

# Application form

Legal Aid Ontario

# Family Case Management Assessment Form

As counsel conducting a CYFSA case where certificate total cost (fees & disbursements) is likely to exceed \$8,000 or a family/domestic case where certificate total cost (fees & disbursements) is likely to exceed \$12,000, please complete a Case Management Assessment Form.

Please use the Form to request:

1. tariff authorizations (list of potential tariff authorizations is attached as "Appendix A")
2. case management authorizations

Counsel does not need to provide an opinion in addition to the Case Management Form when requesting tariff authorizations.

LAO will ensure:

1. Decisions on eligibility for case management and initial case management discussions occur early in the proceedings and in a timely way – generally within 21 days of submitting a case management assessment form
2. Requests for budget amendments made prior to incurring costs are fairly considered and exceptional factors outside of counsel's control inform decision-making on budget increases
3. Accounts submitted within budget and which comply with LAO's billing rules (e.g. not late billed, no private retainer) will generally be paid within 14 days

**Please note, when submitting a budget request, please indicate if you are seeking:**

- A full budget up to and including trial (all sections are to be completed)
- An interim budget for pre-trial services (do not complete sections 5 and 6)
- A trial budget only (complete sections 1, 2, 5, 6 and 7. Sections 3 and 4 if relevant)
- A budget amendment (update sections 2 – 7 as appropriate)

*(Note: Text fields have limited character capacity. Please ensure you are brief and succinct)*



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## SECTION 2: CASE, CLIENT AND SERVICE PROVIDER DETAILS

Have you spent any time on this matter that you have not yet billed? Yes No

If yes, please indicate how many hours you have spent and provide a brief summary of the unbilled work done.

Please provide a reasonably detailed description of the case, including strength and weaknesses of your client's case.

### Client Assessment

**Client capacity issues** - e.g., vulnerability and potential power imbalance:

Domestic violence (physical, emotional, verbal, psychological)	Yes	No	Unknown
Mental health difficulties	Yes	No	Unknown
Emotional or behavioural disorder	Yes	No	Unknown
Substance use	Yes	No	Unknown
Learning disability	Yes	No	Unknown
Physical disability	Yes	No	Unknown

### Personal safety issues

Domestic violence, consider last occurrence, frequency and urgency	Yes	No	Unknown
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**Systemic barriers** - e.g., self-identified member of traditionally marginalized communities:

Aboriginal	Yes	No	Unknown
Immigrant	Yes	No	Unknown

Race	Yes	No	Unknown
Linguistic	Yes	No	Unknown
Gender identity and/or orientation	Yes	No	Unknown
Other disability, mobility	Yes	No	Unknown
Client is from an overrepresented community (e.g., Indigenous, Black)	Yes	No	Unknown

### Complexity Factors

Domestic violence	Yes	No	Unknown
Mobility and/or jurisdictional issues	Yes	No	Unknown
Urgency	Yes	No	Unknown
Complex legal issues (e.g. CAS involvement, OCL involved)	Yes	No	Unknown
Complex legal processes (e.g. multiple case conferences, contempt motions, trial likely, # of parties, 3rd party or non-party involvement, # of children)	Yes	No	Unknown
Complex legal processes (i.e. psychiatric records and medical records)	Yes	No	Unknown
Immigration consequences	Yes	No	Unknown
Criminal proceedings	Yes	No	Unknown
Potential impact of the case on client	Yes	No	Unknown
Special consideration (e.g. high profile)	Yes	No	Unknown
High conflict party or opposing party	Yes	No	Unknown
Opposing party is self-represented	Yes	No	Unknown
Opposing party is self-employed	Yes	No	Unknown
Related criminal or immigration matters (i.e., intersecting legal needs)	Yes	No	Unknown
Child(ren) has/have special needs (e.g., serious medical issues)	Yes	No	Unknown
Charter issues are involved	Yes	No	Unknown

Other, please specify:

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### SECTION 3: PROCEDURAL INFORMATION

What are the Settlement conference dates?

*Settlement conference includes case management, judicial settlement, or trial management conference.*

Likelihood of early resolution:

Has mediation been attempted? Yes  No

If yes, when, with whom and what was the outcome?

If no, why not?

Has an LAO settlement conference been attempted? Yes  No

If yes, when, with whom and what was the outcome?

If no, why not?



Please provide details if there are any challenges with disclosure?

Searchability

Availability

Transcription

Other

If other, please specify:

If there are any legal challenges with disclosure, please specify, including any application/motion that will be brought:

If this is a CYFSA matter, have you obtained oral or documentary disclosure on an ongoing basis?  
What is the estimated volume of documented disclosure (in pages)?

If you require a case management authorization to review disclosure prior to a settlement conference, please provide details regarding the volume and type of disclosure and how it might contribute to settlement.

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## SECTION 4: MOTIONS

If you are initiating a pre-trial motion, you must satisfy LAO that the motion is a justifiable expenditure of public funds. LAO must consider both the individual application and the funding available for cases generally. As a result, an application for pre-trial motion funding must address the following issues:

- What motions are you bringing
- Does/do the motion(s) have a reasonable prospect of success?
- How does the motion materially advance your client's case?
- What effect would the motion have on the overall length and cost of the proceedings?
- Is the time and budget request appropriate?
- Would a reasonable private-paying client spend his or her own funds on this motion?

Initiating

Please outline these issues and preparation requested for each pre-trial motion you intend to argue

What motions are you opposing and why?

Responding

## Case Management (CM) Authorization

### Section 3

Disclosure: exceeds the norm – tariff allocation is inadequate

5 hours

10 hours

15 hours

Procedural Pre-Trial motion (initiating or responding): Complex – adding party, reserve band involved

5 hours including court time

### Section 4

Substantive Pre-Trial motion (initiating or responding) Complex – increasing access

5 hours

10 hours

15 hours

Other (provide details below)

### Total hours requested for disclosure and motions

(section 3 + 4 total)

Please provide details with respect to the hours required, include any issues regarding disclosure, motions (whether initiating or responding) and any other relevant factors:

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## SECTION 5: TRIAL PREP

What are the trial management conference (TMC) and/or trial dates?

### Trial Dates

to		to
to		to
to		to

### Trial Management Conference dates (TMC)

Not all trial dates have been set      Estimated total number of trial days required:

Please describe in detail how you will be spending the hours requested: (e.g. prep for cross-examination, prep expert witness, closing, arguments, etc.)

### Note

Tariff allows 18 hours preparation plus attendance at trial. In addition, 6 hours of preparation (4 hours preparation in family law matters) are generated for each subsequent day of trial after the first and 3 hours for all necessary matters subsequent to trial. If tariff hours available for trial preparation will be insufficient, please provide an estimate of the case management hours required in addition to the available tariff. Please refer to the chart below:

### Case Management (CM) Authorization

Complex medical evidence, experts	10 hours	15 hours	20 hours
Parenting Capacity Assessment	10 hours	15 hours	20 hours

**Other expert evidence needed**

Trial affidavit		10 hours	15 hours	20 hours
Essential Witnesses	Non-expert:		Expert:	
Other (provide details below)				

Total trial preparation hours required:

**(section 5 total)**

**Total budget preparation hours requested:**

**(section 3 + 4 + 5 total)**

*This total should reflect only preparation hours that you are requesting in addition to the tariff. Do not include time for attendance at case conferences, settlement conferences, trial or per diem preparation.*

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## SECTION 6: EXPECTED TRIAL OUTCOME

What are your client's realistic and objective chances of success at trial?

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## SECTION 7: OTHER INFORMATION AND DISBURSMENTS

Can a student, paralegal or junior associate perform any of the hearing preparation?

Yes

No

If yes, provide details:

Please provide details regarding any disbursements that require authorization and advise how you anticipate them advancing your client's case: experts, medical assessments, valuations, etc.

If you have obtained an estimate from the service provider, include the details such as hourly rate and any associated expenses such as travel, court time. The Disbursement Handbook[[hyperlink](#)] provides information with respect to disbursements including approved rates for experts and limitations regarding coverage.

Estimated cost of disbursements requiring authorization.

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## BILLING REQUIREMENTS

Before submitting an account, please familiarize yourself with our revised Tariff and Billing Handbook and the Disbursements Handbook, which is located in the Information for Lawyers 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 our Online billing system, 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 our Lawyer Service Centre at Telephone: (416) 979-9934 Toll free: 1-866-979-9934. The Lawyer Service Centre Staff are here to assist you in entering your online accounts accurately.

### Accurate Court Time

A budget on a family law case authorizes preparation hours in addition to the tariff. Generally the tariff also allocates some hours of preparation for every day in court. court time/attendance time means time spent in court on contested proceeding/trial. 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 case managed files and files where counsel is requesting discretion. This information assists in future budget setting.

### Random Audit

Case managed accounts submitted within budget will be matched by the system and paid within 25 days provided none of the billing rules are breached. These accounts maybe subject to random or targeted audit by LAO's Audit and Compliance Group. LAO may request court information or other means of verification from the lawyer.

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## TERMS AND CONDITIONS FOR COUNSEL

LAO requests that counsel agree to the following terms:

1. To complete and submit all case management assessment forms and supporting materials in a timely manner.
2. To request a budget in accordance with the standard of a reasonable client of modest means.
3. To provide the Case Manager with a comprehensive assessment that sets out the relevant facts and legal issues of the trial and a budget.
4. To manage the authorized budget efficiently and effectively, including the allocation(s) of the budget to retained associates and/or agents.
5. To use LAO LAW services and general memoranda whenever possible.
6. To make reasonable efforts to ensure the following:
  - a. All foreseeable conflicts of interest that could result in an order removing counsel as a solicitor of record are avoided (e.g.: representation of co-accused or a crown/defence witness)
  - b. Information is provided to the Case Manager in a timely manner of any new or unanticipated issues and events that will likely result in the case costing more than the allocated budget.
  - c. Information is provided to the Case Manager in a timely way of any anticipated requests for a change of solicitor by the client or any application by counsel to be removed as solicitor of record
  - d. A meaningful and usable work product is transferred to counsel in the event of an approved change of solicitor application.
7. To submit accounts in compliance with LAO's Tariff & Billing Handbook and Disbursements Handbook.

### Confirmation and Agreement

I confirm that the application has been accurately completed to the best of my knowledge. I have read and agree to abide by the Terms and Conditions.

A breach of any of these terms and conditions may result in the nonpayment of an account, or delay in payments of an account.

Signature:

Date:

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## SUBMITTING THIS FORM

Please submit the completed Case Management Assessment Form to Legal Aid Ontario using any of the following three options:

1. Attach the completed form online by using Legal Aid Online
2. Fax the completed form to 1-877-750-2009 (toll free) or 647-260-0550 (within the GTA)
3. Fax the completed form using the LAO IFAX Cover Sheet found on Legal Aid Online.

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## RESOURCES

### Lawyer Service Centre:

Telephone: 416-979-9934 (1-866-979-9934 toll free)

Fax: 647-260-0550 (1-877-750-2009 toll free)

iFax cover sheet: [http://www.legalaid.on.ca/en/info/legalaidonline\\_laoifax.asp](http://www.legalaid.on.ca/en/info/legalaidonline_laoifax.asp)

Web: <http://legalaid.on.ca/en/info/default.asp>

### LAO LAW:

Telephone: 416-979-1321 (1-800-265-1392 toll free)

Fax: 416-979-8946

E-mail: [laolaw@lao.on.ca](mailto:laolaw@lao.on.ca)

Web: <http://legalaid.on.ca/en/info/laolaw.asp>

### Handbooks

Disbursement handbook

Tariff and Billing Handbook

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Personal information in this form is collected under the authority of section 84 of the Legal Aid Services Act and is used in the general administration of the payment of lawyers accounts including: case management, application of block fees and tariff, discretion, reviews, disbursement authorization, expedite requests, late billing, hard cap, and recoveries; and, is used in the panel management of lawyers including investigations, panel suspension, and panel removal.

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.