

A statue of Lady Justice, the personification of the law, standing on a pedestal. She is blindfolded, holding a pair of scales in her left hand and a sword in her right hand. The background is a blue sky with white clouds.

# **Block Fees**

## **Billing and Payment Rules, Amendments and Authorizations**

**May 20, 2011**



# 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 2<sup>nd</sup> 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:
  - 1<sup>st</sup> set of charges heard June 2, 2010: Assault + Assault Police = Block 1 charges withdrawn
  - 2<sup>nd</sup> set of charges heard Sept 3, 2010: Breach of Probation + Fail to Comply = Block 2 guilty plea
  - 3<sup>rd</sup> 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: 1<sup>st</sup> proceeding: Certificate 1 Assault x 2, Possession Prohibited Firearm Knowing Unauthorized = Block Fee
- Certificate 2: 2<sup>nd</sup> 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

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# 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	<b>Block Fees: Request to Add Additional Charges</b>
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Lawyer Name:			
Solicitor #:			
Contact Information:	Address:		
	Phone:		
	Fax:		
	Email:		

Client name:			
Client #:		Certificate #:	

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

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# 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:	
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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.

Block Fees - Amendments - Apr 2011

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# 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



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## 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:

<b>1: Are you a member of the <i>Gladue</i> panel?</b>	
<input type="checkbox"/> Yes <input type="checkbox"/> No	If no, please contact your local district area office to request empanelment.
<b>2: Does your client self-identify as Aboriginal?</b>	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>3: If your client has self-identified as Aboriginal please select the appropriate option:</b>	
<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.**

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# 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) LASA	<input type="checkbox"/> Solicitor has been appointed counsel under section 85 (2) LASA for this matter
<input type="checkbox"/> Other	
If Other, please provide details:	

Lawyer's signature:	Date:
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Please submit your completed form to LAO by fax to: 1 877 750 2009 or 647 260 0550.

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