

Presenting: LAA's Modernized Criminal Tariff

Housekeeping

- Aiming for 45 min with 15 min for questions at the end.
- Please put any questions in the chat and we will address them as we go, or at the end.

• Please Remember: Official materials are on our website.

Roster Resources - Legal Aid Alberta



Agenda

I. Tariff Modernization Overview

- I. New Structure
- II. Family and Appeal Tariff Changes

II. Criminal Tariff Overview

- I. Legal Issue Levels
- II. Block Fees
- III. Authorization Requests & Extra Hours
- IV. Hourly Case Management

III. Invoicing

- I. General Rules
- II. Disbursements



I. New Structure

- ONLY applies to Certificates issued on or after April 1st, 2023
 - The \$125.00/hr is not changing
 - Certificates issued prior to April 1 are subject to the rates applicable at the time of issuance unless COC
- Reduced Sections and Cleaned up Tariff Generally
 - Clear Tariff Explanations
 - to answer the question "when can I charge under the non-trial resolution tariff item?"
 - Tariff numbers start at Section 11 and run to Section 18
 - Disbursements have been re-vamped



- I. Appeal Tariff
- Aside from updating Legal Issue Levels the Criminal and Civil Tariffs remain the same

 Allowed Preparation Time is based on the length of the original trial (or type of hearing)

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- Additional hours can also be requested
 - (Tariff items 15.01 Criminal or 15.02 Civil)

I. Family Tariff

- It is important to follow the Family and Civil Tariff Invoicing Guide when invoicing for actual time spent on a file –
 - i.e., can I charge for item "x" in actual time on my timesheet?

- Additional Hours need to be Requested in advance for anything "extra" (like additional chambers applications)
 - Please follow Assessment Team processes for requests as before April 1st, 2023

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I. Family Tariff

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Tariff	Description	Amount	Maximums
Item			
13.01	File Opening Fee	\$135.29	Once per Certificate
	. 5		•
13.02	File Closing Fee	\$67.64	Once per Certificate
10.01	I no oloung I ou	001.01	Ondo por dorandato
42.02	Page House Coverage	Harrely	Con Enmily Handbook for Cuidalines
13.03	Base Hourly Coverage	Hourly	See Family Handbook for Guidelines
40.04			11 00
13.04	Attendance at Family/Child Welfare Docket (including adjournments)	Hourly	Max 3.0 per appearance per half day
13.05	Preparation and Attendance for Questioning	Hourly	
13.06	Preparation and Attendance at Alternate Dispute Resolution Process	Hourly	
		-	
13.07	Preparation and Attendance at King's Bench Judicial Dispute Resolution	Hourly	
		,	
13.08	Preparation and Attendance in Regular Chambers	Hourly	Max 2 Applications and 8 Hrs per Application
10.00	reparation and Attendance in Regular Originates	riourly	max 2 Applications and o the pol Application
13.09	Desparation and Attendance in Coopiel Chambers	Harrely	May 4 Application and 40 Hrs Dor Application
15.09	Preparation and Attendance in Special Chambers	Hourly	Max 1 Application and 12 Hrs Per Application
13.10	Preparation for Trial	Hourly	Max 8 hours per day
13.11	Attendance at Trial	Hourly	Max 8 hours per day
15.02	Additional Hours	Hourly As Ap	proved
		,	

Family Tariff FAQ:

Question: When are the training sessions for Family?

Answer: The Modernized Tariff did update the legal language in the Family Tariff (now found under Section 13) and involve some streamlining, for example to combine preparation and attendance into single Tariff Items for efficiency when invoicing.

Overall, the Family (and Child Welfare) Tariff still operates on an hourly basis and charging of "actual time". As identified on the certificate, there is a block of initial hours provided when the certificate is issued. If additional hours are required, they will now be requested under the new Section 15.02 (Additional Hours- Civil) but the process of how to request additional hours, and the information needing to be provided to the Assessment Team, will not change.

The Family and Civil Tariff Invoicing Guide will be important in guiding you as to what can be invoiced and how to invoice – this guide will be available April 1st.



I. Legal Issue Levels

- Administrative
- Summary
- Indictable
- "Major"

If the Crown re-elects "up", you can submit an Auth Request – Add Legal Issue - to make the higher fee available on the certificate.

If the Crown re-elects "down" – you get the benefit of the higher fee.

	Docket Number	Next Cour	t Appearance	Courtroom Location Court		om Number	Court Event	Court Level	Adult Youth		
0	summ1	07-Mar-20	23 08:00 AM	Sherwood Park Courtroo		Courtroom Unknown		Courtroom Unknown			Adult
Legal Issues	Code		Description	Description			Level Of	Offence	Counts		
	348(1)		Breaking and	Entering			Summary	,	1		
	145(2)		Failure to Attend Court or Surrender				Administ	rative	1		

I. Block Fees

- Simplified List of Tariff Items (simplified invoicing as well)
- Reasonable preparation and attendance hours included in each block fee
 - varies by Legal Issue Level

11.04	Bail Matters in Pro Administrative Char \$250.00		11.07	Non-trial Resolution Administrative Char \$375.00	
	Summary Charge \$312.50	2.5 hours		Summary Charge \$500.00	4.0 hours
	Indictable Charge \$375.00	3.0 hours		Indictable Charge \$750.00	6.0 hours
	Major Charge \$500.00	4.0 hours		Major Charge \$1000.00	8.0 hours

Tariff Item	Description
11.01	Provincial Court Fee
11.02	King's Bench Fee
11.03	Visiting Clients in Custody
11.04	Provincial Court Bail
11.05	King's Bench Bail or Review
11.06	Contested Fitness Hearing
11.07	Non-trial Resolution
11.08	Multiple Information Resolution
11.09	Sentencing
11.10	Gladue/IRCA Report Fee
11.11	Pre-Trial Conference
11.12	Preliminary Hearing (1st & 2nd Half Day Each)
11.13	Prelim – Further Half Days
11.14	Trial (1st & 2nd Half Day Each)
11.15	Trial – Further Half Days
11.16	Mental Health Court Fee
11.17	Indigenous Court Fee
11.18	Isolated Court Fee
11.19	Extra Hours Block



Tariff Item	Description	Condition	Admin	Summary	Indictable	Major
11.01	Provincial Court Fee	Once per Information (except Admin is once per Certificate)	\$250.00 (2.0 hrs)	\$312.50 (2.5 hrs)	\$375.00 (3.0 hrs)	\$500.00 (4.0 hrs)
11.02	King's Bench Fee	Once per Information			\$750.00 (6.0 hrs)	\$1000.00 (8.0 hrs)
11.03	Visiting Clients in Custody	Once per Certificate	\$250.00 (2.0 hrs)			
11.04	Provincial Court Bail	Once per half day per client	\$250.00 (2.0 hrs)	\$312.50 (2.5 hrs)	\$375.00 (3.0 hrs)	\$500.00 (4.0 hrs)
11.05	King's Bench Bail or Review	Once per half day per client	\$375.00 (3.0 hrs)	\$500.00 (4.0 hrs)	\$625.00 (5.0 hrs)	\$750.00 (6.0 hrs)
11.06	Contested Fitness Hearing	Once per Certificate	\$750.00 (6.0 hrs)			
11.07	Non-trial Resolution	Once per Information	\$375.00 (3.0 hrs)	\$500.00 (4.0 hrs)	\$750.00 (6.0 hrs)	\$1000.00 (8.0 hrs)
11.08	Multiple Information Resolution	Once per Information	\$125.00 (1.0 hrs)	\$187.50 (1.5 hrs)	\$250.00 (2.0 hrs)	\$375.00 (3.0 hrs)
11.09	Sentencing	Once per half day	\$187.50 (1.5 hrs)	\$250.00 (2.0 hrs)	\$312.50 (2.5 hrs)	\$375.00 (3.0 hrs)
11.10	Gladue/IRCA Report Fee	Once per Certificate	\$375.00 (3.0 hrs)			
11.11	Pre-Trial Conference	Once per Certificate	\$250.00 (2.0 hrs)	\$500.00 (4.0 hrs)	\$625.00 (5.0 hrs)	\$750.00 (6.0 hrs)
11.12	Preliminary Hearing (1 st & 2 nd Half Day Each)	Once per Information			\$1250.00 (10.0 hrs)	\$2000.00 (16.0 hrs)
11.13	Prelim – Further Half Days	Once per Information			\$625.00 (5.0 hrs)	\$1000.00 (8.0 hrs)
11.14	Trial (1st & 2nd Half Day Each)	Once per Information	\$500.00 (4.0 hrs)	\$1000.00 (8.0 hrs)	\$2000.00 (16.0 hrs)	\$3000.00 (24.0 hrs)
11.15	Trial – Further Half Days	Once per Information	\$250.00 (2.0 hrs)	\$500.00 (4.0 hrs)	\$1000.00 (8.0 hrs)	\$1500.00 (12.0 hrs)
11.16	Mental Health Court Fee	Once per Certificate	\$500.00 (4.0 hrs)			
11.17	Indigenous Court Fee	Once per Certificate	\$500.00 (4.0 hrs)			
11.18	Isolated Court Fee	Once per Certificate	\$500.00 (4.0 hrs)			
11.19	Extra Hours Block	Once per Certificate		Up to 5.0 hrs	Up to 10.0 hrs	Up to 20.0 hrs

l. Block Fees – Trial <u>Example</u> (3-days) – Dollar Amounts

Certificate: 1 I	Certificate: 1 Indictable Information (Trial) [Hourly Rate: \$125.00]											
Tariff Item Old Tariff	Ar	nount		Tariff Item	New Tariff	Am	ount					
1.01 File Opening	\$	67.64		17.01	Administrative Fee	\$	50.00					
1.06 Interviewing & Briefing	\$	625.00		11.01	Provincial Court Fee (Indictable)	\$	375.00					
1.10 Adjounrment	\$	62.50		11.02	King's Bench Fee (Indictable)	\$	750.00					
1.10 Adjournment	\$	62.50		11.14A	Trial (1st half day)	\$	2,000.00					
1.24 Trial (1st half day)	\$	747.03		11.14B	Trial (2nd half day)	\$	2,000.00					
1.25 Trial (2nd to 10th half day)	\$	375.00		11.15	Trial (further half day)	\$	1,000.00					
1.25 Trial (2nd to 10th half day)	\$	375.00		11.15	Trial (further half day)	\$	1,000.00					
1.25 Trial (2nd to 10th half day)	\$	375.00		11.15	Trial (further half day)	\$	1,000.00					
1.25 Trial (2nd to 10th half day)	\$	375.00		11.15	Trial (further half day)	\$	1,000.00					
1.25 Trial (2nd to 10th half day)	\$	375.00										
Total (no GST)	\$	3,439.67			Total (no GST)		\$9,175.00					



I. Block Fees – Guilty Plea <u>Example</u> – Dollar Amounts

Tariff Item Old Tariff		ount	1	Tariff Item	mation (Guilty Plea) [Hourly Ra		nount
iariii item Old Iariii	АП			rariii item	New Tariff	АП	IOUIIL
1.06 Interviewing & Briefing	\$	230.65		11.01	Provincial Court Fee (Admin)	\$	250.00
1.10 Adjournment	\$	62.50		11.01	Provinical Court Fee (Summary)	\$	312.50
1.10 Adjournment	\$	62.50		11.07	Non-Trial Resolution (Summary)	\$	500.00
1.27 Guilty Plea	\$	375.00		11.08	Multiple Resolution (Admin)	\$	125.00
1.37 Multiple Charges	\$	125.00		11.08	Multiple Resolution (Admin)	\$	125.00
1.37 Multiple Charges	\$	125.00		11.10	Gladue/IRCA Fee	\$	375.00
Total (no GST)	_	980.65			Total (no GST)		\$1,687.5



I. Block Fees

 The point is that "included" preparation and attendance hours have been significantly increased to reflect a more reasonable estimate of actual time needed to conclude or reach outcome.

So, let's look at the same examples from an hourly perspective:

- Multi-Day Trial
- Global Resolution with Gladue Report



l. Block Fees – Trial <u>Example</u> (3-days) – HOUR Amounts

Certificate: 1 In	ndictable Info	orm	nation (Trial)	[Hourly Rate: \$125.00]	
Tariff Item Old Tariff	Amount		Tariff Item	New Tariff	Amount
1.01 File Opening			17.01	Administrative Fee	
1.06 Interviewing & Briefing	5.00		11.01	Provincial Court Fee (Indictable)	3.00
1.10 Adjounrment	0.50		11.02	King's Bench Fee (Indictable)	6.00
1.10 Adjournment	0.50		11.14A	Trial (1st half day)	16.00
1.24 Trial (1st half day)	5.98		11.14B	Trial (2nd half day)	16.00
1.25 Trial (2nd to 10th half day)	3.00		11.15	Trial (further half day)	8.00
1.25 Trial (2nd to 10th half day)	3.00		11.15	Trial (further half day)	8.00
1.25 Trial (2nd to 10th half day)	3.00		11.15	Trial (further half day)	8.00
1.25 Trial (2nd to 10th half day)	3.00		11.15	Trial (further half day)	8.00
1.25 Trial (2nd to 10th half day)	3.00				
Total (no GST)	26.98			Total (no GST)	73.00



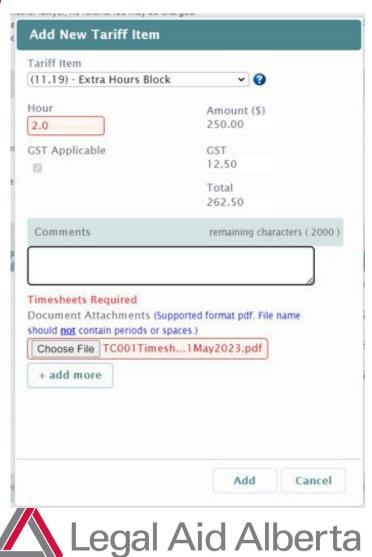
I. Block Fees – Guilty Plea <u>Example</u> – HOUR Amounts

Certificate: 1 x Summary Informa	ition; 2 x Admir	nis	trative Infor	mation (Guilty Plea) [Hourly Ra	ate: \$125.00]
Tariff Item Old Tariff	Hrs		Tariff Item	New Tariff	Hrs
1.06 Interviewing & Briefing	1.98		11.01	Provincial Court Fee (Admin)	2.00
1.10 Adjournment	0.50		11.01	Provinical Court Fee (Summary)	2.50
1.10 Adjournment	0.50		11.07	Non-Trial Resolution (Summary)	4.00
1.27 Guilty Plea	3.00		11.08	Multiple Resolution (Admin)	1.00
1.37 Multiple Charges	1.00		11.08	Multiple Resolution (Admin)	1.00
1.37 Multiple Charges	1.00		11.10	Gladue/IRCA Fee	4.00
Total (no GST)	7.98			Total (no GST)	14.50



I. Extra Hours Block

- Additional Hours can no longer be requested on Criminal Certificates (Tariff 15.01)
 - Unless the file is being handled by the Assessment Team in the Hourly Case Management Stream
- The only available "extra hours" on top of the block fees is Tariff 11.19





I. Extra Hours Block

- Extra Hours Block can only be accessed if at the conclusion of the file – the timekeeping shows that actual time spent was greater than the hours allotted across the Block Fees
 - Timesheets for the entirety of the file are required to be attached at time of invoicing – and will be reviewed for totals

11.19 Extra Hours Block:

Summary Charge Up to 5.0 Extra Hours Available

Indictable Charge Up to 10.0 Extra Hours Available

Major Charge Up to 20.0 Extra Hours Available



I. Extra Hours Block

Example Certificate:

Contains 1 Indictable + 1 Summary Docket

First Step: Total up the Timesheet

Total = 20 hours

Date/Time	Work Performed	Time Spent
25Apr23 AM	Opened file, called client in custody (message that they got picked up at 3:00am).	1.0
25Apr23 PM	Went to Remand to work out a bail plan for tomorrow with client.	2.0
25Apr23 PM	Called client's landlord and boss to confirm employment and residence.	0.5
25Apr23 PM	Called client's mom to see if she would be a potential surety and explained that she would need independent legal advice. Gave her a referral for this.	1.5
01May23 AM	Appeared in court in SP for bail hearing, but had to wait until other matters were called, as Crown was not consenting (non-billable wait time). Got client released. Requested disclosure and an offer from the Crown.	2.5
8May23 AM	Appeared in court in SP for election and plea, but had to wait until other others were called, ending up adjourning matter as client failed to appear	2.0
8May23 PM	Called client	0.5
10May23 PM	Had client in to review disclosure and the offer. Disclosure review involved playing back video a few times to determine if identity would be an issue. The disclosure is bad, but the offer is good. Client wants to take the deal. 606ed him.	4.0
12May23 PM	Researched case law on similar offences regarding sentencing, as this is a new offence.	3.0
15May23 AM	Assisted client in a joint submission for probation in SP	3.0
	TOTAL	20.0



I. Extra Hours Block

Second Step: What are the total hours under the block fees charged?

Actions	Date	AM/PM	Tariff Item	Amount	GST	Total	Equivalent Hours
Î			(11.01) - Provincial Court Fee	\$687.50	\$34.38	\$721.88	5.5
Î Ø			(11.03) - Visiting Clients in Custody	\$250.00	\$12.50	\$262.50	2
Î Ø	2023-05-01	AM	(11.04) - Bail Matters in Provincial Court	\$375.00	\$18.75	\$393.75	3
	2023-05-15	PM	(11.07) - Non-trial Resolution	\$750.00	\$37.50	\$787.50	6
Î			(11.08) - Multiple Information Resolution	\$187.50	\$9.38	\$196.88	1.5
							18

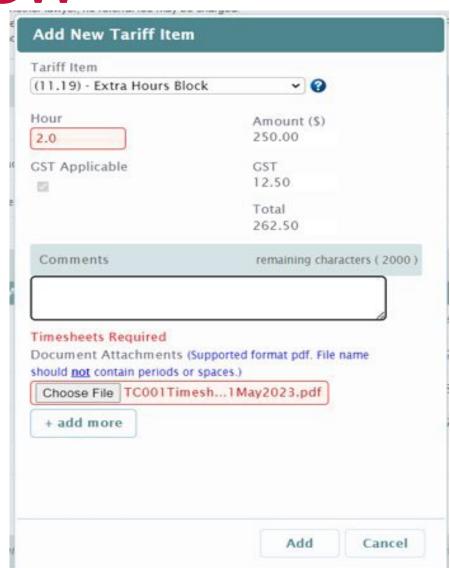
Add an Item

I. Extra Hours Block

- Timesheet = 20 hours
- Block Fees = 18 hours

• Extra Hours Block – highest level: 10.0 hours available

- Charge the remainder of ACTUAL TIME SPENT under Tariff 11.19
 - The difference in hours is 2



I. Hourly Case Management

• There is no more High Cost Committee or Process for certificates issued after April 1st (for those previous in that stream – that will continue)

- For Indictable and "Major" Certificates there is an option to "opt out" of the Block Fees and proceed via Hourly Case Management in collaboration with our Assessment Team
 - Hourly Case Management Plan is required
 - All invoicing will be under 15.01



Question: Where do I charge adjournments on the new Tariff?

Answer:

Therefore, any and all adjournments required to move a file forward are now covered under the applicable block fee (Provincial or King's Bench Court Fee) which also varies by the level of the certificate.

There is no date field for the Provincial Court Fee (11.01) or the King's Bench Court Fee (11.02) so, to streamline invoicing, you do not have to enter every adjournment date into the invoice anymore.

In the case that a certificate requires procedural and administrative time that is extraordinary or not covered by the Block Fee, additional preparation time for appearances can be tracked and, if applicable, the Extra Hours Block under Tariff 11.19 can be utilized to compensate for actual time spent above and beyond the hours included in the Block Fees.



Question: Can I still charge for Waiting Time as a Tariff Item?

Answer: The "Waiting Time" Tariff Item has been removed. In terms of providing legal services for LAA clients, Roster Counsel are expected to reasonably manage and prioritize their own time between appearances and files and LAA takes the position that waiting time should not be charged against any LAA client's certificate.

Charging for "Actual time spent", as would take place under the Extra Hours Block, is intended to capture active work on the file. If "waiting time" is on timesheets which are used for the basis of claiming Extra Hours under 11.19, any time entries related to waiting time or travel time will be deleted as "non-chargeable" and may invalidate the invoicing of the Extra Horus Block (causing your invoice to be rejected).

The preparation and attendance hours now included in the Block Fees generally are enough to reasonably cover your actual time spent on delivering legal services on a certificate— and in some cases, the combination of block fees may actually pay you for more hours than were "actually spent" per your timekeeping.



Question: If the trial collapses on the morning of trial, do I charge non-trial resolution (11.07) or do I charge for the first half day of trial (11.14A)?

Answer: Per the expanded Tariff Explanation contained in the new Tariff, the Trial Tariff (11.14A) for the first half day can be charged in the following situations (related to trial collapse):

- If after the trial has begun, a guilty plea or stay is entered.
- No Evidence Called
 - This tariff item is billable when the prosecution calls no evidence, resulting in the dismissal of charges.
- Withdrawal or Stay of Charges on Day of Trial

So, if the Trial collapses on the first half day of the scheduled trial date – charge the Tariff Item 11.14A and select the appropriate Information from the drop down list when invoicing.



Question: When do I bill for Sentencing as a separate Tariff item?

Answer: Tariff 11.09 (Sentencing) can be charged on a separate half day than the non-trial resolution, trial or preliminary hearing tariffs. In many circumstances, a guilty plea may be entered but sentencing, contested or not, may occur on another day in the future to allow for sentencing reports and other documentation gathering.

Where the guilty plea and sentencing are done in the same sitting (same half day), only the Non-Trial Resolution should be charged (and any applicable additional block fees that may apply such as the Gladue/IRCA report fee).

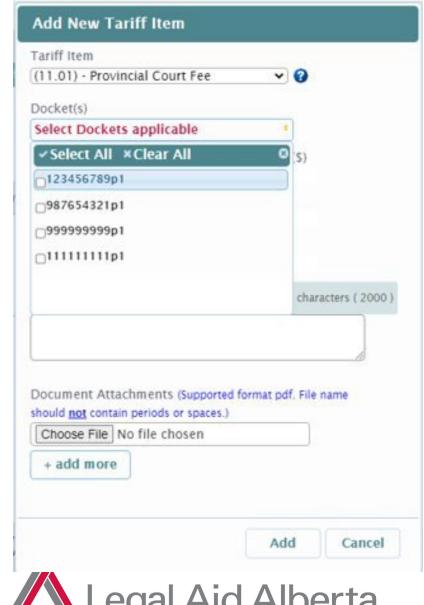


Invoicing Block Fees

I. General Rules

- As the block fee varies by level, selecting Dockets (Informations) when invoicing is still required
 - The system auto-calculates the highest available fee based on the Tariff

- Example: Global Resolution? Select ALL the dockets resolved at the same time for Tariff 11.07 –
 - Highest fee per Tariff will be applied





- I. Disbursements (Ordinary)
- Administrative Fee of \$50.00 added
 - to cover typical miscellaneous file expenses (postage, parking, file opening)

- Clearer Disbursement Categories
 - Bail Transcripts (expedited or not) have their own item: 17.11
 - Court Searches have their own item: 17.15

• Requirement: Receipt for invoicing



I. Disbursements (Ordinary)

Туре	Tariff Item	Description	Amount	Receipt Required	Comment
Ordinary	17.01	Administrative File Fee	\$50.00	No	Available on full-representation certificates only to cover miscellaneous file management costs
Ordinary	17.02	Kilometrage	Actual Cost	No	\$0.75/km and subject to LAA Policy
Ordinary	17.03	Meal: Breakfast	\$9.20	No	Once per day
Ordinary	17.04	Meal: Lunch	\$11.60	No	Once per day
Ordinary	17.05	Meal: Dinner	\$20.75	No	Once per day
Ordinary	17.06	Accommodation	Actual Cost	Yes	Once per day
Ordinary	17.07	Airfare and Other Transportation	Actual Cost	Yes	
Ordinary	17.08	Process Servers	Actual Cost	Yes	\$500.00 max; can request additional
Ordinary	17.09	Conduct Money for Ordinary Witnesses	Actual Cost	Yes	
Ordinary	17.10	Appeal Books	Actual Cost	Yes	
Ordinary	17.11	Transcripts for Bail, including expedited ordering	Actual Cost	Yes	
Ordinary	17.12	Transcripts - Other (non-bail, non-expedited)	Actual Cost	Yes	Request expedited transcripts under 18.07
Ordinary	17.13A	Photocopies per page	\$0.10 per page	No	
Ordinary	17.13B	Photocopies done by Outside Agency	Actual Cost	Yes	
Ordinary	17.14	Medical Reports	Actual Cost	Yes	\$250.00 max; request additional under 18.06
Ordinary	17.15	Court Searches	Actual Cost	Yes	\$150.00 max; request additional under 18.06
Ordinary	17.16	Courier and Runner Services	Actual Cost	Yes	
Ordinary	17.17	Translation and Interpretation Expenses	Actual Cost	Yes	\$150.00 max per cert; \$2000 max per immigration cert

I. Disbursements (Special)

- Need to be requested in advance through an Authorization Request like for Experts under 18.01 below:
 - 3.23 LAA will not authorize expert or professional fees that exceed the following maximum rates:

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

Authorization Request Request Type Add Tariff Item Urgent? Yes

 No Tariff Item (18.01) Experts Name of Expert Type of Expertise Select Hourly Rate Total Hours Requested Other Expert Expenses Total Amount Requested Request Reason remaining characters (5000) Save Draft Submit Cancel

Copies of final Invoices/Receipts Required



I. Disbursements (Special)

Туре	Tariff Item	Description	Amount	Receipt Required	Comment
Special	18.01	Experts	Per Hourly Rate	Yes	
Special	18.02	Expert Witness Fees	Per Hourly Rate	Yes	
Special	18.03	Extraordinary Travel Expenses	Actual Cost	Yes	
Special	18.04	Agent Outside of Alberta	Actual Cost	Yes	Deguines Ashrones Annuarial bull AA
Special	18.05	Conduct Money for Extraordinary Witnesses	Actual Cost	Yes	
Special	18.06	Maps, Models, Records or Statements	Actual Cost	Yes	Requires Advance Approval by LAA
Special	18.07	Expedited Transcripts and Transcription	Actual Cost	Yes	
		Services			
Special	18.08	Translation and Interpretation Services	Actual Cost	Yes	
Special	18.09	Other	Actual Cost	Yes	



Reminder:

 Materials will not be updated on Roster Resources until April 1st, 2023 (including official copy of Tariff)

 There are more training sessions – and will be more throughout the year to support our Roster.

 Feedback and comments not raised here can be sent to tariff@legalaid.ab.ca



Questions?

