



Working Together
Private Bar Orientation
December 9, 2024

Jawad Kassab
Consultant

Welcome, Introductions – Cameron Schmunk

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Virtual Logistics – Jawad Kassab



Please place yourself on mute during the presentation



Please enter any questions you have in the chat with your name – the questions will be moderated and answered at the end of each module



The session will be recorded and available on LAS's website at a future date



Should you have questions related specifically to your assigned files, please request a meeting with the Private Bar Services Team who will be happy to help

Purpose of Orientation – Jawad Kassab

Ensuring that each of you

Have the information you need

Have answers to your questions

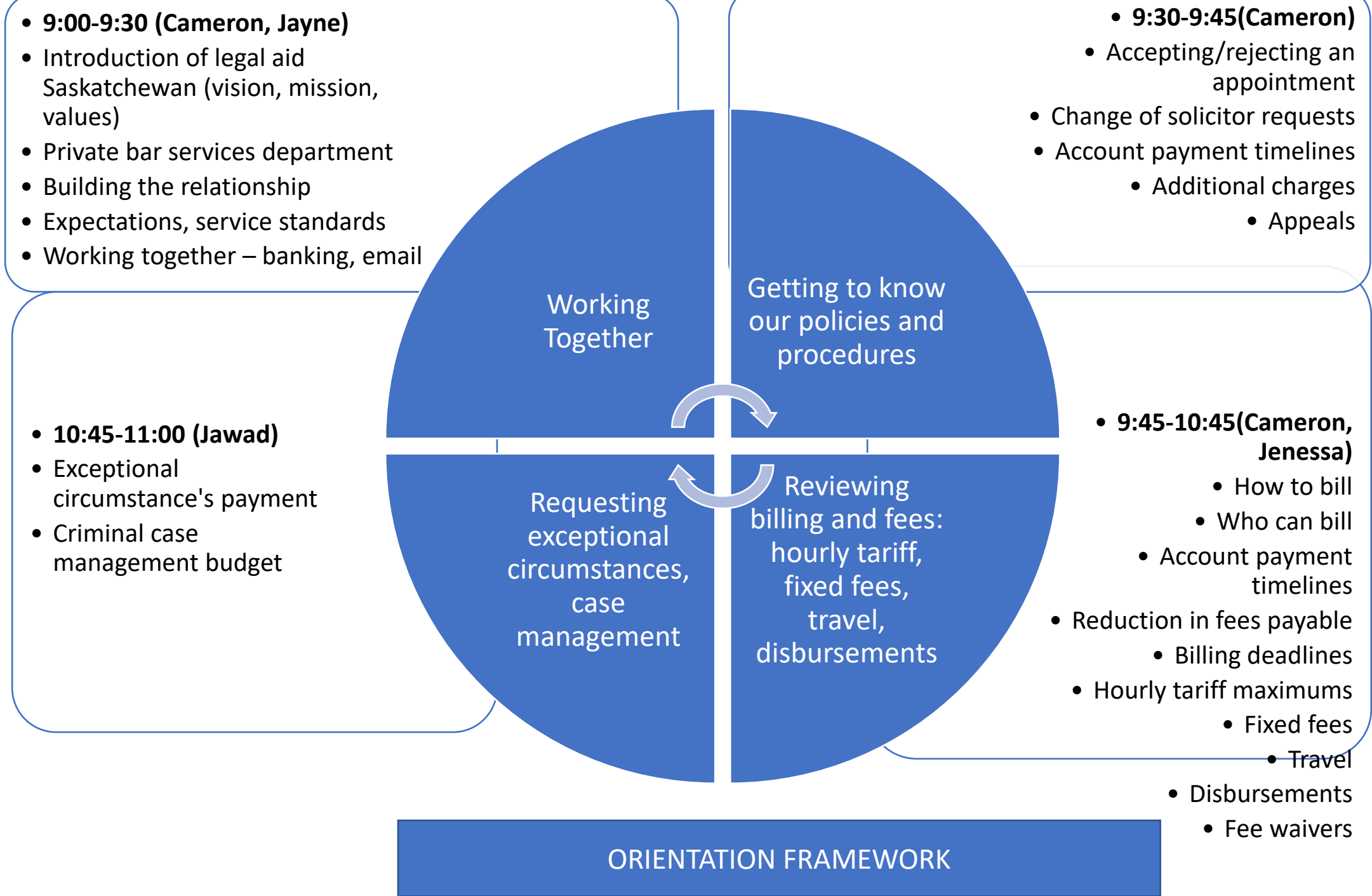
Have an opportunity to meet staff that provide support

Know who to contact when you need help

Are more satisfied in the long-term working with LAS

Expectations (Jawad Kassab)

What are you hoping to get out of this orientation?





Working Together

Module 1

Working Together – vision, mission, values

(Jayne Mallin)



Working Together LAS Strategy 2022-25

Client-Centered Experience

- Improve the client experience
- Provide culturally responsive service
- Seamless, innovative service delivery models

Champions for Access to Justice

- Enhance Legal Aid Saskatchewan's reputation and visibility
- Advance reconciliation principles in justice reform
- Sponsor partnerships for holistic response and system change

Purpose-Driven Teams Producing Exceptional Outcomes

- Strengthened organizational culture and staff engagement
- Improve staff recruitment and retention

Accountable and Responsive Stewards

- Proactive and responsive decision-making
- Optimize funding

Working Together – Private Bar Services

(Cameron Schmunk)

The Private Bar Services Department is located at Saskatchewan Legal Aid's Headquarters, Saskatoon. The Department is responsible for:

Tariff Billing and Payments

- Develops and reviews billing and payments policies and procedures
- Settles lawyers' accounts by applying the legal aid tariff
- Determines exceptional circumstances increases when requested (for hours billed in excess of tariff)
- Authorizes disbursements

Case Management

- Sets budgets for criminal matters likely to exceed \$10,000.

Service Support

- During regular business hours to provide information and assistance to lawyers and their staff about:
 - status of an account
 - settlement of an account
 - billing
 - change of contact information
 - general tariff information

Working Together LAS expectations

A legal aid service provider is required to:

- a) keep informed of the *Legal Aid Act* and Rules;
- b) provide legal aid services in a manner that is respectful, that recognizes the dignity and worth of every client and that is free of bias, discrimination, harassment and racism, including anti-indigenous racism;
- c) be civil in their conduct towards their clients and towards any officer or staff member of LAS during any dealings with them;
- d) not engage in communications with or conduct towards their clients or any officer or staff member of LAS in a manner that is abusive or offensive, or that is otherwise inappropriate;

Working
Together
LAS
expectations

A legal aid service provider is required to:

e) not create any unreasonable or excessive administrative burden on LAS; and

f) when preparing or submitting accounts:

- i. act honestly and be forthright;
- ii. ensure that the member's detailed account is prepared and submitted in accordance with the policies and billing procedures of LAS as authorized by LAS from time to time;
- iii. ensure that any representations, declarations and acknowledgements as well as the content of the account are accurate and do not contain any material errors or omissions;
- iv. ensure that the fees and disbursements are actual, reasonable and necessary to the standard of what a reasonable privately paying client of modest means who has been properly informed by the client's lawyer would pay for those services under similar circumstances; and
- v. ensure that all agents and third-party providers who are retained, are paid in a timely manner.

Working Together LAS Service Standards

The purpose of the Legal Aid Service Standards is to ensure the legal aid services that panel members provide:

- a) are client-focused, of high quality and efficient
- b) deliver value for money spent; and
- c) are appropriate to the circumstances of clients.

LAS has specific standards related to

1. Communicating with Clients
2. Providing legal aid services

Please consult Billing and Payments Handbook 2024, 1.8.2, for details

Working Together LAS Service Standards

Evaluation Of Services Provided

1. LAS may evaluate the quality of legal aid services provided by a panel member.
2. In making an evaluation, LAS may take any relevant information into account and consider any relevant factor, including the following:
 - a) the panel member's record of compliance with LAS's rules, procedures, billing and account submission rules or administrative requirements;
 - b) information about the panel member's conduct towards clients, including as evidenced by the results of any client satisfaction surveys and reviews;
 - c) any decision or documents from a court or tribunal; and
 - d) information received from other lawyers, whether or not they are a member, from their clients and from members of the judiciary.

Working Together Banking, emails

Finance Department:

headoffice@legalaid.sk.ca

- To change banking information

Private Bar Services:

[PBClerk@legalaid.sk.ca](mailto:PBCLerk@legalaid.sk.ca)

- To change contact information

Account submission:

pbaccounts@legalaid.sk.ca

- To submit your account for payment



Questions



Getting to know our policies and procedures

Module 2

Key Policies, Procedures - Accepting the appointment (Cameron Schmunk)

When an area office with staff lawyers is unable to assist a client, the Legal Director will contact you to see whether you are willing to accept an appointment.

You do not have to accept the appointment. If you accept the appointment, you generally follow these steps:

1. Check the appointment letter to see that it covers the steps that you believe must be taken, and note any conditions or limitations, as well as the effective date and termination date of the appointment.
2. If you feel that the client needs services that the appointment does not cover, request an amendment from the Legal Director in a timely fashion before performing any services.
3. Check the tariff that applies to the service to be performed so that you know the fee allowed and the details of the tariff.
4. In each appointment letter, the Legal Director outlines in broad, general terms the legal services authorized to be performed on behalf of the client.
5. If you can tell that the services authorized in the specific circumstances of your case and the complexity of the matter are likely to exceed substantially the tariff maximum, contact the Private Bar Services Director. The Private Bar Services Director will assist you in determining whether an exceptional circumstances payment request or case management may be appropriate.

Key Policies,
Procedures -
Cancelled or
terminated
appointments

Each legal aid appointment authorizes you to perform legal services from a particular date, called the effective date.

If the contract is cancelled or is terminated, you are no longer authorized to perform legal services.

If you complete any work after the cancellation or termination date, and submit an account, LAS is unable to pay it, other than for work related to removal from the record.

Key Policies, Procedures Change in client's financial circumstances

Clients might tell you that their financial circumstances have changed, or you might discover it yourself. In either case, you must notify the Legal Director.

You must also notify the Legal Director if you find:

- The client misrepresented their circumstances in applying for legal aid
- The client failed to make full disclosure at the time of applying for legal aid
- Anything that indicates that the client may no longer be entitled to legal aid services.

Key Policies,
Procedures -
Co-counsel, law
clerks, students at
law

LAS will pay for preparation and court fees for one counsel only.

LAS will not pay for fees of co-counsel, law clerks or students-at-law unless approved by the Private Bar Services Director.

Key Policies, Procedures - Withdrawal of services by lawyer

A lawyer who is appointed to act for a client and who wishes to withdraw services with respect to that client may apply to the Chief Executive Officer (CEO), or any person that the CEO may designate, in the manner and form specified by the Commission to request to withdraw services with respect to that client.

The CEO or designate may, in accordance with the terms and conditions established by the commission:

- a) grant the request; or
- b) refuse the request.

If the CEO or designate refuses a request, the CEO or designate must provide the solicitor with written notice of the CEO's or designate's decision together with reasons.

Key Policies, Procedures - Change of solicitor request by client

The client must apply to formally change lawyer by writing to the Legal Director. Any change of the solicitor of record, from the one named in the letter of appointment, must be approved by the Chief Executive Officer or designate Private Bar Services Director.

LAS guidelines state that a change of lawyer is generally allowed only in extraordinary circumstances. Examples of such circumstances include the following:

- When the client has a reasonable and demonstrable concern with the quality of the work being performed by the lawyer;
- When a client indicates that there is a complete breakdown of their relationship with the lawyer, and this is confirmed by the lawyer. Mere dissatisfaction is not considered a complete breakdown.

Key Policies,
Procedures -
Additional
charges

Authorization for additional charges is obtained from the Legal Director.

Getting all necessary authorizations in advance speeds up the processing and payment of your account.

Key Policies, Procedures - Appeals

Where a client wants to appeal, or a private bar lawyer is recommending an appeal

- Client needs to apply for further services. There is no presumption that the private bar lawyer that had carriage of the underlying matter maintains carriage of the 'new' services.
- The appeal, if approved, may be handled in house by LAS staff lawyers, may go to another private bar lawyer, or may go back to the private bar lawyer who had carriage of the initial proceeding



Questions

PAUSE – 5 Minutes



Review of billing, fees

Module 3

Review – who can bill



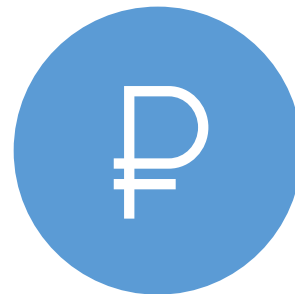
To bill LAS, lawyers must be panel members, on the LAS private bar roster. For information regarding how to apply to become a panel member, please see Chapter 1 of this Handbook.



Accounts are paid only to the lawyer who accepted the legal aid appointment.



Agents should submit their accounts to the lawyer who accepted the appointment and who is responsible for the payment of the agent's account. The appointed lawyer is required to submit the agent's account to LAS for payment.



The Commission is GST/HST exempt. Any fees and disbursements should not have the GST/HST applied

Review – interim and final accounts

Interim accounts will be accepted in the following circumstances:

- a) When a significant part of a criminal or family law proceeding is completed, and the amount billed exceeds \$500 (fees and/or disbursements); or
- b) Following a request from the Private Bar Services Director.

Final accounts are submitted when you stop acting for the client or when all services authorized in your appointment letter have been completed. Final accounts are required when an appointment has reached its end of life - expiration.

Review – account payment timelines

LAS's target is to process your account within 21 days of receipt if the account can be paid as billed, and if the following conditions are met:

- The account is correctly completed and submitted;
- The account total is within the applicable tariff maximums;
- You did not request exceptional circumstances additional hours;
- All disbursements are authorized and correctly billed;
- The account is otherwise in compliance with tariff and billing requirements.

LAS's target is to pay all other accounts within 60 days of receipt, if we have sufficient information from you to make a payment decision.

Review – daily billing limits

LAS does not have an hourly daily billing limit. Lawyers are expected to deliver high quality, efficient and effective services. Regular daily billings by lawyers that exceed 12 hours per day may lead to account reviews.

Review – examination of lawyer's billings

LAS will examine lawyers' billings where there is reason to believe accounts contain significant inaccuracies and use of inappropriate billing procedures. Following an examination of the accounts, lawyers may be required to repay LAS for billing errors, such as overlapping times and other time discrepancies.

Lawyers may also be reported to the Law Society for practicing while suspended or for improper conduct

Review – reduction in fees otherwise payable

LAS pays for services authorized under the appointment in accordance with the legal aid tariff. Each account submitted may be examined, settled, and approved for payment in accordance with this policy statement.

The Private Bar Services Director may disallow fees, in whole or in part when, in their opinion:

- a) proceedings were unreasonably taken or prolonged
- b) not calculated to advance the interest of the client
- c) incurred through negligence
- d) preparation or counsel fees were unreasonable in their nature, scope or time expended

The Private Bar Services Director may require justification from a lawyer of items included in their account.

Review — direct deposit

LAS pays all lawyers by direct deposit. You must be registered for direct deposit to receive payment for appointment or duty counsel work. Please contact the Private Bar Services Department for more information.

Review – accepting private payment



The Legal Aid Act cautions anyone providing legal aid services from accepting payment or any other benefit from or on behalf of a legally aided client.



You cannot request payment from your client for services or disbursements in connection with the proceedings authorized by the contract.



Any moneys, other than remuneration from the commission, received by a solicitor from or on behalf of a client in connection with legal services provided to a client by the solicitor shall be paid by the solicitor to the commission

Review – billing deadlines

Lawyers are requested to submit accounts within six months of a last service date. For accounts submitted more than six (6) months after the last service date, an administrative fee may be assessed and deducted from accounts paid.

The administrative fee will be 25% of the taxed amount before disbursements, with a minimum fee of \$25.00 and a maximum of \$500.00. A lawyer may appeal this administrative fee.

Reporting to your client

LAS may send a copy of your account to your legally aided client. LAS contacts clients randomly to confirm that they have received the services billed.

Review - Hourly Tariff

The Saskatchewan Legal Aid Commission establishes, after consultation with the Law Society of Saskatchewan, a tariff of fees pursuant to which private bar lawyers will receive remuneration for their services.

The tariff is intended to reflect fees that would customarily be paid by a client of modest means.

Where a solicitor is appointed, the solicitor is deemed to be retained by the Commission and will receive remuneration in accordance with the established tariff of fees.

Hourly rates

The hourly rate depends on the effective date: prior to or after January 1, 2021.

- For appointments prior to January 1, 2021, the hourly rate = \$88
- For appointments after January 1, 2021, the hourly rate = \$92

Review – Criminal Law Tariff Maximums

The tariff is divided into two main categories:

1. Preparation - based on a limited number of billable hours;
and
2. Appearances - based on court time spent.

The maximum preparation time noted below is determined by the most serious offence on the appointment and is calculated from the start (effective date of the Appointment) until the conclusion of the file (up to and including sentencing in court).

Multiple charges on one appointment are governed by specific rules dependent on whether the solicitor can demonstrate that separate and distinct services were rendered with respect to the additional charge or charges.

Please consult the Billing and Payments Handbook, 3.2 Tariff Maximums-Criminal for details.

Review – Multiple charges, One appointment

When?	Same or different tariff maximums?	What happens in court?	What maximum applies?
One appointment authorizes the defence of several charges	Two or more offences with the same tariff maximums	The charges are disposed of in the same court on the same date	The hourly maximum is for one offence only
	Two or more offences with different tariff maximums	The charges are disposed of in the same court on the same date	One tariff maximum applies, the highest applicable
	Two or more offences with the same or different tariff maximums	If for valid reasons charges are disposed of separately such that the pleas, trials or withdrawals are heard in different court on different days	A separate tariff maximum applies for each set of charges where distinct services can be shown

Review - Family Law Tariff Maximums

All LAS family law services (child protection, support, custody and access) are subject to a tariff maximum which is a limit on the number of hours you are permitted to bill. The tariff maximum depends on the type of services authorized and/or added by amendment.

Please consult the Billing and Payments Handbook, 4.3 Tariff Maximums for details

Review — Criminal Law Fixed Fee

The fixed fee rate depends on the effective date: prior to or after January 1, 2021

- For appointments prior to January 1, 2021: \$560 (Provincial Ct), \$880 (King's Bench)
- For appointments after January 1, 2021: \$585 (Provincial Ct.), \$920 (King's Bench)
- Fixed Fees apply to criminal services and include client interviews, preparation and court time only. Disbursements, travel and absence fees are paid over and above the fixed fee.

Review – Criminal Law Fixed Fee

LAS has created a list of offences and proceedings that can be billed by fixed fee on the election of counsel. Tariff January 1, 2021

PRELIMINARY HEARING AND/OR	PROVINCIAL COURT TRIAL	KING'S BENCH TRIAL
Sexual Assaults	\$585	\$920
Assaults	\$585	\$920
Robbery	\$585	\$920
Theft, Break and Enter	\$585	\$920
Fraud, False Pretences	\$585	\$920
Breathalyzer, Impaired	\$585	-
Other Vehicle Offences	\$585	-
Other Criminal Code	\$585	\$920
Controlled Drug & Substance Act	\$585	-
Perjury	\$585	\$920
Homicide	n/a see hourly tariff	
Kidnapping	n/a see hourly tariff	
Arson	n/a see hourly tariff	

Review – Fixed Fee Billing Procedures

Detailed accounts are not required to be attached if you have elected to bill by fixed fee.

Detailed accounts are required to be attached only if you have elected to bill by the hourly tariff.

Lawyers, however, are under a duty to maintain detailed accounts required by:

- The lawyer's duty to their client
- The *Legal Aid Act* and Rules thereto
- LAS's policies and procedures

Lawyers, including those who elect fixed fee billing, are required to produce these detailed accounts upon request of LAS.

Requests – Travel

Panel members should secure the most cost-effective means of travel and limit the number of travel time hours billed. Legal disbursements should be reasonable given a client of modest means.

- All travel accounts must include the mode of transportation, the date of travel, the purpose for the travel, and the place of origin and destination.
- Supporting invoices are required when billing for travel, except for mileage
- Travel rates are updated on LAS' web page www.legalaid.sk.ca in April and October. Please ensure you have the correct travel rate prior to billing.

Please consult Billing and Payments Handbook 5.3 Travel for details

Requests – Legal Disbursements

- Legal disbursements cover
 - Court reporter fees – covered by fee waiver certificate
 - Postage, printing/photocopying, courier, telephone, and facsimile expenses (maximums allowable)
 - Research – LAO Memos available
 - Expert, DNA Tests – need prior approval
 - Witness fees

Please consult Billing and Payments Handbook 5.4 Legal Disbursements for details

Requests – Fee Waivers

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.

Review – Tariff Billing Procedures

You are required to complete a Report of Solicitor Form in excel format to bill your accounts. LAS provides detailed Instructions for Using the Report of Solicitor Billing Form.

The Forms and Instructions can be found on Legal Aid Saskatchewan's website: <https://legalaid.sk.ca/lawyer/how-do-i-get-paid/>

Supporting documentation – detailed accounts

You are required to attach your detailed account for all non-fixed fee accounts; printouts from PC Law, Esilaw and other case management software are acceptable.

Supporting documentation – disbursements, travel

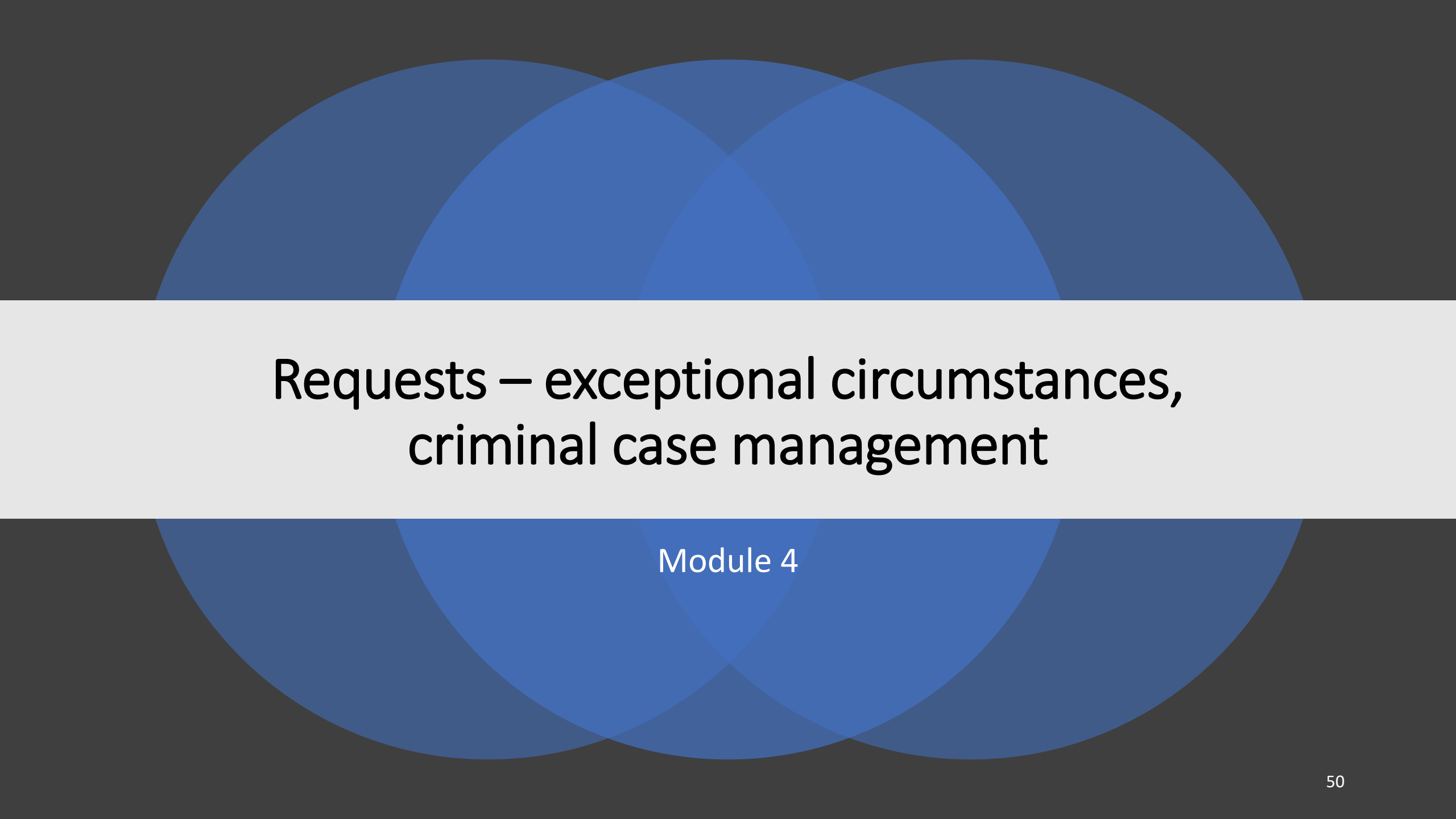
You must attach an invoice for every pre-approved disbursement.

A limited number of disbursements do not require supporting documentation. Where invoices are not required, specific information must be included in your account describing the disbursement.

Even though you may not be required to submit some disbursement invoices with your account, you are required to hold the invoices in your file and make them available if requested by LAS.



Questions



Requests – exceptional circumstances, criminal case management

Module 4

Requests – Exceptional Circumstances

On a 1-year pilot (January 2025 - December 2025). In some cases, where an account exceeds the tariff maximum and the matter is ineligible for case management, an exceptional circumstances payment may be granted. Counsel must establish that exceptional circumstances exist.

Where an account exceeds the tariff, and where an exceptional circumstances payment is not requested or the request does not contain sufficient information on which to make an exceptional circumstances payment, the account will be settled in accordance with the tariff maximum.

All exceptional circumstances payment requests should be attached to the specific account for which a request is being sought; a request should not be sent separately.

A request is required for each account which addresses the work completed during the service period of that account. Requests must be made using LAS's Request for Exceptional Circumstances Payment (ECP) Form on the LAS's website.

Requests – Criminal Case Management

1 year pilot (January 2025-December 2025) Criminal Case management applies to complex criminal cases such as homicide, sexual assault, and offenses committed with firearms that cost \$10,000 or more in fees, travel, disbursements, and exceptional circumstances payments.

The objectives of case management are to:

- Provide lawyers working on complex cases with the appropriate resources to deliver high quality legal services
- Increase predictability of case costs
- Implement pre-approved budgets for streamlined payment of accounts
- Monitor and control case costs, including exceptional circumstances payments, in accordance with the standard of a reasonable client of modest means

Cases may be streamlined into case management under the following conditions:

- A contract for service is issued for a matter identified on a list of case management charges
- The matter is set down for preliminary hearing and/or trial
- The tariff (e.g. preparation hours), travel and legal disbursement maximums will be insufficient to complete the proceedings



Questions

Resources

LAS Private Bar Billing and Payments Handbook 2024

<https://legalaid.sk.ca/lawyer/policies-conditions/>

LAS Website: <https://legalaid.sk.ca/lawyer/overview/>

LAS Management, Staff

- **Director**, Private Bar Services, Cameron Schmunk: CSchmunk@legalaid.sk.ca
- **Clerks**, Private Bar Services
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