

Strategic Case Assessment Program

The Legal Services Society (LSS) is developing a Strategic Case Assessment Program for large criminal cases involving Category IV offences. This program is not designed to reduce costs, but rather to achieve greater predictability of costs in long trials, a better allocation of scarce legal aid funding, and adequate resources to ensure better representation of clients in large criminal cases. LSS will implement the program by June 15, 2001.

New hourly tariff structure

LSS will introduce an hourly tariff structure for any case involving *Category IV* offences for which the anticipated length of the preliminary hearing or trial *exceeds ten half-days*. This new hourly structure replaces the current block tariff. LSS will authorize preparation fees at \$80 per hour less holdbacks in advance of the trial, based on a budget established in consultation with trial counsel and a case review lawyer at LSS. LSS will pay actual court attendance time for the case at the rate of \$80 per hour less holdbacks.

Advance budgeting process

The advance budgeting process will provide counsel with authorization for preparation time and confirm adequate funding for anticipated disbursements. This new program will streamline and expedite payment of accounts involving counsel fees or disbursements within the approved budget.

In developing the case budget, you will provide information about the main features of the defence case and the anticipated Crown evidence. You will be asked to estimate the length of the trial and identify *voir dire* issues, potential admissions, pre-trial motions, and issues involving expert opinion evidence and exceptional disbursement requirements. You may bill LSS for time spent on this advance budget process.

Your estimate of trial preparation time must identify specific amounts for each issue as part of the budget preparation process. A case review lawyer will be available to meet you and review relevant information for preparing the case budget. These budget preparation meetings will be scheduled at times that are convenient to you and will include the use of teleconferences and evening meetings as required.

Budget revisions

The budget proposed by the Strategic Case Assessment Program will be open to revision if trial events disclose unanticipated changes in duration or complexity of the case. You will be able to refer disputed budget issues to a review committee of senior practitioners who have the authority to change budget decisions in individual cases.

Summary

The benefits of this program include compensating you for actual preparation time, and dealing more equitably with the current uncertainty of collapse fees and extra fees. Advance budget decisions reached co-operatively by LSS case review lawyers and trial counsel will allow for more effective allocation of resources by addressing specific needs and costs in individual trials. LSS will not interfere with your trial strategy decisions.

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