

Criminal Case Management Assessment: Trial

202501 v.1.0

This assessment will assist Legal Aid Saskatchewan's Director of Private Bar Services in setting a budget that will provide counsel with the resources required to deliver a high-quality and cost-effective defence.

LAS will ensure:

1. Decisions on eligibility for case management and initial case management discussions occur early in the proceedings and in a timely way – within 21 days of submitting a case management assessment form.
2. Requests for budget amendments made prior to incurring costs are fairly considered and exceptional factors outside of counsel's control inform decision-making on budget increases.
3. Accounts submitted within budget and that comply with LAS's billing rules (eg. not late billed, no private retainer) will be paid within 21-25 days.

General Matters

Contract #: _____

Client Name: _____

Client's Issues:

Does your client have any mental health issues? Yes No

Does your client have immigration issues? Yes No

Does your client require the use of an interpreter? Yes No

Does your client's case have broader public interest aspects? Yes No

If yes to any of the above, please provide details:

Does your client have a criminal record? Yes No

If yes, please provide the particulars:

Charge(s) subject to this budget:

Date of the offence: _____

Level of trial court and location of court, including town/city where this matter is proceeding:

What are the dates set for pre-trial motions? _____

Total number of court days: _____

What are the dates set for trial? _____

Total number of court days: _____

When were trial dates set? _____

Is it a retrial? Yes No

If yes, please provide a copy of any relevant judgements.

Counsel

Name: _____

Solicitor #: _____

Address: _____

Phone: _____

Fax: _____

Email: _____

Did you represent the client at the preliminary hearing? Yes No

If not, who was counsel at the preliminary hearing? _____

Why was there a different counsel at the trial?

Was there a private retainer? Yes No

If yes, for what amount? \$ _____

If yes, for what service? _____

Please provide the dates of service covered by the private retainer and attach private account when billing: _____

Co-Accused

Name of co-accused: _____

Name of lawyer: _____

Adverse interest? Yes No

Has counsel or counsel's firm ever represented any of the co-accused or potential Crown/defense witness? Yes No

 If yes, is this an issue? Yes No

 Have all appropriate parties consented to ongoing representation? Yes No

Name(s) of assigned Crown attorney(s): _____

Project name (if any): _____

Is there an antagonistic defence in relation to the co-accused? Yes No Unknown

Status of Proceeding

Has a judicial pre-trial conference been held? Yes No

Have dates for the pretrial motions been set by the court? Yes No

If yes, what are the dates: _____

Have dates for the trial been set? Yes No

If yes, what are the dates? _____

Judicial Interim Releases

Date of arrest or apprehension: _____

Date of incarceration in respect of offences alleged: _____

Has the accused been released from custody in respect of the offence(s) alleged in the information/indictment? Yes No

If yes, what are the terms of release?

Is the accused detained in respect of any other matters? Yes No

Case Details

Please provide the following:

- A copy of the police synopsis

Please provide clear, informative, and concise details of the allegations of the charge(s) against your client and include the following:

1. The theory and the evidence in support of this theory:
2. The theory of the defence and the evidence in support of this theory:
3. Any other relevant details:
4. Please indicate as much as you can about how your client fit in relations to the co-accused and to the Crown's theory of criminal liability:
5. Is fitness an issue? Yes No
If yes, please provide details:
6. Is defence of Crown alleging that the client was not Criminally Responsible? Yes No
If yes, please provide details:

Procedural Information

Preliminary Hearing

Length of preliminary hearing (in court days): _____

Was the hearing of any or all evidence at the preliminary hearing waived pursuant to subsection 549(1)?

Yes No

Was the accused ordered to stand trial for the offences charged in the information? Yes No

Was the accused ordered to stand trial for additional or other indictable offences in relation to the same transaction? Yes No

Was the accused discharged of any offences on the information? Yes No

Is the transcript of the preliminary hearing available? Yes No

Is the Crown who is conducting the trial also conducting the preliminary inquiry? Yes No

Disclosure

Please provide concise details of the volume and type of disclosure materials received to date:

Audio/video # of hours: _____

Transcribed? Yes No

Crown expert reports # of reports: _____

If yes, please specify:

Hard copy pages Volume: _____

Other

If other, please provide details:

Is further disclosure required? Yes No

If yes, please provide details:

Has it been requested? Yes No

Please provide details if there are any challenges with disclosure:

- Searchability
- Availability
- Transcription
- Other

If other, please specify: _____

If there are any legal challenges, please specify, including any application/motion that will be brought:

Evidence to be Called

Have the witnesses to be called by the Crown and/or by the defence been determined?

Yes No

Number of civilian witnesses likely to be called by: Crown: _____ Defence: _____

Number of police witnesses likely to be called by: Crown: _____ Defence: _____

Number of expert witnesses likely to be called by: Crown: _____ Defence: _____

Resolution

Has the Crown offered a formal or written offer of resolution? Yes No

If yes, what are the terms?

What are the prospects for success at trial?

Is it likely that the Crown will bring a dangerous/long-term offender application if convicted?

Yes No

What are the consequences of a conviction after the trial?

Mode of Trial

Has the accused elected trial? Yes No

Is a re-election for trial: Likely Not likely

Motions

An application to fund motions must satisfy LAS that the motion is a justifiable expenditure of public funds. LAS must consider both the individual application and the funding available for case management.

Please address the following below:

- What effect would the motion have on the overall length and cost of the proceeding?
- Would a reasonable private-paying client spend his or her own funds on this motion?
- What are the Crown pre-trial motions? Provide the defence position with respect to the Crown motion(s).

Are you **initiating** a pre-trial motion? Yes No

Are you **responding** to a pre-trial motion? Yes No

What is the nature of the pre-trial motion?

EVIDENTIARY: CHARTER/COMMON LAW motions

S. 8: Charter / Dawson applications

S. 8: Unreasonable Search & Seizure of evidence found on defendant, vehicle, or premises

S. 9: Arbitrary Arrest, Detention

S. 10 (b): Right to counsel/caution given re: accused's statement Voluntariness of accused's statements

Other:

PROCEDURAL motions

- Constitutional or other Challenge to Legislation (ss. 7, 11, 12 - sentencing provisions, changes to CCC which alter case to meet or change onus)
- Corbett application to exclude criminal record of accused Responding to Crown applications
- Prior similar acts or misconduct of accused
- Khan Application to admit otherwise inadmissible unsworn evidence of witness
- S. 11(b): Seeking stay of proceedings based on delay
- Other:

Does the motion have a reasonable prospect of success? Yes No

If yes, why?

How does the motion materially advance the client's defence?

Tariff Hours

Please ensure all tariff hours are insufficient. Case Management Hourly Authorizations can be added to your appointment only when the tariff hours are insufficient to complete the matter.

Total tariff hours: _____

Case Management (CM) Hours

Please indicate the Case Management block of hours you require to complete the motion.

Motion

CM Authorization – Hours

Total CM hours requested: _____

Trial Prep

Please ensure all tariff hours are insufficient for trial prep. Case Management Hourly Authorizations can be added to your appointment only when the tariff hours are insufficient to complete the trial.

Total tariff hours: _____

Please identify for what purpose you require the Case Management Authorization as well as the number of hours requested.

Purpose:

- Review of disclosure
- Prep of expert witness
- Prep of client
- Closing arguments
- Written submissions
- Cross-examination

CM Authorization – Hours:

Total CM hours: _____

Other Information and Disbursements

Can a student, paralegal or junior associate perform any of the hearing preparation?

Yes No

If yes, please provide details:

Expert Witness(es)

Estimate cost of expert witness(es): \$ _____

1. Name of expert, specialization and qualifications:

2. Reason expert required:
 Client's defence Sentencing – Client has been found guilty OR has plead guilty
(Jump to question 6)
3. Facts leading to client's arrest (synopsis):

4. The theory of defence and how the expert's services will support the defence:

5. Services to be provided by the expert:

6. Estimate of cost including the number of hours and hourly rate:

NOTE: Specific prior approval is required in all cases for services of any experts or specialists, both for preparation for court proceedings and as witnesses.

7. Other expert expenses (court attendance, travel/mileage, hotel, airfare, etc.). Please provide details and estimated cost:

Travel and mileage

Estimated costs of travel and mileage: \$ _____

Other costs (please specify):

Total estimated costs of disbursements: \$ _____

Billing Requirements

Before submitting an account, please familiarize yourself with the Billing and Payments Handbook which is located under the I am a Lawyer tab of the Legal Aid Saskatchewan website (www.legalaid.sk.ca).

Accurate Court Time

A Case Management budget authorizes preparation hours in addition to the tariff. Court time/attendance time means time spent in court on contested proceeding/trial. Please see the Billing and Payments Handbook to determine what appearances are considered court time. At a minimum, we would ask you to provide, in your detailed accounts, the proceeding, the level of Court, the address of the Court, the Courtroom Number, and the name of the Judge before whom the matter is heard. It is helpful to provide a description of the evidence heard or the legal argument made on the Court day. We also ask you to summarize the total preparation hours and the total court hours at the end of the detailed account.

Detailed Preparation Time

With respect to preparation time, we would ask you to provide us with a description of work billed. Simply indicating that your hours were used for "Preparation" or "Research" is not adequate. Your detailed accounts must contain sufficient information to allow LAS to ascertain what work was done on the date docketed. Detailed accounts are necessary for fiscal accountability and statistical purposes, to allow comparison between work done on case managed files and files where counsel is requesting exceptional circumstances consideration. This information assists in future budget setting.

Random Audit

Case managed accounts submitted within budget will be paid within 21-25 days provided none of the billing rules are breached. These accounts may be subject to random or targeted audit by LAS. LAS may request court information or other means of verification from the lawyer.

Terms and Conditions for Counsel

LAS requests that counsel agree to the following terms:

1. To complete and submit all case management assessment forms and supporting materials in a timely manner.
2. To request a budget in accordance with the standard of a reasonable client of modest means.
3. To provide the Private Bar Services Director with a comprehensive assessment that sets out the relevant facts and legal issues of the trial and a budget.
4. To manage the authorized budget efficiently and effectively, including the allocation(s) of the budget to retained associates and/or agents.
5. To make reasonable efforts to ensure the following:
 - i. All foreseeable conflicts of interest that could result in an order removing counsel as a solicitor of record are avoided (e.g.: representation of co-accused or a crown/defence witness)
 - ii. Information is provided to LAS in a timely manner of any new or unanticipated issues and events that will likely result in the case costing more than the allocated budget.
 - iii. Information is provided to LAS in a timely way of any anticipated requests for a change of solicitor by the client or any application by counsel to be removed as solicitor of record.
 - iv. A meaningful and usable work product is transferred to counsel in the event of an approved change of solicitor application.
6. To submit accounts in compliance with LAS's Billing and Payments Handbook.

Confirmation and Agreement

I confirm that the application has been accurately completed to the best of my knowledge. I have read and agree to abide by the Terms and Conditions.

A breach of any of these Terms and Conditions may result in the non-payment of an account or delay in payments of an account.

I agree

Name: _____

Date: _____

Submitting this form

Please email the completed Case Management Assessment Form to Legal Aid Saskatchewan:
pbclerk@legalaid.sk.ca.

Appeals of LAS Payment Decisions

A solicitor who is dissatisfied with the payment of an account and the explanation provided by the Private Bar Services Director may appeal to the Discretion Committee with respect to:

- Interpretation of the tariff
- Application of the tariff
- Exceptional circumstances

Please see the Billing and Payments Handbook for details regarding appeals.

For support, contact the LAS PB Services at 306.933.5300 or email, pbclerk@legalaid.sk.ca.