

Chapter 4: Civil Tariff



Table of contents

Tariff Maximums	4-2
General Notes	4-2
- Adjournments	
- Correspondence	
- Junior counsel	
- Nature of court attendances	
- Waiting time	
Family Law Tariff	4-4
- Subsequent pretrial conferences, settlement conferences, case conferences	
Table A: Family Law	4-8
- Uncontested divorce	
- Contested divorce	
Child Protection Tariff (CFSA)	4-10
Table B: Child Protection	4-11
Table C: Civil Litigation	4-12
Table D: Trials, References and Hearings	4-14
Table E: Appeals	4-15
Table F: Immigration and Refugee Law	4-16
Table G: Administrative Board of Tribunals	4-18
Table H: Other Civil Matters	4-19
Group and Test Case Certificates	4-20

Chapter 4: Civil Tariff

Tariff Maximums

All 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 certificate determines the tariff hourly rates and the tariff maximum that applies to it. If the certificate is amended, the original issue date of the certificate still determines the tariff hourly rate and the tariff maximum that applies to it.

General Notes

- Lawyers must make sure that they request all available authorizations on a certificate from the Area Director.
- An opinion letter to the Area Director must accompany all requests for authorization
- Discretionary increases are available only if a lawyer has exhausted all possible authorizations. Send your discretionary increase request to the Provincial Office, Attention: Lawyer Services and Payments Department.

Adjournments

No additional hours are allowed for adjournments, to be spoken to attendances, trial audits or assignment court. They are treated as preparation time and are included in the capped hourly limit or tariff maximum.

Court attendances are treated as remands or adjournments unless your account indicates otherwise.

Requests for discretion must be made in writing with reasons given if unusual delays occur in a case which result in your account exceeding tariff maximums. Consideration will be given to additional time incurred when repeated adjournments are requested by the other side or by the Office of the Children's Lawyer or the CAS.

Correspondence

- Correspondence is allowed as part of the tariff 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 correspondence fee for a letter is based upon the average amount of your time involved in dictating and approving a letter sent, and reading and acting on a letter received.
- The fee for a letter sent is not increased if a number of copies of that letter are sent, nor is the fee increased if the client or the area office is copied.

Junior counsel

If the matter is sufficiently serious that the assistance of a second lawyer is required to attend court along with the first counsel, the lawyer should apply in writing to the Area Director for the necessary authority.

Where junior counsel is authorized, the tariff maximum for preparation time is increased by 50%.

Junior counsel's account should be submitted by the acknowledging lawyer as part of the fees billed.

Junior counsel are paid:

- 75% of the Tier 1 hourly rate with no experience increase, for attendance in court with senior counsel during preliminary hearing and trial;

» CAUTION

This is \$55.40 an hour for certificates issued on or after April 1, 2003, and \$58.17 an hour for certificates issued on or after April 1, 2007. For certificates where Northern incentives apply, the rate is increased by 10% and is \$60.94 an hour for post-April 2003 certificates and \$63.99 an hour for post-April 2007 certificates.

- The Tier 1 hourly rate with no experience increase, for preparation;
- The Tier 1 hourly rate plus experience increase, if applicable, if attending alone on a day of preliminary hearing or trial.

The maximum preparation is allowed on the acknowledging lawyer's account and any preparation allowed over the maximum is allowed by way of a discretionary fee. This is also paid to the certificate-holding lawyer.

The payment of the junior counsel's account is the responsibility of the acknowledging lawyer.

If the arrangement between the lawyer and the junior counsel is that junior counsel is to be paid their account as settled by the Lawyer Services and Payments Department, the details of the settlement of each of the accounts are provided on request.

If senior counsel is approved and retained, the lawyer acknowledging the certificate becomes the junior counsel and the above applies.

Nature of Court Attendances

It is important that you advise as to the nature of court attendances and the outcome. In civil, family and CFSA matters, for example, advise whether the attendances are for motions, adjournments, settlement or pretrial conferences, status reviews, interim care and custody hearings, trial management conferences or trial attendances. In immigration and refugee matters, advise, for example, as to whether the attendances are for abandonment hearings, expedited hearings, full hearings, motions to stay or attendances on appeal.

Waiting time

- Waiting time is included in the capped hourly limit or tariff maximum and can be billed only up to the capped hourly limit or tariff maximum.
- Waiting time must be billed separately from the actual appearance time. Court time is only considered to be an actual appearance if the matter is reached, evidence is led and/or submissions are made, other than submissions in support of or opposing an adjournment.
- Waiting time once the trial has commenced is treated as part of the trial, and is allowed as trial attendance.
- If unusual delays occur in a case which result in your account exceeding tariff maximums, you should include a detailed, written discretionary increase request with your account.

Family Law Tariff

The tariff for general family law uses a system of time issue allotments based on the most seriously contested issue facing the client first, with subsequent authorizations to acknowledge other substantially contested issues.

At the outset, a certificate is generally issued for the basic time issue allotment (12 hours) and for the first pretrial (4 hours), or for an opinion only, which is limited to 2 hours. The majority of cases receive additional time allotments to recognize other substantially contested issues if they cannot be resolved within the time authorization already granted.

A double time issue allotment is available for the most seriously contested issue in complicated cases. For example, in difficult custody cases, the basic allotment of 12 hours plus 15 hours (custody) may be extended, so that an additional 15 hours (custody) is available. This one time authorization is only available in the most complex cases.

A double authorization is also available for restraining orders in a family law case even if there has been a double authorization for other issues (e.g.: child custody, access or support).

Example of a complicated family law case and time issue allotments:

In a seriously contested custody case involving allegations of spousal or child abuse, as the case progresses, the Area Director may authorize:

Opinion	2 hours
Balance – basic allotment	10 hours
Custody	15 hours
Double Allotment (custody)	15 hours
Double restraining order (2 x 4 hours)	8 hours
Total	50 hours (prior to first pretrial)

In family law matters, the maximums include *all* services before the first pretrial hearing including:

- Interviews;
- Correspondence (see [Correspondence](#), page 4-1);
- Communications;
- Pleadings;
- Preparation of financial statements;
- Production;
- Disclosure;
- Affidavit of documents;
- Questioning
- Cross-examinations;
- Examinations for discovery;
- Negotiations;
- Motions;

- Waiting time;
- Case management meetings with a judge;
- Opinion letters;
- Reporting;
- Billing (with maximum of .2 hours).

In family law matters, authorization for the first and subsequent pretrial conferences, case conferences, settlement conferences (**including Legal Aid Settlement Conferences**) or **trial management conferences** is available from the Area Director.

Subsequent pretrial conferences, settlement conferences, case conferences

- Where subsequent pretrial conferences are authorized, 2 hours additional preparation time is granted for each subsequent conference in addition to the actual time spent in attendance. If there are multiple pretrial conferences subsequent to the first, it is not necessary to obtain multiple pretrial conference authorizations from the Area Director, as additional preparation time will be automatically generated when additional attendances are entered.
- It is important when completing your account online that you enter both the amount of time spent in attendance on subsequent pretrials and the number of subsequent pretrial conferences.
- Include only the subsequent pretrial conferences attended during the period of service of the particular account. Do not enter a running total since the commencement of the certificate.
- If the account includes the second and subsequent pretrial conference or settlement conference, include only the number of pretrial or settlement conferences subsequent to the second in the quantity column.

Example:

In the following example, the first case conference had been billed on a prior account. A 1.5 hour settlement conference and two trial management conferences, (1.6 hrs and 0.7 hrs respectively) were billed here, with a total attendance time of 3.8 hrs.

Authorization				Customize	Find	View All	First	1-3 of 3	Last
Select		Unit of Measure	Quantity	Hours in Court					
1	<input checked="" type="checkbox"/>	Acknowledgement Fee	<input type="text"/>						
2	<input checked="" type="checkbox"/>	For representation in proceedings under the Child and Family Services Act- where society wardship is in issue. Tariff maximum of 19 hours for all services up to the end of the first pre-trial.	<input type="text"/>						
3	<input checked="" type="checkbox"/>	To attend on any pre-trial conference subsequent to the first- and any subsequent settlement conference- case conference or issues hearing. Tariff maximum of 2 hours for all services other than attendance at hearing.	# of days of Court Proceedings	<input type="text" value="2.00"/>	<input type="text" value="3.80"/>				

Preparation for the settlement conference is covered by the initial 2.0 hour authorization.

By indicating “2.0” in the Quantity column, a further 4.0 hours prep is generated, being 2.0 hours for each of the trial management conferences. The total attendance time is 3.8 hours. The total tariff time generated by the settlement conferences in this account is 9.8 hours.

Motions and attendances to speak to matters are not considered subsequent pretrial conferences and do not generate additional preparation or attendance time. Neither do trial scheduling, trial audits or assignment court attendances. Such services are included within the tariff maximum authorizations. If an unusual number of such attendances are necessary, you should explain the circumstances necessitating the attendances in your written discretionary increase request with your account.

Table A: Family Law

Table A: Family Law Service	Certificate issued on or after April 1, 1998 Maximum
Applications and proceedings under the <i>Divorce Act</i> , <i>Family Law Act</i> and the <i>Children's Law Reform Act</i> , and negotiation of domestic contracts under the <i>Family Law Act</i>	12 hours
Matters where custody, or both custody and access are in issue, an additional	15 hours
Matters where only access is in issue, an additional	7.5 hours
Matters where support of a child, or support of a person who has lived in a conjugal relationship within or outside marriage with a person of the opposite sex or same sex, or both is in issue, an additional	9 hours
Matters where any possession, ownership, entitlement, identification or calculation of net family property or equalization payment is in issue, an additional	8 hours
Matters where an order restraining contact between persons of the opposite sex or same sex who have lived together in a conjugal relationship within or outside marriage is sought or is in issue, an additional	4 hours
Interview and advice to a complainant in a family violence criminal matter	2 hours
All services in connection with an application to vary: <ul style="list-style-type: none"> • an existing order or agreement for support of a child, • for support of a person who has lived in a conjugal relationship within or outside marriage with a person of the opposite sex or same sex, or both, • including interviews, advice, preparation of financial statement, obtaining financial disclosure and documentation, correspondence, communications, negotiation, attendance at variation conference and reporting on it, and drafting and filing respondent's emergency pleadings in respondent's name only 	7.5 hours
Initiating or responding to a court application to vary a support order or agreement, all services following the completion of the variation conference to the end of the first pretrial conference, an additional	10 hours
Preparation for an attendance at the pretrial conference, case conference or settlement conference	4 hours
Preparation for an attendance on any pretrial conference subsequent to the first, and any subsequent settlement conference (including a Legal Aid Settlement Conference) or case conference	2 hours
Attendance on any pretrial conference subsequent to the first, and any subsequent settlement conference or case conference	Actual time of hearing

Trials (see [Table D: Trials, References and Hearings](#), Page 4-12)

Uncontested Divorces

(Where there is no claim for any relief that is in issue between the parties. Authorization is rare, but when authorized it is on a disbursements only basis)

All services relating to an uncontested divorce proceeding, up to and including obtaining a certificate for divorce	Nil
Preparation for, and attendance at a default hearing in the Ontario Court of Justice or the Family Court	2 hours
Consultation in a family violence criminal matter	2 hours
Family law case management discussion with the Area Director	½ hour

Uncontested divorce

Legal Aid covers uncontested (no issue) divorces only where there are exceptional circumstances giving rise to a compelling need for a divorce. See your Area Director to determine whether such exceptional circumstances exist in your case.

Because the Legal Aid tariff for fees for an uncontested divorce is nil, the certificate is limited to coverage of disbursements only and the lawyer cannot charge a fee either to LAO or to the client.

Contested divorce

Since the termination of the marriage itself is not a priority for legal aid coverage, a certificate can only be issued to cover corollary issues in a divorce petition in two circumstances:

- Where an applicant is served with a divorce petition claiming corollary relief; or
- Where the applicant has been served with a no issue divorce petition and wishes to respond raising corollary issues.

There is no additional time allotment available apart from the coverage that may be authorized for the corollary issues, based on merit.

Child Protection Tariff (CFSA)

The child protection tariff provides time allotments for representation in an application for Crown wardship, an application for society wardship, supervision order or voluntary care agreement, temporary care and custody hearing and status review hearing.

At the outset, a certificate is generally issued for representation in an application for Crown wardship (22 hours) or an application for society wardship (19 hours). Where Crown wardship or society wardship is authorized, authorization should also be granted for any pretrial subsequent to the first pretrial.

An allotment is available for a temporary care and custody hearing (6 hours) and status review hearing (6 hours). At the Area Director's discretion, authorization may also be available for any pretrial subsequent to the first where the matter involves temporary care and custody, status review or a supervision order.

Example of a complicated child protection case and time issue allotments:

Crown wardship	22 hours
Temporary case/custody hearing	6 hours
Status review hearing	6 hours
Subsequent pretrial conferences	2 hours
Total	36 hours

In child protection cases, the tariff maximums include *all* services to the end of the first pretrial, including:

- Interviews;
- Correspondence (see [Correspondence](#), page 4-1);
- Communications;
- Pleadings;
- First pretrial and/or case conference or settlement conference;
- First appearance or apprehension hearing;
- Production;
- Disclosure;
- Affidavit of documents;
- Questioning
- Cross-examinations;
- Negotiations;
- Motions;
- Waiting time;
- Case management meetings with a judge;
- Opinion letters;
- Reporting;
- Billing (with maximum of .2 hours).

Table B: Child Protection

Table B: Child Protection	Certificate issued on or after April 1, 1998 Maximum
Service Representation in proceedings under the <i>Child and Family Services Act</i> where a children's aid society is seeking an order for society supervision or wardship or to negotiate a voluntary care agreement	19 hours
Representation in proceedings under the <i>Child and Family Services Act</i> where a children's aid society is seeking an order for Crown wardship	22 hours
Preparation for an attendance on a motion for temporary case and custody	6 hours
Preparation for and attendance at a status review hearing	6 hours
Preparation for an attendance on any pretrial conference subsequent to the first, and any subsequent settlement conference (including a Legal Aid Settlement Conference) or case conference	2 hours
Attendance on any pretrial conference subsequent to the first, and any subsequent settlement conference (including a Legal Aid Settlement Conference) or case conference	Actual time at hearing
Trial (see Table D: Trials, References and Hearings , page 4-12)	
Preparation for an application under Part IV (Secure Treatment) of the <i>Child and Family Services Act</i> prior to the first day of hearing	8 hours
Preparation for an application under Part IV (Secure Treatment) of the <i>Child and Family Services Act</i> for each day of the hearing after the first	2 hours
Attendance at hearing of application under Part IV (Secure Treatment) of the <i>Child and Family Services Act</i>	Actual time at hearing
Opinion as to the merits of application for prerogative remedy	3 hours
Preparation for an application for prerogative remedy	16 hours
Attendance at hearing of application for prerogative remedy	Actual time at hearing

Table C: Civil Litigation

Coverage for civil litigation may be on a disbursements only basis or for both fees and disbursements. Where both fees and disbursements are covered the tariff for civil litigation provides a maximum number of hours for each step of an action. You must obtain from the

Area Director authorization for each step of an action.

Table C: Civil Litigation	Certificate issued on or after April 1, 1998 Maximum
Service	
Institution of a proceeding	
<ul style="list-style-type: none"> Preliminary interviews, advising and receiving instruction for the commencement or defence of an action or application before the court or before a quasi-judicial or administrative board or commission, including preparation or originating process other than a pleading 	2.5 hours
<ul style="list-style-type: none"> Preparation and delivery of all pleadings, including affidavits in support of or in response to an application, demand and reply to a demand for particulars 	4 hours
Discoveries and Examinations	
Preparation of notice to produce documents and affidavits of production, production and inspection of documents and preparation for discoveries or for examination on applications or motions	
<ul style="list-style-type: none"> First hour of each examination 	2 hours
<ul style="list-style-type: none"> Each additional hour of examination 	1 hour
<ul style="list-style-type: none"> Maximum preparation for each examination 	7 hours
<ul style="list-style-type: none"> Attendance on discovery or examination on application or motion 	Actual time at examination
<ul style="list-style-type: none"> Preparation on delivery of request to admit and response to request to admit 	2 hours
Motions and Other Interlocutory Hearings	
Procedural motions without notice, all service including preparation of notice of motion and affidavits, preparation and attendance at hearing, if required, and settling, signing and entering the order	
	1 hour
All other motions and interlocutory hearings including appeals to the Superior Court of Justice	
<ul style="list-style-type: none"> All services, including preparation of notice of motion or notice of appeal and affidavits, preparation for hearing, and settling and signing the order, but not including attendance at hearing 	4.5 hours
<ul style="list-style-type: none"> Attendance at hearing of motion 	Actual time at hearing
<ul style="list-style-type: none"> Preparation on motion for leave to appeal to the Superior Court of Justice from the disposition of a motion 	2 hours
<ul style="list-style-type: none"> Attendance at hearing or adjournment of a motion for leave to appeal to the Superior Court Justice from the disposition of a motion 	Actual time at hearing
Pretrial Conferences and Issues Hearings	
<ul style="list-style-type: none"> Preparation for a pretrial conference (including a Legal Aid Settlement Conference) or case conference 	2 hours

- | | |
|---|------------------------|
| • Attendance on a pretrial conference, settlement conference or case conference | Actual time at hearing |
|---|------------------------|

Correspondence and Communications

All necessary correspondence and communications	3 hours
---	---------

Trials (see [Table D: Trials, References and Hearings](#), page 4-12)

» **NOTE**

In general, costs awarded in a settlement or by court order belong to Legal Aid Ontario. On disbursement only certificates, Legal Aid's claim is for only the recovery of the disbursements actually paid by Legal Aid Ontario. The remainder of costs settled or awarded form part of the solicitor's separate retainer agreement with the client in relation to fees.

Table D: Trials, References and Hearings

In family law, child protection and civil litigation proceedings (both fees and disbursements), the Area Director may authorize trial and matters subsequent to trial. The Area Director's authorization for trial gives rise to additional tariff maximums as set out below.

Table D: Trials, References and Hearings Service	Certificate issued on or after April 1, 1998 Maximum
Setting the action or application down for trial, preparing and delivering notice of trial, attendance at assignment court, trial scheduling or a trial audit and preparation for trial or hearing and preparation during trial <ul style="list-style-type: none"> • After the final pretrial conference and prior to the first day of attendance at trial or hearing of an application • Each day of attendance at a trial or hearing after the first day • Attendance at a trial or hearing of an application • Adjournment of a trial or hearing of an application • All other necessary matters subsequent to trial 	15 hours 4 hours Actual time at hearing Actual time at hearing 3 hours
Preparation for and attendance on assessment of bill of costs, obtaining assignment of costs and filing execution	3 hours
Preparation for and attendance on examination in aid of execution	2 hours
Preparation for and attendance at a default hearing in the Ontario Court of Justice or the Family Court of the Superior Court of Justice	2 hours
All other necessary matters including preparation and filing request to enforce and preparing and issuing notice of garnishment	2 hours

Table E: Appeals

Appeal proceedings require a separate certificate from the area office. Generally an opinion certificate is issued authorizing only an opinion on the merits of an appeal. The opinion is considered by the area committee which then decides whether an appeal certificate should be issued.

An appeal from the area committee's decision is available through the office of LAO's General Counsel at the Provincial Office.

If a motion for leave to appeal and the hearing of the appeal are heard at approximately the same time, the lawyer is entitled to fees for the appeal only.

Table E: Appeals	Certificate issued on or after April 1, 1998 Maximum
Service	
Appeals to the Superior Court of Justice (from a final order) (appeals of interlocutory orders are paid under the civil litigation tariff – see <u>Motions and Other Interlocutory Hearing</u> , page 4-10)	
<ul style="list-style-type: none"> Preparation, including drawing and filing notice of appeal and appeal books Attendance on appeal 	16 hours Actual time of hearing
Appeals to the Court of Appeal, Federal court of Appeal	
<ul style="list-style-type: none"> Preparation of motion for leave to appeal Attendance a motion for leave to appeal Preparation for appeal Attendance on Appeal 	12 hours Actual time at hearing 27 hours Actual time at hearing
Appeals to the Supreme Court of Canada	
<ul style="list-style-type: none"> Preparation for leave to appeal Attendance on application for leave to appeal Preparation for appeal Attendance on appeal 	17 hours Actual time at hearing 37 hours Actual time at hearing
Opinion Certificate	3 hours
For an pinion as to the merits or appeal/judicial review to Superior Court and/or Divisional Court, and to file notice of appeal in the client's name only, including motion to extend time if necessary	

Table F: Immigration and Refugee Law

The tariff for immigration and refugee law is based on the nature of the proceeding. Lawyers must obtain authorization for the specific proceeding from the Area Director.

Table F: Immigration and Refugee Law Service	Certificate issued on or after April 1, 1998 Maximum
Hearings before the Refugee Protection Division of the Immigration and Refugee Board Preparation for a hearing before the Refugee Protection Division of the Immigration and Refugee Board, including interviews, advice, completion of the personal information form, preparation for prehearing proceedings, opinion letters, communications, correspondence and motions: <ul style="list-style-type: none"> • Where the application is expedited • For attendance at the hearing or prehearing 	16 hours or 13 hours in addition to a 3 hour opinion certificate 8 hours Actual time at hearing
Detention Reviews before an adjudicator of the Immigration and Refugee Board (IRB) Review of a detention order: <ul style="list-style-type: none"> • Preparation • Preparation for each subsequent detention review • Attendance at the hearing 	3 hours 1 hour Actual time at hearing
Submissions to the Minister of Immigration <ul style="list-style-type: none"> • Services relating to opinion letters and submissions to the Minister on inland applications based on humanitarian and compassionate grounds • Services relating to submissions to the Minister on danger to the public in a deportation matter • Services relating to submissions to the Minister on Pre-Removal Risk Assessment 	10 hours or 7 hours in addition to a 3 hours opinion certificate 10 hours 10 hours or 7 hours in addition to a 3 hours opinion certificate
Appeals to the Appeals Division of the Immigration and Refugee Board Appeals from a deportation order: <ul style="list-style-type: none"> • Preparation • Attendance on the appeal 	16 hours Actual time of hearing
Appeals from denial of sponsorship <ul style="list-style-type: none"> • Preparation • Attendance on the appeal 	16 hours or 13 hours in addition to a 3 hour opinion certificate Actual time of hearing
Applications to Federal Court to stay deportation <ul style="list-style-type: none"> • Preparation • Attendance on the stay application 	6.5 hours Actual time at

hearing

Judicial Reviews in the Federal Court (Trial Division)

Applications for judicial review to the Federal Court:

- Preparation for the application for leave to apply for Judicial Review 15 hours
- Preparation for the judicial review application 15 hours
- Total preparation for leave application and the application for judicial review must not exceed 27 hours
- Attendance on the application Actual time at hearing
- Application for Prerogative Writ - preparation 16 hours
- Application for Prerogative Writ – attendance Actual time (no limit)

Appeals to the Federal Court of Appeal

See [Table E: Appeals](#), page 4-13

Table G: Administrative Boards of Tribunals

The same tariff applies to most administrative boards and tribunals, with the exception of parole and prison matters and mental health matters, which each have a separate tariff.

Table G: Administrative Board of Tribunals Service	Certificate issued on or after April 1, 1998 Maximum
Consent and Capacity Board <ul style="list-style-type: none"> • Preparation before the first day of hearing • Preparation before each subsequent day of hearing • Attendance at hearing • Where there is more than one issue in dispute, preparation for separate issues arising under different statutory provisions. <i>NOTE: One extra 3.0 hour allowance is available if there are multiple issues in dispute. Where more than one additional issue is in dispute, resulting in an account exceeding the tariff maximum, the solicitor must request a discretionary increase.</i> 	10 hours 2 hours Actual time at hearing 3 hours
Hearing before the Ontario Parole Board, the Federal Parole Board or the Warden's Court (see TIP below) <ul style="list-style-type: none"> • Preparation before the first day of hearing • Preparation before each subsequent day of hearing • Attendance at hearing 	10 hours 2 hours Actual time at hearing
Hearing before other quasi-judicial or administrative boards or tribunals <ul style="list-style-type: none"> • Preparation before the first day of hearing • Preparation before each subsequent day of hearing • Attendance at hearing 	8 hours 2 hours Actual time ay hearing

» TIP

Parole hearings and penitentiary discipline hearings are paid under the civil tariff as shown above. If you are entitled to an experience increase in criminal matters but not in civil matters, you can apply for a discretionary increase to be paid at your criminal tariff rate.

Table H: Other Civil Matters
(including block fee matters)

Table H: Other Civil Matters (including block fee matters) Service	Certificate issued on or after April 1, 1998 Maximum
Application for third party records All services including interviews, advice, obtaining disclosure, drafting of documents, correspondence, communications, negotiations, preparation for hearing	16 hours
Attendance at hearing	Actual time at hearing
Small Claims Court	
If the amount involved is \$200.00 or less:	
• Preparation of claim	\$34.00
• Preparation of dispute	\$34.00
• Attendance at trial	\$84.00
If the amount involved exceeds \$200.00 but does not exceed \$400.00:	
• Preparation of claim	\$44.00
• Preparation of dispute	\$44.00
• Attendance at trial	\$112.00
If the amount involved exceeds \$400.00:	
• Preparation of claim	\$56.00
• Preparation of dispute	\$56.00
• Attendance at trial	\$140.00

» **TIP**

Applications for third party records (O'Connor/Mills applications) are paid under the civil tariff as shown above. If you are entitled to an experience increase in criminal matters but not in civil matters, you can apply for a discretionary increase to be paid at your criminal tariff rate.

Group and Test Case Certificates

In some cases, your client may be involved in a civil or criminal proceeding that would not normally qualify for LAO funding, but has broad implications which may determine, enforce or clarify important rights or obligations of all low-income Ontarians, specific groups, or disadvantaged communities.

If you have a client with a case you feel might qualify for group or test case status, the first step is to have the client apply for a certificate. If they are financially eligible for legal aid, they will receive a certificate for an opinion. This certificate permits you to respond in writing to the questions outlined in the selection criteria. Information about how to apply for group or test case status and copies of the selection criteria are available online at [How to Apply for Group and Test Case Certificates](#), at each area office or from the office of the Policy Director, Policy, Planning and External Relations at:

Telephone: 416-979-2352 (toll free at 1-800-668-8258)

Fax: 416-979-2948.