

Vendor Number: Removal or Modification of Conditions

Part 1: Definitions

Vice President: is the Vice President, Legal Advice and Representation, or his or her designate

Investigation: includes enquiries into audit, lawyer complaint and/or lawyer compliance matters

LABC: is Legal Aid BC

Manager: is the Manager, Audit and Investigation, or his or her designate

Representation Contract: is a LABC authorization for a lawyer to provide legal services to a client in a specified case and to bill LABC for legal fees and disbursements according to the tariff contract

Representations: does not include an oral hearing

Tariff Contract: the retainer agreement between LABC and tariff lawyers, as modified from time to time by LABC, including the contents of the *Guide to Legal Aid Tariffs* (Introduction, General Terms and Conditions, applicable Tariffs), and Notices to Counsel and other written instructions that LABC may provide to tariff lawyers directly or through the LABC website

Vendor Number: a number provided by LABC to the lawyer that enables the lawyer to receive representation contracts from LABC, and is the lawyer's permanent identification in the LABC computer system

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Part 2: General Principles

1. LABC may impose conditions on, or temporarily or permanently suspend, a lawyer's eligibility to receive contracts from LABC, if a lawyer acts contrary to the best interests of LABC, pursuant to the *Lawyer Compliance Policy*.
2. A lawyer who previously had conditions imposed on their eligibility to receive contracts from LABC may apply to LABC for removal or modification of these conditions.
3. LABC may refuse to remove or modify conditions imposed on a lawyer's eligibility to receive contracts from LABC.
4. LABC will endeavor to make inquiries and decisions under this policy in a timely manner.

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Part 3: Applying for Removal or Modification of Conditions

1. A lawyer who holds a vendor number with conditions on their eligibility to receive contracts from LABC may apply to LABC for a removal or modification of these conditions after any applicable review period under the *Lawyer Compliance Policy* has expired.
2. A lawyer who has applied for a removal or modification of conditions on their eligibility to receive contracts from LABC may not make a new application until the earlier of the following:
 - a) 1 year from the date of the Manager's decision under this policy, where no review by the Vice President is requested, or
 - b) 1 year from the date of the Vice President's review decision under this policy.

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Part 4: Application Processing

1. Upon receipt of a written request to the Manager, Audit & Investigation, to remove or modify conditions, the Manager may conduct an investigation.
2. Where a lawyer's vendor number, pursuant to the *Lawyer Compliance Policy*, had conditions placed on their eligibility to receive contracts:
 - a) the lawyer must demonstrate to LABC that the reasons for the conditions have been addressed,
 - b) the Manager may receive such representations from the lawyer as the Manager deems appropriate and set time limits for this purpose,
 - c) where the Manager is not satisfied that the reasons for the conditions imposed on the lawyer's eligibility to receive contracts have been addressed, the Manager may deny the lawyer's application for removal of the conditions or modify the conditions imposed on the lawyer's eligibility to receive contracts, and
 - d) the Manager will notify the lawyer of his or her decision in writing.
3. A lawyer who has received a decision under this Part may request a review of the decision by the Vice President within 30 days of the Manager's decision (Part 5).

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Part 5: Review by Vice President

1. A lawyer, who has been denied the removal or modification of conditions on their eligibility to receive contracts, may request a review of that decision by the Vice President within 30 days of the Manager's decision under Part 4.
2. The Vice President will ask for representations from the lawyer and set timelines for this purpose.
3. After completing a review, the Vice President may confirm or vary the Manager's decision.
4. The Vice President will notify the lawyer of his or her decision in writing and the reasons for it. The Vice President's decision is final and binding.

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History

Questions to: Manager, Audit & Investigation Department

September 25, 2020: Updated all references from “LSS” to “LABC”.

Sep 1, 2018: Updated job titles.

Updated policy EMC approved May 12, 2015: Reviewer changed from Director, Finance and Corporate Services to Director, Legal Advice and Representation to be consistent with the Lawyer Compliance Policy. Definitions and language updated to reflect Client Information System (CIS) changes and language/processes set out in the Lawyer Compliance Policy. New process implemented: to request removal or modification of conditions, lawyers will write the Manager, A&I directly with their request (rather than complete the Vendor Number Reactivation Form).

April 27, 2015: Reformatted and updated terminology.

January 2014 – Updated references to the new Lawyer Compliance Policy which replaced the Referral Eligibility Policy.

December 2, 2008 – EMC Approved Policy: New policy