



# Block Fees

## Phase 2 Overview

April 2011

# Block Fee Information Modules

- Module 1 – Block Fees Introduction
- Module 2 – Case Categories and Charges
- Module 3 – Block Fee Rules
- Module 4 – Block Fee Process
- Module 5 – Block Fee Lawyers Portal



# Introduction: LAO Block Fees Pilot Phase 2

- Legal Aid Ontario is implementing phase 2 of the block fee payment program pilot as part of an ongoing modernization strategy to improve access for clients and streamline administration.
- Block fees are standard set fees paid to a lawyer for particular services performed and particular disbursements incurred
- Phase 2 block fee pilot includes more charges eligible for block fees and establishes a simple payment process that determines if a matter is paid as block fee or under the hourly tariff
- The development of block fees is part of the 2010 Memorandum of Understanding signed by LAO, the CLA and MAG

# LAO Block Fees Pilot Phase 2 (cont)

- The expanded block fee pilot will establish new rules for billing accounts and paying criminal lawyers
- For block fee eligible charges, block fees replace the hourly maximums for particular services under the regular criminal tariff
- Block fees do not change LAO's policies regarding criminal certificate eligibility or issuance



# LAO Block Fees Pilot Phase 2 (cont)

- The block fee pilot is part of LAO's ongoing modernization strategy, which includes:
  - Simplified Financial Eligibility Test
  - Complex Case Rate
  - New Expert Fees
  - Client Service Centre (CSC)
  - LAO in the Courthouse



# Block Fee Benefits

- Reduces administration for lawyers – block fee accounts are easier to complete and faster to submit through *Legal Aid Online*
- Payments on all block fee accounts paid within 21-25 days
- Block fees support justice system reforms through the faster resolution of matters (where appropriate) and reducing the number of court appearances
- Safeguards client interests by ensuring block fee matters that get set down for trial are adequately compensated



# Block Fee Basic Rules

The basic rules for the block fee program are simple and clear:

- If the most serious charge or proceeding on a certificate is ***excluded*** from block fees, all matters on that certificate will be paid by the hourly tariff, including charges on that certificate that by themselves would be eligible for block fees
- If the most serious charge on a certificate is ***included*** in the block fee pilot, lawyers will be asked to verify whether a matter has been set down for trial on the billing portal when they submit their accounts
  - If the matter is resolved *prior* to being set down, LAO will pay block fees
  - If the matter is set down for trial, the hourly tariff will apply, irrespective of whether or not the case eventually resolves by plea, stay, withdrawal or trial

# Block Fees Pilot Phase 1 (May 2010)

- 54 criminal charges were deemed block fee eligible
- Charges include simple summary conviction guilty pleas and withdrawals (including assault, theft, fail to appear/comply, mischief)
  - Exception: charges related to the *Youth Criminal Justice Act* (YCJA)
- Two other types of block fees were available under Phase 1 of the pilot
  - Block fee for bail reviews
  - Block fee for *Gladue* submissions
- In response to feedback from the bar,
  - 27 criminal charges were removed
  - Of the remaining 27 charges
    - Assault police and assault resist arrest were given enhanced block fee rates
    - The block fee rates for the remaining charges were adjusted



# Block Fees Pilot – Phase 2 (May 2011)

- Phase 2 pilot includes block fees for a wider range of charges
- All summary convictions and some indictable charges will be paid under the block fees program
- Complex cases and proceedings will continue to be paid according to the hourly tariff. There will be no change to how lawyers bill on these matters.
- Legal aid cases that are set down for trial, will be paid according to the regular criminal tariff (i.e. hourly maximums for particular services)
  - all services will be paid in accordance with the hourly tariff even if performed before the matter is set down for trial



# Block Fees: Timelines

- 1992: under OLAP (Ontario Legal Aid Plan), block fees were available in 80% of criminal cases
- 1996: the “time and line” hourly tariff was re-introduced and block fees eliminated
- May 2010: LAO block fees were pilot – Phase 1
- May 2011: LAO block fee pilot expansion – Phase 2

