New criminal charges and charges heard separately

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Where a roster member's criminal law certificate client is the subject of new charges after the certificate has been issued, the roster member shall apply online through the portal to request that the new charges be added to the existing certificate.

Where a roster member is unsure as to how the case will proceed, the roster member should request that the new charges be added to the existing certificate.

Where, in the roster member's opinion, it is in the client's best interest that new charges proceed separately, the roster member may request a separate certificate for the new charges.

LAO may issue a separate certificate for the new charges where:

1. the criminal charges to which the existing certificate pertains are ongoing

2. the new charges are ongoing

3. the new charges meet LAO's legal eligibility criteria

4. the new charges meet the criteria set forth in in accordance with s. 50 of the Rules

5. the new charges must proceed separately from the existing charges for one of the following reasons:

   a. a trial date has been scheduled for the new charges

   b. separate trial dates have been scheduled for the existing and new charges

   c. the charges are proceeding in separate jurisdictions

   d. there exist such other reasons that the roster member may provide to the satisfaction of LAO; and

6. the client remains financially eligible for certificate services

The onus is on the roster member to demonstrate to LAO that scheduling separate resolutions is in the best interests of the client.

Where new charges are added to an existing certificate, and both proceedings will be resolved without a trial being scheduled, the roster member shall resolve the charges together and bill under the existing certificate.

Notwithstanding the issuance of separate certificates, if the existing charges and the new charges are resolved together, the roster member may only bill under one certificate.