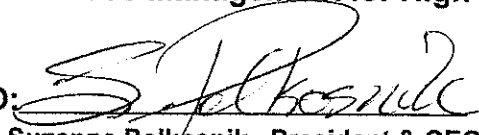


**Administrative Policy 07
Case Management for High Cost Cases**

Approved by CEO:


Suzanne Polkosnik, President & CEO

Approved: February 16, 2016

Takes effect on: March 1, 2016

Previous Policy: None

Purpose: To set out protocols and guidelines for Legal Aid Alberta's High Cost Case Management Program.

To set out when a case management decision, in a certificate-based manner, is final, or when and how it can be reviewed.

Related Rules: Part I, Rules 1.9 to 1.11 as amended
Part VII, Rules 7.1 to 7.7 as amended
Schedule 2, Tariff for Roster Lawyers as amended

Policy

General

1. This Policy incorporates by reference the provisions of Administrative Policy 05 except where expressly stated otherwise.
2. In this Policy a High Cost Case (the 'HCC') means a case where:
 - a. court or tribunal time, including trial and/or all preliminary or other appearances, is anticipated to take more than 4 weeks;
 - b. the total amount of time required to provide the legal services (including time already billed) is or is anticipated to be more than 500 hours; or
 - c. the total amount of fees and disbursements incurred (including those already billed) is or is anticipated to be more than \$40,000.
3. Legal Aid Alberta will designate one or more persons to act as High Cost Case Manager who will:
 - a. oversee and be accountable for the operation of the Program; and
 - b. make case management decisions in cases identified in 1a, 1b, and 1c of this policy, where the anticipated hours in the case are 900 or less and the anticipated cost of the case is \$75,000 or less;
4. Legal Aid Alberta will establish a High Cost Case Committee which will:

- a. consist of these 8 people:
 - i. the High Cost Case Manager, who will be an ex officio member without the right to vote;
 - ii. three members of the Board, appointed by the Board; and
 - iii. four Lawyers, appointed by the CEO or the CEO's delegate.
 - b. make case management decisions in the HCC where the anticipated hours in the case are over 900 or the anticipated cost of the case is over \$75,000; and
 - c. act as Reviewer in the situations set out in Table 1 of Administrative Policy 05, Case Management for Certificate Based Matters.
5. Legal Aid Alberta will screen all cases, on an ongoing basis, to determine whether they fall within the program. Where a client has multiple related cases, Legal Aid Alberta reserves the right to include the cases in the High Cost Case Management Program (the 'Program').
6. Where a case may reasonably be expected to meet the criteria of a HCC based on its complexity or duration, but has not yet met all the criteria identified in 2a, 2b, and 2c, Legal Aid Alberta may require ongoing monitoring of hours and disbursements expended on the file.
7. Where a case is referred to the Program, the lawyer or staff law office must comply with any Rules, Policies and Procedures of Legal Aid Alberta that relate to case management. Failure to comply will result in cancellation of the certificate or refusal to pay for services provided.
8. Where a case has been identified under the High Cost Case Management Program, the lawyer is required to submit a Case Management Plan (the 'CMP'), budget and request for additional hours or disbursements, in the format developed by Legal Aid Alberta. Requests for additional hours and special disbursements must be submitted prior to the use of hours or expenditure of disbursements. Failure to do so will result in non-payment.
9. Before a decision is made on the CMP, the High Cost Case Manager will review it to ensure the plan contains:
 - a. the required information in the required format; and
 - b. sufficient content and clarity for a decision to be made.
10. Legal Aid Alberta may require additional information before making a decision on the CMP.
11. When making a decision on a CMP, the High Cost Case Manager or the High Cost Case Committee:
 - a. may meet with the lawyer or staff law office prior to making a decision;
 - b. must comply with Legal Aid Alberta Rules, Policies and procedures;
 - c. will make one of the following decisions:
 - i. approve the Plan;
 - ii. vary the Plan; or

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- iii. refuse the Plan
 - d. may facilitate discussion on alternatives to the steps or strategies set out in the Plan; and
 - e. explain to the lawyer the reason for any decision, other than approval of the Plan, and request an amended Plan where required.
12. The lawyer or staff law office must ensure that they are engaging in effective case management by doing the following:
- a. managing resources to best serve the client;
 - b. communication with and updating Legal Aid Alberta on any material change in the case;
 - c. complying with requests for information regarding the case and expenditures made, including submission of detailed time records when requested; and
 - d. complying with all requirements detailed in the CMP.
13. In its sole discretion, Legal Aid Alberta may require:
- a. ongoing meetings between the lawyer or staff law office and the High Cost Case Manager;
 - b. the submission of a revised CMP; and /or
 - c. submission of a bill or report at specified intervals.
14. Legal Aid Alberta may provide supports and resources for lawyers and staff law offices with high cost cases, including education and awareness tools so that they better understand the program.
15. Where a lawyer or staff law office refuses to comply with the requirements of the Program, Legal Aid Alberta may:
- a. cancel the certificate and appoint another lawyer or staff law office; and
 - b. where necessary, refer the matter to the Roster Committee.
16. Where a lawyer is acting on a case in the Program seeks to withdraw as counsel, they must notify Legal Aid Alberta and provide reasons. Legal Aid Alberta will only authorize a change of counsel in limited circumstances where:
- a. the client has legitimate concerns about the quality of service being provided by counsel;
 - b. the client-lawyer relationship has completely broken down and is irreparable;
 - c. there is a conflict and counsel must withdraw for legitimate ethical reasons; and/or
 - d. Counsel is incapable of continuing to act.
17. Legal Aid Alberta will track, monitor and analyze the management of High Cost Cases to:
- a. develop standards or benchmarks, where possible, to provide guidance in future cases to lawyers, the High Cost Case Manager and the High Cost Case Committee;
 - b. identify internal or external factors which may contribute to the cost of a case; and

- c. assist in the development of strategies to improve case management and address systemic issues contributing to high cost cases.

18. The High Cost Case Manager will report on the Program quarterly, or at such other times as required, to the CEO or delegate.