

Enhanced Fees and Exceptional Responsibility Premium policy

The Legal Services Society (LSS) will implement the *Enhanced Fees and Exceptional Responsibility* policy, effective **April 28, 2014**. The revised policy will apply to any Criminal Case Management (CCM) case that has not reached a conclusion by April 28, 2014.

The *Enhanced Fees and Exceptional Responsibility Premium* policy incorporates the Exceptional Responsibility Premium (ERP) into the Enhanced Fees policy and creates a single policy for additional compensation in Criminal Case Management (CCM) cases. CCM applies to all criminal cases where the preliminary hearing or trial is scheduled to last more than 20 half days.

The policy largely maintains current practice regarding enhanced fees. The number of cases approved for enhanced fees or the ERP is not expected to change, but the revised policy changes the decision-making criteria and process for the ERP.

Highlights of the policy include:

- both enhanced fees and the ERP will be payable from the date of LSS's decision;
- guidelines for determining whether enhanced fees or the ERP will apply to defence team members;
- streamlined language to reflect CCM policy and procedures; and
- whether or not Crown Counsel is being paid in "Recognition of Exceptional Responsibilities" (as per the British Columbia Crown Counsel Association Agreement with Respect to Crown Counsel) will remain a factor in LSS's decision about the ERP, but not a determinative one. Senior counsel will need to apply for the ERP and satisfy LSS that:
 - the particular CCM case is exceptionally costly, complex and serious,
 - counsel meets the requirements for enhanced fees, and
 - counsel has the executive management skills required to effectively and efficiently manage that particular CCM case.

The new ***Enhanced Fees and Exceptional Responsibility Premium policy*** will be available on April 28, 2014, on the LSS website (under Lawyers — LSS policies).

As always, we welcome your feedback regarding new policies. If you have any comments, please email them to lawyersresources@lss.bc.ca.

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