

B3: Better Billing Bulletin

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Guaranteed Daily Rate (GDR)

The Guaranteed Daily Rate is available to lawyers who provide services in one of five designated areas (Cochrane Area 05, Kenora Area 15, Rainy River Area 35, Temiskaming Area 39 and communities served by Nishnawbe-Aski Legal Services Corporation (NALSC Area 48)).

For fly-in courts and to destinations 200 km or more one way from the roster member's office, the tariff provides a minimum guaranteed daily rate (GDR) of \$1,181.96 (\$1,241.06, after October 16, 2023) on both certificate and duty counsel assignments. Prior authorization from the Director-General is required.

The GDR does not apply if the destination is to the location of a district office, e.g., Sioux Lookout to Kenora.

A roster member may bill the GDR and block fee services rendered on the same day. Block fees are payable only when the roster member or agent attends court, either in person or virtually, to resolve a matter or when providing an ancillary service¹¹.

A roster member may not bill the GDR and tariff (hourly) services rendered on the same day ("double billing").

Court Transcript Fees (Ontario Regulation 145/22)

During the COVID-19 pandemic Ontario courts had transitioned to accepting electronic transcripts and the new fees set out in O. Reg. 145/22 were enacted to reflect the change from paper based transcripts to electronic transcripts.

One of the benefits of this change is the decreased costs to the parties as electronic copies can be shared. When a party to a proceeding orders electronic transcripts, they are only required to order one certified transcript, and that certified electronic transcript can be

¹ Legal Aid Services Rules, s. 13(1).

shared among all of the parties. See the Questions and Answers document posted on the Authorized Court Transcriptionists for Ontario website, questions 2 and 7.

Prior to ordering an electronic copy at the flat rate fee of \$25.00, please request that either the court, co-counsel or the opposing party share the certified electronic transcript. In circumstances where you are unable to secure a copy, LAO will pay the flat fee for an electronic copy.

Generally, LAO will not pay for certified paper copies of transcripts. If copies are required, please order them in electronic format only. If paper copies of transcripts for counsel's in-office use are required, they can be printed by counsel or by a printer at a rate not exceeding \$0.10 per page.

Billing for the preparation and filing of the Basis of Claim (BOC) in Refugee Protection Division Matters

When billing for the preparation and filing of the BOC, roster members should submit an interim account for this work as the hearing authorization will be added to the certificate once it has been authorized. Roster members should only submit a final account on a certificate that includes only the BOC authorization when they are certain that they will not be seeking to have the hearing authorization added to their client's current certificate. Final accounts must be submitted where:

- you have completed all authorized services
- in any circumstances where you stop acting for a client, including after a formal change of lawyer application has been granted
- the certificate cannot be extended after reaching its end of life.

Interim, final and supplementary accounts must be submitted in accordance with the certificate's billing deadline.

In order to have the hearing authorization added to the certificate you must submit a copy of the final, signed BOC form and narrative, and one of the following documents through *Legal Aid Online*:

- a Confirmation of Referral form
- an Acknowledgment of Claim form

- a Refugee Protection Claimant Document
- a letter from the IRB indicating the claim may be eligible for the Less Complex Claims Process, or
- any other correspondence from the Refugee Protection Division of the Immigration and Refugee Board (e.g. email from RPD confirming referral)

When submitting the documents through *Legal Aid Online* please indicate the purpose for the document submission in the “Description” field. If you are seeking RPD hearing authorization, please indicate “Requesting hearing authorization.” If you are submitting the BOC for other reasons, such as panel management, indicate, “Hearing coverage not required at this time.” Where a BOC was previously submitted for other purposes and you later require hearing authorization, you will be required to re-submit the BOC with the required attachments and “Requesting hearing authorization.” Entered into the “Description” field.

Where merit is established the BOC certificate will be amended to include additional coverage for preparation and attendance at the hearing

Instructions on submitting electronic documents through *Legal Aid Online*.

New Immigration and Refugee Authorization Forms

Updated forms, which allow roster members to request authorizations on Immigration and Refugee law certificates, can now be accessed in the Forms Library.

These forms must be used to request any of the new authorizations created in the tariff reform. A number of additional pre-existing authorizations can also be requested by using these forms.

When submitting the forms and related attachments through *Legal Aid Online*, please use Certificate Amendment / Authorization page and make the appropriate selection. For Refugee claims certificate authorizations, select “PD Authorization Materials” and for Immigration certificate authorizations, select “Materials for other Immigration Authorizations” from the drop-down menu. Please check the portal to ensure the authorization has been added to your certificate before starting to bill the account.

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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