



Tariff Handbook for Civil/Family Lawyers

Version 3.0: January 2023



Disclaimer:

Please be advised that this Tariff Handbook for lawyers does NOT override the Tariff or any associated LAA policy or Rules.

The purpose of this document is to provide assistance in understanding how the Tariff operates and to address common confusions regarding invoicing under the Tariff.

This Handbook is also intended to provide up to date information on processing and requirements for Additional Hour requests.

*****This Handbook is subject to change.** An updated and current version will always be found on the Roster Resources - Legal Aid Alberta***



Lawyer's Guide to the Civil/Family Tariff

The LAA Tariff is a combination of Block Fees, Disbursements, and "extras" like Additional Hours (hourly billing). LAA has no ability to amend the current structure of the Tariff, or the number of hours included in the block fees (or hourly rate). The Tariff is part of the current Governance Agreement with the Law Society of Alberta and the Ministry of Justice and Solicitor General.

Tariff Items:

The preparation hours included in the below Tariff items cannot be charged for travel time or travel expenses.

3.01 File Opening Fee- \$135.29

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- \$67.64

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

- The hourly rate chargeable is \$125.00/hour (\$110.13/hr. for student lawyers) – Maximum 30 hours
- Pay attention to "Service Type" on the Certificate
 - "Lawyer Representation" certificate provides 30 hours
 - Appropriate Hour Certificates will indicate in the condition shown on the certificate how many hours are provided.

Certificate Number C3125896		File Number LSC-000013432	Issued on Behalf of Smith, Joe
Certificate Start Date 2021-Jun-30		Service Decision Number LSC-000013432.01	Address of Client PO BOX 123 Blackfalds T0N 0P3
Lawyer Courthouse St. Paul			
Area of Law Family		Lawyer -----	Date of Birth 1990-12-01
Matter Type Standard		Service Type -----	Client T:
Specialization Not Applicable		Travel Authorized Yes	Telephone M: 403-123-4567
Service Location St. Paul		Duty Counsel Type	Numbers W:
Status Active		DC Court Location	Preferred Phone: 403-123-4567
Contact Person Certificate Team		Courtroom	Client E-mail Address smithjoe88@gmail.com
Transfer From 1.866.845.3425		Highest Legal Issue Level Level 1	
		Policy Exemption Reason Not Applicable	

Certificate

CONDITIONS/RESTRICTIONS


Condition	Comment
01 - As per the Legal Aid Alberta's Administrative Policy 05 - Case Management for Certificate-based Matters, a lawyer or staff office must submit their final bill on a case within six (6) months of the date of completion of the certificate service.	
60 - After taking into consideration the criticality of the client's needs, the LAA Assessment Team has determined that the appropriate number of hours allocated for this certificate are ___ hours. Please note that these hours are limited to the Legal Issues identified on this certificate.	15 Hours

Explanation: The following may be billed under Base Civil Coverage:

- interviews and phone calls with client;
- reviewing documents;
- preparation of all documents and pleadings related to a matter;
- negotiations and correspondence;
- preparation regarding witnesses, including experts and experts' reports;
- preparation for trial or hearing;
- legal research;
- concluding matters;
- appearances to adjourn a matter;
- waiting time in Court or at Tribunal;
- time in Court or at Tribunal prior to 9 a.m. or after 5 p.m.;
- preparation for and attendance at pre-trial or pre-hearing conferences or case management;
- preparation of written argument or submission for Court or Tribunal; and
- services provided to Legal Aid Alberta – i.e., securing mortgage documents

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:

- basic correspondence, including email, 0.10 or 0.20 hours per item;
- Review of correspondence received, including email, 0.10 hours per item;
- Notice to Disclose/Notice of Motion, 0.30 hours per Notice;
- Notice of Motion for a Chambers Application, 0.30 to 0.50 hours per Notice;
- Affidavit – maximum 2.0 hours;

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- Statement of Claim, 0.50 hours;
 - Request for Divorce, 0.30 hours; or
 - Order, 0.50 to 1.00 hours per Order.

Counsel may not bill for the following, as it is anticipated that these steps are adequately compensated by the file opening and closing fees:

- preparing memos to place on a file;
- telephone conversations, correspondence or other steps taken to schedule appointments with client;
- providing office staff with instructions;
- sending copies of letters to client or anyone else;
- communication with Legal Aid Alberta via email, correspondence, or telephone; and
- preparing accounts.

Note: Counsel also should not bill for leaving or listening to a voice mail.

3.04 Preparation for Examinations (now called Questioning)

- Maximum 1 hour per examination
- Additional time can be billed under 3.03

3.05 Attendance at Examinations

- Actual time of the Questioning

3.06 Attendance at Judicial Dispute Resolution

- Actual time
- Attending an EICC, DRO (Calgary) or CSR (Edmonton) can be billed under this tariff item



3.07 Attendance in Chambers as Applicant or attendance in Family Court for Hearing

- Minimum 1 hour per appearance
- Actual time to a maximum of 3 hours
- Attendance as Respondent falls under tariff item 3.10
- Ensure that your time records indicate whether your client was Applicant or Respondent

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.

When submitting an invoice under this tariff item, Counsel must indicate the issue for the Application and the nature and outcome of the appearance.

Docket appearances in Provincial Court or the Court of King's Bench are billed under 3.03. A "hearing" in Provincial Court, such as a Resolution Hearing (in Edmonton) is billed under this Tariff Item.

An interim hearing in Provincial Court should be billed under Tariff Item 3.11

To request approval for an additional Regular Chambers application as Applicant, submit an authorization request in Lawyer Portal under tariff item 7.03. You will need to include the following information:

- What were the issues on the previous applications, and what was the outcome?
- What are you seeking for this court application and what evidence is there to demonstrate that there is a likelihood of success?

3.08 Preparation and Attendance for Special Chambers

- Maximum 6 hours per Certificate
- Additional time can be billed under 3.03
- Ensure that your time records indicate whether your client was the Applicant or Respondent

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.

NOTE: Respondents are not required to get approval to respond to more than one Special Chambers Application, but when invoicing, you will need to explain for each application whether you were Applicant or Respondent.



To request approval for an additional Special Chambers Application, submit an authorization request in Lawyer Portal under tariff item 7.02. You will need to include the following information:

- What were the issues on the previous application, and what was the outcome?
- What are you seeking for this court application and what evidence is there to demonstrate that there is a likelihood of success?

3.09 Preparation of Documents when Responding to Regular KB Application

- Maximum 3 hours

3.10 Attendance in Regular KB Chambers as Respondent

- Please advise the nature and outcome of the appearance.
- Actual time to a maximum of 3 hours

3.11 Attendance at Trial – 1st half day to 10th half day inclusive

- Block fee - \$319.94/half day (\$275.30/half day)

3.12 Attendance at Trial – 11th half day forward

- Block fee - \$ 660.71/half day (\$581.85/half day)

Explanation: Fee is inclusive of an additional hour per half day for preparation for trial. For example, for a one-day trial, two hours of trial prep is included in this fee. If you spent 4 hours preparing, then only two hours can be billed under 3.03.



Common Disbursement Questions

Transcripts (8.11 and 9.09)

All transcripts which are not expedited (ordered on a 30 day turn around) as well as any expedited bail transcripts needed can be charged under 8.11 without prior approval.

If a transcript needs to be ordered on a less than 30 day turn around, then prior approval for the transcript should be sought through an Authorization Request for "Add Tariff Item" - Tariff 9.09. The only explanation required is an explanation of why the transcript needs to be expedited (even if it's clearly apparent). Examples would be:

- ordering trial transcripts on an expedited basis to assist with closing argument;
- ordering a transcript from Questioning for a pending Chambers Application;
- decision of the judge on an expedited basis to confirm terms of the Court Order;
- transcripts from other proceedings (related trials, etc.) that are needed on an expedited basis.

Experts (9.01 and 9.02)

The hourly rate for various experts is currently set by the Government of Alberta as a condition of our funding and there is no discretion to approve ANY expert above the allowable hourly rate as found below:

Expert / Professional	Amount / Rate
Registered Psychologists	up to \$155.00 per hour
Physicians – General Practitioners	up to \$180.00 per hour
Other Physicians, Including Psychiatrists	up to \$200.00 per hour
Other Experts, Professionals, or Investigators	up to \$115.00 per hour

All Expert Costs must be approved in advance, whether for report writing or testimony fees, and requests must be submitted via the Authorization Request in Lawyer Portal. You are required to provide an explanation of why the Expert is necessary as well as an estimate of number of hours (at the allowable hourly rate) will be needed to complete the task. Further approval can be sought as the case evolves and/or if further Expert hours are needed as the case progresses.

NOTE: On a Child Welfare file, if requesting coverage for the equivalent of a "Justice Navigator" (i.e., a private social worker to assist the client in the initial stages to work with Children's Services) LAA will provide up to 4 hours at \$50.00/hour.

Note: Watch out for GST! Our system automatically adds GST on top of the invoice line amount UNLESS you click the "GST exempt" button.

Records and Statements (9.08)

This includes medical chart notes from a medical practitioner, and paternal DNA testing.



Additional Hours Handbook


LAA is a publicly funded non-profit organization meaning that we have a responsibility to our funders to ensure that all expenditure of public funds is justified and reasonable. LAA is not a free service and we have a duty to the Client to both provide oversight and ensure reasonable legal expenses for a person of modest means. Per LAA Admin Policy 5:

3.3 When LAA decides whether to grant a discretionary funding request, LAA's goal is to use the legal aid plan's resources responsibly – allowing LAA to assist the most Albertans possible – while also ensuring that LAA's clients receive competent and effective legal assistance that is proportionate to the seriousness and complexity of the legal problems the client faces.

Additional Hours are “discretionary funding” even though the Tariff does not always provide adequate hours for the work required. However, by taking on Legal Aid files you are agreeing to apply your expertise to a client's case for a reduced rate, and within the time limits allowed under the Tariff.

Additional hours are “the exception not the rule” and are not guaranteed on any file – therefore, they must be justified, and adequate reasoning provided in addition to principled consideration of how the hours included in the Tariff are being expended.

- All additional hours under 7.05 are to be requested prior to being expended and the requests (and approval) are governed by LAA Administrative Policy 5.
- In rapidly evolving situations and exceptional circumstances, such as being served with a court application on short notice, additional hours may be approved after the fact and a request can be made to LAA to consider approval and payment of those retroactive hours – see Retroactive Hours Section below.
- Any additional hours are “actual time spent” and time tracking, or recording is mandatory.
- Time records must be attached to every Authorization Request for Additional Hours



Per LAA Admin Policy 5:

3.6 LAA may authorize some, all, or none of the coverage a lawyer seeks through an Authorization Request. When deciding whether to grant an Authorization Request, LAA will consider whether a reasonable person of modest means, who was funding the matter using the client's own resources, would have the lawyer perform those services (or would incur the disbursement).

LAA may also consider:

- (a) the potential benefit or advantage the client stands to gain from the legal services (or disbursement) being requested;
- (b) if the services (or disbursement) relate to a specific legal issue or legal argument, the importance that issue or argument would have to a reasonable person of modest means who was in a similar position as the client;
- (c) the likelihood of success of any legal argument or application that relates to the additional services (or disbursement);
- (d) how the lawyer has used any time that is permitted by the Tariff or that was granted in response to earlier Authorization Requests;
- (e) whether the services (or disbursement) the lawyer is requesting appear to reflect a reasonable estimate of the time (or expense) associated with the services (or disbursement);
- (f) whether there are any reasonable alternatives to the services (or disbursement) being requested, and whether the lawyer has adequately investigated those alternatives;
- (g) whether a block Tariff item already compensates the lawyer for any related services;
- (h) the type of certificate under which the lawyer is representing the client and the usual expectations regarding the nature or scope of the lawyer's representation under that kind of certificate;
- (i) whether a legal issue that arises in the client's case is important to LAA's clientele, and if so, whether approving the Authorization Request could benefit other LAA clients; and
- (j) any other criteria set out in an internal policy or guideline that LAA establishes for a specific legal issue, service area, or category of disbursement.

Making a Request

If additional hours are to be requested, there are 3 main guidelines for additional hour requests:

1. LAA needs as much substantive information about the file as you can provide.
2. LAA can only approve additional hours above and beyond the tariffs if the request has proper documentation, including time records, and justification for the work done and work still required, keeping in mind the needs of a "reasonable client of modest means". If, for example, the client has been demanding and insists on going to court over issues that are not a priority, requests for additional hours may not be approved.
3. Please submit requests for hours as the file evolves whenever possible rather than asking for a large chunk at the outset of the file (as an estimate "just in case" every obstacle arises). The maximum number of hours that will be approved per request is 30 hours.



There is a requirement for additional documentation and information in order to approve additional hours as we are taking a holistic review of the certificate, the client, and overall circumstances in which the request is made in advance of approval.

You will also find the following Guidelines and questions to assist in what information to provide when making an Authorization Request under 7.05 within the Lawyer Portal as well as on our Roster Resources page ([How to request additional hours - Legal Aid Alberta](#)).

Information Required When Submitting the Request:

The information that needs to be included when submitting the request for additional hours varies, depending on whether your certificate is for a child welfare matter, family matter, or children's counsel. The Guidelines for the information needed can be found when you click on the *Additional Hour Request Guidelines* link when you create the Authorization Request in Lawyer Portal:

Request Type
Add Tariff Item

Urgent?
 Yes No

Tariff Item
(7.05) Additional Hours - Civil Certifica

Number of Hours Requested

Court Jurisdiction
Select

Type of Law
Select

Please refer to the **Additional Hour Request Guidelines** and provide your answers in the box below.

Request Reason(Max. 5000 Characters)
If you require more space, please upload the document(s) below.



Family Certificates:


- What alternate dispute resolution processes have been attempted, including 4-way settlement meetings?
- What issues have been resolved?
- Describe for each court application/appearance the following:
 - Applicant or respondent?
 - What was the relief sought? What was the outcome?
 - If the matter was adjourned, why was it adjourned?
- What challenges/stumbling blocks have affected getting the file concluded within the hours provided on the certificate to date? (ex. Language barriers, mental health issues, child welfare involvement, substance abuse allegations, opposing party self-represented)
- Is the file in Case Management? If yes how many Case Management meetings have there been?
- What are the outstanding issues? What are the positions of each of the parties?
- What recommendations have you suggested to the client to conclude the outstanding issues?
- Is the client's position realistic? Is the client willing to compromise?
- What stage are the proceedings at? For example, examination for discovery completed, Pretrial conference scheduled etc.
- If property division is at issue, what is the total value of the net matrimonial property available for distribution? Please provide property statement if available.
- What is your plan to move the file to resolution/conclusion?
- Is the client aware of their legal costs to date?
- Has the client approved your request for additional hours?
- If you were previously told that no more hours would be approved, what unforeseen or exceptional circumstances have arisen since the last request to justify further hours?

Child Welfare Certificates:

- How many children are involved?
- How many parties are involved? How many lawyers are involved?
- How many docket court appearances have there been, and what happened at each appearance? If matter was adjourned explain why
- How many JDR's or Pre-Trial Conferences have there been?
- Have there been any 4-way meetings with the Director? What are the obstacles to resolution?
- Have there been any access issues? Please describe
- Is the client engaged in the process? What steps has the client taken to address the child protection concerns raised by CFS. Please explain
- Is the client being reasonable in addressing child protection concerns? Please explain.
- Does the client have a lengthy history with CFS? Briefly describe
- How much disclosure is there? Has it already been reviewed once?
- Has an assessment by CFS been done? What are the recommendations? What do you feel you need to challenge and why?
- Have trial dates been set? How many days?
- How many witnesses are the Director calling and how many are experts to be cross examined?
- How many witnesses do you intend to call, and how many expert witnesses will you be calling?

Children's Counsel

- How many children are involved?
- How many meetings with the children have there been and over what time period?

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- How many court appearances have there been, and what was the result?
 - How many third parties have been interviewed (ex. School principal, counsellor)
 - How many reports/letters have been prepared for the court?
 - Have you conducted any settlement meetings? How many and with what result
 - Who is driving the litigation?
 - How much direct contact have you had with the parties? (i.e., have there been excessive emails or phone calls?)
 - Is the file in Case Management?
 - Are one or both of the parties self-represented?
 - Is there or will there be a Voice of the Child Report? What were the recommendations?
 - What is still preventing the parties from reaching an agreement?

Additional Hour Request Examples

The LAA Assessment Team's goal is not to micro-manage a lawyer's file, however we require specific information to be provided in order to (a) confirm how tariff included hours will be expended and (b) additional hours on top of the tariff are justified and reasonable based on a holistic view of the client and the case.

Your request may be rejected or revised to a lower number of hours because:

- Not enough information or the wrong information was provided to justify the hours requested
- Enough information was provided but the number of hours sought is not considered reasonable when considering:
 - the legal issues on the certificate
 - the length of time that has passed since the certificate was issued without concluding
 - the client's behavior (ex. demanding, excessive emails to the lawyer, unreasonable client expectations, unwilling to compromise)
- The legal issues cited to justify the need for Additional Hours is/are basic or common legal knowledge. For instance, additional hours needed to research or understand the legal issue are not justified (ex. spending time on research of general family law principles such as entitlement to spousal support)
- Time records are not in compliance with the LAA Guidelines, or the amount of time spent drafting documents appears to be more than would normally be required (especially for a non-complex matter) by the average lawyer with family experience.
- The request is not approvable for some other exceptional reason (i.e., the merit of the application is questionable, or the cost of the legal fees does not justify proceeding)
- Recording time for administrative tasks, such as filing documents at the courthouse, personally serving documents upon counsel, photocopying, scanning documents.
- Performing work that is not covered on the certificate. Ex. dealing with property when it is not a legal issue listed on the certificate.
- If your certificate has been stopped, no further work should be necessary on the file and if you are submitting your request because you want retroactive hours to final bill, see section below on "Retroactive Hours"



Retroactive Hours

The basis for approving Retroactive Hour Requests is found within Section 3 of Administrative Policy 5.

The Retroactive Hours Policy is not a substitute for properly submitting Additional Hour Requests and having hours approved prior to being expended. It is expected that all hours and special disbursements are requested beforehand.

Authorization Requests Must be Submitted in Advance of Performing Work for Clients

- 3.9 In general, LAA will not reimburse lawyers for any legal services that were performed (or disbursements that were expended) on behalf of a client if the services (or disbursements) were not specifically authorized by the Tariff, or if the services (or disbursements) were not requested and approved in advance, by way of an Authorization Request.
- 3.10 LAA may approve a retroactive Authorization Request for legal services (or a disbursement) and reimburse a lawyer for some or all the retroactive services (or disbursement), but only if:
- (a) one of the exceptions set out in this Part applies; or
 - (b) an exception does not apply, but there are other exceptional circumstances where the lawyer made reasonable and good-faith efforts to adhere to the discretionary authorization process and failing to reimburse the lawyer would cause substantial unfairness to the lawyer.

Exceptions – Retroactive Authorization Requests

- 3.11 LAA may approve a retroactive Authorization Request if:
- (a) it was reasonably necessary to perform the services (or expend the disbursement) to protect the client's position or the client's interests;
 - (b) the lawyer could not have reasonably anticipated the need to submit an Authorization Request at an earlier stage of proceedings; and
 - (c) the lawyer promptly submitted a retroactive Authorization Request after they performed the services (or expended the disbursement).

For example, if you request 40 hours and are given 20 – it is your responsibility to request the further 20 hours with additional updated information before going above those first 20 approved hours.

You cannot submit timesheets to prove the original 40 hours were needed. It is common practice for LAA to approve parts of requests to ensure consistency.



Best Practices for Requesting Additional Hours:

- Provide specific information about the file – do not make general statements (i.e., the self-represented opposing party has been difficult, my client’s position is realistic, or this is a high conflict file) – give details
- Provide details regarding court appearances – number of appearances, dates, nature of the application and the outcome
- Identify what the additional hours will be used for and how it will assist with resolution of the matter.
- Interim bill before submitting your request.
- Confirm first that you need additional hours, considering the time that can be billed under other tariff items
- Submit timesheets with every request, from file opening

Time Tracking & Hourly Billing

Time tracking is essential to proper record keeping and maintenance of a LAA certificate. Per Administrative Policy 5, Part 3:


Extra Hours

- 3.8 If LAA grants an authorization request allowing for additional preparation time on a certificate matter beyond what is already authorized by the Tariff (“extra hours”):
- (a) the extra hours are paid at the standard hourly rate set out in the Tariff;
 - (b) the lawyer must maintain timekeeping records to document the time spent working on the client’s matter and how that time was used, and the lawyer must provide these records to LAA, upon request;
 - (c) the extra hours authorization is not a block fee or flat rate that the lawyer may charge in the matter, and the lawyer may only submit an account for the actual time the lawyer has worked on the matter.

Best Practices in Timekeeping:

Always keep this in mind: If you were rendering an account to a private retainer client, how much detail would you include to avoid having the Assessment and Review Officer at the courthouse review your time and reduce the total amount charged?

- Timesheets should include client name, matter or file reference and time records submitted should be provided from a time entry program such as PC Law or Esi-Law. At the very least, they must be typed, and identify date, task, and amount of time.
- Timesheets should be detailed and specific (what type of document was reviewed? What type of document was prepared? Was it as Applicant or Respondent?)
- Timesheets need to be made contemporaneously as the file evolves – not created or re-created after the fact. That means “immediately enter the time spent”

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- Avoid block time entries for multiple tasks. Ex. 3.0 hours to emails with client, call to counsel, draft affidavit. Use a separate time entry for each task.
 - BUT: If you receive an email from the client and immediately send a reply, the time should be recorded as one entry for the **actual** time. That is, a .10 time entry is 1-6 minutes of time. If reading and responding to the email took less than 7 minutes, do not record it as a .20, and do not record it as a .10 to read the email, and another .10 to reply.
 - If you want to keep track of all time on the file, even though it is “nonbillable” as per LAA guidelines, ensure that the corresponding dollar amount shows as zero on your time records.
 - If you have recorded time for research, be sure the time entry describes what research was done and how it relates to the client’s matter

Conclusion

As LAA works towards a new innovative and simplified Tarff to replace the current structure, proper education about the existing Tariff as well as how Additional Hours are requested and approved is necessary to maintain LAA’s relationship with our Roster.



Contact Information

What do you need help with?

Billing

Invoicing, Tariff questions, payments

taxation@legalaid.ab.ca

Duty Counsel

DC certificates, Shiftboard

dutycounsel@legalaid.ab.ca

Certificates

LAA certificates, certificate, and tariff officer requests

certificatemanagement@legalaid.ab.ca

Lawyer Portal

Technical help, account troubleshooting, reset password, report an issue

lawyerportal@legalaid.ab.ca

Roster Relations

Questions, comments or concerns about Legal Aid Policies, Rules and/or Agreements

rosterrelations@legalaid.ab.ca

General LAA Feedback

Comments, content suggestions, website feedback

communications@legalaid.ab.ca



Legal Aid Alberta

