: Philippides, Edna M JAG:EX
Sent: Friday, March 6, 2015 3:22 PM
To: Schultz, Janis JAG:EX; Wallbank, Cindy M JAG:EX
Subject: 413481 - FW: BN - LSS Tariffs - CLIFF 413481
Attachments: 413481 - LSS Tariffs.pdf

FYI.

From: Dayman, Marlene JAG:EX
Sent: Friday, March 6, 2015 11:23 AM
To: Lalonde, Jarett JAG:EX; Langlands, Kevin J JAG:EX; Tennant, Laura JAG:EX; Walker, Nikki JAG:EX; Hansen, Lucy JAG:EX; Hughes, Candice JAG:EX
Cc: Richter, Connie JAG:EX; Philippides, Edna M JAG:EX; Schollen, Tasha GCPE:EX; Carwithen, Kelsie GCPE:EX
Subject: FW: BN - LSS Tariffs - CLIFF 413481

Hello,

Let's try this again with an attachment.....thanks Tasha for advising.....Mar

Marlene Dayman,
A/Senior Executive Assistant
Deputy Attorney General's Office, Ministry of Justice
PO Box 9290 Stn Prov Gov't, Victoria, BC V8W 9J7
Ph: 250-387-5211

This message, including any attachments to it, is not to be disclosed outside of the Provincial Government without prior written approval from the Ministry of Justice. If you have received this communication in error, please destroy the email message and any attachments immediately and notify me by telephone or by email.

From: Dayman, Marlene JAG:EX
Sent: Friday, March 6, 2015 10:47 AM
To: Lalonde, Jarett JAG:EX; Langlands, Kevin J JAG:EX; Tennant, Laura JAG:EX; Walker, Nikki JAG:EX; Hansen, Lucy JAG:EX; Hughes, Candice JAG:EX
Cc: Richter, Connie JAG:EX; Schollen, Tasha GCPE:EX; Philippides, Edna M JAG:EX
Subject: BN - LSS Tariffs - CLIFF 413481

Good morning,

Attached is a Briefing Note for the Minister's information.....thank you.....Mar

Marlene Dayman,
A/Senior Executive Assistant
Deputy Attorney General's Office, Ministry of Justice
PO Box 9290 Stn Prov Gov't, Victoria, BC V8W 9J7
Ph: 250-387-5211

Page 344 to/à Page 352

Withheld pursuant to/removed as

DUPLICATE

Wallbank, Cindy M JAG:EX

From: Wallbank, Cindy M JAG:EX
Sent: Friday, March 6, 2015 12:26 PM
To: Philippides, Edna M JAG:EX; Chalke, Jay JAG:EX
Cc: Deitch, James JAG:EX; Schultz, Janis JAG:EX
Subject: RE: CLIFF 413783 - LSS Budget Management Plan

Hi Edna, just to sum up our phone conversation...

Jamie would like both the tariff's BN (413481) and the LSS Budget (413783) BN's to be put on the agenda for the **same briefing**.

Thanks,

Cindy Wallbank

Administrative Assistant
Criminal Justice and Legal Access Policy Division
Justice Services Branch
Telephone: 250-387-6987
Email: Cindy.Wallbank@gov.bc.ca

From: Philippides, Edna M JAG:EX
Sent: Friday, March 6, 2015 12:07 PM
To: Chalke, Jay JAG:EX
Cc: Deitch, James JAG:EX; Schultz, Janis JAG:EX; Wallbank, Cindy M JAG:EX
Subject: RE: CLIFF 413783 - LSS Budget Management Plan

Yes, working on that right now, was just on the phone with Marlene. Turns out that although the briefing note was sent up (23 Feb), it hasn't yet been given to the DAG. So, Marlene and I have just sorted that out, I've explained the urgency to her and will send her a detailed request in an email right away, along with another copy of the briefing note which now has been revised to indicate a 'required by' date of 16 March rather than 31 March.

From: Chalke, Jay JAG:EX
Sent: Friday, March 6, 2015 11:57 AM
To: Philippides, Edna M JAG:EX
Cc: Deitch, James JAG:EX
Subject: CLIFF 413783

We need to get briefing of AG on LSS budget for 2015/16. That note is with DAG. But it is pretty urgent as otherwise AG is deemed to have approved if it doesn't happen next week. Straightforward – probably can happen in DAG regular briefing if need be.

Jay

Tariff Rates in Canada

British Columbia

<http://www.lss.bc.ca/assets/lawyers/tariffGuide/qtc/qtcApril2014.pdf>

Tiered Rates

Tier	Years of call	Block fees	Hourly rate
1	Less than 4 years	Amount specified in tariff item (Junior counsel: 75% of amount*)	\$83.90 (Junior counsel \$62.93)
2	4 or more years and less than 10 years	Applicable Tier 1 rate plus 5 percent	\$88.10 (Junior counsel \$66.07)
2	10 or more years	Applicable Tier 1 rate plus 10 percent	\$92.29 (Junior counsel \$69.22)

* Exception: Junior counsel receives 100% of the amount for legal services provided in court when the senior counsel was not in attendance.

Enhanced Fee Rates

Enhanced fees	Hourly rate
Senior counsel	\$125.00
Junior counsel	\$62.93 — \$83.90**

** LSS will determine the rate after considering the junior counsel's experience, qualifications, and the tasks assigned to junior counsel in the case.

Articled students

Important: When billing the hourly rate, claim the regular Tier 1 rate shown above (\$83.90), and LSS will adjust as necessary when processing your account.

	Block fees	Hourly rate
Articled students	Amount specified in tariff item	\$62.93

Alberta

Newfoundland and Labrador

s.13

s.13 Newfoundland and Labrador currently have the lowest tariff rates in the country.

Tier	Hourly rate
less than 5 years	\$45.00
5 years or more	\$55.00
Supreme Court matters	up to \$60.00

Nova Scotia

<https://www.novascotia.ca/just/regulations/regs/lagentar.htm>

A lawyer will be paid for preparation time and court appearances at the rates set out in the following table, according to the number of years experience the lawyer has practising law as a member of the Nova Scotia Barristers' Society or an equivalent organization in another jurisdiction.

Years experience	Rate per hour
less than 5	\$70.00
5 or more	\$80.00
10 or more	\$95.00 for offences for which the mandatory sentence is imprisonment for life (e.g. murder)

New Brunswick

http://www.legaid.nb.ca/en/uploads/file/NBLASC%20ANNUAL%20REPORT%202012-2013_FINAL.pdf

Tariffs / Hour

Criminal	2004-2005	2005-2011	2011-2012	2012-2013
0 – 2 years admitted to Bar	48	58	58	58
2 – 5 years admitted to Bar	54	64	64	64
5 + years admitted to Bar	60	70	70	70