



Changes to Ontario's Legal Aid Plan

A Guide for Legal Aid Lawyers

CRIMINAL LAW

FAMILY LAW

IMMIGRATION /REFUGEE

CIVIL LITIGATION



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Introduction.....	2
Message from the Treasurer	3
Payment for Lawyers.....	4
Criminal Law Priorities and Tariffs.....	5
Family Law Priorities and Tariffs.....	14
Immigration/Refugee Priorities and Tariffs.....	18
Civil Litigation Priorities and Tariffs.....	21



Introduction

The following package of materials explains changes to Ontario's Legal Aid Plan.

The changes are a two-fold approach to achieving significant savings to the Plan's costs. Provincial funding for legal aid services will decrease by \$153 million over the next three years.

First, to meet the cutbacks in funding the Plan will reduce and limit the number of certificates issued. Priorities have been established in all areas of law which will guide the issuance of certificates at the area level. Each area office will have a limited monthly budget for certificates to be issued in each area of law.

Second, to ensure that projected budgets are met, maximums will be established for certificates making costs as predictable as possible for the Plan. Given that the average cost of accounts has increased by 18 percent in the last year, the new maximums will be established at 5 percent less than the average cost of certificates as of March 1994.

The priority lists for matters eligible for coverage in criminal, family, immigration/refugee and civil law, along with the tariff changes which apply, are attached. Please review these changes carefully; **they apply to all certificates issued after April 1, 1996.**

Some of the cases which are currently funded by the Plan will not be covered in the future because of the reduction in funds available for legal aid services and the new list of priorities for each area of law.



Message from the Treasurer

Last November the Law Society adopted a proposal to retain administration of the Ontario Legal Aid Plan despite being faced with the task of implementing a further \$153 million in government-directed cuts to legal aid services, on top of \$126 million in reductions already made during the last year.

The majority of benchers voted to continue to administer the Plan and ensure that priorities were established for the diminished resources in all areas of law.

These have been difficult decisions to make. It is impossible to live within the government's funding for legal aid without reducing the number of certificates issued and fixing costs for the Plan. This will mean a dramatic change to the way legal aid has operated for the last 28 years.

The number of certificates issued in the new fiscal year starting April 1, 1996, will be reduced to approximately 100,000 from the 140,000 issued in the current fiscal year.

To guide how certificates are issued in the future, priorities have been established in all areas of law. The most serious matters will receive coverage first, with others issued in descending order of priority until each month's allocation of certificates is exhausted. Each area of law will be designated a portion of the new budget.

Limiting the numbers of certificates alone will not ensure that the Plan remains with the government's allocation of funds for legal aid services this year. To make costs as predictable as possible for the Plan,

maximum billable hours will be established for individual services provided under individual certificates. These maximums have been established by taking the current average of hours billed for services in each area of law and reducing that amount by approximately 20 percent.

If cases prove to be serious enough to warrant more hours to complete the service, the Plan will need to reduce the number of certificates issued. We will carefully monitor the new system. Continuous reporting of funds committed and funds available will be needed, as will ongoing feedback from the legal profession concerning the suitability of the current priorities. We will consider such variables as emerging legal problems, and changing court practices and government policies.

Without a doubt, these measures will reduce the level of service available to the public. There is no other choice if we are to operate with the reduced and fixed funding provided by the provincial government.

It is important that the public and all partners in the justice system understand the implications cuts to legal aid will have on the administration of justice in Ontario. It is also important that people's expectations change. The Plan will simply be unable to provide the level of service that has been available in the past.

Susan F. Elliott



Payment for Lawyers

Lawyers accepting certificates will be undertaking to complete the necessary work within the authorized maximums. The accounts of lawyers who use up the maximum hours on a certificate without completing the file will be held in abeyance until after the account of the lawyer completing the file has been paid. The first lawyer on a file will be paid only the balance of the maximum authorized. Lawyers who accept certificates should not get off the record without good reason unless the necessary work on the file is completed.

Area offices will not issue a new certificate when a lawyer abandons a file or gets off the record. The original lawyer should provide to the new lawyer the certificate, a direction to pay the new lawyer, as well as a copy of the original lawyer's account. Lawyers who do not co-operate or who are unable to complete files within the authorized maximums could be subject to sanctions. Lawyers who repeatedly fail to complete files will be brought to the attention of the Deputy Director, Legal for consideration of further action including possible removal from Legal Aid panels.



Criminal Law

Priorities

- *The governing principle guiding the issuance of certificates in all criminal law matters is the likelihood of incarceration.*
- *The governing principle applies to indictable and summary conviction offences*
- *Two groups of factors will be considered in issuing certificates:*

(I) Systemic:

- Type of offence and sentences usually imposed. For example, those convictions that involve violence (including sexual assault) and trafficking or possession for the purposes of trafficking usually result in a jail sentence.
- Judicial practices in sentencing. For example, there may be significant local variations from the general pattern noticed in connection with the first criteria.
- Crown practices in prosecuting so as to identify patterns in the dispositions Crowns are seeking. Screening forms alone are not a sufficient basis upon which to base decisions about what consequences are likely upon conviction. It will be necessary for Plan management and Area Directors to monitor Crown practices in particular kinds of cases.
- In predicting the number of certificates that will be available in any given period the Plan must be mindful of the fixed obligation under Section 11(4) of the Young Offenders Act (YOA).

(II) Personal:

- The fact that a person is in custody should be a factor in favour of issuing a certificate.
- Mental status and competence of the accused.
- Any disability that would affect the fairness of the proceedings.

Highlights of Changes to the Criminal Tariff

- All matters will now be billed on an hourly basis
- Detailed docketing of all accounts, including time and date, is now required
- All block fees have been replaced by capped hourly limits
- Counsel fees will no longer be paid



Summary Conviction Offences Under The Criminal Code and Crown Election Offences Where the Matter Proceeds Summarily

Tariff on certificates issued prior to April 1, 1996		Tariff on certificates issued as of April 1, 1996	
Service	Maximum	Service	Maximum
A. NOT GUILTY PLEA		A. NOT GUILTY PLEA	
(a) (i) BASIC BLOCK FEE to the end of the first day of trial	\$417	(a) Capped hourly limit	6.5 hrs
(ii) BASIC BLOCK FEE if charge is withdrawn, except when there is a guilty plea to an included offence	\$417		
(b) ADDITIONAL FEES allowed where services provided		(b) ADDITIONAL FEES allowed in applicable cases:	
(i) bail hearing/variation consent -	\$126	(i) Included in maximum hrs allowed	
contested -	\$236		
(ii) pre-trial hearing with a Judge		(ii) Included in maximum hrs allowed	
(iii) pre-trial hearing with a Crown		(iii) Included in maximum hrs allowed	
(iv) bail review		(iv) bail review with Area Director's authorization Capped hourly limit	5 hrs
(v) multiple trials arising from multiple charges or amendments heard on separate days	additional full block fee payable depending on type of offence and plea	(v) multiple trials, arising from multiple charges or amendments, heard on separate days explanation for additional attendances required by Legal Accounts Officer	additional capped hourly limits will apply depending on type of offence and plea -
(vi) continuation - attendance on additional days after first day	\$208.50 per half day	(vi) continuation - attendance on additional day Capped hourly limit	5 hrs

**Note: All Counsel fees are replaced by the hourly rate.
Minimum hours in old tariffs are now abolished.
Travel will only be covered with Area Director's prior authorization.**



Summary Conviction Offences Under The Criminal Code and Crown Election Offences Where the Matter Proceeds Summarily

Tariff on certificates issued prior to April 1, 1996		Tariff on certificates issued as of April 1, 1996	
Service	Maximum	Service	Maximum
A. GUILTY PLEA		A. GUILTY PLEA	
(a) (i) BASIC BLOCK FEE	\$277	(a) Capped hourly limit	4 hrs
(b) ADDITIONAL FEES allowed where services provided:		(b) ADDITIONAL FEES allowed in applicable cases:	
(i) bail hearing/variation consent -	\$126	(i) Included in maximum hrs allowed	
contested -	\$236		
(ii) pre-trial hearings with a Judge	\$132	(ii) Included in maximum hrs allowed	
(iii) pre-trial hearing with a Crown	\$67 per hr	(iii) Included in maximum hrs allowed	
(iv) bail review	\$348	(iv) bail review, with Area Director's prior authorization Capped hourly limit	5 hrs
(v) multiple trials arising from multiple charges or amendments heard on separate days	additional full block fee payable depending on type of offence and plea	(v) multiple trials, arising from multiple charges or amendments, heard on separate days - explanation for additional attendances required by Legal Accounts Officer	additional capped hourly limits payable depending on type of offence and plea
(vi) continuation - attendance on additional days after first full day or two half days	\$208.50 per half day	(vi) continuation - attendance on additional day Capped hourly limit	2.5 hrs/half day

**Note: All Counsel fees are replaced by the hourly rate.
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Travel will only be covered with Area Director's prior authorization.**



**Type I
Indictable Offences and Crown Election Offences
Where Matter Proceeds by Indictment**

Tariff on certificates issued prior to April 1, 1996		Tariff on certificates issued as of April 1, 1996	
Service	Maximum	Service	Maximum
A. TRIAL - For all circumstances in which current block fee is \$736		A. TRIAL - For all circumstances in which current block fee is \$736	
(a) (i) BASIC BLOCK FEE	\$736	(a) (i) Capped hourly limit	11.0 hrs
(ii) If hearing lasts more than one full day or two half days	Tariff for Type II offences applies	(ii) If hearing lasts more than one full day or two half days	Tariff for Type II offences applies
(b) ADDITIONAL FEES allowed where services performed:		(b) ADDITIONAL FEES	
(i) bail hearing/variation consent -	\$126	(i) Included in maximum hrs allowed	
contested -	\$236		
(ii) pre-trial hearing with a Judge	\$132	(ii) Included in maximum hrs allowed	
(iii) pre-trial hearing with a Crown	\$67 per hr	(iii) Included in maximum hrs allowed	
(iv) 5 hours additional preparation in excess of 10 hours preparation	\$67 per hr to maximum of \$335	(iv) Included in maximum hrs allowed	
(v) bail review	\$348	(v) bail review with Area Director's prior authorization Capped hourly limit	5 hrs
(vi) multiple trials arising from multiple charges or amendments heard on separate days	additional full block fee payable depending on type of offence and plea	(vi) multiple trials, arising from multiple charges or amendments, heard on - separate days explanation for additional attendances required by Legal Accounts Officer	additional capped hourly limits payable depending on type of offence and plea

**Note: All Counsel fees are replaced by the hourly rate.
Minimum hours in old tariffs are now abolished.
Travel will only be covered with Area Director's prior authorization.**



**Type I
Indictable Offences and Crown Election Offences
Where Matter Proceeds by Indictment**

Tariff on certificates issued prior to April 1, 1996		Tariff on certificates issued as of April 1, 1996	
Service	Maximum	Service	Maximum
A. GUILTY PLEA - For all circumstances in which current block fee is \$442		A. GUILTY PLEA - For all circumstances in which current block fee is \$442	
(a) (i) BLOCK FEE: where matter requires 5 hours or less preparation and one half day in court	\$442	(a) Capped hourly limit	6.5 hrs
(b) ADDITIONAL FEES allowed where services provided:		(b) ADDITIONAL FEES	
(i) bail hearing/variation consent -	\$126	(i) Included in maximum hrs allowed	
contested -	\$236		
(ii) pre-trial hearing with a Judge	\$132	(ii) Included in maximum hrs allowed	
(iii) pre-trial hearing with a Crown	\$67 per hr	(iii) Included in maximum hrs allowed	
(iv) bail review	\$348	(iv) bail review, with Area Director's prior authorization Capped hourly limit	5 hrs
(v) multiple trials arising from multiple charges or amendments heard on separate days	additional full of block fee payable depending on type offence and plea	(v) multiple trials, arising from multiple charges or amendments, heard on separate days - explanation for additional attendances required by Legal Accounts Officer	additional capped hourly limits payable depending on type of offence and plea
(vi) continuation - attendance on additional days after first full day or two half days	\$208.50 per half day	(vi) continuation - attendance on additional half days after first full day / two half days Capped hourly limit	2.5 hrs/half day

**Note: All Counsel fees are replaced by the hourly rate.
Minimum hours in old tariffs are now abolished.
Travel will only be covered with Area Director's prior authorization.**



Criminal Indictable Long Trials Type II & III

Tariff on certificates issued prior to April 1, 1996

- Maximum preparation time of 8 hours for each of the first two days of preliminary inquiry or trial.
- Maximum preparation time of 4 hours each day of preliminary inquiry or trial after the second.
- Total preparation time has an overall maximum of 35 hours or 50 hours.
- Counsel fee of \$417 or \$500 per day in preliminary inquiry or trial.

Tariff on certificates issued as of April 1, 1996

- Maximum preparation time of 11 hours before the first day in a preliminary inquiry or trial if it runs for 10 days or less.
- Maximum preparation time of 18 hours before the first day in a preliminary inquiry or trial if it runs for more than 10 days.
- Maximum preparation time of 4 hours for each day of preliminary inquiry or trial after the first day.
- Total preparation time has an overall maximum of 60 hours.
- Actual time spent in a preliminary inquiry or trial.



Criminal - Summary Conviction Appeals to Ontario Court (General Division)

Tariff on certificates issued prior to April 1, 1996		Tariff on certificates issued as of April 1, 1996	
Service	Maximum	Service	Maximum
Release pending appeal	Block fee of \$236.	Release pending appeal and appeal	Included in maximum hrs allowed for appeal
Appeal			
(a) sentence appeals			
(i) preparation and attendance	Block fee of \$870	(a) sentence appeals, opinion, bail, and preparation	12 hrs
(ii) continuation after first day of hearing	Block fee of \$417	Attendance at hearing at hourly rate	No maximum
(b) conviction appeals			
(i) preparation and attendance	Block fee of \$1,000	(b) conviction appeals, opinion, bail, and preparation	14 hrs
(ii) continuation after first day of hearing	Block fee of \$417	Attendance at hearing at hourly rate	No maximum

Note: All Counsel fees are replaced by the hourly rate. Minimum hours in old tariffs are now abolished.

**Criminal Appeals to Court of Appeal**

Tariff on certificates issued prior to April 1, 1996		Tariff on certificates issued as of April 1, 1996	
Service	Maximum	Service	Maximum
Release pending appeal Block fee	\$417		6 hrs
Appeal			
(a) Sentence Appeals			
(i) if plea of guilty			
-preparation			4 hrs
-attendance	Fee of \$500 per day (counsel fee)		per hr
(ii) if plea of not guilty entered			
-preparation			6 hrs
-attendance	Fee of \$500 per day (counsel fee)		per hr
(b) Conviction Appeals			
(i) for preparation			
	Hourly at \$67 per hr based on length of transcript		35 hrs
(ii) attendance			
	Fee of \$500 per day (counsel fee)		per hr

**Note: All Counsel fees are replaced by the hourly rate.
Minimum hours in old tariffs are now abolished.**



Criminal Appeals to Supreme Court of Canada

Tariff on certificates issued prior to April 1, 1996		Tariff on certificates issued as of April 1, 1996	
Service	Maximum		Maximum
1. Release pending appeal			
Block fee	\$417		6 hrs
2. Appeal			
(a) Application for leave to appeal			
-preparation	10 hrs		10 hrs
-attendance -	counsel fee of \$500		per hr
(b) Appeal			
-preparation	35 hrs		35 hrs
-attendance -	counsel fee of \$666		per hr
-attendance - to receive judgment with a maximum of two per day	\$126		2 hrs

Note: All Counsel fees are replaced by the hourly rate.
 Minimum hours in old tariffs are now abolished.



Family Law

Priorities

The governing principle guiding the issuance of certificates in family law matters is to protect the safety of a spouse or child who is at risk, or to protect an established parent/child bond.

The priority schedule assumes the case has already been screened for merit.

I. FIRST PRIORITY

CHILD PROTECTION

- Apprehension or threat of apprehension by Children's Aid Society or similar authority.
- The Plan should generally authorize the defense to applications for crown wardship.
- Defense to claims for society wardship where the children are in care.
- Defense to applications for temporary care and custody.
- Applications offering to care for the child.

CUSTODY

- Where the safety of a spouse or child or an established parent/child bond is at risk or threatened including the threat of kidnapping, and relocation where an established parent/child bond is threatened.
- Cases of sexual abuse.
- Where the parties are separating and no status quo has been established.

ACCESS

- Applications for access or variation of access where there is an allegation of assault or abuse.

II. SECOND PRIORITY

CUSTODY

- Variations of custody where there is no emergency.

SUPPORT

- Child or spousal support when custody has changed.
- Variations should be subject to a cost benefit analysis or the reasonable client of modest means test.
- Enforcement, if there is merit.

ACCESS

- Initial applications for access to maintain an established parent/child bond.

PROPERTY

- Exclusive possession if there are safety or abuse issues.
- Preservation of property if risk of dissipation, eg. spouse's business.



III. THIRD PRIORITY

CHILD PROTECTION

- Voluntary care agreements.

CUSTODY

- Cases involving mobility rights and relocation where the parent/child bond is not threatened.
- Older children make their own decision about which parent they will reside with, so the older the children the less important is the formal issue of custody.
- Hague Convention cases. Out of country custody enforcement should be handled by Provincial Government lawyers.
- Cases where a change in the status quo is proposed but there are no aggravating factors or problems in the status quo.

SUPPORT

- Variations of support when one or both clients is in receipt of public support and the parental support worker is willing to meet with the parties.
- Public support recipients who can receive the assistance of parental support workers unless the initial order is likely to be so low as to prejudice the possibility of the recipient becoming self supporting.

ACCESS

- Denial of access or contempt.
- Where the proposed change is from supervised access to non-supervised access.

PROPERTY

- Where the assets are unliquidatable or unrealizable in a reasonable time period.
- Where the property in question is an income stream in expectation, for example, a share in a pension.
- An ownership in an RRSP.

IV. FOURTH PRIORITY

CHILD PROTECTION

- Access by family members who are not offering to care for the child.

CUSTODY

- Changes in formal custody with no change in proposed residence or care arrangements.
- Where there is no real issue as to custody, that is no threat to the status quo or where custody will proceed by default.
- Custody claims where some institution or agency such as a school purports to require a custody order.

ACCESS

- Daytime to overnight access.

PROPERTY

- Exclusive possession.
- Preservation of property.
- Provide for a limit to the value of the property beyond which there should be no Legal Aid, for example, an equalization claim above \$20,000 or \$25,000, provided some of the assets are realizable in a reasonable time period.

V. FIFTH PRIORITY

ACCESS

- Tinkering eg. extending hours, holidays, pickup and drop off.
- Access by grandparents or other relatives unless they have been a primary caregiver.

PROPERTY

- Where chattels are the only issue, eg. furniture.



Family Law Matters

Services up to the end of the first pre-trial hearing	Tariff (on certificates issued prior to April 1, 1996)	Tariff (on certificates issued as of April 1, 1996)
For family law proceedings and negotiation of domestic contracts	15 hrs max	6.50 hrs max
For matters in which custody/access is the issue, an additional	20 hrs max	11.50 hrs max
For matters in which support is the issue, an additional	15 hrs max	9 hrs max
For matters in which property is the issue, an additional	10 hrs max	6.50 hrs max
For matters in which restraining is the issue, an additional	5 hrs max	4 hrs max
For matters in which access is the issue, an additional	n/a	7.50 hrs max
Advising complainant in criminal prosecution	3 hrs max	2 hrs max
Child Protection, where Society wardship is the issue	30 hrs max	17 hrs max
Child Protection, where Crown wardship is the issue	60 hrs max	20 hrs max

Services for trial preparation and attendance

Preparation time after first pretrial conference before first day of trial	25 hrs max	15 hrs max
Preparation time for each day of trial after the first	5 hrs max	4 hrs max
Actual attendance time at a trial	per hr	per hr
Actual attendance time for an adjournment of a trial	per hr	per hr
For matters subsequent to a trial (in total)	18 hrs max	12 hrs max

**Note: All Counsel fees are replaced by the hourly rate.
Minimum hours in old tariffs are now abolished.
Travel will only be covered with Area Director's prior authorization.**



Appeals - Family and Civil Matters

Tariff on certificates issued prior to April 1, 1996		Tariff on certificates issued as of April 1, 1996	
Service	Maximum	Service	Maximum
COURT OF APPEAL, FEDERAL COURT OF APPEAL, ONTARIO COURT (GENERAL DIVISION)		COURT OF APPEAL, FEDERAL COURT OF APPEAL,	
(i) Motion for leave to appeal			
-preparation	10 hrs		10 hrs
-attendance			
(ii) APPEAL			
-preparation	25 hrs		25 hrs
-attendance	per hr		per hr
		APPEALS TO ONTARIO COURT (GENERAL DIVISION)	
		(i) Preparation for Motion for leave to appeal, if necessary and for appeal	14 hrs
		(ii) Attendance for motion for leave to appeal, and for appeal - per hr	
SUPREME COURT OF CANADA			
(i) Application for leave to appeal			
-preparation	15 hrs		15 hrs
-attendance	per hr		per hr
(ii) Appeal			
-preparation	35 hrs		35 hrs
-attendance	per hr		per hr

**Note: All Counsel fees are replaced by the hourly rate.
Minimum hours in old tariffs are now abolished.**



Immigration and Refugee Law

Priorities

Priority will be given to refugee claims because of the significance of the outcome to the individual and the difference that a lawyer is likely to make to the outcome.

(I) Priority List

Priority will be applied in immigration matters and certificates will be issued to otherwise eligible applicants in the following descending order:

- Refugee claims in the Refugee Division of the Immigration and Refugee Board and sponsorship appeals in the Appeal Division of the Immigration and Refugee Board.
- Judicial Reviews in the Federal Court (Trial Division) from negative determinations by the Refugee Division.
- Detention Reviews before an Adjudicator of the Immigration and Refugee Board.
- Submissions to the Minister of Immigration on humanitarian and compassionate grounds.

Note: Certificates will no longer be available for appeals to the Appeal Division of the Immigration and Refugee Board or for submissions to the Minister of Immigration under s.70(5) of the Immigration Act or for judicial reviews in those matters. The exception to this prohibition is sponsorship appeals as set out above.

(II) Other criteria considered when prioritizing certificates include:

1. For the cases of refugee claimant applicants coming from a country with a higher than 90% acceptance rate at the Refugee Division, reduced preparation time, namely 10 hours, will be allowed. The Plan will have discretion to override the policy in extraordinary cases.

Current statistics (published by the Immigration and Refugee Board at intervals during the calendar year) indicate that for the first nine months of 1995, there was a higher than 90% acceptance rate for refugee claimants originating from Belarus, Belize, Bhutan, Bosnia, Burundi, Comoros, Cyprus, Eritrea, Estonia, Guinea Bissau, Indonesia, Iraq, Kazakhstan, Korea, Kyrgyzstan, Lithuania, Malawi, Mauritania, Nepal, Paraguay, Rwanda, Seychelles, Slovak Republic, Somalia, Sudan, Uzbekistan, Yemen and Zimbabwe. This list will be reviewed on a regular basis.



2. There will be more rigorous merit screening of the refugee cases of individuals coming from countries that have a high acceptance rate in order to eliminate funding for cases that are clearly unfounded. The rejection of those cases will be in keeping with guidelines developed with the assistance of the refugee bar and will not require any determination of credibility of the individual by the Plan. The Plan currently screens all refugee cases for merit but does a limited screening of cases from high refugee-producing countries.

3. Immigration cases will not be funded by the Plan where there is a reasonable expectation that financial support for a private retainer is accessible from family members, including parents, adult children, adult siblings, aunts and uncles. Individuals in such cases will be advised to discuss the availability of a private retainer with a lawyer of their choosing.

In cases where a private retainer is not forthcoming, the individual may return to the Plan and if, after an assessment of family members, it is clear that the family is not able to provide financial assistance, a free or contributory certificate may be issued, following the normal merit.

4. Refugee claims will not be funded where family sponsorship is a realistic alternative.

5. All family members proceeding with a refugee claim will be represented on a single certificate.

6. Close scrutiny will be applied to repeat applications for legal aid for refugee claims.



Immigration/Refugee Litigation

Tariff on certificates issued prior to April 1, 1996		Tariff on certificates issued as of April 1, 1996	
Service	Maximum	Service	Maximum
1. Preliminary steps including preparation of opinion and PIF	14.5 hrs	All preliminary steps and preparation prior to hearing:	16.0 hrs
2. Preparation prior to first day of hearing	15.0 hrs		
3. Preparation for each subsequent day of hearing	5.0 hrs/day		
4.		All preliminary steps and preparation prior to Short Hearing	10.0 hrs
5.		All preliminary steps and preparation prior to Expedited Hearing	8.0 hrs
6. Attendance at hearing - per hr at \$67		Attendance at hearing - per hr at \$67	
7. Appeals			
(i) Leave to Appeal		Leave to Appeal	
-preparation	10 hrs	-preparation	15 hrs
-attendance - counsel fee	\$500	-attendance	per hr
(ii) Appeal		Appeal	
-preparation	25 hrs	-preparation	15 hrs
-attendance - counsel fee	\$500	-attendance	per hr
Total not to exceed	27 hrs		

Note: All Counsel fees are replaced by the hourly rate. Minimum hours in old tariffs are now abolished.



Civil Litigation

Priorities

- *Certificates for civil litigation will continue to cover poverty law where the clinic system is unavailable, or in cases where the liberty and livelihood of the client is affected such as in mental health or parole matters.*
- *Cutbacks that have already been implemented in this area of law, for example, the elimination of coverage for wrongful dismissal cases, should be sufficient to realize the required savings.*

The following matters will continue to receive a priority status:

- Workers Compensation cases
- Social Assistance Review Board matters
- Landlord & Tenant
- Mental Health
- Parole and Prison law matters

Certificates will no longer be issued when cases seem likely to produce a recovery from which fees can be paid.



Civil Litigation

SUMMARY OF CIVIL PROCEEDINGS

(excluding appeals)

Service	Tariff on certificates issued prior to April 1, 1996	Tariff on certificates issued as of April 1, 1996
	Maximum	Maximum
Instituting proceedings	2.5 hrs	1.5 hrs
Pleadings	4 hrs	3 hrs
Preparation for examinations	10 hrs (up to)	7 hrs
Attendance on examinations	10 hrs	7 hrs
Interim motion without notice	2/motion	1 hrs
All other motions preparation	6.5/motion	4.5 hrs
Attendance at hearing of motion	3/motion	2/motion
Preparation for pretrial conferences	3 hrs	2 hrs
Attendance on pretrial conference	3 hrs	2 hrs
Preparation before trial	20 hrs	15 hrs
Preparation during trial	5/trial day	4/trial day
Attendance at trial	None	per hr
Adjournments	1 hrs	1 hrs
Matter subsequent to trial		
general	3 hrs	2 hrs
settling judgement	1 hrs	1 hrs
assessing bill of costs	5 hrs	3 hrs
exam. in aid of execution	3 hrs	2 hrs
Correspondence/Communications	5 hrs	3 hrs
Opinion letter/Area Director	discretionary	discretionary
Administrative Tribunals:		
up to 40 hrs for the first day		Preparation before first day maximum 6 hours
up to 4 hrs for each succeeding day		Preparation for subsequent days maximum 2 hours
		Attendance at hearing at hourly rate no maximum

Note: All Counsel fees are replaced by the hourly rate.
Minimum hours in old tariffs are now abolished.



Appeals - Family and Civil Matters

Tariff on certificates issued prior to April 1, 1996		Tariff on certificates issued as of April 1, 1996	
Service	Maximum	Service	Maximum
COURT OF APPEAL, FEDERAL COURT OF APPEAL, ONTARIO COURT (GENERAL DIVISION)		COURT OF APPEAL, FEDERAL COURT OF APPEAL,	
(i) Motion for leave to appeal			
-preparation	10 hrs		10 hrs
-attendance			
(ii) APPEAL			
-preparation	25 hrs		25 hrs
-attendance	per hr		per hr
		APPEALS TO ONTARIO COURT (GENERAL DIVISION)	
		(i) Preparation for Motion for leave to appeal, if necessary and for appeal	14 hrs
		(ii) Attendance for motion for leave to appeal, and for appeal - per hr	
SUPREME COURT OF CANADA			
(i) Application for leave to appeal			
-preparation	15 hrs		15 hrs
-attendance	per hr		per hr
(ii) Appeal			
-preparation	35 hrs		35 hrs
-attendance	per hr		per hr

**Note: All Counsel fees are replaced by the hourly rate.
Minimum hours in old tariffs are now abolished.**



Notes:
