

# Schedule "B1"

## Criminal Legal Aid Tariff of Fees

1. **Refer to Schedule "A"** - General Conditions

2. **Fees: Note:** The same billing method (Fixed **or** Hourly) must be used throughout the file.

**Fixed Fee:** A solicitor who has provided services **may** receive compensation based on the fixed fee **or** hourly fee. Fees are to include conducting trial(s), all necessary and preparatory services such as all interviews with clients and others, all correspondence, all telephone attendances, all documentation, and all briefs. Jury waits are included in the fixed fee.

**or**

**Hourly Fee:** The solicitor may receive compensation up to the maximum amount established in this tariff (Schedule B1 Page Five) by providing a detailed listing which give a fully itemized statement of each and every service rendered both by way of preparation and in Court showing among other things the precise time and date involved in rendering that service.

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Where no further services are provided or where a file has been received and the solicitor has been unable to contact the client or obtain further instructions, the fee for this initial interview shall not exceed \$75.

3. **Briefs of Law**

Where a brief of law is prepared, the Commission may require that a copy of the brief of law be submitted.

4. **Additional Charges** - Where a solicitor represents a person charged with two or more offences and in either case where the trials, preliminary inquiries or pleas of guilty occur in the same Court at approximately the same time then the solicitor shall be entitled to fees (both preparation and counsel) as for one charge only except where he can demonstrate that he has rendered separate and distinct services with respect to the additional charge or charges.

5. **Joint Charges** - Where a solicitor represents two or more persons charged with the same offence arising out of the same occurrence, the solicitor shall be entitled to fees (both preparation and counsel) as follows: 2nd client - an additional 30% of the fixed fee or maximum hours; 3rd client - an additional 20% of the fixed fee or maximum hours; 4 or more clients - an additional 10% of the fixed fee or maximum hours.

6. **Absence Fees for Travelling Time and Jury Waits** - Absence fees are charged at a rate of \$60 per hour as follows:

- c) Travel to municipalities other than the place where the solicitor resides for court appearances.
- c) Travel to interview a client who is incarcerated or who is unable to travel to see the solicitor
- c) Travel time and expenses for solicitors, who are not Saskatchewan residents, must be explicitly approved, in advance, by the Chief Executive Officer or his/her designate.
- d) Jury waits will be paid to a maximum of five hours per day, as actual Court time.

7. **Counsel Fees** - The Commission will pay for preparation and court fees for one counsel only. The Commission will not pay for fees of co-counsel or students-at-law unless authorized by the Chief Executive Officer.

In a case where an accused discharges his/her first counsel, the second appointed counsel will receive maximum preparation times for the matter. However, if the second counsel is discharged, the third and

subsequent counsel, will be paid for the balance remaining for preparation time after the second counsel has been paid.

8. **Pre-trial Conferences** - are included in the minimum fixed fee amount. When calculated on the hourly fee base, a pre-trial conference is considered court time.

9. **Disbursements:**

Travel time and expenses for solicitors, who are not Saskatchewan residents, must be explicitly approved, in advance, by the Chief Executive Officer or his/her designate.

a) Where travel by private vehicle is necessary to attend court in a municipality other than where the solicitor resides, kilometrage will be reimbursed at current Commission rates, plus reasonable expenses for parking. Rental of automobiles requires the prior approval of the Chief Executive Officer or his designate.

b) Costs of travel by means other than private automobile (such as scheduled airlights, taxi, bus, etc.) requires prior approval by the Chief Executive Officer and shall be supported by ticket or voucher.

c) Sustenance and accommodation allowance at centres other than the place where the solicitor resides: Accommodation for counsel only, per day - reasonable and actual receipts to be attached. Meal rates shall be in accordance with current Commission rates and shall be paid for counsel only.

d) Witness fees and travelling expenses of witnesses in accordance with the provision of the Criminal Code. (If out of province witness fees, to be approved by the Chief Executive Officer or his/her designate before incurred).

e) Court Reporter Fees - When requesting a transcript, the appointment letter should be provided to the reporting service so that they are aware that this is a legal aid client. A Needy Person's Certificate is provided with the appointment and the transcript fees should be waived. When court reporter fees cannot be waived, they are to be paid for by counsel. Attach a copy of the invoice as a receipt for the disbursement when submitting your account for payment.

f) Postage, photocopying, courier, telephone and facsimile expenses will be paid as follows (the Commission reserves the right to request copies of invoices):

- Postage - actual disbursements to a maximum of \$50
- Photocopying - **\$0.10/page** to a maximum of \$75
- Courier - actual disbursements
- Facsimile - **\$0.10/page** to a maximum of \$30
- Long Distance - actual disbursements to a maximum of \$75
- Process Servers - actual and reasonable disbursements (receipts required)

If charges for disbursements exceed the maximum specified, detailed and actual receipts will be required.

g) Any other proper disbursements with the approval of the Chief Executive Officer or his/her designate..

h) Goods and Services Tax - The Commission is GST exempt and therefore any fees and disbursements should not have the GST applied. See General Conditions Schedule "A".

i) Provincial Sales Tax - Legal services provided under **The Legal Aid Act** are not subject to the Provincial Sales Tax. See General Conditions Schedule "A".

10. **Research Material** - The Commission will not pay for any research material, including on-line research costs unless authorized by the Chief Executive Officer. Ontario Legal Aid Plan Research papers are available, upon request, through the Central Office of the Saskatchewan Legal Aid Commission.

11. **Needy Person's Certificate** - If a certificate is attached to the appointment, there will be NO reimbursement of any fees paid which would be waived by use of the certificate.