

Legal Aid Ontario

Disbursements Handbook

Last Revised: April 21, 2010



LEGAL AID ONTARIO
AIDE JURIDIQUE ONTARIO

General Principles

- A disbursement not otherwise covered in this handbook always requires prior authorization. LAO is not responsible for the cost of disbursements incurred if authorization is not obtained in advance
- 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
- The Legal Aid Services Act and Regulations, prohibits a lawyer from seeking reimbursement from a client for fees or disbursements disallowed by Legal Aid Ontario incurred in connection with a matter covered by a legal aid certificate.
- Legal Aid Ontario 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.
- If you have not received approval for disbursements that require prior approval you will **not** be able to bill the disbursement online.

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We rely on you to:

- Obtain necessary disbursement authorizations in advance;
- Inform your disbursement provider 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 disbursement providers who accept legal aid rates for services provided;
- Bill Legal Aid promptly for disbursements;
- Pass on payment for disbursements promptly to your disbursement providers – **LAO does not pay disbursement providers directly;**
- Ensure the quality of the work obtained is worth the expense charged.

Lawyer Payments has created electronic forms which will assist you in requesting prior authorization for disbursements. These forms are available by clicking on the [How to Complete Forms](#) or by accessing them through our website at www.legalaid.on.ca.

The following charts lay out **disbursements in alphabetical order** for both Civil and Criminal Matters. Each chart notes which disbursement items require prior authorization and which do not and includes the limitations/restrictions of each disbursement allowance. Please ensure you read and clearly understand the circumstances/limitations and nature of each disbursement before incurring any costs as you may be held financially responsible.

We recommend that you review the detailed descriptions of each disbursement in addition to the Charts. Descriptions can be viewed in the body of the text or by clicking on the disbursement item located on the chart.

You can obtain prior authorization by:

- Faxing Lawyer Payments at 416-204-4739 or 416-979-8562; *OR*
- E-mailing us your completed disbursement forms at disbursements@lao.on.ca *OR*
- In an emergency, by phoning 416-979-2352, ext. 5000, or 1-800-668-8258, ext. 5000.

Please ensure that the e-mail subject line contains the client's name, the certificate number and the issuing area office.

For Big Case Management (BCM) cases please fax disbursement requests to (416) 204-4713.

PLEASE DO NOT SUBMIT STATUS REQUESTS USING THE DISBURSEMENT EMAIL ADDRESS AS YOU WILL NOT RECEIVE A RESPONSE

Disbursements for Criminal Matters

This chart highlights which disbursement items require prior authorization and which do not and includes the limitations/restrictions of each disbursement allowance. Please ensure you read and clearly understand the circumstances/limitations and nature of each disbursement before incurring any costs, as you may be held financially responsible.

Type of Criminal Disbursement	Prior Approval Required	Prior Approval NOT required	Comments
Accident Reconstructionist	✓ See How to Complete Forms		
Accountant	✓ See How to Complete Forms		
Arson Experts	✓ See How to Complete Forms		
Binding		✓	
Courier Service		✓	
Consultants	✓ See How to Complete Forms		Rarely authorized
Crown Disclosure		Should be available at no charge	Crown disclosure should be provided free of charge - in all cases provide reasons for charge in comments box of your Online account
DNA Expert	✓ See How to Complete Forms		
DNA Testing	✓ See How to Complete Forms		
Document Examiner – Fraud or Forgery	✓ If more than 4 hours required See How to Complete Forms	✓ If 4 hours or less	\$85 per hour
Document Examiner – Other	✓ See How to Complete Forms		Provide reasons why a document examiner is required; estimate of cost (including # of hours required); and the number of documents to be examined.
Engineer	✓ See How to Complete Forms		
Expert - Travel	✓ See How to Complete Forms		Advise in first instance when requesting authorization for expert witness that the expert is not local & will need travel expenses. Provide reasons why a local expert cannot be retained. If travel is authorized, then LAO pays \$43.00 per hour for travel time, and \$0.40 per kilometre for mileage in southern Ontario (\$0.41 in northern Ontario). The number of kilometres must be itemized in the assessor's/expert's account.
Expert Witness Fees	✓ See How to Complete Forms		

Fax		✓	\$0.25 per page; long distance charges to be billed separately
Fingerprint Expert	✓ See How to Complete Forms		
FIPPA Application Fee		✓	To a maximum of \$5.00
Forensic Expert	✓ See How to Complete Forms		Rates vary according to area of expertise, education and experience. Ensure you provide a copy of his/her curriculum vitae when requesting prior authorization
Hospital Records		✓ To maximum of \$150	If more than \$150 make FIPPA application and advise hospital maximum willing to pay is \$0.20 per page
Interpreters- Language	If more than 10 hours or LAO rate See How to Complete Forms	If 10 hours or less for lawyer/client interviews	\$31.40 for 1 st hour \$19.20 for each subsequent hour
Interpreters – Sign Language	If more than 10 hours See How to Complete Forms	If 10 hours or less for lawyer/client interviews	\$55 per hour - actual time no minimum
Medical Records	If more than \$150 See How to Complete Forms	\$150.00	
Medical Report - General Practitioner	If more than one report of more than \$200 See How to Complete Forms	Maximum of 1 report from GP at a cost of \$200 or less	
Medical Report - Specialist	If more than one report of more than \$300 See How to Complete Forms	Maximum of 1 report from specialist at a cost of \$300 or less	
Non Medical Records	If more than \$150 See How to Complete Forms	\$150	
Non Medical Reports	If more than \$150 See How to Complete Forms	Maximum \$150	
Pathologist	If more than 6 hours required or charge other than murder See How to Complete Forms	Maximum 6 hours for charge of murder	\$100 per hour in cases in which the client is defending charges of murder or manslaughter
Phallometric Testing	✓ See How to Complete Forms		
Pharmacologist/Toxicologist for indictable type I or II charge with defence of intoxication	If more than 6 hours required for report Witness fee always requires approval See How to Complete Forms	Maximum 6 hours for report	\$90 per hour for report

Pharmacologist/Toxicologist for charge of over .08 or impaired driving		\$90 Maximum fee for report \$275 Maximum fee for witness fee.	
Photocopying – In-house		✓	Maximum of \$0.10/page (all documents in lawyer's control are considered in house whether or not copied in the lawyer's office)
Photocopying - External		✓	Only documents that are not in lawyer's control (e.g. documents obtained from court) are considered out of office copies
Photographs – film, processing, copies	If more than \$50		
Photographs – professional photographer	✓ See How to Complete Forms		
Polygraph			Rarely authorized
Postage		✓	
Private Investigator	✓ See How to Complete Forms		\$52.50 per hour (as of Feb 1/10)
Process Server		✓	Reasonable cost
Process Server - Out of Province		✓	To maximum of \$200
Psychiatrist or Registered Doctor of Psychology for sentencing or defence of an adult charged with an indictable offence	If more than 6 hours required See How to Complete Forms	If 6 hours or less required	\$105 per hour for a registered doctor of psychology or \$142.00 per hour for a psychiatrist
Psychiatrist or Registered Doctor of Psychology report requesting a 30 or 60 day remand for fitness assessment	If more than 2 hours See How to Complete Forms	2 hours	\$105 per hour for a registered doctor of psychology or \$142.00 per hour for a psychiatrist
Psychiatrist or Registered Doctor of Psychology for youth	✓ See How to Complete Forms		Rarely authorized
Psychometrist	✓ See How to Complete Forms		
Sentencing Report for an adult authored by someone other than medical expert	✓ If more than \$100 See How to Complete Forms	✓	Maximum of \$100
Telephone – long distance or collect calls from incarcerated client		✓	Actual long distance calls only paid if lawyer docketed each call and can provide telephone bill

Transcripts of Reasons for Sentencing or Reasons for Judgment		30 pages @ \$3.20 per page	If certificate authorizes opinion on merits of appeal
Transcript - Preliminary Hearing – original		✓ \$3.20 per page	Provided the Preliminary Hearing has been completed
Transcript – copy of previous court date		0.55/page	Trial proceedings where judge or crown has ordered original
Transcript – Section 11b Charter of Rights (motion to stay)	Approval required if more than \$150 See How to Complete Forms	To maximum of \$150	\$3.20 per page for an original and \$0.55 per page for copies (\$4.30/page)
Transcripts for Appeal		✓ See How to Complete Forms	<p>Authorization not required but invoices must be submitted in advance in order that they may be added to the certificate; advise names of all co-appellants & ensure court reporter only charges for 1 transcript if appeal to Court of Appeal or Divisional Court.</p> <p>Please note that it is mandatory that counsel co ordinate the ordering of the transcript with counsel for the co appellant(s) to ensure that only one transcript is ordered at appeal rates</p>
Travel Expenses - Lawyer	If billing anything other than mileage/hotel/ meals between consecutive court dates (e.g. train or air fare)	✓ If travel authorized on certificate	Mileage \$.40/km S Ont. or \$0.41/km N Ontario; \$150/ night hotel & meals between consecutive court dates
Video/Audiotape Transcriptions	✓ See How to Complete Forms		Maximum LAO pays is \$3.20 per page for the first copy and \$0.10 per page for copies
Witness – Ordinary <ul style="list-style-type: none"> Indictable Offences Summary Conviction Matters 	If billing anything in addition to mileage	✓	<p>Indictable - No witness fee \$0.30/kilometre S. Ont.; \$0.305/kilometre N. Ont.</p> <p>Summary conviction - witness fee \$4 per day \$0.10 per mile (\$0.06 per kilometre)</p>

Disbursements for Civil Matters

This chart highlights which disbursement items require prior authorization and which do not and includes the limitations/restrictions of each disbursement allowance. Please ensure you read and clearly understand the circumstances/limitations and nature of each disbursement before incurring any costs, as you may be held financially responsible.

Type of Civil Disbursement	Prior Approval Required	Prior Approval NOT required	Comments
Accident Reconstructionist	✓ See How to Complete Forms		
Accountant	✓ See How to Complete Forms		
Actuarial Reports	If for any reason other than a pension appraisal	\$550 for a pension appraisal	
Appraisal - Chattels	✓		Rarely authorized
Appraisal - Real Property	If cost more than \$300	\$300	If client has interest in real property
Arson Experts	✓ See How to Complete Forms		
Binding		✓	Reasonable cost
CAS Records	If more than \$300	If not more than \$300	Family law
Consultants	✓ See How to Complete Forms		Rarely authorized
Country Expert Reports – CRDD Proceedings		✓	2 hour maximum. Rates vary according to area of expertise, education and experience. Ensure you provide a copy of his/her curriculum vitae when requesting prior authorization
Courier Service		✓	
Court Fees		✓	If certificate authorizes the lawyer to proceed to that stage of proceedings
Cross - Examinations on Affidavits <ul style="list-style-type: none"> • Out of Court Examinations • Examination for Discovery or Questioning 	✓ For transcripts in all cases for cross-examination on affidavits See How to Complete Forms	✓ Fees for out of court examiner do not require prior approval if in accordance with the Administration of Justice Act	
DNA/Paternity Testing	✓ See How to Complete Forms		
Document Examiner	✓ See How to Complete Forms		
Drug Test - Hair Shaft	✓		Unlikely to authorize more than \$180 for 5 panel drug test
Drug Test - Urine	✓		Covered by OHIP
Engineer	✓ See How to Complete Forms		

Examinations for Discovery	If fees in excess of Administration of Justice Act &/or expedited transcripts See How to Complete Forms	If fees in accordance to Administration of Justice Act & transcripts not expedited	In civil litigation out of court examinations must be specifically authorized on the certificate
Expert Travel	✓ See How to Complete Forms		If travel is authorized, then LAO pays \$43.00 per hour for travel time, and \$0.40 per kilometre for mileage in southern Ontario (\$0.41 in northern Ontario). The number of kilometres must be itemized in the assessor's/expert's account.
Family Assessment & Report- FLA/CLRA	If more than 9 hours for client's proportional share	If cost shared equally by parties & 9 hours or less for client's proportional share at LAO rates	If custody dispute or allegations of physical or sexual abuse of child in access dispute <ul style="list-style-type: none"> • Psychiatrist \$142.00/hr • Registered doctor of Psychology \$105/hr • MSW \$75/hour • BSW \$60 per hour
Family Assessment & Report CFSA	✓		Expectation that court will order Sec 54 assessment & cost will be paid by CAS.
Family Assessor - Witness Fee	✓		Rarely authorized in FLA/CLRA matters as report is authorized on condition that parties agree report will be entered on consent
Fax		✓	\$0.25 per page; long distance charges to be billed separately
FIPPA Application Fee		✓	To a maximum of \$5.00
Forensic Experts	✓ See How to Complete Forms		Hourly rates vary according to area of expertise, education & experience.
Hospital Records		To maximum of \$150	If more than \$150 make FIPPA application
Interpreters – Language lawyer/client interviews	If more than 10 hours See How to Complete Forms	If 10 hours or less for lawyer/client interviews	\$31.40 for 1 st hour \$19.20 for each subsequent hour
Interpreters - Sign Language	If more than 10 hours See How to Complete Forms	If 10 hours or less for lawyer/client interviews	\$55 per hour - actual time no minimum
Interpreter for Trial	If Unified Family Court	For all courts except Unified Family Court	\$31.40 for 1 st hour \$19.20 for each subsequent hour. Provide an estimate of the length of the trial so that the allowance may be added to the certificate thus avoiding a delay in payment
Medical Records	If more than \$150	\$150.00	
Medical Report - General Practitioner	If more than one report of more than	Maximum of 1 report from GP at a	

	\$200	cost of \$200 or less	
Medical Report - Specialist	If more than one report of more than \$300	Maximum of 1 report from specialist at a cost of \$300 or less	
Medical Legal Report for Medical Malpractice	If more than \$500	Maximum of \$500	
Non Medical Records	If more than \$150	\$150	
Non Medical Reports	If more than \$150	\$150	
Paternity/DNA test	✓ See How to Complete Forms		Unlikely to authorize more than \$212.50 for client's half share of DNA testing
Pathologist	✓ See How to Complete Forms		\$100 per hour
Phallometric Testing	✓		
Photocopying – In house		✓	Maximum of \$0.10/page (all documents in lawyer's control are considered in house whether or not copied in the lawyer's office)
Photocopying - external		✓	Only documents that are not in lawyer's control (eg documents obtained from court) are considered out of office copies
Photographs – film, processing, copies	If more than \$50	To a maximum of \$50	
Photographs – Professional Photographer	✓ See How to Complete Forms		
Polygraph	✓		Rarely approved
Postage		✓	
Private Investigator	✓ See How to Complete Forms		\$52.50 per hour (as of Feb 1/10)
Process Server		✓	Reasonable cost
Process Server - Out of Province		✓	To maximum of \$200
Psychometrist	✓ See How to Complete Forms		
Searches		✓	Reasonable cost of title, driver's license, etc searches
Skip Tracer	✓		Only authorized if the skip tracer is successful.
Subservice by Advertising	If more than 1 insertion	Maximum of one insertion at a cost of \$450 or less	If court refuses to dispense with service or to allow subservice by registered mail or on a relative - one insertion at a cost of \$450
Supervised Access Centre Report		\$250	Rarely will authorize more than \$250 as user guideline provides a maximum fee of \$250
Telephone – long distance or collect calls from		✓	Long distance only paid if lawyer is actually billed for each long distance call & bill available to

incarcerated client			substantiate call
Transcripts for Appeal		✓ See How to Complete Forms	Authorization not required but invoices must be faxed or emailed in advance in order that they may be added to certificate.
Transcripts of Reasons for Judgement		30 pages @ \$3.20 per page	If certificate authorizes opinion on merits of appeal
Translations - FLA, Refugee	If more than 250 words See How to Complete Forms	Marriage/divorce certificate	Up to \$50 at a cost of \$0.20 per word
Translations - Refugee –Identity documents	If more than 1000 words for ID documents See How to Complete Forms	Up to 1,000 words for ID documents	If client holds genuine passport minimal ID translations are expected
Translations - Refugee- Supporting Documents	If more than 2500 for supporting documents See How to Complete Forms	Up to 2,500 words for supporting documents	Maximum of \$0.20 per translated word
Travel Expenses - Lawyer	If billing anything other than mileage/hotel/ meals between consecutive court dates (e.g. train and air fare)	✓ If travel authorized on certificate	mileage \$.40/km S Ont. or \$0.41/km N Ontario; \$150/ night hotel & meals between consecutive court dates
Witnesses Fees – Ordinary	✓ If friends or relatives of client	✓	Civil Litigation-\$50 witness fee Family Law- \$50 witness fee
Witness Travel – Ordinary	✓ If friends or relatives of client or if travel other than mileage	✓	Civil Litigation-\$3.00 in town witness or \$0.24/km for out of town witness Family Law-\$5.00 for in town and \$0.30/km for out of town witness

Disbursements (in alphabetical order)

Accident Reconstructionist

Prior approval is required in all cases to set the limits of this disbursement

See [How to Complete Forms](#) to be sure that you have included all the necessary information for gaining prior approval.

Accommodation

Lawyers – see Travel disbursements p.6-8

Witnesses – see [Witness fees](#)

Accountant

Prior approval is required in all cases to set the limits of this disbursement

See [How to Complete Forms](#) to be sure that you have included all the necessary information for gaining prior approval.

Actuarial Expert

Prior approval is required in all cases to set the limits of this disbursement

See [How to Complete Forms](#) to be sure that you have included all the necessary information for gaining prior approval.

Advertising - see [Service and Filing of Documents, Substituted Service](#)

Agents - see Tariff & Billing Handbook, Fees, Payment of Agents' Accounts

Agents - Services performed outside Ontario - see Tariff & Billing Handbook, Fees, Payment of Agents' Accounts

Application Fee for Humanitarian and Compassionate

- LAO does not pay application filing fees as they are not considered Court Fees and not considered a disbursement in furtherance of legal proceedings.

Appraisals

General

- 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 as set out below if it is reasonably necessary for the proceedings authorized by the certificate.
- If property is divided or awarded to your client during the litigation, this may represent a change in your client's financial circumstances. You must advise the district office of the change in your client's circumstances and instruct your client to contact the district office for financial reassessment.
- A client who obtains property or money as the result of the litigation is obliged to reimburse LAO for the amounts expended in pursuing the litigation. Before you settle your client's case, advise your client of his/her obligation to reimburse LAO from the proceeds of the settlement, and obtain LAO approval for the settlement. Do not release funds to your client without approval of LAO. See Tariff & Billing Handbook Chapter 7: Costs and Contributions for more details.

Prior approval is required for 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. Show that the estimated value of the assets appears to justify the requested expenditure.

A) Appraisals of Chattels

- LAO generally does not authorize or pay for a valuation of chattels owned by a legally aided client or an opposing party. If the parties cannot agree on a division the chattels, it should be sold and the proceeds divided equally subject to legal aid's charge under section 47. (1) of the Ontario Legal Aid Services Act.
- Legal proceedings for the division or recovery of chattels are generally not authorized or covered by a legal aid certificate.

B) Appraisals of Pensions

- LAO will pay for the cost to obtain a proper actuarial valuation of the legally aided client's own pension.
- In order to ensure the report contains all of the necessary information, it must include calculation of the value of the pension. The calculation must be made using the termination method of valuation, calculation of income tax and allocation of premarital contributions in accordance with professional standards.
- If your client was employed for a short period of time, or the pension is likely to be valued at less than \$25,000.00, discuss with your actuary less expensive options other than a full valuation report.

Prior approval is required:

- If the report will be prepared by an expert other than an actuary;

- If the report will not contain the information specified above;
- To obtain any kind of report about the value of an opposing party's pension;
- For the valuator's attendance at court;
- LAO does not generally allow appraisals of pensions of the opposite party.

C) Appraisals of Real Property

- LAO will pay to obtain 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.
- For title searches, see [Title searches – Real Property](#)

Prior approval is required if the cost of the appraisal will exceed \$300.00.

Arson Expert

Prior approval is required in all cases to set the limits of this disbursement.

See [How to Complete Forms](#) to be sure that you have included all the necessary information for gaining prior approval.

Assessments

A) Family Assessments – Children's Law Reform Act or Divorce Act proceedings

LAO covers the cost of obtaining a family assessment in the following cases, subject to the limits on the number of hours to complete the assessment:

- i) Access cases, in which child abuse is alleged;
 - ii) Custody cases provided no other assessment has been completed within the last year. Additional assessments are authorized only in exceptional circumstances.
- Be sure to include with your account information relating to the claims of each party for custody or access. If the case primarily involves access, you must advise that the case involves allegations of sexual or physical abuse of the child with your account.
 - Previous assessments must be disclosed in your request for authorization.
 - The number of hours to complete the assessment is limited to a total of 18 hours, which are apportioned *between* the parties. For example, if two parties are involved, Legal Aid pays up to 9 hours for **each** legally aided client.

Prior approval is required in all other cases if the proposed assessment will exceed these limits. Do not consent to an order for an assessment which requires LAO to pay for an assessment without prior authorization if the assessment will exceed these guidelines.

- The hours authorized for assessments are intended to cover all services by the assessor except travel. Hours billed for travel by the assessor are disallowed unless specific prior authorization is obtained for travel.

- Include in your request for authorization the following information:
 - Name and qualifications of assessor;
 - Number of hours required for interviews, reviewing materials, testing, travel and writing reports;
 - The number of people to be interviewed;
 - Particulars of their relationship to the client.

B) Family Assessments – Child and Family Services Act

- Assessments ordered under s.54 of the Child and Family Services Act are funded by the Ministry of Community and Social Services through children's aid societies. If an assessment is required, the CAS/CCAS should be prepared to arrange for the funding without contribution by the clients of LAO to its cost.
- Contact Lawyer Payments in these circumstances. Provide details concerning the kind of assessment required, the reasons it is necessary, the parties to it, the proposed assessor, estimated cost, and particulars of the CAS position.
- Do not consent to an order for an assessment which will require LAO to pay for an assessment without prior authorization from LAO.

C) Individual Assessments

Criminal proceedings, including proceedings before the Ontario Review Board

LAO covers the cost of retaining a registered doctor of psychology or psychiatrist for up to 6 hours to assess and prepare a report concerning a client, in the following circumstances:

- i) To assist with the defence or sentencing of a client in relation to Type I, or Type II indictable offences; or
- ii) To assist with the defence or sentencing of a client in relation to any other offence in which the defence put forward is one of not criminally responsible; or
- iii) To assist with the defence or sentencing of a client in relation to a charge of sexual assault, or other sexual offences, such as sexual interference, invitation to sexual touching, or a charge of assault against a child.

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.

D) Psychiatric Observation

LAO covers the cost to retain a general practitioner, registered doctor of psychology or psychiatrist for up to 2 hours to assess the client and prepare a report to be used to request that the court remand the client for observation.

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.

E) Youth Assessments

- Assessments of twelve to fifteen year old youths are funded by the Ministry of Community and Social Services and should be initiated by an MCSS official through the Direct Services Administrator at the local MCSS office.
- Under the *Youth Criminal Justice Act* assessments of sixteen and seventeen year old youths are funded by the Ministry of the Attorney General.

- In circumstances in which Section 34 of the *Youth Criminal Justice Act* applies, you must make an application for an assessment to the court under the section. If the order is granted, then the assessment is paid for by the Ministry of the Attorney General.
- If your application under Section 34 is not successful, then contact LAO to request authorization for the cost of an assessment.
- In circumstances in which Section 34 of the *Youth Criminal Justice Act* applies, LAO may also consider authorizing an assessment if the assessment is required to assist with the defence to the charges, and there are issues of confidentiality relating to its disclosure as required by section 13 of *Canadian Charter of Rights and Freedoms*.
- In circumstances in which Section 34 of the *Youth Criminal Justice Act* does not apply, LAO may also consider authorizing an assessment.
- Contact the Lawyer Services and Payments Department in these circumstances. Provide details of the kind of assessment required, the reason it is necessary, why alternate funding is not available through the applicable Ministry, and the number of hours required for the assessment, and the name and qualifications of the proposed assessor.

Binding Costs

- LAO covers reasonable binding costs and may request a copy of the table of contents of the bound documents.

Cancellation Charges

- Generally are not paid by Legal Aid and are considered the personal responsibility of the party cancelling the appointment or overhead costs.

Child Access Supervision Report (Supervised Access Centre Report)

- LAO covers this expense as per the Ministry of the Attorney General's guide for user fees.

Prior approval is required for attendance at court.

See [How to Complete Forms](#) to be sure that you have included all the necessary information for gaining prior approval.

Computer Research

- Subscription to a computer research service is considered part of a lawyer's overhead cost and is not normally compensated.
- LAO LAW is a resource for research and can assist with general memoranda and in some cases, case-specific research.

Conduct Money - see [Witness Fees](#)

Continuing Record Binder

- LAO covers the cost incurred for the Continuing Record binder in family law proceedings.
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Corporate Searches

- LAO covers the cost to obtain corporate searches if they are reasonably necessary for the proceedings authorized by the certificate.
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Couriers

- LAO covers the cost for reasonable courier charges. Mileage is not paid in addition to courier fees.
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Country Expert

- LAO covers the cost of retaining an expert up to 2 hours to provide an opinion on country conditions to support client's claim. Hourly rates are dependent on the expert's academic qualifications.

<p>Prior approval is required if this limit will be exceeded.</p>
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See [How to Complete Forms](#) to be sure that you have included all the necessary information for gaining prior approval.

Court Filing Fees

A) *Paid to the Court for Issuing or Filing Documents and Pleadings*

- LAO covers the cost paid to the court for issuing or filing documents and pleadings provided the Area Director has authorized the proceedings.

<p>NOTE: If the certificate authorizes only the preparation of an opinion, and the commencement or defence of proceedings has not been authorized, contact the district office for further authorization.</p>
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B) *Special Circumstances – Motion to be Removed as Lawyer of Record*

- LAO covers the cost of filing the record for a motion to be removed as lawyer of record for a legally aided client, if the certificate authorizes the action to proceed beyond the

opinion stage. The motion must be brought within a reasonable time of the client terminating the retainer or failing to continue to provide instructions.

Prior approval is required if an extended period has elapsed (contact Lawyer Payments). For the motion to be removed as lawyer of record, if the certificate authorizes only an opinion and proceedings have been commenced by you.

C) Special Circumstances – Trial Record

Prior approval is required to proceed to trial in civil matters before the cost of filing the trial record is allowed.

D) Special Circumstances – Writ of Seizure and Sale

- LAO covers the cost of filing a writ of seizure and sale to secure a judgment, as long as the writ is filed within a reasonable time after judgment is obtained. You are required to issue a judgment or order promptly, and to file the writ of seizure and sale promptly thereafter.

Prior approval is required if an extended period of time has elapsed, and the order or judgment has not been issued. Contact the Lawyer Payments to take further steps. If it is necessary to secure the judgment in another province, contact the Lawyer Payments (see *Tariff & Billing Handbook Chapter 7: Costs and Contributions* for more information).

E) Court Ordered Assessments in Criminal Matters ONLY

- It is LAO's expectation that any assessment report ordered by the Court is to be paid by the Court.

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.
- An accused person should be provided free of charge with copies of relevant material concerning his or her case, including, if applicable:
 - Paper copies of written statements and other documents;
 - Copies of audio tapes;
 - Copies of video tapes;
 - Diskettes;
 - Photographs.
- If disclosure is not provided to you free of charge, contact the Lawyer Payments for authorization.
- For disbursements for the cost of attendance at court to obtain Crown disclosure, see [Service and Filing of Documents](#).

Prior approval is required for printing disclosure from CDs. Lawyers are expected to peruse the information and determine what portions are necessary in hard copy and

submit a detailed estimate of cost for those portions only. The maximum LAO will pay for printing disclosure is \$0.10 per page whether or not counsel has the printing done off-site.

DNA Expert

Prior approval is required in all cases to set the limits of this disbursement.

See [How to Complete Forms](#) to be sure that you have included all the necessary information for gaining prior approval.

DNA Testing

Prior approval is required in all cases to set the limits of this disbursement.

See [How to Complete Forms](#) to be sure that you have included all the necessary information for gaining prior approval.

Document Examiner

- LAO covers the cost of retaining a document examiner for up to 4 hours in cases which the client is defending charges of fraud or forgery.

Prior approval is required in cases other than fraud or forgery, or if the number of hours will exceed the limit set out above.

See [How to Complete Forms](#) to be sure that you have included all the necessary information for gaining prior approval.

Drug Testing

Prior approval is required; provide background information regarding the client's matter and how your request for disbursement relates to the furtherance of the proceeding. Submit a detailed estimate of cost.

In family law matters the cost of such testing is expected to be shared equally and the resulting report submitted into evidence without the necessity of formal proof.

Engineer

Prior approval is required in all cases to set the limits of this disbursement.

See [How to Complete Forms](#) to be sure that you have included all the necessary information for gaining prior approval.

Examinations & Questioning

LAO covers the cost of Official Examiner fees if in accordance with the rates set out in the Administration of Justice Act:

- For the cost of the official examiner's appointment for questioning or examination of an opposing party.
 - In civil litigation cases, the Area Director has specifically authorized examinations for discovery to proceed and for related disbursements to be covered.
 - In family law matters, no specific authorization from the Area Director is required; provided the Area Director has authorized the action to proceed.
 - For allowances for transcripts of examinations, including expedited transcripts: see [Transcripts](#).
 - Where cancellation charges are charged with a legally-aided client's missed appointments they are the responsibility of the legally-aided client.
 - Payment of the official examiner's cancellation charges is within the discretion of the Legal Accounts Officer when the other party does not attend. Include a request for the exercise of discretion with your account and include the reasons for the cancellation and whether you will be including the disbursement in the claim for cost.
-

Experts

See [How to Complete Forms](#) to be sure that you have included all the necessary information for gaining prior approval.

General policies, including attendance in court, travel, cancellation charges for missed appointments

- LAO relies on you to retain qualified experts whose opinions and reports can be relied on in Court.
- The hourly rate payable by LAO to experts is based on the academic qualifications and/or accreditation of the expert. It is important that each disbursement request made by a lawyer who is working on a LAO certificate include the name and qualifications of the anticipated expert.

Criminal

- When seeking **prior approval** provide the circumstances leading up to laying of charges: theory of defence; detailed description of services to be provided; how the services will aid in your client's defence; and an estimate of cost, including breakdown of time required and hourly rate.

- The number of hours authorized is intended to cover all services to be provided by the expert, for example, interviews, review of documents, discussions with you, and preparation of reports.

Civil

- When seeking **prior approval** provide details of the history of the litigation; how the disbursement requested is in furtherance of the proceedings; estimate of cost, including hourly rate and time required; names of all litigants and whether the disbursement will be shared amongst all parties and if not reasons why.
- The number of hours authorized is intended to cover all services to be provided by the expert, for example, interviews, review of documents, discussions with you, and preparation of reports.

Expert Travel

- Authorization for expert travel must be specifically obtained in addition to preparation.
- It is the certificate lawyer's responsibility to provide LAO with the particulars of the expert's travel expenses (i.e. where the expert is travelling to and from) and if applicable reasons why a local expert cannot be retained.

Expert Court Attendance

- Should expert Court attendance be authorized, the expert's travel mileage would be compensated. See Travel p. 6-8
- Attendance in Court to give evidence, and any necessary preparation for Court, require specific additional authorization.
- LAO compensates expert Court attendance on a half-day basis. Experts are expected to be retained on a standby basis for Court attendance. LAO is reluctant to pay witness fees for time spent by experts waiting to be called.
- Specific prior authorization is required in all cases for an expert to attend Court to hear evidence from any witness. Such authorization is rarely given.

Out of Province Experts

- Experts from outside Ontario are usually more expensive than local experts. LAO does not authorize an expert from outside Ontario if a local/regional expert is available. You must take reasonable steps to find a local expert. Before requesting authorization for an expert from outside Ontario, determine the extent to which the proposed expert is recognized for expertise not available locally/regionally.

Specific prior authorization is required in all cases to set the limits of the retainer for an out of province expert.

Expert Accounts

- All experts must provide an itemized invoice, billed hourly, including the dates of all services, a brief description 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, the cost of 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 on expert's accounts.
- Where cancellation charges for missed appointments are billed they are the responsibility of the legally-aided client.

It is your responsibility to:

- Request authorization in advance in a timely fashion, provide background information regarding the client's matter and how your request for disbursement relates to the furtherance of the proceeding, and an estimate of cost (including the qualifications and hourly rate of the expert if applicable).
- Advise us whether the client is incarcerated and where.
- Inform your expert promptly of the terms of the authorization provided by LAO.
- Ensure that the accounts you submit are accurate billings for satisfactory services.
- Submit your expert's account promptly to LAO for payment.
- Pass on payment for disbursements promptly to your expert – **LAO does not pay experts directly.**

Fax Charges

- Prior approval not required for transmissions sent from or received in your office.
- Your detailed account, in all cases, must contain the number of pages sent or received and the cost per page. LAO may request your fax log to support fax charges billed to LAO.

Filing Fees - see [Service and Filing of Documents](#)

Fingerprint Expert

Prior approval is required in all cases to set the limits of this disbursement.

See [How to Complete Forms](#) to be sure that you have included all the necessary information for gaining prior approval.

FIPPA

- Prior approval not required for Freedom of Information and Protection of Privacy Act Application fee.

Hotel - Lawyers – see Travel disbursements; Witnesses – see [Witness fees](#)

Interpreters

- LAO pays for a language or sign interpreter for a legally aided client in accordance with the provisions of this section.
- The cost of missed appointments or cancellations is considered part of overhead expenses and is not reimbursed by LAO if billed by an interpreter.

A) Language Interpreters

- Unless specifically authorized, no travel or related disbursements are allowed for interpreters.
- Some cultural associations provide interpreters free of charge when requested.
- Consider whether a friend or family member of the client can attend and assist the client with language issues without charge to Legal Aid.
- 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.
- If billing Online, retain copies of all invoices submitted by the interpreter.
- You are responsible for ensuring that your interpreters bill accurately.
- LAO pays only for **actual** time spent by the interpreter.

B) Sign Language Interpreters

- 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.
- Likewise, 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.
- Be sure to advise the sign language interpreter if your client is on a contributory certificate, or if your client is likely to recover damages or other property as a result of the litigation.

C) Specific Proceedings

Language interpreters and sign language interpreters are authorized for specific proceedings as follows:

i) Refugee Proceedings

- Up to ten hours of interpreter services.
- Additional hours are authorized in cases in which there is more than one adult claimant with a separate claim covered by the certificate. Include with your account details of the number of claimants covered by the certificate and whether they have a separate claim.

ii) Civil Proceedings, including family law and CFSA proceedings

- Up to ten hours of interpreter services to attend meetings with your client, or Legal Aid settlement conferences, pre-trial conferences, examinations, or trial.

- Prior approval required for proceedings in Unified Family Court, where court services usually provide interpreters.
- LAO does not pay for an interpreter for trial proceedings in Unified Family Court where one is available free of charge. Lawyers should advise the clerk when filing the application or answer that an interpreter will be required in order that the coordinator of Trial Services may ensure that an interpreter is available should the matter reach trial.

NOTE: LAO does not pay for an interpreter to allow a lawyer acting on a legal aid certificate to examine an opposing party. The opposing party is responsible for providing his/her own interpreter.

C) Criminal proceedings

- Up to ten hours of interpreter services to attend meetings between yourself and your client
- For attendances in Court, an interpreter is provided by the Court without charge.

Investigators

Prior approval is required in all cases to set the limits of this disbursement.

See [How to Complete Forms](#) to be sure that you have included all the necessary information for gaining prior approval.

- If more than one investigator will be necessary, specific authorization is required.
- The number of hours authorized includes all necessary travel time. Be sure to include in your disbursement authorization request an estimate of the number of hours required for travel time including the area of travel is required and reasons why a local investigator cannot be retained.
- LAO pays for appropriate investigator's services, such as interviewing witnesses, surveying crime scene and taking photographs, plus reasonable out of pocket expenses incurred by the investigator, such as the cost of motor vehicle searches, film and developing charges, and the cost of audiotapes used in interviews.

Prior approval is required in all cases for the cost of the investigator's attendance in court to give evidence. **Prior approval** is also required for other travel expenses such as accommodation, meals, and other transportation costs.

- Retain copies of all investigators' accounts when submitting your account *Online*.
- Investigators are required to itemize their accounts, including the names of all investigators who provided services, the dates of all services, a brief description of the services provided, and the amount of time spent on each activity on each date.
- All out of pocket expenses charged by the investigator must be itemized, billed in accordance with the rates set out in this handbook, and supported by receipts or invoices as provided in this handbook.
- LAO rarely authorizes the services of an investigator for surveillance.

Meals – Lawyers – see Tariff & Billing Handbook, Chapter 5; Travel Tariff, Travel disbursements-Meals

Meals – Witnesses see [Witness Fees](#)

Mediation – Family Law or CFSA Proceedings

- Up to 5 hours of mediation for each legally aided client without authorization.
 - Provide details of issues addressed in mediation, issues that have been resolved, issues still in dispute if more than 5 hours are required.
 - Provide estimate of additional time required and whether the mediator will be providing the court with a report with his/her recommendations.
-

Mediation – Civil Litigation

Ontario Mandatory Mediation Program

- Mandatory mediation under this program is currently in effect in Toronto and Ottawa-Carleton under the provisions of Rule 24.1 of the Rules of Civil Procedure.
 - The regulation establishing the program limits the rates that mediators operating in the program may charge legally aided clients.
 - Please ensure that the mediator is aware that your client is legally aided and that the fees charged are in accordance with the LAO rates.
 - Rates should be proportionate to the number of parties.
-

Medical Doctor

Prior approval is required in all cases to set the limits of this disbursement.

See [How to Complete Forms](#) to be sure that you have included all the necessary information for gaining prior approval.

Medical Legal Consultants

Prior approval is required in all cases to set the limits of this disbursement.

See [How to Complete Forms](#) to be sure that you have included all the necessary information for gaining prior approval.

Please Note: Medical Legal Consultants are rarely authorized. LAO does not pay a finders fee to agents who locate experts for lawyers.

Medical Legal Reports

For use in personal injury or malpractice actions, workers compensation claims, and disability pension claims

- A) For the purposes of preparing an opinion to the Area Director on the merits of the client's claim:

LAO covers the cost of obtaining a medical report from the client's family doctor or general practitioner up to a maximum of \$200.00 for personal injury or malpractice actions; or up to a maximum of \$200.00 for workers compensation or disability pension claims.

LAO covers the cost of obtaining a report from a specialist treating a client up to a maximum of \$500.00 for personal injury or malpractice actions; or up to a maximum of \$300.00 for workers compensation or disability pension claims.

- B) To proceed with the action provided the Area Director has authorized the action to proceed beyond the opinion stage:

LAO covers the cost of obtaining a third medical-legal report from a specialist, provided the cost is \$500.00 or less for personal injury or malpractice actions.

Please Note: The cost of the reports must be 10% or less of the estimated recovery set out in your opinion letter.

Medical Reports

- LAO will cover the cost to obtain the following medical reports from a physician who is or has been treating the client:
 - a) a medical report from the client's family doctor or general practitioner;
 - b) a medical report from a specialist, including a psychiatrist or a registered doctor psychology.

Prior approval is required if more than two reports are required, or if the cost of a report will exceed the tariff allowances.

- LAO will cover the cost in CRDD proceedings to obtain a report to substantiate a client's claim, or the claim of any other adult claimant joined in the legally aided client's application from a non-medical expert up to a maximum of \$150.00.

Mileage - see Tariff & Billing Handbook Chapter 5: Travel Tariff, Mileage

Motion to be Removed as Lawyer of Record - See [Court Filing Fees](#)

Non-Medical Reports

- LAO covers the cost of obtaining a non-medical report.

Prior approval is required if more than one report is required, or if the cost of a report will exceed the tariff allowance.

Out of Province Lawyers - see [Services Performed Outside Ontario](#)

- Do not retain an agent for legal services to be performed in proceedings taking place outside Ontario without approval.

Parking - See Travel Disbursements – Parking

Paternity Testing

Prior approval is required in all cases for the cost of paternity tests - **do not** consent to a court order for paternity testing without prior authorization.

See [How to Complete Forms](#) to be sure that you have included all the necessary information for gaining prior approval.

- Authorization **may** be granted in cases in which the mother is claiming support if:
 - no presumption of paternity applies;
 - paternity is denied; by the respondent;
 - the payor or can pay sufficient support at the present time or in the foreseeable future such that the payee will receive a direct personal, financial benefit from the receipt of support; and
 - If the father is the respondent, the payor will suffer a direct personal, financial consequence if he is ordered to pay support.

Generally,

- In cases in which a presumption of paternity applies, significant evidence rebutting the presumption is required before paternity testing is authorized.
- In cases in which a default order for support and paternity has been granted, significant evidence to support the denial of paternity in subsequent proceedings is required before paternity testing is authorized.
- In cases in which there is an established relationship between the putative father and the child/children in issue, significant other evidence to support a denial of paternity is required before paternity testing is authorized.

- In custody cases, authorization may be granted in cases in which obtaining blood tests will assist in determining the child's best interests, if the mother of the child is denying the opposite party is the father of the child.
- In immigration or refugee proceedings, authorization may be granted in order to establish a family connection in cases with sufficient merit.
- Lawyers for each party with a legal aid certificate must request authorization for his/her client's one-half share of the cost. If authorization is granted, one-half of the cost is authorized on your certificate. When your account is submitted, one-half of the cost is paid to you. The other party must request authorization and bill for the other half of the cost of the testing.
- Authorization of paternity testing on one party's certificate is not a guarantee that paternity testing will be authorized on other parties' certificates, if also legally aided. Each party's request will be considered independently and a decision made based upon the merits.

Pathologist

- LAO covers the cost of retaining a pathologist for up to 6 hours in cases in which the client is defending charges of murder or manslaughter.

Prior approval is required in all other circumstances or if the cost of will exceed the limits set out above.

See [How to Complete Forms](#) to be sure that you have included all the necessary information for gaining prior approval.

Phallometric Testing

Prior approval is required in all cases to set the limits of this disbursement.

Pharmacologist/Toxicologist

- LAO covers the cost of retaining a pharmacologist/toxicologist for up to 6 hours to defend Indictable Type I, or II offences in which the defence is ingestion of drugs or alcohol.
- LAO covers the cost of obtaining a report from an expert in cases which the client is defending charges of impaired driving or related charges.

Prior approval is required if the number of hours, or if the cost of a report will exceed the amounts set out above.

See [How to Complete Forms](#) to be sure that you have included all the necessary information for gaining prior approval.

Photocopying

- LAO covers the cost of reasonable photocopying charges for photocopies made in your office.
- Your detailed account must include the number of pages and the cost per page.

Out of Office Photocopying

- A higher rate is allowed for copies of documents, not in the lawyer's control, made at a different location e.g. at the court offices, libraries, or publishers.
 - Provide an explanation and breakdown of charges in the comments section of your online account.
-

Photographer

Prior approval is required in all cases to set the limits of this disbursement.

See [How to Complete Forms](#) to be sure that you have included all the necessary information for gaining prior approval.

Photographs

- LAO covers the reasonable cost of processing, and production of necessary copies.
-

Polygraph

Prior approval is required in all cases to set the limits of this disbursement. Polygraph is rarely authorized unless all parties agree that the results will be admitted into evidence.

Postage

LAO covers the cost of reasonable postage charges. LAO pays the current first class rate.

Private Investigators - see [Investigators](#)

Psychiatrist/Registered Doctor of Psychology

- LAO covers the cost of retaining a registered doctor of psychology or psychiatrist in following instances:
 - i. To assist with defence or sentencing of a client in relation to Type I or Type II indictable offences; or
 - ii. To assist with defence or sentencing of a client in relation to any other offence in which the defence put forward is one of not criminally responsible; or
 - iii. To assist with defence or sentencing of a client in relation to a charge of sexual assault, or other sexual offence, such as sexual interference, invitation to sexual touching or a charge of assault against a child.

Prior approval is required if the number of hours will exceed the amounts set out above, or in all other circumstances.

See [How to Complete Forms](#) to be sure that you have included all the necessary information for gaining prior approval.

Psychometrist

Prior approval is required in all cases to set the limits of this disbursement.

See [How to Complete Forms](#) to be sure that you have included all the necessary information for gaining prior approval.

Records**A) CAS Records**

- LAO covers the cost to obtain copies of a client's relevant CAS records, or those of a client's child or children, in family law or CFSA proceedings. Counsel is urged to obtain only the most relevant and necessary parts of the client's/children's records.

B) Hospital Records

- LAO covers the cost to obtain copies of a client's relevant hospital records or the hospital records of a child/children of the client in family law, CFSA or civil proceedings or criminal proceedings; in mental health proceedings including applications before the Consent and Capacity Board, and the Ontario Review Board; and for a client's other family members covered by the certificate in refugee proceedings. If the cost of records is more than \$150.00 per hospital, please indicate to the hospital that the client will proceed by way of a Freedom of Information and Protection of Privacy Act request.

C) Medical Records (not Hospital)

- LAO covers the cost to obtain medical records from the client's attending physician.

D) Non-Medical Records

- LAO covers the cost to obtain non-medical records (e.g. school counsellor's records).

Sentencing Reports

A) Adults

- LAO covers the cost of obtaining one of the following reports for the purpose of speaking to sentence:
 - A report from a client's family doctor or general practitioner, up to a maximum of \$200.00;
 - A report prepared by a specialist, including a registered doctor of psychology or psychiatrist treating a client, up to a maximum of \$300.00;
 - A report prepared by a MSW, BSW or other non-medical expert, up to a maximum of \$100.00.

B) Youth

- LAO covers the cost of obtaining one of the following reports for the purpose of speaking to sentence:
 - A report from a client's family doctor or general practitioner, up to a maximum of \$200.00;
 - A report prepared by a registered doctor psychology or psychiatrist treating a client, up to a maximum of \$300.00.

Prior approval is required to obtain any other report for the purpose of speaking to sentence, or if limits will be exceeded.

Service and Filing of Documents (including obtaining Crown disclosure, and issuing subpoenas)

A) Within Ontario

- LAO covers reasonable fees for service and filing of documents, including reasonable costs of process servers, paralegals or law clerks for service of documents requiring personal service, and filing them at court. These services cannot be billed on an hourly basis.
- LAO pays mileage. See Travel, p.6-8

NOTE: No other expenses are paid in addition to the set fee and mileage

- The process server's invoice must include:
 - Name and address of person served;
 - Description of documents served;
 - Number of attempts to serve, if more than one;
 - Distance travelled in kilometres;
 - Date service effected.
- Try to minimize the need for rush or expedited service of documents.
- Acknowledging certificate lawyers should consider filing applications and picking up disclosure personally whenever possible (e.g. where counsel is already scheduled to be in attendance at court).
- Consider the possibility of serving and filing of documents and delivering disclosure electronically.

- Consider using non-lawyers for service and filing of documents if possible. Hours billed by a lawyer, a lawyer acting as agent, or law clerk employed by him/her, for service or filing of documents are included in calculating the maximum fees allowed by the certificate.
- If you decide to retain a lawyer as agent to serve or file documents, see *Tariff & Billing Handbook, Fees, Payment of Agents' Account*.
- In some communities in northern Ontario, the OPP serve documents at no charge.

B) Outside Ontario

- LAO covers the service of documents outside Ontario (by the Sheriff of the appropriate county anywhere within Canada or the United States) provided the Area Director has authorized the action to proceed.

C) Substituted Service

- LAO covers the cost of bringing a motion to dispense with service or for an order for substituted service by advertising.
 - In appropriate circumstances, ask the court for an order for substituted service by mail or on a family member.
 - Otherwise, because advertising is expensive, request an order for substituted service by placing an advertisement one time only in one newspaper.
 - The placement of a newspaper advertisement, one time only, for the purpose of effecting substituted service, if you first obtain a court order for substituted service.

Skip Tracer

Prior approval is required to retain a skip tracer to locate a party or witness to a litigation.

- Any authorization provided by LAO requires you to retain a company that does not charge if the search is unsuccessful. You may be required to apply for substituted service or to explain why substituted service would not be successful.

Telephone

A) Long Distance

- LAO covers the actual cost of long distance telephone charges.
- Long distance calls billed as a disbursement on any given account, should have a corresponding call taken by a person in the certificate lawyer's detailed dockets.
- LAO does not reimburse the cost of long distance charges when there is no cost directly attributable to the client's case.

B) Cell Phone

- LAO does not pay for cell phone expenses.
- LAO covers the actual cost of long distance charges billed to a cell phone.

- Long distance calls billed as a disbursement on any given account, should have a corresponding call taken by a person in the certificate lawyer's detailed dockets.
- In cases in which a lawyer has a "flat rate" billing plan for cell phone use, because there is not cost directly attributable to the client's case, LAO does not reimburse the cost of cell phone usage.

Therapy

- LAO does not pay for therapy sessions of any kind as it is considered to be the client's responsibility and therefore his/her personal expense.

Title Searches – Real Property

- LAO covers the cost of a 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.

Transcripts

See [How to Complete Forms](#) to be sure that you have included all the necessary information for gaining prior approval. In all cases a detailed invoice (including court dates, the number of pages, whether copies or originals and the cost per page) is required.

A) Opinion Certificate

- Prior approval not required to order transcripts of the reasons for judgment and/or reasons for sentence to a maximum of 30 pages, (provided that a certificate authorizing the preparation of an opinion on the merits of an appeal has been issued).

Prior approval is required to order additional portions of the transcript or if more than 30 pages.

- Transcripts of any portion of the proceeding other than reasons for judgment and/or sentence are not likely to be allowed whether or not the lawyer preparing the opinion represented the client at trial.

B) Appeals - Certificate Authorizing Appeal to Proceed

- Prior approval not required to order a copy of the transcript necessary for the conduct of an appeal, if a certificate authorizing the appeal to proceed has been issued and the transcriber is charging fees in accordance with the Administration of Justice Act.
- Lawyers do not require prior approval for transcripts in appeal matters, however, LAO must review court reporter invoices for appeals transcripts prior to payment to ensure that the proper rates are being charged and to confirm that duplicate copies are not being charged when a co-accused/co-appellant exists.
- It is the responsibility of the lawyer to ensure that only one appeal transcript is paid.

C) Court Reporter's Account

- Although authorization is not required for transcripts for criminal or family or civil litigation appeals (if a certificate authorizing an appeal has been issued) you should submit a disbursement request for the amount of the court reporter's account. The transcript will then be added to the certificate thus enabling you to bill *Online* and avoid delays in payment. Attach to your request, a copy of court reporter's account including the court reporter's name, the court dates transcribed, the name of the proceeding, the number of pages, and the cost per page.

NOTE: In refugee matter appeals LAO does not pay for transcripts as they are provided free of charge by the IRB once leave to appeal has been obtained.

C) Civil Proceedings – Out of Court Examinations

- LAO pays rates in accordance with the *Administration of Justice Act*.

D) Examination for Discovery or Questioning

- Prior approval not required provided the charges are in accordance with the Rules of Civil Procedure and the *Administration of Justice Act*.
- Transcript copies of client's examination allowed provided cost is \$0.80 per page.

Prior approval is required to order the first or original copy of the transcript of the evidence of your client or his witnesses or to order expedited copies. In civil litigation cases, make sure that authorization from the Area Director has been obtained to proceed to examinations for discovery before billing this disbursement.

E) Cross-Examinations on Affidavits

Prior approval is required in all cases for the cost of transcripts of cross examinations on affidavits.

F) Expedited Transcripts

Prior approval is required at all times for expedited transcripts.

The *Administration of Justice Act* does not permit expedite fees to be charged for the preparation of transcripts of court proceedings in civil or criminal matters.

G) Other Situations

Prior approval is required in all other circumstances to order transcripts.

H) Criminal Proceedings

Prior approval is not required:

- To order the transcript of a preliminary hearing after it has been completed;
- To order the transcript of a bail hearing, provided that the Area Director has authorized the bail review to proceed;
- To order the second copy of any transcript, at second copy rates, if the Crown or Court has ordered the first copy in respect of the criminal proceeding authorized on the certificate.

Prior approval is required in all other circumstances to order transcripts in criminal

proceedings.

I) Transcripts in Continuing Trials

- Prior approval not required to order second copy transcripts in continuing trials.
- LAO considers requests for first copy transcripts in continuing trials if:
 - The evidence of a critically important witness is requested; or
 - More than three months has elapsed since the last trial date; or
 - There has been a change of lawyer.

Prior approval is required in all cases to order first copy transcripts in continuing trials. Do not incur the cost of original copy trial transcripts without prior approval. Submit detailed reasons necessary to obtain the transcript (e.g. information contained in the transcript and its relevance to the theory of defence). Submit a court reporter's estimate providing the number of pages and the cost per page.

J) Transcripts - Section 11b Charter of Rights (motion to stay)

- Prior approval not required to obtain transcripts of your client's previous court attendances in order that you may bring a motion to stay proceedings based on section 11B of the Charter of Rights provided the court attendances were caused by the Crown.

Prior approval is required should the cost exceed \$150.00. Provide a detailed estimate of cost including the number of pages and dates of previous court attendances

K) Advance Payment for Appeal Transcripts

- Obtain an estimate in writing from the court reporter including the estimated number of pages to be transcribed, the court dates and the cost per page. Note: the *Transcription and Procedures Manual* for court reporters directs that, where legal aid is involved, court reporters are to realistically estimate the cost of the transcript and invoice only 2/3 of that cost in the first instance.
- Submit a disbursement request for the amount of the court reporter's estimate, in order that the transcript cost may be added to the certificate thus enabling you to bill *Online*. Attach a copy of the written estimate, including court dates and a per-page breakdown with your request.
- **If the cost of the transcript will exceed \$10,000.00 contact the Lawyer Payments by fax at 416-979-8562 to expedite payment.**
- When you receive funds from LAO, hold them in trust. Advise the court reporter that you have received funds from LAO. Disburse funds to the court reporter as the transcript becomes available.
- If the court reporter's original estimate is too high, remit back to LAO the balance remaining in your trust account.
- When preparing your final account, provide LAO with the court reporter's actual invoices for the transcripts with a covering letter so that the appropriate adjustments can be made to the certificate, thus enabling you to bill *Online*. Ensure the final reconciliation invoice includes the court reporter's name, the court dates transcribed, the number of pages, and the cost per page, with your request.

Translation of Documents

See [How to Complete Forms](#) to be sure that you have included all the necessary information for gaining prior approval.

- Generally, documents from a government agency or other official body you intend to rely on at the hearing are considered “identity documents” for the purpose of this section. Ensure pages of identity documents that do not contain unique information are not translated. Personal correspondence or other such material are considered supporting documents and do not require specific prior authorization.
- Translation of news articles and documents downloaded from the web always require specific authorization. Provide details of the information contained in the articles, location, names and relationships to the claimants of all persons mentioned in the articles and details of how the articles support the claim for refugee status when requesting authorization for translation.
- Some translators/interpreters charge a reduced fee in cases in which there is more than one copy of the same document to be translated. Be sure to discuss the possibility of a reduced fee in these circumstances, for example, in cases involving more than one birth certificate from the same country.
- Lawyers working on legal aid certificates are expected to conduct the client’s case in as cost-effective a way as possible.
- Verbatim translation of a narrative prepared by a client is expensive. Alternate ways of obtaining the information should be considered. For example, it may be possible to have an interpreter review the narrative and discuss it with you without the need for a verbatim translation. The interpreter is paid hourly for these services. LAO does not authorize a translation of the PIF or any part of it back into the client’s language.
- Verbatim translation of public material such as newspaper or magazine articles can be expensive. Before proceeding to request authorization for the translation of newspaper articles or other country material, be sure that there is no English language alternative source.
- Consider having an interpreter review the material, paraphrase or summarize it, and discuss it with you so that its merit can be determined without the need for a verbatim translation. The interpreter is paid hourly for these services. If the material is of sufficient merit to be led as evidence, a verbatim translation can be requested.
- Special care must be used in translating information found on the internet. The information must be capable of being sufficiently verified in order to be accepted in court. Translation of material should be avoided until it is certain that the material can be used in court.
- Your account must include a copy of the invoice from the person performing the translation, and must include the name of the document translated and the number of words translated in the document.
- Multilingual lawyers are not paid for the translation of documents in accordance with this section. All services provided by lawyers must be billed hourly and are included in the maximum fees allowed by the certificate.

Travel Disbursements – Witnesses -see [Witness Fees](#)

Trial Record - See Court Filing Fees**Videotape/Audiotape Transcriptions**

Prior approval is required all cases to set the limits of the cost of this disbursement.

See [How to Complete Forms](#) to be sure that you have included all the necessary information for gaining prior approval.

Witness Fees

- LAO pays for attendance allowance, travel expenses, overnight accommodation and any other related expenses for witnesses in accordance with the statute of regulation governing the proceeding, and if no provision is applicable, then in accordance with the Rules of Civil Procedure in civil matters and the Administration+ of Justice Act in criminal matters.
- Rates published below are current at the date of publication but change from time to time.

Pleas Note: You are responsible to inform yourself as to the applicable rate which may be established from time to time.

A) 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.
- If the witness is required to attend trial, the Area Director must have authorized the case to proceed to trial.

Prior approval is required for witness fees, travel expenses for friends or relatives of the client. LAO does not usually pay witness fees or travel expenses for friends or relatives of the client.

B) Family Law Proceedings

- LAO covers the cost of the payment of attendance money in accordance with Rule 23(4) of the Family Law Rules. If the witness is required to attend for trial, the Area Director must have authorized the case to proceed to trial.

Prior approval is required for witness fees, travel expenses for friends or relatives of the client. LAO does not usually pay witness fees or travel expenses for friends or relatives of the client.

C) Criminal Proceedings - Indictable Offences

Prior approval is required for witness fees, travel expenses for friends or relatives of the client. LAO does not usually pay witness fees or travel expenses for friends or relatives of the client.

- LAO covers the cost of travel allowance for a witness who does not reside in the city or town where the trial is held:

- i) for travel other than by car, a travel allowance equal to the fare paid for the travel;
- ii) where required to attend the trial on more than one day, a travel allowance is paid for each day's travel;
- iii) where required to remain overnight at the city or town where the trial is held, reasonable living expenses are allowed.

D) Criminal Proceedings - Summary Conviction Matters

Prior approval is required for witness fees, travel expenses for friends or relatives of the client. LAO does not usually pay witness fees or travel expenses for friends or relatives of the client.

Writ of Seizure and Sale - See [Court Filing Fees - Special circumstances - Writ of Seizure and Sale](#)

Frequently Asked Questions

1. Can I send my disbursement request by email?

Yes. Submit your completed electronic disbursement request forms by e-mail to disbursements@lao.on.ca. Ensure the e-mail subject line contains the client's name, the certificate number and the issuing area office. All other non-electronic disbursement form requests should be sent by facsimile to 416-979-8562. For BCM cases please fax (416) 204-4713. **Please do not** submit Status Requests using the disbursement email address as you will not receive a response.

2. How do I obtain a special disbursement authorization?

After review of the disbursement chapter and you determine that you need prior approval for a specific disbursement fill out the appropriate electronic form if applicable. Ensure you provide us with all the relevant information. Submit your completed electronic disbursement request form by e-mail to disbursements@lao.on.ca. Ensure the e-mail subject line contains the client's name, the certificate number and the issuing area office. All other non-electronic disbursement form requests should be sent by facsimile to 416-979-8562.

3. 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.

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

We may be able to provide you with the names of services providers who have provided services to Certificate lawyers in the past at Legal Aid rates. Legal Aid does not endorse or recommend any service providers but attempts to provide information that might enable a lawyer to locate a service provider who has worked at Legal Aid rates.

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

6. Is there a disbursements chart available that lists the maximums permitted for each billable disbursement?

Yes. Ensure you also consult the detailed description of each disbursement to guarantee you understand the limitations and restrictions of each disbursement before incurring any costs as you may be held financially liable for costs.

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

See [Billing Disbursements Online](#) for a step by step guide on how to submit a disbursement only account

8. Do I need authorization for Family Responsibility Statements?

You do not require prior approval for non-medical records/reports for up to a maximum cost of \$150.00

9. Do I need authorization for Supervised Access Centre reports?

You do not require prior approval for Supervised Access Centre records/reports up to a maximum cost of \$250.00

10. How do you pay for expert witness fees?

Prior approval is always required to set the limits of this disbursement. See How to Complete Forms to be sure that you have included all the necessary information for gaining prior approval.

11. Do I need travel authorization?

You must contact your local district office to receive authority for lawyer travel. Should you be given authority for lawyer travel you do not require prior approval for the costs of associated travel disbursements provided the costs do not exceed the limitations/restrictions as per the tariff and billing handbook.

12. When will I get a response to my request?

You will receive a response to your request for disbursement either by telephone or by facsimile. Ensure we have your correct contact information. To update your contact information advise the Lawyer Service Centre at their toll free number 1-866-979-9934

13. Can I email a request directly to a disbursement analyst rather than faxing to a general number or sending faxes to admin staff?

Our emails are not equipped with privacy encryption and therefore it is our usual policy to refrain from communicating by email. Submit your disbursements requests by faxing Lawyer Payments at 416-204-4739 or 416-979-8562, or by e-mailing us your Completed Disbursement forms at disbursements@lao.on.ca Ensure the e-mail subject line contains the client's name, the certificate number and the issuing area office

14. Can I hand deliver my disbursement request?

To avoid delays submit your disbursements requests by faxing Lawyer Payments at 416-204-4739 or 416-979-8562, or by e-mailing us your Completed Disbursement forms at disbursements@lao.on.ca Ensure the e-mail subject line contains the client's name, the certificate number and the issuing area office

15. Can I use the service provider and forward the request later for authorization?

Legal Aid requires that you obtain prior authorization for certain disbursement expenses. If you fail to obtain prior authorization, Legal Aid may refuse to pay your disbursement and you will be liable for the cost incurred. There is no provision in the Legal Aid Services Act or Regulations for retroactive authorization of disbursements.

16. Do you have a list of interpreters approved by LAO?

Contact Lawyer Payments as we may be able to provide you with names of interpreters who in the past have agreed to accept a Legal Aid retainer.

Tips for Fast Payment

Prepare your account *Online* as an interim account.

- Use electronic disbursement forms when requesting prior authorization. This will result in quicker processing of your request and, if approved, your ability to bill the disbursement *Online* quickly.
- Prior to billing disbursements Online, deduct the GST. GST will be paid to you whether billed by the original service provider or not, in accordance with Revenue Canada's policies and procedures.
- The billing deadlines for submitting accounts apply to accounts for disbursements. No exception is made for accounts for disbursements only or accounts containing large disbursements (see Tariff and Billing Handbook Chapter 2: Billing).
- Disbursements must be itemized in your account and invoices retained in your file.
- Make sure all invoices show the:
 - Name
 - Address
 - Phone Number
 - Breakdown of fees
 - Dates, times and details of service.
- LAO may request copies of invoices to support amounts claimed on your account or for Post-Payment Examination.
- 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 an online account at their toll free number 1-866-979-9934.

Billing Disbursements Online

Legal Aid Online is a secure online billing system introduced by Legal Aid to make the billing process easier for Certificate lawyers who do legal aid work.

NOTE: It is mandatory to submit your fees and disbursements accounts 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. E.g. 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 their toll free number 1-866-979-9934.

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.

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.

Civil Account - View/Modify - Microsoft Internet Explorer

Address: https://test-nginx-sp.legalaidonline.on.ca/bsp/fsm2s_1/SUPPLIER/ERP/LA_TSRV2.LA_SOL_HOME_PAGE.GBL

Home Sign out

Special Disbursements

[View Prior Special Disb.](#)

Select	Description	Unit of Measure	Quantity	Rate	Amount
1					

Regular Disbursements

[View Prior Regular Disb.](#)

Disbursements: [Customize](#) | [Find](#) | [First](#) | [Previous](#) | [Next](#) | [Last](#)

Add Disbursements	Description
1	Add Disbursements

Summary

Total Fees Billed: [Calculate](#) Amount:

Total Authorized Disbursements:

Total Disbursements:

GST @ 5%:

Total Amount Billed:

Are you requesting a discretionary increase? ☐ Yes/Out ☐ No/Non

Attachments

Attached File	Description	Attach file	Delete file	View Attachment

[Submit](#) | [Print/Email Disbursements](#) | [Print/Email Disbursements for Client](#)

Civil Account - View/Modify - Microsoft Internet Explorer

Address: https://test-nginx-sp.legalaidonline.on.ca/bsp/fsm2s_1/SUPPLIER/ERP/LA_TSRV2.LA_SOL_HOME_PAGE.GBL

Home Sign out

<input type="checkbox"/>	31 Mediation by a psychiatrist prior to September 4/08	Hours
<input type="checkbox"/>	32 Medical records other than hospital records	EACH
<input type="checkbox"/>	33 Medical report prepared by a General Practitioner	EACH
<input type="checkbox"/>	34 Medical report prepared by a specialist	EACH
<input type="checkbox"/>	35 Official Examiners Appointment Fee /Person Examined \$9.50	EACH
<input type="checkbox"/>	36 Official Examiner's handling fee - per invoice	per unit
<input type="checkbox"/>	37 Official Examiners Fees & Facilities \$38/Hr - 2 hr minimum	Hours
<input type="checkbox"/>	38 Out of office photocopies - court, library etc. not medical	Canadian Dollar
<input type="checkbox"/>	39 Photocopying (\$0.10/Page)	EACH
<input type="checkbox"/>	40 Photographs (Max. \$50)	Canadian Dollar
<input type="checkbox"/>	41 Postage	EACH
<input type="checkbox"/>	42 Records-non medical max \$150 (PRO police, school, drivers, etc)	EACH
<input type="checkbox"/>	43 Reports other than medical reports (eg police, counsellor, etc)	EACH
<input type="checkbox"/>	44 Substituted Service	Canadian Dollar
<input type="checkbox"/>	45 Supervised Access Centre report/records (max \$250)	EACH
<input type="checkbox"/>	46 Telephone	Canadian Dollar
<input type="checkbox"/>	47 Title Searches (Real Property)	EACH
<input type="checkbox"/>	48 Translation Of Marriage/Divorce Certificate (\$0.20/Word)	EACH
<input type="checkbox"/>	49 Travel money in town witness-not friend/relative	DAY
<input type="checkbox"/>	50 Travel money out of town witness not friend/family	Kilometres
<input type="checkbox"/>	51 Witness Fees- not friend or family also see travel money	DAY
<input type="checkbox"/>	52 Will of Seizure & Sale	EACH
<input type="checkbox"/>	53 process server	EACH

[Add and Return](#) [Cancel](#)

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 Tariff and Billing Handbook, Lawyer 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 attaché your detailed invoices to your **Online Account**. Contact the Lawyer Service Centre at their toll free number 1-866-979-9934 for assistance on attaching documents.

How to Complete the Disbursement Forms

FORMS

Lawyer Payments has created electronic forms to simplify the process of requesting prior authorization. You can e-mail your completed forms to disbursements@lao.on.ca or fax them to 416 204-4739 or 416 979-8562. Ensure the e-mail subject line contains the client's name, the certificate number and the issuing area office

The forms cover four areas:


- Paternity Testing
- Transcripts
- Translations
- Experts - Other service provider

When submitting your request ensure you fill in the form in its **entirety** to avoid delay. Please refer to the [examples of these completed forms](#) to ensure you are properly completing the request.

For questions you may have regarding the disbursement forms, please contact the Lawyer Service Centre their toll free number at 1-866-979-9934.

Examples of Completed Forms

Request for Paternity Testing

Disbursement Authorization		Version: 2009-08-01
<h2>Request for Paternity Testing</h2>		
		
Date:	February 2, 2010	
Client Name:	Mary Doe	
Certificate Number:	CE56000000	
Issuing Area Office:	Area Office 46-Toronto	
Child's Name:	Rachel Doe	
Your client is the:	<input type="checkbox"/> Respondent <input checked="" type="checkbox"/> Applicant	
Client's Information		
DOB:	August 23, 1990	
Occupation:	Unemployed (maternity leave)	
Income	Gross: \$10,168.64	Net:
Employer/Source of Income		
Opposite Party's Information		
Name:	David Doe	
Address:	123 Andrew St Oakville Ont	
DOB:	April 29, 1992	
Occupation:	Student	
Income:	Gross: \$13,0081.91 (for taxation year 2008)	Net:
Employer/Source of Income:		
Solicitor:	Betty Jones	
Certificate #:	CE56000001	
Client's Claim		
Claim:	<input checked="" type="checkbox"/> Custody <input type="checkbox"/> Access <input type="checkbox"/> Custody & Access <input type="checkbox"/> Determination of Paternity <input checked="" type="checkbox"/> Support-Child <input type="checkbox"/> Support-Spouse <input type="checkbox"/> Other	
Legal Aid Ontario: Disbursements Authorization		LAO_DBA_PATTST_2009-08-01

Counter Claim:	Comments: The applicant is seeking custody of child as well as support for the child	
	<input checked="" type="checkbox"/> Custody <input type="checkbox"/> Access <input checked="" type="checkbox"/> Custody & Access <input type="checkbox"/> Determination of Paternity <input checked="" type="checkbox"/> Support-Child <input type="checkbox"/> Support-Spouse <input type="checkbox"/> Other	
Reason Paternity is in Issue:	Comments: The Respondent is seeking DNA testing of child. Depending on the results he would be seeking shared custody/access. The Applicant does not object to shared/custody provided that she have final decision making authority.	
	<input type="checkbox"/> Applicant unsure of paternity <input type="checkbox"/> Applicant denying paternity	<input type="checkbox"/> Respondent unsure of paternity <input checked="" type="checkbox"/> Respondent denying paternity

Anticipated Outcome

Finding of:	<input checked="" type="checkbox"/> Paternity <input type="checkbox"/> Non paternity
Custody:	<input checked="" type="checkbox"/> Sole <input type="checkbox"/> Joint
Access:	<input checked="" type="checkbox"/> None <input type="checkbox"/> Supervised <input type="checkbox"/> Limited <input type="checkbox"/> Defined <input type="checkbox"/> Generous
Child Support:	<input checked="" type="checkbox"/> Vary <input type="checkbox"/> Eliminate <input type="checkbox"/> Expunge / reduce arrears
Spousal Support:	<input type="checkbox"/> Vary <input type="checkbox"/> Eliminate <input type="checkbox"/> Expunge / reduce arrears

Details

Nature of Relationship Between Mother & Putative Father:	<input type="checkbox"/> Married <input type="checkbox"/> Cohabiting <input type="checkbox"/> No formal relationship <input checked="" type="checkbox"/> Casual	
	Date from: 2008	Date to: 2009
Comments:	The Applicant and the Respondent were in a dating relationship. The Applicant and the Respondent never lived together. During this relationship the applicant became pregnant resulting in the child Rachel Doe being born. Since the birth of the child the Applicant has been the sole care provider for the child. The Respondent has had limited access. Given the young age of the child it would in the best interest that the child remains in the care of the Applicant on a full-time basis.	

Nature of relationship between child and putative father:

The Respondent has not exercised a lot of meaningful access and has requested only access on weekends since he worked part-time during the week, played school sports and attends school.

Summary of prior legal proceedings and if existing court order(s) exist provide reasons for questioning paternity now:

None

Reasons for believing/doubting paternity and proof other than blood tests:

The Applicant believes that the Respondent is the father of the child. The parties were in an exclusive dating relationship, but never lived together. As the applicant did not have sexual relations with anyone other than the respondent during the relevant period and thus there is no possibility that he is not the father of the child.

Other pertinent information (e.g. prior agreements/arrangements concerning custody, access or support):

1. Paternity of the child Rachel. The Respondent has indicated that he wishes to have a paternity test. The Applicant does not object to having the tests done provided that the Respondent pays for the costs associated with tests.
2. Custody of the child. These parties did not live together. They were in a brief dating relationship which resulted in a child being born. Since birth the Applicant has had the child in her full care and control. The Respondent has not exercised a lot of meaningful access and in fact has himself requested only access on weekends since he worked part-time during the week played school sports and attends school. The Applicant would like to maintain the final decision making authority for decisions as they relate to Rachel. As for custody the Applicant does not object to joint custody provided that she have final decision making authority. However, the issue of paternity likely will need to be resolved first.
3. Access – the Applicant would agree to a progressive access schedule that is in accordance with the child's young age and routine. Once the child is older that access can be expanded to an every second weekend situation with the normal sharing of all holidays. The Applicant does not agree with any shared access and does not agree with having the Respondent's parents be in charge of the picking up and dropping off of the child. The Respondent will also need to purchase his own car seat for transportation.
4. Child support- at the present time the Respondent is not paying any child support. Child support should be in accordance with guidelines and the Respondent's income. There also should be a financial disclosure order on a yearly basis so that child support can be readjusted each year.

The issue of DNA testing must be dealt with in order to come to an agreement and finalize the court proceedings.

*For more information on General Policies on paternity testing see page 6-24 of the **Tariff & Billing Handbook**.*

Please email form to disbursements@lao.on.ca or fax to **416-204-4739** or **416-979-8562**. If you email your request, please include in the subject line the client's name, the certificate number and the issuing area office. Most communications over the internet are not secure and you assume responsibility for transmission of client information in this way.

Request for an Expert/Other Service Provider

Disbursement Authorization

Version: 2009-08-01

Request for an Expert/Other Service Provider



Date:	February 2, 2010
Client Name:	Doe, John
Certificate Number:	CE36925874
Issuing Area Office:	Area Office 06 Orangeville

1) Name of expert, specialization and qualifications:

John Black, ex-cop 20 years. Specializes in surveillance and investigative procedures.

2) Reason expert required:

☒ Client's defense ☐ Sentencing – Client has been found guilty OR has pled guilty (jump to question 6)

3) Facts leading to client's arrest (synopsis):

Client is alleged to have robbed a convenience store because of a credit card receipt found at the time of the alleged incident.

4) The theory of defence and how the expert's services will support the defence:

Client was not in town at the time of the alleged robbery and therefore could not have committed the crime. The services of the private investigator will assist in supporting the defence theory of mistaken identity.

Legal Aid Ontario: Disbursements Authorization

LAO_DBA_ExpOth_2009-08-01

5) Services to be provided by the expert:

Private Investigator will interview and take a statement from a defence witness, namely an alibi witness. A motel manager can confirm his presence in St. Catharines at the time of the robbery.

6) Estimate of cost including the number of hours and hourly rate:

3 hours at \$50 per hour to interview and take a statement from one witness

Note: Specific prior authorization is required in all cases for expert to attend Court to give evidence.

7) Other expert expenses (court attendance, travel/mileage, hotel, airfare, etc.) Please provide details and estimated cost:

The investigator may be required to provide evidence there in support the statements taken.

*For more information on General Policies on Experts, see pages 6-9 of the **Tariff & Billing Handbook**.*

Please email form to disbursements@lao.on.ca or fax to **416-204-4739** or **416-979-8562**. If you email your request, please include in the subject line the client's name, the certificate number and the issuing area office. Most communications over the internet are not secure and you assume responsibility for transmission of client information in this way.

Translations

Disbursement Authorization

Version: 2009-08-01

Translations



Date:	February 2, 2010
Client Name:	Doe, John
Certificate Number:	CE12345678
Issuing Area Office:	Area Office 46 (Toronto)

Does your client have a genuine passport, readable in English or French? ☐ Yes ☒ No

Forward a copy of the translator's estimate, ensuring that it provides a detailed breakdown including the name/description of each document and the number of words in each document.

OR

List **all** documents to be translated, provide reasons why **each** document is necessary for your client's refugee claim and the estimate the number of words per document (use multiple sheets if necessary)

Document 1

Type:	<input checked="" type="checkbox"/> Supporting Document <input type="checkbox"/> Identity Document		
Title:	Hospital Report	Number of Words:	234
Reasons:	Hospital report documents injuries sustained by claimant after attack by militant group		

Document 2

Type:	<input type="checkbox"/> Supporting Document <input checked="" type="checkbox"/> Identity Document		
Title:	Birth Certificate	Number of Words:	52
Reasons:	Client has no passport available in either French or English. Need to establish identity and birth location.		

Document 3

Type:	<input checked="" type="checkbox"/> Supporting Document <input type="checkbox"/> Identity Document		
Title:	Business Licence	Number of Words:	652
Reasons:	Proof claimant owns and runs a local business which supports claim of being harassed by rebellion group for owning a profitable business and for not providing monies when asked.		

Legal Aid Ontario: Disbursements Authorization

LAO_DBA_TRANS_2009-08-01

*For more information on translation of documents, see pages 6-23 of the **Tariff & Billing Handbook**.*

Please email form to disbursements@lao.on.ca or fax to **416-204-4739** or **416-979-8562**. If you email your request, please include in the subject line the client's name, the certificate number and the issuing area office. Most communications over the internet are not secure and you assume responsibility for transmission of client information in this way.

Request for Transcripts/Transcriptions

Disbursement Authorization

Version: 2009-08-01

Request for
Transcripts/Transcriptions

Date:	February 2, 2010
Client Name:	Doe, Jane
Certificate Number:	Ce98765432
Issuing Area Office:	Area Office 53 (Etobicoke)
Name of Co-accused/ Other Parties:	No co-accused

To request authorization **not shown** on the pick list of pre-authorized disbursements, please use the table below. Provide the approximate number of pages, whether it is an original or copy, and indicate the reason(s) why the transcript is necessary. If requesting an expedited transcript, indicate the number of days between ordering the transcript and necessary production

**** Use one form for each single request ****

Transcript:	<input type="checkbox"/> Bail hearing <input checked="" type="checkbox"/> Remand/Set Dates <input type="checkbox"/> Preliminary Hearing <input type="checkbox"/> Trial <input type="checkbox"/> Appeal (Attach invoice) – Trial de Novo <input type="checkbox"/> Appeal (Attach invoice) – Court of Appeal <input type="checkbox"/> Appeal (Attach invoice) – Divisional Court <input type="checkbox"/> Appeal (Attach invoice) – Superior Court <input type="checkbox"/> Appeal (Attach invoice) – Other <input type="checkbox"/> Questioning (FLA CLRA CFSA) <input type="checkbox"/> Cross examination on affidavit <input type="checkbox"/> Out of court examinations Criminal	
	Type:	<input type="checkbox"/> Original <input type="checkbox"/> Copy <input checked="" type="checkbox"/> Original & Copy Cost per page: \$4.30 per page (original & 2 copies) Estimate # of pages: 60
	Reasons:	<input checked="" type="checkbox"/> Section 11B <input type="checkbox"/> Necessary to introduce as evidence at trial <input type="checkbox"/> Perfect Appeal <input type="checkbox"/> Other (see next page)

Legal Aid Ontario: Disbursements Authorization

LAO_DBA_TSCPT_2009-08-01

Reasons: (con't)	<p>If Other provide detailed reasons why the transcript is required. (e.g. what information is contained in transcript and its relevance to the theory of defence)</p> <p>Client has been awaiting trial for 16 months and all remands/set dates to date have been at the request of the Crown.</p>
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Transcription Type:	<input type="checkbox"/> Video/audio statements - Complainant <input type="checkbox"/> Video/audio statements - Accused <input type="checkbox"/> Video/audio statements – Witness
Estimate Length of time (#hrs and/or minutes of statement)	
Provide reasons why video/DVD statement required (e.g. what information is contained in statement)	

Expedited Transcript # of days between ordering transcript & necessary production:	
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Family Law Only Authorization to Proceed:	<input type="checkbox"/> Pre Trial <input type="checkbox"/> Trial
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Civil Litigation Only Authorized to Proceed to Examinations of Discovery:	<input type="checkbox"/> Examinations of Discovery <input type="checkbox"/> Pre Trial <input type="checkbox"/> Trial
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For more information on General Policies on video/audiotape transcriptions, see page 6-35 of the **Tariff & Billing Handbook**.

Please email form to disbursements@lao.on.ca or fax to **416-204-4739** or **416-979-8562**. If you email your request, please include in the subject line the client's name, the certificate number and the issuing area office. Most communications over the internet are not secure and you assume responsibility for transmission of client information in this way.

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 Payments
40 Dundas Street West, Suite 200
Toronto ON M5G 2H1
Telephone: 416-979-2352 ext. 5000 and/or 1-800-668-8258, ext. 5000
Fax: 416-979-8562

OR

Submit your completed electronic forms by email to disbursements@lao.on.ca
Ensure the e-mail subject line contains the client's name, the certificate number and the issuing area office

Disbursement Authorization Request forms can be found on Legal Aid Ontario's website www.legalaid.on.ca/en/info/instruct_disbursements.asp.

Disbursements Prior to Effective Date

If disbursements have been incurred 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 Payments. 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.

Request for Reconsideration

If your initial request for authorization for a disbursement is refused or not allowed as requested, you can request reconsideration. Your request must be in writing, and you must provide reasons. Send your request to the Lawyer Payments by facsimile to 416-979-8562.