

A statue of Lady Justice, the personification of the Roman goddess Iustitia, stands on a pedestal. She is depicted wearing a blindfold, holding a pair of scales in her left hand and a sword in her right hand. The background is a clear blue sky with some light clouds.

Block Fees

Billing and Payment Rules, Amendments and Authorizations

May 20, 2011



LEGAL AID ONTARIO
AIDE JURIDIQUE ONTARIO

Modules 1- 3

Module 1

- Provided a brief introduction to Block Fees, its history, some of its benefits, and how block fees will work at a very high level.



Module 2

- Provided details regarding the types of cases (example: Summary Conviction 1) and types of charges (example: theft under) included in Block Fees Phase 2.
- Discussed charges and processes excluded from block fees.
- Defined the types of block fees (example: guilty pleas) and what is included in that type of block fee (example: preparation).



Module 3

- **Captures the most significant rules related to block fee certificates, billing, and payments.**



Module 4

- Provides more detail regarding the rules and the types of block fees discussed in module 3



Module 5

This module covers the following:

1. Multiple Charge certificates
2. Charges Heard Together
 - a. Multiple charges on Single certificate
 - b. Multiple charges on Multiple certificates
3. Charges Heard Separately
 - a. Multiple charges on Single certificate
 - b. Multiple charges on Multiple certificates
4. Excluded Charges
 - a. Heard Separately
5. Excluded Charges + Block Fee Charges
 - a. Heard Separately
 - b. Heard Together
6. Certificate amendments and block fee authorizations



1. Certificates with Multiple Charges

- Where charges are heard together
 - only one resolution block fee will be paid
- Where there are two or more block fee charges on one certificate,
 - the higher dollar value block fee will be paid according to the block fee schedule
- Where there are two or more charges on a certificate and a block fee charge is the most serious charge,
 - one block fee, the highest applicable, will be paid according to the block fee schedule
- Where there are two or more charges on a certificate and a non-block fee charge is the most serious charge,
 - fees will be paid in accordance with the hourly tariff



2 a: Multiple charges on single certificate (Heard Together)

Heard Together: on the same day, at the same time, in front of the same judge

- Only one resolution block is paid (generally for resolution of the most serious charge)
Example: An Indictable and a Summary II block charge resolved together will result in payment of one Indictable resolution block
- Only one each of the standard/authorized blocks is paid upon completion of the corresponding standard/authorized block fee service
- The highest applicable resolution block is paid (generally for most serious charge)
Example: Indictable and Summary I block charges on same certificate
Summary I Guilty Plea \$615 + Indictable Guilty Plea \$1,161 = \$1,161
(the highest paying applicable resolution block is paid)



2 b: Multiple charges on multiple certificates (Heard Together)

Heard Together: on the same day, at the same time, in front of the same judge

- Lawyers can bill under separate certificates for legal services rendered under the applicable blocks
- Notes:
 - Only one resolution block (guilty plea/withdrawal) for the resolution appearance may be billed
 - If a Judicial Pre-Trial (JPT) or other applicable block is heard together, the lawyer can only bill for one of each block
 - A certificate that has an Indictable block charge and a Summary II block charge which are resolved together will be paid one set of blocks under the applicable Indictable block fee
- Example:
 - Certificate 1: Assault + Possession Under = Guilty Plea Resolution
 - Certificate 2: Breach Probationx2 + Theft Under = Withdrawn Resolution + JPTBill on the 2nd certificate only - Withdrawn (1 Resolution block only) + JPT



3 a: Multiple charges on Single certificate (Heard Separately)

Heard Separately: in different courtrooms, on different days or different times

- Block Fee Charges heard separately may not be billed under a single certificate
 - Only one resolution block fee (guilty plea/withdrawal) may be billed on a certificate
 - Only one of each standard/authorized block fee may be billed on a certificate
- Charges heard separately must be grouped according to the date on which the charge(s) were resolved
 - Services (e.g. resolution block fee services, standard/authorized block fee services) relating to one group of charge(s) can be billed under the existing certificate
 - A new certificate is required and will be issued for each additional group of charges heard separately



3 b: Multiple charges on Multiple certificates (Heard Separately)

Heard Separately: in different courtrooms, on different days or different times

- Lawyers may bill separately under each of the multiple block certificates
- Note:
 - For the applicable resolution blocks for charges of different case categories, the highest paying applicable resolution block is paid
- Example:
 - 1st set of charges heard June 2, 2010: Assault + Assault Police = Block 1 charges withdrawn
 - 2nd set of charges heard Sept 3, 2010: Breach of Probation + Fail to Comply = Block 2 guilty plea
 - 3rd set of charges heard October 8, 2010: Fail to Comply x 4 = Block 3 guilty plea



4. Certificates with Excluded charges

- All excluded charge(s) and proceeding(s) on certificates will be paid under the hourly tariff, even if the certificate includes multiple, lesser charge(s)
- Unrelated criminal charge(s) will be issued another certificate

Certificates with excluded charges (Heard Separately)

- Where excluded charge(s) under a certificate for the same client are resolved separately (i.e. on different dates or before different judges),
 - there is no change to LAO's billing policy and procedures
- Lawyers may continue to bill under the hourly tariff for the excluded charge(s) heard separately



5 a: Certificate with excluded charges + Certificate with a block fee charge (Heard Separately)

Heard Separately: in different courtrooms, on different days or different times

- Where excluded charge(s) under a certificate and separate block fee charge(s) under a certificate for the same client are resolved separately, lawyers can bill separately under
 - the hourly tariff on the certificate for the excluded charge(s)
 - the block fee program on the certificate for the block charge(s)

Note

- If the JPTs, *Charter* Motion and bail hearing or bail review on excluded and block fee charges are heard separately,
 - the lawyer may bill these blocks on the block fee certificate

Example:

- Certificate 1: 1st proceeding: Certificate 1 Assault x 2, Possession Prohibited Firearm Knowing Unauthorized = Block Fee
- Certificate 2: 2nd proceeding: Discharge firearm with intent = Hourly Tariff



5 b: Excluded charges + Block Fee charges on different certificates (Heard Together)

Heard Together: on the same day, at the same time, in front of the same judge

- Where excluded charge(s) under a certificate and block fee charge(s) under a certificate for same client are resolved together, lawyers can bill under:
 - the hourly tariff on the certificate for the excluded charges and
 - the block fee for the block charge(s)

Notes:

- Resolution blocks and *Gladue* submissions block must be billed on the excluded charges certificate
- If the JPTs, *Charter* Motion and bail hearing or bail review on excluded and block fee charges are heard together,
 - the lawyer must bill these blocks on the excluded charges certificate
- If the JPTs, *Charter* Motion and bail hearing or bail review on excluded and block fee charges are heard separately,
 - the lawyer may bill these blocks on the block fee certificate



CERTIFICATE AMENDMENT & AUTHORIZATION REQUESTS

May 2011

Block Fee Phase II

13



Amendment of Certificates

- Certificates will be amended using the existing 12 month amendment rule with a new guiding principle:
 - Certificates will only be amended to include charges on the same information/indictment where the client's lawyer has confirmed that the charges are being heard together
 - Counsel will be required to request the amendment via the portal or website using an Amendment/New Certificate Form and through a series of validating questions that will confirm that the matters are being heard together.
 - If all parameters are met for amending - certificate will be amended
(the lawyer will be notified)
 - If the parameters for an amendment are not met - new certificate is issued



Amendment Authorization Request Form

 LEGAL AID ONTARIO AIDE JURIDIQUE ONTARIO	Block Fees: Request to Add Additional Charges
--	---

Lawyer Name:	[Redacted]		
Solicitor #:	[Redacted]		
Contact Information:	Address:	[Redacted]	
	Phone:	[Redacted]	
	Fax:	[Redacted]	
	Email:	[Redacted]	
Client name:	[Redacted]		
Client #:	[Redacted]	Certificate #:	[Redacted]

To submit a request to make changes to your certificate you must provide the answers to the following:

1.	What changes would you like to request on this certificate? <input type="checkbox"/> A. Add new charges <input type="checkbox"/> Proceeding same time as current charges listed on certificate <input type="checkbox"/> Unsure if proceeding together or separately from current charges <input type="checkbox"/> Proceeding separately from current charges (new certificate required) (go to question 2) <input type="checkbox"/> B. Replace existing charge(s) with different charge(s) (proceeding at the same time) (go to question 3) <input type="checkbox"/> C. Existing charges are proceeding separately (new certificate required) (go to question 5) <input type="checkbox"/> D. Remove charges currently listed on certificate (go to question 6)
2.	Please list new charges being requested to be added to the certificate / new certificate: Enter new charge(s) (go to question 7)
3.	Please indicate which of the current charges on your certificate you are requesting to be replaced with a new charge: Enter charge(s) to be removed

BlockFees-Amendments - Apr 2011

May 2011

Block Fee Phase II



Amendment Authorization Request Form

4.	Please provide replacement charge(s) Enter replacement charge(s) (go to question 7)
5.	Please indicate which of the current charges are proceeding separately and require a new certificate? Enter current charges that require a new certificate (go to question 7)
6.	Please indicate which of the current charges on your certificate need to be removed: Enter the current charges that need to be removed
7.	When were the new charge(s) laid? Month: January Day: Enter date Year: Enter year
8.	In which court must your client appear? Name of court
9.	Is the client in custody? <input type="checkbox"/> Yes <input type="checkbox"/> No
10.	What was the type of release? <input type="checkbox"/> Cash <input type="checkbox"/> Promise to Appear <input type="checkbox"/> Summons <input type="checkbox"/> Surety <input type="checkbox"/> Own Recognizance <input type="checkbox"/> Detention Order If "Cash" is selected provide the amount \$
11.	Was there any money seized by the police? <input type="checkbox"/> No <input type="checkbox"/> Yes Provide amount \$ Is the money the property of a law enforcement agency? <input type="checkbox"/> Yes <input type="checkbox"/> No

Lawyer's signature:		Date:	
---------------------	--	-------	--

Please submit your completed form to LAO by fax to: 1 877 750 2009 or 647 260 0550.

Personal information in this form is collected under the authority of section 84 of the *Legal Aid Services Act*. Questions about this collection should be directed to the *FIPPA* coordinator, 40 Dundas Street West, Suite 200, Toronto, ON, M5G 2H1, 416-979-1446 or 1-800-668-8258.

May 2011

Block Fee Phase II

BlockFees-Amendments - Apr 2011

Block Authorizations: Bail Review, *Gladue*

Bail Reviews

- Obtain authorization from the District Area Office (DAO) in accordance with current policies and procedures

Gladue

- Authorization for *Gladue* submissions is provided when certificate issued if the accused self-identifies
- Block fee paid for preparation and/or delivery of *Gladue* submissions
- Lawyers can request *Gladue* block be added by faxing a Request for *Gladue* Form to the Client Service Centre
- Counsel required to keep detailed dockets of work done preparing *Gladue* submissions



Gladue Hearing Authorization Request Form



Block Fees: Request for *Gladue* Hearing Enhancer

Lawyer Name:			
Solicitor #:			
Contact Information:	Address:		
	Phone:		
	Fax:		
	Email:		

Client name:			
Client #:		Certificate #:	

To submit a request for a *Gladue* hearing enhancer you must provide answers for the following:

1: Are you a member of the <i>Gladue</i> panel?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	If no, please contact your local district area office to request empanelment.
2: Does your client self-identify as Aboriginal?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
3: If your client has self-identified as Aboriginal please select the appropriate option:	
<input type="checkbox"/> First Nation	<input type="checkbox"/> Status <input type="checkbox"/> Non-status / <input type="checkbox"/> On Reserve <input type="checkbox"/> Off Reserve
<input type="checkbox"/> Metis	<input type="checkbox"/> Registered <input type="checkbox"/> Non-registered
<input type="checkbox"/> Inuit	

Lawyer's signature:	Date:
---------------------	-------

Please submit your completed form to LAO by fax to: 1 877 750 2009 or 647 260 0550.

Personal information in this form is collected under the authority of section 84 of the *Legal Aid Services Act*. Questions about this collection should be directed to the *FIPPA* coordinator, 40 Dundas Street West, Suite 200, Toronto, ON, M5G 2H1, 416-979-1446 or 1-800-668-8258.

May 2011

Block Fee Phase II



Block Authorizations: Mental Health

Mental Health

- Authorized when certificate issued for accused with history of mental health issues. Prior certificate issued for:
 - Consent and Capacity Board (CCB) hearings
 - Ontario Review Board (ORB) hearings
 - Section 85.2 of LASA
- If the mental health block not authorized when certificate issued, lawyer can request the block be authorized if:
 - Section 85.2 appointment made
 - Prior Section 85.2, CCB or ORB certificate issued
 - Client appears in Mental Health Court
 - Community Treatment Order is in place
 - Court has signed Form 48
 - Contested Fitness Hearing
- Lawyers can request mental health block be added by faxing a Request for Mental Health Authorization Form to the Client Service Centre



Mental Health Authorization Request Form



Block Fees: Request for Mental Health Authorization

Lawyer Name:			
Solicitor #:			
Contact Information:	Address:		
	Phone:		
	Fax:		
	Email:		

Client name:			
Client #:		Certificate #:	

To submit a request for Mental Health Authorization enhancement you must provide answers for the following:

1: Please provide the reason(s) for your request:

<input type="checkbox"/> Fitness hearing	<input type="checkbox"/> Community treatment order
<input type="checkbox"/> Mental Health court	<input type="checkbox"/> Court has signed a Form 48
<input type="checkbox"/> Client has had previous appointment of counsel under section 85 (2) <i>LASA</i>	<input type="checkbox"/> Solicitor has been appointed counsel under section 85 (2) <i>LASA</i> for this matter
<input type="checkbox"/> Other	

If Other, please provide details:

Lawyer's signature:	Date:
---------------------	-------

Please submit your completed form to LAO by fax to: 1 877 750 2009 or 647 260 0550.

Personal information in this form is collected under the authority of section 84 of the *Legal Aid Services Act*. Questions about this collection should be directed to the *FIPPA* coordinator, 40 Dundas Street West, Suite 200, Toronto, ON, M5G 2H1, 416-79-1446 or 1-800-668-8258.

May 2011

Block Fee Phase II

