

Family & Civil Tariff Invoicing Guide

Version 3.0: July 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 preparation hours included in the below Tariff items cannot be charged for travel time or travel expenses.

13.01 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.

13.02 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.

13.03 Hourly Civil Coverage

Family Certificate – 20 hours

Child Welfare and Child Representation – 30 hours

**** Please review your certificate to confirm the legal issues and hours allotted**

Explanation: The following may be billed under this tariff item:

- Client Meetings, phone calls, emails texts.
- Negotiations with Counsel, other than formal settlement meetings.
- Reviewing documents (time records must specify what was reviewed).
- Preparation of documents except for regular or special chambers documents (time records must specify what documents or materials were prepared).
- The following billing guidelines should apply:
 - Statement of Claim for Divorce - 0.50 hours.
 - Family Law Act Claim and Statement - 1.0 hour.
 - Final Divorce Documents (Request, Affidavit, Divorce Judgment) - 1.0 hour.
 - Court Order - 0.50 hours.
 - Formal Settlement Agreement - 2.0 hours.
 - Notice to Disclose - 0.20 hours.
 - Correspondence including emails:
 - Emails should be billed as actual time spent. Most emails would be billable as 0.10 hours. Multiple emails with the same party or regarding a single issue on the same day should be grouped together as one time entry for actual total



- time. (E.g. 4 emails with client which took a total of 10 minutes to read and respond would be billed as 0.20; or multiple emails to schedule a court date)
 - Letters should be billed as actual time spent. Most letters received would be billable as no more than 0.10 hours unless lengthier or complex.
- Legal research – intended for case specific research required in addition to general legal knowledge above and beyond the standard legal issues;
- Preparation of support calculations or property statements.

IF TIME BILLED EXCEEDS THE GUIDELINES, A COPY OF THE DOCUMENT(S) MAY BE REQUESTED.

Note: Counsel cannot bill for the following:


- Preparing memos to place on a file.
- Telephone conversations, correspondence or other steps taken to schedule appointments with client.
- Providing office staff with instructions.
- Administrative work - ex. Photocopying/scanning documents; putting documents in a Pleadings binder.
- Filing documents at the courthouse.
- Work done by an assistant.
- Sending copies of letters to client or anyone else.
- Leaving or retrieving voicemail.
- Consultations with other lawyers within a law firm or a mentor.
- Communication with Legal Aid Alberta via email, correspondence, or telephone; and
- Preparing accounts.

13.04 Attendance at Family/Child Welfare Docket

- Actual time to a maximum of 3 hours per appearance
 - You must enter a date when invoicing this item.
- Includes Court of Justice and Court of King's Bench Family docket.
- For family law matters, it is anticipated that three docket appearances will be sufficient to move the matter forward to ADR, an interim hearing/chambers application, or other resolution process. If more than three docket appearances are billed then an explanation may be requested.

13.05 Preparation & Attendance for Questioning

- Actual time for attendance, maximum of 4 hours preparation per half day.
 - Must enter actual hours per each half day of preparation or attendance when invoicing. Example: June 1, 2023 (PM) – 3.0 hours [preparation] and June 2, 2023 (AM) – 2.0 hours [hearing time].



Fees

Actions	Date	AM/PM	Tariff Item
	2023-06-01	PM	(13.05) - Preparation and Attendance for Questioning

[Add an Item](#)

Comments (Leaving a comment here sets your invoice for manual review)

Is this a final invoice on the certificate? ☐ Yes ☒ No

Tariff Types	Net Amount	GST	Total
Tariff Item	375	18.75	393.75
Total	375.00	18.75	393.75

By indicating 'I agree', I certify that I have performed and correctly described the services billed for according to the Tariff, otherwise, and that I delivered the services as a member in good standing of the Law Society of Alberta.

Add New Tariff Item

Tariff Item

(13.05) - Preparation and Attendance for Questioning

Date of Appearance

06/02/2023

AM/PM

AM

Hour (Max: 4.00)

2.0

Amount (\$)

250.00

GST Applicable

☒

GST

12.50

Total

262.50

Comments

remaining characters (2000)

Document Attachments (Supported format pdf. File name should not contain periods or spaces.)

Choose File

No file chosen

+ add more

Add

Cancel

13.06 Preparation & Attendance at Alternate Dispute Resolution Process

- Actual time for preparation and attendance to a maximum of 4 hours per each ADR.
 - Must enter actual hours per each half day of preparation or attendance when invoicing. Example: May 1, 2023 (PM) – 2.0 hours [preparation] and May 2, 2023 (AM) – 2.0 hours [hearing time].

Fees

Actions	Date	AM/PM	Tariff Item
	2023-05-01	PM	(13.06) - Preparation and Attendance at Alternate Dispute Resolution Process
	2023-05-02	AM	(13.06) - Preparation and Attendance at Alternate Dispute Resolution Process

[Add an Item](#)

Comments (Leaving a comment here sets your invoice for manual review)

Is this a final invoice on the certificate? ☐ Yes ☒ No

Tariff Types	Net Amount	GST	Total
Tariff Item	500	25	525
Total	500.00	25.00	525.00

Edit Tariff Item

Tariff Item

(13.06) - Preparation and Attendance at Alternate Dispute Resolution Process

Date of Appearance

05/02/2023

AM/PM

AM

Hour (Max: 4.00)

2

Amount (\$)

250.00

GST Applicable

☒

GST

12.50

Total

262.50

Comments

remaining characters (2000)

Document Attachments (Supported format pdf. File name should not contain periods or spaces.)

Choose File

No file chosen

+ add more

Save

Cancel

- This includes: mediation, Court of Justice JDR, Court of Justice Resolution Hearing (Edmonton), Child Support Resolution Programs, Dispute Resolution Programs, Court of King's Bench EICC or Resolution counsel;
- This includes Case Management Meetings with a Judge or Justice that do not require filing of substantive Court documents for the meeting;
- This includes formal settlement meetings with counsel and the parties.
- This includes preparation of any court documents required for the ADR process (i.e.: EICC Summary);
- This does not include Arbitration.

13.07 Preparation & Attendance at King's Bench Judicial Dispute Resolution

- Actual preparation time to a maximum of 4 hours for preparation per half day of JDR.
 - Must enter actual hours per each half day of preparation or attendance when invoicing. Example: March 1st, 2023 (PM) – 3.0 hours [preparation] and March 2nd, 2023 (AM) – 2.0 hours [hearing time].
- This includes Case Management Meetings with a Judge or Justice that require filing of substantive Court materials for the meeting.

13.08 Preparation and Attendance in Regular Chambers

- Actual time to a maximum of 8 hours per Application in Regular Chambers. This includes preparation of documents and attendance.
 - Must enter a Date for invoicing so use attendance date and bill for the actual hours spent preparing and attending up to a maximum of 8 hour per application.
Note: If more than 8 hours are spent on preparation and attendance for Regular Chambers the time cannot be billed under 13.03
- Maximum hours that can be billed under this tariff item is 16 hours. If additional applications in regular chambers are required, additional hours for a further application should be requested under the Additional Hours tariff, 15.02.
- If an application is adjourned, then the attendance should be billed under Attendance at Docket (13.04).
- Time records should indicate whether client is the applicant or respondent.
- When invoicing details of the outcome are required.

13.09 Preparation and Attendance in Special Chambers

- Actual time to a maximum of 12 hours per Application in Special Chambers. This includes preparation of documents and attendance in court.
 - Must enter a Date for invoicing so use attendance date and bill for the actual hours spent preparing and attending up to a maximum of 12 hour.



- Note:** If more than 12 hours are spent on preparation and attendance for Special Chambers the time *cannot* be billed under 13.03
- Maximum of one Special Chambers application authorized. If a further special chambers application is required, submit a request for Additional Hours for the application.
 - If an application is adjourned, then the attendance should be billed under Attendance at Docket (13.04).
 - Time records should indicate whether client is the applicant or respondent.
 - When invoicing details of the outcome are required.

13.10 Preparation for Trial

- Bill hourly for actual time to a maximum of 8 hours per day of preparation time for trial.
 - Must enter Date of preparation when invoicing.
- This includes preparation for an interim oral hearing in Court of Justice, Child Welfare initial custody hearing, Court of King's Bench special chambers oral hearing or summary trial, EPO Oral Hearing and Trials in Court of Justice and Court of King's Bench.
- This includes preparation of witnesses.
- This includes preparation of court documents for and attendance at Pre-Trial Conference.
- This includes preparation of Trial Readiness documents.

13.11 Attendance at Trial

- Bill hourly for actual attendance time to a maximum of 8 hours per day.
 - Must enter Date of attendance when invoicing.
- This includes an interim oral hearing in Court of Justice, Child Welfare initial custody hearing, Court of King's Bench special chambers oral hearing or summary trial, EPO Oral Hearing and Trials in Court of Justice and Court of King's Bench.

1. Family & Civil Tariff

Tariff Item	Description	Amount	Maximums
13.01	File Opening Fee	\$135.29	Once per Certificate
13.02	File Closing Fee	\$67.64	Once per Certificate
13.03	Base Hourly Coverage	Hourly	See Family Handbook for Guidelines
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
13.09	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 Approved	



15.02 Additional Hours

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. Additional Hours are “discretionary funding”.

Additional hours are “the exception not the rule” and are not guaranteed on any file. Requests must justify the need for additional hours. There must be adequate reasoning provided in addition to principled consideration of how the hours included in the Tariff are being expended.

- 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

More general guidelines concerning how LAA assesses discretionary funding requests, like additional hours, can be found in LAA’s Administrative Policy 5.

Making a Request


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 tariff if the request includes proper documentation (time records are mandatory) and justification for the hours expended on work done and needed for work still required, keeping in mind the standard of a “reasonable client of modest means”. If, for example, the client has been excessively demanding, insists on going to court over issues that are not a priority, or is unreasonable, requests for additional hours may not be approved.
3. Please submit requests for hours as the file evolves based on a realistic assessment of what will be required for the foreseeable future 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.

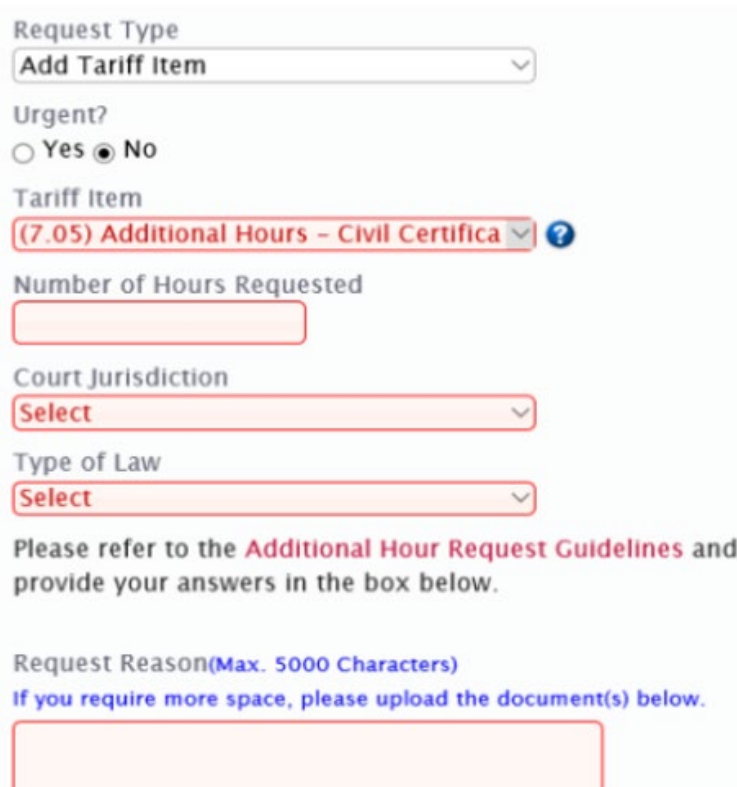
There is a requirement for additional documentation and information in order to approve additional hours as we are taking a holistic review of the certificate, the client, and overall circumstances in which the request is made in advance of approval.

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.

The following questions (non-exhaustive) were developed to assist in identifying the information to provide when making a request for additional hours.

Summary - 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.
- Ensure that work completed has been billed under the correct Tariff Item. Consider what additional work left to be done is billable under other Tariff Items. Then determine how many additional hours are actually needed.
- Submit timesheets with every request, from file opening




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?
- 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 were or will be expended and (b) confirm that 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 on a task exceeds what would be reasonably expected for the average lawyer with family law experience (e.g. Substantial time spent drafting an Affidavit.)
 - The request is not approvable for another 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 the 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 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.

- 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.



Time Tracking & Hourly Billing

Time tracking is essential to proper record keeping and maintenance of a LAA certificate.

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.”
- 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 0.10-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 non-billable time is appropriately identified and excluded
- 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.

FINAL INVOICING – MUST ATTACH A COPY OF THE LAST FILED ORDER/JUDGMENT

Disbursements

For both ordinary and special disbursements under the Tariff, a lawyer must keep invoice and receipt records and submit to LAA when invoicing the item. Under the modernized Tariff, both the Ordinary and Special Disbursements have been streamlined as per Table 2.

Records and Statements (17.14)

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

Table 2: Disbursements

Type	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
Special	18.01	Experts	Per Hourly Rate	Yes	Requires Advance Approval by LAA
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	
Special	18.05	Conduct Money for Extraordinary Witnesses	Actual Cost	Yes	
Special	18.06	Maps, Models, Records or Statements	Actual Cost	Yes	
Special	18.07	Expedited Transcripts and Transcription Services	Actual Cost	Yes	
Special	18.08	Translation and Interpretation Services	Actual Cost	Yes	
Special	18.09	Other	Actual Cost	Yes	



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

Client Gateway

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

clientgateway@legalaid.ab.ca

Roster Relations

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

rosterrelations@legalaid.ab.ca

Modernized Tariff Questions

Questions, comments or concerns about the Modernized Tariff

tariff@legalaid.ab.ca

General LAA Feedback

Comments, content suggestions, website feedback

communications@legalaid.ab.ca



Legal Aid Alberta

