

B3: Better Billing Bulletin

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Updated: July 26, 2024

Reminder – Rules for the submission of accounts for legal aid services provided by articling students

LAO wishes to remind roster members of the rules relating to the submission of accounts for services provided by articling students. We are issuing this reminder to ensure that all roster members are complying with their obligations.

In order to provide and bill for legal aid services as a “student”, an individual must be an articling student as defined under [LAO’s Rules, \(s.57\)](#).

A roster member may only bill and be paid for work completed by an articling student where:

- The articling student is currently completing their articles of clerkship, participating in a law practice program (LPP), or enrolled in a Canadian law school with an integrated practice curriculum (IPC)
- The articling student has completed their articles, LPP or IPC, has not yet been called to the bar, and has obtained a supervision agreement approved by the Law Society of Ontario.

For clarity, no other individuals may provide legal aid services and be paid as an articling student.

Work performed by students who do not meet this definition, such as individuals enrolled in undergraduate, graduate or post-graduate programs (including law school programs), should be billed as law clerk time.

Roster members may also want to review previously communicated information on this topic available at [B3: Better Billing Bulletin vol. 53 \(legalaid.on.ca\)](#)

Once an articling student or LPP student is called to the bar and obtains a license to

practice law at the Law Society of Ontario, they are prohibited from providing legal aid services or submitting accounts as a student or law clerk. An individual who holds a license to practice law and wishes to provide legal aid services must apply and be approved for roster membership before providing any legal aid services or submitting any accounts for legal aid services, and cannot be paid for services provided until the application is approved.

The roster member who acknowledges a legal aid certificate is responsible for ensuring that all accounts submitted under that certificate, including accounts for services provided by articling students, meet the above requirements. Submission of accounts for services provided as an articling student by individuals who do not meet the above definition is prohibited and LAO will recover any funds paid for services provided by articling students outside the above requirements.

We also encourage roster members who are submitting accounts for articling students or other non-licensees to ensure their compliance with all aspects of the Rules of Professional Conduct and Law Society of Ontario's by-laws relating to the provision of legal advice or services by non-licensees (<https://lso.ca/lawyers/practice-supports-resources/practice-management-topics/working-with-others/employee-delegation-and-supervision>)

LAO may report breaches of the rules or by-laws to the Law Society of Ontario.

Billing for the preparation and filing of BOC in Refugee Protection Division Matters (as previously communicated)

When billing for the preparation and filing of the BOC, roster members should submit an interim account for this work if the roster member will be later requesting RPD hearing authorization.

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.

We would like to remind lawyers that submission of final accounts is required for certificate work. 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.

If your client does not require RPD hearing authorization for any reason, please ensure when you bill the BOC preparation that your detailed final account and docket clearly indicate why you will not be requesting authorization for the RPD hearing, i.e. client abandoned the claim, client was granted refugee status without a hearing, or you will represent the client on a private retainer (where the client is no longer financially eligible and you have therefore requested certificate cancellation from LAO).

Updates to the lawyer-assisted application for adults

LAO has updated its lawyer-assisted application for adult criminal court proceedings to better serve clients and streamline the application process for counsel on behalf of their clients. The [updated form](#) is available and posted on the public website. Please ensure that you use this most recent version of the lawyer-assisted application form on LAO's website when submitting an application on a client's behalf.

Tariff reform: corrections

LAO is making the following updates in Legal Aid Online and on certificates (as appropriate) issued on after Oct. 16, 2023. **No action is required.**

Family case conferences

For family law certificates issued on or after Oct. 16, 2023, the wording of the authorization for family law case conferences does not align with LAO's instructions on billing case conference and has been updated to avoid any confusion. The updated wording does not affect payment.

Updated wording: Prep and attend, including negotiations with opposing counsel, at each conference under Rule 17 of the Family Law Rules and at each Legal Aid settlement conference. Tariff maximum of five hours. Only enter additional days for second and subsequent conferences.

Reminder: When billing for Rule 17 conferences online, please remember to follow these guidelines:

- For the first case or settlement conference, do not enter anything in the “# of Extra Days” field in the Rule 17 authorization, as the five-hour tariff for preparation and attendance at the conference is added when the Rule 17 authorization is added to the certificate.
- For subsequent case conferences after the first, only enter the number of Rule 17 conferences being billed on the account, as the “# of court days” field is not a cumulative total.
- For each Rule 17 conference after the first, an additional five-hour authorization will be added to the certificate, which covers both preparation and attendance. This authorization includes negotiations with opposing counsel that take place outside of court (“hallway” negotiations).

Please note that the CYFSA case conference wording is correct.

Indictable contested trials

In some circumstances, the billing system has not applied the correct tariff on certificates issued after Oct. 16, 2023 that are being paid under the hourly tariff.

This discrepancy has only affected accounts where the offence selected in the online account proceeds by indictment **and** the outcome/plea entered in the online account is a contested trial. The system has been updated to pay the correct tariff on new accounts submitted. Accounts previously submitted that have been impacted by this issue have been updated manually to reflect the correct calculation. No action is required by roster members.

If you have submitted an account for an indictable contested trial, where the tariff has not been calculated correctly, please email the Lawyer Service Centre at pl-lsc@lao.on.ca. Use “tariff calculation” as the subject and include the certificate number, client name and the account number.

This issue did not affect any other criminal proceedings.

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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