LEGAL AID
SASKATCHEWAN

Private Bar
Billing and Payments Handbook

This Handbook is a work in progress. We hope you will find it useful as we continue to improve its content and format.

Should you have any questions or comments, please let us know: Private Bar Services Department PBClerk@legalaid.sk.ca

We would be happy to hear from you!

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Legal Aid Saskatchewan receives financial assistance from the Government of Saskatchewan and the Government of Canada.

We would like to acknowledge the time and effort LAS management and staff dedicated to developing this Handbook. Special thanks to the Private Bar Services, Area Offices, Finance, General Counsel, Practice Management, and Communications teams, as well as members of the private bar, for their valuable contributions and review.

Departments

Private Bar Services: PBClerk@legalaid.sk.ca

- To check on the status of an account
- To seek authorizations (e.g. disbursements)
- To seek exceptional circumstances payments or case management budgets
- To seek help with billing
- To change contact information
- To obtain general tariff information
- To review an account settlement

Area Offices: https://legalaid.sk.ca/contact/office-locator/

- To receive an appointment from a Legal Director
- To discuss an appointment with a Legal Director

Immigration and Refugee Law Office: I&RServices@legalaid.sk.ca

- To receive an appointment from the I&R Director
- To discuss an appointment with the I&R Director

Finance Department: headoffice@legalaid.sk.ca

- To seek review of a direct deposit
- To change banking information

Practice Management: headoffice@legalaid.sk.ca

- To discuss professional development opportunities

1 Introduction to Private Bar Services

1.1 Statement of Principles

Legal Aid Saskatchewan (LAS) provides access to justice to eligible individuals in Saskatchewan. We are a vital part of a strong justice system and healthy community.

We are committed to our clients and work in partnership with the private bar and the entire justice system.

Applying our principles

We put clients at the center of all we do.

We deliver client-focused services in accordance with our mandate and the principles established in *The Legal Aid Act*. We are accountable to the province of Saskatchewan for ensuring value for money in the expenditure of public funds.

The Legal Aid Act (the "Act") establishes the Saskatchewan Legal Aid Commission to provide legal services for people and organizations unable, for financial reasons, to reasonably pursue or defend their legal rights in civil or criminal matters. Legal services are provided by solicitors employed by the Commission and as needed, by arranging for the services of private solicitors who are paid in accordance with the tariff of fees set by the Commission.

LAS's mandate is to provide high-quality legal aid services that consider the needs of persons in Saskatchewan, including Indigenous, racialized, and members of other equity-seeking groups.

Equity and human rights

LAS strives to uphold the values of equity, diversity, and inclusion within our organization and in our client services.

As a provider of services to low-income persons from Saskatchewan—many of whom are Indigenous, racialized, and members of other equity-seeking groups—we recognize that our clients face barriers in accessing justice because of systemic racism and other forms of discrimination. LAS works to combat these barriers by:

- respecting and advancing the principles of equity and human rights
- following the letter and spirit of the Human Rights Code
- providing legal aid services through service providers who are respectful, recognize the dignity and worth of every client, and are free of bias, discrimination, harassment, and racism

- applying an equity analysis, including race equity, to our work
- strengthening our organizational capacity and client services by fostering an inclusive and diverse workplace that reflects the clients and communities we serve.

LAS actions these values in a variety of ways:

- We have adopted a client-centred approach to reducing service barriers and improving service quality for our core clients, including individuals and communities who are Indigenous or racialized, and people with disabilities.
- We are committed to working with Indigenous communities and the provincial and federal governments to advance the goals of truth and reconciliation and to implement the Truth and Reconciliation Commission of Canada's Calls to Action, particularly those addressed to the justice community.
- We are developing rules and policies that require service providers and staff to deliver services in a manner that is respectful, recognizes the dignity and worth of every client, and is free of bias, discrimination, harassment, and racism.

LAS's vision, mission, values, and strategic priorities

Vision: Inclusive, responsive, and equitable justice in Saskatchewan.

Mission: We are a publicly funded organization championing access to justice through professional legal services.

Values (4Cs):
Compassion – Our empathic approach respects every person's world view in a culturally responsive way, embracing individual diversity and dignity.
Collaboration – We build trusted relationships that enable exceptional outcomes through aligned strengths and knowledge.
Courage – We are fearless advocates leading transformation through innovation, continuous improvement, and the pursuit of excellence in legal services.
Commitment – We are responsible for ethical practice, integrity, transparency, and accountability of the resources entrusted to us.

Our strategic priorities include:

Client-Centered Experience

- Culturally responsive legal services
- Clear and accountable service expectations
- Seamless and innovative service delivery

Champions for Access to Justice

- Optimize our reputation and expertise as a trusted access to justice partner

- Innovate, educate and advocate to ensure resources reach those who need legal aid services in Saskatchewan

Inclusive and Value-Driven Culture

- High performing teams supported to deliver purpose-driven results
- Healthy and sustainable representative workforce

Accountable and Responsive Stewards

- Effective and responsive resourcing
- Evidence-informed and value-driven decision-making
- Effective governance and practices

Accessibility

We are committed to a proactive approach to accessibility in communications and customer service by developing and implementing policies and procedures that promote the core principles of dignity, independence, inclusion, integration, responsiveness, and equality of opportunity for people with disabilities.

Service providers

LAS carries out its mandate with the dedication and commitment of its staff and its service providers, namely panel lawyers who deliver legal aid services.

Private bar service providers share LAS' commitment to serving low-income individuals and disadvantaged communities in Saskatchewan. We value the work of every private bar lawyer and the relationships we have with each member of the private bar.

To become a panel lawyer, please complete the panel application found on our website, and speak with the Legal Director in your area or the Immigration and Refugee Law Director.

Submit the completed form, along with your CV, by fax to 306.933.6764 or by email to central@legalaid.sk.ca with the subject line "Panel Application." Submit immigration and refugee law panel applications to Immigration and Refugee Law Services: I&RServices@legalaid.sk.ca.

1.2 About this Handbook

Who is this Handbook for?

This Handbook is primarily intended for private bar lawyers and their staff; it outlines the policies and procedures for legal aid billing and payments. The Handbook is for lawyers who are already panel members.

What's in this Handbook and what are its limitations?

This Handbook is a plain language interpretation of LAS' legislation, rules and schedules, as well as policies and procedures. The legislation, regulations, schedules and policies are considered originating documents and supersede the contents of this Handbook.

For originating documents, consult the following:

- The Legal Aid Act and Regulations
- Legal Aid Saskatchewan Service Rules
- Legal Aid Saskatchewan Policies and Procedures: Private Bar Panel, Appointments, Tariff
- Tariff of Fees: Schedules A, B1, B1-1, B1-2, B2, B2-1, B3

For more information about this handbook

For more information about this Handbook, please contact:

Private Bar Services Department
Legal Aid Saskatchewan
306.933.5300
PBClerk@legalaid.sk.ca

1.3 Resources for Lawyers

Professional development: The Practice Management Department provides the following professional development opportunities for LAS legal staff and private bar lawyers:

- Lunch and learn forums

Research memos: Panel members can access Legal Aid Ontario (LAO) Research Memos available on request through the Private Bar Clerk in the Private Bar Services Department (PBClerk@legalaid.sk.ca).

LAS staff memos: Prepared in the provision of legal aid services may assist members of the bar. For a list of these memos, please contact the Private Bar Services Clerk (PBClerk@legalaid.sk.ca).

1.3.1 Legal Directors – Area Offices, Immigration and Refugee Law Office

Legal aid appointments provide clients with access to legal services of a private bar lawyer. These appointments are made by Legal Directors located in Area Offices throughout Saskatchewan or in the case of immigration and refugee law, by the Director of the Immigration and Refugee Law Office. The "appointment of solicitor" letter is the lawyer's guarantee of payment from LAS, subject to the tariff and hourly rates set out in the legal aid tariff. Appointments are available for criminal, family and immigration and refugee law matters.

Legal Directors at Area Offices across Saskatchewan or the Immigration and Refugee Law Director will appoint a private bar lawyer in defined circumstances when LAS staff are unable to deliver the service due to conflicts of interest or other circumstances where it may be impossible or improper for LAS staff counsel to act for a client.

1.3.2 Private Bar Services Department

The Private Bar Services Department is located at Saskatchewan Legal Aid's Head Office in Saskatoon. The Department is responsible for all aspects of private bar billing and payments. The Department has three main functions:

Tariff billing and payments

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

1.4 Accepting Appointments

When an area office or the immigration and refugee law office is unable to assist a client, the Director will contact you to see whether you are willing to accept an 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 of the appointment.

   If you feel that the client needs services that the appointment does not cover, request an amendment from the Director in a timely fashion before performing any services.

2. Check the tariff that applies to the service to be performed so that you know the fee allowed and the details of the tariff.

   In each appointment letter, the Director outlines in broad, general terms the legal services authorized to be performed on behalf of the client.

3. 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.

1.5 Amending or Issuing Appointments

If your client is facing additional charges and the file is still open, you can contact the Area Office that originally appointed you of the Immigration and Refugee Law Office. Depending on the nature of the new charges, and the inability of LAS to maintain the file in-house, an amended letter may be sent to you confirming that the new charges will be covered under your original appointment. If the casefile work has been concluded and you have completed the billing process, your client will need to re-apply for LAS services.

1.6 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.

Cancelled appointments

Some reasons why the area or immigration and refugee law office may cancel an appointment include:

- **a)** A client's failure to attend for a financial or other reassessment
- **b)** A lawyer's failure to keep LAS informed about the progress of a case when requested or respond to inquiries
- **c)** A lawyer requests, and the CEO or designate (Private Bar Services Director) approves, the withdrawal of services

Terminated appointments *(not in effect-awaiting approval)*

Appointments issued after XXX 2025 will have an end date two years from the effective date. You will be sent a notice prior to the two-year end date. If the client continues to require legal services as authorized by the appointment, the client may be required to undergo a financial re-assessment to confirm eligibility for legal aid services. If the client continues to be eligible, the Private Bar Services Director can extend the appointment.

1.7 Refusing Appointments

As a panel member, you do not have to accept an appointment. If you are unable to accept the appointment, notify the Legal or Immigration and Refugee Director as soon as possible.

1.8 Legal Aid Service Providers

1.8.1 General

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 in the course of 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;

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.

1.8.2 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.

Communicating with clients

1. In providing legal aid services, panel members must explain to the clients their rights, responsibilities, and options, including all of the following:

- **a)** the laws that apply to the proceedings for which the legal aid services are being provided;
- **b)** the potential impacts of any decisions that the client may be required to make, including ensuring that the client is not unduly pressured into making any decision;
- **c)** the client's legal rights with respect to the proceedings for which the legal aid services are being provided;
- **d)** any court or tribunal processes that apply in relation to the legal aid services being provided;
- **e)** the required steps in relation to any proceedings for which the legal aid services are being provided; and
- **f)** the range of possible outcomes of the client's matter and how long it may take to resolve the matter.

Providing legal aid services

In providing legal aid services to a client, panel members shall:

- **a)** treat each client with dignity and respect, including by providing any necessary accommodation for clients with disabilities;
- **b)** be aware of the needs and requirements specific to each client;
- **c)** conduct themselves in a professional manner;
- **d)** meet all of their obligations to LAS, their clients and the Law Society of Saskatchewan;
- **e)** ensure that client information is always kept confidential; and
- **f)** maintain current their knowledge on the provision of legal aid services, including billing practices and procedures.

In acting for a client on a matter, panel members must:

- **a)** maintain the competence necessary to provide the legal aid services in the relevant areas of law;
- **b)** maintain current their knowledge of relevant jurisprudence and legislation;
- **c)** provide the client with the panel member's current contact information and any alternate contact information;
- **d)** thoroughly review the client's matter and specific legal issues;
- **e)** take all reasonable steps to protect the client's interests and to advance the client's legal position;
- **f)** keep the client informed on the progress of the client's matter and respond to the client's concerns in a timely manner;
- **g)** advise the client in advance when and why the client is required to attend court or a tribunal proceeding;
- **h)** prepare the client for court or tribunal appearances;
- **i)** appear for court or tribunal dates when expected or required to do so on the client's matter and, if unable to attend:
  - **i.** ensure that an agent attends in the panel member's place;
  - **ii.** ensure that the agent is a panel member who is qualified, prepared and authorized to provide the legal aid services required; and
  - **iii.** advise the client that an agent is attending instead of the panel member.
- **j)** continue to provide the legal aid services to the client until the matter is complete.

In providing legal aid services to a client, panel members shall not do any of the following:

- **a)** undertake a proceeding other than to advance the client's interests, including in a manner that is unreasonable, inappropriate, unreasonably prolonged or vexatious;
- **b)** represent the client in a matter if the panel member does not have sufficient knowledge, experience or skill to handle the matter or the time to devote to the matter;
- **c)** unnecessarily delay the progress of a client's matter;
- **d)** act in a manner that is contrary to the client's interests; or
- **e)** remove themselves from the record without prior notification to LAS.

Immigration and Refugee Law Services

All private bar lawyers who want to provide immigration and refugee law services must apply to join the immigration and refugee law panel and must meet quality standards. These standards require a level of knowledge and experience necessary for the delivery of high quality services. The immigration and refugee law panel standards application and quality standards can be found on the LAS website.

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.

1.9 Contacting the Area or Immigration and Refugee Law Office

Contact the Area Office for assistance with issues connected with a criminal or family law appointment, including:

- Obtaining an amendment to the appointment (e.g., to request new charges be added)

Visit the Legal Aid Saskatchewan website for a list of Area Offices and the Immigration and Refugee Law Office and contact information.

Contact the Immigration and Refugee Law Office in Saskatoon for any issues connected to I&R appointments (I&RServices@legalaid.sk.ca).

1.9.1 Change in client's financial circumstances

Clients are required to tell you if their financial circumstances have changed, or you might discover it yourself. In either case, you must notify the Legal or Immigration and Refugee Law Director.

You must also notify the 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.

1.10 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.

No solicitor who has been appointed to provide legal services should secure another solicitor to provide those services, unless the CEO approves of the action by the solicitor.

1.11 Change of Lawyer Request by Client

Legal Aid Saskatchewan does not provide choice of counsel.

The client must apply to formally change lawyer by writing to the Legal of Immigration and Refugee Law 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.

Where a request is received from a client, LAS will advise the lawyer of the request and ask counsel to provide an update on the status of the file and a response to any complaint made by the client.

In a situation where there has been an irreparable breakdown in the solicitor client relationship, or where alternate counsel has been approved, LAS will advise counsel that the existing appointment has been terminated.

1.12 Other Legal Aid Policies

1.12.1 Accepting private payment

The Legal Aid Act prohibits 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.

1.12.2 Post-payment review *(not in effect-awaiting approval, online platform)*

Accounts which are submitted online and billed within tariff will be paid without the account being examined by staff; the account will be matched by the online system and paid automatically. Legal Aid Saskatchewan may conduct a post-payment review of these accounts paid through the online system to ensure the account is valid and properly billed. Randomly selected accounts will be chosen for review post-payment.

If your account is chosen for post-payment review, you may receive a notice asking you to submit further documentation within 30 days. If you cannot meet the 30-day deadline, you can request an extension.

Private Bar Services Staff will examine your accounts using a process very similar to the line-by-line examination process that LAS previously used. Both account details and invoices are reviewed.

Following a review of your account, Private Bar Services staff will send you a notice informing you that your account has either passed review or that it did not meet one or more of LAS's account requirements. Overpayments are recovered by LAS, and additional payments are made if it is discovered that a money is owing to a lawyer.

The Provincial Auditors may also request LAS conduct a post-payment review of some accounts if the Auditors deem it necessary.

Accounts must be prepared and submitted in accordance with the policies and billing procedures of LAS. (e.g., GST should never be billed on services or disbursements as LAS is exempt). For details of policies and billing procedures, please see Billing and Payments Handbook, Ch. 2.

1.12.3 Examination of lawyers' 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.

1.12.4 Freedom of Information and Protection of Privacy Act (FIPPA)

Legal Aid Saskatchewan is covered by the Freedom of Information and Protection of Privacy Act.

2 Hourly Tariff, Fixed Fee and Duty Counsel Billing & Payments

2.1 Appointments for Services

Section 29 of *The Legal Aid Act* describes the circumstances when the Saskatchewan Legal Aid Commission can appoint a member of the panel of solicitors.

> "The chief executive officer or any person designated by the chief executive officer may appoint a solicitor who is a member of the panel to provide legal services to a person who is eligible to receive the services of a solicitor pursuant to this Act."

Section 15(1) of *The Legal Aid Act* refers to the composition of the panel.

> "Any solicitor who wishes to provide legal services under this Act, including a solicitor who is a member or an employee of the Commission, may be designated by the Commission as a member of the panel subject to any terms and conditions that may be prescribed by the Commission."

Private bar appointments to serve clients MAY be authorized where:

1. A conflict of interest may exist such as in any of the following circumstances:
    - **a)** where an area office is already acting for a co-accused or a party who takes a position adverse to the interest of the client;
    - **b)** where an area office is already acting for a co-accused on a matter and where the client is at the same time subject to cross examination in another matter;
    - **c)** where a Commission employee may be faced with the use of information against a client who has revealed that information in confidence to a Commission employee.
2. It may be impossible or improper to act for a client such as in the following circumstances:
    - **a)** where an appropriate level of expertise is unavailable at the area office;
    - **b)** where assigned commitments of Commission staff to make attendance upon a matter, at short notice, impossible;
    - **c)** where, as a result of the failure of a client to cooperate with or to instruct counsel, the Commission staff feel unable to act, with resulting consequences if the client were to be convicted;
    - **d)** where it is more economical in terms of travel time and costs.
3. In civil matters referred to the Commission from another legal aid plan in Canada, where the Commission determines that a private bar appointment is required.
4. In other exceptional circumstances, in the discretion of the Chief Executive Officer or the designate.

Each legal aid appointment of a private bar service provider has an issue date and effective date. The dates are found on the appointment letter itself and account page. The legal aid appointment letter specifies the services authorized and, in some cases, the maximum number of hours

available for the authorized services. If the maximum hours are not indicated, you should calculate the maximums by referring to the tariff charts in the Criminal and Civil chapters of this Handbook.

All services performed for the client must be authorized by Legal Aid Saskatchewan.

Make sure that the services performed and billed on an account are subsequent to the effective date and the services are authorized under the appointment. This avoids unnecessary delays in the processing of an account and/or reductions in the amount paid.

An appointment authorizes you to represent the client in connection with the specified services from the effective date of the contract until any of these events occur:

- The appointment is cancelled;
- The appointment services are completed;
- The appointment is terminated. For example, you are removed as lawyer of record, your client fails to appear and does not reappear within a reasonable time, or you lose touch with the client.

CAUTION
Do not continue to perform services under the appointment if any of these events has occurred. If you have any questions, contact the area office.

The Legal Aid Act prohibits a lawyer from seeking reimbursement from a client for fees or disbursements disallowed by LAS and incurred in connection with a matter covered by an appointment

2.1.1 Reduction of 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 though 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.

When the account has been settled, payment will be made to the solicitor who rendered the account. LAS will provide information to the solicitor regarding how the account was settled (e.g., hours paid, reduced, etc.).

2.2 Payment

2.2.1 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.

2.2.2 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

2.2.3 Fixed fee payment structure

The fixed fee rate also 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)

2.2.4 Co-counsel, law clerks and 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.

2.2.5 Daily billing limit

LAS does not currently have a daily hourly 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.

2.3 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 all of 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, provided that we have sufficient information from you to make a payment decision.

- Accounts which bill for disbursements only (e.g., expert fees) are generally paid quickly.
- If your account is paid as submitted, you will receive a direct deposit into your bank account as well as an Electronic Funds Transfer "EFT" advice slip which indicates the account to which the payment relates;
- If your account has been altered by the Private Bar Services Department, LAS will advise you of the reason for the adjustment made;
- Accounts may be randomly reviewed post payment.

2.4 General Rules and Practices

2.4.1 Accepting the appointment

Before submitting your account, make sure you have properly accepted the appointment. Otherwise, you will be unable to submit accounts for payment.

2.4.2 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.

2.4.3 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.

2.4.4 GST/HST/PST

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

The following exemption certificate, approved by the Federal Government, appears on all Government of Saskatchewan purchase orders:

> "The property and/or services mentioned in this order are being purchased by the Government of Saskatchewan with Crown funds and therefore are not subject to the Goods and Services Tax or Harmonized Sales Tax.
> GST# R107864258 "

Legal services under *The Legal Aid Act* are not subject to the Provincial Sales Tax (PST).

2.4.5 Application for fee waiver

As per *The Fee Waiver Act*, the appointment letter and Fee Waiver Certificate should be used to waive fees of the court or public body with respect to a proceeding in or before that court or public body (s.5 *Fee Waiver Act*). For example, fees:

- at transcript services
- associated with filing Court documents
- for Court administrative service requests (ie: obtaining a copy of endorsements or Court file)
- associated with the service of documents by the Sheriffs' Office

2.4.6 Interim, final accounts

Interim accounts will be accepted in the following circumstances:

a) When a significant part of a criminal, family or immigration and refugee 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.

If you cease to act due to a formal change of lawyer, you should bill your account as "final."

2.4.7 Interest on accounts

LAS does not pay interest on accounts billed.

2.4.8 File closure fee

LAS recognizes that the office administration inherent in accepting legal aid appointments is not fully captured by tariff items. A one-time $25 file closure is available for all appointments. The file closure fee is to be included on the final account submitted.

2.4.9 Which tariff applies?

From time to time, the tariff maximums and hourly rates may be adjusted by Rules and Schedules. The appointment issue date generally governs which version of the tariff applies.

2.5 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.

2.5.1 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. There are a number of basic requirements for accounts:

- The account must be legible using the Report of Solicitor excel format. All detailed accounts must be typed. Illegible accounts may be partially paid or returned. Handwritten docket slips do not meet our requirements.
- Services must be itemized in chronological date order. Indicate date of service in chronological YY MM DD numeric format.
- Provide a detailed listing which gives a fully itemized statement of each, and every service rendered, both by way of preparation time and time in Court, showing among other things, the date of and precise amount of time involved in rendering that service.
- Detailed description of services. The more detailed the description, the easier it is to determine if you are entitled to any additional tariff maximums and/or exceptional circumstances increases. Insufficient details or vague descriptions may result in services being disallowed.

CAUTION
Be clear about what happened at each court or hearing appearance. Failure to properly identify the services performed on a court or hearing day will affect our ability to calculate the appropriate tariff maximum.

- If more than one lawyer is approved on a file (co-counsel), and is billing hours on an account, clearly identify which hours are billed by which lawyer and provide their LAS lawyer number.
- Itemization of disbursements incurred.
- Requests for exceptional circumstances increases are completed using the forms available on the LAS website and attached to the account for which additional hours is requested.
- Each telephone call must be itemized in the body of the account. They cannot be summarized at the end of the account.
- LAS does not reimburse for time spent on the following activities:
    - Opening files
    - Discussing the acceptance of a file with LAS staff
    - Instructing support staff; support staff time engaged in photocopying, typing, etc
    - Closing a file and preparing accounts
    - Discussing Tariff with LAS staff
    - File organization (except in big cases or exceptionally complex files)
- Hours in Tenths: Bill all services in tenths of an hour. For example, 18 minutes = 0.3 hours, 2 hours and 48 minutes = 2.8 hours.

2.5.2 Supporting documentation - disbursements

Please see Section 6 Disbursements of this Handbook for details regarding the billing of disbursements.

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. If you are unable to provide an invoice or other supporting documentation when requested, you may be required to reimburse LAS.

If the amounts billed for disbursements are excessive or not in accordance with reasonable commercial rates, the Private Bar Services Department may request copies of invoices and an explanation before payment is made.

2.6 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.

2.7 Exceptional Circumstances Payments (1 year pilot)

The LAS 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[1] 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.*

Before LAS can consider an exceptional circumstances payment (previously referred to as "additional hours"), counsel must first use all available tariff hours. It is expected that all accounts billed will be within the tariff hours available.

If the legal aid tariff hours available, including preparation time, is insufficient for the services required, you may be eligible for an exceptional circumstances payment. In matters where a set budget may be necessary given the complexity and cost of the case (likely to exceed $10,000), please ensure you promptly notify your Private Bar Services Director of the details and an estimate of the time and services required, prior to incurring any costs. A complex, costly matter may be eligible for a case management budget. Failure to notify the Private Bar Services Director prior to incurring the costs will be a factor considered in the settlement of your account.

[1] CEO authority is delegated to the Private Bar Services Director pursuant to The Legal Aid Act

2.7.1 Case management – criminal proceedings

A lawyer who accepts an appointment for the defence of a criminal proceeding is required to promptly notify the Private Bar Services Director if a matter is likely to exceed $10,000 in total fees, travel and legal disbursements. The Director will consider whether a budget may be appropriate.

If a budget is not appropriate, LAS will consider an exceptional circumstances request.

Exceptional circumstances payments (additional hours) are not available if a case management budget is set. Accounts are paid up to the amount of the budget. If you anticipate exceeding the case management budget, contact the Private Bar Services Director prior to providing the services or incurring travel and legal disbursement costs that exceed the budget.

2.7.2 Exceptional circumstances increases

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.

Requests for an exceptional circumstances payment are dealt with by the Private Bar Services Director. In limited circumstances and defined hours above tariff, a Private Bar Clerk may settle an exceptional circumstances request.

2.7.3 How to make a request for an exceptional circumstances payment

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 website.

The request must include detailed reasons for each ECP guideline factor selected. The request must outline the exceptional circumstances of the case which justify a payment and should address the period of service of the specific account.

Copies of earlier opinion letters rendered in the matter can be attached to the account. The onus is on counsel to establish exceptional circumstances. Unless persuaded that there are exceptional circumstances in the case, LAS will be unable to grant a request.

A request should usually include:

- A brief narrative of the nature of the case
- The issues involved
- Any special difficulties or complications
- The progress of the case resulting from the work billed
- The purpose and outcome of any court attendances
- The exceptional circumstances of the case which justify an increase in fees.

Time and service must be attached online and should provide details of the services rendered. Time and service are considered in conjunction with the request.

2.7.4 Exceptional circumstances guidelines

The guidelines described below clarify in accordance with the rules, exceptional circumstances for which you may be eligible for an increased payment above tariff.

The guidelines are not exhaustive. A request with circumstances or factors not listed in the guidelines is assessed by the Private Bar Services Director. The Private Bar Services Director will have authority to determine whether a request based on factors that are not contained in the guidelines meets the exceptional circumstances test.

Requests will be fairly and fully considered.

2.7.5 Principles for exceptional circumstances increases

LAS recognizes that lawyers doing legal aid work meet their professional obligations and represent clients to the best of their abilities, making every effort to do so within the tariff. Meeting these obligations in and of themselves does not, however, meet the exceptional circumstances test.

The onus is on the lawyer to provide sufficient details and explanation as to how the matter meets the exceptional circumstances test. Simply indicating one of the guidelines has been met is not sufficient. LAS cannot infer from the outcome that an increase in payment is appropriate.

The details supporting a request need to indicate how time spent is necessary to advance the proceedings and achieve resolution.

The exercise of exceptional circumstances payments is not without checks and controls. LAS is subject to regular independent audits and is accountable to the government and the people of Saskatchewan.

When allowing exceptional circumstances payments, LAS must justify and explain the circumstances relied upon for paying more than the tariff maximum.

Once the exceptional circumstances test is met, LAS will determine the amount of payment taking into consideration

- What is usually billed for cases of similar type based on the experience of LAS staff in processing accounts and the practice of law.
- The nature of the exceptional circumstances.
- What a client of modest means would pay.
- The work done by a lawyer based on the information provided in the lawyer's request.

2.7.6 Criminal exceptional circumstances guidelines

Exceptional circumstances guidelines for criminal cases for which counsel **may** be eligible for an increase include:

Results obtained

- All charges withdrawn because of your actions.

Commentary: Please explain in detail how your actions resulted in the withdrawal of all charges. Counsel must have taken specific steps above and beyond what would be expected to be eligible for an exceptional circumstances payment.

- Discharge of all charges at preliminary hearing because of your actions
- Acquittal of all charges at trial because of your actions.
- Sentence significantly reduced because of your actions.

Commentary: LAS cannot infer the outcome was a result of your actions. Please explain how your actions resulted in a significant reduction in sentence, e.g. additional research, forcing issues at sentencing. A good result is not sufficient; it must be exceptional. (e.g. sentence reduced from 5 years to 4 years or 60 days to 30 days is good, but not exceptional)

- Material contribution to an outcome that is precedent-setting, that affects the administration of justice in favour of the defendant.

Complexity

- Novel legal issue or unusual factual situation.
- Rare motion (e.g., third party records, recusal motion, and mistrial).

Commentary: There are not a lot of rare motions. Please explain in detail how the motion is not a "boiler plate" (standard/typical) motion and how the circumstances of the motion meet the exceptional circumstances test. Please be specific.

Avoid use of single descriptors (eg. Charter motion.) For a rare Charter motion, for example, explain in detail the nature of the Charter motion; any special difficulties or complications; the outcome; and how the circumstances of the Charter motion meet the exceptional circumstances test.

Forensic/expert evidence

Commentary: If a forensic/expert report is not disputed or preparation to cross examine is not undertaken, please explain in detail how the forensic/expert evidence meets the exceptional circumstances test.

Client's special needs – e.g. mental illness, language barriers (unique proceedings)

Commentary: Please be specific. Avoid use of single word descriptors (eg. Client bipolar.) Please explain in detail how client's special needs meet the exceptional circumstances test. For example, explain in detail how client's special needs materially affected the proceedings. eg, the court proceeding had to be adjourned four times due to erratic behaviour.

Characteristic of witness – e.g., child witness (testamentary capacity)

Any other relevant factor that may warrant an increased fee

Defence facing exceptional Crown/prosecutorial resources.

Commentary: Exceptional circumstances beyond the norm should be detailed. For example, if the prosecution assigns two crowns, this may constitute exceptional circumstances.

Disclosure

Commentary: Please explain in detail how disclosure in your case may be considered exceptional circumstances. Avoid use of single word descriptors (eg. voluminous) be specific. Relevant questions for your consideration include:

- **i.** What was the nature of the legal proceeding? (e.g., theft under, break and enter);
- **ii.** What was the volume of disclosure? (e.g., three banker's boxes, 300 pages);
- **iii.** What was the nature of the disclosure? (e.g., cell phone tower records, medical/technical reports, three videotaped interviews);
- **iv.** What challenges were faced in reviewing the disclosure? (e.g. witness recording with heavy accent);
- **v.** How did the nature or volume of disclosure relate to your preparation of the case;
- **vi.** Was the disclosure relevant to the proceedings, and if so, how?; and
- **vii.** Have you discharged the onus of establishing exceptional circumstances by providing sufficient details regarding the disclosure in your dockets and your discretion request form?

Extended sentencing hearing

High profile case

Commentary: Most high-profile cases will end up in case management. High profile cases typically involve the media and increased Crown resources.

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 preparation and court time.

2.7.7 Child protection - CFSA exceptional circumstances guidelines

Exceptional circumstances guidelines for child protection cases for which you may be eligible for an increase include:

Results

- Protection Application – child is not found to need protection. No protection order made.
- Motion – temporary care and custody – child is not found to need protection. No temporary care and custody order made.
- Motion – summary judgment on protection application – successfully defended and/ or costs awarded.
- Status review – lesser protection order made.

Complexity

- Child or parent special needs – eg. mental illness, addiction.

Comments: Please be specific. Avoid use of single word descriptors (eg. Client bipolar.) Please explain in detail how client's special needs meet the exceptional circumstances test. For example, explain in detail how client's special needs materially affected the proceedings. eg, the client's mental health directly affects the issues in dispute.

- Sexual or serious physical abuse allegations (criminal charges).
- Aboriginal factors, band issues.

Any other relevant factor that may warrant an increased fee

Disclosure

Comments: Please explain in detail how disclosure in your case may be considered exceptional circumstances. Avoid use of single word descriptors (eg. voluminous) be specific. Relevant questions for your consideration include:

i. What was the nature of the legal proceeding?
ii. What was the volume of disclosure? (eg. three bankers boxes, 300 pages)

iii. What was the nature of the disclosure? (eg. cell phone tower records, medical/technical reports, three videotaped interviews)
iv. What challenges were faced in reviewing the disclosure? (eg. witness recording with heavy accent)
v. How did the nature or volume of disclosure relate to your preparation of the case?
vi. Was the disclosure relevant to the proceedings, and if so, how? and
vii. Have you discharged the onus of establishing exceptional circumstances by providing sufficient details regarding the disclosure in your dockets and your discretion request form?

Forensic/expert evidence

Multiple children/parents/parties

Well-funded litigant

Timeliness/reduction in appearances through mediated/negotiated settlement

Client out of jurisdiction

2.7.8 Family (support, custody, access) exceptional circumstances guidelines

Exceptional circumstances guidelines for family (support, custody, access) cases for which you may be eligible for an increase include:

Results

- Motion for interim spousal support: award at high end of spousal support guidelines
- Motion for interim child support: retroactive to date of application or, support ordered where other party stands "in loco parentis"
- Access, custody: custodian successful in mobility application or, change in "de facto" custody due to parental alienation
- Change in interim custody
- Contested no access order

Complexity

- Client's special needs – e.g. mental health

Comments: Client's special needs includes addictions, minor parents. Please be specific. Avoid use of single word descriptors (eg. Client bipolar.) Please explain in detail how client's special needs meet the exceptional circumstances test. For example, explain in detail how client's special needs materially affected the proceedings. eg, the client's mental health directly affects the issues in dispute.

- Self-employed payor, imputing income for child /spousal support issues

- Sexual or serious physical abuse allegations (criminal charges)
- Hague Convention matters

Any other relevant factor that may warrant an increase

Disclosure

Comments: Please explain in detail how disclosure in your case may be considered exceptional circumstances. Avoid use of single word descriptors (eg. voluminous); be specific.

i. What was the nature of the legal proceeding?
ii. What was the volume of disclosure? (eg. three banker's boxes, 300 pages);
iii. What was the nature of the disclosure? (eg. cell phone tower records, medical/technical reports, three videotaped interviews);
iv. What challenges were faced in reviewing the disclosure? (eg. recording with heavy accent);
v. How did the nature or volume of disclosure relate to your preparation of the case;
vi. Was the disclosure relevant to the proceedings, and if so, how?; and
vii. Have you discharged the onus of establishing exceptional circumstances by providing sufficient details regarding the disclosure in your dockets and your discretion request form?

Forensic/expert evidence

Multiple children/parents/parties

Well-funded litigant

Timeliness/reduction in appearances through mediated/negotiated settlement

Client out of jurisdiction

2.7.9 Immigration and refugee law exceptional circumstances guidelines

Exceptional circumstances guidelines for immigration and refugee law cases for which you may be eligible for an increase include

Results

- Successful refugee claim – IRB success rate of 20% or less

Complexity

- Novel claims (e.g. transgender)
- Exclusion
- Multiple countries of citizenship

- Ministerial intervention

Any other relevant factor that may warrant an increased fee

- Minor
- Domestic violence
- Mental illness

Comments: Please be specific. Avoid use of single word descriptors (eg. client bipolar.) Please explain in detail how client's special needs meet the exceptional circumstances test. For example, explain in detail how client's special needs materially affected the proceedings (e.g. the mental health issues, such as Post Traumatic Syndrome, underlies the basis of claim).

Illiteracy

Expert witness

2.8 Questioning the Settlement of an Account

If your account is not paid as billed, LAS will advise you of the reason why.
If you have a question about the settlement of an account, contact the Private Bar Services Department. The Private Bar Services Director will seek to resolve any concerns you may have regarding the settlement.

2.8.1 Non-payment as billed codes

If your account is not paid as billed, LAS will indicate by code the reason why. Below is a chart that contains the codes and the reasons for non-payment as billed.

Codes for non-payment of account as billed

Tariff Maximum Exceeded	
T1	Your account was paid in full according to tariff
TC2	Your account exceeded maximum preparation time of 10 hours prescribed by tariff and has been reduced accordingly
TC3	Your account exceeded maximum preparation time of 15 hours prescribed by tariff and has been reduced accordingly
TC4	Your account exceeded maximum preparation time of 30 hours prescribed by tariff and has been reduced accordingly
TC5	Your account exceeded maximum preparation time of 50 hours prescribed by tariff and has been reduced accordingly

TF1	Your account exceeded maximum preparation time prescribed by tariff and has been reduced accordingly
TG1	Your account has been reduced to the maximum $115 fee 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
TG2	Your account has been reduced to the ADR per diem maximum of $920
Non-Compliance with Billing Rates	
NC1	Your account has been reduced because services were provided after the termination or cancellation date of the appointment. Please contact the legal director regarding status of the appointment
NC2	Your account has been reduced because services were provided after the expiration date of the appointment. Please contact the legal director about extending or obtaining a new appointment
NC3	Your account has been reduced as one or more services provided were not an authorized service included in the letter of appointment
NC4	The late submission administration fee has been applied to your account
NC5	Your account has been reduced because services were billed at a rate which was not in accordance with the tariff
NC6	Your account has been reduced to preparation and court fees for one counsel only. Fees are not payable for co-counsel or students at law unless authorized in advance
NC7	Your account has been reduced to preparation and court fees for counsel only. Fees are not payable for secretarial/administrative time
NC8	The file closure fee has been removed from your interim account
NC9	Your account has been reduced. Communications with LAS regarding acceptance of file, tariff, and preparation of account are not billable services
NC10	Your account has been adjusted to correct court and preparation time consistent with the submitted time breakdown
NC11	Your account has been adjusted to correct absence time
Other	
O1	Your account has been adjusted to correct a mathematical error
O2	…….. Free text for non-coded issue
Re-Submit	
R1	Your interim account has not been processed. You billed for fees/disbursements for less than $500.00. Please resubmit once a significant part of the proceeding is completed.
R2	Your account has not been processed. Report of Lawyer incomplete. Please re-submit
R3	Your account has not been processed. Hourly rate has been claimed and time breakdown is not included with material. Please re-submit.
R4	Your account has not been processed. Time breakdown is not chronological. Indicate date of service in chronological order itemized by date and times involved in rendering service. Please re-submit.
R5	Your account has not been processed. Time breakdown is vague/ lacks sufficient detail of services rendered. Please re-submit.

R6	Your account has not been processed as both hourly and fixed fee rates have been claimed. Only one method of billing may be claimed. Please re-submit.
R7	Your account has not been processed. Court and preparation hours have to be separate time entries.
Disbursements, Travel	
DT1	Your account was reduced because some of your disbursements require supporting invoice(s). You may forward supporting invoices within 60 days to receive further payment.
DT2	Your account was reduced because disbursement(s) were not pre-authorized as required. LAS may consider payment if you provide an explanation within 60 days as to why these disbursements were necessary and reasonable.
DT3	Your account was reduced. Costs for research material, including online research costs are not payable without prior approval. Legal Aid Ontario research papers are available, upon request, through Head Office.
DT4	Your account was reduced because mode of travel other than private vehicle (chartered aircraft or other unusual form) requires prior approval.
DT5	Your account has been adjusted because one or more of your disbursements billed was not in accordance with the tariff.
DT6	Your account has been adjusted. Sustenance / meals at centers other than the place where the solicitor resides is payable for counsel only at current rates.
DT7	Your account has been adjusted. Accommodation at centers other than the place where the solicitor resides is payable for counsel only, per day.
DT8	Your account has been adjusted. Travel distance corrected.
DT9	Your account has been reduced. LAS is GST/HST exempt and therefore any GST/HST billed has been removed.
DT10	Your account has been reduced. Legal services provided under *The Legal Aid Act* are not subject to provincial sales tax. PST levied on legal services provided has been removed.
DT11	Your account has been reduced. Duplicate travel and/or disbursements have been reimbursed on another account.
Exceptional Circumstances	
EC1	Your Exceptional Circumstance Request has been approved in full.
EC2	Your Exceptional Circumstance Request has been approved in part. If you are dissatisfied with the assessment of this account, you may apply in writing within 60 days for a review of the settlement.
EC3	Your Exceptional Circumstances Review request has resulted in the confirmation of the initial settlement.
EC4	Your Exceptional Circumstances Review request has resulted in payment of your account.
EC5	Your Exceptional Circumstances Review request has resulted in additional partial payment of your account.
EC6	Your Exceptional Circumstance Request has not been approved. The exceptional circumstance criteria have not been met - exceptional circumstances have not been

	demonstrated. If you are dissatisfied with the assessment of this account, you may apply in writing within 60 days for a review of the settlement.
EC7	Your account has been processed with information provided. For future accounts, you must use the Exceptional Circumstance Request Forms available on the LAS website. All future requests for payment submitted without forms will not be processed.
Case Management	
CM1	Your account was reduced because services provided exceeded the case management budget. Please contact the private bar services director if seeking an increase to the budget.

2.8.2 Appeal of final settlement

A solicitor who is dissatisfied with the payment of their account and the explanation provided by the Private Bar Services Director may appeal to a committee with respect to:

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

The committee on the payment of accounts consists of a lawyer member of the Saskatchewan Legal Aid Commission and a lay member of the Commission. The Chief Executive Officer acts as secretary to the Committee.

The decision of the committee is final.

To request an appeal of an account:

- Submit a Request for Settlement Appeal to the Private Bar Services Director, within 60 days after payment of the account;
- Set out the items objected to and the grounds of objection;

Failure to write within 60 days; failure to set out the items objected to; and/or failure to set out the grounds of objection will result in confirmation of the settlement. This will be strictly enforced.

2.9 Fixed Fees

Fixed fees apply ONLY 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.

Exceptional circumstances increases are not available in fixed fee billing.

Fixed fees are premised on the principle that the majority of cases are resolved through guilty pleas, withdrawal of charges and diversion, and may be adequately compensated by a fixed fee.

Cases that proceed to trial, however, often have degrees of complexity and difficulty best suited to an hourly tariff.

In some instances, cases that are slated to go to trial may end up being resolved by a guilty plea, but only after much work and preparation. For that reason, cases set down for trial are often better suited to the hourly tariff.

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 Pretenses	$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	

Other matters not described above as determined by the Private Bar Services Director may also be fixed fee eligible and would be so indicated at time of appointment.

Counsel may elect to bill by fixed fee where the matter was **resolved** by guilty plea, charges withdrawn or diversion, and the matter required few hours of preparation and attendance.

2.9.1 Billing fixed fees

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:

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

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

Counsel cannot bill both fixed fee and hourly. Counsel must select one or the other. Fixed fees apply only to completed matters.

2.10 Duty Counsel

LAS' Eligibility and Legal Services Delivery Manual states the following with regard to duty counsel service and advice, whether provided by LAS staff or private bar:

An applicant is entitled to duty counsel service (DCS) if:

1. They are currently remanded; AND
2. They are having a bail or show cause hearing OR wish to enter a guilty plea.

Note: LAS' service eligibility guidelines apply. There is, however, no financial eligibility test for individuals receiving duty counsel service.

An applicant is entitled to duty counsel advice (DCA) if:

1. They have been detained or remanded.

Note: Duty counsel advice is provided by contract lawyers over the phone EXCEPT for individuals facing homicide charges. In those matters, the Brydges service contacts LAS staff lawyers and request they provide DCA.

2.11 Assignment of Private Bar (under review)

The Court Point Contract program's primary purpose is to supplement LAS' legal capacity at times of staff lawyer vacancies. Private bar lawyers act as agents of LAS. The file remains the possession of LAS.

Legal Directors identify the staff capacity challenge to LAS' Operations Director and seek approval to retain a private bar lawyer. Once approved, the Legal Directors will assign the private bar lawyer who will act as agent in two particular ways:

a) **Court Point Contracts:** A private bar lawyer assigned by a Legal Director as agent on Court Point Contracts will be given a number of LAS files. The contract, signed by the private bar lawyer and the CEO, has a start and end date. At the end date or when files close, the private bar lawyer will return the files to the Area Office for re-assignment or closing. Should staff capacity remain an issue, the Legal Director will work with the Director of Operations to extend the contract with the private bar lawyer if necessary.

b) ***Per Diems* (previously called ADR – Authorized Disbursement Record):** A *per diem* occurs when a private bar lawyer is assigned as agent by a Legal Director to cover one docket court appearance. This appearance may be an adjournment, running a bail or show cause hearing, or entering a guilty plea and speaking to sentencing. If there are no ADR files to speak to at a court appearance, there is no standby fee minimum payment.

2.12 Billing of Court Point Contract and Per Diem Services (under review)

Court Point Contract services are billed by submitting an invoice for payment. The invoice must contain the client's name, dates of court appearances, and nature of the proceedings on the file. The Contract outlines in detail the contents of the billing invoice counsel must provide to receive payment. The fees billed must align with the tariff and service authorized by contract.

Per diem invoices must contain the date of service provided and client names. Private Bar lawyers on per diem are paid $115 per client/applicant to a maximum of $920 per day. This dollar maximum does not limit the lawyer to eight files. If a lawyer has agreed to cover a docket court for a Legal Director on per diem, they handle all the LAS clients appearing that day.

3 Criminal Tariff

3.1 Introduction – Criminal Tariff

A LAS appointment by a Legal Director for the provision of criminal services authorizes you:

- To represent your client only on the charges named in the appointment letter, and
- To take all necessary steps within the proceeding in the best interest of the client

The following matters are not included in an appointment for criminal services and authorization must be obtained before proceeding.

From the Legal Director:

- Authorization to amend the appointment to add additional charges

From the Private Bar Services Director

- Authorization to obtain an expert report
- Authorization to receive a Case Management Budget

CAUTION
All requests for additional charges and authorizations must be made in a timely fashion. Delay in making your request may result in refusal.

TIP
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.

3.2 Tariff Maximums

All criminal services 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 charges authorized.

From time to time, the tariff rates or hourly maximums are changed by legislation. The issue date of the appointment generally determines the tariff rates or hourly maximum that applies.

3.2.1 Determining the criminal tariff maximum

Counsel is advised to follow the instructions below to determine the tariff maximum. Check the appointment to determine which charges are authorized.

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).

PREPARATION: $92 per actual hour (or portion thereof)

1. **Summary Conviction & Indictable Offences**
   punishable by five years' imprisonment (maximum) - 10 hour maximum
2. **Indictable Offences**
   punishable by 14 years' imprisonment (maximum)
   or
   break & enter into a dwelling house (theft) - 15 hour maximum
3. **Indictable Offences**
   punishable by possible – not mandatory – life imprisonment
   or
   break & enter into a dwelling house (home invasion) - 30 hour maximum
4. **Special Applications & Indictable Offences**
   Basic - 50 hour maximum
   punishable by mandatory life imprisonment, i.e., 1st and 2nd degree murder
   dangerous offender applications
   long term offender applications
   S.745 hearings
5. **90 Day Bail Reviews**
   while maintaining carriage of file an additional allowance 3 hour maximum

Exceptional Circumstances and Case Management: Additional preparation hours may be paid based on exceptional circumstances or a case management budget. If counsel believes additional preparation time is needed, they should consult with the Private Bar Services Director to determine whether to request an exceptional circumstances payment or a case management budget.

COURT APPEARANCE: $92 per actual hour (or portion thereof)

Court time means the actual time appearing in court and does not include jury waits, wait time to appear before the Judge, travel time, time to robe, interviewing witnesses or any other preparation.

3.3 Additional Information

3.3.1 Multiple charges – one appointment

The following principles apply when the defence of multiple charges is authorized under the 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

As noted above, where a solicitor represents a person charged with two or more offences and in either case where the trials, preliminary inquiries or pleas of guilty occur in the same Court at approximately the same time, the solicitor shall be entitled to fees (both preparation and court) as for one charge only except where the solicitor can demonstrate that separate and distinct services were rendered with respect to the additional charge or charges.

The number of charges is a factor considered in assessing eligibility for an exceptional circumstances payment or case management budget.

Infrequently, a solicitor may receive more than one appointment letter per client in circumstances of different court points and rare situations where one appointment does not make sense.

3.3.2 Adjournments

LAS encourages counsel to use the services of staff duty counsel where possible rather than attend personally on set-date appearances.

TIP
Actual hourly limit not to exceed a half hour for each adjournment. Exceeding the limit requires Counsel to explain in writing when submitting an account for payment.

3.3.3 Appeals

An appointment for the defence of criminal charges does not include authorization to perform additional services after conviction such as writing an opinion concerning an appeal or filing a notice of appeal.

When the accused seeks to appeal, whether by stated case or appeal to the Court of King's Bench, Court of Appeal or The Supreme Court of Canada, the prior approval of the Private Bar Services Director is required.

If you are representing a legal aid client on an appeal matter, then the maximum preparation time is calculated by the predicate offence for the appeal matter.

3.3.4 Bail hearings

In circumstances where a private bar lawyer has a LAS appointment which requires an initial bail hearing, the lawyer must include the bail hearing prep and court attendance in the tariff charge maximums. There is no bail hearing tariff with the exception of s. 525 bail reviews, which are covered by the tariff and receive 3 preparation hours.

The bail hearing, in some circumstances, may be considered in an assessment of exceptional circumstances where the prep time exceeds the tariff allocation.

3.3.5 Prerogative writs, Charter applications

For billing purposes, the tariff schedule with respect to appeals will apply to prerogative writs or matters where the Constitutional Questions Act applies. Prerogative writs can proceed only with the prior approval of the Private Bar Services Director.

3.3.6 Correspondence

All correspondence is covered under preparation time and may not be allowed if maximum preparation limits are exceeded.

Correspondence should be billed at the rate of one-tenth of an hour for both incoming and outgoing mail.

The fee for a letter sent is not increased if a number of copies of that letter are sent or if the client or the district office is copied.

3.3.7 Exceptional circumstances payments

The legal aid tariff reflects the fees customarily paid by a client of modest means and, except in exceptional circumstances, the fees provided in the tariff normally apply.

See Section 2 of this Handbook for information regarding exceptional circumstances payments.

3.3.8 Merit assessment/opinions

A legal director may request a private bar lawyer prepare a merit assessment prior to authorizing the hours for a particular proceeding (e.g., an appeal).

3.3.9 Absence fees for travelling time and jury waits

Absence fees are charged at a rate of $92 per hour.

- Travel to municipalities other than the place where the solicitor resides for court appearances.
- Travel to interview a client who is in a correctional facility outside a community where a solicitor is ordinarily resident.
- 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.
- Jury waits will be paid a maximum of five hours per day.
- 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.

3.4 Criminal Case Management (1 year pilot)

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

The decision to accept a case into case management rests with the Private Bar Services Director.

A budget for tariff including additional blocks of preparation hours, travel and legal disbursements is set by the Private Bar Services Director. Accounts submitted are matched and paid up to the tariff and budget maximum. Exceptional circumstances payment is not available in addition to an approved case management budget.

Program eligibility criteria

Criminal law matters may be streamed to the case management program in the following circumstances:

- The case contains at least one of the charges listed below
- A preliminary hearing or trial date has been set
- The tariff, including preparation hours, and travel and legal disbursement maximums will be insufficient to complete the proceeding, i.e., complex criminal cases likely to cost more than $10,000 in fees, travel and legal disbursements.

Budgets

- Budgets set based on existing tariff authorizations and case management (CM) authorizations (ie., additional preparation hours).
- CM authorizations to be added to contracts for services in the increments of 10, 25, 50, 75, 100 or 150 hours.
- Budgets will be determined in consultation with the Private Bar Services Director
- Budgets may be amended prior to costs being incurred.
- No exceptional circumstances payments are available on case managed files.

Factors considered for case management authorizations	
Length of the proceedings	Disclosure, e.g., complexity, volume, etc.
Charge(s) and preparation hours that are provided under the tariff.	Client with special needs (e.g., mental health issues, serious non-criminal law consequences if convicted).
The merits of the proposed pre-trial motions.	Crown litigation strategy (e.g., prosecution unreasonable).

Novel legal issues (e.g., constitutional challenges, expansion of common law defences).	Extended sentencing hearing (e.g., matter resolved but detailed Gardiner hearing required).
The nature of forensic and expert evidence (e.g., novel forensic evidence that may be challenged at trial by either defence or the Crown).	The historical billing pattern of the service provider (e.g., regularly exceeds tariff and requests exceptional circumstances payments).

Case management process

The direction "Appointment is potentially eligible for case management" is included in letters of appointment for services which cover charges eligible for case management.

1. Where costs are likely to exceed $10,000, counsel should complete either of the following forms as appropriate located on LAS' website:
    - Criminal Case Management Assessment Form—Preliminary Hearing
    - Criminal Case Management Assessment Form—Trial
2. Counsel should submit the completed Case Management Assessment Form to LAS
3. The Private Bar Services Director will review the completed assessment form and contact counsel to discuss the case and set a budget, if appropriate. Case management (CM) authorizations may be added to the letter of appointment.
4. Counsel completes work and submits account for payment. Payment is made within 25 days if the account does not exceed the established budget, is not billed late, etc.

Motions and applications which may be present in case managed matters

Evidentiary: Charter/Common Law motions	
Motion	**Description**
S.10 (b)	Accused not given right to counsel/caution
Voluntariness of accused's statements	
S. 8	Unreasonable search and seizure of evidence found on defendant, vehicle, or premises
S. 24(2) Other	Evidence obtained in manner that infringes on defendant's rights and brings justice into disrepute
S. 9	Arbitrary arrest, detention
Hearsay Evidence	K.G.B. motion to admit what would otherwise be inadmissible hearsay evidence based on reliability
Unseal search warrant	Pre-condition to Dawson application
Dawson application	Cross-examine affiant re: wiretap authorization
Garofoli application	Challenge to validity of wiretap authorization
Mohan application	Motion to exclude Crown's expert witness
Post-offence conduct of the defendant	E.g., flight as indication of guilt

Vetrovec warning or instruction	To jurors re: bad character of Crown witness
Stinchcombe application	Motion for additional disclosure from the Crown
McNeill/O'Connor application	To obtain third party records of complainant/witness
Scopelliti application	Evidence of a third party's bad character
Alternate suspect application	
s.276 / 278.x Applications	
Carosella application	Stay based on lost disclosure
Application to disclose identity of confidential informant	
S. 11(b)	Seeking stay of proceedings based on delay
Adjournment application	
Application to allow client to sit at counsel table	
Rowbotham/Fisher applications for funding	These matters go through Court Appointed Counsel (CAC).
Constitutional or other challenge to legislation	(ss. 7, 11, 12 – sentencing provisions, changes to CCC which alter case to meet or change onus)
Responding to Crown applications	• Similar fact • Removal of counsel • *Corbett* application to exclude criminal record of accused • Prior similar acts of misconduct of accused • *Khan* application to admit otherwise inadmissible unsworn evidence of witness

Examples of charges that may require case management

Homicide	
Charge	**Code**
Conspiracy to commit murder	
Counseling to commit murder	
Criminal negligence causing death	
Dangerous driving causing death	
Flight in motor vehicle causing death	
Impaired driving causing death	
Manslaughter	
Murder	
Criminal negligence causing death (firearm)	
Manslaughter (firearm)	
Commission of an offence for terrorist group	
Instruct to carry out activity for terrorist group	

Indictable appeals	
Appeal on charge of conspiracy to commit murder	
Appeal on charge of counselling to commit murder	
Appeal on charge of criminal negligence causing death	
Appeal on charge of dangerous driving causing death	
Appeal on charge of flight in motor vehicle causing death	
Appeal on charge of impaired driving causing death	
Appeal on charge of manslaughter	
Appeal on charge of murder	
Appeal on charge of criminal negligence causing death (firearm)	
Appeal on charge of manslaughter (firearm)	
Appeal on charge of commission of an offence for terrorist group	
Appeal on charge of instruct to carry out terrorist activity	

Non-homicide Extremely Serious Matters (ESM)	
Charge	**Code**
Attempt Murder (Firearm)	
Causing Bodily Harm with Intent (Firearm)	
Sexual Assault (Firearm)	
Aggravated Sexual Assault (Firearm)	
Kidnapping (Firearm)	
Hostage-taking (Firearm)	
Robbery (Firearm)	
Extortion (Firearm)	
Non-ESM	
Accessory after the fact murder	
Aggravated Sexual Assault	
Anal Intercourse	
Assault with intent to commit buggery (offence occurred prior to 01/01/1985)	
Attempt Murder	
Attempt Rape	
Attempt Sexual Assault	
Attempt Sexual Interference	
Bestiality	
Expose Genitals (under 14)	
Fail to Provide the Necessities of Life	
Fail to Remain Causing Bodily Harm/Death	
Gross indecency (offence prior to 01/01/1988)	
Incest	
Invitation to sexual touching	
Rape (offence occurred prior to 01/01/1985)	

Sexual Assault	
Sexual Assault Causing Bodily Harm	
Sexual Assault with a weapon	
Sexual Exploitation	
Sexual Intercourse with female under 16	
Sexual Interference	
Agreement or arrangement – Sexual offence against child	
Making sexually explicit material available to children	

Case management: Direction (D) and authorizations (A)

Code	Description
D-CCM	Appointment is potentially eligible for Case Management. Please complete the appropriate CM form if fees and disbursements are expected to exceed tariff maximums.
A-10	Appointment is subject to case management rules and an **additional 10 hours of preparation** have been authorized. No exceptional circumstances hours are payable on case managed appointments.
A-25	Appointment is subject to case management rules and an **additional 25 hours of preparation** have been authorized. No exceptional circumstances hours are payable on Case Managed appointments.
A-50	Appointment is subject to case management rules and an **additional 50 hours of preparation** have been authorized. No exceptional circumstances hours is payable on Case Managed appointments.
A-75	Appointment is subject to case management rules and an **additional 75 hours of preparation** have been authorized. No exceptional circumstances hours is payable on Case Managed appointments.
A-100	Appointment is subject to case management rules and an **additional 100 hours of preparation** have been authorized. No exceptional circumstances hours is payable on Case Managed appointments.
A-150	Appointment is subject to case management rules and an **additional 150 hours of preparation** have been authorized. No exceptional circumstances hours is payable on Case Managed appointments.

4 Civil – Family Tariff

4.1 Introduction – Civil (Family Tariff)

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.

From time to time, the tariff hourly rates or the tariff maximum are changed by legislation. The issue date of the appointment determines the tariff hourly rates and the tariff maximum that applies to it. If the appointment is amended, the original issue date still determines the tariff hourly rate and the tariff maximum that applies.

4.2 General Notes

Lawyers must make sure that they use all available tariff hours on an appointment from the Legal Director prior to requesting consideration under exceptional circumstances.

A lawyer may be eligible for an exceptional circumstances payment only if the tariff is exhausted. The onus is on counsel to establish exceptional circumstances. Please refer to Section 2 Exceptional Circumstances Payments.

4.2.1 Adjournments

Adjournments are treated as court time in civil (family) proceedings.

TIP
Actual hourly limit not to exceed a half hour for each adjournment. Exceeding the limit requires Counsel to explain why when submitting an account for payment.

4.2.2 Claiming and collection of costs

Where provided for, costs must be claimed and are not to be waived in any action without the written approval of the Private Bar Services Director.

All reasonable efforts should be made to collect costs which are awarded. Such costs are the property of LAS. If costs are awarded, a copy of the taxed bill of costs must accompany the completed billing forms.

4.2.3 Correspondence

Correspondence is allowed as part of the tariff preparation maximum time and may not be allowed if tariff maximum limits are exceeded.

Correspondence should be billed at the rate of one-tenth of an hour for both incoming and outgoing mail.

The fee for a letter sent is not increased if a number of copies of that letter are sent or if the client or the district office is copied.

4.2.4 Co-counsel

LAS will pay for preparation and court fees for one family counsel only. LAS will not pay for fees of co-counsel or students-at-law unless authorized by the Private Bar Services Director.

4.2.5 Nature of court attendances

It is important that counsel identify the nature of court attendances and the outcome when billing. Please advise LAS whether the attendances are motions, adjournments, settlement or pretrial conferences, interim care and custody hearings, trial management conferences or trial days.

4.2.6 Absence fees for travelling

Absence fees are charged at the tariff hourly rate as follows:

- **a)** Travel to municipalities other than the place where the solicitor resides for court appearances.
- **b)** Travel to interview a client must be explicitly approved, in advance, by the Private Bar Services Director or designate.
- **c)** Travel time and expenses for solicitors, who are not Saskatchewan residents, must be explicitly approved, in advance, by the Private Bar Services Director or designate.

4.3 Family Law Tariff

Family Law Division, Provincial Court, and Court of King's Bench
The Family Maintenance Act The Adoption Act The Children's Law Act The Child and Family Services Act The Divorce Act

Important notes: When a solicitor represents an individual regarding more than one of the above noted Acts and is dealt with in the same court at approximately the same time, then the solicitor

shall be entitled to fees as for one Act only, except where he/she can demonstrate that he/she has rendered separate and distinct services with respect to the additional Act.

If a solicitor exceeds the tariff preparation time, a written request can be made to the Private Bar Services Director using the Exceptional Circumstances Request Form when the account is submitted. The onus is on counsel to demonstrate the nature of the exceptional circumstances that led to additional hours above the tariff. Please see Section 2 Exceptional Circumstances of this Handbook.

For all matters not described below, the prior approval of the Private Bar Services Director is required.

TYPE OF PROCEEDINGS SERVICE DESCRIPTION TARIFF

Preparation: Billable per hour or portion thereof for general preparation such as reviewing financial statements, general legal advice, the drafting of pleadings, affidavits, negotiating with opposing parties, supporting clients in negotiation, drafting, or reviewing family law agreements, offers of settlement, or consent orders, supporting clients in alternative dispute resolution processes, providing collaborative law services, etc.

Appearance: Billable per hour or portion thereof for actual time spent attending court.

1. **CHAMBERS/GENERAL:**

Preparation for matters dealt with up to, and/or concluded in chambers. **UP to 10 hours**
Appearance billable per hour or portion thereof **Actual Time**

2. **PRE-TRIAL CONFERENCE**

Preparation: billable per hour or portion thereof for pre-trial preparation **UP to 10 hours**
Appearance: billable per hour or portion thereof **Actual time**

Additional Preparation (lengthy pre-trial conf): *When pre-trial conferences last more than 5 hours, you are entitled to bill up to one hour of preparation time for each additional full hour of hearing time **exceeding the first five hours.** UP TO 1 hour per qualifying hour of hour of pre-trial time

This item is applicable only if the hours for Pre-trial preparation have been maximized.

3. **TRIAL REQUIRED:**

Preparation: billable per hour or portion thereof for trial preparation **UP to 15 hours**

Court Appearance: Billable per hour or portion thereof **Actual time**

Additional Preparation (lengthy trials): * When trial exceeds 10 hours, additional preparation time is available. You are entitled to bill up to one hour of preparation time for each additional hour of court time that exceeds the 10 hours. UP TO 1 hour per qualifying hour of

This item is applicable only if the hours for Trial preparation have been maximized.

4. **ALL APPEALS** The **prior approval** of the Private Bar Services Director is required.

Preparation: Billable per hour or portion thereof preparation.	**UP to 25 hours**
Court Appearance: Billable per hour or portion thereof	**Actual time**

The Private Bar Services Director will allow reasonable disbursements for printing of transcripts, factums, and appeal books.

5 Civil – Immigration and Refuge Law

5.1 Introduction – Immigration and Refugee Law

All LAS immigration and refugee law services 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. From time to time, the tariff hourly rates or the tariff maximum are changed by legislation. The issue date of the appointment determines the tariff hourly rates and the tariff maximum that applies to it. If the appointment is amended, the original issue date still determines the tariff hourly rate and the tariff maximum that applies.

LAS's immigration and refugee law services include:

IRB	IRCC	Federal Court
• IRB - RPD: Basis of Claim, Hearing • IRB - RAD: Preparation, Hearing • IRB - ID: Detention Hearing • IRB-IAD: Removal order appeal	• IRCC: Humanitarian & Compassionate App • IRCC: Pre-Removal Risk Assessment	• Federal Court: judicial review • Federal Court: stay of removal

5.2 General Notes

Lawyers must make sure that they use all available tariff hours on an appointment prior to requesting consideration under Exceptional Circumstances. A lawyer may be eligible for an exceptional circumstances payment only if the tariff is exhausted. The onus is on counsel to establish exceptional circumstances. Please refer to Section 2 Exceptional Circumstances Payments.

5.3 Immigration and Refugee Law Tariff

The Legal Aid Commission approved the Legal Aid Tariff of Fees Schedule B4 on September 18, 2026.

Legal Aid Tariff of Fees
Schedule B4

Immigration & Refugee Services

1. **Refer to Legal Aid Tariff of Fees Schedule A** – General Conditions

2. **Hourly Fees**: A solicitor may receive compensation up to the maximum amount established in this tariff (Schedule B4-1) by providing a detailed listing which gives a fully itemized statement of each and every service rendered both by way of preparation and Court, showing among other things, the date of, and precise time involved in rendering each service.

3. **Initial Interview Only / No Contact** - Where no further services are provided after an initial interview, or where a file has been received and the solicitor has been unable to contact the client or obtain instructions, the fee for this service shall not exceed $115.

4. **Briefs of Law** – Where a brief of law is prepared, the commission may require that a copy of the brief of law be submitted.

5. **Absence Fees for Travelling Time** – 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 must be approved, in advance, by the Chief Executive Officer or designate.
   - **c)** Travel time for solicitors, who are not Saskatchewan residents, must be explicitly approved, in advance, by the Chief Executive Officer or designate.

6. **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 or designate.

7. **Interpreting and Translation services** – are to be utilized through [Interpretation & translation Services Canada | CanTalk Canada]
   - **a)** Interpretation Costs
     - **i.** Actual and reasonable disbursements to a maximum of $600 (receipts required).
     - **ii.** Services exceeding $600 must have prior approval by the Chief Executive Officer or designate.
     - **iii.** To be billable, interpretation services must be performed under the lawyer's supervision by a professional third-party interpreter who has experience interpreting in a court or legal environment. Interpretation services provided by employees, relatives, or friends will not be reimbursed.

b) Translation Costs

- **i.** Actual and reasonable disbursements to a maximum of $300 (receipts required).
- **ii.** Services exceeding $300 must have prior approval by the Chief Executive Officer or designate.
- **iii.** Translation of any document back into the client's language will only be authorized in exceptional circumstances and requires prior approval of the Chief Executive Officer or designate.

8. **Disbursements**:
   - **a)** Travel expenses for solicitors, who are not Saskatchewan residents must be approved, in advance, by the Chief Executive Officer or designate.
   - **b)** Where travel by private vehicle or airplane is necessary to attend court in a municipality other than where the solicitor resides, travelled kilometers 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 designate.
   - **c)** Travel costs by means other than private vehicle or airplane (such as scheduled airflights, taxi, bus, etc.) must have prior approval by the Chief Executive Officer or designate and must be supported by ticket or voucher.
   - **d)** 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 legalaid.sk.ca in April and October.
   - **e)** 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 $50
     - **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.
   - **f)** Any other proper disbursements with the approval of the Chief Executive Officer or designate.

9. **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 in the final account submitted.

10. **Research Material** – The Commission will not pay for any research material, including on-line research costs unless authorized by the Chief Executive Officer or designate. 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.

The Legal Aid Commission approved the Legal Aid Tariff of Fees Schedule B4-1, Immigration and Refugee Services on September 18, 2026.

Legal Aid Tariff of Fees
Schedule B4-1

Immigration & Refugee Services – Maximum Preparation Time for Files calculated on an Hourly Fee Basis

PREPARATION and COURT time: **$92 per actual hour (or portion thereof)**

The maximum preparation time noted below is determined by the nature of proceeding and service authorized on the appointment of solicitor and is calculated from the effective date of the appointment until the conclusion of the authorized service.

In the discretion of the Chief Executive Officer or designate, additional preparation time at $92 per hour may be paid considering extremely exceptional circumstances as outlined in Schedule A of the tariff.

Proceeding / authorized service	Preparation maximum	Court / hearing
Response to Procedural Fairness letter		
Preparation of written submissions	Up to 3 hours	
Refugee Protection Division		
Portal application	Up to 3 hours	
Preparation of Basis of Claim (BOC)	Up to 7 hours	
Preparation for and attendance at hearing	Up to 10 hours	Actual
BOC amendment – amendment to narrative	Up to 4 hours	
Preparation of BOC – additional narrative	Up to 5 hours	
Preparation for & attendance at subsequent sitting	Up to 3 hours	Actual
Preparation of written submissions	Up to 3 hours	
Representation of Minister's intervention	Up to 4 hours	
Representation designated representative	Up to 4 hours	
Refugee Appeal Division		
Preparation and filing of submissions	Up to 20 hours	
Preparation for and attendance at oral hearing	Up to 5 hours	Actual
Preparation for & attendance at subsequent sitting	Up to 3 hours	Actual

Preparation of merit opinion & file notice of appeal with Federal Court	Up to 5 hours	
Immigration Appeal Division		
Preparation of removal order appeal/attending appeal	Up to 20 hours	Actual
Preparation for and attendance at subsequent sitting	Up to 4 hours	Actual
Federal Court Stay Applications		
Preparation of motion to stay deportation & attending stay application	Up to 20 hours	Actual
Federal Court Judicial Review Applications		
Preparation of merit opinion for seeking leave and filing notice	Up to 5 hours	
Preparation of application for leave	Up to 20 hours	
Preparation of application (where leave granted)	Up to 15 hours	
Humanitarian & Compassionate Applications		
Preparation of application for permanent residence	Up to 20 hours	
Pre-Removal Risk Assessment Applications		
Preparation of application (BOC completed)	Up to 12 hours	
Preparation of application (no BOC completed)	Up to 18 hours	
Preparation for and attendance at hearing	Up to 8 hours	Actual
Detention Review		
Preparation for an attending detention review	Up to 5 hours	Actual
Preparation for & attendance at subsequent detention review	Up to 5 hours	Actual
Preparation for and attendance at subsequent sitting	Up to 3 hours	Actual

6 Travel & Legal Disbursements

6.1 General

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 for travel, except for mileage.

If charges for disbursements exceed the maximum specified (e.g., postage $50), LAS requires details and actual receipts to process the charges. Disbursements not mentioned below but necessary for effective client representation may be approved for payment by the Private Bar Services Director.

Lawyers are advised to bill travel on only one account when representing more than one client.

If a lawyer is travelling with co-counsel, LAS only pays travel for one counsel.

6.2 GST/HST/PST Exempt

The following exemption certificate, approved by the Federal Government, appears on all Government of Saskatchewan purchase orders. Legal Aid Saskatchewan, as an agent of the Provincial Crown, is exempt from GST/HST:

> "The property and/or services mentioned in this order are being purchased by the Government of Saskatchewan with Crown funds and therefore are not subject to the Goods and Services Tax or Harmonized Sales Tax.
> GST# R107864258"

Please do not include the GST or the HST on any of your invoices to the Saskatchewan Legal Aid Commission. Your co-operation with this request will ensure that we are able to efficiently process your invoices.

Legal services under *The Legal Aid Act* are not subject to the Provincial Sales Tax (PST).

6.3 Travel

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.

6.3.1 Travel

Where travel by private vehicle is necessary to attend court in a municipality other than where the solicitor resides, travelled kilometres will be reimbursed at current Commission rates.

Rates Effective Oct 1, 2024	Ordinary	North of the 54th Parallel
Kilometres	54.96¢	59.18¢

Reasonable parking expenses are also allowed:

- (off street) actual costs supported by receipts
- (metered) actual costs up to $8.00 per day

Car rentals require the prior approval of the Private Bar Services Director or designate.

Travel costs by means other than private vehicle (such as scheduled train, taxi, bus, chartered aircraft, scheduled aircraft, etc.) must have prior approval by the Private Bar Services Director or designate and receipts are required.

6.3.2 Witness travel

Travelling expenses of witnesses are paid in accordance with the provision of the Rules of Court.

6.3.3 Accommodation

Accommodation costs are allowed for other than the place where the solicitor resides. Accommodation costs are limited to counsel only, per day; reasonable and actual receipts must be attached to the account.

1. Hotel Accommodation: Actual and reasonable charges, supported by receipts
2. Private Accommodation: $35.00 per night (no receipt required)
3. Overnight allowances are included in the revised meal rates.

Should private bar be using direct billing for a hotel, please ensure to provide the information to LAS in advance that a hotel was used and identify client name and date of appearance.

Receipts are also required for accommodations in the shared marketplace economy (eg. Air B&B, VRBO, etc.).

6.3.4 Meals

Meal rates shall be in accordance with current LAS rates and shall be paid for counsel only. Meal receipts are not required. The rates include reimbursement for GST, gratuities and the overnight allowance. Please visit LAS website to ensure current rates.

Rates effective July 4, 2024	Ordinary in Province	Beyond Road's End in Province	Out of Province
Breakfast	$10.00	Actual and reasonable charges supported by receipts. Where receipts not available, ordinary rates apply.	$13.00
Dinner	$18.00		$20.00
Supper	$23.00		$28.00
Per Diem	$51.00		$61.00

No claim for meals may be made when:

	Departure later than:	Return earlier than:
Breakfast	7:30 a.m.	8:30 a.m.
Dinner	11:30 a.m.	12:30 p.m.
Supper	5:30 p.m.	6:30 p.m.

Claims for meals where a meal is served on a plane en route are not allowed.

6.4 Legal Disbursements

6.4.1 Court reporter fees

When requesting a transcript, you should provide the appointment letter / Fee Waiver Certificate to the reporting service to have the transcript fees waived. When court reporter fees cannot be waived, they are to be paid for by counsel who will be reimbursed. Please attach a copy of the invoice as a receipt for the disbursement when submitting the account for payment.

6.4.2 Postage, printing/photocopying, courier, telephone, and facsimile expenses

These disbursements will be paid as follows, excluding GST:

- Postage – actual disbursements to a maximum of $50
- Printing/Photocopying – to a maximum of $200 calculated at $0.25/page for first 400 pages and then $0.05/page thereafter
- Courier – actual disbursements (receipts required)
- Facsimile - $0.25/page to a maximum of $75
- Long Distance – actual disbursements to a maximum of $75

- Process Servers – actual disbursements (receipts required)

LAS reserves the right to request copies of invoices for all expenses noted above. Counsel must submit invoices in circumstances where expenses exceed the maximums allowed.

6.4.3 Research

LAS will not pay for research material, including online research costs unless authorized by the Private Bar Services Director or designate. Legal Aid Ontario (LAO) Research Memos are available, upon request, through LAS' Private Bar Services Department. Time spent by a solicitor doing research is considered preparation time.

6.4.4 Experts, DNA tests

Prior approval of the Private Bar Services Director or designate is required for services of any experts or specialists, for preparation for court proceedings and as witness, including DNA testing in the family law context (determination of parentage).

When the lawyer can establish there is professional merit in retaining an expert or testing, and where it amounts to a reasonable expenditure, in the context of a client of modest means, the Private Bar Director will approve the request outlining the cost or estimated cost. There is no fixed maximum; the expert and DNA test fees must be considered reasonable.

6.4.5 Witnesses

Witness fees are paid in accordance with the provision of the Rules of Court. (Out of province witness fees must be approved by the Private Bar Services Director or designate before incurred)

6.4.6 Interpreters, translators

Interpreters and translators are to be utilized through Interpretation & translation Services Canada | CanTalk Canada

a) Interpretation Costs
   - **i.** Actual and reasonable disbursements to a maximum of $600 (receipts required).
   - **ii.** Services exceeding $600 must have prior approval by the Chief Executive Officer or designate.
   - **iii.** To be billable, interpretation services must be performed under the lawyer's supervision by a professional third-party interpreter who has experience interpreting in a court or legal environment. Interpretation services provided by employees, relatives, or friends will not be reimbursed.

b) Translation Costs

i. Actual and reasonable disbursements to a maximum of $300 (receipts required).
ii. Services exceeding $300 must have prior approval by the Chief Executive Officer or designate.
iii. Translation of any document back into the client's language will only be authorized in exceptional circumstances and requires prior approval of the Chief Executive Officer or designate.

7 Forms

PANEL APPLICATION

Criminal & Family Panel Application, Schedule E

Immigration & Refugee Private Bar Panel Application

Immigration & Refugee Private Bar Information Form

GENERAL

Request Form: Withdrawal of Service

Request Form: Amendment of Appointment

Disbursement Request Form: Medical Records, Process Server, Other

Disbursement Request Form: Expert, Specialist, DNA Testing

BILLING

Report of Solicitor

Instructions for Using Report of Solicitor Billing Form

CRIMINAL

Exceptional Circumstances Payment Request: Criminal

Criminal Case Management Assessment – Preliminary Hearing

Criminal Case Management Assessment – Trial

FAMILY

Exceptional Circumstances Payment Request: Family – Support, Custody, Access

Exceptional Circumstances Payment Request: Family – Child Protection

IMMIGRATION AND REFUGEE

Exceptional Circumstances Payment Request: Immigration and Refugee

DUTY COUNSEL/PER DIEM

Report of Solicitor