

HOW DOES A PARALEGAL OBTAIN AN ICBC BILLING NUMBER?

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The Insurance Corporation of British Columbia (ICBC) employs in-house lawyers, paralegals and legal secretaries to handle a portion of its claims-related litigated files. ICBC also retains outside law firms throughout British Columbia to handle the other portion of its litigated files. ICBC recognizes the important role paralegals play in the defence of its litigated files.

A paralegal in British Columbia can apply to work at ICBC as an employee or can apply to an outside law firm that has a contract with ICBC to provide claims-related legal services. ICBC has a competitive bidding process every 3 years and assesses all law firms that apply to do its work. The successful law firms then sign a 3 year contract with ICBC. This process was just completed at the end of December 2009 and the current firms with contracts will perform defence work for the next 3 years (2010-2012) during the agreement – called the Strategic Alliance Agreement 4 (SA4).

Under SA4, each law firm has a legal team composed of lawyers and paralegals. If the firm wants to hire a paralegal, they must apply online to ICBC to add them to their legal team. The law firm must submit the necessary documentation for ICBC to assess the education and work experience of the paralegal. A paralegal can only obtain an ICBC billing number once they are hired by an SA4 firm. A paralegal cannot apply on their own for a billing number.

Once a paralegal has been given an ICBC billing number, they can work on ICBC files. Paralegals can only bill ICBC for certain work. Once the law firm decides to bill the file to ICBC, they include the lawyers time and the paralegals time on the same bill and submit it to ICBC for payment.

ICBC has 4 categories of paralegals with differing billing rates. The first category is “Level 1 Academic” and is based on the paralegal’s education and work experience. ICBC considers the Academic education the paralegal has received - educational program requirements, course content, hours of instruction in its assessment. In Level 1 there are varying billing rates based on a minimum of one year, five years or ten years of work experience as a paralegal. The work experience calculation is based on the work experience completed after obtaining the Academic Diploma or Certificate. ICBC can include the paralegal’s practicum in its calculation of work experience in Level 1 and Level 2 Academic.

The second category is “Level 2 Academic” and is based on the same criteria as Level 1. The difference is that the educational component in Level 2 is not as comprehensive as Level 1 and therefore the rates are slightly less.

ICBC has reviewed many paralegal programs in BC, Canada and the world. There are some programs that ICBC sees so frequently that it has already approved their programs. For example, the following Paralegal programs have already be approved for Level 1:

Capilano University (diploma or certificate) - BC
Vancouver Community College (diploma or certificate) - BC
Selkirk College (diploma) - BC
Southern Alberta Institute of Technology (diploma) - Alberta
Grant McEwan Community College (diploma) - Alberta

Red Deer College (diploma) - Alberta
Red River Community College - Manitoba
Institute of Law Clerks Program - Ontario
Seneca College of Applied Arts & Technology (diploma) – Ontario
Legal Executives Program - England

For Level 2 Academic, the Southern Alberta Institute of Technology (certificate) has been approved.

ICBC recognizes the increased mobility of individuals and is open to receiving and considering paralegal applications, via SA4 firms, from paralegals who have received their education from Universities, Colleges or Institutions other than the ones listed above. If an SA4 firm is considering hiring an individual who has received their paralegal education from a University, College or Institute other than those listed above, the firm can submit the necessary paperwork to ICBC for a determination of whether the paralegal would qualify for an ICBC billing rate. The SA4 firm can do this before or after they hire the paralegal. Some SA4 firms want to know if the paralegal would obtain an ICBC billing number before they offer the paralegal a job.

The third category is “Level 3 Non- Academic” which is based exclusively on the paralegal’s work experience. This category is for those paralegals who do not have a paralegal certificate or diploma but who have worked as a paralegal for many years. The differing billing rates are based on a minimum of five years, seven years or ten years work experience as a paralegal. Level 3 rates are slightly less than Level 2 rates. Paralegals who qualify under Levels 1, 2 or 3 and who have worked as a paralegal for 10 years all receive the same billing rate.

The fourth category is “Level 4 Specialized Paralegal” and is based on an individual who has specialized post-secondary training or equivalent experience in disciplines that can be usefully applied to personal injury or insurance file handling and who have a minimum of one years experience in handling personal injury or insurance files in a law firm. This category is less common but ICBC has qualified Registered Nurses and Law Librarians under this category in the past. The billing rate is based on the individual’s education, training and work experience.

If a paralegal does not meet the criteria in any of the 4 levels they will not receive an ICBC billing number. If the billing number is denied because of a lack of work experience and the paralegal later obtains the necessary work experience, the SA4 firm can resubmit the application for consideration; likewise for a denial based on a lack of academic designation.

If the paralegal leaves the SA4 firm that obtained the billing number for them, the paralegal cannot take the billing number with them to another firm. If the paralegal applies to another SA4 firm, they are free to inform the firm that they had an ICBC billing number in the past. The new SA4 firm can contact ICBC to see if the paralegal would again qualify for a billing number. In most cases, once a paralegal is qualified they are usually qualified again however there have been exceptions. ICBC has the right to cancel a paralegal’s billing number at any time.

If you have any questions or comments, please feel free to forward those to the BCPA, Attention: Janet Crnkovic @ info@bcparalegalassociation.com. The BCPA will attempt to answer those queries and if necessary, contact Ms. Reimer.