LSS introduces tiered rates for experience effective February 15, 2006

As a further step in our ongoing commitment to tariff renewal, the Legal Services Society (LSS) is introducing a three-tiered system of tariff lawyer compensation that provides for differential rates based on experience and the type of service. Initially, LSS will determine lawyer experience levels based on year of call, but this may change after future evaluation and with appropriate notice to the tariff bar.

The tiered rates will apply to accounts received on or after February 15, 2006, for which the referral service start date is January 1, 2004 or later.

The new tiered rates are as follows:

Tier	Years of call	Compensation rate
1	Less than 4 years	Published tariff rate
2	4 or more years and less than 10 years	Tier 1 rate plus 5 percent
3	10 or more years	Tier 1 rate plus 10 percent

Tiered rates will apply to most fee items listed in the *Guide to Legal Aid Tariffs*, including:

• the Family Tariff
• the CFCSA Tariff
• the Immigration Tariff
• the Appeals and Judicial Reviews Tariff
• fees related to category III and IV offences and s.278 Victim Representations in the Criminal Tariff.

The increased rates for Tiers 2 and 3 will *not* apply to the following:

• fees related to category I and II offences in the Criminal Tariff
• criminal enhanced fees
• the Duty Counsel Tariff (including Circuit Counsel)

The disbursements rates in the *Guide to Legal Aid Tariffs*, including the disbursements block fee in the Family Tariff (Limited Scope Services), are not affected by the introduction of tiered rates.

Background

The final report of the LSS tariff review, *Managing for Results: LSS Tariff Renewal*, recommended the adoption of a three-tiered system of rates as part of a five-year plan to implement a principled approach to compensation. (The report is available under the "For Lawyers" section of the LSS website at www.lss.bc.ca). The three-tiered system provides for increased tariff rates based on seniority, to better reflect the skills and expertise lawyers gain with experience. It also reflects standard compensation practice in the legal profession, where billing rates tend to increase with seniority. LSS hopes the tiered-rate increases will encourage experienced lawyers to continue accepting legal aid referrals, and attract newer lawyers with the expectation of future increases as they gain experience.

Calculating your rate

When processing your accounts, LSS will automatically calculate the tiered rate for each tariff item you claim on your billing form. The applicable rate is based on the type of tariff item, your call date, and the service start date of each referral. The service start date is listed on the referral form and is the date from which LSS authorizes you to bill for legal services provided to a client.

Criminal lawyers in tiers 2 and 3 may find that their accounts include a mix of tariff items, only some of which are eligible for the tiered-rate increase. For example, in a criminal case, your account may entitle you to payment at the tier 3 rate for a category III tariff item, and the tier 1 rate for a category II tariff item (since the tier 2 and 3 increases do not apply to category I and II offences). Please note that current criminal tariff rules for multiple-item billing continue to apply. If the tariff indicates that two services cannot be billed together, bill for the service with the higher fee. If two offence categories are included on one Information/Indictment, bill your services at the rate of the higher category.

If your account includes services provided by other lawyers, we will calculate the applicable rate based on the call date of the lawyer who provided the service and the referral service start date.

For call date, LSS will use the first day of the month and year you were called to the bar in British Columbia, as reported on your original application for an LSS vendor number. (Thus, if your actual call date was May 25, 1990, your call date for billing purposes would be May 1, 1990.) If you notice that our record of your call date is incorrect, or if you had an earlier call date in another Canadian jurisdiction, please notify LSS by e-mail (lssvendorinfo@lss.bc.ca). In the near future, LSS will upgrade the secure portion of the LSS website to allow you to update your own profile in the LSS computer system.

Preparing your accounts

Please continue to use the published tariff rates (the tier 1 rates) when preparing your accounts. When processing your account, LSS will automatically calculate and apply the applicable increase, if any, to the amount approved. For your own accounting purposes, you may wish to calculate any applicable increases and the adjusted account total in the "Lawyer use only" box on your billing form, so that your LSS cheque amounts match the amounts claimed in your submitted accounts. The adjustment amount LSS calculates will be printed on your cheque remittance.

LSS will upgrade its e-billing system this summer to automatically calculate the tiered rate for you.

Future changes

LSS will continue working collaboratively with the private bar to promote tariff renewal. These increases represent another step towards improving tariff compensation, following the elimination of holdbacks in July 2005, and the October 2005 introduction of new tariff items (see Notice to Counsel #47).

As the tiered-rate system represents a new approach to tariff lawyer compensation, LSS recognizes that it will be necessary to evaluate progress over time and make appropriate adjustments. LSS welcomes your feedback on the tiered-rate system and other tariff renewal initiatives. Please direct your questions or comments to lawyersresources@lss.bc.ca.

Edward Tanaka
Director, Legal Advice and
Representation