



Legal Aid Alberta

A Just Alberta – one person at a time

Roster Lawyers' Tariff of Fees

December 7, 2015

Schedule 2 – Roster Lawyers’ Tariff of Fees

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1. Criminal Certificates

- 1.01 File Opening Fee L2 Offence
\$50

File Opening Fee L3 Offence
\$100

Explanation: Payable on first account rendered on the Certificate; this fee is intended to compensate Counsel for steps associated with the opening and continuation of a file that are not compensable under any other Tariff item, such as booking appointments with the client, preparing memos for the file, and providing instructions to legal assistants. The File Opening Fee applies to both Certificates when representing a co-accused, and should be billed in the full amount on each.

- 1.02 Express Payment L1 Guilty Plea/Resolution by ECR
\$434.50 (\$382,80)

Explanation: Fee is inclusive of all fees and disbursements for the Certificate, so no other Tariff items (including fees, disbursements or travel) may be billed when billing under this item. An Express Payment concludes a Certificate, inclusive of any Extensions.

- 1.03 Express Payment – L2 Guilty Plea/Resolution by ECR
\$ 693 (\$610.50)

Explanation: Please see 1.02

- 1.04 Express Payment – L1 Trial
\$754.60 (\$665.50))

Explanation: Please see 1.02

- 1.05 Express Payment – Alternative Measures, Extra-Judicial Sanctions and Peace Bonds
\$ 525.80 (\$464.20)

Explanation: Please see 1.02

- 1.06 Interview and Briefing – L1 Offence
\$ 170.50 (\$149.60)

Interview and Briefing – L2 Offence
\$ 462 (\$407)

Interview and Briefing – L3 Offence
\$ 1848 (\$1628)

Explanation: Fee is inclusive of interview time with the client, as well as both defence and sentence briefing.

1.07 Provincial Court Bail Application
\$ 92.40 (\$81.40)

Explanation: Fee is inclusive of preparation and appearance. All required Provincial Court Bail Applications may be billed.

1.08 QB Bail, s. 525 Reviews and Bail Revocation Application
\$ 184.80 (\$162.80)

Explanation: Fee is inclusive of preparation and appearance. Only one Bail Application is permitted per Certificate; Counsel may request coverage for additional Bail Applications as an Extra Tariff item. Coverage extends to ALL s. 525 Reviews and Bail Revocation Applications.

1.09 Preparation and Service of Bail Order
\$ 92.40 (\$81.40)

Explanation: Fee is inclusive of all steps taken to draft, file and serve a bail Order following a successful bail application or a variation of bail conditions in the Court of Queen's Bench.

1.10 Adjournments in Docket Court
\$ 46,20 (\$40.70)

Explanation: The first Docket appearance Counsel makes for the client is not a billable adjournment, as the first Docket appearance is included in the block fees for dispositions. Adjournments are only payable in the following circumstances:

- client fails to appear/Counsel appears for warrant cancellation;
- Crown or Court is not prepared to proceed;
- co-accused requests an adjournment for any reason;
- disclosure has not been provided subsequent to the first appearance;
- complainant or witness fails to attend;
- Counsel appears to withdraw from the record;
- ECR process requires adjournment;
- Counsel has not had opportunity to interview client or prepare for trial/prelim;
- Legal Aid Alberta has provided erroneous information as to date or courtroom;
- there are multiples sets of charges, Counsel appears to consolidate matters;
- Legal Aid Alberta has appointed two Counsel in error and both appear;
- waiting for pre-sentencing report, medical report, etc.

Adjournments cannot be billed under the following circumstances:

- the appearance is for election and plea and/or setting dates and none of the above apply;
- Counsel requests an adjournment due to his or her scheduling difficulties;
- Counsel is unable to attend due to personal matters;
- the client has requested an adjournment in an effort to postpone the matter

1.11 Adjournments not in Docket Court
\$ 92.40 (\$81.40)

Explanation: Please see 1.10

1.12 Pre-Trial Conferences and Pre-Preliminary Conferences
\$ 184.80 (\$162.80)

Explanation: Fee is inclusive of preparation and attendance.

1.13 Waiting Time
\$92.40/hour (\$81.40/hour) – Maximum 2 hours per half day

Explanation: Time spent waiting for Court to commence is only payable where no other fee is being claimed for the same half day on the Certificate, any other Certificate or private matter.

1.14 Court Outside of Regular Hours
\$ 92.40/hour (\$81.40/hour)

Explanation: Counsel may bill for actual time spent in Court prior to 8:30 am and after 5:00 pm

1.15 Preliminary Inquiry – 1st half day
\$ 473.80 (\$416.90)

For conducting a preliminary inquiry, including where the Crown stays or withdraws or calls no evidence on the day of preliminary with no prior notice to Counsel.

Explanation: Fee is inclusive of:

- all appearances to set dates or for election and plea;
- obtaining disclosure;
- defence adjournments except as provided for under Tariff items 1.10 and 1.11;
- negotiations with the police and Crown, including ECR steps;
- preparation, including preparation of witnesses;
- attendance.

1.16 Preliminary Inquiry – 2nd to 10th half day
\$ 242 (\$213.40)

Explanation: Please see 1.15

- 1.17 Preliminary Inquiry – 11th half day forward
\$ 371.80 (\$326.70)

Explanation: Please see 1.15

- 1.18 Guilty Plea at the Completion of Preliminary Inquiry (if done in the same half day)
\$92.40 (\$81.40)

Explanation: Fee is inclusive of preparation and attendance.

- 1.19 Waiver of Preliminary Inquiry
\$92.40 (\$81.40)

Explanation: Fee is inclusive of preparation and attendance.

- 1.20 Arraignments
\$92.40 (\$81.40)

Explanation: Counsel is expected to pre-book trial dates whenever possible; attendance at arraignments will only be compensated when necessary because of special circumstances (explanation required).

- 1.21 Written Argument where ordered by the Court
\$92.40/hour (\$81.40/hour) – Maximum 10 hours

Explanation: A copy of the written argument must be made available to LAA upon request.

- 1.22 Written Argument when **not** ordered by the Court
\$92.40/hour (\$81.40/hour) – Maximum 5 hours

Explanation: A copy of the written argument must be made available to LAA upon request. This Tariff item is being implemented on a test basis to provide compensation when Counsel determines completion of written argument is in the best interests of the client; this item will be monitored closely for evaluation purposes.

- 1.23 Jury Selection
\$92.40/hour (\$81.40/hour) – Maximum of 3 hours per half day

- 1.24 Trial – 1st half day
\$ 552.20 (\$487,30)

The definition of a trial includes the following:

- proceedings during which evidence is called;
- application which could result in a stay;
- Dangerous Offender hearings;
- Fitness Hearings;
- pre-trial motions (e.g. Charter applications, severance applications, change of venue, applications for disclosure);
- contested Breach of Conditional Sentence hearings.

Explanation: First Docket appearance made by Counsel and all other appearances to set date or for election and plea (this explanation applies to 1.24-1.31). Fee is inclusive of:

- all appearances to set dates or for election and plea;
- obtaining disclosure;
- defence adjournments except as provided for under Tariff items 1.10 and 1.11;
- negotiations with the police and Crown, including ECR steps;
- preparation, including preparation of witnesses;
- attendance.

1.25 Trial – 2nd to 10th half day
\$277.20 (\$244.20)

Explanation: Please see 1.24

1.26 Trial – 11th half day forward
\$371.80 (\$326.70)

Explanation: Please see 1.24

1.27 Guilty Plea
\$277.20 (\$244.20)

Explanation: Fee is inclusive of:

- all appearances to set dates or for election and plea;
- obtaining disclosure;
- defence adjournments except as provided for under Tariff items 1.10 and 1.11;
- negotiations with the police and Crown, including ECR steps;
- preparation, including preparation of witnesses;
- attendance.

1.28 Resolution through Early Case Resolution
\$277.20 (\$244.20)

Explanation: Please see 1.27

1.29 Guilty Plea on day of trial
\$506 (\$445.50)

Fee applies when matter resolves by way of a guilty plea on the day of trial due to unforeseen circumstances, such as the non-attendance of a Crown witness. Counsel will have to provide a detailed explanation of attempts made to resolve the matter prior to the trial date and the reason why matters could be resolved on the trial date but not in advance.

Explanation: Please see 1.27

- 1.30 Withdrawal of Charge with Notice to Counsel
\$277.20 (\$244.20)

Explanation: Please see 1.27

- 1.31 Withdrawal of Charge on day of trial without Notice to Counsel
\$506 (\$445.50)

Fee applies only when the Crown opts to withdraw, stay or call no evidence on all charges on the day of trial with no prior notice to Defence Counsel.

Explanation: Please see 1.27

- 1.32 Speaking to sentence
\$92.40/hour (\$81.40/hour) – Maximum 4 hours per half day

Explanation: Fee is inclusive of preparation and attendance. Applies when the Court puts over the matter of Speaking to Sentence from the entry of the guilty plea or conviction, and can be billed for each applicable half day.

- 1.33 Contested Post-Sentence Hearing – 1st half day
\$277.20 (\$244.20)

Explanation: Fee applies to post-sentence hearings conducted pursuant to the Youth Criminal Justice Act, DNA Order Applications, and SOIRA Hearings; the fee is inclusive of preparation and attendance.

- 1.34 Contested Post-Sentence Hearing – 2nd half day forward
\$184.80 (\$162.80)

Explanation: Please see 1.32

- 1.35 Counsel withdraws from the Record
\$92.40/hour (\$81.40/hour) – Maximum 2 hours

Explanation: Fee may be billed when no disposition fee applies to a set of charges to compensate for services normally inclusive in a disposition fee, including review of disclosure, Docket appearances not billable under Tariff item 1.10, discussions with

witnesses, police or the Crown, etc. Counsel may be asked to itemized services provided. An attendance to withdraw is billable under Tariff item 1.10 or 1.11 as applicable.

- 1.36 Charges waived out of the jurisdiction
\$92.40/hour (\$81.40/hour) – Maximum 2 hours

Explanation: Please see 1.35

- 1.37 Multiple Charges
\$92.40 per set of additional charges (\$81.40/set of additional charges)

Explanation: Fee applies when a Certificate covers charges that do not all stem from the same incident but are all resolved at the same appearance, and is intended to compensate for the extra time required to review disclosure, interview the client, and other related steps. One fee is payable per set of circumstances, to a maximum of 10 fees per Certificate.

- 1.38 Level 3 Offences
10% increase

Explanation: When the most serious offence on a Certificate is a Level 3 offence, all fees (excluding travel time) are increased by 10%. (includes appeals)

- 1.39 Hourly Certificates
\$92.40/hour (\$81.40/hour) - Maximum number of hours will be indicated on the Certificate

Explanation: This Tariff item applies only when a certificate indicates that you may bill hourly. E.g. Board of Review, Institutional Matters, etc. Please note the File Opening Fee does not apply to Certificates issued under this Tariff item.

2. Criminal Appeal Certificates * also see item 1.38

2.01 File Opening Fee
\$100

Explanation: Payable on first account rendered on the Certificate; this fee is intended to compensate Counsel for steps associated with the opening and continuation of a file that are not compensable under any other Tariff item, such as booking appointments with the client, preparing memos for the file, and providing instructions to legal assistants.

2.02 Attending and Speaking to the List
\$92.40/hour (\$81.40/hour) – Maximum 1 hour

Explanation: Counsel is expected to avoid such appearances whenever possible.

2.03 Release pending appeal
\$92.40/hour (\$81.40/hour) – Maximum 4 hours per Certificate
Explanation: Fee is inclusive of preparation and attendance.

2.04 Interlocutory Application – Preparation
\$92.40/hour (\$81.40/hour) – Maximum 4 hours per Certificate

2.05 Interlocutory Application – Appearance
\$609.40 (\$532.80)

2.06 Interview with client – Summary Conviction or Sentence Appeal – Level 1 offence
\$92.40/hour – Maximum 1 hour

Interview with client – Summary Conviction or Sentence Appeal – Level 2 offence
\$92.40/hour (\$81.40/hour) – Maximum 3 hours

Interview with client – Summary Conviction or Sentence Appeal – Level 3 offence
\$92.40/hour (\$81.40/hour) – Maximum 10 hours

2.07 Briefing – Summary Conviction or Sentence Appeal – Level 1 or 2 offence
\$92.40/hour (\$81.40/hour) – Maximum 1 hour

2.08 Briefing – Summary Conviction or Sentence Appeal – Level 3 offence
\$92.40/hour (\$81.40/hour) – Maximum 2.5 hours

2.09 Preparation – Summary Conviction or Sentence Appeal – All Levels of Offence
\$92.40/hour (\$81.40/hour) – Maximum 10 hours

Explanation: Counsel may bill for all correspondence, drafting, filing and service of all documents including factum and briefing of law.

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- 2.10 Appearance – Summary Conviction or Sentence Appeal – 1st half day
\$609.40 (\$532.80)
- 2.11 Appearance – Summary Conviction or Sentence Appeal – 2nd half day forward
\$303.60 (\$267.30)
- 2.12 Interview and Briefing – Conviction Appeal in Court of Appeal or SCC – Level 1 offence
\$184.80 (\$162,80)
- Interview and Briefing – Conviction Appeal in Court of Appeal or SCC – Level 2 offence
\$508.20 (\$442.70)
- Interview and Briefing – Conviction Appeal in Court of Appeal or SCC – Level 3 offence
\$1848 (\$1628)
- Explanation:** Fee is inclusive of interview time with client as well as all briefing.
- 2.13 Preparation – Conviction Appeal or Denial of Extraordinary Remedy – Trial lasted one day or less
\$92.40/hour (\$81.40/hour) – Maximum 10 hours
- Explanation:** Please see 2.09
- 2.14 Preparation – Conviction Appeal or Denial of Extraordinary Remedy – Trial lasted more than one day up to 5 days
\$92.40/hour (\$81.40/hour) – Maximum 25 hours
- Explanation:** Please see 2.09
- 2.15 Preparation – Conviction Appeal or Denial of Extraordinary Remedy – Trial lasted more than 5 days
\$92.40/hour (\$81.40/hour) – Maximum 25 hours per 5 days (or portion thereof) of original trial
- Explanation:** Please see 2.09
- 2.16 Appearance – 1st half day in the Court of Appeal
\$642.40 (\$565.40)
- 2.17 Appearance – each additional half day in the Court of Appeal
\$303.60 (\$267.30)
- 2.18 Preparation for Interlocutory/Leave Application in the Supreme Court of Canada
\$1364 (\$1201.20)

explanation: Please see 2.09

- 2.19 Any Appearance in the Supreme Court of Canada
\$1364/day (\$1201.20/day)

- 2.20 Waiting Time in Court of Appeal when Counsel has no other matters
\$92.40/hour (\$81.40/hour) – Maximum 2 hours per half day on the Certificate, any other Certificate or a private matter.

Civil Certificates

- 3.01 File Opening Fee
\$100

Explanation: Payable on the first account rendered on a Certificate; this fee is intended to compensate Counsel for steps associated with the opening and continuation of a file that are not compensable under any other Tariff item, such as booking appointments with the client, preparing memos for the file, and providing instructions to legal assistants. If representing co-clients, the full fee can be billed on each Certificate.

- 3.02 File Closing Fee
\$50

Explanation: Payable on the final account rendered on a Certificate, as long as Counsel has had conduct of a file for at least six months, has brought matters to conclusion OR completed at least ten hours of work on the file; the fee is intended to compensate Counsel for steps associated with the conclusion of a file, including providing materials to the client, preparing accounts to submit to Legal Aid Alberta and preparing the file for closure.

- 3.03 Base Civil Coverage
\$92.40/hour (\$81.40/hr.) – Maximum 30 hours

Explanation: Please see guidelines on billing time for Base Civil Coverage at end of this section.

- 3.04 Preparation for Examinations
\$92.40/hour (\$81.40/hour) – Maximum 1 hour per examination

- 3.05 Attendance at Examinations
\$92.40/hour (\$81.40/hour)

- 3.06 Attendance at Judicial Dispute Resolution
\$92.40/hour (\$81.40/hour)

- 3.07 Attendance in Chambers as Applicant or attendance in Family Court for Hearing
\$92.40/hour (\$81.40/hour) – Minimum 1 hour per appearance

Explanation: Adjournments are not billable under this item but should be billed under Tariff item 3.03. Note that Counsel can only initiate two Regular Chambers applications and must seek prior approval to initiate any additional application under Extra Tariff item 7.03 Counsel must indicate the issue for the Application. Please advise the nature and outcome of the appearance.

- 3.08 Preparation and Attendance for Special Chambers

\$92.40/hour (\$81.40/hour) – Maximum 6 hours per Certificate

Explanation: Includes preparation of documents, general preparation for appearance and attendance at Application. Counsel may only initiate one Special Chambers Application per Certificate without prior approval.

3.09 Preparation of Documents when Responding to Regular QB Application
\$92.40/hour (\$81.40/hour) – Maximum 3 hours

3.10 Attendance in Regular QB Chambers as Respondent
\$92.40/hour (\$81.40/hour) – Minimum 1 hour per appearance

Please advise the nature and outcome of the appearance.

3.11 Attendance at Trial – 1st half day to 10th half day inclusive
\$236.50/half day (\$203.50/half day)

3.12 Attendance at Trial – 11th half day forward
\$ 488.40/half day (\$430.10/half day)

Explanation: Fee is inclusive of an additional hour per half day for preparation for trial.

Base Civil Coverage Guidelines

Counsel may bill for steps taken pursuant to a Certificate that are not billable under any other Tariff item and were necessary to complete the matters covered by the Certificate.

Counsel must bill actual time; billing minimums are not permissible.

Although Counsel is not required to produce time records for Base Civil Coverage when submitting accounts, LAA may request time records as part of our audit process, or when considering requests for additional hours. Thus, it is important that Counsel keep time records for all steps billed under Base Civil Coverage.

- I. The following may be billed under Base Civil Coverage:
 - a. interviews and phone calls with client;
 - b. reviewing documents;
 - c. preparation of all documents and pleadings related to a matter;
 - d. negotiations and correspondence;
 - e. preparation regarding witnesses, including experts and experts' reports;
 - f. preparation for trial or hearing;
 - g. legal research;
 - h. concluding matters;
 - i. appearance before a Dispute Resolution Officer or Judicial Dispute Resolution;
 - j. appearances to adjourn a matter;
 - k. waiting time in Court or at Tribunal;
 - l. time in Court or at Tribunal prior to 9 a.m. or after 5 p.m.;
 - m. preparation for and attendance at pre-trial or pre-hearing conferences or case management;
 - n. preparation of written argument or submission for Court or Tribunal; and
 - o. services provided to Legal Aid Alberta – i.e. securing mortgage documents.

- II. Counsel are asked to use the following as guidelines for billing for the preparation of documents. Counsel may deviate from these guidelines but may be asked to provide an explanation:
 - a. basic correspondence, including email, 0.10 or 0.20 hours per item;
 - b. review of correspondence received, including email, 0.10 hours per item;
 - c. Notice to Disclose/Notice of Motion, 0.30 hours per Notice;
 - d. Notice of Motion for a Regular Chambers Application, 0.30 to 0.50 hours per Notice;
 - e. Statement of Claim, 0.50 hours;
 - f. Request for Divorce, 0.30 hours; or
 - g. Order, 0.50 to 1.00 hours per Order.

- III. Counsel may not bill for the following, as it is anticipated that these steps are adequately compensated by the file opening and closing fees:
 - a. preparing memos to place on a file;
 - b. telephone conversations, correspondence or other steps taken to schedule appointments with client;
 - c. providing office staff with instructions;

- d. sending copies of letters to client or anyone else;
- e. communication with Legal Aid Alberta via email, correspondence or telephone; and
- f. preparing accounts.

Administrative Law Certificates

Please note that Tariff items 3.01 (File Opening Fee) and 3.02 (File Closing Fee) apply to Part 4 Civil Certificates.

4.01 Immigration
\$92.40/hour (\$81.40/hour)

Explanation: Maximum number of hours allowable will be indicated on Certificate. Counsel may bill actual time for all steps included in Base Civil Coverage (Tariff item 3.03), preparation and appearance.

4.02 Workers' Compensation Board
\$92.40/hour (\$81.40/hour)

Explanation: Please see 4.01

4.03 Income Security Program (Denial of Benefits)
\$92.40/hour (\$81.40/hour)

Explanation: Please see 4.01

4.04 Canada Pension Plan Appeal
\$92.40/hour (\$81.40/hour)

Explanation: Please see 4.01

4.05 Assured Income for the Severely Handicapped Appeal
\$92.40/hour (\$81.40/hour)

Explanation: Please see 4.01

4.06 Employment Insurance Appeal
\$92.40/hour (\$81.40/hour)

Explanation: Please see 4.01

4.07 Other
\$92.40/hour (\$81.40/hour)
Explanation: Please see 4.01

5. Civil Appeal Certificates

Please note that Tariff items 3.01 (File Opening Fee) and 3.02 (File Closing Fee) apply to Civil Appeal Certificates.

- 5.01 Additional Preparation Time when Counsel was not Counsel of Record at the original hearing in Family Court
\$92.40/hour (\$81.40/hour) – Maximum 5 hours

Explanation: Counsel may bill for interview time with client, all correspondence, drafting, filing and service of all documents including factum and briefing of law.

- 5.02 Additional Preparation Time when Counsel was not Counsel of Record at the original hearing in Queen’s Bench
\$92.40/hour (\$81.40/hour) – Maximum 10 hours

Explanation: Please see 5.01

- 5.03 Attendance at Speak to the List in for Appeals
\$92.40/hour (\$81.40/hour) – Maximum 1 hour per appearance

Explanation: Counsel is expected to avoid such appearances whenever possible.

- 5.04 Waiting Time when Waiting for Appeal to be Heard
\$92.40/hour (\$81.40/hour) – Maximum 2.5 hours per half day

Explanation: Time spent waiting for Court or Tribunal to commence is only payable where no other fee is being claimed for the same half day on the Certificate, any other Certificate or a private matter.

- 5.05 Preparation for Appeal of a decision made in Family Court
\$92.40/hour (\$81.40/hour) – Maximum 20 hours

Explanation: Please see 5.01

- 5.06 Preparation for Appeal of a decision made in the Court of Queen’s Bench
\$92.40/hour (\$81.40/hour) – Maximum 30 hours

Explanation: Please see 5.01

- 5.07 Appearance in Court of Queen’s Bench or Court of Appeal for Appeal Hearing
\$231/half day (\$203.50/half day)

- 5.08 Preparation of Interlocutory/Leave Applications in the Supreme Court of Canada
\$1252 (\$1201.20)

Explanation: Counsel may bill for interview time with client, all correspondence, drafting, filing and service of all documents including factum and briefing of law.

- 5.09 Preparation of appeal in the Supreme Court of Canada where trial lasted one day or less
\$92.40/hour (\$81.40/hour) – Maximum 10 hours

Explanation: Please see 5.08

- 5.10 Preparation of appeal in the Supreme Court of Canada where original trial lasted more than one day up to five days
\$92.40/hour (\$81.40/hour) – Maximum 25 hours

Explanation: Please see 5.08

- 5.11 Preparation of appeal in the Supreme Court of Canada where original trial lasted more than 5 days
\$92.40/hour (\$81.40/hour) – Maximum 25 hours per 5 days (or portion thereof) of original trial

Explanation: Please see 5.08

- 5.12 All Appearances in the Supreme Court of Canada
\$1252 (\$1201.20) per day

6. Opinion Certificates

File Opening and Closing fees do not apply to Opinion Certificates.

- 6.01 Opinion – 1 hour – Express Payment
\$97.90 (\$86.90)

Explanation: Fee is inclusive of all fees and disbursements for the Certificate.

- 6.02 Opinion – 2 hour – Express Payment
\$195.80 (\$173.80)

Explanation: Fee is inclusive of all fees and disbursements for the Certificate.

- 6.03 Counsel Unable to Provide Opinion – Express Payment
\$53.90 (\$47.30)

Explanation: Fee is inclusive of all fees and disbursements for the Certificate.

- 6.04 Opinion – Regular Tariff
\$92.40/hour (\$81.40/hour) – Maximum hours as specified on Certificate; disbursements may be billed.

7. Extra Tariff Items

Extra Tariff Items require prior approval by Legal Aid Alberta. Please see Guidelines on Requesting Extra Tariff Items and Special Disbursements for more information.

7.01 Additional Bail Applications

\$184.80 (\$162.80)

Explanation: Fee is inclusive of preparation and appearance. Item 1.09 also applies.

7.02 Additional Special Chambers Applications

\$92.40/hour (\$81.40/hour) – Maximum 6 hours or as authorized

Explanation: Counsel may bill for preparation of documents, general preparation for appearance, and attendance at Application.

7.03 Additional Regular Chambers Applications

\$92.40/hour (\$81.40/hour)

Explanation: Minimum of one hour for appearance; additional hours for preparation as authorized.

7.04 Additional hours – Criminal Certificate

\$84/hour (\$74/hour) – Maximum hours as authorized

7.05 Additional hours – Civil Certificate

\$92.40/hour (\$81.40/hour) – Maximum hours as authorized

7.06 Travel Costs not anticipated at time of Certificate Issuance

As authorized

7.07 Watching Briefs

\$92.40/hour (\$81.40/hour) – Maximum 2.5 hours per half day

7.08 Other

As authorized

7.09 Discretionary Increase

As authorized

Explanation: In cases of more than usual complexity, Counsel may request a discretionary increase in the Tariff rates. Counsel must explain all steps taken on behalf of the client and why Counsel believes a discretionary increase is justified. Such requests may be authorized by the Vice-President of Legal Services Centre or his/her delegate, or may be referred to a Committee for decision.

Guidelines on Requesting Extra Tariff Items (Matters NOT in the High Cost Case Management Program)

It is anticipated that the coverage provided for under the Tariff will be sufficient to bring most matters to conclusion; however, if Counsel concludes additional coverage is required, Counsel may request an Extra Tariff item. PLEASE NOTE: all Extra Tariff items require prior approval or Counsel may not be paid. Counsel must submit an on-line request, or a request in writing to the contact person on the Certificate. Requests cannot be considered without all of the necessary information, as set out below. Once your request has been considered, you will be advised of the decision as soon as possible and will be informed of your options to appeal that decision if appropriate.

7.01 Additional Bail Applications

The Tariff allows only one Bail Application in the Court of Queen's Bench per Certificate. If Counsel is of the opinion a subsequent QB Bail Application is warranted, Counsel may request coverage for same by indicating:

- why a subsequent bail application is warranted
- a very brief Opinion statement on the likelihood of success.

7.02 Additional Special Chambers Applications

The Tariff allows only one Special Chambers Application as Applicant. If Counsel is of the opinion a subsequent Special Chambers Application is warranted, Counsel may request coverage for same by indicating:

- the issues dealt with in the earlier Special Chambers Application(s) and the outcome of that Application(s);
- issues to be resolved at the subsequent Special Chambers Application; and
- a very brief Opinion statement on the likelihood of success.

Six hours for preparation, drafting documents and attendance is generally granted for a Special Chambers Application; if Counsel is of the Opinion more time is necessary, Counsel should indicate how many hours are requested and provide an explanation as to why the matter is expected to be more time consuming than a standard application.

7.03 Additional Regular Chambers Applications

The Tariff allows only two Regular Chambers Applications as Applicant. If Counsel is of the opinion a subsequent Regular Chambers Application is warranted, Counsel may request coverage for same by indicating:

- the issues dealt with in the earlier Regular Chambers Applications and the outcome of those Applications;
- issues to be resolved at the subsequent Regular Chambers Application;
- a very brief Opinion statement on the likelihood of success; and

- an indication of whether additional hours for preparation are required under Base Civil Coverage and if so, and explanation of how many hours are required and how those hours will be used.

7.04 Additional Hours – Criminal Certificate

The Tariff includes interview time with the client and legal briefing under Tariff item 1.06, and for correspondence, disclosure review, preparation for Court, and other such steps under the applicable disposition Tariff item. If Counsel is of the Opinion that additional hours are required for any steps, Counsel may request coverage for same by indicating:

- how many additional hours are being requested;
- a breakdown of how the additional hours would be used;
- an explanation of why additional hours are necessary; and
- an explanation of how any additional hours previously approved on the Certificate were used.

This Extra Tariff item can also be used to request additional hours on a Criminal Appeal.

7.05 Additional Hours – Civil Certificate

The Tariff provides Counsel with set numbers of hours for Base Civil Coverage, for other steps taken on civil matters, as well as for Civil Appeals. If Counsel is of the Opinion that additional hours are required for Base Civil Coverage or any other steps including on Appeals, Counsel may request coverage for same by indicating:

- how many additional hours are being requested;
- a breakdown of how the additional hours would be used;
- an explanation of why additional hours are necessary; and
- an explanation of how any additional hours previously approved on the Certificate were used.

7.06 Travel Costs not anticipated at the time of Certificate Issuance

Ordinarily, at the time a Certificate is issued, LAA indicates whether travel will be compensated and if Counsel accepts a Certificate in circumstances where travel will not be compensated, Counsel is expected to cover his or her own costs of travel. However, if circumstances arise that change the travel requirements on a Certificate, Counsel may request coverage for travel by indicating:

- why travel is required;
- details of travel, including where Counsel will be traveling from and to, what method of travel will be used, and whether accommodations will be necessary;
- a breakdown of the associated costs.

7.07 Watching Briefs

If Counsel is of the Opinion that it would be beneficial to a client's matter if Counsel attended at related Court proceedings, Counsel may request coverage for same by indicating:

- what proceedings Counsel wishes to observe;
- how the proceedings are related to the client's matter;
- how it would benefit the client's matter to have Counsel observe the other proceedings;
- the expected duration of the other proceedings.

7.08 Other

If Counsel is of the Opinion that an Extra Tariff item of a nature not outlined above is necessary, Counsel may request coverage for same by providing full details of what is being requested and an explanation of why the additional coverage is warranted.

7.09 Discretionary Increase

If Counsel is of the Opinion that circumstances such as the complexity of the matter or Counsel's expertise in a particular area of practice justify an increase in the standard hourly rate for the Tariff, Counsel may request a Discretionary Increase. Discretionary Increases are exceptional in nature, and are not intended to compensate Counsel for Extra Tariff items for which Counsel did not request approval in advance. When Counsel is requesting a Discretionary Increase, Counsel should indicate the amount of the increase being sought and provide a detailed explanation of why Counsel feels the increase is justified, including the issues involved in the matter, the nature of Counsel's expertise in the area of practice, and any other circumstances relevant to the request.

8. Ordinary Disbursements

- 8.01 Travel Time and Travel Wait Time
\$40 per hour

Explanation: Travel is allowed to Court, to Examinations for Discovery, and to where the client is in custody within the same Legal Aid Alberta region. Any travel outside the Legal Aid Alberta region requires prior approval, and travel within a city/town is not allowable.

- 8.02 Kilometrage

Please see the Counsel Connection section of the Legal Aid Alberta website for the applicable rate

- 8.03 Travel to Ottawa for SCC Appeal, including all Travel Waiting Time
\$800

- 8.04 Parking
Actual Cost
If no GST applies, use Tariff Item 8.24.

- 8.05 Accommodation and Meals
Actual Cost

Explanation: Counsel are encouraged to use Travel Assist whenever possible; when making other arrangements, Counsel should be mindful of the fact that clients are individuals of modest financial means and ensure that all expenses incurred are reasonable. Please see the Counsel Connection section of our website for the applicable rates. Actual/reasonable can be claimed with receipt attached or available upon request.

Counsel is reminded that Legal Aid Alberta will not pay for meals for guests or clients. Alcoholic beverages are not an allowable expense.

- 8.06 Airfare and other Transportation
Actual Cost

- 8.07 Filing Fees
Actual Cost

Please note that filing fees are waived by the Clerk of the Court upon presentation of the Legal Aid Alberta certificate.

- 8.08 Process Servers
Actual Cost

If no GST applies, use Tariff Item 8.25.

- 8.09 Conduct Money for Ordinary Witnesses
Witnesses must reside within 300 kms. of the place of trial. A maximum of five witnesses are allowed under this item. If these criteria are not met, prior approval must be sought under Tariff item 9.07.

As Per Alberta Rules of Court

- 8.10 Appeal Books Where Coverage is Granted for the Appeal
Actual Cost
- 8.11 Transcripts of Any Examinations or Bail Applications
Actual Cost

Explanation: This item excludes all expedited transcripts, but does include expedited bail transcripts – prior approval must be sought for all expedited transcripts under Tariff item 9.09.

If no GST applies, use Tariff Item 8.26.

- 8.12 Photocopies
10¢ per page

Explanation: Counsel may also bill for actual cost paid to an outside agency.

- 8.13 Fax Charges
Actual Cost

Explanation: Counsel may ONLY bill for actual cost paid to an outside agency.

- 8.14 Agent
Actual Cost

Explanation: Counsel may bill the lesser of the agent's fee or the fee appointed Counsel could have billed pursuant to the Tariff if counsel had performed services personally. Counsel is required to use the services of agents located in the locale of Court, such that travel time and expenses will not be reimbursed. In the event that Counsel cannot locate an agent in the locale of Court, Counsel should contact the Regional Office responsible for the locale of Court for assistance or to seek coverage for travel expenses.

- 8.15 Medical Report
Actual Cost

Explanation: Maximum allowed is \$250; prior approval must be sought for expense in excess of \$250 under Tariff item 9.01.

If no GST applies, use Tariff Item 8.27.

8.16 Miscellaneous
Actual Cost

Explanation: Maximum of \$150 allowed for 8.16 and 8.17 together. Counsel may not bill under this item for disbursements that require prior approval as Special Disbursements.

8.17 Miscellaneous - no GST applies
Actual Cost

Explanation: Please see 8.16

8.18 Postage
Actual Cost

8.19 Runners, Long Distance, Long Distance Faxes
Actual Cost

8.20 Courier Charges
Actual Cost - Applicable only when couriering is deemed necessary.

8.21 Translation and Interpretation Expenses
Actual Cost

Explanation: Maximum allowed is \$150; prior approval must be sought for expense in excess of \$150 under Tariff item 9.11. On Immigration Certificates only, ordinary disbursement includes translation and interpretation expenses up to \$2000.

If no GST applies, use Tariff Item 8.28.

8.22 Computer Law Searches Actual Cost
Explanation: Maximum of \$25 per Certificate

9. Special Disbursements – Regular Certificate Matters

Special Disbursements require prior approval by Legal Aid Alberta. Please see [Guidelines on Requesting Extra Tariff Items and Special Disbursements](#) for more information

9.01 Experts

If no GST applies, use Tariff Item 9.14.

9.02 Expert Witness Fees

If no GST applies, use Tariff Item 9.15.

9.03 Property Appraisals

9.04 Unusual Transportation

9.05 Maps, Models and other Physical Exhibits

9.06 Agent Outside of Alberta

9.07 Conduct Money for Extraordinary Witnesses (excluded by Tariff Item 8.9)

9.08 Records or Statements (including medical)

9.09 Transcripts and All Expedited Transcripts (except as included in Tariff Item 8.11)

If no GST applies, use Tariff Item 9.13.

9.10 Newspaper Ads for Substitutional Service

9.11 Translation and Interpretation Services (in excess of \$150.00)

9.12 Other

All items as Authorized on Special Disbursement.

Guidelines on Requesting Special Disbursements (matters NOT in the High Cost Case Management Program)

9.01 Experts

If Counsel is of the opinion that a report from an expert is necessary to a client's matter, Counsel may request approval for the cost of same, indicating:

- the name and area of expertise of the expert;
- the nature of the analysis to be undertaken by the expert;
- an explanation as to why a report from the expert will be beneficial to the client's matter; and
- a detailed breakdown of the cost of obtaining the expert's report, including the hourly rate of the expert, the number of hours the expert requires, and the steps to be taken by the expert.

9.02 Expert Witness Fees

If Counsel is of the opinion that evidence from an expert is necessary at a Court proceeding, Counsel may request approval for the cost of same, indicating:

- the name and area of expertise of the expert;
- the nature of the evidence to be provided by the expert;
- an explanation as to why the evidence of the expert will be beneficial to the client's matter; and
- a detailed breakdown of the cost of the expert providing evidence, including the hourly rate of the expert, the number of hours for which the expert is expected to be required, and any other associated expenses, including travel costs and preparation time for the expert.

9.03 Property Appraisals

If Counsel is of the opinion that an assessment of the value of property is required, Counsel may request approval for the cost of same, indicating:

- the property to be appraised;
- who will be completing the appraisal;
- the cost of the appraisal; and
- an explanation of whether the Opposing Party will be sharing in the cost of the appraisal, and if not, why not.

9.04 Unusual Transportation

If Counsel must travel in the course of a matter, and such travel is not possible by automobile or a standard commercial travel carrier, Counsel may request approval for the cost of same, indicating details of the travel required and a breakdown of the associated costs.

9.05 Maps, Models and other Physical Exhibits

If Counsel is of the opinion that a map, model or other physical exhibit is necessary to a client's matter, Counsel may request approval for the cost of same, indicating the nature of the exhibit required, who will be preparing the exhibit, and a breakdown of the cost.

9.06 Agent Outside of Alberta

If Counsel requires the services of a legal agent outside of the province of Alberta, Counsel may request approval for the cost of same, indicating:

- the name of the agent;
- the services to be provided by the agent and why the services are necessary; and
- a breakdown of the cost of the agent's services, including the agent's hourly rate and the number of hours required.

9.07 Conduct Money for Extraordinary Witnesses

9.08 Records or Statements (including medical)

If Counsel is of the opinion that medical or other records are necessary to the client's matter, Counsel may request approval for the cost of same, indicating:

- the nature of the records required and from whom the records will be obtained;
- the benefit to the client's matter of obtaining the records; and
- the cost of obtaining the records.

9.09 Transcripts and Expedited Transcripts (excluded by Tariff item 8.11)

If Counsel is of the opinion that transcripts of a proceeding are required, Counsel may request approval for the cost of same, indicating:

- the proceedings for which transcripts are required;
- an explanation of why the transcripts are necessary;
- the cost of obtaining the transcripts; and
- if Counsel is intending to request the transcripts on an expedited basis, an explanation of why the transcripts are required on an urgent basis.

9.10 Newspaper Ads for Substitutional Service

If an Order for Substitutional Service has been obtained providing for service by newspaper advertising, Counsel may request approval for the cost of same, indicating the reason substitutional service is necessary and the cost of the newspaper advertising.

9.11 Translation and Interpretation Services (in excess of \$150)

If Counsel is of the opinion that translation or interpretation services are required, Counsel may request approval for the cost of same, indicating:

- the name of the translator/interpreter to be used;
- if documents are to be translated, a description of the documents and why they are necessary to the client's matter;
- if oral interpretation is to be provided, an explanation of what will be interpreted;
- a breakdown of the cost of the services, including the applicable hourly rate or rate by document.

9.12 Other

If Counsel is of the opinion that any other disbursement not covered by any Ordinary or Special Disbursement is required, Counsel may request approval for the cost of same, indicating the nature of the expense and a breakdown of the cost.

10. Extra Tariff Items and Special Disbursements – Matters in the High Cost Case Management Program

10.01 Fees for steps taken in a matter

Items allowed and hours spent

Explanation: All steps undertaken in a High Cost Case matter must form part of the case management plan and budget approved under the Program and billed in accordance with its guidelines and protocols. For more information, contact Legal Aid Alberta's High Cost Case Manager.

10.02 Disbursements

Items allowed and hours spent

Explanation: All disbursements in a High Cost Case matter must form part of the case management plan and budget approved under the Program and billed in accordance with its guidelines and protocols. For more information, contact Legal Aid Alberta's High Cost Case Manager.