

Certificate acknowledgement



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A roster member must be in good standing in order to acknowledge a certificate. A roster member is responsible for all actions related to certificate management undertaken by staff employed, past or present, by the roster member. Roster members are responsible for adequately supervising any staff involved in the management of a certificate.

Only the acknowledging roster member may acknowledge the certificate with the included services authorized, declarations and undertakings. While a clerk or assistant may make the physical entries on a roster member's behalf, a clerk or assistant cannot make the declarations or enter into undertakings without written instructions from the acknowledging roster member.

The task of billing may be delegated to support staff as long as the support staff certifies that the acknowledging roster member has reviewed the account for accuracy and confirmed that the account complies with LAO's billing requirements. The support staff must identify themselves and provide their contact information on the online account in the dedicated fields.

The best practice is for roster members to personally review and acknowledge each client's individual LAO certificate. However, where the roster member has delegated these tasks to staff, they should document, by email or any other means chosen, that the roster member has reviewed:

- a. the terms of the certificate, including the effective date and the authorized services; and
- b. the undertakings and declarations

These instructions and the name and contact information for the roster member's staff member shall be provided to LAO upon request.

In the online portal acknowledgement, the roster member must:

- a. make a declaration as to whether they acted on a private retainer prior to the effective date of the certificate
- b. declare the amount of any private funds received

- c. undertake to perform the legal aid services in accordance with the conditions listed on the certificate, and in accordance with the *Legal Aid Services Act, 2020*, the Rules, and LAO's Policies and Procedures.
- d. certify that they have conducted a conflict check, and
- e. inform LAO whether they are representing a privately retained client in the same legal proceeding.

A roster member's obligations upon acknowledging the certificate include the obligation to continue to represent the client on the certificate even if the roster member believes that the tariff is inadequate and/or hourly authorizations are exhausted, subject to their obligations under the Rules of Professional Conduct as determined by the Law Society of Ontario.

When acknowledging a criminal law certificate, the roster member must check the authorized charges and only acknowledge the certificate if the authorized charges are those that the client is actually facing. If there are discrepancies between authorized charges and actual charges, the roster member must contact LAO to amend the certificate.

A roster member must seek all available authorizations on behalf of the client where additional legal services corresponding to those authorizations are required.