



Lawyer-Initiated Criminal Applications – Instructions

This document and the attached forms set out the process for a lawyer to initiate a legal aid application on behalf of a criminal client. The primary and preferred method for a client to apply for legal aid is by contacting the nearest **legal aid office** or the **LSS Call Centre (1-866-577-2525 or 604-408-2172** in Greater Vancouver). Lawyers should initiate an application only where, due to personal barriers or other good reasons, the client is unable to apply themselves by standard methods. The lawyer-initiated application process differs depending on whether or not the client is in custody.

For information on LSS's eligibility criteria, see the LSS website at https://legalaid.bc.ca/legal_aid/dolQualifyRepresentation for financial eligibility guidelines, and https://legalaid.bc.ca/legal_aid/criminalLaw for criminal coverage guidelines.

In Custody Application Process

For in custody clients, duty or defence counsel can initiate an application using the attached forms:

1. Read and explain the **Legal Aid Agreement (Form A)**. Clients must affirm to you that they will comply with the conditions.
2. Complete **In Custody Application (Form B)** on the client's behalf (* **asterisk denotes mandatory fields**).
3. Deliver the completed form to LSS: onlineapplications@lss.bc.ca or fax to **604-681-2719**.
4. The LSS Intake Reciprocal/Training Coordinator will process the application.

Out of Custody Applications

For out of custody clients:

1. Advise the client to contact the nearest legal aid office or LSS Call Centre to apply for legal aid.
2. If you have a new client who (1) is financially eligible (2) is unable to apply for legal aid and (3) has an urgent issue covered by legal aid, you may take the necessary steps to protect the client's interests and have the client make the application later. LSS will back-date the contract so you can bill for services reasonably provided on good faith in urgent circumstances.
3. If you acted for a client in urgent, coverable circumstances described in paragraph 2, but you can no longer reach the client, you may contact the LSS Intake Reciprocal/Training Coordinator directly at onlineapplications@lss.bc.ca to request either a short-term contract or **Criminal Early Resolution Contract (CERC)**. LSS will review these requests on case-by-case basis.

FORM A



Legal
Services
Society

British Columbia
www.legalaid.bc.ca

Client name: _____
Client birthdate: _____
LSS client no.: _____ LSS case no.: _____
Intake legal assistant name: _____ LSS office: _____
Date: _____ Fax no.: _____

Legal Aid Representation Services – Under Consideration

Legal Services Society (LSS) will review your application to determine whether we cover your type of case.

If we decide that you are not eligible for a lawyer to take your case, you will receive a letter explaining the reasons for that decision. If you do not agree with the decision, you can request a review of the refusal.

If we decide that you are eligible, we will assign a lawyer to take your case, as long as you agree to this Legal Aid Representation Services Contract.

Legal Aid Representation Services Contract

Contract rules

You will:

- tell LSS the truth about your case and your finances
- tell LSS if your finances change during your case
- let LSS and your lawyer share information about your case with each other
- let LSS access all records relevant to your case
- pay back LSS if your lawyer recovers enough money in your case
- pay back LSS for money spent on your case if you did not tell us your income changed

LSS will stop giving you legal aid if:

- you are no longer eligible, or
- you do not follow these contract rules

Agreement

This contract was read to you, and you said that you understand it and agree to it.

If you have any questions about this contract, please contact the LSS office where you applied for legal aid or talk to your lawyer.

Please read the attached *More Information About Your Legal Aid Contract* sheet that explains these contract rules and other LSS policies that apply to you and your case.



DATE: ____/____/____

Form B - In-Custody Application Information

(*asterisks denote mandatory fields)

Last Name*: _____

First Name*: _____

Date of Birth*: _____ Custody Location*: _____
(DD/MM/YY)

Address: _____
Number and Street

City: _____ Postal Code: _____

Phone or Email*: _____ OK to leave message? YES / NO

Out of Custody Income*? Amount: _____ Source of Income: _____

- Two or more contracts in the past 2 years*?
- Multiple Barriers / Mental Health / Physical Disability?

Charges (List top 2 if more than 2*):

Court Location/File #	Charge Information	Offence Date	Next Court Date

Confirmed Counsel* YES / NO Counsel requested by client? YES / NO

Name of Counsel: _____

Client was read, understands and agrees to the Legal Aid Contract Rules* YES / NO

Comments: