

Craig W.J. Goebel – Chief Executive Officer
Jerome Boyko, CPA, CA – Director of Finance & IT
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Kyla Shea, PMP – Director of Planning & Admin.

MEMORANDUM

From: Craig Goebel, Chief Executive Officer

Date: April 3, 2017

To: LAS Panel of Private Bar Lawyers

Phone: 306-933-5300

Re: **Requests for Additional Time and Accounting
for Court Appearances**

Email: headoffice@legalaid.sk.ca

Most requests for additional time are coming in advance of lawyers exceeding the Tariff allotment of preparation time; that is appreciated.

The Legal Aid Tariff of Fees, Schedule “A” General Conditions states:

“This tariff is intended to reflect fees that would customarily be paid by a client of modest means. The Chief Executive Officer may, if a solicitor can show **extremely exceptional circumstances** due to: the nature of the offence, complexity of the case, and/or any other factors that would warrant an increase in preparation time, allow an increase in the preparation time for the file, provided in his/her opinion an increase is justified.”¹ (emphasis added)

This memo is in response to a recent influx of requests for additional time on some complicated matters. When a request for more time is submitted, we may require additional information for consideration.

There have been some cases undertaken in the last year or so which are well outside the realm of the costs that would be borne by the notional “client of modest means”. It is not particularly easy for Legal Aid to administer these cases and control their costs – as must be done to meet our mandate to efficiently and effectively serve the entirety of our clientele within our allotted budget – if counsel do not also efficiently and effectively manage their work, including being forward-looking.

Therefore, when a request for additional time is submitted to Head Office, for both family and criminal matters, it should address the following matters if they apply:

- 1) What are the factors that contribute to the complexity of this matter?
 - i) What kind of disclosure is involved? How much of it is important, but more critical is its substance and how it needs to be attended to and what is to be “made” of it.
 - ii) What witnesses are anticipated from both sides? What issues are they expected to serve?
 - iii) Are *Charter* applications likely? If yes, set out the nature of the argument(s).
 - iv) Are there likely to be case management or other attendances?

¹ Legal Aid Saskatchewan, Legal Aid Tariff of Fees, Schedule “A” General Conditions available at: <http://www.legalaid.sk.ca/lawyer/documents/PBTARIFFGeneralConditionsSchAOctober2014doc.pdf>

- v) What is the expected length of preliminary hearing and / or trial?
 - vi) Any other considerations that could justify the allocation of additional time.
- 2) What is the theory you are advancing on behalf of your client and what issues are likely going to be defended?
- 3) How serious is the client's jeopardy? Is the case (client and / or crown) likely to be amenable to factual agreements, plea negotiations, etc.?
- 4) What is the total amount of time being requested and how is that time going to be specifically apportioned?
- 5) What are the economies of the work being anticipated?
- i) Is there a division of labour regarding the file within the firm?
 - ii) If so, who is assisting with the matter?
 - iii) How is the assignment of work being allocated?

The requests for additional time can be sent to Head Office care of Chief Executive Officer by email or regular mail. Depending on the nature of the request, it may take up to two weeks to properly review. The lawyer making the request will be advised if additional information is required. Requests for large amounts of additional time may require the submission of a budget and/or accounting of time to date.

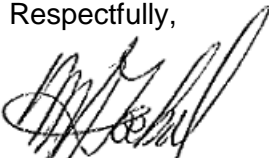
The Legal Aid Tariff of Fees, General Conditions, section 2 states:

"Court time means the actual time appearing in court and does not include jury waits, wait time to appear before the Judge, travel time, gown time, interviewing witnesses or any other preparation."²

Additional information regarding court appearances is being requested generally, because in the review of accounts we must be able to determine how time has been utilized and to satisfy governmental audit requirements. Ensure that invoices include a reference to the type of court appearance that was made on behalf of the client, i.e. adjournment, Show Cause Hearing, Sentencing, Trial, etc. It will be assumed that a court appearance entry of 0.5 hour or less was an adjournment. If an adjournment takes longer than 0.5 include explanatory information in your time entry.

Feel free to contact Head Office at headoffice@legalaid.sk.ca if you have any questions.

Respectfully,



Craig Goebel
Chief Executive Officer
Legal Aid Saskatchewan

² *Ibid*, s 2.