

## Exceptional Circumstances Payment (ECP) Request: Criminal

In some cases, where exceptional circumstances (EC) can be demonstrated, an increase in payment may be granted where an account exceeds the tariff maximum. If your account exceeds the tariff maximum, and you want to apply for an EC Payment, fill out this form and include it when submitting the account.

Account date: \_\_\_\_\_ Date of request: \_\_\_\_\_

### Requestor Information

#### Lawyer information

Name: \_\_\_\_\_

Solicitor #: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

#### Client information

Name: \_\_\_\_\_

Client #: \_\_\_\_\_

Names of co-accused / other parties: \_\_\_\_\_

### Tariff Hours and Request for Exceptional Circumstances Payment

How many tariff hours are available?

#### CAUTION

A lawyer is entitled to fees for both prep and court time for one charge only. Except where you can demonstrate that you have rendered separate and distinct services with respect to an additional charge or charges. Exceptional circumstances requests should not include situations where you have rendered separate and distinct services and are eligible for additional tariff prep and court time. Details of Distinct Services should be included in the Report of Layer (i.e. separate trials on different dates or court points), broken down by information numbers.

Have you used all available tariff hours?  Yes  No

If yes, how many hours beyond the tariff have you spent? \_\_\_\_\_

How many hours would you like considered for exceptional circumstances payment? \_\_\_\_\_

## Legal Aid Tariff

The Legal Aid Tariff of Fees is meant to reflect the fees customarily paid by a reasonable private paying client of modest means. These fees apply for all legal aid services, except in exceptional circumstances. Should your account exceed the tariff maximum, and you wish Legal Aid Saskatchewan to consider paying the account as billed, please explain the exceptional circumstances of your case based on the following factors (click all that apply):

### Results Obtained (explain in Case Details below)

- All charges withdrawn as a result of my actions
- Discharge of all charges at preliminary hearings as a result of my actions
- Acquittal of all charges at trial as a result of my actions
- Sentence significantly reduced as a result of my actions
- Material contribution to an outcome that is precedent-setting, that affects the administration of justice in favour of the defendant

### Complexities (explain in Case Details below)

- Novel legal issue or unusual factual situation
- Rare motion (e.g.: Third part records, recusal motion, mistrial)
- Forensic/expert evidence
- Client's special needs (e.g.: mental illness (unique proceedings))
- Characteristics of witness (e.g.: child witness (testimonial capacity))

### Relevant factors (explain in Case Details below)

- Defence facing exceptional Crown/prosecutorial resources
- Disclosure (volume / other issues)
- Extended sentencing hearing
- Timelines/reduction in appearances
- High profile case

## Case details

Please provide case details and the factual circumstances that support the factors selected in the section above. Attach any relevant documents to support your request for an exceptional circumstances payment.

**Note:** If you were asked to prepare an opinion letter, please attach.

## Private Bar Director Exception Request

Are there any other factors not articulated in the above criteria?  Yes  No

If yes, provide details below.

**Note:** This request is to be used rarely and only in circumstances when counsel can clearly demonstrate that the exceptional circumstances test has been met.



For more information on exceptional circumstances payments see the Legal Aid Saskatchewan's Billing and Payments Handbook.

For assistance in completing this form please contact the Legal Aid Saskatchewan Private Bar Services at 1-306-933-5300 or email [pboffice@legalaid.sk.ca](mailto:pboffice@legalaid.sk.ca).

I certify that the information included in this form is complete, true, and accurate.

**Name:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

Please attach the completed Exceptional Circumstances Payment (ECP) Form to your account and email [PBAccounts@legalaid.sk.ca](mailto:PBAccounts@legalaid.sk.ca) with the subject line **ECP Request - LSN#**