February 2020

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NOTICE TO THE PROFESSION

ACCESS TO JUSTICE INITIATIVES

Financial Eligibility Guideline Increase

All Legal Aid plans across Canada have some form of official financial eligibility guideline or cut-offs indicating income beyond which applicants are not normally entitled to legal aid.

LAM is pleased to announce that on February 25, 2020, the Management Council of LAM approved an increase to Legal Aid Manitoba's (LAM's) financial eligibility guidelines as follows:

Family Size	"Free" Legal Aid Gross Family Income		Agreement to Pay Gross Family Income		Poverty Line [2020 Stats Canada Low-Income Cut-off (LICO) before tax]
	Current	Effective April 1, 2020	Current	Effective April 1, 2020	
1	$0 – 23,000	$0 – 26,000	$23,000 – 35,000	$26,000 - 38,000	$25,920
2	$0 – 27,000	$0 – 30,000	$27,000 – 45,000	$30,000 – 48,000	$32,270
3	$0 – 31,000	$0 – 34,000	$31,000 – 50,000	$34,000 – 53,000	$39,672
4	$0 – 34,000	$0 – 37,000	$34,000 – 54,000	$37,000 – 57,000	$48,166
5	$0 – 37,000	$0 – 40,000	$37,000 – 57,000	$40,000 – 60,000	$54,630
6	$0 – 40,000	$0 – 43,000	$40,000 – 60,000	$43,000 – 63,000	$61,612
> 6	$0 – 43,000	$0 – 46,000	$43,000 – 60,000	$46,000 – 63,000	$68,598

The increased income thresholds will apply to legal aid applications dated on or after April 1, 2020, and will increase Access to Justice for many Manitobans.

Tariff Review

Private Bar lawyers delivering legal aid services are paid fees based on a Tariff as defined in *The Legal Aid Regulation* Schedule Tariff of Fees (Tariff). Pursuant to s. 6.1 of the LAM Act, the Management Council must review the Tariff at least once every two years, and must consult with the Advisory Committee when conducting the review.

On February 25, 2020, during a joint meeting of the Advisory Committee and Management Council, the Advisory Committee presented its Tariff recommendations to Management Council for consideration and review.

Each block fee tariff item contemplates an average number of billable hours that may be required to complete a specific task. For example, the block fee of $450.00 for a completed guilty plea in a simple theft contemplates payment to counsel for an average of 6 billable hours, ($450.00/ $80.00 = 5.625 hours).

Circumstances arise, however, where the block fee does not compensate counsel fairly. In these circumstances, pursuant to *The Legal Aid Regulation*, counsel may request that the Executive Director increase the fees payable over and above what the Tariff provides. These requests are referred to as "Discretionary Increase" requests.

Private lawyers delivering legal aid services have recently been engaged in discussions with the Province regarding changes to the Tariff. The private bar Tariff was last increased twelve (12) years ago in 2008 and is based on a nominal hourly rate of $80 per hour. In light of these extremely unusual circumstances, and while discussions between the Province and panel lawyers continue, the Management Council of Legal Aid approved of the following interim measure on February 25, 2020:

- The Executive Director may exercise his legislated discretion to increase the Tariff of fees payable by 6.25% for all block tariff items upon counsel certifying the following on their statements of account:

  "I am requesting that the Executive Director increase the Tariff fees payable by 6.25% while discussions between LAM panel lawyers and the Province regarding changes to The Legal Aid Regulation Schedule Tariff of Fees continue."

The option to request an increase of 6.25% will apply to legal matters issuing on or after April 1, 2020. This is the same increase that would result if the nominal hourly rate were raised in the Tariff from $80 per hour to $85 per hour.