

Family Duty Counsel - Billing Tips & Expectations for Telephone Advice Services during COVID-19 pandemic

GENERAL

1. All duty counsel shifts are subject to the LABC **General Terms & Conditions**, the **Duty Counsel Tariff**, the **Family Duty Counsel Policy & Procedures Manual** and the specific terms outlined on your contract.
2. Bill as soon as possible (preferably within 48 hours) after each shift in order to assist LABC in monitoring client volumes. Duty counsel shifts must be billed within 60 days of service.
3. Ensure each client completes and signs the *Acknowledgement of Family Duty Counsel Services* form (or *Acknowledgement of Family Advice Lawyer Services* form, as applicable), and sends it to you electronically.
4. If the client is unable to complete and send you the Acknowledgement form electronically, you may take the information from the client by telephone and obtain the client's verbal acknowledgement. In this circumstance, note at the bottom of the form "COVID-19 - completed by telephone", and leave the client signature line blank.
5. Do not bill for time spent on another legal aid contract during the minimum FDC contract hours. You cannot bill a separate LABC contract and an FDC contract for the same period of time.

BILLING MINIMUM

Counsel should be familiar with the attendance expectations set out at Part 2 of the Family Duty Counsel Policy & Procedures Manual.

1. Family Duty Counsel shifts are for a minimum of 3.0 hours, up to the maximum set out in your schedule and associated contract.
2. If your minimum hours have not expired, but you have concluded scheduled client appointments (if any) and there is no further client demand, you are entitled to bill the minimum hours, provided that you remain available in the event that clients require your services during the remainder of your retainer.

3. If your minimum hours have expired and there is still client demand, time is billable for actual service time rendered, up to the maximum. Actual service time includes time spent obtaining Acknowledgement forms, advising clients, reviewing client documents, and completing any LABC forms (including Advice Given, Case Summary and Referral to Intake forms).
4. Time spent on breaks or at lunch is not billable.
5. Minimum billing rules apply to all contracts, whether you have travelled out-of-town or provided services on the telephone.

RECORD KEEPING

1. Keep records pertaining to FDC services, including the *Acknowledgement of Family Duty Counsel Services* forms and/or *Acknowledgement of Family Advice Lawyer Services* forms, for at least two years after payment has been received.
2. You are expected to keep and submit daily time records for each duty counsel shift.
3. Record time spent per client, including time spent obtaining an Acknowledgment form (either by email or verbally), interviewing the client, reviewing client documents, providing advice, attending court, completing any client-specific LABC forms, etc.

VIRTUAL COURT ATTENDANCE

1. Some Family Duty Counsel shifts for virtual court attendance (by MS Teams or telephone) will have an additional hour added in recognition of the extra time needed for preparation and attendance for virtual hearings.
2. If you are scheduled as Family Duty Counsel attending a virtual court list day, you are expected to speak with clients who contact you prior to your scheduled shift in order to prepare for their court appearance. This preparation may be done on an earlier date. Your time records should indicate which clients you spoke with on which dates and how long you spent. Attach your time record to your invoice when billing. On your invoice form, allocate all of your preparation and attendance hours to the date of that scheduled shift.



EXTRA FEES

1. You may request extra fees if your services were required for longer than the daily maximum time set out in your schedule and associated contract - see criteria set out in the *LABC Tariffs - General Terms and Conditions* <https://legalaid.bc.ca/lawyers/tariffGuide>.
2. To request extra fees, first submit your invoice for the maximum authorized hours for that shift. You will also need to submit a Tariff Item Authorization Request via the Lawyer Portal with your completed Family Duty Counsel Service Timesheet and a brief explanation of the reason for the request.