

Legal Services Society 2020 Tariff Lawyer Survey

PREPARED FOR

Kathryn Spracklin | Manager, Strategic Planning and Policy Sherry Poirier | Senior Policy Analyst



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Objectives, Approach & Methodology

BACKGROUND & OBJECTIVES



The Legal Services Society (LSS) has been conducting a lawyer satisfaction survey since 2004.

The goal of the survey is to ensure that legal aid lawyers are satisfied with their relationship with LSS and to confirm that LSS is supporting lawyers with the level of services and resources they require to effectively engage and help legal aid clients.

The study provides LSS with quantifiable performance measurements in areas that are set out in the LSS Service Plan and reported in the LSS Annual Service Plan Report and provides recommendations to improve LSS service for lawyers in the future.

The more specific objectives of the survey include:

- Measuring lawyers' satisfaction with legal aid contracts, authorizations and contract changes
- Measuring lawyers' satisfaction with LSS staff in terms of being professional, helpful and responsive
- Determining lawyers' support of legal aid's strategic goals and its perceived performance in reaching these goals
- Understanding to which other legal advice and information services (LSS and non-LSS services) lawyers have been referring legal aid clients
- Determining lawyers' awareness, usage and satisfaction with new expanded services and contracts

LSS commissioned Sentis Research, a professional market research firm, to conduct the Tariff Lawyer Satisfaction Survey. This report contains detailed findings from the 2020 study and, where applicable, includes trends from 2016 and prior.

METHOD





Email invitations sent to tariff lawyers who had taken a referral or billed LSS between September 1, 2018 to February 4, 2020



Survey open from: February 18 to March 6, 2020



16-minute online survey



Measures used to maximize response rates and encourage participation:

- An email communication from LSS prior to the survey launch
- Reminder emails
- Prize draw (5 prizes each valued at \$200. Winners had a choice of Amazon, Indigo or Best Buy Draw prizes)

Invites Sent	Surveys	Response	Margin of Error
	Received	Rate	(95% level of conf.)
1,045	332	32%	±5%



The final survey sample of 332 was mathematically weighted by gender, years since called to the bar, and number of LSS clients represented to ensure that it accurately reflected the total population of tariff lawyers



On the total sample, a difference of at least 7 points is required between waves to be statistically significant

In 2020, 332 lawyers completed the survey, for a 32% response rate (versus a 39% response rate in 2016 – the last time this survey was administered)



What's changed since the last survey in 2016?

To better understand the findings from this survey, it is helpful to have some background on LSS' environment and some of the changes the organization has made in the past few years.

Legal aid negotiations between the Ministry of Attorney General and Association of Legal Aid Lawyers in 2019 resulted in a Tariff Agreement providing lawyers with an increase in the amount they are paid to do legal aid work. This is the first survey of lawyers since that pay increase.

Further, the 2016 survey revealed that the number one way to improve lawyers' overall satisfaction with LSS was to demonstrate that their services are valued, **leading LSS to make numerous changes to their services**. **Specifically, LSS**:

- Added new services and increased the rates and hours for some services (including introducing Criminal Early Resolution Contracts, increasing general preparation hours from 25 to 35 hours for family cases, increasing rates for criminal provincial/supreme court fee and non-trial resolutions, adding a fee for Gladue submissions, and introducing an Indigenous client support fee for CFCSA and family cases.)
- Introduced 10 child protection clinics across the province (parents legal centres) that are staffed by LSS to provide CFCSA services.
- Substantially increased the number of bursaries available to lawyers
- Launched an improved LSS Online invoicing experience in 2018
- Transitioned Criminal case management cases from the Large case management system to the new invoicing system in 2018





HIGHLIGHTS





Contracts (p 14-16)

Lawyers are highly pleased with the support they receive from LSS staff and Local Agents when it comes to Duty Counsel, Representation and Family Lawline contracts (83%, 74% and 66% are satisfied, respectively).

The large majority of lawyers (84%) also feel that they receive contracts in a timely manner.



Authorizations & Contract Changes (p 17-21)

Nearly nine-in-ten lawyers (88%) have submitted a contract change or authorization request in the past two years, the four most common being change of counsel, change of contract dates (start, stop, bill-by), extra fees or additional preparation, and disbursements, travel fees or bail hearings (each submitted by about half of lawyers).

Lawyers are significantly more satisfied with the support they receive with contract changes and authorizations this year. Overall, two-thirds are satisfied with the support they receive from LSS staff during the process, up from broadly one-half of lawyers in the previous three waves.



Overall Support for LSS Lawyers (p 22-25)

The vast majority of lawyers (93%) have reached out to LSS for support in the past year and lawyers rate the support they received highly positively. The ratings for LSS Staff, the Helpdesk and Local Agents are summarized in the table below.

		LSS Staff	Lawyer Support Helpdesk	LSS Local Agent
	% of lawyers contacting in past year	84%	60%	44%
ee	Answered inquiries in a timely manner	87%	83%	87%
Agr	Was courteous	93%	93%	95%
%	Answered/resolved inquiry to their satisfaction	82%	82%	84%

HIGHLIGHTS





Overall LSS Performance (p 26-34)

This year compared to 2016, lawyers are much more satisfied with the overall support they receive from LSS. Currently, 75% of lawyers give positive marks in this regard, an 18-point increase over 2016.

Lawyers are also significantly more likely to feel that they are valued by LSS. Up from just 42% in 2016, 58% of lawyers agree that, tariff rates aside, LSS values their services.

With perceptions of LSS improving, it follows that intentions for taking legal aid contracts in the upcoming year are also moving in a positive direction. Specifically, more lawyers indicate that they intend to take more legal aid contracts in 2020/2021 and there are less lawyers indicating that they intend to take fewer contracts.

Intentions for 2020/2021	2020	2016
More contracts	39%	31%
Same number	38%	36%
Fewer contracts	18%	25%
No contracts	5%	8%



LSS Priorities (p 35-40)

LSS earns strong support from lawyers when it comes to its two strategic goals.

- 89% support that LSS should deliver services tailored to people's needs
- 78% support that LSS should advance reconciliation with Indigenous people by improving access to justice

When it comes to the effectiveness of LSS's three strategies for achieving its goals – developing and implementing: (1) expanded Indigenous services, (2) services for people with interrelated needs, and (3) cultural competency training for staff and service providers – half of lawyers feel they are effective strategies, 40% are unsure, and only 10% feel they are not be effective.

HIGHLIGHTS





Referrals to Other Services (p 41-43)

In line with past trends, nine-in-ten lawyers have directed a client to another LSS service, most commonly to family duty counsel (68%), criminal duty counsel (58%) or Local Agents/LSS intake (54%).

Meanwhile, eight-in-ten lawyers have referred an LSS client to a non-LSS service, most commonly mental health services (83%), addiction services (76%), or family counseling (69%).



New Expanded Services and Contract Types (p 44-50)

Of the 10 new expanded LSS services and contract types included in the survey, awareness ranges from a high of 75% for the Gladue fee to a low of 37% for travel for Indigenous non-local counsel. For most services, awareness hovers at around 50%.

Usage of the new services is relatively lower. The most commonly used services are the family general preparation hours (36%), followed by the Gladue fee and Criminal Early Resolution contracts (each used by 30%). For those who are aware of a given service but have not yet used it, it is largely simply because it is not relevant to their practice or area of law.

Lawyers who have used the services tend to feel that they do a good job of meeting their clients' needs. Lawyers give particularly strong ratings when it comes to the Gladue fee (92% feeling it does at least a good job), First Nations Court Sentencing (83%), and family general preparation hours (81%). Relative to the other new services, the two new contract types (Criminal Early Resolution contracts and Family Limited Representation contracts) tend to get more mixed reviews when it comes to how well they are meeting their clients' needs.

RECOMMENDATIONS & NEXT STEPS



LSS continues to make positive strides with the support it provides to its legal aid lawyers. The following recommendations are aimed at helping LSS further refine its efforts in this area.



Lawyers are more satisfied with LSS's service and support this year, which is likely due in large part to the increased tariffs and LSS's new expanded services.

LSS lawyers give more positive ratings across the board this year. In particular:

- 75% are satisfied with the overall support they receive from LSS (vs. 57% in 2016)
- 58% agree that LSS values their services (vs. 42% in 2016)
- 64% are satisfied with the support from LSS staff with contract change and/or authorization process (vs. 47% in 2016)

▶ It is likely that lawyers will continue to expect LSS to build on these recent improvements, so maintaining current service levels, keeping planning and decision-making transparent and maintaining open communication lines will be key to continued success on this front.



While lawyers support LSS's two strategic goals, they are less sure about the effectiveness of the organization's three strategies aimed at meeting these goals.

The large majority of lawyers support LSS's two strategic goals. Specifically, 89% support LSS's goal of delivering services tailored to people's needs and 78% support its goal of advancing reconciliation with Indigenous people by improving access to justice. However, when asked whether LSS's three strategies for meeting the goals are effective, there is less certainty. Half of lawyers feel that LSS's strategies of developing expanded Indigenous legal aid services, services for people with interrelated needs, and cultural competency training for staff and service providers are effective, but close to 40% are unsure.

▶ To be successful in achieving its goals, it is crucial that LSS has the support of tariff lawyers - both for the goals themselves *and* for the strategies it has set out to achieve them. The good news is that LSS already has lawyers' support for its goals and very few lawyers feel that LSS's strategies are ineffective – it is just that a notable proportion are unsure about the strategies. LSS needs to provide lawyers with a clear understanding of the strategies and the specific initiatives and actions that underpin them in order to secure their necessary advocacy and assistance.

RECOMMENDATIONS & NEXT STEPS



3

Continue to promote LSS's new expanded services and contract types among tariff lawyers and gather additional feedback on two of the new contract types (Criminal Early Resolution and Family Limited Representation).

Out of 10 new expanded services/contract types presented to tariff lawyers, half had awareness levels of about 50% or lower. Further, when it comes to meeting their clients' needs, lawyers give less positive assessments to Criminal Early Resolution contracts and Family Limited Representation contacts relative to LSS's other new expanded services. For those who indicated that these two new contracts have caused them to change their practice in some way, there is some indication that some lawyers will no longer take on these types of cases as it leads to limited options for their clients and limits the advice that they can provide.

▶ While this survey helped to gather initial feedback on these two new contract types, additional follow-up would be useful to capture deeper responses from lawyers and specific suggestions to improve them. Further, it would also be valuable to reach out to clients who have used these same contract types to get their perspective.



Ensure that CFCSA lawyers feel as well supported as lawyers who deal primarily with other areas of law; although only a small group of CFCSA lawyers completed the survey, they seem to give less positive ratings on a number of measures.

Out of the 332 lawyers completing the survey, 19 handle primarily CFCSA cases. This small group of lawyers gives below average ratings on several metrics, including:

- Overall support from LSS (58% of CFCSA lawyers are satisfied vs. 75% overall)
- Feeling that LSS values their services (34% agree vs. 58% overall)
- Support from LSS staff with contract change and/or authorization process (29% satisfied vs. 64% overall)

▶ CFCSA lawyers were not as critical in 2016, so as a starting point, LSS may want to examine the changes that have been made in the past few years in terms of how they have specifically impacted CFCSA cases and lawyers.









DETAILED FINDINGS

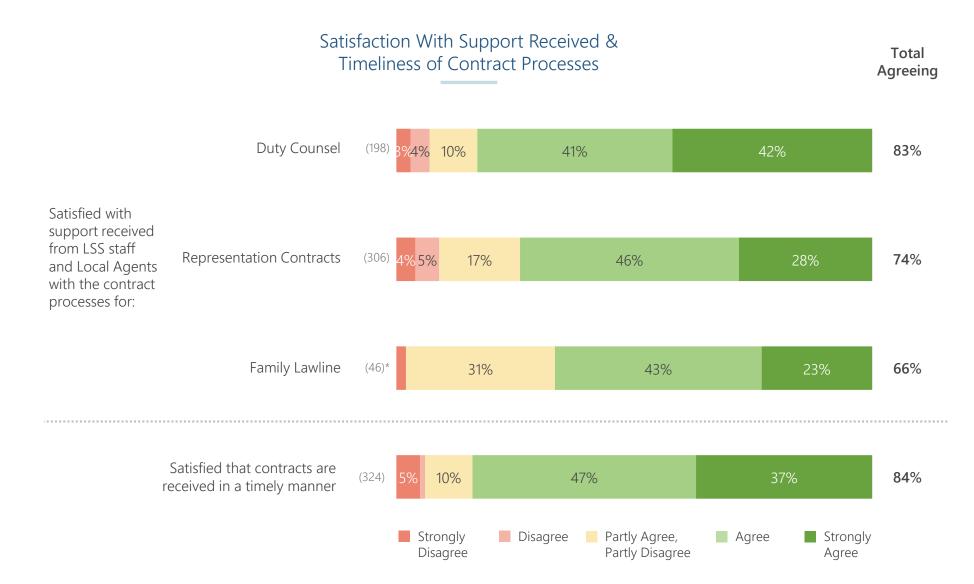
Contracts

The majority of lawyers are satisfied with the support they receive from LSS staff and Local Agents with contract processes.



Lawyers feel the most supported when it comes to Duty Counsel contracts (83% are satisfied), followed by Representation contracts (74%), and less satisfied when it comes to Family Lawline contracts (66%).

Relatedly, 84% of lawyers are satisfied that their contracts are received in a timely manner.



Base (among those with enough experience to say).

Q1. Overall, I am satisfied with the support I receive from LSS staff and Local Agents with the contract processes for: / Q5x. I am receiving contracts in a timely manner.

*In 2016 and prior: "Overall I am satisfied with the support I receive from LSS staff and Local Agents with the contract and contract changes processes." (Total agreeing: 2016 – 50%; 2013 – 75%; 2010 – 72%; 2007 – 79%; 2004 – 69%)

Lawyers were given the opportunity to share additional feedback about contracts.



Two-in-ten lawyers (23%) provided a comment about contracts. The most common observation shared is that contracts are not issued in a timely manner and/or that they are not receiving enough contracts.

Another 13% of this group wanted to commend staff for being helpful.

	Additional Comments About Contracts (Major Mentions Only)	2020
	Base (among those leaving a comment)	75
	% of all lawyers represented	23%
×	Contracts are not issued in a timely manner	17%
×	I am not receiving any contracts / receiving very few contracts	16%
V	Local LSS staff are very helpful	13%
×	Need better communication / service from LSS staff	8%
×	Information is incorrect / missing need more information	8%
×	Authorize additional hours when needed	8%
×	LSS processes are time consuming	5%
V	LSS processes are efficient	4%
×	Some lawyers receive more contracts than others / sense favouritism	4%
×	Decisions are made by staff with no legal training	4%
×	Contracts are sent to me without checking whether I would be willing to accept them	4%





DETAILED FINDINGS

Authorizations & Contract Changes

Compared to past waves, lawyers are significantly more satisfied with the support they receive from LSS staff regarding the contract change and authorizations process.

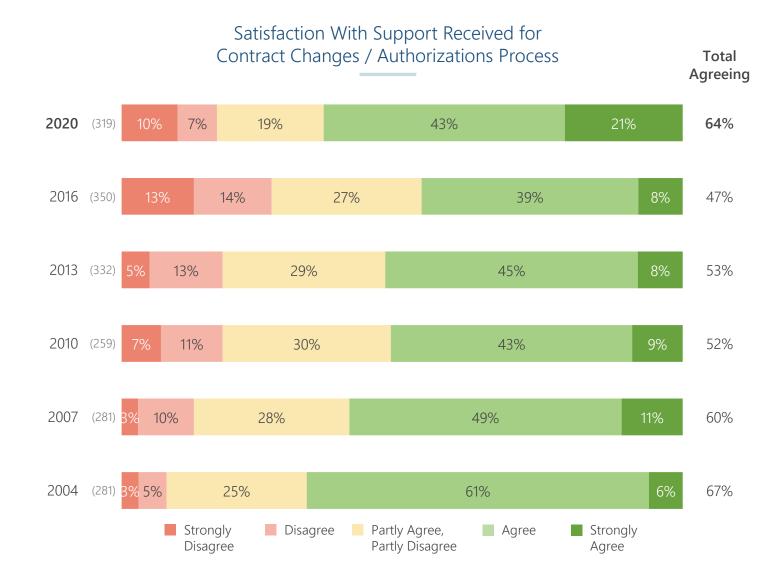


Two-thirds of lawyers are satisfied with the support they receive from LSS staff when it comes to contract changes and authorizations, including 21% giving top marks.

By comparison, just half of lawyers gave positive marks in 2010, 2013 and 2016.

Criminal lawyers give LSS its highest marks in this regard, while the small group of lawyers handling mostly CFCSA cases give relatively lower ratings – just 29% are satisfied.

% Agreeing By Area of Law								
CFCSA	Crim.	Fam.	lmm.					
(17)*	(142)	(132)	(28)*					
29%	71%	62%	63%					



^{*}Caution: small base size (n<50).

Base (among those with enough experience to say).

Q6. Overall, I am satisfied with the support I receive from LSS staff with the contract change and/or authorizations process. Note: Question wording has been modified year-over-year. Use caution when viewing trends.

Nine-in-ten lawyers report submitting a change or authorization request in the past two years.



The most common types of contract change or authorization requests are change of counsel, change contract start/stop/bill-by dates, extra fees or additional preparation, and disbursement/travel fees/bail hearings.

Each of these were submitted by broadly one-half of lawyers in the past two years.

Not surprisingly, the types of requests submitted varies by area of law.

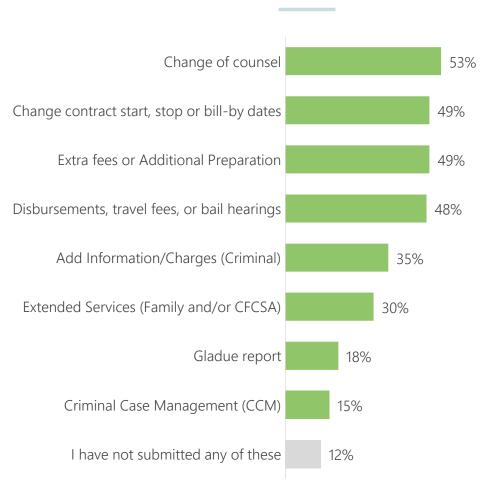
- 72% of criminal lawyers submitted an add information/charges request (vs. 35% overall).
- 73% of CFCSA lawyers and 49% of Family lawyers submitted a request to extend services (vs. 30% overall).
- 62% of criminal lawyers submitted change contract start, stop or billby dates (vs. 49% overall) and 36% issued Gladue reports (vs. 18% overall).



By Area of Law								
CFCSA Criminal Family Immigration								
(19)*	(145)	(139)	(29)*					
95%	95%	81%	82%					

Lawyers who are newest to legal aid (less than 3 years of experience) and those who represented less than 5 LSS clients are the least likely to have submitted a request (25% and 29%, respectively, have not vs. 12% overall)

Types of Change / Authorization Requests Made in Past 2 Years



Lawyers are generally satisfied that decisions are made in a timely manner but are less satisfied that logical explanations are provided about the decisions.



Lawyers submitting each type of contract change or authorization request were asked whether urgent and non-urgent decisions were made in a timely manner and whether logical explanations were given about the decisions.

For most request types, around 70% of lawyers feel that urgent decisions are made in a timely manner, 65% to 70% feel non-urgent decisions are made in a timely manner, and around 60% feel that they are provided with logical explanations.

Add information/charges requests and Gladue report requests are rated highest when it comes to getting urgent decisions in a timely manner. Gladue report requests are also rated highly when it comes to being given logical explanations about decisions.

Meanwhile, extended services requests receive the lowest ratings on all three measures.

% Agreeing that for Contract Changes / Authorizations...

(among those submitting each type of request)

	Base	Urgent Decisions Given in Timely Manner	Non-Urgent Decisions Given in Timely Manner	Logical Explanations Provided About Decisions
Change of counsel	(169-184)	70%	70%	69%
Change contract start, stop or bill-by dates	(158-175)	63%	62%	56%
Extra fees or additional preparation	(152-177)	68%	65%	56%
Disbursements, travel fees, or bail hearings	(139-159)	70%	65%	57%
Add information/charges (criminal)	(104-114)	78%	74%	71%
Extended services (family and/or CFCSA)	(100-115)	53%	51%	37%
Gladue report	(55-60)	78%	71%	76%
Criminal Case Management (CCM)	(41-43)*	68%	72%	63%

Relatively higher / lower than other types of requests

^{*}Caution: small base size (n<50).

Base (among those submitting request for each contract / authorization type): varies.

Q8-Q10. Regarding the contract changes and authorization requests you have submitted, please rate each one of the following: LSS staff provide urgent contract changes and/or authorization decisions in a timely manner. / LSS staff provides logical explanations about its contract changes and/or authorization decisions.

One-quarter of lawyers provided a comment about contract changes or authorizations.



Lawyers would mainly like to see faster responses and processing of authorizations and that additional hours are authorized when needed (each mentioned by just over onequarter of those leaving a comment).

Other suggestions include that lawyers should be compensated/paid more (17%*) and that LSS processes are time consuming and require too much paperwork (14%).

	Additional Comments About Changes / Authorizations (Major Mentions Only)	2020
	Base (among those leaving a comment)	88
	% of all lawyers represented	23%
×	Need faster responses / processing of authorizations / authorization from LSS takes too long	28%
×	Authorize additional hours when needed	27%
×	Need to be compensated / paid more	17%*
×	LSS processes are time consuming / involve too much paperwork	14%
×	Authorizations not approved with no explanations	8%
×	Issues with billing	6%
×	Need more information / guidance from LSS	5%
×	Staff are rude / hard to work with	5%
V	I am fine with the communications	5%





DETAILED FINDINGS

Overall Support for LSS Lawyers

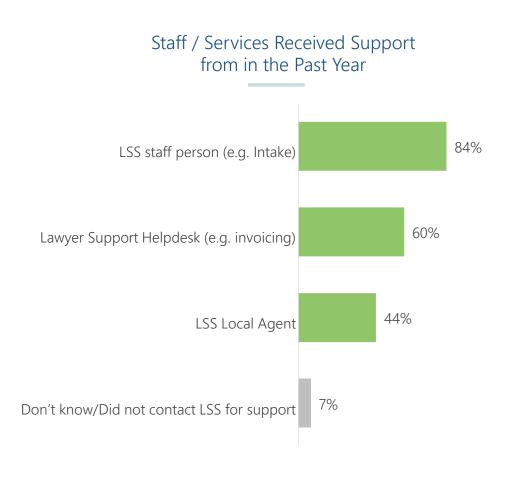
Almost all lawyers (93%) report reaching out to LSS and received support in the past year.



More specifically, 84% of lawyers have contacted LSS staff in the past year, 60% have contacted the Lawyer Support Helpdesk and 44% have contacted LSS Local Agents.

Lawyers working primarily on CFCSA and Family cases are relatively less likely to have contacted LSS for support in the past year compared to their counterparts working on Criminal or Immigration cases. That said, even among these lawyers, contact levels are high.





Lawyers rate the support they receive from LSS very highly – particularly when it comes to staff being courteous.



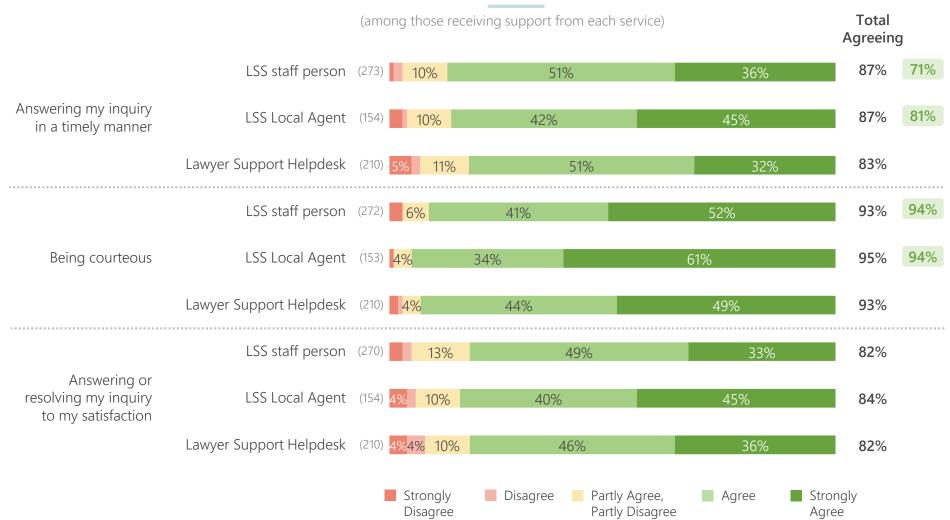
Among lawyers who interacted with LSS staff in the past year, 95% felt the staff person they dealt with was courteous, 87% felt the request was handled in a timely manner, and 82% felt their inquiry was resolved to their satisfaction.

Assessments of interactions with LSS Local Agents are highly similar, with the exception that lawyers are more likely to give top marks (i.e. they strongly agree rather than agree they are satisfied with the interaction).

Compared to 2016, lawyers have noted improvements when it comes to LSS staff and Local Agents answering inquiries in a timely manner (up 16 and 8 points, respectively).

Meanwhile, the Lawyer Support Helpdesk, which was included in the survey for the first time this year, earns ratings that are in line with the other channels.





Base (among those receiving support from each service): varies.

2016 Total Agree*

Lawyers leave a variety of comments or suggestions when it comes to the support they received.



Just 12% of lawyers shared a comment about the support they received from LSS staff, Local Agents or the Helpdesk.

There were two main themes: that staff are helpful and that they (lawyers) feel supported (25%) and that LSS communication could be improved (21%).

	Additional Comments About Support from LSS Staff, LSS Local Agents and/or Lawyer Support Helpdesk (Major Mentions Only)	2020
	Base (among those leaving a comment)	50
	% of all lawyers represented	12%
\checkmark	Staff are helpful / feel supported	25%
×	Poor communication / no response	21%
×	Staff are not knowledgeable / make mistakes	11%
×	Issues with payments (e.g., backpay, held invoices)	8%
×	Lawyers are underpaid / need to be paid for the total time spent on the case	7%
×	Staff were not able to help / I am still waiting for help	7%
×	Some staff are rude	6%
\checkmark	Everything is good	6%
×	Staff should to be more flexible / decisions should not be based solely on policy	6%
\checkmark	Staff are efficient	4%
×	Need better / more information	4%





DETAILED FINDINGS

Overall LSS Performance

Most lawyers feel, tariff rates aside, that LSS values their services.

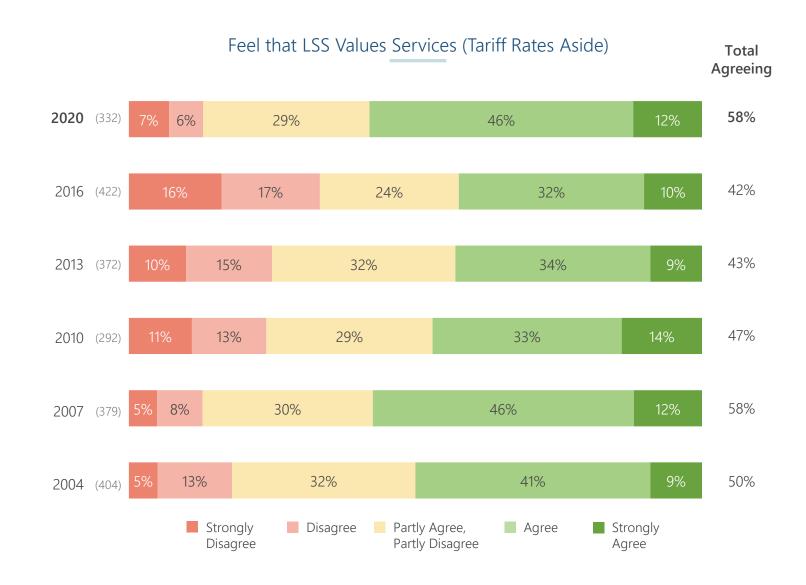


Six-in-ten lawyers agree that LSS values their services, a significant improvement over the past several waves of surveying.

Ratings had been trending downward since 2010.

There are a few groups that are especially likely to feel that LSS values their services:

- Male lawyers (64% vs. 49% among female lawyers).
- Younger lawyers (less than 30 years old) (72%).
- Lawyers who have been representing LSS clients for between 11 and 19 years (70%).
- Lawyers representing more than 40 LSS clients (69%).



Lawyers dealing mainly with CFCSA cases are the least likely to feel that LSS values their services.

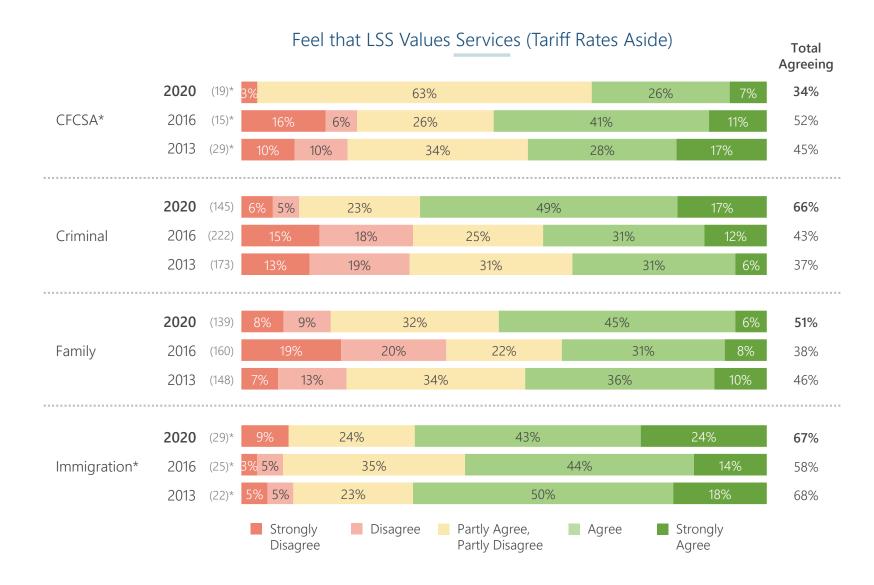


Two-thirds of Criminal and Immigration lawyers and half of Family lawyers feel that LSS values their services.

Assessments have improved significantly among Criminal and Family lawyers since 2016 (up 23 and 13 points, respectively).

On the other hand, perceptions of feeling valued by LSS are notably lower among the small group of CFCSA lawyers. One-third agree that LSS values their services, while the majority give neutral ratings (63%).

Comparisons to past trends among CFCSA and Immigration lawyers must be viewed with caution due to small base sizes.



^{*}Caution: small base size (n<50).

Q36. Tariff rates aside, I feel that LSS values my services.

Note: Question wording has been modified year-over-year. Use caution when viewing trends.

LSS staff continue to play a main role in whether lawyers feel that LSS values their services.



Unchanged from past trends, the main contributor for why lawyers feel that LSS values their services is having friendly, helpful staff who are respectful and show appreciation.

Similarly, when lawyers are not feeling valued, it is frequently because they feel they are treated poorly or are unappreciated by LSS staff.

That said, despite being asked to set aside their perceptions of the tariff rates, the number one reason for not feeling valued by LSS continues to be feeling that the tariff is too low or that they are underpaid for their services.

Major Mentions Only	2004	2007	2010	2013	2016	2020
Agree that LSS Values Services	n/a	n/a	(130)	(152)	(94)	(130)
Staff is friendly / helpful / respectful	-	-	68%	29%	46%	44%
LSS shows appreciation (e.g. saying thank you, etc.)	-	-	-	24%	32%	30%
They provide assistance / resources / consultation	-	-	12%	18%	20%	10%
Staff is fast / efficient	-	-	10%	9%	13%	7%
Pays / compensates me fairly	-	-	-	-	-	7%
I receive referrals	-	-	14%	9%	5%	6%
Disagree or Unsure that LSS Values Services	(156)	(132)	(150)	(208)	(202)	(116)
Tariff fee is too low / underpaid / not paid for services	53%	51%	50%	46%	28%	30%*
LSS staff treats me poorly / don't feel appreciated	-	-	-	-	18%	21%
Frequently asked to justify authorizations / have to argue for simple authorizations	-	-	-	-	-	13%
Number of hours and range of services covered by tariff does not reflect the time required to deliver quality service	49%	45%	25%	10%	15%	12%
Poor communication / delays in responses	-	-	-	-	-	12%
Issues with audit / billing system	-	-	-	-	13%	8%
Referrals are distributed unfairly	-	5%	9%	8%	4%	8%

^{*}When based on the total sample of lawyers responding to the survey, this unaided comment represents 10% of lawyers Q37. Why do you feel that way?

Note: Question wording has been modified year-over-year. Use caution when viewing trends.

Three-quarters of lawyers are satisfied with the support they receive from LSS, including 20% who give top marks.



After hovering at around 60% for the past three waves, lawyers are significantly more satisfied with the support they receive from LSS this wave (75% currently).

Lawyers representing more than 40 clients are particularly likely to be satisfied with the support received from LSS (82% are).

Conversely, female lawyers and/or older lawyers are relatively less likely to be satisfied with the support received.

- 68% of female lawyers give positive marks, compared to 80% of men.
- 70% of lawyers older than 50 give positive marks, compared to 80% among their younger counterparts.



Immigration and Criminal lawyers are the most satisfied with the support received from LSS, followed by Family lawyers.



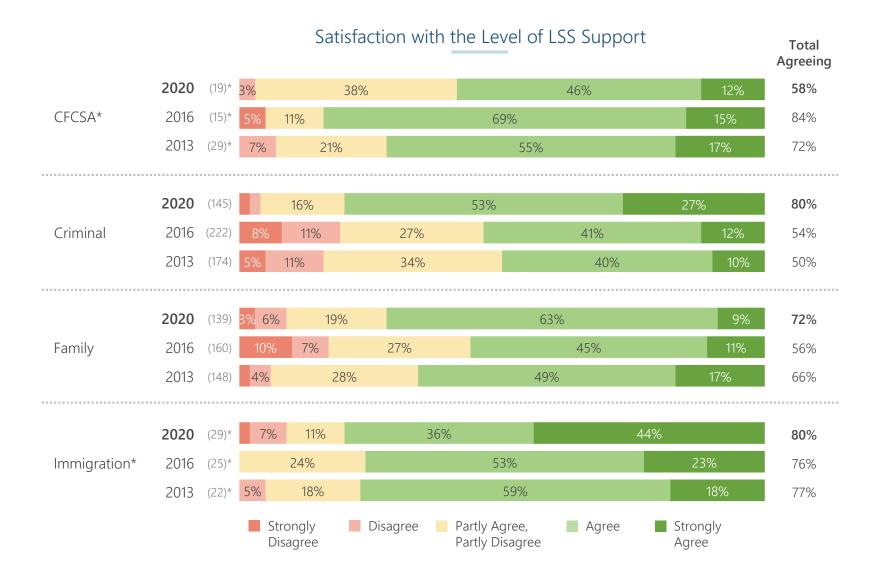
Consistent with past trends, 80% of Immigration lawyers are satisfied with the support they receive from LSS.

Meanwhile, 80% of Criminal lawyers also give positive ratings, up significantly from 54% in 2016.

Family lawyers also note significant improvement in LSS support, with 72% satisfied this year (compared to 56% in 2016).

However, the opposite is true for CFCSA lawyers. Currently, 58% are satisfied with the level of support they receive – an apparent drop from past waves.

Comparisons to past trends among CFCSA and Immigration lawyers must be viewed with caution due to small base sizes.



^{*}Caution: small base size (n<50).

Q38. Overall, I am satisfied with the level of support I receive from LSS.

Note: Question wording has been modified year-over-year. Use caution when viewing trends.

When it comes to what LSS could do to improve its overall support for lawyers, there is no one suggestion that stands out.



Lawyers would like to see LSS offer timely processing of authorizations/disbursements and explanations, authorize additional hours when needed, simplify billing further, and have tariff rates that value the work performed (each mentioned by one-in-ten lawyers who made a suggestion).

One-in-ten lawyers also took the opportunity to say they were happy with the overall support.

Additionally, three new suggestions emerged this year: offering mentoring, training and courses, providing more information on contracts upfront, and offering more contracts generally.

Suggestions for Primary Change LSS Could Make

Majoi	Mentions Only	2004	2007	2010	2013	2016	2020
	Base (among those leaving a comment)	(156)	(278)	(279)	(360)	(315)	(240)
×	Timely processing of authorizations and disbursements and clear explanations	8%	12%	15%	10%	13%	12%
×	Authorize additional hours when needed	-	-	-	7%	3%	12%
×	Tariff system is complicated / simplify billing	-	-	8%	6%	12%	11%
×	Tariff rates that value the work performed and that keep pace with inflation	44%	30%	16%	19%	10%	10%*
$\overline{\checkmark}$	No changes - happy with overall support	12%	8%	2%	5%	3%	10%
×	Allow mentoring / provide training or courses / cover bursaries / practice resources	-	-	-	-	-	8%
×	Better communication (verbal/written) regarding delays / changes	-	-	-	5%	4%	7%
×	Provide more information on contracts upfront / provide intake information from clients	-	-	-	-	-	6%
×	I wish I could get more contracts / referrals	-	-	-	-	-	6%
×	Improve / have more online resources	-	-	2%	4%	15%	6%

Three-quarters of lawyers intend to take either the same number or more contracts in the upcoming year.



Currently, 39% of lawyers report that they intend to take more contracts in 2020/2021, 38% intend to take the same number, 18% intend to take fewer contracts and just 5% intend to take none.

Compared to 2016, intentions are moving in a positive direction (i.e. more lawyers plan to take more contracts and fewer lawyers intend to take fewer or no contracts).

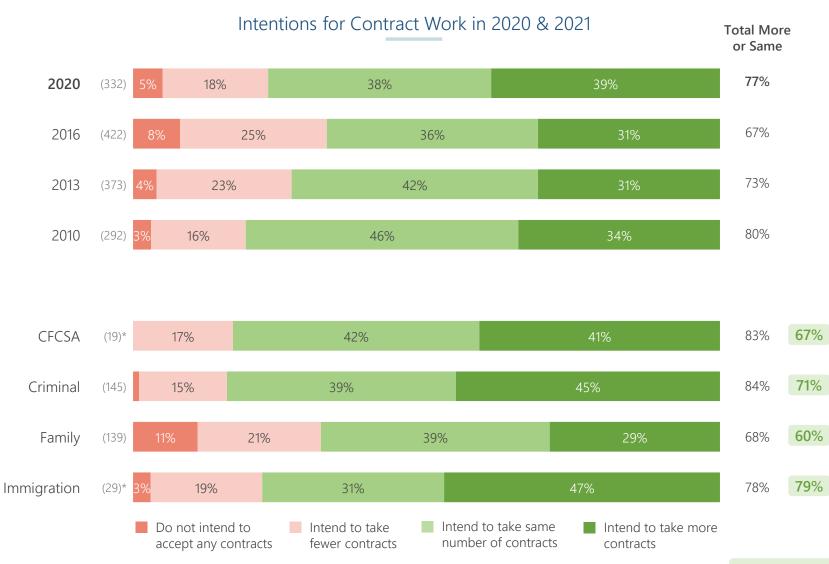
By area of law, CFCSA and Criminal lawyers are most optimistic about their intentions, while Family lawyers continue to be the least likely to predict they will take more or the same number of contracts in the upcoming year.

Lawyers most likely to take <u>more</u> contracts:

- Working with LSS clients for <3 years (54%)
- Age 30 or younger (80%)*

Lawyers most likely to take the <u>same</u> number:

- Representing 40+ clients (52%)
- Age older than 60 (54%)



*Caution: small base size (n<50). Q40. What are your intentions for 2020-2021? 2016 Total More/Same

The reasons that lawyers intend to take more, the same, or fewer contracts in 2020/2021 are largely similar to past waves.



Reasons for Contract Intentions

Lawyers planning to take more contracts intend to do so mainly because they enjoy the work and/or because they are trying to grow their practice.

For those who intend to take the same number of contracts, the overwhelming reason is simply that they are satisfied with their current workload.

Meanwhile, the main reason that lawyers plan to take on fewer contracts in the upcoming year is because they feel that the tariff is too low, that LSS does not cover enough hours or services or that their practice is too busy.

		Reasons for Con	itract intentions	
Major Mentions Only	2010	2013	2016	2020
Plan to take more contracts if offered	(98)	(111)	(100)	(100)
I enjoy doing this work	12%	26%	24%	28%
Trying to grow the practice / want more work / more money	28%	34%	43%	24%
Believe in social justice / access to justice / support LSS	27%	9%	26%	18%
Have more time / assistance available	10%	8%	6%	12%
This is the work we do / this is our primary source of work	13%	7%	11%	7%
Plan to take the <u>same</u> number of contracts	(127)	(150)	(115)	(114)
Satisfied with current workload / can't handle more	36%	19%	33%	50%
Tariff fee is too low / not reflective of the amount of work I put in	14%	19%	22%	18%
Reducing the size of my practice / workload	-	-	3%	10%
I have a mixture of legal aid and private work	-	-	-	8%
Believe in social justice / access to justice / support LSS	-	-	14%	7%
I take the referrals offered / no reason to believe they will increase	10%	16%	8%	5%
Plan to take <u>fewer</u> contracts	(48)*	(85)	(106)	(57)
Tariff fee is too low / not reflective of the amount of work I put in	42%	59%	56%	49%**
LSS does not cover enough hours/services	23%	6%	18%	35%**
My practice is too busy / legal aid referrals take too much time / can't handle more	-	7%	20%	32%
Reducing the size of my practice/workload	-	7%	6%	11%
LSS bureaucracy / payment problems	15%	6%	14%	10%
Poor recognition / lack of respect from LSS	10%	6%	9%	10%

Note: Question wording has been modified year-over-year. Use caution when viewing trends.

^{*}Caution: small base size (n<50).

^{**}When based on the total sample of lawyers responding to the survey, this unaided comment represents 14% of lawyers Q41. Why is that your intention?





DETAILED FINDINGS

LSS Priorities

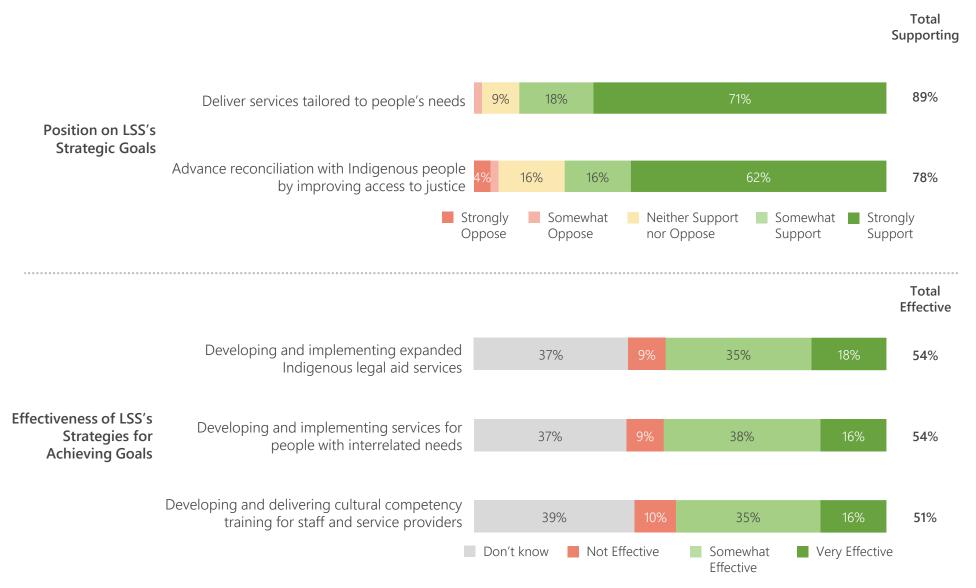
The large majority of lawyers support LSS's two strategic goals.



When it comes to LSS's strategic goal of delivering services tailored to people's needs, LSS receives overwhelming support from lawyers. Specifically, 89% support it, including 71% who give strong support. Another 9% are on the fence, leaving just 2% who oppose this goal.

LSS's other strategic goal – advancing reconciliation with Indigenous people by improving access to justice – also garners support from the majority of lawyers - 78% support the goal, 16% are neutral and 6% oppose it.

Broadly half of lawyers feel that each of LSS's three strategies for achieving its goals are effective. That said, the remaining half are mostly simply unsure (i.e. just 10% of lawyers feel the strategies are ineffective).



Base: Total 2020 (332)

Q41v. What is your position on LSS's two strategic goals?

Q41w. And how effective you feel LSS's strategies are in terms of achieving its goals?

14% of lawyers shared a suggestion to help LSS improve its strategies to better meet its goals.



Among this small group, some of the top mentions are to develop Indigenous legal aid lawyers (14%), increase tariffs and expand funding for those with interrelated needs (10%), and provide broader coverage for family matters (9%).

A few lawyers took the opportunity to express their opinion that LSS should focus on service instead of being politically correct (12%), that they don't necessarily support expanded services for Indigenous communities (8%), or that LSS services should not focus on particular groups of people (8%).

How to Improve Strategies or Better Achieve Goals (Major Mentions Only)	2020
Base (among those leaving a comment)	47
% of all lawyers represented	14%
It is important to develop Indigenous legal aid lawyers	14%
Focus on service instead of being politically correct	12%
Increase tariffs / expand funding for people with interrelated needs	10%
Broader coverage for family matters / social services	9%
I am unsure of any training LSS provides / unsure of LSS goals	9%
Offer more mental health support	8%
I do not support the idea that Indigenous communities should have preferential services	8%
More people should have access to counsel	8%
Services should not focus on particular groups of people	8%

According to lawyers, the top way that LSS can work with them to advance reconciliation with Indigenous clients is to offer tariff lawyers more courses or training.



Relatedly, the next most common mention after offering more training is that lawyers admit to having limited knowledge on the subject.

Meanwhile, increased tariffs or granting extra hours on these types of files round out the top suggestions.

	Suggestions for LSS to Work Better with Lawyers to Advance Reconciliation (Major Mentions Only)	2020
	Base (among those leaving a comment)	202
	% of all lawyers represented	61%
×	Offering more courses/training (e.g. make sure lawyers know the topics)	21%
×	I have limited knowledge on this subject	17%
×	Increase fees / adequate compensation / tariffs	9%
×	Grant extra hours to lawyers on these files	7%
×	Expand coverage for Indigenous clients / make it easier for them to qualify	5%
×	Get feedback from lawyers with experience working with Indigenous clients	5%
x	LSS should offer services regardless of race or ethnicity	5%

Only a small portion of lawyers have taken advantage of the bursaries provided by LSS.

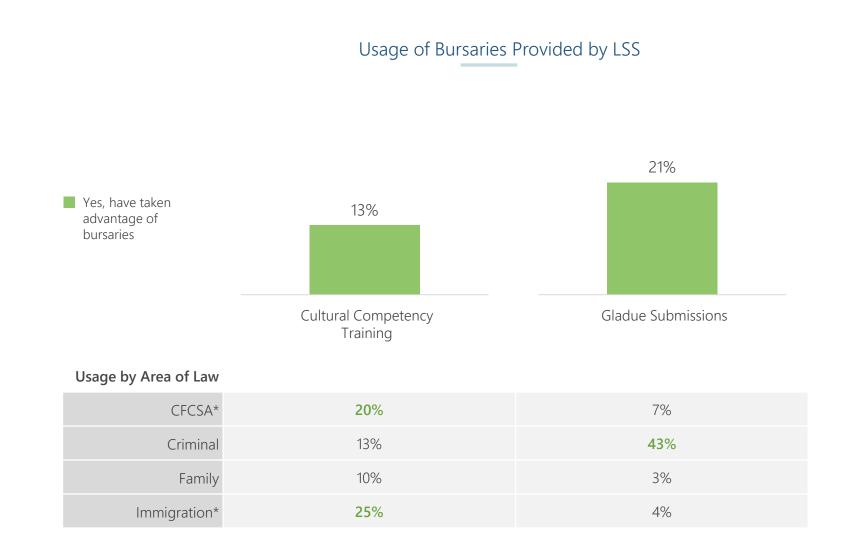


13% of lawyers report having utilized LSS's bursary for cultural competency training.

Among CFCSA and Immigration lawyers, the proportion is somewhat higher (20% and 25% respectively).

Meanwhile, 21% report having taken advantage of LSS's bursary for Gladue Submissions opportunities.

The bursary is most widely used by lawyers who primarily handle Criminal cases (43% have used it). A small proportion of lawyers (3%-7%) who mainly deal with cases in another area of law, but also take on some Criminal cases, have also taken advantage of the bursary for Gladue Submissions.



Lawyers shared their top 3 suggestions for how LSS can more effectively meet the needs of low income British Columbians.



Lawyers offer a wide variety of suggestions, the most common being: increasing eligibility (17%), offering adequate compensation to lawyers (16%), and expanding coverage to different areas of law (16%).

How LSS can Effectively Meet the Needs of Low Income British Columbians (Major Mentions Only)	2020
Base (among those leaving a comment)	268
% of all lawyers represented	82%
Raise eligibility limits for financial threshold	17%
Make sure lawyers are adequately compensated / higher tariffs / fees for lawyers	16%+
Expand coverage to different areas of law	16%
Increase hours provided to lawyers	13%
Seek more funding / lobby government	12%
Expand family law services / divorce law	10%
Ensure a broader group of people can be helped by LSS	9%
Increase advertisements / make it more well known for clients / make clients aware of resources available	8%
Relax criteria / fewer barriers to get help / be more flexible	7%
Provide resources to assist clients with applications	5%
Expand coverage for the working poor / increase focus on poverty law	5%
Remove the "risk of jail" criteria	5%
More careful review of applicants' financial eligibility to ensure legal aid is reserved for the neediest	5%

^{*}When based on the total sample of lawyers responding to the survey, this unaided comment represents 14% of lawyers

Q47. What do you think are the top 3 things LSS can do to more effectively meet the legal needs of low income British Columbians?

In 2016 and prior: "While this survey focuses primarily on the services provided to tariff lawyers, ultimately LSS aims to address the legal needs of people with low incomes.

In your opinion, how could LSS improve the availability of services to meet the legal needs of people with low incomes in BC?" – Top 3 Mentions in 2016:

"Seek more funding/lobby government/apply PST charged on legal services to legal aid" – 24%

"Relax eligibility requirements for legal aid/simplify application process/access for the working poor" – 21%

"Restructure the tariff to increase rate of pay and services and hours funded/less money to head office" – 17%





DETAILED FINDINGS

Referrals to Other Services

Nearly all lawyers (91%) report having directed LSS or non-LSS clients to at least one other LSS service, most commonly duty counsel.



Consistent with past trends, 68% of lawyers report that they have directed a client to Family Duty Counsel and 58% report they have directed a client to Criminal Duty Counsel.

Another 54% of lawyers report they have recommended contacting Local Agents or LSS intake, while about 40% have suggested the LSS Call Centre or the Family Law in BC Website.

Compared to 2016, almost twice as many lawyers have referred their clients to MyLaw BC (13% vs. 7% in 2016).

LSS Services Recommended to Clients

	Directed Non-L	SS Clients Only	Directed to All Clients			
	2004	2007	2010	2013	2016	2020
Base	(404)	(379)	(292)	(373)	(422)	(332)
Family duty counsel	45%	44%	63%	69%	65%	68%
Criminal duty counsel	42%	40%	65%	63%	59%	58%
Local Agents / LSS Intake	-	-	-	31%	47%	54%
LSS Call Centre	-	25%	35%	40%	41%	40%
Family Law in BC website	15%	12%	22%	27%	34%	37%
LSS print and/or online publications	12%	12%	15%	20%	29%	30%
Aboriginal Community Legal Workers	-	-	-	27%	24%	24%
Family LawLINE	17%	16%	22%	10%	18%	20%
MyLaw BC	-	-	-	-	7%	13% 👚
Community Partners	-	-	-	14%	12%	10%
Brydges Line	7%	9%	12%	13%	10%	9%
Legal Information Outreach Workers	-	8%	9%	6%	6%	7%
Aboriginal Legal Aid in BC website	-	-	-	-	9%	6%
Have not directed clients to any other LSS services	40%	42%	14%	8%	12%	9%

Back in line with 2013, 79% of lawyers have referred their LSS clients to non-LSS services such as housing resources, social assistance, counselling, etc.



Other Services Referred Clients To

Among lawyers who have directed LSS clients to non-LSS services, the most common referrals are to mental health services (93%), addiction services (76%) and family counselling (69%).

Half have referred clients to family violence services, support with housing issues or health services.

Compared to past waves, fewer lawyers have referred their clients to debt/bankruptcy counseling services and to services to assist with criminal law matters this year.



	2013	2016	2020
Base (those who referred clients to non-LSS services)	(298)	(321)	(267)
Mental health services	78%	79%	83%
Addictions services	74%	77%	76%
Family counseling	63%	64%	69%
Family violence services	51%	53%	51%
Support with housing issues	49%	52%	50%
Health services	44%	50%	46%
Support services for child protection related issues	42%	42%	41%
Immigration services	27%	26%	31%
Employment services	33%	36%	30%
Debt / bankruptcy counseling	40%	36%	24%
Support services to assist with criminal law matter	25%	26%	19% 👃
Other	6%	4%	7%





DETAILED FINDINGS

New Expanded Services & Contract Types

Lawyers were asked which of the 10 new expanded LSS services and contract types they have heard of or have used.



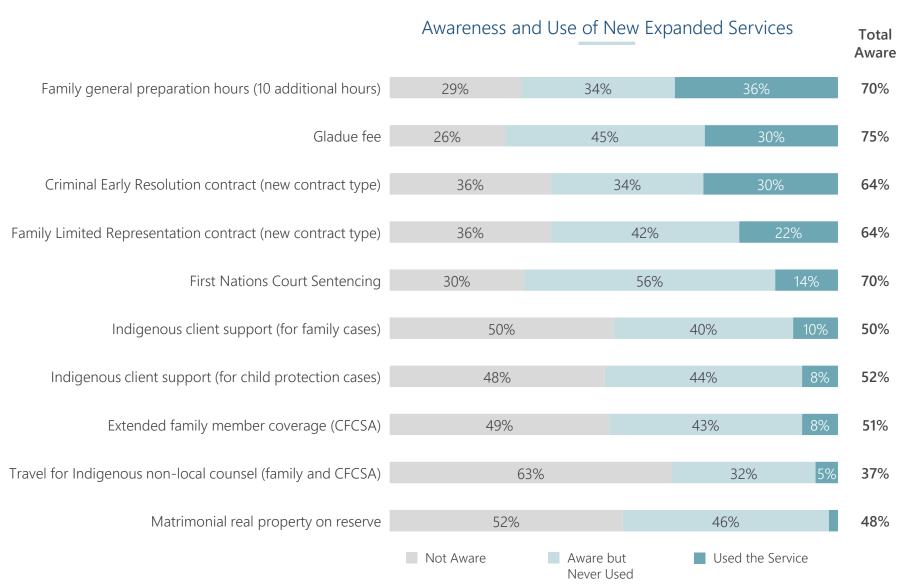
Among the new LSS expanded services, lawyers are most likely to have heard of the Gladue fee (75% have), followed by Family general preparation hours and First Nations Court Sentencing (70% aware of each).

Two-thirds of lawyers have heard of the new contract types (Criminal Early Resolution and Family Limited Representation).

Half of lawyers are aware of the remaining services, with the exception of Travel for Indigenous non-local counsel – just 37% of lawyers have heard of this service.

When it comes to usage of the new services, 36% have taken advantage of the Family general preparation hours, while 30% have used the Gladue fee service and/or the new Criminal Early Resolution Contract.

Aside from Family Limited Representation contracts (22% have used) and First Nations Court Sentencing (14% have used), no other services have been used by more than 10% of lawyers.



Base: Total 2020 (332)

Lawyers who have used the new expanded services generally feel that they do a good job of meeting client needs, although lawyers are somewhat less positive about the new contract offerings.

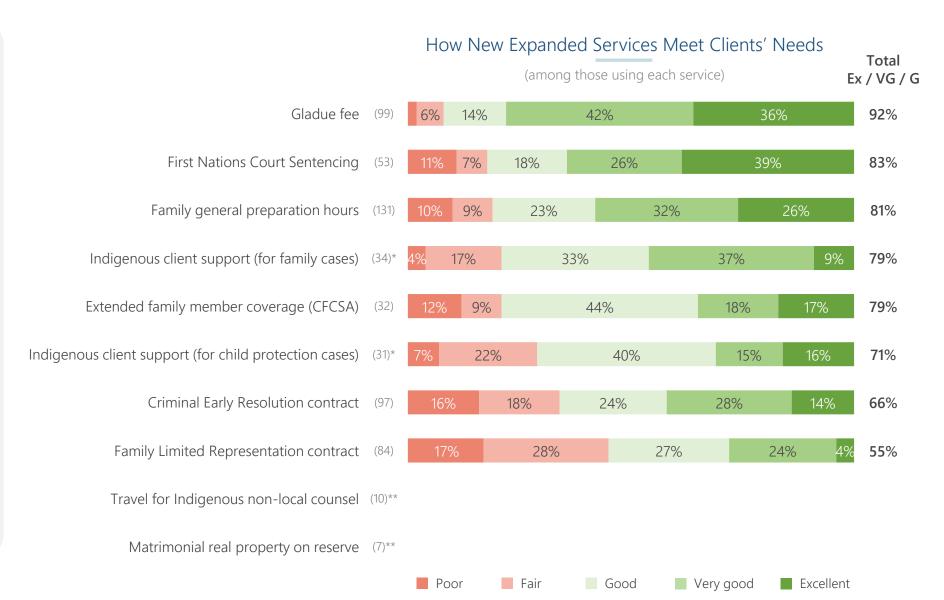


Nearly all lawyers who have used the Gladue fee service (92%) feel that it does at least a good job of meeting their clients' needs.

First Nations Court Sentencing, Family general preparation hours, Indigenous client support for family cases, and Extended family member coverage for CFCSA are also rated positively, with eightin-ten lawyers indicating that they do an excellent/very good/good job of meeting their clients' needs. When it comes to Indigenous client support for child protection cases, 71% award ratings of excellent/very good/good.

Meanwhile, lawyers are particularly critical of Family Limited Representation contracts - half of lawyers (45%) who have used this service feel they do a fair or poor job at meeting the needs of their clients.

Similarly, the other new contract type – Criminal Early Resolution contracts – gets positive reviews from 66% of those who have used them, leaving 34% rating them as fair or poor.



^{*}Caution: small base size (n < 50).

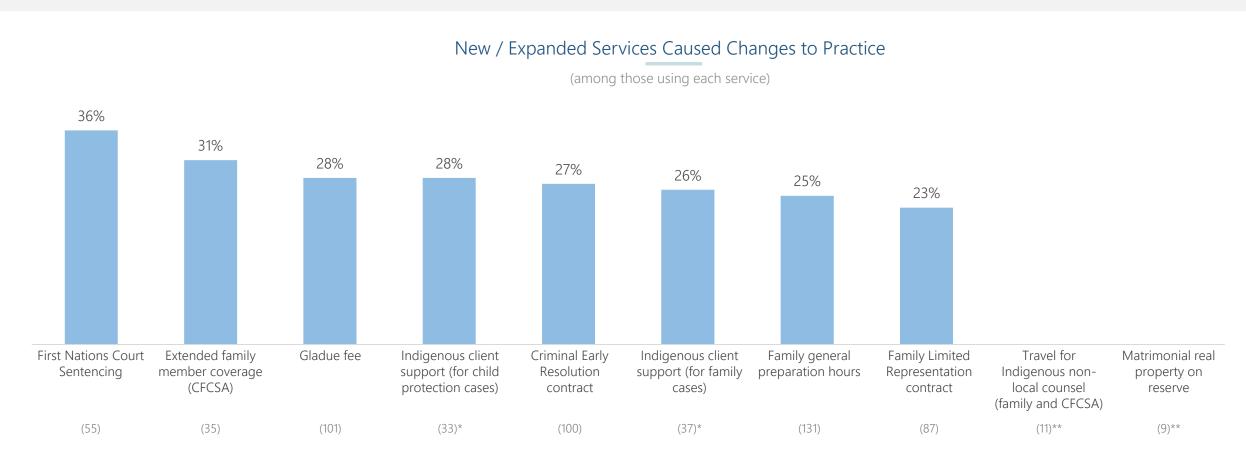
^{**}Results not shown due to extremely small base size. Q57. How would you rate the [NEW / EXPANDED SERVICE USED] in terms of meeting clients' needs?

Each of the new expanded services has caused at least one-quarter of the lawyers who have used them to change their practice in some way.



First Nations Court Sentencing is the service that has caused the most lawyers to change their practice (36% of those who have used this expanded service, which represents 5% of all lawyers), followed by Extended Family Member Coverage for CFCSA cases (31%).

The ways that lawyers have change their practice for each of the new expanded services are outlined on the following slides.



^{*}Caution: small base size (n<50).

^{**}Results not shown due to extremely small base size.

Base (among those receiving support from each service): varies.

Q58. Have the [NEW EXPANDED SERVICE USED] caused you to change your practice in any way?

How has the new expanded service caused you to change your practice?



Family General Preparation Hours

- "Able to do much more in court in terms of preparing documents, etc. Able to get more done for the client."
- "I can take a client's matter further down the road. Much more likely to bring it to satisfactory conclusion."
- "Being able to stabilize not only the coverable issues but also the collateral issues that lead to the instability in the main issues in the first place."
- "Can take more cases to trial."
- "Able to spend more time with high-needs clients"

Travel for Indigenous Non-Local Counsel (Family and CFCSA)

- "I am willing to travel for Indigenous clients."
- "I am willing to travel for Indigenous clients."

Family Limited Representation Contract

- "Able to assist a wider range of clients."
- "At the beginning of my representation, I must give my client a very short list of what I can assist with. I.e. draft a reply to counterclaim, draft a financial statement, attend the JCC."
- "I send client the LSS contract type to be really clear about the very limited nature of retainerclient expectations often way out of line with what can be done."
- It is very hard to only provide help with the paperwork - clients are scared of court most of the time, that part is a pretty important aspect - it is better than not qualifying at all before."
- "Makes it near impossible to work within the confines and eventually will need to convert to a private retainer instead of being able to complete things in a legal aid contract."
- ⊗ "Reduced hours limit options for client."
- "After taking a couple, I have decided not to take anymore."

Indigenous Client Support (for Family & Child Protection Cases)

- "I can provide needed help with non-court related issues."
- "Spend more time with client and referral to other resources."
- The allows me to delve into important history and focus on cultural, family and community connections."
- "I get paid for more of the time I spend on child protection files."

(showing 5 out of 17 comments)

(showing 2 out of 2 comments)

(showing 5 out of 15 comments)

(showing 4 out of 8 comments)

How has the new expanded service caused you to change your practice?



Gladue Fee

- "Spend more time and have much better information on my client."
- "Helps a lot in F/N sentencing matters."
- "I make a Gladue submission for all Indigenous clients, and have requested Gladue reports. I also encourage other lawyers to do the same."
- "Reminder to make these submissions"
- "I try to get more history."
- "More extensive emphasis on Gladue factors sometimes occurs due to conscientiousness about the issue."
- "I found the reports "cut and paste" and are very costly with apparent no significant difference in outcome. Much of the material can be provided by counsel."

First Nations Court Sentencing

- "Expanded my horizons and empathy."
- "I have brought several clients to Indigenous Court to varying levels of success."
- To advise more clients of the availability of First Nations Court"
- "More intensive client interviews."
- "Having tried this court, I now generally try to steer my clients away."
- ⊗ "It takes way too much time in Court."
- "Will not use again. Takes way too long for too little pay, leading to well below minimum wage for actual time spent."

Matrimonial Real Property on Reserve

"Have actual time on the LSS retainer to research band-specific property issues."

Extended Family Member Coverage (CFCSA)

- "Can assist clients more."
- "I have taken on referrals for family members where before I would generally only be able to help as duty counsel."
- "It creates options to children w/ family."
- "Led to mediation rather than trial because could include family and Nation in solutions for child placement."
- "More extended family support allows those clients to have legal advice where previously they were relying on supports which were not legally trained."

Criminal Early Resolution Contract

- "Get paid for (previous) Pro Bono work."
- Thad a lot of clients that wouldn't other qualify for legal services and I have been able to assist them."
- "Opportunity to discuss resolution with client."
- "I try not to take it on. I feel it limits my options on proper advice."
- ⊗ "I will never take another CERC."
- "Please extend the 90 day time limit."

(showing 7 out of 13 comments)

(showing 7 out of 8 comments)

(showing 1 out of 1 comment)

(showing 5 out of 5 comments)

(showing 6 out of 9 comments)

The main reason that lawyers have not used the new expanded services or contract types is that it's not relevant to their practice or area of law.



Lawyers who are aware of a new expanded service, but have not used it were asked why they have not done so. For each service, one-half to two-thirds of these lawyers state that they haven't used the service simply because it's not relevant to their practice or the area of the law that they cover.

Roughly two-in-ten say that although they haven't yet used the service, they intend to use it in the future. Future intentions are especially high when it comes to the Gladue Fee, Fire Nations Court Sentencing and Criminal Early Resolution contracts.

Generally, very few lawyers indicate that they haven't used a service because they don't want to bother with a claim. The exception is for Family Limited Representation contracts and Criminal Early Resolution contracts, where 10% and 15%, respectively, cite this as a reason for not yet having used them.

Why They Aren't Using New / Expanded Service

	Family general preparation hours	Travel for Indigenous non-local counsel	Family Limited Representation contract	Indigenous client support for family cases	Indigenous client support for child protection cases	Gladue fee	First Nations Court Sentencing	Matrimonial real property on reserve	Extended family member coverage	Criminal Early Resolution contract
Base: Aware of service but have not used it	(94)	(94)	(113)	(115)	(123)	(141)	(149)	(137)	(122)	(108)
% of all lawyers represented	33%	31%	39%	37%	41%	42%	50%	43%	41%	33%
Not relevant for my practice / area of law	61%	65%	49%	53%	52%	53%	52%	66%	50%	47%
I intend to use it in the future	18%	19%	17%	23%	24%	35%	28%	17%	23%	29%
Do not want to bother to claim for this	4%	4%	10%	2%	2%	3%	2%	2%	6%	15%
Not sure	17%	12%	24%	22%	22%	9%	18%	14%	21%	9%

■ Relatively higher than other services









APPENDIX

Lawyer Profile

LAWYER PROFILE



	2004	2007	2010	2013	2016	2020
Base	(404)	(379)	(292)	(373)	(422)	(332)
Number of LSS Clients Represented*						
5 clients or less	16%	19%	15%	14%	24%	31%
6 to 15 clients	22%	14%	22%	28%	17%	17%
16 to 40 clients	22%	28%	23%	29%	23%	21%
More than 40 clients	25%	39%	40%	28%	36%	31%
Area of Law of Majority of LSS Cases*						
CFCSA	4%	6%	8%	8%	2%	5%
Criminal	57%	57%	58%	47%	52%	44%
Family	32%	32%	29%	40%	40%	42%
Immigration	7%	5%	5%	6%	7%	9%
Percentage of Previous Year's Income from LSS						
Less than 25%	46%	43%	42%	38%	35%	35%
25% to 50%	22%	20%	20%	23%	17%	18%
51% to 75%	15%	21%	17%	16%	22%	15%
More than 75%	17%	17%	21%	23%	17%	20%
Prefer not to say	13%	7%	11%	12%	9%	12%
Number of Years Representing LSS Clients*						
Less than 3 years	14%	16%	18%	21%	21%	19%
3 to 10 years	36%	27%	23%	22%	28%	33%
11 to 19 years	30%	38%	31%	26%	20%	13%
20 or more years	20%	20%	28%	32%	31%	36%
Years Since Called to the Bar*						
Less than 5 years	14%	14%	16%	21%	24%	22%
5 to 10 years	23%	17%	19%	16%	18%	24%
11 to 15 years	23%	20%	9%	9%	9%	10%
16 to 25 years	26%	30%	33%	29%	22%	15%
More than 25 years	14%	18%	23%	25%	28%	29%

LAWYER PROFILE



	2004	2007	2010	2013	2016	2020
Base	(404)	(379)	(292)	(373)	(422)	(332)
Gender*						
Male	68%	68%	66%	58%	59%	60%
Female	32%	32%	34%	42%	41%	39%
Age						
Less than 30 years	3%	5%	6%	5%	6%	7%
30 to 40 years	29%	22%	24%	24%	24%	30%
41 to 50 years	35%	38%	29%	25%	19%	14%
51 to 60 years	30%	28%	28%	26%	26%	22%
More than 60 years	4%	8%	13%	20%	20%	21%
Prefer not to say	10%	3%	4%	6%	5%	7%
Region*†						
Vancouver/Sunshine Coast					31%	34%
Surrey/Fraser Valley					21%	26%
Vancouver Island		n/a	n/a	n/a	23%	21%
Interior/East Kootenays	n/a				9%	7%
Okanagan/West Kootenays					6%	5%
North					4%	4%
Northwest					4%	3%
Self-Identify as Indigenous						
First Nations						2%
Metis					n/a	2%
Inuit	n/a	n/a	n/a	n/a		0%
None of the above						85%
Prefer not to say						10%