

# DISBURSEMENTS HANDBOOK



LEGAL AID ONTARIO  

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## Title

Disbursements handbook

## Author

Legal Aid Ontario: Lawyer Services & Payments

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## Legal Aid Ontario

20 Dundas Street West,  
Suite 730

Toronto, Ontario M5G 2H1

Toll-free: 1-800-668-8258

Email: [info@lao.on.ca](mailto:info@lao.on.ca)

Website: [www.legalaid.on.ca](http://www.legalaid.on.ca)

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Legal Aid Ontario receives  
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# 1. General principles regarding disbursement authorization

- Legal Aid Ontario (LAO) authorizes lawyers acting on legal aid certificates to incur and bill the cost of actual disbursements that are reasonably necessary to support the legal services authorized by the certificate, keeping in mind the costs and expenses that a reasonable client of modest means would likely approve.
- A disbursement not otherwise covered in this handbook **always** requires prior authorization.
- LAO is not responsible for the cost of disbursements incurred where authorization is not obtained in advance.
- Retroactive disbursement authorization may be granted in accordance with section 22 (2) of Schedule 2 in cases where the Corporation determines that authorization would have been granted if sought in advance and the client was financially eligible for legal aid services at the time.
- Some disbursements may not require prior authorization if they are within specified pre-authorized limits, e.g. parenting capacity assessments or pension valuations. Where a disbursement will exceed the pre-authorized limit, ensure that prior authorization is obtained.

## IMPORTANT

It is a serious violation of LAO policy to circumvent the requirement of prior authorization to bill unauthorized disbursements as regular disbursements covered by the certificate. This includes intentionally billing under the incorrect disbursement to avoid LAO thresholds.

- The *Legal Aid Services Act, 2020* and Rule 68(6) prohibits a lawyer from seeking reimbursement from a client for fees or disbursements disallowed or recovered by LAO incurred in connection with a matter covered by a legal aid certificate regardless of the services being authorized or billed to LAO.
- LAO is not bound by the provisions of court orders ordering payment of any kind, including payment of disbursements, unless LAO was represented in court and was allowed to make submissions on the issue prior to the order being made.
- Counsel for a legally-aided client is responsible for disbursements incurred without authorization, or for which authorization has been denied. Counsel is responsible for all third-party service providers and the contract is between the lawyer and the service provider.

## Billing authorized disbursements

- Disbursements for which prior authorization is required will be available for online billing after authorization is granted. They will not appear on the certificate and will not be available for online billing unless authorization is granted.
- Always ensure that disbursements are entered properly and under the correct disbursement description when submitting an online account. Disbursements for which authorization has been granted will appear as specific authorizations on the certificate.

## Certificate effective date

- The effective date of the certificate applies to fees as well as disbursements.
- If disbursements have been incurred prior to the effective date, contact the District Office to see if the effective date can be changed (back-dated).
- If the disbursement incurred requires prior authorization, seek this authorization on a retroactive basis prior to submitting an online account.

## Cancelled certificates

- Where a certificate has been cancelled, do not undertake any disbursement expenses and alert any experts or other third-party service providers to cease working on the matter.

## Private retainers

- If you or another lawyer have acted for the client on a private retainer basis prior to the effective date of the certificate, disbursements incurred during the course of the private retainer period are not covered under the certificate and will not be paid by LAO.

## Billing deadlines

- Billing deadlines for submitting accounts also apply to disbursement accounts. Exceptions are not made for disbursement-only accounts

## Counsel's obligations

- Obtain necessary disbursement authorizations in advance. This ensures that accounts rendered for disbursements are accepted and processed promptly.
- Inform service providers in advance of the terms/limits of the authorization, including limits on hourly rates, number of hours, billing deadlines and total cost of the disbursement.
- Select service providers who accept legal aid rates for services provided.
- Bill LAO promptly for disbursements. You may submit an account which bills only disbursements, provided the amount is greater than fifty dollars.
- Rule 58(2) requires roster members to provide payment for disbursements promptly to service providers.

### NOTE

LAO does not pay services providers directly.

- Ensure the quality of the work obtained is worth the expense charged.
- Confirm whether prior authorization is required before incurring the cost of a disbursement. For assistance, contact the Lawyer Service Centre or refer to this Handbook.
- Itemize all disbursements in the account and attach invoices whenever possible.
- Do not bill disbursement accounts for less than \$50.00, unless the account is being submitted to comply with billing deadlines or as a final account.
- Do not consent to a court order regarding the payment of a disbursement, e.g. for paternity testing, without prior authorization from LAO.

### IMPORTANT

Do **not** include HST for disbursements. The automated system will add the HST when the account is paid.

If you have any questions regarding submitting a disbursement request form or submitting a disbursement account please contact the Lawyer Service Centre at 1-866-979-9934 (toll-free).

## 2. How to request prior authorization/ authorization in advance

- When requesting an authorization for a disbursement, provide as much detail as possible including description of services, name and credentials of service provider, estimate of cost including a breakdown of the expense (i.e. hourly rate, per page rate, number of words, etc.).
- Explain the reason the disbursement is required and whether it is time-sensitive; include any applicable deadlines.
- Include all relevant facts of the case and an explanation as to how the disbursement will advance the legally-aided client's case.
- Electronic forms will assist you in requesting prior authorization for certain disbursements. These forms are available on the LAO website: [Forms library – Legal Aid Ontario](#).
- Once authorized, the disbursement will be added to your client's certificate and will appear in the Special Disbursements section of the online account page in [Legal Aid Online](#).

## 3. How to submit a disbursement authorization request

Submit request through the LSP EZDocs ["Send Documents Electronically to Lawyer Services & Payments (LSP)"] link on the solicitor portal or, where appropriate, to Audit, Mid-Level Case Management or Big Case Management. For more information refer to [Electronic document submission](#).

## 4. Disbursement authorization requests under Big Case Management files

- Disbursement requests for case managed files should be submitted electronically to the Provincial Case Management Office.
- In most cases, in the Provincial Case Management Office, the same practice is followed for authorizing disbursements as Lawyer Services and Payments; however, pursuant to the Gouge Report, LAO is now in a position to allow enhanced rates for experts, where exceptional circumstances exist in Big Case Managed files. A process has been devised for allowing the increased rates, which requires the completion of certain forms.
- The forms can be found on the Legal Aid Ontario web site at [Forms library – Legal Aid Ontario](#)
- Please ensure the form is typed and all sections of the form are completed, as a request will not be considered until all required information is provided.
- Only very unusual cases, where experts with unique experience are required, will be considered for an enhanced rate.
- Although cost is one of the considerations in determining whether an expert will be authorized, counsel’s recommendation, the expert’s experience, and reputation are the most important factors. Other factors considered in determining the appropriateness of an enhanced rate are:
  - Unusual circumstances of the offence;
  - New forensic science discoveries; and
  - Availability of a local expert.
- If an enhanced rate is allowed for an expert, the acknowledging lawyer is required to complete the “Survey -Enhanced Rate Services” form, located at [Forms library – Legal Aid Ontario](#)
- Each case is considered on its own merits. The allowance of an enhanced rate on one case does not guarantee that an enhanced rate will be allowed on all subsequent files where the expert is retained.

## 5. Disbursements for Mid-Level Case Management

The same principles apply as with Big Case Management for authorizing disbursements. However, please note that eligibility for mid-level case management is charge-specific. Please confirm that your client's charge is eligible before applying.

## 6. Appeals of disbursement authorization decisions

- Where a disbursement authorization has been refused, in whole or in part, reconsideration may be sought by written request to Lawyer Services and Payments.
- In addition to the information set out in [section 2](#), reconsideration requests should include further information to justify the expenditure and any information identified as missing from the original request.

## 7. Regular disbursements

- Many disbursements which are normally incurred while representing certificate clients do not require authorization if billed within the limits set for automatic payment. The online account page in Legal Aid Online has been updated to include the threshold amounts for the automated payment of disbursements. The threshold represents the cumulative amount allowed on the certificate without authorization.
- If the thresholds are exceeded counsel can request that additional coverage by submitting their request in writing either by attachment to the account or through the ["Send Documents Electronically to Lawyer Services & Payments (LSP)"] link in [Legal Aid Online](#). Please refer to [Appendix C](#) for a list of disbursements and their corresponding thresholds.

### NOTE

Access Defence telephone calls are billed under regular telephone disbursements

## 8. Block fee certificates

### Regular disbursements

The following three disbursements have been calculated in the block fee payment for all block fee accounts. All other disbursements on a block fee account will be available for selection.

- fax charges;
- photocopies (except out-of-office photocopies);
- process servers - service and filing of documents within Ontario.

All other disbursements for block fee certificates are in accordance with this Handbook.

## 9. Billing disbursements online

- Submitting an account online for fees and disbursements is quick and easy. Ensure that the work that you did is accurately entered into our automated online billing system to avoid delays in payment of your account.
- You may submit a disbursement-only account through Legal Aid Online.
- Interim disbursements accounts must be a minimum of \$50.00 before they can be submitted online. When submitting a disbursement account, you must select at least one charge (in criminal matters). In civil matters it is not necessary to select a certificate authorization.
- To select a disbursement item(s) to be billed click **Add Disbursements** from the online account. Once 'Add Disbursements' is selected, a list of disbursements will appear. You may select the appropriate disbursement items to bill and once selected click **Add and Return** at the bottom of the disbursements list.

#### NOTE

The list of Regular disbursements is directly associated to the authorized services of the Certificate. For example, Custody/Access assessment will only appear on Civil – Family Law Certificates.

- You will now be able to fill in the values of the disbursements items. In some cases you will be required to insert the quantity of pages (e.g.: office photocopies, faxes), the number of hours spent (e.g. assessments), or the total cost of the disbursements (e.g.:

hospital records).

- To make sure your account is properly calculated and processed, you must complete **every** field that shows for each disbursement. Ensure you properly fill in the fields to avoid delay. Should you have any questions or concerns in rendering an account please contact the Lawyer Service Centre **prior** to billing an online account at 1-866-979-9934 (toll-free).

## 9.1 Special disbursements

- Once you have been approved for a disbursement requiring prior approval the disbursement(s) will be listed in the Special Disbursements section of the online account. You must complete **every** field in order to properly bill the special disbursement.
- Please note that special disbursements authorizations will not appear on a 'saved as draft' account if the special authorization was granted after the online account was saved as draft.

## 9.2 Regular Disbursements

- Disbursements that do not need special authorization and can be billed in accordance with the restrictions and guidelines set out in the Tariff and Billing Handbook. The number of regular disbursement items available will vary and depends on the nature of the proceedings/services authorized on the certificate.

## 9.3 Supporting Documentation/Disbursements

- Even though an invoice may not be required to be submitted with your account, you are required to hold the invoice in your file, and make it available if requested by Legal Aid Ontario. If you are not able to provide a proper invoice or other supporting documentation when requested, you may be required to reimburse LAO.
- If the amounts billed for disbursements are excessive or not in accordance with reasonable commercial rates or the limits/restrictions as listed in the Disbursements Handbook, Lawyer Services and Payments may request copies of invoices and an explanation before payment is made.
- **TO AVOID DELAYS** in payments of your accounts, please ensure you scan and attach your detailed invoices to your online account.

## 10. How to complete the disbursement forms

- Lawyer Services and Payments has created electronic forms to simplify the process of requesting prior authorization. You can electronically submit the completed forms through [Legal Aid Online](#) using the electronic document submission process.
- The forms cover four areas:
  - Paternity Testing
  - Transcripts
  - Translations
  - Experts - Other service provider
- When submitting your request ensure you fill in **all sections** of the form to avoid delay.
- Disbursement Authorization Request forms can be found on Legal Aid Ontario's website at [Forms library – Legal Aid Ontario](#)

## 11. Important Information

- **Effective date of certificate**
  - The effective date of the certificate is the starting date for coverage under the certificate for lawyer's fees and disbursements.
- **Obtaining authorization**
  - Obtain authorization for disbursements from Lawyer Services & Payments for all non-case managed certificates.
  - Requests are submitted electronically through *Legal Aid Online* using the electronic document submission process.
- **Disbursements prior to effective date**
  - If disbursements have been incurred more than thirty days prior to the effective date, you must contact your local district office to request a change to the effective date of the certificate.

- If the disbursement requires prior authorization, you must obtain authorization for the disbursement from Lawyer Services & Payments.

#### NOTE

If you or another lawyer acted for the client on a private retainer prior to the effective date of the certificate, disbursements incurred during the course of the private retainer arrangement are **not covered** under the certificate.

- **Cancellation of Certificate**

- If you receive notification that the certificate has been cancelled, do not undertake any disbursement expenses. Ensure you stop the work of any experts who may be working on the case.

## 12. Tips for fast payment

Prepare your account *Online* as an interim account.

- Submit your electronic disbursement request through [Legal Aid Online](#) using the electronic document submission process. This will result in faster processing of your request and, if approved, your ability to bill the disbursement online sooner.
- Disbursements must be itemized in your account and invoices retained in your file. LAO's Audit and Compliance Unit may request copies of invoices to support amounts claimed.
- Make sure all invoices show the following:
  - Name
  - Address
  - Phone Number
  - Breakdown of fees
  - Dates, times, and details of service
- Disbursement accounts can be submitted at any time after the total cost of disbursements is \$50.00 or more. A disbursement account for less than \$50.00 is accepted only if it is submitted in order to comply with the billing deadlines.
- For billing concerns or questions relating to disbursement contact the Lawyer Service Centre **prior to billing** at 1-866-979-9934 (toll-free).

## 13. Alphabetical list of frequently requested disbursements

The following is a list of disbursements where prior authorization is **always** required, or where prior authorization is **required after** the pre-authorized limit is exceeded.

Disbursements must be related to the matter authorized under the certificate.

### Access centre reports/observation notes

#### *Family Law/ Child Protection*

- LAO allows up to a maximum of **\$250.00** for reports/ access observation notes without prior authorization.
- LAO does not pay hourly rates for supervision of access or therapeutic access services, payment is for the notes only.
- Prior authorization is required for multiple sets of reports for ongoing access visits.

### Agents

- Agents' accounts are not disbursements.
- Agents' accounts are paid as regular fees under the tariff allotment for the certificate.

*Refer to the 'Out-of-Province Lawyers' section for more information.*

### Appraisals/evaluations

#### *Civil/ Family*

##### **a. Generally**

- Certificate authorization must include property issues in order to request disbursements relating to property issues.

#### **NOTE**

LAO does not generally authorize valuations of the opposing party's property/ pension.

- Appraisals/valuations are the responsibility of the owner of the property.

- LAO pays for the cost of the appraisal/valuation of a legally-aided client's property if it is reasonably necessary for the proceedings authorized by the certificate.
- When requesting authorization, please include the following details: who is on title, where the property is located, whether this is the matrimonial home or another property, what the approximate value and equity is in the property, and the valuator's quote. **Generally, only one valuation date will be authorized.**
- Prior approval is required for the appraisal of an opposing party's property if the owner's valuation is inadequate or unreasonably low. When requesting authorization, provide details of the inadequacies/deficiencies of previous valuation reports and show that the estimated value of the assets appears to justify the requested expenditure.
- If property is divided or awarded to the legally-aided client during the litigation, this will likely result in a change in their financial circumstances. Counsel must advise the district office of the change in circumstances and the client should immediately attend for financial reassessment.
- A legally-aided client who obtains property or money as the result of the litigation is obliged under s. 13 of the LASA, 2020 to reimburse LAO for the amounts expended in pursuing the litigation.

#### **b. Pensions**

- LAO will pay up to a maximum of **\$600.00** without prior authorization for the valuation by the plan administrator of a pension plan of a legally-aided client's own pension.
- The amount to be billed is to be in accordance with the *Pensions Benefits Act (Ontario)* or any other applicable federal legislation and will vary depending on the type of pension plan (defined benefit plan or defined contribution plan).
- Prior approval is required and must be requested in writing:
  - If the report will be prepared by an expert other than the plan administrator;
  - To obtain any kind of report about the value of an opposing party's pension;
  - For the valuator's attendance at court.

#### **c. Real property**

- LAO will pay up to **\$300.00** without prior authorization for an appraisal of real property in which an interest is claimed by the legally-aided client.
- If a legally-aided client owns real property jointly with another party, try to obtain a joint appraisal with the cost to be shared equally between the parties.

#### **d. Chattels**

- LAO generally does not authorize or pay for a valuation of chattels owned by a legally-aided client or an opposing party.
- LAO does not generally authorize coverage for the division or recovery of chattels.

#### **e. Registration of the matrimonial home or the registration of a certificate of pending litigation**

- Prior authorization is required; counsel should ensure they have obtained the necessary property authorizations on the certificate and a s.13 direction prior to submitting their request.
- When requesting authorization, please include the following details: who is on title, where is the property located, when the property was purchased (prior to or during the marriage), what the approximate equity is in the property, and the strength of the client's claim.
- Please include an estimate of fees with your request for authorization.

#### **NOTE**

LAO does not generally authorize valuations of dowries, mahrs, or collectables/collections.

## **Assessments and critiques**

*See 'Experts' section for information on Assessments and Critiques.*

## **CAS records and disclosure**

### *Family/ Child Protection*

- LAO pays for copies of a legally-aided client's relevant CAS records, or those of a legal-aided client's child or children, for the purposes of family law or child protection proceedings.
- LAO allows up to \$300.00 for CAS records/ disclosure without prior approval. This includes the reasonable cost of a USB stick (where applicable) and for printing disclosure at \$0.10 per page when it is provided in electronic format.
- Pursuant to the Legal Aid Rules, Part 3, Division 3 and Schedule 2, enacted pursuant

to LASA 2020, the legal aid rate for copies is \$0.10 per page, unless there is another specifically mandated charge. Pursuant to Rule 19(2) of the *Family Law Rules*, a party is entitled, on request to examine documents and receive at the legal aid rate of \$0.10 per page, a copy of any document that the party is entitled to examine.

- LAO does not pay law clerk fees for file preparation/ compiling and copying of files and documents.
- Before any authorization can be added to the client's certificate, confirmation is required that the Society is only charging for the cost of copies. The Society may not charge an hourly rate.
- For disclosure that will cost in excess of \$300.00 prior authorization must be obtained.
- Counsel should make best efforts to obtain only the most relevant and necessary portions of records.

## Computer research

- Computer research services, software, and/or subscription fees are considered to be part of counsel's overhead and are not payable by LAO.
- *LAO Law* is available for counsel as a research source for general and case specific research.

## Court filing fees

### a. Family/Civil Court Proceedings

#### NOTE

##### **LAO's Better Billing Bulletin – June 7, 2017**

The client, who is legally-aided, is eligible for a waiver of court fees. Counsel can apply for this waiver immediately on family, civil and small claims court matters where it is anticipated court fees will be incurred. It is recommended that clients be asked to sign the fee waivers early on as the waiver can not be applied retroactively. In the coming months, LAO will begin to require counsel to complete a fee waiver on all family and civil matters as eligible fees paid to the court will no longer be covered as a disbursement as of September 1, 2017.

- LAO ceased covering the cost of court fees as of September 1, 2017. Please refer to the [Ministry of the Attorney General's website](#) for more detail regarding how to obtain

a waiver of court fees.

- Filing fees for family appeals are allowed.
- LAO pays the Federal Court filing fees to file notice of Application for Leave and for judicial review for an “opinion only” judicial review certificate.

**b. Motions to be removed as counsel of record**

- LAO will pay, without prior authorization, reasonable disbursements relating to a motion to be removed as counsel of record where the certificate authorizes proceedings.
- Motions for removal should be brought as soon as possible.

**c. Filing fees for criminal trial records or appeals**

- LAO pays filing fees for trial records and appeals without prior approval where the certificate includes trial/appeal authorization.

**d. Writs of seizure and sale**

- LAO will pay reasonable disbursements for the purpose of filing a writ of seizure and sale to secure a judgment made in favour of the legally-aided client, as long as the writ is filed within a reasonable time after judgment is obtained.
- LAO will pay court filing fees for any portion not covered by the waiver.

## Courier fees

Courier fees are included as inherent disbursements on both civil and criminal certificates. See *appendix C for coverage limits*.

- For refugee proceedings, courier fees are limited to a maximum of \$25 to file BOC forms and disclosure.
- Further, LAO does not cover disbursements for process servers to file BOC forms and disclosure. Please see the following Practice Direction for more information: <https://www.legalaid.on.ca/lawyers-legal-professionals/for-refugee-and-immigration-lawyers/practice-directions/>

## Crown disclosure

- The cost of the production of the Crown brief, including labour and material costs, is the responsibility of the police.
- The cost of producing a copy of the brief intended for disclosure, including labour and material costs, is the responsibility of the Ministry of the Attorney General.
- LAO will allow up to \$25.00 (250 pages) to print Crown disclosure provided electronically.
- Prior authorization is required for larger amounts.
- LAO will pay up to a maximum of \$25.00 for a replacement copy of disclosure.

## Digital audio recordings

*Refer to Transcripts section for information about Digital Audio Recordings.*

## Digital media photos

- Prior approval is not required up to a maximum of **\$50.00** for digital media.
- Where copies and photos are taken as part of private investigator services, the maximum allowed by LAO is **\$25.00**.

## Drug testing

### *Family*

- Prior authorization must always be sought for hair follicle drug testing for family matters.
- LAO does not pay for urine testing.
- LAO does not pay for ongoing/ regular drug screening.

## Examinations (out of court) & questioning, discoveries

### *Civil/ Family*

*Refer to 'Transcripts' section for information about Transcripts of Examinations (Out of Court) & Questioning, Discoveries.*

# Experts

## a. General information

- Experts are usually hired to provide a written report and/or to testify, not for observation purposes.
- Experts are paid at hourly rates in accordance with their academic credentials and qualifications.
- Factors taken into consideration when authorization for experts is requested, include: cost-effectiveness, specific conditions and services unique to the region, special needs of the legally-aided client, available resources in the district, and the credentials and experience of the expert in question. The reasonable client of modest means test is always considered.
- When requesting disbursement authorization for an expert's services, wherever possible counsel should provide a written estimate from the expert directly.
- Requests for authorization should include details of the case, services to be provided, and how the assessment and report will aid the client's case.
- Invoices from the expert should be attached to accounts. Invoices should be itemized, billed hourly, and include dates of all services, brief descriptions of the services provided, and the amount of time spent on each service on each date.
- "Block billing" by your expert delays the processing of his/her account. Make sure the expert knows LAO's requirements in order to reduce delay in processing the account.
- Reasonable out of pocket expenses, such as postage, faxes, photocopies, and long distance charges) are paid in accordance with the provisions of this Handbook if billed by your expert. These should be billed online in the appropriate designation of the drop down menu for regular disbursements (if not specifically authorized as a special disbursement).
- Secretarial services, typing or word processing costs, and the costs of missed appointments or cancellations are considered overhead expenses and are not reimbursed by LAO if billed by your expert.
- LAO does not pay interest charges on expert accounts.
- Clients are personally responsible for the cost of missed or cancelled appointments.
- Authorization for expert travel must be specifically obtained in advance.
- It is expected that local experts will be retained. If this is not possible, counsel must provide the reasons why an expert in another jurisdiction is required. Counsel must advise in the first instance if a requested expert is located in another jurisdiction, and

if it is likely that travel time and expenses will be requested by the expert.

- Expert's travel time, if authorized, is paid at the rate of **\$43.00 per hour**, and mileage is paid at the rate of **\$0.40/km** (\$0.41/km in Northern Ontario).

## **b. Expert assessments and written reports**

### **i. Criminal matters**

- In indictable criminal matters, prior approval is not required for up to **six (6) hours** to conduct an assessment and report to aid in a legally-aided client's defence or sentencing. Counsel must seek prior authorization for additional hours and must seek prior authorization for assessments in summary conviction matters.
- Prior approval is not required to retain a pathologist for up to **six (6) hours** where the legally-aided client is defending against murder or manslaughter charges.
- Prior approval is not required to retain a pharmacologist/ toxicologist for up to **six (6) hours** to defend Indictable Type I or II in which the defence is drug or alcohol ingestion.
- Prior approval is not required up to a maximum of **four (4) hours** for a document examiner where the legally-aided client is defending against fraud or forgery charges.
- Requests for authorization should include details of the case, the theory of defence, services to be provided and how the assessment and report will aid the defence.
- Counsel must provide details of why the particular expert is necessary and an estimate as to number of hours required (if more than pre-authorized amount), as well as a copy of the expert's *curriculum vitae* and brief summary of expert experience.
- Hours authorized are intended to cover all services provided by the expert, including meeting the legally-aided client, reviewing documents and disclosure, discussions with counsel, and preparation of a written report.
- Prior approval is required in all other cases, or if the number of hours for the assessment or hourly rate proposed to be charged will exceed these limits.

### **ii. Assessments for youth criminal proceedings**

- LAO rarely authorizes assessments for youth clients because of the availability of assessments under s. 34 of the *Youth Criminal Justice Act*, which provides that such assessments be funded by the Ministry of the Attorney-General.

- Counsel for a legally-aided youth client must make an application under s. 34 where applicable. Please note, these applications are generally made after a plea has been entered.
- In circumstances where s. 34 applies, LAO may authorize an assessment if the assessment is required to assist with the defence to the charges, and there are issues of confidentiality relating to disclosure as required by s. 13 of *Canadian Charter of Rights and Freedoms*.
- In circumstances where s. 34 does not apply, or where an application under s. 34 was unsuccessful, LAO may authorize an assessment. Details as to why the application was denied must be provided when requesting authorization.
- Where authorized, assessments are paid at an hourly rate based on the credentials of the assessor.

### iii. Family law matters

- LAO grants up to **18 hours** for an assessment without prior authorization.
- Assessments are paid at an hourly rate based on the credentials of the assessor. The name and specific credentials of the chosen assessor is required for specific disbursement authorization, which, if authorized, will be added to the legally-aided client's certificate.
- Hours are normally apportioned between the parties where both are legally-aided. Normally, LAO will pay up to **nine (9) hours** per party if both parties are legally-aided.
- Do not consent to an order for an assessment which will require LAO to pay for an assessment without prior authorization from LAO.
- The legally-aided client is personally responsible for the cost of missed or cancelled appointments.

#### **Where additional hours are required:**

- Hours authorized are intended to cover all services provided by the expert, including meeting the legally-aided client and/or children, reviewing documents and disclosure, discussions with counsel and preparation of a written report.
- Each party's counsel must make individual requests for authorization.
- Counsel must make written request in advance should more hours be required for assessment purposes.
- The name and specific credentials of the chosen assessor is required for specific disbursement authorization, which, if authorized, will be added to the

- legally-aided client's certificate.
- No travel time or disbursements will be paid with respect to the assessment unless specifically authorized.
  - In cases where an assessment has been completed within the last year, generally only an update will be authorized, unless there are exceptional circumstances.
  - Assessments relating solely to the issue of access are generally only authorized in cases where child abuse is alleged.
  - Counsel must provide the following details: the history of the litigation including the issues being litigated, the names of all parties and whether they are legally-aided, the number of children and their ages, the current status quo with respect to the parenting time of each parent, and whether there is involvement of the OCL or CAS. Please also explain the purpose of the assessment, the proposed number of hours to complete the assessment and an explanation of why it is expected to take longer than 18 hours to complete, the name and credentials of the assessor, and whether the assessment has been ordered by the court.

#### iv. Assessments in child protection proceedings

- LAO does not generally grant authorization for full parenting capacity assessments in child protection proceedings because such assessments are to be funded by the Society under s. 54 of the *Child and Family Services Act*, without contribution from legally-aided clients.
- Counsel should always seek a s. 54 order for assessment prior to requesting disbursement authorization for an assessment or a critique.
- Legal Aid may authorize up to **nine (9) hours** for a critique of an existing assessment that is not favourable to the legally-aided client's case.
- Critiques are paid at an hourly rate based on the credentials of the assessor.
- The name and specific credentials of the chosen assessor is required in order for specific disbursement authorization to be added to the client's certificate.
- No travel time or disbursements will be paid with respect to the critique unless specifically authorized.
- The client is personally responsible for the cost of missed or cancelled appointments.

## v. Immigration and refugee matters

- LAO will pay up to **two (2) hours** without prior approval for a country expert to provide a written opinion as to country conditions in support of a legally-aided client's case.
- Counsel must provide details of why the particular expert is necessary and an estimate as to number of hours required (if more than 2 hours), as well as a copy of the expert's *curriculum vitae* and brief summary of expert experience.
- Hours authorized are intended to cover all services provided by the expert, including meeting the legally-aided client, reviewing documents and disclosure, discussions with you, and preparation of a written report.

## vi. Psychiatric observation

- LAO will pay a maximum of two (2) hours to retain a general practitioner, registered doctor of psychology or psychiatrist to assess a legally-aided client and prepare a report to be used to request that the court remand the client for observation.

## vii. Other assessments

For assessments in all other matters, prior authorization must be obtained.

- When requesting authorization, please include details of the case, the reason an assessment is required, and an explanation of how the assessment will advance the client's matter. Please also include the assessor's name, credentials, and a quote for the assessment.
- For psychological reports in immigration and refugee matters, please see the section below: **Medical Reports – Immigration and Refugee Matters**

### NOTE

LAO does not pay for a legally-aided client's therapy/ counselling sessions or ongoing treatment of any kind, which is the client's responsibility as a personal expense.

### c. Expert witnesses/ testimony

- LAO grants authorization for expert court attendance on a half-day (**3 hours**) block basis, at the applicable hourly rate based on academic credentials and qualifications.
- When authorized, travel time is paid at **\$43.00 per hour**.
- Mileage, if authorized, is payable at the rate of **\$0.40/km** (\$0.41/km in Northern Ontario).
- Where an expert begins testimony in the morning and is required to finish in the afternoon, LAO will pay for a second half- day attendance fee.
- Experts are not compensated for attendance at court to observe proceedings or assist counsel without specific authorization. In serious criminal matters, authorization may be granted as part of a BCM budget.
- Experts should be retained on a standby basis for court attendance. It is expected that counsel will advise the Crown / Court when an expert is available to testify to avoid multiple half-day attendance charges.

### d. Frequently requested experts and applicable hourly rates

- The following is a list of other experts for which authorization is often requested. The applicable hourly rate is based on credentials of the expert, including academic qualification, accreditation, and experience.
  - Accident Reconstructionist
  - Actuarial Expert
  - Arson Expert
  - Blood Spatter Expert
  - Computer Expert
  - Document Examiner
  - Data Recovery Expert
  - DNA Expert
  - Facial Recognition Expert
  - Fingerprint Expert
  - Firearms Expert
  - Forensic Accountant
  - Forgery Expert
  - Telecommunications Expert
  - Psychometrist
  - Use-of-Force Expert

*Refer to Appendix B for the rates for frequently requested experts.*

#### **e. Other experts**

- For any other expert, prior authorization is required.
- Counsel must provide details of why expert is necessary and estimate as to number of hours required, as well as a copy of the expert's *curriculum vitae*.

#### **f. Out of province experts**

- Prior authorization is always required for out-of-province experts.
- Legal Aid does not generally authorize an expert from outside Ontario if a local/regional expert is available.
- Counsel for legally-aided clients must take reasonable steps to locate a local expert.

## **Fees**

#### **a. Cancellation**

- LAO does not pay cancellation fees or fees for missed appointments, which are the personal responsibility of the legally-aided client.

#### **b. Freedom of Information and Privacy Protection Act (FIPPA)**

- Prior approval is not required for *Freedom of Information and Protection of Privacy Act* Application fee (**\$5.00**).

#### **c. Humanitarian and Compassionate (H&C) applications**

- Permanent residence fees (cost-recovery fees) charged by Immigration, Refugees, and Citizenship Canada to submit an H&C application are not paid by LAO as they are not considered to be court fees and are not a disbursement in furtherance of legal proceedings.

#### **d. Supervised access centre registration**

- AO does not pay access centre registration fees for a legally-aided client; these are the personal responsibility of the client.

## ***Gladue* reports**

### **a. Disbursement policy**

Refer to [Gladue report programs in Ontario – Legal Aid Ontario for information on publicly-funded Gladue report services](#). In locations where a publicly-funded *Gladue* report service is not available, please contact Lawyer Services and Payments for consideration to authorize a private report.

For information, refer to [Representing clients who self-identify as Indigenous](#).

### **b. Process to request a *Gladue* report disbursement**

The request can be made by submitting the Request for an Expert/Other Service Provider form, found on the Solicitor Portal, to LSP. The request must include the following information:

1. Written confirmation that a funded *Gladue* report program is not located in your geographical area of Ontario
2. The *Gladue* report writer's information and qualifications
3. A summary of the charges
4. The disposition sought by the Crown
5. Services provided by the *Gladue* report writer
6. Estimate of the number of hours to write the report
7. Other expenses, such a travel and accommodation

### **c. Rates**

- The current rate for *Gladue* report services is an hourly rate of \$50.00. LAO normally approves up to 30 hours for a report, but up to 40 hours will be considered for complex reports for which there are serious consequences.
- For travel and other expenses the rates stated in LAO's disbursement handbook apply: \$43.00/hour and \$0.40/km (\$0.41/km in northern Ontario)

## Enhanced Pre-Sentence Report (EPSR) / Impact of Race and Culture Assessment (IRCA)

- An Impact of Race and Culture Assessment (IRCA) Report -- also called an Enhanced Pre-Sentence Report (EPSR) -- helps the court understand how race, culture, and experiences of racism may have affected someone's life and circumstances leading up to their involvement with the justice system. It can help achieve a fair and appropriate sentence.
- IRCA/EPSR funding is available to all individuals, regardless of whether:
  - they have a legal aid certificate,
  - they are represented by a lawyer or,
  - they are self-represented.

### Finding and billing an IRCA/EPSR expert

- An IRCA/EPSR must be completed by an expert with a Master of Social Work and experience in researching or addressing racism.
- Legal Aid Ontario (LAO) does not recommend or maintain a list of IRCA/EPSR writers. The lawyer or individual (if self-represented) is responsible for finding a qualified expert.
- LAO authorizes up to 40 hours of work at \$100 per hour.
- The lawyer or individual (if self-represented) must submit all invoices to LAO. The expert's invoices must include the dates of all services, a brief description of the services provided, and the amount of time spent on each service on each date.

### For clients with a legal aid certificate

LAO clients may be eligible for LAO to cover the cost of an IRCA/EPSR under their certificate if:

- The client is Black, has been found guilty of an offence, and one of the following applies:
  - They are an adult, and the Crown is asking for a jail sentence of two years or longer; or
  - They are a youth, and the Crown is seeking a custodial sentence (open or closed); or
  - The lawyer can show that an IRCA/EPSR is needed to help the offender receive a

fair and proportionate sentence; or

- The client is racialized, has been found guilty of an offence, and has a court endorsement supporting an IRCA/EPSR.

**Process:**

- Roster lawyers should fill out the [Request for IRCA/EPSR Authorization form](#) and submit it through Legal Aid Online.

**For individuals who do not qualify for a legal aid certificate**

- An individual who is Black or racialized may be eligible for LAO to cover the cost of an IRCA/EPSR if they have been found guilty of an offence and have a court endorsement supporting an IRCA/EPSR.

**Process:**

- Counsel for a non-legally aided individual should fill out the [Request for IRCA Authorization form](#) and submit it to [gencasemgmt@lao.on.ca](mailto:gencasemgmt@lao.on.ca) and include the following:
  - copy of the court endorsement
  - copy of the Amicus order

## Interpreters

**a. Generally**

- LAO authorizes interpreter services for the purpose of solicitor and client meetings and in the absence of a lawyer where an interpreter reads back draft legal documents in English or French to the client in the client's language. To ensure payment, invoices must show when interpreters met clients for this purpose.
- Travel time is generally not paid for interpreter services. Counsel should consider whether interpretation by teleconference is appropriate.
- The cost of missed appointments or cancellations is considered part of overhead expenses and is not paid by LAO if billed by an interpreter.
- Interpreters are required to itemize their accounts, including the name of the interpreter, business address, the dates and time of day for all services, and a brief description of the services provided.
- LAO does not pay for an interpreter to assist in the cross-examination of an opposing party. The opposing party is responsible for providing his/her own interpreter.

## b. Spoken language interpreters

- LAO allows **up to 10 hours** without prior authorization for the purposes of solicitor/client meetings.
- As of December 12, 2022, the following interpreter rates apply to interpretation services that are provided on or after the effective date:
  - The first hour for each meeting is compensated at the rate of **\$39.25** and;
  - Each subsequent hour is compensated at the rate of **\$24.00**.
- Counsel may bill for both first and subsequent hours without prior authorization, to a **maximum of 10 hours**. Counsel requiring more than 10 hours must seek prior authorization by requesting additional hours from Lawyer Services and Payments.
- When an interpreter is not available at LAO rates, prior authorization is required. When requesting authorization, please include a detailed description of your efforts to secure an interpreter at LAO rates.
- Bill legal work done by an interpreter such as interviewing clients, completing forms or drafting a narrative without a lawyer present at the law clerk rate and not under the interpreter disbursement line. Law clerk time is payable under certificate preparation time at one-third of the lawyer rate.

## c. Sign language interpreters

- LAO allows up to 10 hours of American Sign Language, Farsi Sign Language, Deaf and other similar interpreter services without prior authorization for solicitor/client meetings, payable at the rate of **\$55.00 per hour**.
- Counsel must seek prior authorization to exceed the 10 hour pre-authorized maximum.
- Some sign language interpreters provide assistance without charge in cases in which the legally-aided client is on a contributory certificate and is required to make periodic payment to legal aid or has signed a lien.
- Some sign language interpreters provide assistance without charge in cases in which the legally-aided client is on a free certificate but may be required to reimburse LAO from funds recovered as a result of the litigation.

#### d. Interpreters for court proceedings

- LAO does not authorize interpreter services for court or tribunal proceedings.
- Prior approval is required for proceedings in Unified Family Court, as in most jurisdictions an interpreter is provided by the Court without charge.
- Lawyers should advise the clerk when filing the application or answer that an interpreter will be required so that the coordinator of Trial Services can ensure that an interpreter will be available should the matter reach trial.

## Legal consultations

- As a general rule, Legal Aid Ontario does not pay for legal consultations as disbursements (exceptions include family law mediators, see below).
- If you require another lawyer to assist you on a file, this person can act as your agent.
- The lawyer must be on the Legal Aid panel and bill this time at the LAO rate. This time is billed as fees on your account, under that solicitor's number.

## Mediation

#### a. Family law / child protection matters

- Prior authorization is not required for up to **10 hours** of mediation in family law matters.
- Mediation costs are apportioned between the parties.
- Prior authorization is not required for up to **5 hours** of mediation in child protection matters (it is expected that the Society will fund the same amount of hours as the legally-aided client(s)).
- Mediators are paid at an hourly rate based on credentials.
- Mediators who are lawyers are paid in accordance with LAO roster member tier rates.
- Counsel must request authorization for additional mediation hours.

## Medical records

## *Civil/ Criminal/ Family/ Child Protection*

### **a. Generally**

- LAO generally allows up to **\$150.00** without prior approval for a legally-aided client's medical records or their child/ children.
- LAO pays up to \$200.00 without prior approval for one medical report from a legally aided client's treating general practitioner/ family doctor.
- LAO pays up to \$300.00 without prior approval for one report from a legally-aided client's treating specialist.
- Prior approval must be obtained if more than one report is required.
- Reports regarding the legally-aided client's child/children are paid in accordance with the above rates.
- Prior approval must be obtained if the reports required are regarding the opposing party or complainant.

### **b. Hospital records**

- LAO pays up to a maximum of \$150.00 for a legally-aided client's hospital records without prior approval.
- This pre-authorized amount also applies to:
  - Hospital records of the legally-aided client's child/children in family law, CFSA or civil proceedings, or criminal proceedings.
  - Hospital records in mental health proceedings including applications before the Consent and Capacity Board and the Ontario Review Board.
  - Hospital records for a legally-aided client's other family members.
- Prior authorization is required for hospital records which will exceed \$150.00

### **c. Immigration and refugee matters**

- For immigration and refugee matters only, lawyers can bill for both a medical report from the treating general practitioner/family doctor **and** a treating specialist, as long as the reports do not relate to the same issue.
- For immigration and refugee matters only, psychotherapists are included as specialists.

- LAO will pay for one medical report in immigration and refugee proceedings to substantiate the legally-aided client's claim or the claim of any other adult claimant joined in the application.

#### NOTE

LAO will consider assessments for additional family members where counsel indicate that an assessment is necessary to document a known or suspected medical or psychological issue which is relevant to the substantive outcome of the matter or to request a procedural accommodation. When requesting an assessment for an additional family member, counsel should indicate what the medical or psychological issue is and how it is expected the assessment will be used.

## Non-medical records

### *Civil/ Criminal/ Family/ Child Protection*

- LAO pays a maximum of \$150.00 without prior approval for the actual cost of non-medical records. LAO may request an invoice to show that fees were incurred to obtain records.
- Non-medical records can include:
  - School counselor's records;
  - Cell phone records;
  - Police records.
- Prior approval must be obtained if the records required are regarding the opposing party or complainant.

## Non-medical reports

### *Civil/Criminal/Family/Child Protection*

- LAO pays a maximum of \$150.00 without prior authorization for one non-medical report.
- Non-medical reports may include:
  - Family Responsibility Office Statement of Arrears;

- Police Occurrence Reports;
- Sentencing reports prepared by a legally-aided client's treating physician or specialist.

#### NOTE

LAO does not pay for Pre-Sentence Reports, which are funded by the court.

- Prior approval must be obtained if more than one report is required.
- Prior approval must be obtained if the reports required are regarding the opposing party or complainant.

## Out of province lawyers

- LAO does not pay for non-LAO roster members to provide services as counsel or as agents.
- Agents' accounts are not to be billed as disbursements.
- Where a legally-aided client has an inter-jurisdictional proceeding, the client must obtain legal aid assistance in the other jurisdiction.

## Paternity testing/DNA testing

- Prior authorization must be sought by counsel for each legally-aided party.
- LAO is not bound by court orders made without notice to LAO. Parties/counsel should NOT consent to an order for testing without prior authorization.
- Up to **\$425.00** is generally authorized for testing, apportioned between the parties' certificates where both are legally-aided.
- Authorization of testing on one legally-aided client's certificate does not guarantee that testing will be authorized on other legally-aided client's certificate. Each request is considered independently and a decision made based upon the merits.
- For child protection proceedings, where appropriate, counsel should seek an order under section 10 of the CLRA such that the Society is responsible for the cost.
- Authorization may be granted where paternity testing will support a legally-aided client's status as a parent in a CFSA proceeding if the Society refuses to fund paternity testing.
- Authorization may be granted in cases in which the mother is seeking support if:
  - no presumption of paternity applies;
  - paternity is denied by the putative father;

- the putative father is able to pay child support or will become able to pay support such that there is a direct personal or financial benefit to the mother;
  - the putative father may suffer a direct personal or financial consequence if ordered to pay support.
- In cases in which a presumption of paternity applies, authorization will only be granted where there is significant evidence rebutting the presumption.
  - In cases where there is a current order for support and paternity has been found, authorization will not be granted without significant evidence to support the denial of paternity in subsequent proceedings.
  - In cases where the putative father has acted in loco parentis, or where there is an established relationship between the putative father and the child/children, authorization will not be granted without significant evidence to support the denial of paternity.
  - In custody cases, authorization may be granted where testing will assist in determining the child's best interests regarding access, such as in cases where the mother is denying paternity.
  - In immigration or refugee proceedings, authorization for testing may be granted in order to establish a family connection in cases with sufficient merit.

## Psycho-sexual testing (including phallometric testing)

- Prior approval must be obtained in all cases.
- Phallometric testing is generally authorized as a block-fee of **\$500.00** in conjunction with a psychiatric or psychological assessment.

## Photocopying (out-of-office)

- A higher rate is allowed for copies of documents that are not in counsel's control, and that are made at a location other than counsel's office (e.g. at the court offices, libraries, or publishers).
- Receipts for out-of-office copies should be attached to accounts.

## Private investigators

- Prior approval is always required.
- In cases where LAO approves private investigators to interview witnesses, LAO generally authorizes between **3 and 5 hours per witness** at the rate of **\$52.50 per hour**, which includes travel time.

- If travel time is being sought by the investigator, details must be provided as to the estimate number of hours required for travel time including the area of travel and reasons why a local investigator cannot be retained.
- The hourly rate payable is for all investigator services, including locating and interviewing witnesses, surveying crime scenes, taking photographs.
- Mileage is payable at the rate of **\$0.40/km** (\$0.41/km in Northern Ontario).
- Private investigators are authorized a maximum of **\$25.00** for digital media.
- Detailed invoices regarding services rendered and distance travelled are required.
- Investigators' invoices and accounts should detail the names of all persons providing investigative services, dates of services and should describe services provided.
- Out-of-pocket expenses of the investigator should be itemized and supported by receipts and invoices.
- Prior authorization must be sought should the private investigator's attendance at court be required.
- LAO rarely authorizes the services of an investigator for surveillance purposes or for two investigators to work in tandem. Specific prior authorization must be sought.

## Polygraph tests

- Lie detector testing is rarely authorized by LAO, as the results are not admissible as evidence for the purposes of court proceedings.

## Search fees (corporate, title, drivers license, etc.)

- Prior authorization must be obtained for all searches.
- Fees listed do not include fees charged by persons/ process servers etc. who conduct the search.

### a. Title searches – real property

- Prior authorization is not required for one (1) sub-search of property in which the legally-aided client has or claims an interest, or for the purpose of determining

whether an opposing party can satisfy a settlement or judgment.

- The fee generally authorized is a maximum of \$50.00 per search.

#### **b. Drivers license searches**

- LAO pays for drivers' license searches for the purposes of effecting service.
- The fee generally charged by the Ministry of Transportation is **\$20.00** per search.

#### **c. Corporate searches**

- LAO pays for corporate searches if they are reasonably necessary for the proceedings authorized by the certificate.

## **Secure electronic document exchange (Family and CYFSA)**

- LAO will allow up to \$20 per year per certificate, up to a maximum of \$60 for 3 years.
- Prior authorization is required if the amount will exceed \$60.

## **Service & filing**

### **a. Within Ontario**

- LAO will pay reasonable fees for service and filing of documents within Ontario.
- In immigration and refugee matters, process servers may only be used to serve and file documents in Federal Court, Federal Court of Appeal or the Supreme Court of Canada.
- Service and filing should not be billed on an hourly basis.
- Mileage for process servers must be charged at **\$0.40/km** (\$0.41/km for Northern Ontario).
- LAO does not pay rush service/ filing fees or expedite fees.
- LAO does not pay for attempts at service/filing which were unsuccessful as a result of counsel's error or inadvertence.
- LAO does not pay waiting time for process servers.
- No other expenses are paid for service/filing other than set fees and mileage.
- Process server invoices must include all relevant details, including names and

address of parties served, relevant documents, dates, distance travelled in kilometres.

- Process server invoices should be attached to all accounts whenever possible.
- Counsel should consider whether service and filing of documents and/or delivery of disclosure can be carried out electronically.
- Law clerks and/ or lawyers acting as agents for the purposes of service/filing are paid on an hourly basis in accordance with the tariff allotment for the certificate.
- Personal service should only be carried out when necessary, in the case of originating processes or motions for contempt.
- In family law proceedings, service is governed by Rule 6 of Family Law Rules.
- Adjournments by paralegals and process servers are considered a fee and are billable within the tariff allotments for the certificate. They are not billable as disbursements.

#### **b. Outside Ontario**

- LAO will pay reasonable costs, up to a maximum of **\$200.00**, without prior approval, for service of documents outside of Ontario (by the Sheriff of the appropriate county within Canada/ the US or by a process service) where the certificate authorizes the proceeding.

#### **c. Substituted service**

- Certificate authorization includes reasonable fees to bring a motion for an order for substituted service where necessary.
- Prior authorization should be requested for substituted service by advertisement where the court has refused to make an order to dispense with service or for substituted service by mail.
- Service by advertisement is generally granted for one insert to a maximum of **\$450.00**.

## **Skip tracer**

- Prior approval is required to retain a skip tracer to locate a party or witness.
- LAO generally authorizes up to a maximum of \$200.00 for skip tracing services.
- Authorization is granted only where no fee will be charged for unsuccessful search.

## Therapy treatment (including counselling sessions)

- LAO does not pay for a legally-aided client's therapy/ counselling sessions or ongoing treatment of any kind, which is the client's responsibility as a personal expense.

## Transcripts

### a. Generally

- The rates for transcription specified in this section will apply for all transcripts ordered on or after April 1, 2022 pursuant to section 4 of O. Reg. 145/22 under the *Administration of Justice Act*.
- Some transcripts are automatically authorized under a certificate and can be selected for billing from the list of regular disbursements. Other transcripts require prior authorization.
- Where transcripts must be added to the legally-aided client's certificate prior to an account being rendered, counsel should submit a written request for transcripts to be added to the client's certificate based on either a written estimate or an actual invoice where authorization is not required. This will ensure immediate payment of your account when rendered.
- Invoices should be attached to all accounts and should include the transcriptionist's name, relevant dates and nature of court proceedings; number of pages, the format (either electronic or paper), and the cost per page (either original or copy rate).
- Generally, counsel must order original transcripts in electronic (not paper) format.
- It is no longer necessary to order copies for the Court and the opposing party(s) when ordering electronic transcripts as the original can be shared without incurring any additional costs in accordance with the guidelines provided by the Ministry of the Attorney General. See: <https://courtranscriptontario.ca/en/resources/>
- In exceptional cases, LAO may approve paper transcripts upon written request by counsel where valid reasons are provided.
- Generally, LAO will not pay for certified paper copies of transcripts. If paper copies of transcripts for counsel's in-office use are required, they can be printed by counsel or by a printer at a rate not exceeding \$0.10 per page.
- LAO does not generally pay expedite fees for transcripts. It is counsel's responsibility to confirm the rate at the time of ordering the transcripts.

Transcript type (ordered on or after Apr. 1/2022)	Paper	Electronic
Original transcript	\$7.10 per page *	\$6.30 per page
Copy of transcript	\$0.80 per page	\$25.00 per copy
Court of Appeal transcript	\$7.10 per page*	\$6.30 per page
Expedite (within 5 business days)	\$9.60 per page *	\$8.80 per page
Daily (within 24 hours)	\$12.55 per page *	\$11.75 per page
Minimum fee	\$25.00 per transcript	\$25.00 per transcript

\*Includes electronic copy at no extra charge if requested at the same time

#### **b. Digital audio recordings**

- LAO will consider reimbursing the cost of digital recordings of proceedings in OCJ & SCJ for counsel of record for one of the parties to the proceedings (court order is not required)
- Counsel may bill for a single day without prior approval. Prior approval is required for digital recordings of more than one day.
- Prior LAO approval must be obtained for counsel who is not counsel of record for one of the parties to the proceedings. In this situation a court application for the digital record is required.
- Digital recordings may be used for reviewing portions of proceedings, but are not intended to replace the need for transcripts where otherwise necessary.
- LAO recommends counsel consider a digital record for appeal opinion certificates for “reasons for judgement.”
- LAO will not generally authorize disbursements for both a digital record and a transcript of the full court proceeding.
- LAO will not generally authorize the additional costs of an expedited request for a digital record
- Counsel must comply with the undertaking required to be signed by the Court to obtain the audio recording including the term of the undertaking that counsel will not “authorize, assist or permit anyone to publish, broadcast, reproduce, or otherwise disseminate the digital recording, including any annotation in the audio file, in any way.”

## NOTE

Time spent by counsel listening to a digital record is under the tariff and may or may not be considered for discretion.

- Payment is in accordance with regulations made under the *Administration of Justice Act* and the Court's policy as follows:

### Digital recording fee schedule

1. **Single Day's Recording Per Case:** For a request for a single day's recording, per case:
  - \$22.00 (regardless of the length of the day's proceeding).
2. **Multiple Day Recordings Per Case:** For a request for multiple day recordings, per case:
  - \$22.00 for the first day requested (regardless of the length of the day's proceeding).
  - \$10.50 for each additional day ordered of the same case (regardless of the length of each day's proceeding).\*

\* In order for the \$10.50 fee to apply, the order for multiple days must be received at the same time.

Digital recordings for a limited number of days of the full proceedings may be available for: bail hearings, motions, preliminary hearings, trials (ongoing), reasons for judgment.

Transcripts, if applicable, continue to be available for proceedings for which digital records are excluded.

### c. Examinations (Out of Court) & Questioning, Discoveries

#### *Civil/ Family*

- LAO covers the cost of examiner fees with reasonable rates, where applicable:
  - For the cost of the official examiner's appointment for questioning or examination of an opposing party.
  - In civil litigation cases, obtain authorization for examinations for discovery to proceed and for related disbursements to be covered.
  - In family law matters, no specific authorization from the district office is required; provided matter is authorized to proceed.

- Cancellation charges for missed appointments are the personal responsibility of the legally-aided client.
- Payment of the official examiner's cancellation charges is within the discretion of Lawyer Services and Payments when the other party does not attend. Include a request for discretion with your account, the reasons for the cancellation, and whether you will be including the disbursement in the claim for costs.
- Prior authorization must be obtained for fees that are in excess of the prescribed rates.

#### d. Witness statements

- Always require prior authorization.
- LAO generally authorizes transcription of witness statements for the purposes of assisting in cross-examination of the witness.
- Transcription of the legally-aided client/ accused's statement is rarely authorized.
- Legal Aid's standard rate is \$6.30 per page in electronic format. Normally three minutes of statement can be transcribed to two pages.

e.g. Complainant's statement, 105 minutes in duration  
 $(105 \div 3 \times 2) = 70 \text{ pages @ } \$6.30 \text{ per page} = \$441$

#### e. Bail hearing transcripts

- Up to **100 pages** of bail hearing transcripts can be obtained without prior approval where the certificate authorizes a bail review/ bail de novo. Where a bail review is authorized, transcripts can be selected for billing from the list of regular disbursements.
- Bail hearings are paid at the rate of \$6.30 per page for an original transcript in electronic format. Copies are not required for the Court and the Crown since ordering parties may share electronic transcripts at no additional cost, as long as one certified electronic copy has been ordered.
- **Where the number of pages of bail hearing transcripts exceeds 100 pages, counsel must provide a copy of the transcriptionist's invoice in advance of billing so that appropriate authorization can be added to the certificate.**
- Invoices must be attached to accounts when rendered.

## NOTE

By default, transcriptionists will provide transcripts for a bail review in two days and charge the expedite rate. Lawyers must clearly indicate transcripts are not required in two days when placing an order. LAO will not pay the expedite rate where it is clear transcripts were not required in two days.

### f. Section 11(b) motion transcripts

- Prior approval is not required up to a maximum of **\$200.00** (approximately 31 pages) to obtain electronic transcripts of the legally-aided client's previous court attendances for the purposes of an application to stay proceedings. These transcripts can be selected for billing from the list of regular disbursements on the online account page and must be ordered in electronic format.
- Where counsel seeks authorization to order three copies for the purposes of an 11(b) application, LAO will pay for one **original transcript in electronic format**. In accordance with MAG guidelines, ordering parties may share electronic transcripts with multiple parties at no additional cost, as long as one certified electronic copy has been ordered. See: <https://courtranscriptontario.ca/en/resources/>
- Counsel must provide an estimate from a court reporter as to number of pages in advance of billing so that appropriate authorization can be added to the certificate.
- Prior approval is required if the cost will exceed \$200.00
- When requesting authorization for 11(b) transcripts, please include the following information in your request:
  - When the client was charged
  - The number of months of delay from charge to trial
  - How many appearances there were from the beginning of the proceeding
  - If any of the delay was attributable the crown and/or the court
  - If any of the delay was attributable to the defence
  - If there were any exceptional circumstances causing the delay
  - If there were any issues obtaining a trial date
  - If there were any resolution discussions or efforts to resolve the matter
  - Some information about the likelihood of success (Jordan)
- Invoices must be attached to accounts when rendered.

#### NOTE

LAO requires that counsel for multiple co-accused who are legally-aided coordinate the cost of 11 (b) transcripts. In cases with multiple co-accused, LAO will pay for one original transcript in electronic format at the rate of \$6.30 per page.

#### g. Preliminary hearing transcripts

- Prior authorization is not required to obtain an original/ first copy of preliminary hearing transcripts once counsel has confirmed that the Crown will not be ordering an original/ first transcript, either by consulting the Crown directly or by checking the JPT form. The preliminary hearing must also be completed and the matter must be set down for trial.
- LAO will pay the rate of **\$6.30 per page** for one original transcript in electronic format. Where the number of pages is 350 pages or less, the transcripts can be billed as a regular disbursement on the online account page. If the transcripts exceed 350 pages, counsel must provide a copy of the transcriptionist's invoice in advance of billing so that appropriate authorization can be added to the certificate.
- Prior authorization must be requested to obtain transcripts of ongoing preliminary hearing proceedings.
- Transcripts of ongoing preliminary hearing proceedings are generally not authorized unless:
  - The evidence of a critically important witness is requested;
  - There has been a significant amount of time (e.g. three months) between hearing dates;
  - There has been a change of solicitor; or
  - Some other exceptional circumstance.
- Where the Crown or the Court has ordered the original/first copy, counsel should request a shared electronic copy of the transcript from the ordering party. If they are unable to obtain a shared copy, a second copy of preliminary hearing transcripts in electronic format, at the flat rate of **\$25.00** may be obtained without prior approval in respect of the criminal proceeding authorized on the certificate, pursuant to 2(1)(3) (ii) of O. Reg. 145/22 under the *Administration of Justice Act*. Second copies can be selected for billing from the list of regular disbursements.
- Invoices must be attached to accounts when rendered.

#### h. Trial transcripts (ongoing trial)

- Prior authorization must be requested to obtain an original/ first copy of transcripts of ongoing trial proceedings.
- Transcripts of ongoing trial proceedings are generally not authorized unless:
  - The evidence of a critically important witness is requested;
  - There has been a significant amount of time (e.g. three months) between trial dates;
  - There has been a change of solicitor; or
  - Some other exceptional circumstance.
- Where the Crown/opposing party, or the Court has ordered the original/first copy, counsel should request a shared electronic copy of the transcript from the ordering party. If they are unable to obtain a shared copy, a second copy of transcripts in electronic format at the flat rate of \$25.00 may be obtained without prior approval in respect of the criminal proceeding authorized on the certificate, pursuant to 2(1)(3) (ii) of O. Reg. 145/22 under the *Administration of Justice Act*. Second copies can be selected for billing from the list of regular disbursements.
- Invoices must be attached to accounts when rendered.

#### NOTE

Transcripts for ongoing trials are generally not authorized unless the above criteria are met. However, counsel can consider ordering a Digital Audio Recording (DAR) to assist them. Counsel may order a DAR for a single day without prior approval..

#### i. Reasons for judgment and/or sentencing

- For “opinion only” certificates, prior approval is not required to obtain transcripts of reasons for judgment and/or sentencing, or charge to the jury, to a maximum of **50 pages** at the rate of **\$6.30 per page** in electronic format.
- Transcripts of any other portion of proceedings will generally not be allowed, unless they are 30 pages or less, whether or not the lawyer preparing the opinion represented the legally-aided client at trial.

#### j. Appeal transcripts (to the Court of Appeal or Divisional Court)

- Where a certificate for appeal to the Court of Appeal or Divisional Court has been issued, prior approval is not required to order transcripts to conduct the appeal. However, counsel must provide a copy of the transcriptionist’s invoice in advance of billing so that the appropriate authorization can be added to the certificate.

- Appeal transcripts for the Court of Appeal/Divisional Court are paid in accordance with the prescribed rates in the *Administration of Justice Act*. LAO will pay for one original/first copy in electronic format at \$6.30 per page (please see Note below, which explains how the Courts have dispensed with the requirement of filing paper documents).
- Section 2(3) of O. Reg. 142/22 provides that only newly-transcribed pages of the transcript, with the title and table of contents pages being treated as newly-transcribed pages are payable pursuant to sections 2 (1) 1 and 2.
- Previously transcribed transcriptions will be paid at the flat electronic copy rate of \$25.00 pursuant to section 2(1)(3)(ii) of O. Reg. 145/22.

#### NOTE

##### **Ontario Court of Appeal Rules and Practice Directions**

Section 36 of the Ontario Court of Appeal Rules stipulates that transcripts shall be ordered in a searchable electronic format (<https://www.ontariocourts.ca/coa/criminal-appeal-rules/>).

Further, the Court of Appeal Practice Direction, effective March 26, 2021, requires that parties must file documents electronically. Paper copies of documents are not required. The requirements of the Rules of Civil Procedure, the Criminal Appeal Rules, the Family Law Rules, and all existing practice directions and guidelines requiring the filing of paper copies of documents in the Court of Appeal are dispensed with unless otherwise ordered by the court (<https://www.ontariocourts.ca/coa/how-to-proceed-court/covid-19/>).

##### **Divisional Court Notice to Profession**

Effective November 8, 2021, a Notice to the Profession was released to amend the requirement to file in paper any materials initially filed by email. Further, the Notice stipulated that all documents required for a hearing must be available to the court electronically. **The requirement of electronic documents applies to all matters, including cases where parties filed paper documents prior to the suspension of regular court operations** (<https://www.ontariocourts.ca/scj/notices-and-orders-covid-19/div-ct-feb2021/>)

- LAO requires that counsel for multiple co-accused who are legally-aided coordinate the cost of transcripts. In cases with multiple co-accused, LAO will pay for one original transcript only, in at the rate of \$6.30 per page in electronic format.
- In accordance with MAG guidelines, ordering parties may share electronic transcripts with multiple parties at no additional cost, as long as one certified

electronic copy has been ordered. See: <https://courttranscriptontario.ca/en/resources/>

- Counsel for the legally-aided client must ensure that only one appeal transcript is paid.
- Lawyer Services and Payments will make advanced payment for transcripts in some cases, upon receipt of a written estimate from the transcriptionist detailing the number of pages, court dates, and cost per page.
  - Transcriptionists must provide a realistic estimate of the cost of the transcription and invoice only **two-thirds** of the entire cost at first instance.
  - Once the estimate is provided to LAO, the appropriate authorization will be added to the legally-aided client's certificate, at which time counsel should render an online account with the estimate attached.
  - Once the account has been paid, counsel may remit a deposit to the transcriptionist. The amount of deposit is subject to the arrangement negotiated between counsel and the transcriptionist.
  - Counsel may make further payments when requested and prior to the receipt of the transcript.
  - Advise Lawyer Services and Payments in writing should additional transcripts be required or should the two-thirds estimate be insufficient or alternatively, higher than the actual amount required.
  - If an overpayment has been made, remit the difference to LAO.
  - A copy of the transcriptionist's final invoice providing the reconciliation for interim funds/deposits received and actual number of pages of transcript prepared should be forwarded to LAO in order that the remaining transcripts may be added to the certificate.
  - Submit an online account attaching the transcriptionist's actual invoices should any additional payment be required.

#### NOTE

For appeals related to sentencing only, full transcripts will not be authorized.

#### **k. Transcripts for inmate appeals that convert into solicitor appeals**

- When inmate appeals convert into solicitor appeals, counsel must determine what, if any, transcripts have already been ordered by the Crown/Court before requesting transcripts.
- LAO will not authorize or pay for transcripts that have previously been ordered or transcribed for an inmate appeal when the matter converts to a solicitor appeal.

- Section 36(9) of the Ontario Court of Appeal Rules provides that where an appeal is commenced as an inmate appeal and the appellant subsequently becomes represented by a lawyer with respect to all or part of the appeal, within 15 days after being retained or appointed the lawyer shall:
  - a. Determine what, if any, transcripts have already been ordered; and
  - b. If applicable, serve and file a certificate of transcript order in Form 14 for any transcripts required by rule 38 but not yet ordered.
- Section 36(10) of the Ontario Court of Appeal Rules provides that where the lawyer cannot through the exercise of reasonable diligence serve and file the certificate of transcript order in Form 14 as required by paragraph 36(9)(b), or if approval from LAO for transcript disbursement is pending, sub-rules 36(3)-(5) and (7)-(8) apply.

#### **I. Civil proceedings, questioning/examination transcripts**

- LAO pays out of court examination fees if in accordance with the rates set out with the rates set out in s. 5(1) of the Schedule of Fees, *Administration of Justice Act*, as follows:

For the transcript of an examination, per page, regardless of the party ordering,

- i. for one copy of the first transcript ordered - \$4.00
- ii. for one copy of each transcript ordered after the reporter has satisfied the order for a transcript described in subparagraph i - \$3.40
- iii. for each additional copy ordered before the reporter has satisfied the order for a transcript described in subparagraph i or ii - \$0.80.

\*note regional/district differences re reporters' rates.

- Prior approval is required to order the first or original copy of transcripts of the legally-aided client's evidence or their client's witnesses.
- In civil litigation cases, make sure that the certificate includes authorization for examinations for discovery before rendering an account.
- Prior approval is required for transcripts of cross-examinations on affidavits.

#### **m. Other transcript requirements**

- Prior authorization is required to obtain all other transcripts, including matters where a legally-aided client's criminal proceeding transcripts are required for the purposes of their family law or child protection proceedings.

## n. Transcripts of IRB hearings

- Prior authorization for transcripts of IRB hearings is required.
- Transcripts are not authorized at the opinion stage for the purpose of determining the merits of an appeal or judicial review.
- Authorization may be granted where LAO has authorized representation in a Federal Court matter or a Refugee Appeal Division (RAD) appeal, and:
  - where there are significant passages of testimony to be relied upon,
  - where it is necessary to demonstrate that certain testimony was not provided,
  - where a Member's conduct throughout a hearing is at issue, or
  - in any other circumstances where a complete transcript is required to advance the client's case.
- Note that transcript coverage requests for RAD appeals are made at the same time as the RAD merit assessment is submitted because of the short appeal deadlines.
- The digital audio recording of refugee hearings is available to RAD members deciding appeals, and IRB hearing audio recordings are included in the Certified Tribunal Records sent to the Federal Court in judicial review proceedings.
- Therefore, where legal arguments rely on short passages of testimony only, lawyers are expected to prepare and cite short informal transcripts with time markers. In Federal Court matters at the leave application stage, these short informal transcripts with time markers should be attached as exhibits to law clerk affidavits and cited in leave memoranda.

## Translation of documents

### a. Generally

- Translations are generally paid on a per-word basis.
- Counsel should not have documents translated unless they contain unique information. Please contact LSP if you require further clarification.
- Multilingual counsel or non-lawyer staff will not be paid for translating documents on a per-word basis. This work must be billed under the hourly tariff at the applicable rate depending on the staff who is producing the translation (e.g. lawyer, student, or law clerk).

- LAO pays up to a maximum of **\$50.00** without prior approval for translation of the legally-aided client's marriage/divorce certificate (250 words at \$0.20 per word).
- Prior authorization must be obtained for translation of more than one marriage/divorce certificate.
- Verbatim translation is expensive and, where possible, should not be used.
- Counsel should always ensure that no English language alternative source is available before having translations completed. Counsel should also ensure that information can be sufficiently verified to be accepted by the court or tribunal.
- Accounts in which translations are billed as disbursements should be submitted with a copy of the translator's invoice providing a list of the translated documents and the number of words translated. This is the case even where translations are within the pre-authorized limits.
- If a lump-sum amount is being requested for translations, a quote from the translator should be included.

#### **b. Immigration and refugee matters**

- Prior approval is not required for up to **3500 words** for a combination of **identity and/or personal supporting documents at the rate of \$0.20 per word**.
- Documents from a government agency or other official body are considered identity documents.
- If the legally-aided client has a genuine passport in English, it is expected that minimal identity documents will be required for translation.
- Prior authorization must be obtained before additional translation of documents is completed. When requesting additional translation authorization, counsel must provide details regarding all documents which will be translated, both those below and above the 3500 word limit. A brief explanation of each document, including its necessity, its utility in advancing the client's case, and the number of words, must be included.
- Personal correspondence is considered supporting documentation.
- Prior authorization is always required for translation of news articles and documents downloaded from the internet. Counsel should provide details of the information contained in the article (date, location, names, and relationships to the claimants) and explain how the articles support the claim.
- Regarding BOC narratives, verbatim translation is discouraged. Interpreters should be retained to read back the narrative to the client in the client's language and billed at hourly interpreter rates.

- LAO will not pay to have an English-language BOC narrative translated into the legally-aided client's first language.

#### NOTE

Please keep in mind the client of modest means test when requesting authorization for translation of documents. Only highly relevant documents and documents that are necessary to advance the client's case should be selected for translation.

#### c. Other matters

- LAO generally pays **\$0.20 per word** for translations.
- Pursuant to the *Courts of Justice Act*, the official languages of Ontario are English and French. Pursuant to s. 126(6) of the *Courts of Justice Act*, litigants are entitled, as a right, to receive French translations of any court materials written in English. Translation of court documents from English to French is not paid for by LAO.
- Prior authorization must be obtained for translation of documents for the purposes of any other proceedings.
- Authorization requests should include the number of documents, an explanation of the relevance and necessity of each document, and details as to the nature and contents of the documents.

## Travel disbursements

- Travel disbursements can only be billed to LAO if the legally-aided client's certificate includes travel authorization.
- Counsel must obtain travel authorization from the District Office from which the certificate was issued. Where travel has been authorized on the certificate, prior approval is not required for the costs of associated travel disbursements, provided the costs do not exceed the maximums set out herein.
- Where travel is authorized, a maximum of **\$150.00** per one-night hotel accommodation is permitted between consecutive court dates.
- Where travel is authorized under the certificate, mileage is payable at **\$0.40/km** (\$0.41/km in Northern Ontario).
- Where travel is authorized under the certificate, a maximum of **\$50.00 per day** is permitted for meals.
- Train/ air fare is payable where travel is authorized under the certificate. It is expected

that counsel will book economy class fares / select the most cost effective means of travel in all cases.

- All travel disbursements should be entered net of HST, which is automatically added and paid by LAO.
- The actual amount paid, net of HST, for travel disbursements such as hotel, train/ airfare and meals, should be entered when submitting an online account.
- Reasonable gratuities (approx. 15%) for meals, bellhop, hotel room services and taxis will be reimbursed, provided that maximum amounts are not exceeded.
- Meal receipts should not include alcoholic beverages even if not being billed to LAO.
- Counsel should submit invoices and receipts hotel and air/train fare disbursements to Lawyer Services and Payments, prior to rendering an online account, so that the appropriate authorization can be added to the certificate. **This will ensure immediate payment of your account when rendered.**
- Where travel is authorized under the certificate, counsel is paid for travel time on an hourly basis in accordance with the appropriate tier level.

#### IMPORTANT

Do NOT include HST in travel disbursements

*Please refer to the Tariff and Billing Handbook for additional information related to travel.*

## Witnesses and witness fees (non-experts)

### a. Generally

- Although LAO does not usually pay witness fees or travel expenses for friends or relatives of the legally-aided client, on the rare occasions that this is authorized, prior approval is required.

### b. Civil proceedings

- LAO covers the cost of payment of attendance allowance in accordance with Tariff A of the *Rules of Civil Procedure* to witnesses in civil proceedings under subpoena, namely **\$50.00** per witness per day plus travel allowance of **\$3.00** per day for in-town travel or **\$0.24/km** for out-of-town travel.
- Trial authorization must be included on the certificate in order for witness fees to be payable.

### c. Family law proceedings/ child protection proceedings

- LAO covers the cost of the payment of attendance money in accordance with Rule 23(4) of the *Family Law Rules*, namely **\$50.00** for each witness to attend at court, plus **\$5.00** for in-town travel or **\$0.30/km** for out-of-town travel.
- Trial authorization must be included on the certificate in order for witness fees to be payable.

### d. Criminal proceedings - indictable offences (defence witnesses)

- In accordance with Regulations 4 and 11 made under the *Administration of Justice Act* (R.R.O. 1990), LAO pays **\$0.30/km** (\$0.35/km in Northern Ontario) for ordinary out-of-town travel.
- LAO covers the cost of travel allowance for a witness who does not reside in the city

or town where the trial is held:

- for travel other than by car, a travel allowance equal to the fare paid for the travel;
  - where required to attend the trial on more than one day, a travel allowance is paid for each day's travel;
  - where required to remain overnight at the city or town where the trial is held, reasonable living expenses are allowed.
- Any other travel expenses require prior authorization and must be requested in writing.

**e. Criminal proceedings - Summary conviction matters (defence witnesses)**

- In accordance with the Schedule to 840 (25) and (26) of the *Criminal Code*, LAO pays a witness fee of \$4.00/day plus \$0.06/km for other witnesses.

*Refer to section on 'Experts' for information on expert witnesses.*

## 14. Frequently Asked Questions

### 1. Can I send my disbursement request by email?

No. All disbursements requests should be submitted electronically through the portal, using the Electronic Document Submission program or by iFax. This ensures the request is directed to the appropriate person and responded to quickly.

For BCM cases please fax (416) 204-4710.

### 2. Do I need to attach all of my disbursement invoices to my Legal Aid Online account?

You are not required to attach all your disbursement invoices to your Legal Aid Online account. LAO can however, request that you produce all invoices at any time to support your disbursement account prior to payment and for a Post-Payment Examination audit. It is recommended that you scan and attach your detailed invoices to your online account to avoid delays. Contact the Lawyer Service Centre at their toll

free number 1-866-979- 9934 for assistance on attaching documents.

**3. Do you have a list of disbursement service providers that will provide Legal Aid services?**

Legal Aid does not endorse or recommend any service providers and does not maintain a list of service providers.

**4. Why doesn't a disbursement authorization show up on my 'saved as draft' online account?**

If you have saved an account in draft prior to receiving disbursement approval, authorizations will not show up on your account. You should avoid starting and saving a draft online account pending disbursement or authorization approvals.

Contact the Lawyer Service Centre at their toll free number 1-866-979-9934 for more information

**5. How do I bill an online account for disbursements only?**

See *Billing Disbursements Online* (section 9 above) for a step by step guide on how to submit a disbursement-only account.

**6. When will I get a response to my request?**

Disbursement requests are usually processed in 3 to 5 business days.

You will receive a response to your request for disbursement electronically through [Legal Aid Online](#). Check the Correspondence section on the portal for the response.

# Appendix

# Appendix A: Hourly rates for experts quick reference chart

Type of disbursement	Hourly rate
Expert Travel	\$43.00/hour + \$0.40/km
Bachelors Degree	\$90.00/hour
Masters Degree	\$100.00/hour
Pharmacologist/Toxicologist (PhD)	\$150.00/hour
Registered Psychologist (PhD)	\$150.00/hour
MD, Specialist	\$175.00/hour
Pathologist	\$200.00/hour
Psychiatrist	\$200.00/hour
Language Interpreter	\$39.25/first hour, \$24.00/subsequent hour
Sign Language Interpreter	\$55.00/hour
Private Investigator	\$52.50/hour

## Appendix B: Inherent disbursements (not requiring prior authorization) quick reference chart

Type of disbursement	Rate
Access Centre Reports/Observation Notes	Maximum \$250.00
Appraisal of Client's Pension	Maximum \$600.00
Appraisal of Client's Real Property	Maximum \$300.00
Assessments and Critiques (Family)	9 hours at the LAO approved rate. See 'Experts' section
Assessment - Dr. Psychology-indictable offences	6 hours @ \$150.00/hour
Assessment-Psychiatrist - indictable	6 hours @ \$200.00/hour
Bail transcript (where bail review authorized)	100 pages @ maximum \$5.40
Binding Copying - photocopy	\$0.10/page; maximum \$250.00
Continuing Record Binder	Maximum \$50.00
CAS Records and Disclosure	\$0.10/page; maximum \$300.00
Corporate Search	Maximum \$100.00
Country Expert Report (B.A.)	Maximum 2 hours @ \$90.00/hour
Country Expert Report (M.A.)	Maximum 2 hours @ \$100.00/hour
Country Expert Report (No Degree)	Maximum 2 hours @ \$50.00/hour
Country Expert Report Ph.D.	Maximum 2 hours @ \$150.00/hour
Courier	Maximum \$200.00
Court fees - for purpose of an appeal	Maximum \$450.00
Crown Disclosure explanation & receipt required	Maximum 2 @ \$25.00
Digital Audio Record- one day	Maximum \$22.00
Discoveries/Questioning Original Transcript	Maximum \$1,000.00
Discovery/Questioning Transcript- copy	Maximum \$150.00

Type of disbursement	Rate
Document Examiner	Maximum 4 hours @ \$85/hour
Fax Charges - Criminal	\$0.25/Page; maximum \$25.00
Fax Charges – Civil	\$0.25/Page; maximum \$50.00
Filing fee for leave to appeal to SCC	Maximum \$100.00
FIPPA Application Fee	Maximum \$25.00
Hospital Records - Criminal	Maximum \$150.00
Hospital Records - Civil	Maximum \$150.00
Hotel-consecutive court dates	Maximum 7 nights @ \$150/night
Language Interpreters	\$39.25/1st hour - maximum 10 hours
Language Interpreters	\$24.00/Subsequent hour - maximum 10 hours
Interpreter- Sign Language	10 hours @ \$55/hour - No minimum
Meals - if hotel accommodation required	Maximum 7 days at \$50.00 per day
Mediation (B.A. Other Than Social Work)	5 hours @ \$50.00/hour
Mediation (BSW )	5 hours @ \$90.00/hour
Mediation (Lawyer accepting LAO tariff rates)	Maximum 5 hours
Mediation (M.A. Other Than Social Work)	5 hours @ \$68.00/hour
Mediation by Dr. Psychology	Maximum 5 hours @ \$150.00/hour
Mediation by MSW	Maximum 5 hours @ \$100.00/hour
Mediation by Psychiatrist	Maximum 5 hours @ \$200.00/hour
Medical records other than hospital records	Maximum \$150.00
Medical report prepared by a GP	Maximum \$200.00
Medical report prepared by a specialist - Criminal	Maximum \$300.00
Medical report prepared by a specialist – Civil	Maximum \$500.00
Mileage Northern Ontario	Maximum 850 @ \$0.41/km
Mileage Southern Ontario	Maximum 600 @ \$0.40

Type of disbursement	Rate
Non-medical reports (e.g. FRO, School, Drivers, police, counsellor etc)	Maximum \$150.00
Official Exam Appointment Fee /Person	\$9.50; maximum \$19.00
Official Exam Facilities	\$36/hour - 2 hour minimum
8 hour maximum \$288.00	
Official Examiner's handling fee - per invoice	Maximum \$55.00
Pathologist	Maximum \$200.00/hour @ 6 hours
Pharm/Toxicologist PhD-Indict	Maximum \$150.00/hour @ 6 hours
Pharmacologist/Toxicologist report	Maximum \$150.00
Photocopying (Out of Office)	Only for documents not in lawyer's control; maximum \$100.00
Photocopying	\$0.10/Page; maximum \$100.00
Photographs	Maximum \$50.00
Postage	Maximum \$25.00
Printing Crown Disclosures	250 pages or a maximum \$25.00
Print Disclosure from disc	Maximum \$25.00
Process server – Criminal	Maximum \$250.00
Process server – Civil	Maximum \$500.00
Psychiatric Assess 30 day remand (Dr. of Psychiatry)	Maximum 6 hours @ \$200.00/hour
Secure Electronic Document Exchange	Maximum \$60.00
Sentencing Report (Non-Medical Expert)	Maximum \$150.00
Serve or File documents	Maximum \$250.00
Sign Language Interpreters	Maximum 10 hours @ \$55.00/hour
Substituted Service	Maximum \$450.00
Supervised Access Centre report/records	Maximum \$250.00
Telephone – Civil	Maximum \$100.00
Telephone – Criminal	Maximum \$200.00
Title Searches (Real Property)	Maximum \$100.00

Type of disbursement	Rate
Transcripts - Original	Maximum 500 pages @ \$6.30 per page (electronic format)
Transcript - Copy	\$25.00 per copy (electronic format)
Transcript of Prelim copy	\$25.00 per copy (electronic format)
Transcript - Original Prelim	Maximum 350 pages @ \$6.30 per page (electronic format)
Transcript of bail hearing (where bail review is authorized - Original)	Maximum 100 pages @ \$6.30 per page (electronic format)
Transcripts opinion for appeal	Maximum 50 pages @ \$6.30 per page (electronic format)
Translate Marriage/Divorce Certificate	Maximum 375 words @ \$0.20/word
Translate documents	Maximum 3500 words @ \$0.20/word
Travel in town witness-not friend/relative	\$5.00 per day – maximum \$25.00
Witness Fees- not friend or family (Family Law)	Maximum \$50.00 per day/person up to \$200.00
Witness Fees - Summary Conviction	\$4.00/Day - \$20.00 maximum
Witness Mileage (Not Friend/Relative) Summary Conviction	Maximum 250 km @ \$0.06/km
Witness Mileage (Not friend/relative) Criminal Indictable and Family Law matters	Maximum 250 km @ \$0.30/km
Writ of Seizure & Sale	Maximum \$200.00

## **Legal Aid Ontario**

20 Dundas St. West, Suite 730

Toronto, ON M5G 2H1

1-800-668-8258

[media@lao.on.ca](mailto:media@lao.on.ca)

[www.legalaid.on.ca](http://www.legalaid.on.ca)



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