

Criminal Case Cost Cap of \$175,000

In accordance with the Memorandum of Understanding between the Legal Services Society (LSS) and the Ministry of Justice, LSS is not authorized to spend more than \$175,000 in fees and disbursements for a criminal law referral without having a special funding agreement in place. Special funding agreements indemnify LSS for costs in excess of \$175,000.

As set out in the [LSS Tariffs – General Terms and Conditions](#) (item 43), LSS is imposing a criminal case cost cap. LSS will not pay more than \$175,000 total of all legal fees and disbursements on a criminal referral. This will be effective for any referral that reaches or surpasses the cap on or after February 28, 2013. The cap includes amounts paid to all lawyers on the referral, where more than one lawyer has billed on that referral.

The criminal case cost cap will not apply provided a special funding agreement is in effect that indemnifies LSS for costs in excess of \$175,000.

LSS maintains a protocol with the Ministry of Justice to ensure special funding agreements are in place for cases prosecuted by the Provincial Crown that may exceed the criminal case cost cap.

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