

Request for discretion: Criminal law

In some cases, where exceptional circumstances can be demonstrated, a discretionary increase in payment of an account may be granted where an account has exceeded the tariff maximum for the certificate. If your account exceeds the tariff maximum, and you want to apply for discretion, fill out this form and include it when submitting the account.

Account date:

Date of request:

Requestor information

Lawyer information

Name:

Solicitor #:

Phone:

Email:

Client information

Name:

Certificate #:

Names of
co-accused /
other parties:

Request details

Request type

What type of request are you submitting? New discretion request

Retroactive discretion request

If this is a retroactive discretion request for an account already settled, enter the account number below and submit the request using the *Legal Aid Online* electronic document submission or LAOfax process.

LAO account number:

Authorizations

Have you sought all necessary district office authorizations? Yes No

If no, please do so before submitting any accounts by contacting your district office.

Circumstances

The Legal Aid Tariff reflects the fees customarily paid by a reasonable privately paying client of modest means. These fees apply for all legal aid services, except in exceptional cases. Should your account exceed the tariff maximum and you wish Legal Aid Ontario to consider paying the account as billed with discretion, please explain the exceptional, factual and legal circumstances of your case based on the following factors (click all that apply):

Circumstances

All charges withdrawn as a result of your actions

Discharge of all charges at preliminary hearings as a result of your actions

Acquittal of all charges at trial as a result of your actions

Sentence significantly reduced as a result of your actions

Material contribution to an outcome that is precedent-setting, that affects the administration of justice in favour of the defendant

Complexities

Novel legal issue or unusual factual situation

Rare motion (e.g.: Third part records, recusal motion, mistrial)

Forensic/expert evidence

Client's special needs (e.g.: mental illness (unique proceedings))

Characteristics of witness (e.g.: child witness (testimonial capacity))

Other regulatory factors

Contributions of the applicant or other contributors

Amount of time realistically set aside in anticipation of a lengthy trial or hearing which time was not otherwise filled by the lawyer

Relevant factors

Defence facing exceptional Crown/prosecutorial resources

Disclosure

Extended sentencing hearing

Timelines/reduction in appearances - JOT criteria)

High profile case

Case details

Please provide case details and the factual circumstances that support the specific factors for discretion selected in the section above. Attach any attach relevant documents to support your discretion request.

Note: if the certificate authorized an opinion letter, please attach.

Director General exception request

Are there any other discretion factors not articulated in the above criteria? Yes No

If yes, provide details below:

Note: This request is to be used rarely and only in circumstances when counsel can clearly demonstrate that the exception circumstances test has been met.

For more information on discretion requests see the Legal Aid Ontario Tariff & Billing Handbook.

For assistance in completing this form please contact the Lawyer Service Centre via 1-866-979-9934 (toll free).

I certify that the information included in this form is complete, true, and accurate.

Name:

Date:

Please attach the completed form to your online account.

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Personal information contained on this form is collected under the authority of the *Legal Aid Services Act, 2020* and will be used for the purpose of payment of accounts, investigations, and the administration of the *Legal Aid Services Act*.

Questions about this collection should be directed to the Privacy and Access to Information Officer at fippa@lao.on.ca or 1-800-668-8258.



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