



# LEGAL AID LETTER



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

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## TARIFF UPDATE

The Law Society's proposals for changes to the Tariff were presented to the Attorney General in December, 1983. Since then, a number of meetings have been held to discuss the Society's recommendations. As well, over 5,000 cards urging the Attorney General to support the Canadian Bar Association - Ontario's call for a substantial Tariff increase have been received. In addition, many members of the Bar have written to MPPs indicating their support for the Society's and CBA-O's recommendations.

The Government is currently considering changes to the Tariff.

## 1983-84 IN REVIEW

Figures for the fiscal year ended March 31, 1984 show that 237,429 people contacted the Plan's 47 Area Offices compared with 243,224 during the same period in 1982-83 — a drop of about 2.5%. Of the 237,429, 122,358 made an application for legal aid compared with 124,811 last year. A total of 89,984 certificates were issued, compared with 90,892 in the previous year.

Duty Counsel activity in the Provincial Courts rose by 1.7% during the year from 244,626 to 248,725.

## YOUNG OFFENDERS ACT

Under the Young Offenders Act, alleged young offenders must be given the opportunity to retain and instruct counsel without delay. Earlier this year, The Law Society, through its Lawyer Referral Service, compiled lists of lawyers willing to make themselves available to juveniles who

may be in need of legal services *outside of normal business hours*. These lists were then circulated to all municipal and regional police forces as well as to the O.P.P. and the R.C.M.P.

Members wishing to add or delete their names from the lists maintained *by the O.P.P. only* are asked to contact their local O.P.P. detachment. The Lawyer Referral Service will update its Province-wide listings later this year after information about the program's performance is evaluated.

## ANNUAL REPORT - 1983

The Plan's Annual Report for the year ended March 31, 1983, is now available for distribution. Quantities are being made available to all Area Offices and clinics and have been sent to all Ontario media.

If you wish to receive a copy of this informative guide to the Plan's activities, contact the Information Department at the address/phone number shown below.

## DISBURSEMENTS - LESS PRIOR APPROVAL

Enclosed with the Letter is an outline of those circumstance in which solicitors need not obtain prior approval from the Plan for out-of-pocket disbursements. We urge you to become familiar with these changes, which will assist you in providing more efficient service to your clients. Any questions about the new procedures should be directed to the Legal Accounts Officer, Ontario Legal Aid Plan, Suite 200 - 481 University Avenue, Toronto, M5G 2G1, (416) 979-1446.

## The Research Facility

### RESEARCH FACILITY MATERIAL PRAISED

Ken Chasse, Director of The Research Facility, reports that sales of criminal law memoranda have been going well. The Research Facility's catalogue of over 250 memoranda has also been endorsed for its quality.

"I have found the Research Facility's Charter of Rights Memoranda to be of consistently excellent quality and of considerable assistance." (Mr. Justice Ewaschuk, Supreme Court of Ontario)

"I've used many of these memoranda. They are a great way to keep current and a great source of ideas for lines of defence." (Frank Marrocco, Q.C., Toronto)

"The Charter of Rights memoranda are a great time saver and are of invaluable assistance in formulating arguments." (David P. Cole, Toronto)

The memoranda are for sale to members of the Bar and are priced at one of four prices - \$10, \$30, \$50 or \$75. The memoranda are divided into six groups - Charter of Rights, Defences, Evidence, Offences, Procedure and Sentence.

A free catalogue is available on request by writing or calling The Research Facility, Suite 200 - 481 University Avenue, Toronto M5G 2G1, (416) 979-1321.





# BULLETIN DE L'AIDE JURIDIQUE

Le bulletin de L'Aide Juridique est envoyé par La Société du Barreau du Haut Canada à ses membres pour leur donner des nouvelles sur le programme d'aide juridique de l'Ontario.



Numéro 33

Juillet 1984

Distribué à 20 000 exemplaires

## LE TARIF À LA UNEI

En décembre 1983, la Société du Barreau du Haut Canada remettait au Procureur général ses recommandations au sujet d'une hausse du tarif de l'Aide juridique. Ces recommandations ont depuis fait l'objet de nombreuses rencontres et plus de 5 000 personnes ont fait parvenir leur carte au Procureur général, à l'appui de l'Association du Barreau canadien-Ontario qui recommande aussi une hausse substantielle du tarif. De nombreux avocats ont également écrit à leur député, appuyant les recommandations de la Société du Barreau et de l'ABC-Ontario.

À l'heure actuelle, le gouvernement étudie les changements proposés.

## COMPTE RENDU POUR 1983-84

Les statistiques concernant l'exercice financier qui a pris fin le 31 mars 1984 révèlent que 237 429 personnes se sont adressées aux 47 bureaux régionaux de l'Aide juridique par rapport à 243 224 pendant la même période en 1982-83. Ce chiffre représente une baisse d'environ 2,5%. De ce nombre, 122 358 personnes ont fait une demande de certificat d'aide juridique, par rapport à 124 811 l'année dernière. Le nombre des certificats émis était en baisse cette année, passant de 90 892 l'année dernière à 89 984 cette année.

Les avocats de service auprès des tribunaux de la Cour provinciale ont assisté 248 725 personnes, ce qui représente une hausse de 1,7% par rapport aux 244 626 personnes auxquelles ils sont venus en aide l'année dernière.

## LOI SUR LES JEUNES CONTREVENANTS

Aux termes de la *Loi sur les jeunes contrevenants*, le présumé contrevenant a le droit d'obtenir sans retard

les services d'un avocat. Plus tôt cette année, la Société du Barreau a compilé, par l'intermédiaire de son Service de référence juridique, une liste des avocats prêts à se rendre disponibles aux jeunes contrevenants qui peuvent avoir besoin de leurs services *en dehors des heures normales de travail*. Ces listes ont été transmises à tous les corps de police municipaux et régionaux, de même qu'à la police provinciale de l'Ontario (OPP) et à la GRC.

Les avocats qui désirent que leur nom soit ajouté aux listes conservées *par la police provinciale seulement* (ou retiré de celles-ci) doivent communiquer directement avec la police provinciale de leur localité. La mise à jour des listes provinciales du Service de référence juridique sera effectuée plus tard cette année après l'évaluation du rendement de ce programme.

## RAPPORT ANNUEL - 1983

Le rapport annuel de l'Aide juridique pour l'année qui a pris fin le 31 mars 1983 est maintenant disponible. On a fait parvenir des exemplaires de ce rapport à toutes les cliniques et bureaux régionaux ainsi qu'à tous les média d'information de l'Ontario.

Ceux qui désirent recevoir un exemplaire de ce guide instructif des activités de l'Aide juridique voudront bien communiquer avec le Service d'information à l'adresse et au numéro de téléphone ci-dessous.

## LES DÉBOURS - MOINS L'APPROBATION PRÉALABLE

Vous trouverez annexé à ce bulletin un résumé de circonstances dans lesquelles les avocats n'ont pas besoin d'obtenir l'approbation préalable de l'Aide juridique avant d'effectuer certains débours. Nous vous encourageons à vous mettre au courant de ces changements, qui vous

aideront à servir plus efficacement vos clients. Pour tout ce qui concerne la nouvelle procédure, il faut s'adresser à l'Agent des comptes des avocats, Aide juridique de l'Ontario, bureau 200, 481 University Avenue, Toronto, M5G 2G1 (416) 979-1446.

## LE SERVICE DE RECHERCHE FAIT DES HEUREUX

Le directeur de Service du recherche, Ken Chasse, est heureux de faire savoir que les ventes des mémoires de droit pénal se portent bien. Le catalogue de Service de recherche qui comprend plus de 250 titres s'est aussi fait remarquer par sa qualité.

"Je trouve que les mémoires du Service de recherche dans le domaine de la Charte des droits sont d'une excellente qualité et ils m'ont été très utiles." (Le Juge Ewaschuk de la Cour suprême de l'Ontario)

"Ces mémoires m'ont souvent été utiles. J'estime qu'il s'agit là d'une excellente façon de se tenir à jour et d'une excellente source d'idées pour élaborer les arguments de la défense." (Frank Marrocco, c.r., Toronto)

"Les mémoires sur la Charte des droits permettent de gagner beaucoup de temps et ils m'ont été d'une aide inappréciable dans la préparation de mes exposés." (David P. Cole, Toronto)

Les mémoires sont offerts aux membres de la Société du Barreau aux prix suivants: 10 \$, 30 \$, 50 \$ et 75 \$. Ils sont divisés en six groupes: la Charte des droits, les défenses, la preuve, les infractions, la procédure et les sentences.

On peut se procurer le catalogue gratuit en s'adressant au Service de recherche, bureau 200 - 481 University Avenue, Toronto, M5G 2G1 (416) 979-1321.

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## IMPORTANT NOTICE - DISBURSEMENTS

EFFECTIVE AUGUST 1, 1984

### SOLICITORS' OUT-OF-POCKET DISBURSEMENTS WHICH DO NOT REQUIRE PRIOR APPROVAL

#### CIVIL DISBURSEMENTS

1. In an action for damages arising out of personal injuries, or a medical malpractice action, a medical report may be obtained by the solicitor without authorization to assist him/her in preparing an opinion for the Area Director, providing the cost of the report does not exceed the sum of \$75 for a general practitioner and \$150 for a specialist.
2. After authorization to proceed with an action has been obtained from the Area Director, a medical report may be obtained from a doctor who has previously treated the client with respect to the matter in litigation, provided the total cost of the report so obtained is less than 10% of estimated damages set out in the solicitor's letter of opinion, upon which authorization to proceed has been based. In those instances where more than one doctor has treated the client, a maximum of three such reports may be ordered, provided the total cost remains within the 10% limit outlined above.
3. In a divorce action based on cruelty, the following may be obtained without prior authorization: (a) a medical report from the Family doctor, at a cost of not greater than \$75, or, if appropriate, (b) copies of hospital records at a cost not to exceed \$35 per record, or (c) a report from a medical specialist not to exceed the cost of \$150.
4. In proceeding to obtain support from one's spouse, which claim is based on employability, a solicitor may obtain a medical report confirming unemployability without prior authorization, at a cost not to exceed \$75.

#### CRIMINAL DISBURSEMENTS

1. A solicitor may obtain a report without prior authorization for the purpose of speaking to sentence where the client has been consulting a physician whose report would relate to the circumstances of the crime, provided the cost does not exceed \$75.
2. Where a client is charged with murder or sexual assault under Sections 246(1); 246(2) or 246(3), a solicitor may obtain a psychiatric assessment and report, without prior authorization, from a psychiatrist, provided the total cost does not exceed \$300, calculated at four hours for the assessment and report at \$75 per hour. Or a solicitor may obtain an assessment and report, without prior authorization, from a psychologist **registered with the Province of Ontario**, provided the total cost does not exceed \$264, calculated at four hours for the assessment and report at \$66 per hour.
3. If a client is charged with an offence under Group I or II of Schedule 2 of the Legal Aid Tariff, and if the defence involves the ingestion of both drugs **and** alcohol, a report may be obtained, without prior authorization, from a pharmacologist, **to a maximum of four hours** at a cost of \$60 per hour; or from a toxichologist at a cost of \$66 per hour **to a maximum of four hours**; or from a psychiatrist at a cost of \$75 per hour **to a maximum of four hours**. A solicitor is entitled to obtain only one of such reports without prior authorization.
4. If a client is charged with murder, the solicitor may obtain one report, without prior authorization, from a pathologist up **to a maximum of four hours** at \$75 per hour.

#### REMINDER TO THE PROFESSION

##### PRIOR APPROVAL IS NOT REQUIRED FOR THE FOLLOWING DISBURSEMENTS:

1. To order a transcript of a Preliminary Hearing or Examination for Discovery providing it is not expedited.
2. To pay witness fees when the witness fees are paid in accordance with Tariff B of the Rules of Practice in civil matters, and The Administration of Justice Act in criminal matters. (A solicitor in submitting an account should provide details of how the witness fee and conduct money have been calculated).
3. Fees paid to agents in Ontario, providing the fees are calculated in accordance with the Legal Aid Tariff. Solicitors should be aware that preparation done by agents is included in the maximum fees provided for preparation, which will be allowed on the solicitor's account. If a solicitor requires an agent outside of Ontario, the solicitor should contact either Mrs. Glyde Hone, Deputy Director, Appeals, or Maryanne Loch, Assistant to the Deputy Director, Appeals, in the Provincial Director's office, particularly if the agent is required in another province in Canada, as there are reciprocal agreements with the other Legal Aid Plans.
4. Authorization is not required for fees or disbursements for travel if the purpose of the trip is to attend a (1) bail hearing, (2) preliminary hearing, (3) trial, (4) appeal or (5) discovery. The fees to be allowed for the travel must not exceed 30% of the total fee for services rendered, as determined by the Legal Accounts Officer.



# Ontario Legal Aid Plan

## REQUEST FORM FOR DISBURSEMENT AUTHORIZATION

Certificate Number \_\_\_\_\_

Date \_\_\_\_\_

Client's Name \_\_\_\_\_

Solicitor's Name \_\_\_\_\_

Is client on a contributory Certificate? \_\_\_\_\_

Total amount of contributions \_\_\_\_\_

Are contributions up-to-date? \_\_\_\_\_

Is there a lien? \_\_\_\_\_ Amount of lien \_\_\_\_\_

Estimate of Final Account: Fees \_\_\_\_\_ Disbursements \_\_\_\_\_

### DISBURSEMENT:

Description: \_\_\_\_\_

Name/s and Qualification/s of Person/s Providing Services: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Total Cost: \_\_\_\_\_ Hourly Rate: \_\_\_\_\_

Reasons Disbursement Required: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

In Criminal Proceedings: name, address and Certificate number of co-accused/s. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

In Civil Proceedings: Name, address and Certificate number of other parties. \_\_\_\_\_

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Please return this form to: The Legal Accounts Officer  
Ontario Legal Aid Plan  
481 University Avenue, Suite 200  
TORONTO, Ontario M5G 2G1