



Counsel at trial?      Yes      No

If no, who was the counsel for the trial?

### **Status of the client**

What is the current status of your client pending the appeal?

In custody or serving sentence for the matter of this appeal

Location:

(information regarding the matter and sentencing can be provided in section 2)

In custody or serving sentence for a different matter

Location:

(information regarding the matter and sentencing can be provided in section 2)

Out on bail (the accused has been released from custody pending appeal)

If yes, what are the terms of the release?

Other (please provide details)

## Co-accused

Are there any co-accused involved in the appeal?      Yes      No

If yes, list their names and counsel:

Is there adverse interest?      Yes      No

Is there a counsel that will take the lead preparing the written materials?      Yes      No

Please provide details if applicable:

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## Section 2: Case background

Case name (if applicable):

Please provide a brief and concise summary of the case (charges against the client, verdict and sentencing, etc.)

Please provide the following with the form if applicable:

- Jury instructions
- Rulings contested in the appeal
- Copy of the judgement
- Copy of Trial Counsel Opinion Letter

Date of original information:

Length of pre-trial motion (number of days):

Length of trial proper or hearing (number of days):

Date of conviction:

Trial type:      Jury trial      Judge alone

Name of judge:

Name of Crown attorney:

Appellant / applicants criminal record:

Extensive

Minimal

Related

Unrelated

Did the appellant / applicant testify?      Yes      No

If yes, please specify pretrial motions only, trial only, pretrial motions and trial, sentence or all three:

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### Private retainer

Was there a private retainer?      Yes      No

If yes, for what amount? \$

If yes, for what services?

Please provide the dates of service covered by the private retainer and attach private account when billing:

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**Legal aid program**

Was the trial/hearing case managed under the Mid-Level Case Management or Big Case Management program?      Yes      No      Unknown

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**Sentencing**

What was the sentence delivered? (for each count and are they consecutive or concurrent?)

Was the client acquitted of any charges?      Yes      No  
If yes, what charges?

Date of sentence:

Is the client serving another sentence?      Yes      No  
If yes, please provide details:

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## Transcripts

Volume and type of disclosed material:

Trial transcripts

Length of trial:

Length of transcripts:

Cost of transcripts:

Is the client the party responsible for the cost of transcripts?	Yes	No	Partially
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Have the transcripts been ordered?	Yes	No
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Crown expert report

Number of reports:

Please specify their contents:

Other transcripts

Please provide details:

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## Section 3: Appeal information

Purpose of the appeal:

Committal to stand trial

Conviction

Sentence

Dangerous Offender / Long-Term Offender (LTO) designation

NCR finding

Is this a Crown appeal?      Yes      No

Appeal Court:      Superior Court of Justice

Ontario Court of Appeal

Supreme Court of Canada

What is the name of the  
assigned Crown attorney(s)?

What is the name of the case  
managing judge?

Does your client's case present and broader public interest aspects?      Yes      No

If yes please provide details:



Offence(s) subject to this appeal:

Is Sentence being appealed? Provide more information including appropriate ranges and caselaw.

Was a case management meeting held?      Yes      No

Deadline for appeal to be perfected?

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## **Grounds of appeal**

What are the grounds of appeal?

(where applicable please include relevant case law, and if appropriate, specific parts of the transcript where you assert a viable ground for appeal.)

Fresh evidence application?            Yes            No

If yes, please provide details:

Crown's ground of appeal:

Interveners?            Yes            No

If yes, please provide details:

In the counsel's opinion, does the ground have a reasonable prospect of success?

Yes

No

What position will the Crown take to uphold the conviction despite the errors?

Likelihood of court applying the curative provisio:

## **Second counsel**

If you are seeking second counsel please provide the proposed co-counsel's name, tier rate and number of expected days in court.

For what reason(s):

Level of expert evidence

Length of proceedings

Mentorship opportunity

Previous relationship with client

Volume of disclosure

Other (please specify)

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## Section 4: Preparation required

How many preparation hours have been docketed to date but not yet billed to LAO?

How many preparation hours have been authorized to date?

### Review and research

Please describe how you will spend preparation hours:

Hours:                      x Rate \$                      = Total \$

## Preparation of written materials and oral arguments

Please describe how you will spend preparation hours:

Hours:                      x Rate \$                      = Total \$

## Experts

Preparation required regarding evidence from experts:

Expert witness(es)

What is the anticipated evidence the witness will testify on?

Please provide a copy of the affidavit with this form.

Expert reports

What is the purpose of the report(s)?

Please provide a copy of the report with this form.

## Other information and disbursements

Estimate	Cost
Estimated cost of private investigators	\$
Estimated costs of travel and mileage (including witness travel)	\$
Estimated costs of Ottawa agent (for SCC matters only)	\$
Other costs (please specify)	\$
<b>TOTAL estimated costs of disbursements</b>	<b>\$</b>



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## Billing requirements

Before submitting an account, please familiarize yourself with our BCM Billing Tips, the revised Tariff and Billing Handbook and the Disbursements Handbook which is located in the *For legal professionals* section of the Legal Aid Ontario [website](#).

## Entering your Account Online

As of October 2009, it is mandatory for you to submit your account in electronic format through LAO's Online billing system, and attach your dockets and disbursement invoices. Should you have any questions regarding the appropriate way to enter your account online, please do not hesitate to contact the LAO Lawyer Service Centre at Telephone: (416) 979-9934 Toll free: 1-866-979-9934. The Lawyer Service Centre Staff will assist you in entering your online accounts accurately.

## Accurate Court Time

A budget on a BCM Case sets a number of hours counsel may bill as preparation time. Generally counsel is also allocated some hours of preparation time for every day in court. This budget is inclusive and not in addition to the tariff. Court time means court time spent in a contested preliminary inquiry or court time spent in a contested trial or guilty plea through to the sentencing phase. Please see the Tariff and Billing Handbook to determine what appearances are considered court time.

At a minimum, we would ask you to provide, in your dockets, the proceeding, the level of Court, the address of the Court, the Courtroom Number and the name of the Judge before whom the matter is heard. It is helpful to provide a description of the evidence heard or the legal argument made on the Court day. We also ask you to summarize the total preparation hours and the total court hours at the end of the detailed account.

## Detailed Preparation Time

With respect to preparation time, we would ask you to provide us with a description of work billed. Simply indicating that your hours were used for "Preparation" or "Research" is not adequate. Your dockets must contain sufficient detail to allow LAO to ascertain what work was done on the date docketed. Detailed dockets are necessary for fiscal accountability and statistical purposes, to allow comparison between work done on BCM files and files where counsel is requesting discretion. This information assists in future budget setting.

## Billing For Second Counsel

You, as the acknowledging solicitor, are responsible to pay co-counsel or agents regardless of whether or not you bill over the set BCM budget.

The budget allows for shared preparation time. You must co-ordinate billing with co-counsel. When you submit your own account for work done during a calendar time period, you must also submit the co-counsel's account for work done during the same calendar time period. When billing court days where co-counsel attended with you, you must submit one account for yourself and for co-counsel. Indicate the number of calendar court days and the total number of court hours (counsel and co counsel).

For instance, if both counsel attended court on May 1, 2020 and May 2, 2020, and each counsel billed 5 hours of court on each day, the number of court days would be 2 days and the amount of court time would be 20 hours, as there were 2 calendar days and 2 persons in court for 10 hours.

## **Billing Schedule**

BCM accounts are not currently matched by the system. All BCM accounts have to be prepared by a BCM adjuster and reviewed by a staff lawyer. Therefore, the fewer accounts that you submit, the faster all accounts will be settled. It is preferable that counsel bills one account for the preliminary hearing and one account for the trial, for matters concluded within 30 days.

For lengthy matters, please bill monthly. Please do not bill more frequently than once a month. Frequent interim accounts slows down processing of all accounts.

Please note submission of all accounts including those of your agent(s) and disbursement accounts must be billed within the billing deadlines of the certificate (“18 month rule” based on anniversary date of certificate). Check the cover page of each certificate to review and record each billing deadline.

Further information regarding LAO billing deadlines is available at LAO’s website.

## **Payment of accounts**

BCM accounts submitted will be paid within budget and within 60 days provided none of the billing rules are breached.

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## Terms and conditions for counsel

As counsel conducting cases you are required to comply with the following terms and conditions. A breach of any of these provisions may result in the non payment of an account, or the delay in payment of an account or the delay or denial of entry to the relevant program. Counsel hereby agrees:

1. To provide LAO with a comprehensive opinion guideline setting out all of the relevant facts and legal issues before the budget is established as well as periodic updates with respect to the proceeding.
2. To inform the Case Manager in a timely manner of:
  - New issues or significant events that will or could impact on the budget;
  - All planned or anticipated pre-trial motions;
  - Judicial pre-trials and whether counsel thinks it would be beneficial for the Case Manager to attend.
3. To complete and submit all budget forms and supporting materials in a timely matter as requested by LAO.
4. To request a reasonable budget.
5. To manage the authorized budget efficiently, effectively and in accordance with the highest professional standards.
6. To provide the client with reasonable and prudent advice on all matters including, where relevant, advice on plea negotiations.
7. To properly align preparation time close to the trial date to avoid unnecessary re-preparation.
8. To properly allocate authorized preparation time between yourself and second counsel (if authorized).
9. To submit accounts within LAO's policy and procedure guidelines, including compliance with LAO's Tariff & Billing Handbook and Disbursements Handbook.
10. To provide the Case Manager, when requested, with a copy of all accounts.
11. To immediately advise the Case Manager of any intention to be removed from the record or any request by the client for a change of lawyer. Counsel may be required by the Case Manager to meet with the client and a representative of LAO to discuss the potential for resolving any issues between them if possible.
12. To ensure a meaningful and usable work product is transferred to counsel in the event of an approved change of solicitor application.
13. To avoid conflicts of interest that could result in an order removing counsel i.e. representation of co-accused or crown/defence witnesses in the past or present case.
14. To provide the Case Manager with estimates for disbursements not inherent in the tariff.

15. To canvass LAO LAW as to the availability of research support for the case, and to use LAO LAW general memoranda wherever possible on the various issues that arise in the client's case including, but not limited to pretrial motions.
16. To advise the case manager in advance if there is a likelihood that the case will cost more or less than the amount of the allocated budget.

I have read and agree to abide by the Terms and Conditions.

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## Submitting the form

Please submit the completed BCM appeal opinion guidelines form to Legal Aid Ontario using any of the following options:

- Attach the completed form online by using *Legal Aid Online*.
- Fax the completed form to 1-877-750-2009 (toll free outside the GTA) or 647-260-0550 (within the GTA)

For support regarding these options, contact the Lawyer Service Centre at 416-979-9934 or toll free 1-866-979-9934.

I certify that the information included in this form is complete, true, and accurate

I agree that I will not bill LAO for any removal application for conflict brought by the crown or the court or counsel for another co-accused as a result of my previous representation of a co-accused. I agree that I will indemnify LAO for the cost of appeal preparation time should I be removed from the record for conflict as a result of my previous representation of a co-accused.

Name:

Date:

Signature:

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Personal information contained on this form is collected under the authority of the *Legal Aid Services Act, 2020* and will be used for the purpose of delivering legal aid services under the *Legal Aid Services Act*.

Questions about this collection should be directed to the Privacy and Access to Information Officer at [fippa@lao.on.ca](mailto:fippa@lao.on.ca) or 1-800-668-8258.

