

# Tariff reform 2024: Summary of changes Phase 2 (No. 2)



Updated: July 15, 2024

## Family and other civil matters – ancillary proceedings

Description	Tariff maximum	
	Certificates issued prior to July 29, 2024	Certificates issued on or after July 29, 2024
<u>Legal Services with Interpreter</u> Interviewing client or reviewing documents with client while using an interpreter, where the interpreter disbursement has been billed.	N/A	2 hours

## Criminal matters – “Set down for trial” question (online account)

\* See “Notes” section at the end of the document

## Ancillary proceedings

Description	Tariff maximum	
	Certificates issued prior to July 29, 2024	Certificates issued on or after July 29, 2024
<u>Fitness Hearing</u> Including preparation and attendance for each day.	N/A	3 hours
<u>Impact of Race and Culture Assessment (IRCA)</u> Including preparation and/or delivery of IRCA submissions at a sentencing hearing.	N/A	5 hours

Description	Tariff maximum	
	Certificates issued prior to July 29, 2024	Certificates issued on or after July 29, 2024
<b>Global resolutions</b>		
<u>Global Resolution – Crown proceeded by way of summary conviction on the most serious offence</u> Resolution of substantive offences, laid on different informations, at the same time (may be added to existing certificate or be contained on a separate certificate).	N/A	2 hours
<u>Global Resolution – Crown proceeded by way of indictment where the most serious offence is classified as Indictable I</u> Resolution of substantive offences, laid on different informations, at the same time (may be added to existing certificate or be contained on a separate certificate).	N/A	3 hours
<u>Global Resolution – Crown proceeded by way of indictment where the most serious offence is classified as Indictable II</u> Resolution of substantive offences, laid on different informations, at the same time (may be added to existing certificate or be contained on a separate certificate).	N/A	4 hours
<u>Legal Services with Interpreter</u> Interviewing client or reviewing documents with client while using an interpreter, where the interpreter disbursement has been billed	N/A	2 hours

## Criminal matters – other proceedings

Appeals, ORB hearings, etc.

Description	Tariff maximum	
	Certificates issued prior to July 29, 2024	Certificates issued on or after July 29, 2024
<u>Legal Services with Interpreter</u> Interviewing client or reviewing documents with client while using an interpreter, where the interpreter disbursement has been billed.	<b>N/A</b>	<b>2 hours</b>

## Block fees (all areas other than the North)

### Block fees for ancillary services (summary or indictable)

Description	Certificates issued		
	Prior to July 29, 2024	From July 29, 2024 to March 31, 2025	From Apr. 1, 2025
<u>Fitness Hearing</u> Including preparation and attendance for each day.	N/A	\$301.52	\$316.60
<u>Impact of Race and Culture Assessment (IRCA)</u> Including preparation and/or delivery of IRCA submissions at a sentencing hearing.	N/A	\$502.53	\$527.66
<b>Global resolutions</b>			
<u>Global Resolution – Crown proceeded by way of summary conviction on the most serious offence</u> Resolution of substantive offences, laid on different informations, at the same time (may be added to existing certificate or be contained on a separate certificate).	N/A	\$301.52	\$316.60
<u>Global Resolution – Crown proceeded by way of indictment on the most serious offence</u> Resolution of substantive offences, laid on different informations, at the same time (may be added to existing certificate or be contained on a separate certificate).	N/A	\$351.76	\$369.35
<u>Legal Services with Interpreter</u> Interviewing client or reviewing documents with client while using an interpreter, where the interpreter disbursement has been billed	N/A	\$201.01	\$211.06

## Block fees (Northern areas)

### Block fees for ancillary services (summary or indictable)

Description	Certificates issued		
	Prior to July 29, 2024	From July 29, 2024 to March 31, 2025	From Apr. 1, 2025
<u>Fitness Hearing</u> Including preparation and attendance for each day.	N/A	\$331.67	\$348.26
<u>Impact of Race and Culture Assessment (IRCA)</u> Including preparation and/or delivery of IRCA submissions at a sentencing hearing.	N/A	\$552.78	\$580.42
<b>Global resolutions</b>			
<u>Global Resolution – Crown proceeded by way of summary conviction on the most serious offence</u> Resolution of substantive offences, laid on different informations, at the same time (may be added to existing certificate or be contained on a separate certificate).	N/A	\$331.67	\$348.26
<u>Global Resolution – Crown proceeded by way of indictment on the most serious offence</u> Resolution of substantive offences, laid on different informations, at the same time (may be added to existing certificate or be contained on a separate certificate).	N/A	\$386.94	\$406.29
<u>Legal Services with Interpreter</u> Interviewing client or reviewing documents with client while using an interpreter, where the interpreter disbursement has been billed	N/A	\$221.11	\$232.16

# Notes

- A block fee or tariff authorization is available for the preparation of IRCA submissions, or, the preparation *and* delivery of IRCA submissions, where a publicly-funded IRCA:
  - was prepared for the specific offence; or
  - was recently prepared and used
- Counsel should specifically docket all work including general preparation, preparation for submissions (if applicable), and other relevant tasks. Please include sufficient details about the source of the IRCA, the author and/or organization responsible, etc.
- Authorization for attendance at fitness hearings (including continuations and subsequent hearings) may be requested when evidence is heard or submissions are made at a client's fitness hearing. This includes attending for a disposition or an application for a treatment order. The authorization is not available for adjournments, for assessment orders made on consent, or for an attendance to conduct the "Taylor test".
- The global resolution authorization is available on block and hourly certificates where authorized criminal proceedings are resolved together (ie: pleas, trials or withdrawals are heard in the same court at approximately the same time).
- The authorized criminal proceeding being resolved together on the current certificate must:
  - Be covered under the current certificate, or a separate, valid certificate;
  - Appear on separate informations (excluding withdrawal of a prior, replacement or duplicate Information);
  - Have underlying charges that occurred on different dates or in different jurisdictions; and
  - Include substantive offences. (ie: excludes informations that only lay charges related to the administration of justice. For example, fail to comply with release, fail to comply with probation, fail to attend etc.).
- Billing global resolutions on a block fee certificate: Where authorized criminal matters are resolved prior to being set down for trial, the global resolution block can be billed on the certificate where the resolution is billed. It is not billable on certificates billed as "Resolved on other Certificate."
- Billing global resolutions on an hourly certificate: Where authorized criminal matters are resolved together and the offences have different tariff maximums, only one tariff maximum applies. The resolution and the global resolution authorization should be billed on the certificate with the highest applicable tariff maximum.
- An additional block fee or tariff authorization is available on Criminal/Civil certificates where legal services are provided with the assistance of an interpreter, and, where a disbursement for interpreter services is billed. Eligible services may be provided by roster members, law clerks, paralegals, or articulated students. **This authorization is not**

**available for Immigration/Refugee matters.**

- LAO has changed the Contested trial/set down question on the criminal account page in the billing portal to the following:

***“Were any of these charges set down for a contested trial prior to the last date of service billed on this account?”***

- This change will allow roster members to bill pre-trial proceedings as block fees, despite the trial date being set, as long as the pre-trial proceedings being billed were provided prior to setting the matter down for trial.
- To be eligible for the pre-trial service to be paid as a block fee:
  - The question posed on the criminal account page must be answered “NO” and;
  - The last date of service entered on the online account must be before the date the matter was set down for trial.
- Where roster members wish to be paid for a pre-trial proceeding as a block fee after the matter was set down for trial, they will be required to submit a separate online account for the pre-trial block service.

Example:

On September 3, 2024 counsel conducts a bail hearing, the matter is set down for trial on December 2, 2024 and on December 10, 2024 counsel wants to bill an interim account.

- **To be paid as a block fee for the bail hearing:**
  - Counsel must create a **new (separate) online account** and enter the first date of service that coincides with the date that counsel began providing services leading up to the bail hearing.
  - The last date of service entered in the online account must be the date that the bail hearing was conducted: September 3, 2024 (or the last date of service prior to the matter being set down for trial).
  - The set down for trial question should then be answered “No” since all of the services billed on this account were provided prior to the matter being set down for trial.
  - Counsel should bill the remaining services, provided up to and including December 10, 2024 (as indicated in their dockets), on a separate account. The set down for trial question on this account must be answered “Yes” since some of the services were provided after the matter was set down for trial. This account will then be paid by the hourly tariff.

## Reminders

- Include any pre-trial proceedings that you have billed as block fees on dockets submitted with subsequent tariff accounts **and note that they have already been paid as block fees.**
- If you have billed a pre-trial proceeding as a block fee, **you may not bill for the same proceeding under the hourly tariff.** Do not enter this service on the hourly online account.

- **To be paid hourly for all services (including the bail hearing):**
  - If roster members prefer to be paid hourly for all services provided before and after the date the matter was set down for trial, including the bail hearing, they will continue bill as they have in the past.
  - The first date of service entered in the online account must be the date that roster members began providing services, as indicated in their dockets.
  - The last date of service entered in the online account should be the last date services were provided, as indicated in the dockets
  - The set down for trial question must be answered “Yes” since some of the services were provided after the matter was set down for trial, on December 2, 2024. This account will then be paid by the hourly tariff.
  - Note that billing deadlines will still apply, as they have in the past, for hourly accounts. Please see Chapter 2 of the Tariff and Billing Handbook for further information on Billing Deadlines and Late Billing.