



The Legal Aid Letter
is sent by The Law Society of Upper Canada
to its members each month carrying news of the
Ontario Legal Aid Plan

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1981 ANNUAL REPORT

The 1981 Annual Report of the Plan for the fiscal year ended March 31, 1981, will be available shortly. Quantities will be made available automatically to legal aid offices and clinics but if you wish a copy of this informative guide to the Plan's activities, please contact the Information Department of the Plan at the address shown at the top of this page.

HIGHLIGHTS OF THE FIRST NINE MONTHS

The number of individuals contacting the Plan's 47 Area Offices dropped fractionally during the first nine months of the fiscal year (to December 31, 1981) to 164,617 compared with 165,463 in the previous fiscal year.

A total of 81,697 applications were received for a legal aid certificate compared with 83,313 in the previous year - a decrease of 1.9%. The number of certificates issued rose by 0.3% from 59,002 to 59,165, while refusals dropped from 36.9% of applications to 31.1%.

The number of individuals assisted in Provincial Courts (Criminal and Family) by Duty Counsel rose 1.3% from 168,961 to 171,252.

MORE LOOK-ALIKE INVOICES

As pointed out in our September, 1981, Letter, legal aid offices and clinics have been receiving look-alike invoices from both Intra Canada Telecommunication and Classified Directory Publishers Inc. for listings in privately-published directories.

Although these materials appear, in most respects, like regular invoices for services already performed, you are warned that they are, in fact, solicitations and you are under no obligation to make payment. Your staff should be warned to watch for such solicitations.

TARIFF TALK — NOTE "A"

Lawyers seeking increased fees under Note "A" of the Tariff are reminded that effective April 1, 1979, a significant change was added to the conditions under which such increases would be made. The Tariff states that "except in unusual circumstances", the fees provided in the Tariff shall normally apply for the legal services covered.

Thus, although a lawyer may exceed the maximum provided in the Tariff and bill the Plan for the total amount of time spent on the matter, the Tariff provides that only in unusual circumstances will the maximums in the Tariff be exceeded.

Lawyers wishing the Legal Accounts Officer to exercise her discretion to increase fees under Note "A" must make submissions justifying the increase. Such submissions, depending on the circumstances, might relate to the seriousness of the charge, the nature of the proceedings, the complexities of fact or law, the skill or expertise demonstrated in conducting the case, the result achieved, the benefit accruing to the client or other factors.

AGENT'S ACCOUNTS

Lawyers accepting legal aid certificates are reminded that although he or she does not require prior authorization to retain the services of an agent in Ontario, it is the lawyer's responsibility -- not the Plan's -- to pay the agent's account.

When engaging the services of an agent, therefore, lawyers should be aware of the maximums provided in the Tariff because, in settling the account, the Legal Accounts Officer will do so as if the services were rendered by the lawyer named to accept the certificate. Thus, for example, an agent's preparation time will not be allowed separate from that of the accepting solicitor. The agent's account, which is usually shown as a disbursement in the account, will be returned showing allowance of Court attendances only.

In that regard, counsel are reminded that they should take advantage of the Duty Counsel system throughout Ontario to assist them with remands, setting dates, conducting bail hearings, requesting matters be held down and in other matters. By using Duty Counsel who are already present in Court, counsel may be able to eliminate the need for agents for such matters. Your local Area Director can assist you in determining the range of services available in your area and we encourage you to contact your local office for more information.

LEGAL AID AND THE DISABLED

The Legal Aid Committee has approved a Report of a Special Sub-Committee to Review Services to the Handicapped which calls for the improvement of access to legal aid services for disabled individuals. Most of the recommendations deal with improving physical access to the Plan's Area Offices, Clinics and Student Legal Aid Societies as well as with an expansion of the "outreach" programs for those individuals who are unable to visit legal aid outlets.

The Legal Aid Committee also approved the extension of the Sub-Committee's mandate to investigate the provision of legal aid services to individuals held involuntarily in psychiatric hospitals, in psychiatric units of general hospitals, those institutionalized in centres for the mentally handicapped and those resident in chronic care hospitals. Mrs. Kathleen Fleming, a lay member of the Legal Aid Committee, will continue as Chairperson of the Special Sub-Committee and anyone with suggestions concerning the delivery of legal aid services to the above-mentioned individuals should contact her in care of the Information Department of the Plan at the address shown above.