

B3: Better Billing Bulletin

Issue #40 | July 2011

Clarity of Block Fee Billing Rules

LAO has been asked by lawyers for clarity on several block fee billing rules. As a result, this B3 sets out the first of what will likely be periodic updates and interpretations to the block fee rules. LAO is committed to updating the rules on an ongoing basis as LAO and lawyers gain practical experience with the new fees and rules.

When are the Block Fees Payable?

LAO only pays a block fee if a lawyer conducts and completes a block-fee activity or proceeding. For example, LAO will not pay a block fee if a lawyer only *prepares* for a JPT. To be billable, the JPT must be conducted and completed. This is why lawyers are required to provide resolution and/or hearing dates when submitting block fee accounts online. Details as to when blocks are billable are on pages 2-61 to 2-63 of LAO's Tariff and Billing Handbook

The two exceptions to this general rule are for the Gladue block and the new Mental Health block. These blocks have special billing rules to account for the unique circumstances of Aboriginal clients and clients with serious mental health issues. The Gladue block, for example, may be billed for the preparation of Gladue submissions when the matter is withdrawn or stayed. Gladue submissions are therefore not required.

Block Fees and Charter Motions

LAO is monitoring the Charter Motion block closely. As with the other block fees, the Charter Motion block is only payable if and when a Charter motion is conducted and completed prior to the matter being set down for trial. This should only occur in very rare circumstances.

Block Fees - Docketing

Lawyers do not have to *submit* dockets online when billing block fee accounts.

Nevertheless, lawyers are under a duty to *maintain* dockets necessarily required by:

- the lawyer's duty to his/her client;
- the Law Society of Upper Canada;
- the *Legal Aid Services Act* and Regulations thereto; and
- LAO's policies and procedures.

LAO may ask lawyers to provide detailed dockets and supporting invoices for disbursements in the event of an audit or for investigative purposes.

If a block fee matter is set down for trial and thus payable by the hourly tariff, lawyers must attach dockets with their accounts in accordance with LAO's usual rules for tariff accounts.

As with the Charter Motion block, LAO will be monitoring the Gladue and mental health block fees closely. As a result, lawyers should take care to docket Gladue and mental health related work in detail. This will help LAO assess the operation and impact of the Gladue and mental health block fees.

Block Fees - Eligible Disbursements

LAO wants to remind lawyers that the block fee disbursement policy has been amended. During the original pilot, LAO rolled the cost of nine of the most common disbursements into the base block fee. LAO now believes that this approach was too inclusive. As a result, LAO has reduced the number of disbursements included in the block fee to three disbursement items, as follows:

- faxes
- photocopies (except for out-of-office photocopies)
- process servers – service and filing documents within Ontario

All other disbursements may be billed in accordance with LAO's existing disbursement policies, which are available here:

» Disbursements Handbook

Lawyer accounts now paid to tariff maximum within 30 days

As part of a commitment to improve services for lawyers who do legal aid work, Legal Aid Ontario (LAO) is now paying lawyers faster.

As of July 17, 2011, all current and future accounts subject to the hourly tariff will be paid up to the maximum hourly tariff limit within 30 days of receipt. Requests for a discretionary increase will be processed within 60 days from the date the account was received.

Paying accounts to the tariff maximum within 30 days helps to streamline how lawyers' accounts are settled by making it faster for lawyers to receive payment.

LAO provides billing services to over 4,500 panel lawyers who accept legal aid cases in Ontario.

For further information on lawyer payments, contact the Lawyer Service Centre at (416) 979-9934 or 1-866-979-9934.

Questions?

Please let us know if you have questions or if there are topics you'd like to see us cover by contacting the Lawyer Service Centre at pl-lsc@lao.on.ca



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