

Schedule "B1"

Criminal Legal Aid Tariff of Fees

Effective January 1, 2021

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1. **Refer to Schedule "A"** – General Conditions
2. **Fees: Note:** A solicitor who has provided services may receive compensation based on the fixed fee or hourly fee. The same billing method (Fixed or Hourly) must be used throughout the file.

**Fixed Fee:** The solicitor may receive compensation for a minimum fixed fee amount outlined in the "Appointment of Solicitor" (Schedule "D1"). Fees are to include conducting trial(s), all necessary and preparatory services such all interviews with clients and others, all correspondence, all telephone attendances, all documentation, and all briefs. (Addendum B1-1) Jury Waits are included in the fixed fee.

**OR**

**Hourly Fee:** the solicitor may receive compensation up to the maximum amount established in this tariff (Addendum B1-2) by providing a detailed listing which gives a fully itemized statement of each and every serviced rendered both by way of preparation and in Court showing among other things, the date of, and precise time involved in rendering that service.

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Where no further services are provided or where a file has been received and the solicitor has been unable to contact the client or obtain further instructions, the fee for this initial interview shall not exceed \$115.

3. **Briefs of Law** – Where a brief of law is prepared, the commission may require that a copy of the brief of law be submitted.
4. **Additional Charges** – Where a solicitor represents a person charged with two or more offences and in either case where the trials, preliminary inquiries or please of guilty occur in the same Court at approximately the same time then the solicitor shall be entitled to fees (both preparation and court) as for one charge only except where he can demonstrate that he has rendered separate and distinct services with respect to the additional charge or charges.
5. **Joint Charges** – Where a solicitor represents two or more persons charged with the same offence arising out of the same occurrence, the solicitor shall be entitled to fees (both preparation and court) as follows: 2<sup>nd</sup> client – an additional 30% of the fixed fee or maximum hours; 3<sup>rd</sup> client – an additional 20% of the fixed fee or maximum hours; 4 or more clients - an additional 10% of the fixed fee or maximum hours.
6. **Absence Fees for Travelling Time and Jury Waits** – Absence fees are charged at a rate of \$92 per hour.

- a. Travel to municipalities other than the place where the solicitor resides for court appearances.
- b. Travel to interview a client who is in a correctional facility outside a community where a solicitor is ordinarily resident.
- c. Travel time and expenses for solicitors, who are not Saskatchewan residents, must be explicitly approved, in advance, by the Chief Executive Officer or his/her designate.
- d. Jury waits will be paid to a maximum of five hours per day.
- e. When a solicitor has to attend a remote fly-in court point while traveling with the court party, the solicitor will be compensated to a maximum of 10 hours at the legal aid rate of \$92 per hour to include travel, preparation, court and wait time. An additional \$44 per hour will be available for wait time and or travel time when the daily maximum of 10 hours is exceeded. These absence fees are applicable only when attending court on a legal aid appointment. If attending docket court for legal aid please refer to Schedule "B3" for Agent compensation.

**7. Counsel Fees** – The Commission will pay for preparation and court fees for one counsel only. The Commission will not pay for fees of co-counsel or students-at-law unless authorized by the Chief Executive Officer.

**8. Pre-trial Conferences** – are included in the minimum fixed fee amount. When calculated on the hourly fee base, a pre-trial conference is considered court time.

**9. Disbursements:**

Travel time and expenses for solicitors, who are not Saskatchewan residents, must be explicitly approved, in advance, by the chief Executive Officer or his/her designate.

- a. Where travel by private vehicle or airplane is necessary to attend court in a municipality other than where the solicitor resides, travelled kilometres will be reimbursed at current Commission rates, plus reasonable expenses for parking. Rental of automobiles requires the prior approval of the Chief Executive Officer or his designate.
- b. Travel costs by means other than private vehicle or airplane (such as scheduled air-flights, taxi, bus, etc.) must have prior approval by the Chief Executive Officer and must be supported by ticket or voucher.
- c. Sustenance and accommodation allowance at centres other than the place where the solicitor resides: Accommodation for counsel only, per day – reasonable and actual receipts to be attached. Meal rates shall be in accordance with current Commission rates and shall be paid for counsel only. Rates are updated on our web page [www.legalaid.sk.ca](http://www.legalaid.sk.ca) in April and October.

- d. Witness fees and travelling expenses of witnesses in accordance with the provision of the Rules of Court. (Out of province witness fees must be approved by the Chief Executive Officer or his/her designate before incurred.)
- e. Court Reporter Fees – When requesting a transcript, the appointment letter should be provided to the reporting service so that they are aware that this is a legal aid client. This letter is used to have the transcript fees waived. When court reporter fees cannot be waived, they are to be paid for by counsel. Attach a copy of the invoice as a receipt for the disbursement when submitting your account for payment.
- f. Postage, printing/photocopying, courier, telephone and facsimile expenses will be paid as follows (the Commission reserves the right to request copies of invoices):
  - i. Postage – actual disbursements to a maximum of \$50
  - ii. Printing/Photocopying – to a maximum of \$200 calculated at \$0.25/page for first 400 pages and then \$0.05/page thereafter
  - iii. Courier – actual disbursements
  - iv. Facsimile - \$0.25/page to a maximum of \$75
  - v. Long Distance – actual disbursements to a maximum of \$75
  - vi. Process Servers – actual and reasonable disbursements (receipts required)

If charges for disbursements exceed the maximum specified, details and actual receipts will be required.

- g. Any other proper disbursements with the approval of the Chief Executive Officer or his/her designate.

**10. File Closure Fee** – The Commission recognizes that the office administration inherent in accepting legal aid referrals is not fully captured by tariff items. A one-time \$25 file closure is available for all referrals and is to be included on the final account submitted.

**11. Research Material** – The Commission will not pay for any research material, including on-line research costs unless authorized by the Chief Executive Officer. Ontario Legal Aid Plan Research papers are available, upon request, through the Head Office of the Saskatchewan Legal Aid Commission. Time spent by a solicitor doing research is considered preparation time.

**12. Application for Fee waiver** – As per *The Fee Waiver Act*, the appointment letter should be used to waive fees at transcript services and fees associated with the service of documents by the Sheriffs' Office.