

<p>Legal Aid Tariff Memorandum of Settlement</p> <p>Government of the Province of British Columbia and Association of Legal Aid Lawyers</p>	<p>Agreed to at 3:25pm on November 18, 2022</p>
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Memorandum of Agreement

Between:

HIS MAJESTY THE KING IN RIGHT OF THE PROVINCE OF BRITISH
COLUMBIA,
Represented by the Ministry of Attorney General
("The Ministry")

and

A.L.L. – ASSOCIATION OF LEGAL AID LAWYERS,
a society incorporated under the Societies Act, S.B.C. 2015 c. 18
("A.L.L.")

and

THE LEGAL SERVICES SOCIETY,
a corporation continued under the Legal Services Society Act, S.B.C. 2002, c.30
DBA Legal Aid BC ("LABC")

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Whereas the above parties have negotiated in good faith and have entered into a Tentative Agreement on November 18, 2022, the terms of the Tentative Agreement are as follows:

1. All proposals put forward by either party during this round of bargaining and not agreed to shall be deemed withdrawn on a without prejudice basis.
2. All parties shall recommend acceptance of the Tentative Agreement to their respective principals and advise the other parties of the result as soon as possible.
3. The parties will coordinate with respect to all internal communications to their principals for the purpose of gaining approval for the Tentative Agreement and all external communications related to the Agreement.



Keith Evans, Chief Negotiator, Province of British Columbia



Carol Baird Ellan, Chief Negotiator, Association of Legal Aid Lawyers



Michael J. Bryant, CEO, Legal Services Society (DBA Legal Aid BC)

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Tariff Agreement

Part 1: Tariff Increases

The hourly tariff rates paid by the Legal Services Society to lawyers for legal fees will be increased to the following for services rendered to clients on or after the listed dates below.

Year 1 – Effective April 1, 2022 –a flat \$0.25 increase to tariff rates plus a 3.24% increase:

Year of Call	Hourly Tariff
Less than 4 years	\$117.32
4 or more and less than 10	\$123.19
10 or more years	\$129.06

Year 2 – Effective April 1, 2023 – Increase rates by the annualized average of BC CPI (see Appendix 1) over twelve months starting on March 1, 2022 to a minimum of 5.5% and a maximum of 6.75%.

A minimum 5.5% increase results in rates of:

Year of Call	Hourly Tariff
Less than 4 years	\$123.77
4 or more and less than 10	\$129.97
10 or more years	\$136.16

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Year 3 – Effective April 1, 2024 – Increase rates by the annualized average of BC CPI (see Appendix 1) over twelve months starting on March 1, 2023 to a minimum of 2.0% and a maximum of 3.0%.

A minimum 2.0% increase results in rates of:

Year of Call	Hourly Tariff
Less than 4 years	\$126.25
4 or more and less than 10	\$132.57
10 or more years	\$138.88

All other tariff rates paid by the Legal Services Society to lawyers for legal fees, including the enhanced fee rate for complex criminal matters, will increase by the same percentages used to determine the rates listed above and will apply to services rendered on or after the dates listed above.

Note: The above increases will not apply to disbursements, including mediators, and researchers.

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Part 2: Flexibility Allocation (See Appendix 2)

- Payment to ALL to support the bargaining process
- Professional development for legal aid lawyers.
- An articling student program to develop, recruit and retain new lawyers to do legal aid work.

Part 3: Initiative for Indigenous Legal Aid Lawyers

Indigenous Travel Bursary Fund - \$20,000.00

- Allocate \$500 per Indigenous legal aid lawyer per year to support travel to an out-of-town conference/in-person training session relevant to the practice of legal aid such as a national conference, Indigenous law conference, etc. Any unused portion to be added to LABC bursary fund.

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Appendix 1

Cost of Living Adjustments

The parties agree that in determining the level of any Cost of Living Adjustments (COLAs) that will be paid out for work completed starting after April 1, 2023 and April 1, 2024, respectively, the "annualized average of BC CPI over twelve months" [in the Agreement] means the *Latest 12-month Average (Index) % Change* reported by BC Stats in March for British Columbia for the twelve months starting at the beginning of March the preceding year and concluding at the end of the following February. The percentage change reported by BC Stats that will form the basis for determining any COLA increase is calculated to one decimal point. The *Latest 12-month Average Index*, as defined by BC Stats, is a 12-month moving average of the BC consumer price indexes of the most recent 12 months. This figure is calculated by averaging index levels over the applicable 12 months.

The *Latest 12-month Average % Change* is reported publicly by BC Stats in the monthly BC Stats *Consumer Price Index Highlights* report. The BC Stats *Consumer Price Index Highlights* report released in mid-March will contain the applicable figure for the 12-months concluding at the end of February.

For reference purposes only, the annualized average of BC CPI over twelve months from March 1, 2021 to February 28, 2022 was 3.4%.

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Appendix 2 – Flexibility Allocation

Year 1: \$182,864.000

- One-time payment of \$90,000.00 to ALL to support the bargaining process.
- One-time payment of \$150.00 to 550 eligible lawyers* for use on CPD materials or toward programming. Lawyers must make an attestation that the funding will be used to support professional development, in order to receive funds.
- Remaining funding be put in Legal Aid BC's bursary fund for professional development.

* Lawyers who take a minimum of 20 legal aid contracts a year OR have \$50,000 in billings in a year.

Year 2: \$372,526.00

Articled Student Program

- Provide \$30,000 to each of 12 eligible firms to contribute to the overall cost of engaging an articled student.
 - The engaged articled student is expected to devote approximately 50% of their time to legal aid work.
 - Priority will be given to firms located outside Greater Vancouver Regional District (Metro Vancouver), Fraser Valley Regional District and Capital Regional District.
 - Twelve firms (including sole practitioners) will be recommended by ALL in consultation with LABC.
 - LABC will ensure that firms selected have billings that are sufficient to justify an articled student, and that there have been no identified issues with compliance with LABC policies.
 - Consideration will be given to addressing underserved practice areas (especially family and child protection) and emphasizing candidates of diverse and underrepresented backgrounds.
 - Firms must be in good standing with the Law Society.

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- Upon completion of the term, LABC and ALL will interview each student to gain input and insight about attracting new lawyers to legal aid work.
- Any remaining Year 2 funds will be added to the LABC bursary fund for professional development.

Year 3: \$372,526.00

- Same as year 2.