

Private Bar Billing and Payments Modernization Questions and Answers

Private Bar

March 14, 2023

1. What is the status of the Private Bar Billing and Payments Modernization Project?
The Private Bar Billing and Payments Modernization Project began in October 2022. LAS hopes to complete the project in September 2023.

Below is a chart capturing the Modernization Report areas of focus and the status of activity as of March 2023:

Area of Focus	Project Activity Status – March 2023
LAS Structure, People	<ul style="list-style-type: none"> <input type="checkbox"/> Private Bar Services Director position created <input type="checkbox"/> Director PB Services, PB Clerks job descriptions developed
Policies	<ul style="list-style-type: none"> <input type="checkbox"/> Exceptional circumstances (“additional hours”) Policy drafted - <i>for consultation</i> <input type="checkbox"/> Criminal Case Management Policy drafted - <i>for consultation</i> <input type="checkbox"/> Billing and Payments Policies consolidated - PB Billing and Payments Handbook 2023
Processes	<ul style="list-style-type: none"> <input type="checkbox"/> Changes to how the panel bills legal aid accounts: Pending
Technology	<ul style="list-style-type: none"> <input type="checkbox"/> Request for IT Proposals drafted – business and functional requirements for online billing and payments system
Accountability	<ul style="list-style-type: none"> <input type="checkbox"/> Private Bar services accountability framework drafted – who is responsible for what at LAS
Performance Measurement	<ul style="list-style-type: none"> <input type="checkbox"/> Private Bar performance measures framework drafted – e.g., standard time to pay accounts
Private Bar Satisfaction/Recognition	<ul style="list-style-type: none"> <input type="checkbox"/> Opportunities to better support and recognize panel members - Pending

2. Is LAS consulting with the private bar on changes to billing and payments policies and processes?

Yes, LAS is consulting with the private bar – LAS wants to hear from you. Consultations will focus on changes to billing and payments policy and process, including the development of an online billing and payments system.

Over the next few weeks, LAS will schedule a focus group with some LAS panel members to discuss the new Exceptional Circumstances (“additional hours”) Policy and the Criminal Case Management Policy. The Private Bar Services Director will reach out to some members of the bar to join the focus group. Time commitment for the focus group is estimated at 2 hours.

Following the focus group, LAS will publish the draft policies on its website and invite online comment from the panel over a two week period.

And following wider panel input, LAS will launch a 3 month pilot with some members of the panel to ensure the policies, when applied, achieve some key objectives, including ease of use.

Later in the year, LAS will meet with the private bar to discuss changes to process, including how accounts are submitted and paid using an Online billing system.

The private bar voice is critical to ensuring policies and processes are clear, simple and easily understood, creating efficiency and reducing the administrative burden of billing legal aid accounts.

3. What is the new “Exceptional Circumstances” Policy about?

The Exceptional Circumstances Policy will replace the “additional hours” policy. It contains specific criteria to assist the panel in requesting payment for hours above the tariff. The criteria include factors such as “results obtained”, “complexity”, “forensic evidence”, etc. A panel member would complete an Exceptional Circumstances Payment Request Form and submit the Form with the account – approval of additional hours, prior to incurring those hours, would no longer be expected.

LAS looks forward to discussing the Exceptional Circumstances Policy with the bar in the coming months.

4. Why is LAS introducing a Criminal Case Management policy and process?

LAS is aware that some counsel have to rely extensively on requests for “additional hours” to address tariff limitations and receive payment for services essential to the defence of complex criminal matters. Under the new “Exceptional Circumstances” Policy, however, there may be nothing exceptional about a complex criminal case warranting the use of the exceptional circumstances policy.

In order to better support the criminal panel representing legal aid clients in costly complex criminal matters, LAS is developing a Criminal Case Management Policy and Process. For cases likely to exceed \$10,000 in fees and disbursements, Counsel would request a case management budget by completing a case management form.

LAS looks forward to discussing the Criminal Case Management Policy with the bar in the coming months.

5. Are any changes being made to the tariff?

LAS is aware that the criminal and family tariff has not been updated for many years, and the practice of law and court proceedings have changed substantially over that time. The Billing and Payments Modernization Project, however, focuses on billing and payments; it will not result in changes to the tariff.

LAS hopes to undertake a review of the tariff with the Legal Aid Commission to determine what changes are needed once our billing and payments policies and processes are modernized.

6. Who do I contact if I have questions and would like more information?

Should you have any questions regarding the Billing and Payments Modernization Project, please don't hesitate to contact CEO Jayne Mallin, jmallin@legalaid.sk.ca or Private Bar Services Director Cameron Schmunk, CSchmunk@legalaid.sk.ca