



Block Fee Phase II Module 4

May 20, 2011



LEGAL AID ONTARIO
AIDE JURIDIQUE ONTARIO

SECTION II - BLOCK FEE RULES

May 2011

Block Fee Phase II

Rules: Who can bill Block Fee matters

- Only LAO panel members can represent clients on block fee matters
- LAO will not pay a Block Fee if the client was represented at the time of the standard or authorized Block Fee service by:
 - Lawyers who are not LAO Panel Members
 - Duty Counsel
 - Non-Lawyer Agents
 - Law Students/Law Clerks
 - Self (Client Self Represented)



Rules: Disbursements

Inherent Disbursements

- The following three inherent disbursements have been rolled into the block fee price for all block fee accounts:
 - fax charges
 - photocopies (except out-of-office photocopies)
 - process servers - service and filing of documents within Ontario
- All other inherent disbursements on a block fee account will be available for selection (e.g. telephone calls)
- When a certificate is cancelled, no rolled-in disbursements will be paid

Excluded Disbursements

- Excluded disbursements require prior approval from Legal Aid Ontario
- With prior approval, you will be able to bill the disbursement *Online* with your block fee account



Rules: Change of Solicitor / Private Retainer

Change of Solicitor & Not Resolved Matters

- All not resolved matters, including change of solicitor and absconding clients are billed and payable under the existing hourly tariff

Private Retainers

- LAO's policies and procedures in respect of private retainers remain unchanged
- Accounts will be examined post-payment
- Lawyers who submit block fee accounts with private retainers will be required to produce their private retainer detailed dockets



Rules: Acting for Co-Accused

Acting for Co-Accused

- LAO's policies and procedures regarding conflicts of interest and acting for co-accused remain unchanged
- The lawyer must identify if he/she has acted for a co-accused when billing the account
- Block fee accounts with co-accused will be reviewed by Lawyer Payment staff
- Staff will allow the highest applicable block fee on one certificate and 40% of the highest applicable block on the second



Rules: Dockets

- Dockets are not required to be attached *Online* when billing block fee accounts
- Dockets must be attached if the matter is set down for trial and/or the matter is unresolved and subject to the hourly tariff
- Lawyers are under a duty to maintain dockets necessarily required by:
 - Lawyer's duty to his/her client
 - The Law Society of Upper Canada
 - The *Legal Aid Services Act* and *Regulations* thereto
 - LAO's policies and procedures (e.g. Post-Payment Examination)
(Lawyers are required to produce these dockets upon request to LAO.)
- Note:
 - In cases where the *Gladue* submissions block is selected, *Gladue* preparation should be specifically docketed
 - In cases of *Charter* motion blocks, counsel must indicate the date upon which a *Charter* motion was conducted



Rules: Discretion

- Discretion has been rolled into the block fee pricing
 - Discretion is not available on matters paid by block fees
- Discretion remains available on all matters paid under the hourly tariff, including “excluded” certificates, block fee-eligible certificates where the matter has been set down for trial, and not resolved matters



Rules

Acknowledgement fee

- The acknowledgement fee is rolled into the block fee price
 - When a block fee matter proceeds by the hourly tariff, the acknowledgement fee will be added to the hourly tariff account

Tiers

- Block fees are not subject to “tiering” based on years of experience

Travel and Mileage (where authorized)

- Travel and mileage are paid in addition to the block fees

Guaranteed Daily Rate (GDR) and Northern Incentive

- GDR and Northern Incentive rates will continue to apply to block fee matters and are paid in addition to the block fees
- GDR and Northern Incentives related to block fees are under review



Rules

Annual Billing Limit (Hardcap)

- LAO's annual hard cap policy will apply to block fee accounts
 - LAO is determining the allocation of hard cap hours to block fees
- For hard cap purposes, block fee billings will be attributed to the lawyer who appears at the final appearance of a block fee matter

Daily Billing Limit (Daily Cap)

- The daily cap policy does not apply on block fee certificates
- There is no daily limit on the number of fixed fee matters that can be billed at this time

General

- All other terms, conditions, and provisions of the *Legal Aid Services Act* and the *Regulations* and LAO's policies and procedures, including the Tariff and Billing Handbook, apply



Topic	Rule: Block Fee Phase II
Who can bill block fee matters	Only LAO panel members can represent clients
Disbursements (Included)	Faxes, in-office photocopies, process servers
Change of Solicitor/Not Resolved	Paid by hourly tariff
Co-Accused	No change in LAO policy
Private Retainer	No change in LAO policy
Dockets	No dockets to be attached online for block fees
Discretion	No discretion available for block fees
Acknowledgment fee	Included in block fee
Tiers	No tiering in block fees
Travel & Mileage (where authorized)	Paid in accordance with the tariff
GDR & Northern Incentives	Paid in addition to the block fees
Hardcap	Hardcap applies to block fees
Daily Cap	Daily cap doesn't apply to block fees

