

Major Criminal Case Advisory Committee

Discussion Primer for Big Case Management

October 26, 2009

BCM Facts and Figures

- BCM program represents 2% of criminal certificates issued each year and 22% of criminal certificate costs
- Annual BCM Budget:
Approx. \$25M
- Number of BCM Certificates Issued Each Year: 500
to 600
- Active BCM Cases in System: Approx. 1200

BCM Case Profile

- **BCM Caseload Includes:**
 - “Project” Cases
 - “Guns and Gangs” Cases
 - Murder Charges
 - Other Charges
- **Cost and complexity of BCM cases vary considerably between categories**
- **Costs for specific proceedings/charges are more predictable**

Considerations

- **Mutual reliance:**
 - Small group of lawyers serve BCM clients
 - Small group of lawyers rely on LAO for significant portion of their income
- **LAO needs quality BCM lawyers to help ensure:**
 - Ability to fulfill mandate
 - Client service
 - Quality and efficiency
 - Cost control
 - LAO's overall ability to deliver services
- **Issues:**
 - Oversight and quality assurance
 - Incentives

Select Issues Identified By Private Bar

- **Remuneration**
- **Incentives**
- **Administration**
 - Often difficult to estimate costs, issues as cases are unpredictable
 - Speed of payments
- **Mentoring opportunities, support for junior counsel**
- **Quality of counsel**

Select Issues Identified By LAO

- **Access to quality counsel**
- **Incentives**
- **Administration**
 - Difficult to predict costs/estimate finances
 - Ensuring similar cases get similar funding
 - Ability to react quickly to changing circumstances
 - Accountability, useful mgt info
- **Role of Exceptions Committee**
- **“Greying of the bar”, mentoring, support for junior counsel**

Compensation

Potential Strategies:

- Hierarchy of rates depending on case complexity and lawyer skill
- Block fees
- Innovative, non-tariff financial supports
 - Retainers, collapse fees
 - Support for firms and practices (articling students, subsidized operating costs)

Potential Strategies:

- Tighten eligibility criteria for BCM cases
- Higher quality expectations for BCM lawyers
- Mentoring/support for young lawyers
- More quality assurance (file review, peer review)

Potential Strategies:

- Other forms of compensation
- Service contracts with qualified private lawyers
- Training/supports/incentives for young criminal lawyers