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MEMORANDUM ON TARIFF MATTERS

Date: February 2, 2018
From: Craig Goebel, Chief Executive Officer
To: Panel of Private Bar Lawyers

Re: Account details, requests for more preparation time and court time

This memo is to remind our counsel about matters that have come up in the last while.

1. Account details

An account should contain enough information about what was done that the client would not need to ask questions. Some lawyers' accounts are lacking in detail about activities, which prevents our deciding whether the time billed has been usefully spent. (This is not to suggest that lawyers are wasting time.)

For example, stating 't/c w X' or 'research' or 'file review' does not permit Legal Aid to discern that the activity was useful. Each of those entries should be followed by some specific indicator of what transpired. Also, entries such as 'attend to file' standing alone are devoid of any information that would indicate any value-added and should not be used.

It may be that these kinds of entries will be 'taxed-off' and therefore not paid.

2. Requests for more preparation time

Generally, requests for additional time are being made in advance of lawyers exceeding the Tariff allotment of preparation time; thank you. Requests for additional time should be sent to Head Office by email to central@legalaid.sk.ca.

This is important because, while it is always 'good business' to anticipate expenses, the Provincial Auditor requires that government-funded commissions maintain an accrual against reasonably expected costs so the Government can assess its potential financial expenditures.

Lawyers knowing the preparation time allotment for the main / most serious charge or in family matters for the process being undertaken and keeping an eye on their work-in-progress time helps Legal Aid respond positively and promptly to their time requests.

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)

Requests for a large amount of additional time may require the submission of a budget and / or

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

accounting for time to date. If a request for more time is submitted with an account when no extra time request has been made, accounting staff may require additional information. The lawyer will be advised if additional information is required.

Please note the **Appendix** at the end of this memo, (Additional Preparation Time Request Form). Consider these elements when making extra time requests. Use the form itself as appropriate – it is also available in Word format for copying and pasting into a template.

3. Court time

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

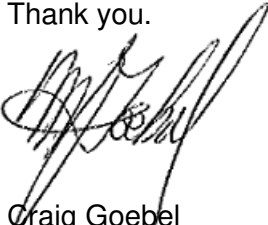
Information regarding court appearances should be in accounts, as Legal Aid must be able to determine how time has been utilized and to satisfy Government's audit requirements.

Please ensure that accounts have a reference to the type of court appearance that was made, i.e. adjournment, show cause hearing, sentencing, trial, case management, chambers, etc. If an adjournment takes longer than 0.5 hour include explanatory information in that entry line. An adjournment entry of 0.5 hour or less may stand alone.

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

Your abiding by these processes help Legal Aid administer its budget in a business-like manner, acceptable to the Provincial Auditor.

Thank you.



Craig Goebel
Chief Executive Officer
Legal Aid Saskatchewan

² *Ibid*, s 2.

Appendix

Additional preparation time request

A request for additional preparation time 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?
 - 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?