

Criminal Legal Aid Tariff of Fees

Schedule "A"

General Conditions

This tariff is intended to reflect fees that would customarily be paid by a client of modest means and shall normally apply for the services covered by it provided that, where a lawyer can show extremely exceptional circumstances the Chief Executive Officer or his/her designate may in those cases where in his/her opinion an increase is justified, having regard particularly to the aforesaid circumstances but also to the nature of the offence charged, the complexity of the case, the result obtained and any other factor which would warrant, objectively, an increased fee, allow such increase, as in his opinion, is justified.

1. In this tariff:

Effective date means the Commission will not pay for services rendered prior to the date of assignment on the appointment form except where such services have been authorized in writing.

Court time means the actual time appearing in court and does not include jury waits, travel time, gowning time, interviewing witnesses or any other preparation.

2. **Financial Situation of Client Changes** - If the client's financial situation changes, eligibility for legal aid must be reassessed. Contact the Central Office of the Commission.

3. **Collection of Assessed Contributions** - Where a client is eligible only if a contribution is assessed, the Saskatchewan Legal Aid Commission will make reasonable efforts to collect the assessed amount. Such amounts are the property of the Commission.

4. **Out of Town Agency Work** - Where possible, contact the legal aid area office that attends at the out of town location to perform the agency work.

5. **Prerogative Writs/Constitutional Issues** - For billing purposes, the tariff schedule with respect to appeals will apply. Prerogative Writs or matters where the Constitutional Questions Act applies are to be proceeded with only the prior approval of the Chief Executive Officer or his/her designate.

6. **Appeals** - Where the accused appeals, whether by stated case or appeal to the Court of Queen's Bench, Court of Appeal or The Supreme Court of Canada, the prior approval of the Chief Executive Officer or his/her designate is required.

7. **Prior Approval** of the Chief Executive Officer or his/her designate is needed for some Disbursements:

- out-of-town agency work that is not available through an area office
- out of province witness fees
- services of any experts or specialists, both for preparation for court proceedings and as witness
- use of chartered aircraft or other unusual forms of transportation
- waiver of any costs awarded
- any other situation not expressly dealt with under the tariff

8. **Goods and Services Tax** - the Commission is GST exempt and therefore any fees and disbursements should not have the GST applied. Our GST exemption certificate is indicated below:

"The property and/or services mentioned in this order are being purchased by the Saskatchewan Legal Aid Commission with Crown Funds and therefore are not subject to the Goods and Services Tax."

9. **Provincial Sales Tax** - legal services provided under **The Legal Aid Act** are not subject to the provincial sales tax. If a solicitor has paid PST on any disbursements, the Commission will reimburse actual and reasonable PST charges.

10. For accounts submitted more than six (6) months after the last service date, and which files have been closed by the Saskatchewan Legal Aid Commission, an administrative fee **may** be assessed and deducted from accounts paid. The administrative fee will be 25% of the taxed amount before disbursements, with a minimum fee of \$25.00 and a maximum of \$500.00. This may be appealed to the Discretion Committee.