



**Evaluation of the
Criminal Early Resolution Contract**

**Year One
Final Report**

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Prepared for:

Legal Aid BC

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1.0 Introduction

Legal Aid BC (LABC) hired PRA to conduct an evaluation of its Criminal Early Resolution Contract (CERC). The evaluation will cover approximately one and a half years from the launch of the CERC (May 15, 2019) to January 2021 and will occur in stages, with the Year One report providing information on early implementation of the CERC based on two lines of evidence (an administrative data review and counsel survey). The Year Two report will include information on outcomes using additional lines of evidence and a pre/post comparison of selected court locations. This document is the Year One report, which is intended to provide a baseline and early findings.

2.0 Overview of the Criminal Early Resolution Contract

LABC introduced a new service on May 15, 2019, to expand its criminal legal aid services to clients who do not qualify for a full representation contract (LSS 2019b). The CERC builds on the pilot Expanded Criminal Duty Counsel (EXP CDC) project implemented in Port Coquitlam, which produced positive results. PRA evaluated the EXP CDC in October, 2017. The evaluation report concluded that the model supported efficient and effective delivery of more consistent and higher quality services. Benefits of services included more meaningful advice to clients and a reduction in the number of unrepresented accused persons in the court system who were appearing multiple times without counsel (PRA 2017). CERCs are available in all provincial court locations, including for matters in Port Coquitlam that do not meet the criteria for the EXP CDC project. CERCs are intended to augment, not replace, out-of-custody duty counsel services.

The concept for the CERC is to provide low-income clients who are not otherwise eligible for full representation under LABC eligibility guidelines the opportunity to have their case reviewed by a lawyer early in the remand process to determine if a resolution with the Crown might be reached and avoid using limited public resources on unnecessary criminal trials (PRA 2017). Currently, LABC denies full representation legal services to approximately 1,200 applicants annually – either because they exceed the financial eligibility threshold or because their case does not carry a penalty involving jail time (LSS 2019c). The CERC provides non-trial resolution services to clients whose monthly income exceeds the full coverage financial threshold¹ by up to \$1,000. Also, clients are eligible for assistance even if their case would not result in jail time upon conviction (LSS 2019b).

Under the CERC, counsel meet with clients early in the process to review the details of the case and to provide summary advice on options. If the client wants to explore resolution, counsel can negotiate potential dispositions with the Crown and, if a plea is reached, can also appear in court to speak on disposition. If the client is not interested in resolving the matter without a trial, counsel can provide summary advice on their options related to self-representation or legal representation. CERC services are limited to a 90-day period (although contracts can be extended through an application process if a longer time period is required) (LSS 2019b). Contracts cover all tariff items covered in standard full representation contracts, except preliminary hearing and trial fees, all disbursement items, and applicable travel authorizations. Fees for preliminary hearings and trials are not covered. Contracts are required to be billed within 60 days of the end of service (LSS 2019a).

¹ The current threshold for standard coverage begins at a monthly income of \$1,660 and increases based on household size up to \$5,640 for a household of seven or more (LSS 2020).

The anticipated benefits of the CERC include (LSS 2019c):

- ▶ allowing a wider range of individuals to access legal services which they could not previously access;
- ▶ allowing lawyers who do legal aid to help more clients who would otherwise have had to represent themselves; and
- ▶ reducing the use of court system resources on unnecessary court appearances through earlier resolution of more cases.

3.0 Methodology

The evaluation is guided by the evaluation matrix, which is included in Appendix A. For Year One of the evaluation, two lines of evidence were used.

3.1 LABC administrative data review

LABC provided PRA with data from its Case Information System (CIS) that responded to the evaluation questions. The data were generated on March 12, 2020, and included data on accepted and rejected adult criminal applications for service, as well as data for contracts related to the accepted adult criminal applications as of that date.² The data covered two time periods to enable some early comparisons between the pre-CERC and CERC periods.

- ▶ May 15, 2018 to December 31, 2018 (pre-CERC)
- ▶ May 15, 2019 to December 31, 2019 (from CERC launch to end of 2019)

The 72-day period between the last CERC date included in the analysis (December 31, 2019) and the date on which the data were generated (March 12, 2020) was to provide time for CERCs issued later in 2019 to be concluded and, correspondingly, to enable the evaluation to include as much data on the issued CERCs as possible.

The data analyzed did not include:

- ▶ youth cases, court-ordered cases, and cases without a standard criminal contract for full representation or a CERC because they are not subject to normal eligibility and coverage rules; and
- ▶ large criminal cases (managed through the Criminal Case Management program in consultation with defence counsel), as their length and costs are outliers.

Limitations or challenges: The LABC administrative data presented a few methodological limitations or challenges. As is true with most administrative data, it is mainly collected for operational rather than evaluation purposes, so some desired fields do not exist or data is collected in a different format than needed for the evaluation. As a result, some variables may need to be constructed from the available data or certain assumptions used in analyzing data.

² CIS data is continually updated and could be different if generated on a different date.

Where possible, table notes are included that detail how the data were used and interpreted. The list below provides the main limitations or challenges.

- ▶ Some analyses, such as the cost of CERCs and the rate of success in resolving cases, depended on considering closed or concluded CERCs. LABC administrative data does not record when a contract has concluded in a single field. There is a *contract closed reason* field that is used in certain situations (e.g., a contract was issued in error, there was a change of counsel), an *outcomes* field, a *service stop date*, and a *result date*. For this report, the *outcomes* field was used to determine if the contract was closed or completed, as the *service stop date* and *result date* are system-generated. Only once a lawyer has submitted an invoice will the outcome and cost of the contract be known. A closed contract was defined as one that concluded with or without a resolution on the charges. A completed contract was defined as one that concluded with a resolution on the charges or concluded without a resolution, but was not continuing as a CERC. More detailed definitions of how LABC administrative data were used to create the variables of closed or completed contracts are found in the table notes.
- ▶ A limitation to the analysis was the relatively short time horizon for the data. As noted earlier, the administrative data included CERCs issued between May 15, 2019 to December 31, 2019 (7.5 months) and the costs and outcomes entered into CIS as of March 12, 2020, when the data were extracted. Of the 939 CERCs issued, one third (33% or n=310) had a *service stop date* on or before March 12, 2020, and, of those, almost two thirds (63% or n=196) also had a *bill by date* on or before March 12, 2020. However, invoices have not yet been received for these CERCs, so their outcomes and costs are not yet known. This could be due to a number of reasons, including pending extension requests, delayed final billing, and/or delayed data entry into CIS. These CERCs are not included in the analysis of outcomes and costs.
- ▶ LABC administrative data did not support analysis for some indicators in the evaluation matrix. For example, the reasons for extensions are not systematically tracked. To mitigate this challenge, the survey asked counsel who requested extensions about the reasons for making the request.
- ▶ LABC administrative data does not track extension requests, so the evaluation cannot report on the number of extension requests not approved. For the purposes of reporting on approved requests, an extension request was considered to have been made and approved if the difference between the *contract date* and *service stop date* was more than 90 days.
- ▶ CERCs converted to standard adult criminal contracts may be undercounted in the data. There is a CERC-converted contract type, but a CERC can also be converted by being cancelled and reissued as a standard contract. Therefore, the number of CERCs converted may be undercounted in this report.³
- ▶ LABC administrative data has limitations for determining whether the applicants met eligibility requirements. Financial eligibility assessments are not always completed before contracts are issued, so financial eligibility data are incomplete. Substantive

³ In the CIS data, only one CERC had a *contract closed reason* of cancelled. However, in the early stages of recording contracts, others may have been cancelled and reissued as standard contracts. The exact number of converted contracts can therefore not be determined, but would not be materially different from the amounts reported in administrative data.

eligibility (risk of incarceration for standard adult criminal contracts) is noted in a field titled *risks noted on service requests*. However, the risks may change and the decision on the application may be based on risks not noted in CIS. Therefore, these results on eligibility must be treated with caution.

3.2 Online survey of counsel

Counsel who had a CERC were asked to respond to an online survey to gather information about their experiences providing services under a CERC and their opinions about this new type of legal services contract. The survey questionnaire was designed in consultation with LABC and is included in Appendix B.

The survey process was triggered when counsel submitted their invoice for services under a CERC. Once the triggering event occurred, the LABC system would send counsel an email that introduced the survey, requested their participation, and provided information regarding the CERC invoice that they were to consider when completing the survey. The email also included a link to the online survey with a unique PIN. By clicking on the link, counsel were directed to the survey located on PRA's servers.

To encourage responses, the survey was relatively short (i.e., required about five minutes to complete), and PRA provided up to two follow-up emails to counsel who had not completed the survey. LABC and PRA also decided to build up the responses to the survey by sending invitations to counsel who had submitted invoices for CERC services in November, prior to the survey launch (December 4, 2019).

The survey was open from December 4, 2019 until May 1, 2020 for Year One reporting. A total of 684 emails were sent to counsel inviting them to participate in the survey. Each email was for a unique CERC, therefore, a counsel could receive multiple invitations to complete the survey based on the number of CERCs for which they had submitted an invoice. A total of 173 responses were received for a response rate of 25%.

Wave	Completed	Sample size	Response rate
1	61	267	23%
2	14	85	16%
3	14	65	22%
4	22	62	35%
5	22	75	29%
6	25	69	36%
7	11	34	32%
8	4	22	18%
Total	173	679	25%

4.0 Findings

This section presents the results from the review of the LABC administrative data and the survey with counsel by the two main evaluation topics – the implementation of the CERC and its anticipated outcomes.

4.1 Implementation

4.1.1 Use of CERC

Between the launch of the CERC on May 15 to December 31, 2019, CERC contracts were issued in 7% of adult criminal applications received by LABC (n=925 of 14,255). During this period, total adult criminal applications increased by 782 (6%) from the same period in 2018, and the number of refused adult criminal applications decreased by 408 (15%). While there could be many contributing factors, the expansion of coverage due to the creation of the CERC could be a contributing factor for the decrease in refused adult criminal applications.

Result of adult criminal application	2018	% of total	2019	% of total	Change 2018 to 2019	% change
CERC issued	N/A	N/A	925	7%	925	N/A
Standard adult criminal contract issued	10,816	80%	11,081	78%	265	2%
Refused application	2,657	20%	2,249	16%	-408	-15%
Total adult criminal applications	13,473	100%	14,255	100%	782	6%

Note: Adult criminal applications can have multiple contracts issued, so if any one contract was a CERC, the application is counted in the CERC category. Refused adult criminal applications do not specify a type of contract.

The number of CERCs issued increased from 93 in May 2019 to a monthly high of 148 in September and then began declining until a low of 80 in December. The number of CERCs issued as a percentage of all adult criminal applications was highest (8.5%) in the first month CERCs were available and then decreased, fluctuating between 7.6% in September and a low of 5.1% in December.

Result of adult criminal application	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
CERC issued	93	117	138	134	148	106	109	80	925
Standard adult criminal contract issued	820	1,449	1,558	1,460	1,493	1,567	1,484	1,250	11,081
Refused application	186	298	328	274	305	319	310	229	2,249
Total applications	1,099	1,864	2,024	1,868	1,946	1,992	1,903	1,559	14,255
CERCs as % of total adult criminal applications	8.5%	6.3%	6.8%	7.2%	7.6%	5.3%	5.7%	5.1%	6.5%

Note: Adult criminal applications can have multiple contracts issued, so if any one contract was a CERC, the application is counted in the CERC category. Refused adult criminal applications do not specify a type of contract.

4.1.2 Client profile

Clients with CERCs were 29% female and 71% male. This is a higher proportion of female clients than those who are receiving standard criminal contracts (20% female, 80% male).

Table 4: LABC adult criminal applicants by gender (administrative data)								
Gender	CERC issued		Standard adult criminal contract issued		Application refused		Total	
	#	% of total	#	% of total	#	% of total	#	% of total
Female	270	29%	3,403	20%	994	24%	4,667	21%
Male	652	71%	13,516	80%	3,159	76%	17,327	79%
Other	2	0.2%	12	0.1%	5	0.1%	19	0.1%
Total	924	100%	16,931	100%	4,158	100%	22,013	100%

Note: Percentages may not sum to 100% due to rounding.
 Adult criminal applications can have multiple contracts issued, so if any one contract was a CERC, the application is counted in the CERC category. Refused adult criminal applications do not specify a type of contract.
 The results in this table are based on unique applicants. Applicants with multiple applications are represented in this table once.

Most CERC clients were under the age of 40. The distribution of clients by age is similar among issued contract types and refused adult criminal applications.

Table 5: LABC adult criminal applicants by age (administrative data)								
Age	CERC issued		Standard adult criminal contract issued		Application refused		Total	
	#	% of total	#	% of total	#	% of total	#	% of total
18 – 29	297	32%	5,023	30%	1,301	31%	6,621	30%
30 – 39	254	28%	5,736	34%	1,246	30%	7,236	33%
40 – 49	187	20%	3,608	21%	797	19%	4,592	21%
50 – 59	119	13%	1,963	12%	536	13%	2,618	12%
60 – 69 and unknown	67	7%	601	4%	278	7%	946	4%
Total	924	100%	16,931	100%	4,158	100%	22,013	100%

Note: Percentages may not sum to 100% due to rounding.
 Adult criminal applications can have multiple contracts issued, so if any one contract was a CERC, the application is counted in the CERC category. Refused adult criminal applications do not specify a type of contract.
 The results in this table are based on unique applicants. Applicants with multiple applications are represented in this table once.

Just over one quarter (26%) of clients receiving a CERC self-identified as Indigenous compared to 31% of clients for standard adult criminal contracts.

Indigenous ancestry?	CERC issued		Standard adult criminal contract issued		Application refused		Total	
	#	% of total	#	% of total	#	% of total	#	% of total
Yes	238	26%	5,238	31%	906	22%	6,382	29%
No	629	68%	10,945	65%	3,083	74%	14,657	67%
Unknown	57	6%	748	4%	169	4%	974	4%
Total	924	100%	16,931	100%	4,158	100%	22,013	100%

Note: Percentages may not sum to 100% due to rounding.
 Adult criminal applications can have multiple contracts issued, so if any one contract was a CERC, the application is counted in the CERC category. Refused adult criminal applications do not specify a type of contract.
 The results in this table are based on unique applicants. Applicants with multiple applications are represented in this table once.

The proportion of clients with identified disability needs is higher among standard adult criminal contracts than for CERCs. Conversely, this means that there is a higher proportion (90%) of clients with no identified disability who received a CERC than who received a standard adult criminal contract (82%).

Age	CERC issued		Standard adult criminal contract issued		Application refused		Total	
	#	% of total	#	% of total	#	% of total	#	% of total
Hearing or visual	1	0.1%	40	0.2%	11	0.3%	52	0.2%
Intellectual or learning	8	0.9%	304	2%	29	0.7%	339	1.5%
Mental health	71	8%	2,395	14%	212	5%	2,678	12%
Physical	13	1%	320	2%	57	1%	390	2%
None	831	90%	13,872	82%	3,849	93%	18,552	84%
Total	924	100%	16,931	100%	4,158	100%	22,013	100%

Note: Percentages may not sum to 100% due to rounding.
 Adult criminal applications can have multiple contracts issued, so if any one contract was a CERC, the application is counted in the CERC category. Refused adult criminal applications do not specify a type of contract.
 The results in this table are based on unique applicants. Applicants with multiple applications are represented in this table once.

4.1.3 Type of services received

The most commonly provided services under the CERC are consistent with the stated CERC objectives. Almost all survey respondents stated that they provided summary advice to clients on options (95%) and reviewed disclosure from the Crown (94%). Most respondents reported conducting negotiations with the Crown (87%) and/or attending court to speak to disposition (73%). A number of other advisory services were provided, such as referring clients to non-criminal legal (11%) and non-legal (24%) resources.

Table 8: Types of services provided under the CERC (survey data)

Q5. What types of services did you provide your client under the Criminal Early Resolution Contract?

Type of service	Total respondents (n=173)	
	#	%
Summary advice on options	165	95%
Review of disclosure from Crown (including police report)	163	94%
Negotiations with Crown	150	87%
Court attendance to speak to disposition	127	73%
Referrals to resources to assist with non-legal issues	41	24%
Bail variation	24	14%
Referrals to legal resources to assist with other (non-criminal) legal issues	19	11%
Assistance with sentencing/disposition	6	4%
Meetings, correspondence	2	1%
Court appearances (but not for disposition)	4	2%
Assistance with probation-related matters	2	1%
Converted to full certificate and resolved	1	1%
Written submissions (including Gladue report)	1	1%
Other	8	5%

Note: Respondents could provide more than one answer. Individual values may sum to more than total.

A low percentage of respondents stated that they provided any of the number of referral services included in Table 8 above (4% to 24%). As shown in Table 9, a large percentage (75%) of respondents who did not provide these services (n=119) indicated that referrals were not warranted. Just over one third of respondents (36%) also declined to provide these services because the client did not ask for them.

Table 9: Reasons referrals were not provided (survey data)

Q6. What were the reasons that you did not provide certain types of referrals to other resources?

Reason	Counsel who did not provide referrals (n=119)	
	#	%
Referrals not warranted under the circumstances	89	75%
Client did not ask for referrals	43	36%
Client already had access to relevant resources	9	8%
Lack of time to provide this type of assistance to client	2	2%
Unaware of other appropriate resources	1	1%
Other	7	6%

Note: Respondents could provide more than one answer. Individual values may sum to more than total.

Some respondents were not able to resolve criminal matters under the CERC (n=40). They were asked whether they provided advice related to legal resources to their client, who presumably would still require legal assistance. One quarter of these respondents (n=10 out of 40) provided advice on how to self-represent in court and about one sixth provided referrals to other legal resources (6 of 40 respondents).

Of the thirty respondents who had cases that could not be resolved through the CERC and also did not provide advice to clients on self-representation, almost half did not provide this advice because the client already had legal representation. Although the nature of this legal representation was not identified through the survey, CERCs permit the client to retain the counsel for trial representation (LSS 2019b), so this could be the reason that half of respondents selected this survey response, or clients might have already found legal representation for the remainder of their case. The other most common reasons for not providing advice related to self-representation were because the client did not request it (20%) and/or they lacked the capacity to understand this type of advice (20%).

Table 10: Reasons for not advising clients on self-representation (survey data)

Q7. What were the reasons you did not provide the client with advice or information on how to represent themselves in court?

Reason	Counsel who did not advise clients on self-representation (n=30)	
	#	%
Not relevant – client had legal representation	14	47%
Client did not ask for this type of information or advice	6	20%
Client had cognitive issues that meant they could not comprehend this type of information or advice	6	20%
Lack of time to provide this type of assistance to client	1	3%
Client could not be reached/disappeared	1	3%
Other	5	17%

Note: Respondents could provide more than one answer. Individual values may sum to more than total.

4.1.4 Request for extensions

LABC set the initial CERC service period at 90 days under the assumption that, if the client is interested in (and the case is appropriate for) early resolution, this should be sufficient time to explore that option. However, counsel can request an extension. Based on the LABC administrative data of completed CERCs,⁴ almost all (95%) CERCs received extensions, as did all completed CERCs that were converted to standard adult criminal contracts. The extension needed for most CERCs to be completed was not substantial, as the average number of service days was 100. As would be expected for CERCs converted to standard adult criminal contracts, the average number of service days was much longer (755 days). The service period for CERCs was increased to six months in April 2020 (LABC 2020).

	CERC (n=484)		CERC-converted (n=15)		Total (n=499)
	#	%	#	%	
No extension (1 to 90 service days)	24	5%	-	-	24
Extension (more than 90 service days)	460	95%	15	100%	475
Average number of service days	100		755		
Median number of service days	90		721		
Maximum number of service days	303		821		

Note: Percentages may not sum to 100% due to rounding.
LABC administrative data does not track extension requests; however, if the difference between contract date and service stop date is more than 90 days, an extension was approved.
Four CERCs had what appeared to be data entry errors (zero or negative service days) and are therefore not included in the statistics reported in this table.

The LABC administrative data provide outcomes at the level of the contract and list only the most significant results for the contract. However, each contract could have multiple informations that each address different charges. As a result, to get a better indication of the ability of matters to be concluded within the 90-day period, survey respondents were asked to report on resolutions by information. Of the 219 informations reported on by the 173 counsel responding to the survey, about half were resolved in the initial 90-day service period (44%), and another third were resolved with an extension (35%). One fifth (20%) were unable to be resolved.

Was the criminal matter resolved?	Number of informations (n=219)	
	#	%
Yes, within 90 days	96	44%
Yes, with extension	77	35%
No	43	20%
Not completed yet (requesting extension)	3	1%

Note: Individual values may sum to more than total.

⁴ LABC administrative data does not have a field to indicate when a contract is completed, regardless of whether there was a resolution. Consequently, the evaluation created this field for a completed contract based on the following criteria: the contract has an outcome that indicates a resolution and not an interim step (e.g., acquitted, alternative measures, guilty plea), or the CERC is concluded without a resolution (i.e., unresolved – file continuing with a contract stopped date that has passed).

Over one third (38% or n=65) of survey respondents were unable to resolve cases in 90 days. These respondents reported extension requests for a variety of reasons, most commonly to allow for additional information gathering by counsel or the Crown, or to allow for completion of a plea agreement.

Table 13: Reasons for requested extensions (survey data)		
Q3. What were the reasons for the requested extension(s)?		
Reason for extension request	Counsel who requested extensions (n=65)	
	#	%
To permit the Crown time to reassess or seek further information	29	45%
To prepare/obtain information in support of the client's position	27	42%
To allow client to complete an aspect of the plea agreement (e.g., community service, counselling)	23	35%
To accommodate client created delays (failed to appear, had personal issues, needed time to make decision)	7	11%
To allow conversion to full service certificate	3	5%
To accommodate Crown and/or co-accused counsel	3	5%
To prepare/obtain a Gladue report	2	3%
Other	8	12%

Note: Respondents could provide more than one answer. Individual values may sum to more than total.

4.1.5 Change of counsel

The proportion of CERCs with a change of counsel on a contract is a potential measure of efficiency, based on the assumption that the involvement of a second counsel adds time and cost to resolving a matter. As the CERCs are intended to result, if possible, in an early resolution within 90 days, the expectation is that few CERCs should experience a change in counsel. Table 14 shows that few CERCs (4%) had a change in counsel. When it occurred, it was most often initiated by counsel.

Table 14: CERCs with changes in counsel – May 15, 2019 – December 31, 2019 (administrative data)		
	#	% of total
Change of counsel – client initiated	15	1.6%
Change of counsel – lawyer initiated	23	2.4%
Change of counsel – LABC initiated	2	0.2%
No change of counsel indicated	899	96%
Total	939	100%

Note: Percentages may not sum to 100% due to rounding.
Adult criminal applications can have multiple contracts issued, so the total number of CERCs issued will not align with the number of applications for which CERCs were issued.

4.1.6 Timeliness of service

A potential LABC efficiency measure is the time between the intake interview date and the date of contract issuance, although the CERC is not necessarily expected to shorten that time period. Table 15 shows that the average amount of time between the intake interview date and the date of contract issue is longer for CERCs than for standard adult criminal contracts. The median for standard adult criminal contracts is zero, meaning that more than half the contracts were issued on the same day as the interview. To be precise, 56% of standard adult criminal contracts were issued the same day as the interview, while this was the case for only 33% of CERCs.

Type of contract	# of contracts	Average number of days	Median number of days	Maximum number of days	# of contracts issued on the interview date	% of contracts issued on the interview date
CERC ⁵	965	16	6	241	321	33%
Standard adult criminal contract	12,372	14	0	285	6,886	56%

4.1.7 Conversion to standard adult criminal contracts

In some instances, it is expected that CERCs will require more assistance to resolve than is covered by the CERC (e.g., court appearances beyond speaking to sentencing) and, if they meet the eligibility guidelines, these CERCs will be converted to standard adult criminal contracts, although this should be a minority of CERCs. Based on the LABC administrative data, three percent of CERCs (n=26) were converted to standard adult criminal contracts. However, as noted in Section 3.1, this analysis relies on the CIS field contract type for CERCs converting to standard adult criminal contracts, which may undercount the number of conversions.

Type of contract	#	% of total
CERC	939	97%
CERC converted to standard adult criminal contract	26	3%
Total	967	100%

Note: These results are based on contract type field in CIS.

⁵ The results for CERCs include those contracts initially issued as CERCs, which were later converted to standard adult criminal contracts. The timelines in Table 15 consider the initial issuance of the CERC.

4.1.8 Outcomes of closed CERCs

Most closed CERCs (92%) have a resolution as shown in Table 17. CERCs tend to have similar outcomes as standard adult criminal contracts, with the expected exception of acquittals, since CERCs do not include representation at a trial. The most common outcomes for CERCs were guilty pleas (65%), stays (13%), and peace bonds (8%).

Resolutions	CERC		CERC-converted		Standard adult criminal contract	
	#	%	#	%	#	%
Guilty plea	331	65%	7	39%	5,046	68%
Stay	68	13%	2	11%	798	11%
Peace bond	41	8%	2	11%	205	3%
Alternative measures	13	3%	-	-	17	0.2%
Discharged	13	3%	-	-	39	0.5%
No charge sworn	3	0.6%	-	-	47	0.6%
Acquitted	-	-	3	17%	48	0.6%
Found guilty	2	0.4%	1	6%	123	2%
Consent committal	-	-	-	-	9	0.1%
Mistrial	-	-	-	-	1	0.01%
Total – closed with resolution	471	92%	15	88%	6,333	86%
Contract closed without resolution						
Unresolved – file continuing (stop date has passed)	12	0.4%	-	-	68	0.9%
Unresolved – file closed	-	-	-	-	12	0.2%
Client proceeding alone	5	1%	-	-	16	0.2%
Change of counsel	4	1%	-	-	156	2%
Failure to appear	3	0.6%	-	-	53	0.7%
Bail – Released (interim step)	14	3%	1	6%	629	8%
Bail – Detained (interim step)	2	0.4%	1	6%	115	2%
Committed to trial	-	-	-	-	26	0.4%
Total – closed without resolution	40	8%	2	12%	1,075	14%
Total	511	100%	17	100%	7,408	100%

Note: Percentages may not sum to 100% due to rounding.
A closed contract has an outcome indicated in CIS (the fields of *N/A* and *unresolved – file continuing*, when the stop date was in the future, are excluded).
Each CERC could have multiple outcomes, which are given a hierarchy in the CIS data. The highest ranked outcomes are reported in the table.

4.1.9 Cost of completed CERC contracts

As expected, CERCs had a lower cost than standard adult criminal contracts. Completed CERCs had an average cost of \$620, which was approximately two thirds of the average cost of a completed standard adult criminal contract. The average cost for completed converted CERCs was \$1,020, slightly higher than the average for standard adult criminal contracts. Tariffs for fees increased by 25% on November 4, 2019, but because the analysis is not comparing costs over time, the impact of the increase on the average contract cost was not relevant for this report.

Table 18: Cost per completed LABC contract by contract type - May 15, 2019 – December 31, 2019 (administrative data)

Contract type	#	Average cost per contract	Median cost per contract	Maximum contract cost
CERC	488	\$620	\$536	\$2,714
CERC-converted to adult criminal contracts	15	\$1,020	\$869	\$2,612
Standard adult criminal contracts	6,407	\$950	\$776	\$11,735

Note: A completed contract is one with an outcome indicating a resolution (e.g., *acquitted*, *alternative measures*, *guilty plea*) or one in which the contract is concluded, but without a resolution (e.g., *unresolved – file continuing* with a contract stop date that has passed, *client proceeding alone*). Closed contracts with outcomes of *N/A* and *unresolved – file continuing*, when the stop date was in the future, are excluded.

4.1.10 Implementation issues and suggestions for improving CERC

Based on survey responses, most counsel (83%) did not experience difficulties with providing CERC services. The most common challenges included a lack of understanding of the CERC by clients (12%), the Crown (11%), or the Court (5%). Table 19 provides further details.

Table 19: Issues experienced in providing CERC services (survey data)

Q8. Did you experience any of the issues below with the Criminal Early Resolution Contract?

Issue	Total respondents (n=173)	
	#	%
No issues noted	143	83%
Client did not understand limits of your retainer	21	12%
Crown did not understand limits of your retainer	19	11%
Court did not understand limits of your retainer	9	5%
Denied extension of Criminal Early Resolution Contract when you believe it should have been granted	2	1%
Difficulty getting off the record*	1	1%

Note: Respondents could provide more than one answer. Individual values may sum to more than total.

*This response was only to be considered if the respondent answered Q1 (Were you able to resolve the criminal matter under the CERC?) with a “no” response (n=40).

An open-ended survey question provided an opportunity for respondents to provide suggestions for improvements to the CERC. Most respondents did not provide any suggestions for improvement to the CERC, as shown in Table 20. The most frequent suggestion for improvement (extending the referral time period) is discussed in detail below the table.

Table 20: Observations and suggestions for improvements to the CERC (survey data)		
Q10. Do you have any suggestions for improving the Criminal Early Resolution Contract?		
	Total respondents (n=173)	
	#	%
No comments	106	61%
Suggestions for improvement		
Referral needs to be longer than 90 days/Need more time for circuit court cases/one automatic extension	25	15%
Increase payment/doesn't cover time needed to provide services	7	4%
CERCs should have been regular referrals	7	4%
More flexibility in fee arrangements/hybrid contract/no trial fee referral	4	2%
Clients need better information so they understand the limits of the retainer	3	2%
Improve ability to convert to full service certificate	3	2%
Clients feel pressure to plead guilty	3	2%
Creates distrust between client and counsel	1	1%
CERCs do not work with current constraints on time/type of activities	1	1%
Issue earlier in process	1	1%
Worked well for particular type of case (waiver)	1	1%
Automate allowing counsel to get off record	1	1%
More flexibility in adding informations to CERC	1	1%
Positive comments		
Good idea/support CERC	9	5%
Worked well overall/for client	3	2%
Issue more CERCs	1	1%
Worked well for particular type of case (waiver)	1	1%
Other	5	3%
Already responded to this question on previous survey	3	2%

Note: Respondents could provide more than one answer. Individual values may sum to more than total.

The most frequently suggested improvement was related to the 90-day service period limit, with 15% of respondents suggesting that the referral period should be extended and/or should include one automatic extension if necessary. Several respondents explained that their experience shows that current court processes (time to assign Crown counsel, adjournments, length of the information gathering process, the use of circuit courts, time to negotiate with the Crown, time to prepare reports) make the 90-day period unrealistic. A six-month service period was suggested by several respondents.

As noted above, the court process for negotiation and providing advisory services is complex and time consuming. Seven respondents suggested that payment for CERC services is insufficient and should be increased. The quote below describes the general support for the CERC, but also the frustration with the compensation provided:

I was happy to help my client and knew when I took the retainer that it would not be enough, but I thought I'd try it. I also wanted to help this client. But for the future, the problem is, I probably put more effort into resolving a case like this well, than I would just going to trial. So I probably got paid for one hour of work and put in 20-30. I won't take another CERC.

Several respondents suggested that their CERC cases should have been standard legal aid referrals, with one respondent describing the new program as “a Band-Aid for the needed expansion of the legal aid system.”

Four respondents also suggested that more flexibility in contracts and fee arrangements is required. Revisions to the fee structure could include adding fees for written submissions to the Crown and for multiple Court appearances, or simplifying the fee structure to exclude trial fees only. This would allow Counsel to take the necessary time to resolve the case without having to worry about the timing and administration involved in filing an extension request.

Some respondents commented on their support for the new service. Nine respondents said that the CERC is a good idea and were supportive of ongoing service provision despite some of the challenges. One respondent noted, “Many previously disenfranchised accused are better helped now. I know that I also feel better respected for the otherwise pro-bono work I and most other LSS defence counsel routinely provide daily.”

4.2 Outcomes

Contribution to access to justice

CERCs contribute to access to justice by expanding financial eligibility and coverage to individuals who are not facing incarceration upon conviction. As Table 21 shows, most applicants receiving CERCs were ineligible for a standard adult criminal contract on either of those grounds. Over four fifths (86%) of individuals receiving a CERC would not have received a standard adult criminal contract. However, as noted in Section 3.1, the CIS data may not be completely up to date regarding financial and coverage eligibility, as circumstances can change. This likely accounts for the proportion of CERCs for which the available data on eligibility indicates that they were eligible for a standard adult criminal contract.

Table 21: LABC adult criminal applicants ineligible for a standard adult criminal contract who were issued a CERC (administrative data)		
Eligibility for a standard adult criminal contract	CERC issued (n=925)	
	#	%
Eligible financially	621	67%
Not eligible financially	304	33%
Meets coverage guidelines	269	29%
Does not meet coverage guidelines	656	71%
Eligible for legal aid representation contract (financial and coverage)	132	14%
Ineligible for legal aid representation contract	793	86%
Note: An applicant could be ineligible for a standard adult criminal contract based on one or both of the financial and substantive reasons.		

The rationale behind the CERC is that, by expanding coverage, more individuals will receive the assistance of counsel, thereby reducing the number of self-represented accused in Provincial Court. Survey results indicate that counsel are seeing that impact in court. Almost two thirds (62%) of respondents believe that the CERC had either a moderate or substantial impact on reducing the number of self-represented accused. Sixteen percent consider the impact to be minor or none. As the CERC is less than a year old, a quarter of respondents reported that it was too early to assess the impact of services on this indicator.

Table 22: Opinion on the impact of the CERC in reducing the number of self-represented accused in Provincial Court (survey data)		
Q9A. How would you describe the impact that the Criminal Early Resolution Contract had on reducing the number of self-represented accused in Provincial Court on the types of criminal matters covered by the Criminal Early Resolution Contract?		
Perceived level of impact	Total respondents (n=173)	
	#	%
Substantial	58	34%
Moderate	48	28%
Minor	14	8%
None	13	8%
Too early to say	39	23%
No response	1	1%
Note: Percentages may not sum to 100% due to rounding.		

Contribution to earlier resolution

By involving counsel early in cases so that they can explore resolution within the 90-day service period, it is hoped that the CERC will contribute to earlier resolution of cases. About two thirds of survey respondents believe that the CERC had either a moderate or substantial impact in facilitating early resolution for their clients. About a quarter reported minimal or no impact, while less than one tenth (9%) responded that it was too early to say.

Table 23: Opinion on the impact of the CERC in facilitating early resolution for clients (survey data)
Q9C. How would you describe the impact that the Criminal Early Resolution Contract had on facilitating early resolution for clients?

Perceived level of impact	Total respondents (n=173)	
	#	%
Substantial	55	32%
Moderate	60	35%
Minor	16	9%
None	26	15%
Too early to say	15	9%
No response	1	1%

Based on administrative data, for the 511 CERCs closed in 2019, the average number of days from the start of the contract to the result date was 59, which is slightly lower than the average of 65 days for standard criminal representation contracts. The average number of days varies significantly between different outcomes. For the most common outcomes (guilty plea, stay, peace bond), the average number of service days is lower for CERCs than standard contracts.

Table 24: Average service time of closed CERCs compared to other LABC contracts (administrative data)

Outcome	Average number of days from contract to resolution date		
	CERC (n=511)	CERC- converted (n=17)	Standard adult criminal contract (n=7,408)
Resolutions			
Guilty plea	55	113	61
Stay	80	103	90
Peace bond	63	183	102
Alternative measures	75	-	103
Discharged	64	-	68
No charge sworn	39	-	59
Acquitted	-	196	110
Found guilty	92	197	89
Consent committal	-	-	96
Mistrial	-	-	183
Contract closed without a resolution			
Unresolved – file continuing (stop date has passed)	70	169	42
Unresolved – file closed	59	-	92
Client proceeding alone	44	-	100
Change of counsel	47	-	68
Failure to appear	90	-	134
Bail – Released (interim step)	16	10	33
Bail – Detained (interim step)	18	74	57
Committed to trial	-	-	115
Total	59	131	65

There can be numerous reasons why cases are not resolved through the CERC. The most common reasons noted by survey respondents were that the client had a defensible position to take to trial (or the client took that position themselves) or an agreement could not be reached with the Crown. Eleven respondents indicated that the matter wasn't resolved in the initial 90-day period, as that amount of time was not sufficient.

Reason matter was not resolved	Counsel with unresolved informations (n=40)	
	#	%
Triable issue (client had defence to charges)	13	33%
Client's position	11	28%
90 days not sufficient time	11	28%
Crown's position (could not reach agreement)	6	15%
Client did not engage	3	8%
COVID 19 delays	3	8%
Change of counsel	2	5%
Extension not sufficient time	1	3%
Client wanted to self-represent	1	3%
Other	3	8%

Note: Respondents could provide more than one answer. Individual values may sum to more than total.

Contribution to greater efficiency for the court process

Providing counsel for CERC clients removes the ethical challenges for the Crown in negotiating an early settlement with self-represented accused. An increase in early resolutions should improve the overall efficiency of the court system. A majority of respondents (58%) think that the CERC has had a moderate or substantial impact on addressing ethical challenges for the Crown in discussing dispositions with self-represented accused. About a quarter believe that there was a minor impact or none, and 16% indicated that it was too early to say.

Perceived level of impact	Total respondents (n=173)	
	#	%
Substantial	47	27%
Moderate	53	31%
Minor	31	18%
None	14	8%
Too early to say	27	16%
No response	1	1%

Note: Percentages may not sum to 100% due to rounding.

As noted above, respondents reported that 44% of informations were resolved through the CERC without an extension (see Table 12) and LABC administrative data shows that most CERCs received an extension (see Table 11). In line with those results, about half of respondents believe that the CERC has had a moderate or substantial impact on reducing the number of court appearances. Over one third (38%) indicated that the CERC has had only a minor impact or no impact. Ten percent believe that it is too early to tell if the CERC has had an impact.

Table 27: Opinion on the impact of the CERC in reducing the number of court appearances (survey data)		
Q9D. How would you describe the impact that the Criminal Early Resolution Contract had on reducing the number of court appearances on the types of criminal matters covered by the Criminal Early Resolution Contract?		
Perceived level of impact	Total respondents (n=173)	
	#	%
Substantial	43	25%
Moderate	47	27%
Minor	26	15%
None	39	23%
Too early to say	17	10%
No response	1	1%

Note: Percentages may not sum to 100% due to rounding.

Similar results were obtained from respondents on their opinion of the CERC's impact on improving the efficiency of court resources. Half of respondents believe that the CERC has had either a moderate or substantial impact on enabling courts to focus resources on cases that need to go to trial. The remaining respondents were evenly divided between those reporting that there was a minor impact or no impact and those reporting that it was too early to say.

Table 28: Opinion on the impact of the CERC on efficient use of court resources (survey data)		
Q9E. How would you describe the impact that the Criminal Early Resolution Contract had on enabling courts to focus resources on cases that need to go to trial?		
Perceived level of impact	Total respondents (n=173)	
	#	%
Substantial	43	25%
Moderate	43	25%
Minor	20	12%
None	24	14%
Too early to say	42	24%
No response	1	1%

Note: Percentages may not sum to 100% due to rounding.

5.0 Conclusions

Based on analysis of survey results and administrative data, the following conclusions can be made regarding the main evaluation questions.

Implementation of the CERC

The evaluation found that the CERC has been implemented as intended and has been working well.

- ▶ Few changes in counsel have been required.
- ▶ A relatively small proportion (3%) of CERCs were converted to standard adult criminal contracts.
- ▶ Even though CERCs are new, counsel surveyed indicate that they had experienced few issues with clients, the Crown, or the court not understanding the limits of their retainer.
- ▶ Services are being provided as anticipated, as counsel surveyed indicate that they most commonly provide summary advice to clients on options, review disclosures, and negotiate with the Crown to determine if the case can be resolved without a trial.
- ▶ The average cost of completed CERC contracts (\$620) is lower than that of standard adult criminal contracts (\$950).
- ▶ CERCs as a percentage of all contract types declined monthly from the beginning of the program in May until December. This should be monitored on an ongoing basis to determine if willingness to accept CERCs becomes an issue that needs to be addressed.
- ▶ The one area of concern was the 90-day service period. Based on administrative data, 95% of completed CERCs required an extension and, when asked for suggestions for improving the CERC, the most common suggestion made by counsel surveyed was to extend the service period. LABC has already responded by extending the service period to six months as of April 2020, which was after the survey closed.

Contribution to access to justice

CERCs are serving their intended purpose of providing access to justice to clients who previously were not eligible for legal aid coverage, and CERCs are believed by counsel to have reduced the number of self-represented accused.

- ▶ Based on survey results, counsel believe that CERCs have contributed to a reduction in the number of individuals representing themselves in court.
- ▶ While there was an increase in the number of applications in 2019, fewer applications were refused coverage. By expanding coverage, the CERC program may have contributed to the reduction in the percentage of refused contracts.

- ▶ CERCs expanded coverage, as one third (33%) were issued to clients who did not meet the financial eligibility threshold, and 71% of clients were not substantively eligible under the guidelines for standard adult criminal contracts.
- ▶ The process for making coverage decisions for CERCs is timely. The average number of days between the interview day and contract issue date was only slightly longer for CERCs (16) than that for standard adult criminal contracts (14). The median number of days for CERCs was six days and zero days for standard adult criminal contracts.
- ▶ A minority of counsel surveyed reported providing referrals to their CERC clients. Just under one quarter (24%) of respondents provided referrals to resources to assist with non-legal issues, and just over one tenth (11%) provided referrals to legal resources to assist with non-criminal legal issues. The main reason provided by counsel for not offering referrals to their CERC client was that they considered referrals to be unwarranted under the circumstances.
- ▶ One quarter (25%) of survey respondents who were not able to resolve the criminal matters through the CERC provided advice on how to self-represent in court and just under one sixth (15%) provided referrals to other legal resources. This is an area for potential future exploration, as all, or at least most, CERC clients whose matter is not resolved should receive this advice and/or referrals.
- ▶ The majority (62%) of counsel surveyed believe that CERCs are resulting in fewer individuals representing themselves in court.

Impact on resolution of cases

CERCs are credited with supporting early resolution of cases and have outcomes similar to standard adult criminal contracts.

- ▶ Just over two thirds (67%) of survey respondents believe that the CERC has had either a moderate or substantial impact in facilitating early resolution for their clients. The average service period for completed CERCs (59 days) is also less than that of standard adult criminal contracts (65 days).
- ▶ CERCs have similar outcomes to standard adult criminal contracts, with about two thirds of completed contracts resolved through a guilty plea. CERCs were slightly more often resolved by stays, peace bonds, or alternative measures.

Impact on court efficiency

Survey evidence provides some support for the conclusion that CERCs are contributing to improving the efficiency of court processes. Fifty-eight percent of respondents believe that CERCs have positively impacted the Crown's ability to negotiate with clients who would previously have been self-represented. This would positively impact court efficiency by increasing the chance of an early, out-of-court resolution. Similarly, just over half (52%) of respondents believe that CERCs resulted in fewer court appearances and improved overall efficiency of the use of court resources. The Year One results indicate early success for the CERC in its implementation and achievement of its intended outcomes. With any new program, early results are preliminary and will require follow-up to determine if changes to the program (e.g., the extension of the service period) and a longer time frame will affect results. As evidenced in the survey of counsel, between 9% and 24% of counsel believe that it is too early to know if CERCs are having the intended impact on early resolution and court efficiency. The analysis of administrative data will also benefit from a longer time horizon, as more CERCs will be completed. That being said, the Year One results provide a baseline that will be useful in interpreting Year Two results.

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Appendix A – Evaluation Matrix

Evaluation matrix for the Criminal Early Resolution Contract (CERC) Service – Year One		
Questions	Indicators	Data sources
1. To what extent has CERC been implemented as expected?	<ul style="list-style-type: none"> • Number of CERCs granted (and as percent of LSS applications) over time • Number and percent of CERCs receiving extensions • Number and percent of CERCs with changes of counsel • Number and percent of CERCs converted to full representation contracts • Cost per CERC (minimum, median, mean, maximum) • Opinion of lawyers/stakeholders on any challenges with CERC 	<ul style="list-style-type: none"> • LSS CIS database • Lawyer survey
2. To what extent has CERC contributed to access to justice?	<ul style="list-style-type: none"> • More applicants accepted for coverage <ul style="list-style-type: none"> ○ Number and percent of LSS applicants who do not meet eligibility guidelines for full representation but received CERC ○ Comparison pre/post CERC of the number and percent of LSS applicants not accepted for any type of coverage (compare equivalent time period before CERC to time period since CERC has been offered) • Types of coverage expansion <ul style="list-style-type: none"> ○ Number and percent of applicants receiving CERC by reason – meet financial guidelines for full service but not coverage guidelines or meet coverage guidelines but not financial guidelines without expanded financial coverage • Potential gaps <ul style="list-style-type: none"> ○ Number and percent of LSS applicants who are not eligible for any coverage that close to financial discretionary coverage maximum amount (e.g., within 10% or 20%) • Timeliness of LSS service (interview date to contract issue date) compared to full representation contracts • Types of services provided by counsel • Referrals made by counsel to legal/non-legal services • Opinion of lawyers/other stakeholders on whether fewer self-represented litigants in types of cases covered by CERC 	<ul style="list-style-type: none"> • LSS CIS database • Lawyer survey
3. Has the CERC service led to the earlier resolution of cases?	<ul style="list-style-type: none"> • Number and percent of closed CERCs resolved by type of outcome (with and without extensions) • Number and percent of CERCs not resolved (i.e., outcome does not indicate resolution) • Number of days for CERCs that were resolved from contract issue date to resolution • Opinion of lawyers/stakeholders on reasons why CERC cases are not resolved • Opinion of lawyers/stakeholders on whether cases are resolved earlier • Opinion of lawyers/stakeholders on barriers to earlier resolution 	<ul style="list-style-type: none"> • LSS CIS database • Lawyer survey
4. Has the CERC service led to greater efficiency for the court process?	<ul style="list-style-type: none"> • Opinion of lawyers/stakeholders on whether the CERC has increased efficiency in the court process 	<ul style="list-style-type: none"> • Lawyer survey

Appendix B – Online Counsel Survey

Evaluation of the Criminal Early Resolution Contract

Welcome to the survey for the Evaluation of the Criminal Early Resolution Contract. PRA Inc. is conducting this survey of counsel on behalf of the Legal Services Society (LSS) of British Columbia. We would like to learn about your experiences providing services under a Criminal Early Resolution Contract and gather your opinions about this new type of legal services contract.

The survey takes five minutes to complete. Your participation is voluntary. The information that you provide is confidential; results will be reported in aggregate.

You may leave the survey at any time and come back later to complete the questions. If you do leave the survey prior to completion, we ask that you wait approximately 15 minutes to re-enter to give the survey a chance to refresh.

If you have any questions about the survey, please contact Amy Richmond of PRA Inc. at 1-888-877-6744 or richmond@pra.ca. If at any time you experience technical difficulties while completing the survey, please contact survey@pra.ca. If you have any questions about the evaluation, please contact Emma Doust, the Evaluations and Policy Coordinator for LSS, at emma.doust@lss.bc.ca.

We may link your survey responses to your Criminal Early Resolution Contract in order to obtain a more complete picture of the work completed under this contract. Please limit your responses to only those services provided for the client and the contract noted on your invitation email.

1. Were you able to resolve the criminal matter under the Criminal Early Resolution Contract? (If your contract includes multiple informations, please check all that apply based on the status of each information)
 - a. Yes, within 90 days
 - i. Please specify number of informations resolved within 90 days
 - b. Yes, with extension
 - i. Please specify number of informations resolved with an extension
 - c. No
 - i. Please specify number of informations not resolved
 - d. Not completed yet, as requesting extension (if 1d ONLY – go to end of survey and will contact again when matter is complete)
 - i. Please specify number of informations for which you are requesting an extension

If your Criminal Early Resolution Contract includes multiple informations, please respond to the following questions, considering the informations to which they are applicable (resolved, resolved with extension, not resolved). If the answer depends on more than one information, please answer based on the information that you believe is most representative of your experience.

2. (if answered Q1c) For the informations that were not resolved, did you request an extension?
 - a. Yes
 - b. No

3. (If answered Q1b or Q2a) What were the reasons for the requested extension(s)? Choose all that apply.
 - a. To allow client to complete an aspect of the plea agreement (e.g., community service, counselling)
 - b. To prepare/obtain a Gladue report
 - c. To prepare/obtain information in support of the client's position
 - d. To permit the Crown time to reassess or seek further information
 - e. Other (please specify)

4. (if answered Q1c) What were the reasons that the matter was not resolved? Choose all that apply.
 - a. Triable issue (client had defence to charges)
 - b. Crown's position (could not reach agreement)
 - c. Client's position
 - d. Client did not engage
 - e. 90 days not sufficient time
 - f. (if answered Q2a) Extension not sufficient time
 - g. Other (please specify)

5. What types of services did you provide your client under the Criminal Early Resolution Contract?
 - a. Summary advice on options
 - b. Review of disclosure from Crown (including police report)
 - c. Negotiations with Crown
 - d. Court attendance to speak to disposition
 - e. Bail variation
 - f. Referrals to resources to assist with non-legal issues
 - g. Referrals to legal resources to assist with other (non-criminal) legal issues
 - h. (if answered Q1c) Referrals to other resources to assist with criminal matter
 - i. (if answered Q1c) Advice or information on how to represent self in court
 - j. Other (please specify)
 - k. None, client never engaged (Skip to Q8)

6. (If did not indicate 5f-h) What were the reasons that you did not provide certain types of referrals to other resources? Check all that apply.
 - a. Unaware of other appropriate resources
 - b. Lack of appropriate resources in my community
 - c. Lack of time to provide this type of assistance to client
 - d. Referrals not warranted under the circumstances
 - e. Client did not ask for referrals
 - f. Other (please specify)

7. (if answered Q1c, but did not indicate 5i) What were the reasons you did not provide the client with advice or information on how to represent themselves in court? Check all that apply.
 - a. Not relevant – client had legal representation
 - b. Client did not ask for this type of information or advice
 - c. Client had cognitive issues that meant they could not comprehend this type of information or advice
 - d. Lack of time to provide this type of assistance to client
 - e. Other (please specify)

8. Did you experience any of the issues below with the Criminal Early Resolution Contract? Check all that apply.
 - a. Crown did not understand limits of your retainer
 - b. Court did not understand limits of your retainer
 - c. Client did not understand limits of your retainer
 - d. (if answered Q1c) Difficulty getting off the record
 - e. Denied extension of Criminal Early Resolution Contract when you believe it should have been granted
 - f. None of the above

9. How would you describe the impact that the Criminal Early Resolution Contract has had in the following areas? (will use scale: Substantial, Moderate, Minor, None, Too early to say).
 - a. Reducing the number of self-represented accused in Provincial Court on the types of criminal matters covered by the Criminal Early Resolution Contract
 - b. Addressing ethical challenges for Crown in discussing dispositions with self-represented accused
 - c. Facilitating early resolution for clients
 - d. Reducing the number of court appearances on the types of criminal matters covered by the Criminal Early Resolution Contract
 - e. Enabling courts to focus resources on cases that need to go to trial
 - f. Please list any other impacts that you have observed and rate them (will give two lines)

10. Do you have any suggestions for improving the Criminal Early Resolution Contract? (open-end)

Thank you for your time