

# **Tariff of Fees**

# Schedule 2 – Tariff of Fees

# **Table of Contents**

Criminal Certificates	3
Criminal Appeal Certificates	14
Civil Certificates	16
Civil Appeal Certificates	17
Extra Tariff Items	18
Hourly Certificates	19
Ordinary Disbursements	20
Special Disbursements	23

# **Criminal Certificates**

# Preamble

The Tariff for criminal certificates aims to facilitate simple billing through a Block Fee system, or reasonable fixed rate compensation, for substantive steps taken to bring a certificate to conclusion.

It is expected that the Extra Hours Block will not be invoiced as a matter of routine, but only for those rare and exceptional certificates that are inadequately compensated by the block fees seen below. Time sheets will be required for any certificate that applies extra hours at the time of invoicing.

# **Levels of Charges**

There are four levels of charges that will affect billing, described as follows:

# • Administrative Charges

Consists of allegations of breaches, administration of justice offences, and offences charged under a provincial statute.

# • Summary Charges

Consists of allegations in which the prosecution has proceeded summarily, the proceeding is hybrid and no Crown election has been made, or where the Criminal Code codifies that there is no election, and the matter is summary.

# • Indictable Charges

Consists of allegations in which the prosecution has proceeded by Indictment or where the Criminal Code codifies that there is no election, and the matter is Indictable.

# • Major Charges

Consists of allegations of offences detailed under Section 469 of the Criminal Code and other charges as detailed in LAA Administrative Policies.

# Our commitment to the Truth and Reconciliation Commission (TRC) Calls to Action

Sections of this Tariff relating to Indigenous Courts and Gladue Reports represent Legal Aid Alberta's commitment to respond to the TRC's Calls to Action #30 and #38. We are consistently working to ensure equitable access to justice for Alberta's Indigenous populations through the understanding and use of Indigenous laws, and the acknowledgement of unique cultures of Aboriginal peoples, not just in Alberta, but throughout Canada.

# 11.01 Court of Justice Fee:

Administrative Cha \$250.00	rge 2.0 hours
Summary Charge \$312.50	2.5 hours
Indictable Charge \$375.00	3.0 hours
Major Charge \$500.00	4.0 hours

Explanation:

This tariff item is billable once per certificate for Administrative level Informations and once per Information for all other levels of Informations provided that counsel has completed the following steps:

- Interviewed client
- Appeared in Court of Justice on the client's behalf
- Obtained disclosure (with the consent of the client)

Not billable if the file was already in King's Bench when the certificate was issued.

# 11.02 Court of King's Bench Fee:

Indictable Charge \$750.00 6.0 hours

Major Charge \$1000.00 8.0 hours

Explanation:

This tariff item is billable once per Information for Indictable and Major level Informations, if the information has transitioned from Court of Justice or provided that counsel has completed the following steps:

- Interviewed client
- Appeared in Court of King's Bench on the client's behalf
- Obtained disclosure (with the consent of the client)

Not billable if your only attendance in King's Bench is for bail review and/or a Section 525 hearing.

#### 11.03 Visiting Clients in Custody: All Levels \$250.00 2.0 hours

Explanation:

This tariff item is billable once per certificate when visiting a client in custody at a correctional or detention facility (not including cells at a courthouse or police station).

# 11.04 Bail Matters in Court of Justice:

Administrative Charge \$250.00 2.0 hours

Summary Charge\$312.502.5 hours

Indictable Charge\$375.003.0 hours

Major Charge \$500.00 4.0 hours

Explanation:

This tariff item is billable per half day when counsel appears in Court of Justice to argue for a client's release from custody, continued release if the prosecution applies to revoke bail, or for any bail variation/review.

Billable for consent releases when you have to make representations to the prosecution (i.e., argue this matter out of court).

Not billable for consent releases when the prosecution consents without defence counsel needing to make representations.

If bail hearings on more than one information are held before the same judge on the same half day, bill only for one hearing.

Fee is inclusive of preparation and appearance.

#### 11.05 Bail Matters in the Court of King's Bench:

Administrative Charge \$375.00 3.0 hours

Summary Charge\$500.004.0 hours

Indictable Charge \$625.00 5.0 hours

Major Charge \$750.00 6.0 hours

#### Explanation:

This tariff item is billable per half day when counsel appears in the Court of King's Bench to argue for a client's release from custody, continued release if the prosecution applies to revoke bail, or for any bail variation/review.

Billable for consent releases when you have to make representations to the prosecution (i.e., argue this matter out of court).

Not billable for consent releases when the prosecution consents without defence counsel needing to make representations.

If bail hearings on more than one information are held before the same Justice on the same half day, bill only for one hearing.

Fee is inclusive of preparation and appearance.

Includes judicial interim release hearings, section 525 hearings, and bail applications for section 469 charges.

#### 11.06 Contested Fitness Hearing: All Levels \$750.00 6.0 hours

Explanation:

This tariff item is billable for each half day that counsel appears at a contested fitness hearing to determine an accused person's fitness to stand trial, and when a decision is made regarding fitness

Not to be billed for:

- Requesting or filing a FACS report
- Adjournments, applications, or extensions of assessment orders unless evidence is heard
- Instances where counsel consents to the judge's finding

If fitness hearings on more than one information are held before the same judge on the same half day, bill only for one hearing

Fee is inclusive of preparation and appearance.

#### 11.07 Non-trial Resolution:

Administrative Charge		
\$375.00	3.0 hours	
+	••••	
Summary Charge		
\$500.00	4.0 hours	
\$500.00	4.0 hours	

Indictable Charge \$750.00 6.0 hours

Major Charge \$1000.00 8.0 hours

Explanation:

This tariff item is billable when a matter is resolved without a trial or preliminary hearing.

Not billable on the same half day as a trial or preliminary hearing item. If resolutions on more than one information are held before the same Justice on the same half day, bill only once. (See "Multiple Information Resolution" – 1.08). Fee is inclusive of preparation and appearance.

Rules Regarding Specific Services Covered by this Tariff Item:

- Guilty Plea
  - This tariff item is billable when counsel appears in court to assist a client in entering a guilty plea to one or more charges.
- Peace Bond
  - This tariff item is billable when counsel appears in court to assist a client in entering into a peace bond in any form.
- Stay of Proceedings
  - This tariff item is billable when a stay is entered on all charges on an Information, and at least one appearance has been made and/or communications have taken place between counsel and the prosecution, resulting in the stay.
- Withdrawal of Charges
  - This tariff item is billable when the prosecution withdraws on all charges on an Information, and at least one appearance has been made and/or communications have taken place between counsel and the prosecution, resulting in the stay.
- Change of Counsel/Fail to Appear
  - This tariff item is billable when the solicitor/client relationship concludes due to the client failing to appear or a successful change of counsel application. This must occur within 60 days of the start date of a scheduled trial or preliminary hearing.
- Withdrawal of a Guilty Plea
  - This tariff item is billable when counsel appears in court and makes submissions with regards to the withdrawal of a guilty plea.

- Breach of a Conditional Sentence Order
  - This tariff item is billable when the allegation relating to the breach is not contested.
- Drug Treatment Court
  - This tariff item is billable when an accused person enters guilty pleas and is accepted into Drug Treatment Court.
  - If a client's plea is struck due to removal from the Drug Treatment Court program, voluntarily or otherwise, further steps taken on the file can be billed using other tariff items as required.
- Extradition Order
  - This tariff item is billable when counsel consents to an extradition order.

# 11.08 Multiple Information Resolution:

Administrative Charge \$125.00 1.0 hours

Summary Charge \$187.50 1.5 hours

Indictable Charge \$250.00 2.0 hours

Major Charge \$375.00 3.0 hours

Explanation:

This tariff item is billable when charges on one or more additional Informations are resolved on the same half day, as seen in the "Non-trial Resolution" tariff item -11.07.

Bill this item once per Information only.

# 11.09 Sentencing:

Administrative Charge \$187.50 1.5 hours Summary Charge

\$250.00 2.0 hours

Indictable Charge\$312.502.5 hours

Major Charge \$375.00 3.0 hours

Explanation:

This tariff item is billable for each half day of sentencing in which counsel appears in court and makes substantive submissions with regards to sentence, evidence is lead, or a decision is made.

For clarity, this tariff item is not billable for adjournments or requests for any type of presentence report.

If sentencing hearings on more than one information are held before the same judge on the same half day, bill only for one hearing.

This item is not billable on the same half day as Trial or Preliminary Hearing items.

This tariff item is billable upon a client's successful completion of Drug Treatment Court, when counsel assists with the sentencing hearing that takes place before graduation.

Varying Terms of a Sentence, Probation Order, or Peace Bond This tariff item is billable when counsel appears in court to assist with the variation of a sentence, probation order, or peace bond.

As a point of clarity, Multiple Information Resolution (Tariff item 1.08) is to be billed along with an actual resolution, and not to be duplicated here; it is billable once per Information.

# 11.10Gladue/Impact of Race and Cultural Assessment Fee: All Levels<br/>\$375.00\$375.003.0 hours

Explanation:

This tariff item is billable once per certificate when a client identifies as Indigenous, First Nations, Metis, or Inuit and counsel prepared Gladue submissions for court and made substantive Gladue submissions in court, or when an IRCA report/submissions are utilized in a similar manner.

Rules Regarding Specific Services Covered by this Tariff Item:

- Submissions made with a Gladue/IRCA report
  - This tariff item is billable if a Gladue/IRCA report was provided to the Court.
- Submissions made without a Gladue/IRCA report
  - This tariff item is billable if counsel's preparation of Gladue/IRCA submissions included:
    - Interviewing the client
    - Contacting extended family and/or other community supports to identify and confirm supporting information that relate to Gladue/IRCA factors
    - Ensuring that culturally appropriate restorative justice options for sentencing or bail were put before the Court.

#### 11.11 **Pre -Trial Conference:**

Administrative	Charge
\$250.00	2.0 hours

Summary Charge \$500.00 4.0 hours

Indictable Charge \$625.00 5.0 hours

Major Charge \$750.00 6.0 hours

Explanation:

This tariff item is billable once per Information when a Pre-Trial Conference (PTC) is ordered by the Court or required by Rules of Court and counsel prepares for and attends.

Fee is inclusive of preparation and appearance for all PTCs associated with the Information.

# 11.12 Preliminary Hearing (First Two Half Days):

Indictable Charge	
\$1250.00	10.0 hours

Major Charge \$2000.00 16.0 hours

Explanation:

This tariff item is billable for each of the first two half days of a preliminary hearing, provided that evidence is led, substantive arguments are made, or a decision is made.

This tariff item is billable if, after the hearing has started, a guilty plea or stay is entered, or if sentencing begins during the first two half days of the hearing and substantive submissions on sentencing are made. In the event that further time is required to complete sentencing, bill under tariff item 11.09. Fee is inclusive of preparation and appearance.

# 11.13 **Preliminary Hearing** (Further Half Days):

Indictable Charge	
\$625.00	5.0 hours

Major Charge \$1000.00 8.0 hours Explanation:

This tariff item is billable for each half day after the first two half days of a preliminary hearing, provided that evidence is led, substantive arguments are made, or a decision is made.

11.14 **Trial** (First Two Half Days): Administrative Charge

\$500.00 4.0 hours

Summary Charge\$1000.008.0 hours

Indictable Charge \$2000.00 16.0 hours

Major Charge \$3000.00 24.0 hours

Explanation:

This tariff item is billable for each of the first two half days of a trial, provided that evidence is led, substantive arguments are made, or a decision is made. This tariff item is billable if, after the trial has started, a guilty plea or stay is entered, or if sentencing begins during the first two half days of the trial and substantive submissions on sentencing are made. In the event that further time is required to complete sentencing, bill under tariff item 11.09. Fee is inclusive of preparation and appearance.

Rules Regarding Specific Services Covered by this Tariff Item:

- Breach of a Conditional Sentence Order
  - This tariff item is billable when the allegation relating to the breach is contested.
- Dangerous and Long-Term Offender Designation Hearings
  - This tariff item is billable when counsel is appointed to represent a client for contesting a dangerous or long-term offender designation and substantive submissions are made.
  - If the designation applies to multiple Informations, this tariff item may only be billed once.
- Extradition Order
  - This tariff item is billable when counsel represents a client on a contested extradition order.
- 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

11.15 **Trial** (Further Half Days): Administrative Charge \$250.00 2.0 hours

> Summary Charge \$500.00 4.0 hours

> Indictable Charge \$1000.00 8.0 hours

Major Charge \$1500.00 12.0 hours

# Explanation:

This tariff item is billable for each half day after the first two half days of a trial, provided that evidence is led, substantive arguments are made, or a decision is made.

# 11.16 Mental Health Court Fee

\$500.00 4.0 hours

Explanation:

This tariff item is billable once per certificate when any charge attached to the certificate is sent to Mental Health Court, to compensate for the extra time and attention given to matters in these courtrooms.

Qualifying Mental Health Courts are listed in LAA Administrative Policies and Procedures.

# 11.17 Indigenous Court Fee

4.0 hours

Explanation:

\$500.00

This tariff item is billable once per certificate when any charge attached to the certificate is sent to Indigenous Court, to compensate for the extra time and attention given to matters in these courtrooms.

Qualifying Indigenous Courts are listed in LAA Administrative Policies and Procedures.

# 11.18 Isolated Court Location Fee

\$500.00 4.0 hours

Explanation:

This tariff item is billable once per certificate when any charge related to the certificate requires an appearance in an isolated court location, to compensate for the extra time and attention given to matters in these courtrooms.

Qualifying Remote Court Locations are listed in LAA Administrative Policies and Procedures.

# 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

Explanation:

This item can be used on an hourly basis to compensate where, at the conclusion of the certificate, the total hours on the timesheet exceed the hours allocated under the block fees. Timesheets are required to be attached.

#### **Criminal Appeal Certificates**

Please see LAA Administrative Policy for further details.

- 12.01 File Opening Fee \$135.29
- 12.02 Attending and Speaking to the List \$125.00/hour – Maximum 1.0 hour
- 12.03 Release pending appeal \$125.00/hour – Maximum 4.0 hours per Certificate
- 12.04 Interlocutory Application Preparation \$125.00/hour – Maximum 4.0 hours per Certificate
- 12.05 Interlocutory Application Appearance \$824.40
- 12.06 Interview with client: Admin/Summary Charge \$125.00/hour – Maximum 1.0 hour

Indictable Charge \$125.00/hour – Maximum 3.0 hours

Major Charge \$125.00/hour – Maximum 10.0 hours

- 12.07 Briefing Summary Conviction or Sentence Appeal: Admin/Summary Charge \$125.00/hour – Maximum 1.0 hour
- 12.08 Briefing Summary Conviction or Sentence Appeal: Indictable/Major Charge \$125.00/hour – Maximum 2.5 hours
- 12.09 **Preparation Summary Conviction or Sentence Appeal:** All Levels of Charge \$125.00/hour – Maximum 10.0 hours
- 12.10 Appearance Summary Conviction or Sentence Appeal 1st half day \$824.40

- 12.11 Appearance Summary Conviction or Sentence Appeal 2nd half day forward \$410.71
- 12.12 Interview and Briefing Conviction Appeal in Court of Appeal or SCC:

Admin/Summary Charge \$250.00 2.0 hours

Indictable Charge\$687.505.5 hours

Major Charge\$2500.0020.0 hours

- 12.13 **Preparation Conviction Appeal or Denial of Extraordinary Remedy** Trial lasted one day or less \$125.00/hour – Maximum 10.0 hours per Certificate
- 12.14 Preparation Conviction Appeal or Denial of Extraordinary Remedy Trial lasted more than one day, but up to 5 days
   \$125.00/hour – Maximum 25.0 hours per Certificate
- 12.15 Preparation Conviction Appeal or Denial of Extraordinary Remedy Trial lasted more than 5 days
   \$125.00/hour – Maximum 25.0 hours per 5 days (or portion thereof) of original trial
- 12.16 Appearance 1st half day in the Court of Appeal \$869.06
- 12.17 Appearance each additional half day in the Court of Appeal \$410.71
- 12.18 Preparation for Interlocutory/Leave Application in the Supreme Court of Canada \$1476.19
- 12.19 Any Appearance in the Supreme Court of Canada \$1845.24/day
- 12.20 Waiting Time in Court of Appeal when Counsel has no other matters \$125.00/hour – Maximum 2 hours per half day on the Certificate, any other Certificate or a private matter.

All Tariff items are to be invoiced as actual time per day (or half day) up to the maximum hours applicable. Please see LAA Administrative Policy for further details.

- 13.01 File Opening Fee \$135.29
- 13.02 File Closing Fee \$67.64
- 13.03 Hourly Civil Coverage \$125.00/hour
- 13.04 Attendance at Family/Child Welfare Docket (including adjournments) \$125.00/hour – Maximum 3 hours per appearance
- 13.05 Preparation and Attendance for Questioning \$125.00/hour
- 13.06 Preparation and Attendance at Alternate Dispute Resolution Process \$125.00/hour
- 13.07 Preparation and Attendance at King's Bench Judicial Dispute Resolution \$125.00/hour
- 13.08 Preparation and Attendance in Regular Chambers

   (Applicant or Respondent)
   \$125.00/hour Maximum 2 Applications and 8 hours per Application
- 13.09 Preparation and Attendance in Special Chambers

   (Applicant or Respondent)
   125.00/hour Maximum 1 Application and 12 hours per Application
- 13.10 **Preparation for Trial** \$125.00/hour – Maximum 8 hours per day
- 13.11 Attendance at Trial \$125.00/hour – Maximum 8 hours per day

# **Civil Appeal Certificates**

Please see LAA Administrative Policy for further details.

- 14.01 Additional Preparation Time when Counsel was not Counsel of Record at the original hearing in Family Court \$125.00/hour – Maximum 5.0 hours
- 14.02 Additional Preparation Time when Counsel was not Counsel of Record at the original hearing in King's Bench \$125.00/hour – Maximum 10.0 hours
- 14.03 Attendance at Speak to the List in for Appeals \$125.00/hour – Maximum 1.0 hour per appearance
- 14.04 Waiting Time when Waiting for Appeal to be Heard \$125.00/hour – Maximum 2.5 hours per half day
- 14.05 **Preparation for Appeal of a decision made in Family Court** \$125.00/hour – Maximum 20.0 hours
- 14.06 Preparation for Appeal of a decision made in the Court of King's Bench \$125.00/hour – Maximum 30.0 hours
- 14.07 Appearance in Court of King's Bench or Court of Appeal for Appeal Hearing \$312.50/half day
- 14.08 Preparation of Interlocutory/Leave Applications in the Supreme Court of Canada \$1693.72 per day
- 14.09 Preparation of appeal in the Supreme Court of Canada where trial lasted one day or less \$125.00/hour – Maximum 10.0 hours
- 14.10 Preparation of appeal in the Supreme Court of Canada where original trial lasted more than one day up to five days \$125.00/hour – Maximum 25.0 hours
- 14.11 Preparation of appeal in the Supreme Court of Canada where original trial lasted more than 5 days \$125.00/hour – Maximum 25.0 hours per 5 days (or portion thereof) of original trial
- 14.12 All Appearances in the Supreme Court of Canada \$1693.73 per day

# Extra Tariff Items

Extra Tariff Items require prior approval by Legal Aid Alberta. Please see LAA Administrative Policy for further details.

- 15.01 Additional hours Criminal Certificate \$125.00/hour – Maximum hours as authorized
- 15.02 Additional hours Civil Certificate \$125.00/hour – Maximum hours as authorized
- 15.03 Travel Costs not anticipated at time of Certificate Issuance As authorized

# 15.04 Watching Briefs

\$125.00/hour – Maximum 2.5 hours per half day

# 15.05 Other

As authorized

# **Hourly Certificates**

Maximum number of hours allowable will be indicated on Certificate as a "Condition". In addition, please see LAA Administrative Policy for further details and restrictions.

- 16.01 Immigration Certificate \$125.00/hour
- 16.02 **Opinion Certificate** \$125.00/hour
- 16.03 Duty Counsel Certificate \$125.00/hour
- 16.04 **Other** \$125.00/hour

# **Ordinary Disbursements**

Invoicing of an ordinary disbursement tariff item may require a receipt. Please see LAA Administrative Policy for further detail.

# 17.01 Administrative File Fees

\$50.00

Explanation: Available to be charged on all full-representation certificates.

# 17.02 Kilometrage

Explanation: Where travel is authorized, it will be paid in accordance with the Legal Aid Alberta Travel Calculation Method in place at the time of certificate issuance.

# 17.03 Meal: Breakfast

Fixed Rate per Day

Explanation: When applicable, will be paid in accordance with the per diem rate in place at the time of certificate issuance.

# 17.04 Meal: Lunch

Fixed Rate per Day

Explanation: When applicable, will be paid in accordance with the per diem rate in place at the time of certificate issuance.

#### 17.05 Meal: Dinner

Fixed Rate per Day

Explanation: When applicable, will be paid in accordance with the per diem rate in place at the time of certificate issuance.

# 17.06 Accommodation

Actual Cost

Explanation: Counsel should be mindful of the fact that clients are individuals of modest financial means and ensure that all expenses incurred are reasonable. Actual/reasonable expenses can be claimed with receipt attached.

# 17.07 Airfare and Other Transportation Actual Cost

17.08 Process Servers Actual Cost

#### 17.09 Conduct Money for Ordinary Witnesses Actual Cost As Per Alberta Rules of Court

Explanation: 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 18.05.

17.10 **Appeal Books** (Where Coverage is Granted for the Appeal) Actual Cost

#### 17.11 Transcripts for Bail Actual Cost

Explanation: Transcripts needed for bail review purposes can be ordered on an expedited basis (less than 30 days turn around) without prior approval under this item.

#### 17.12 Transcripts - Other Actual Cost

Explanation: Any transcripts ordered on the regular 30 day turn around can be invoiced under this item. Expedited transcripts (not relating to Bail) can be requested under 18.07 if required.

# 17.13 **Photocopies** (Including Outside Agency Printing) \$0.10 per page or Actual Cost

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

#### 17.14 Medical Reports

#### Actual Cost

Explanation: Maximum allowed is \$250.00; prior approval must be sought for expenses in excess of \$250.00 under Tariff item 18.06.

# 17.15 Court Searches

#### Actual Cost

Explanation: Maximum of \$150.00 allowed; prior approval must be sought for expenses in excess of \$150.00 under Tariff item 18.06.

#### 17.16 Courier and Runner Services Actual Cost

# 17.17 Translation and Interpretation Expenses Actual Cost

Explanation: Maximum allowed is \$150.00; prior approval must be sought for expenses in excess of \$150.00 under Tariff item 18.08. On Immigration Certificates only, ordinary disbursement includes translation and interpretation expenses up to \$2000.00.

# **Special Disbursements**

Special Disbursement Items require prior approval by Legal Aid Alberta. Please see LAA Administrative Policy for further detail.

# 18.01 Experts As authorized

- 18.02 Expert Witness Fees As authorized
- 18.03 Extraordinary Travel Expenses As authorized
- 18.04 Agent Outside of Alberta As authorized

Explanation: Actual Cost for Supreme Court of Canada Matters Only

# 18.05 Conduct Money for Extraordinary Witnesses Actual Cost As Per Alberta Rules of Court

Explanation: Used when a witness will need to travel more than 300km, or other criteria laid out in Tariff Item 17.09 are not met.

18.06 Maps, Models, Records or Statements As authorized

# 18.07 Expedited Transcripts and Transcription Services As authorized

Explanation: Used when a transcript is needed on an expedited basis (less than 30 days) and is not dealing with a Bail matter. Expedited transcripts related to Bail can be ordered under 17.11.

Transcription services for non-court proceedings, with prior approval, can be invoiced under this item.

# 18.08 Translation and Interpretation Services As authorized

Explanation: Used when service cost is in excess of \$150.00, or in excess of \$2000.00 for Immigration files

18.09 Other

As authorized