

# B3: Better Billing Bulletin

Issue #43 | July 2013

## Clarified discretion guidelines

Legal Aid Ontario released guidelines to clarify the discretion request process late last year. The approved guidelines apply to all accounts submitted on or after November 26, 2012.

**NEW:** In response to a number of requests for DAD exceptions, LAO has expanded the discretion guidelines for refugee law to include a new complexity factor for ministerial intervention.

Please download the new discretion forms that specify the clarified criteria to submit your requests and discard any older versions of these forms.

Get more information on the clarified discretion criteria in LAO's discretion section.

## Service provider attribution in dockets

When submitting accounts where more than one service provider was used, please include the names or initials of all service providers, along with the service each provided. This includes law clerks and students. LAO cannot identify who provided which services, solely by hourly rates.

## Services, filing of documents, and court attendance

On your online account, please itemize the actual time (hours are in tenths) spent filing documents, court attendance and other billable services carried out by your employees as services, out of the allotment for preparation. These services are not disbursements.

# LAO continues to communicate through *Legal Aid Online*

The Audit and Compliance Unit (ACU) is now using *Legal Aid Online* to correspond with legal aid lawyers.

When attaching correspondence directed to the ACU department please select “ACU Response” as the document type. This will ensure prompt delivery.

Also, please check regularly for notifications such as audit requests from the ACU. If you fail to reply in a timely manner to an audit request, you may be asked for a full recovery of the funds related to the account(s) in question by way of negative voucher.

Get more information on electronic document submission.

## Suggestions for billing block fees: same day, same court

Just as was practiced before the introduction of block fees, lawyers can only bill and receive payment once for the same court attendance. LAO only pays one block fee (via a block payment) or hourly fee (via a tariff payment) for any court attendance for the same client.

This means you should bill for resolution court attendance either by block or hourly rate — not both — when charges under more than one certificate for the same client are resolved in the same courtroom, in front of the same judge, on the same day.

These tips can help you bill for the same court services completed on the same day:

- Bill charges authorised under two or more block certificates on the one that generates the highest resolution fee. Select “resolved on other certificate” on the other certificate(s).
- If you have a block and an hourly certificate and the authorized criminal charges for the same client are billed together, bill the resolution on the hourly certificate — and, as necessary for all hourly billing, attach detailed dockets.
- If you have billed hourly on a certificate for court attendance, you may not bill by way of a block fee on a second certificate for the same client. *For example, Gladue submissions which have been billed hourly may not also be billed by way of block fee.*
- Likewise, if you have billed a block fee for court attendance, you may not bill hourly for the same client. *For example, a court attendance for a bail hearing for which a bail block*

*fee has been billed on a block certificate may not also be billed hourly on the tariff/hourly certificate.*

- You may not bill the same court attendance (hourly or block) for the same bail hearing or JPT. If you have billed bail or JPT under block fees, do not select “Bail Hearing” or “JPT” on the hourly certificate as well.
- Bill for court services completed at on different days separately under the appropriate certificate, as interim accounts.
- You **can** bill separate and distinct pre-trial proceedings — such as for a bail hearing and judicial pre-trial — if you have conducted and completed these proceedings on different days and they are authorized on different certificates, even if they are ultimately heard/resolved together.
- You **cannot** select “charges heard separately” on any one block certificate.
- Block fees payments are based on your court attendance — meaning conduct and completion of a court proceeding — not the time spent on preparation. If charges authorized on separate certificates are resolved together, you can only choose one resolution block to bill for all charges.

### ***Confused by billing deadlines?***

Go to tips on how to meet LAO billing deadlines for certificate accounts.

## **Forms frustrations and PDF problems?**

Adobe has blocked third-party PDF viewers from opening complex PDF forms such as those used by LAO. Web browsers such as Firefox and Chrome have a built-in PDF reader, which means that you may encounter an error message when opening a PDF in one of these browsers. If this happens, and you have Adobe Acrobat Reader installed on your computer, you can resolve the situation quickly as follows:

1. Right-click on the link
2. Select “Save link as...”
3. Save a copy of the file where you can find it
4. Use Acrobat Adobe Reader to open the file

Go to LAO’s Forms library to download free viewers for those forms on the LAO website available in Adobe Acrobat PDF and Microsoft Word formats

## 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](mailto:pl-lsc@lao.on.ca)



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