



# TRAVEL AND DISBURSEMENT GUIDELINES - ROSTER LAWYERS

## 1. Purpose and Principles

- 1.1. These guidelines provide a framework of accountability and rules to guide the effective oversight of public resources in the reimbursement and payment of travel, meal, accommodation and other expenses.

They are intended to ensure fair and reasonable practices, and to ensure that individuals are properly reimbursed for expenses incurred providing Legal Aid Alberta (LAA) services. Each person submitting or approving expenses/allowances are expected to read, understand, and ensure that related LAA Policies and Guidelines are followed.

Claimants should be mindful that LAA is a non-profit organization with a responsibility to use public funds wisely and efficiently. As such, expenses must be justifiable and not excessive, which requires Claimants to prioritize options that offer best value for money. For example, where the Claimant has discretion in selecting between various options for airfare, hotel accommodations, or vehicle rentals, they are expected to choose the most cost-effective option that meets their reasonable needs.

- 1.2. Both Claimants and Approvers shall take the following principles into account in determining whether to make claims for and authorize reimbursements and allowances:

- a) taxpayer dollars are to be used prudently and responsibly with a focus on accountability and transparency;
- b) travel, meal, accommodation and other expenses must support Legal Aid Alberta objectives and demonstrate they are both necessary and cost-effective;
- c) only legitimate and approved expenses incurred in relation to Legal Aid Alberta services will be reimbursed;
- d) claims should be:
  - (i) able to withstand scrutiny by LAA;
  - (ii) properly explained and documented;
  - (iii) only claimed for reimbursement one time;
  - (iv) only for the duration of the provision of LAA services;
  - (v) reasonable; and
  - (vi) appropriate.



## 2. Definitions

In these guidelines:


1. **Approver:** With respect to a Claimant, an individual with the authority to approve reimbursements or allowances under these guidelines.
2. **Claimant:** The lawyer named on a LAA Certificate who seeks reimbursement of travel or disbursements on the LAA Certificate.
3. **Lawyer Courthouse:** The primary lawyer courthouse, or the approved secondary courthouse as stated on the certificate.
  - a) Kilometrage will be calculated based on a starting point of the "Lawyer Courthouse" and an ending point of the court location or DC court location, either of which are stated on each individual certificate.
  - b) If you are choice of counsel, (3) (a) applies.
  - c) If choice of counsel is waived, offers will first be sent to lawyers within the service location and kilometrage will be calculated pursuant to 3(a).
4. **Meal:** Any expenses incurred in respect of food or non-alcoholic beverages provided to individuals described in section 3.1. to facilitate LAA Services.
5. **LAA Services:** Any legal service conducted on behalf of a LAA client and/or pursuant to a LAA certificate that is required to discharge the Claimant's duty to the LAA client pursuant to their obligations outlined by the Law Society of Alberta ("LSA").

## 3. Application and Scope

- 3.1. These guidelines apply to travel, meal and accommodation expenses sought to be reimbursed and allowances claimed in relation to LAA Services, by the lawyer named on the certificate.
- 3.2. Notwithstanding 3.1., this policy does not apply with respect to any fee for service or individual employment contractual obligations, by the claimant, to make reimbursements or allowances. (second counsel or agent)
- 3.3. This policy applies regardless of how an expense has been paid for or is being reimbursed.

## 4. General Requirements and Authority

- 4.1. Notwithstanding any other provision of these guidelines, except section 3.2.:

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- a) No expense may be reimbursed, or allowance paid, except under these Guidelines;
  - b) Reimbursement and allowance may only be made in respect of expenses, or the portion of expenses, incurred in relation to the legal services provided under the Certificate for which the expenses apply, unless otherwise expressly stated in this these guidelines;
  - c) A Claimant shall not claim, and an Approver shall not approve reimbursement and an allowance in respect of the same expense or the same portion of an expense;
  - d) Individuals incurring travel, meals, accommodation, and other expenses expressly described in these guidelines shall adhere to the requirements governing reimbursements and allowances; and,
  - e) LAA may issue interpretive bulletins or handbooks in respect of these guidelines. The travel guidelines and disbursements will be applied at the sole discretion of LAA and are subject to change with notice.

## **5. Approval of Reimbursements and Allowances**


5.1. Subject to the other requirements set out in these guidelines and LAA discretion, Approvers shall only approve the reimbursement of expenses and payment of allowances incurred in relation to the provision of LAA Services.

5.2. Unless otherwise expressly set out in these guidelines, a Claimant seeking reimbursement of an expense or payment of an allowance must:

- a) submit an invoice in accordance with LAA Administrative Policy 05, or any subsequent LAA guidelines relating to travel and disbursements, and the associated Tariff of Fees, which certifies that the expense:
  - i. was incurred solely in relation to LAA Services; and,
  - ii. has not been claimed previously; and,
- b) in the case of reimbursement for accommodation or actual cost for transportation services, submit:
  - i. a detailed itemized receipt, showing that the certificate lawyer was the one who incurred the expense.

5.3. Approvers and Claimants are accountable for their decisions, which must be:

- a) subject to good judgment; and,
- b) exercised in appropriate circumstances; and,
- c) utilized the most cost-effective means; and,
- d) compliant with the principles and requirements set out in these guidelines.

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- 5.4. A Claimant may elect to personally incur expenses exceeding those permitted or approved under these guidelines. A Claimant must clearly distinguish between business and personal expenses. The onus is on the Claimant to establish the percentage of the expense exceeding those permitted under these Guidelines.
  - 5.5. When a Claimant receives a discount, credit or bonus for travel that reduces the original travel cost at the time the expense is incurred, the Claimant may only claim reimbursement of the net expense.
  - 5.6. A Claimant must repay a reimbursement to the extent the related expense is credited or refunded.

## **6. Reimbursement of Travel Expenses and Allowances**

### Claimable Expenses with a Receipt

- 6.1. Subject to any requirements set out in sections 7, 8, 9 and 10, a Claimant may claim reimbursement of the following expenses incurred by travelling for LAA Services:
  - a) Airfare;
  - b) Automobile rental;
  - c) Rail fare; and,
  - d) Inter-municipal bus fares, including airport bus.


### Claimable Expenses Without a Receipt

- 6.2. A Claimant may claim reimbursement for the following expenses incurred by travelling for LAA Services, without a receipt, at the standard rate:
  - a) kilometrage; and
  - b) meals.

## **7. Expenses and Allowances While Travelling for LAA Services**

### Travel by Air, Rail or Bus

- 7.1. Prior approval is required if travelling by air, rail, or bus if the cost of the actual travel disbursements incurred and is more than the cost which would have been incurred if travelling by claimant vehicle or rental car. An Approver shall only approve nonpremium economy class air, rail or bus travel, unless otherwise approved in advance.
- 7.2. The cost of checking one piece of luggage will be reimbursed.

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- 7.3. The cost of travel insurance will not be reimbursed. The cost of seat selection or seat upgrades will not be reimbursed.

#### Travel by Third Party Vehicle

- 7.4. No tips will be approved or reimbursed.
- 7.5. A Claimant may only claim the expense of hiring a taxi or similar vehicle (e.g. ridesharing such as Uber or Lyft), with an attached receipt, if travel by third party vehicle is approved. If air travel is not approved, prior approval is required if the destination is more than 50 km from the Lawyer Courthouse stated on the certificate.
- 7.6. A Claimant may claim the expense of renting a vehicle if there is a valid business purpose, unless the cost of the rental, including all associated rental costs exceeds the amount that could be claimed as kilometrage. If the rental of a vehicle is allowed, the Claimant will not be able to claim kilometrage
- 7.7. A Claimant is expected to arrange the most-cost-effective means of travel in determining whether to utilize public transportation as outlined in 7(5) and 7(6).

#### Travel by Claimant Vehicle

- 7.8. Approver may approve the following allowances:
- a) a vehicle kilometrage allowance at the rate set out in Appendix "A" if a Claimant usestheir private vehicle to travel for LAA Services; and,
  - b) one round trip to the same court location per day for physical court appearancesunless prior approval is granted by LAA;
- 7.9. LAA is not responsible for damages to vehicles incurred while used for travel under these guidelines; and
- 7.10. The Claimant is responsible for ensuring their personal vehicle insurance is adequate and up to date.
- 7.11. Any Claims for kilometrage by a Claimant using their own vehicle to the same Court location on the same matter that proceeds on concurrent Court dates, shall not exceed the cost of the Claimant staying overnight in the Court location, if the destination is 250 kms or more from the Lawyer Courthouse, as defined in Paragraph 3 a) of these Guidelines."

Should a matter extend over a weekend, a Claimant may claim for kilometrage to their Lawyer Courthouse from Friday to the following Monday.



### Travel by Rental Vehicle

7.12. In order to claim the expense of use of a rental vehicle for the provision of LAA Services, the Claimant must:

- a) get prior authorization from the Approver; and
- b) ensure the use of a credit card which carries appropriate rental vehicle insurance coverage, when paying for the rental transaction or secure adequate or acquire third party liability and collision damage waiver insurance upon rental at their own cost.

7.13. LAA is not responsible for damages to vehicles incurred while used for travel under these guidelines.

7.14. The Claimant is responsible for ensuring vehicle insurance is adequate and up to date.

7.15. The cost of fuel incurred while using the rental vehicle can be claimed.

## **8. Meal Allowances**

8.1. When travel is approved, a Claimant may claim the applicable meal allowance set out in Appendix "A."

### Duty Counsel Certificates

8.2. When travel is approved to deliver DC services, the Claimant may claim the following meal allowances as follows:


- a) For breakfast, if the destination of travel is 100 km or more from the Lawyer Courthouse, or if overnight accommodation is required;
- b) For lunch, if the destination of travel is outside the Lawyer Courthouse geographic region;
- c) For dinner, if the destination of travel is 100 km or more from the Lawyer Courthouse and if return time is 5:00 pm or later, or if overnight accommodation is required.

8.3. A Claimant must not claim a meal allowance if a meal is provided at no cost.

### Full Representation

8.4. When travel is approved for Full Representation services, the Claimant may claim the meal allowances as follows:

- a) For breakfast, if the destination of travel is 100 km or more from the Lawyer Courthouse, or if overnight accommodation is required;

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- b) For lunch, if the destination of travel is outside the Lawyer Courthouse geographic region and is required for the provision of services other than a procedural or administrative appearance on a client's matter. Approvers, in their absolute discretion, may deny meal allowance claims for lunch where the nature or duration of an appearance does not reasonably justify the expense;
  - c) For dinner, if the destination of travel is 100 km or more from the Lawyer Courthouse, or if return time is 5:00 pm or later; or if overnight accommodation is required.

8.5. A Claimant must not claim a meal allowance if a meal is provided at no cost.

## **9. Accommodation Expenses**

- 9.1. A Claimant may claim the applicable accommodation expenses if the destination of travel is 250 km or more from the Lawyer Courthouse, as stated on the certificate.
- 9.2. Accommodation must be in separate invoices in the certificate lawyer's name and cannot be used to justify reimbursement more than once for the total amount.
- 9.3. When a Claimant is travelling for LAA Services, and overnight accommodation away from the Lawyer Courthouse as stated in the certificate is necessary, the actual expense of accommodation may be claimed, provided the amount is the most cost-effective means.

In determining cost-effectiveness for accommodations, the following criteria should be considered:

- a) prevailing market rates for similar accommodations in the area;
- b) proximity to the work location to minimize additional travel costs;
- c) availability of corporate rates or discounts accessible by the Claimant; and
- d) reasonable balance between cost and safety, comfort, and accessibility.

The Claimant may be required to show proof and provide documentation that the room was the most cost-effective option available at the time.

## **10. Remote Appearances**

There shall be no travel Expense allowed, under any circumstances, for any Court Appearance during which the Claimant is not physically present in the Courthouse where the appearance is taking place.



**APPENDIX A**

**Travel and Meal Reimbursement Allowance**

<b>Expense Type</b>	<b>Tariff item</b>	<b>Section Reference</b>	<b>Reimbursement with Receipt</b>	<b>Allowance without Receipt</b>
Private Vehicle Kilometrage Allowance	17.02	7(7)(a)	N/A	\$0.83/km
Meals				
Breakfast	17.03	8(2)(a) 8(3)(a)	N/A	\$13.00
Lunch	17.04	8(2)(c) 8(3)(c)	N/A	\$17.00
Dinner	17.05	8(2)(d) 8(3)(d)	N/A	\$27.00
Accommodation	17.06	8(1)	Actual cost	N/A
Airfare and Other Transportation	17.07	6(1)(a), 7(1)	Actual cost	N/A