

## General Tariff Information

[Updated: April 1, 2020]

This chapter of *Legal Aid BC Tariffs* provides information about how Legal Aid BC (LABC) will compensate you for services provided to clients for an appeal or judicial review. For general information about the terms of your contract with LABC, see *General Terms and Conditions*. For information about billing disbursement items, see *Disbursements*.

Tier	Years of call	Hourly rate		
		For service dates prior to Nov 4, 2019	For service dates between Nov 4, 2019 and April 1, 2020	For service dates on or after April 1, 2020
1	Less than 4 years	\$83.90	\$104.88	\$111.17
2	4 or more years and less than 10 years	\$88.10	\$110.12	\$116.73
3	10 or more years	\$92.29	\$115.37	\$122.29

## Applications for appeals and judicial reviews

LABC provides representation for appeals, judicial reviews, and submissions in criminal, family, CFCSA, immigration, and prison law. A new application for legal aid is required. Applicants must meet current coverage and financial eligibility guidelines, which are outlined on the LABC website (under [Legal Aid — Legal Representation](#)).

In addition, when determining whether or not to approve funding for an appeal, judicial review, or submission, LABC does a merit assessment to determine whether:

- there is a reasonable likelihood of success,
- a reasonable person of modest means would themselves pay to pursue the case, and
- there is remaining LABC budget available to fund the case.

To apply or for questions, contact:

### LABC Appeals Section

Email: [helpdesk.appeals@legalaid.bc.ca](mailto:helpdesk.appeals@legalaid.bc.ca)

Phone: [604-601-6085](tel:604-601-6085)

You may request a review of a decision by contacting the Appeals Section. Be sure to outline your reasons for requesting a review.

## Tariff items and authorizations

This chapter describes the individual tariff items and lists the maximum hours that LABC will authorize for various types of appeals. All tariff items require prior authorization.

Representation contracts for appeals and judicial reviews will typically contain tariff items for preparation and court/tribunal attendance. The tariff items and the total number of hours authorized for each tariff item will appear on your representation contract, which you can access via the Lawyer Portal.

The hours specified in the tariff are intended to provide enough time to complete most appeals, judicial reviews, and submissions. However, LABC may authorize additional preparation hours if:

- You are new counsel. New counsel means you were not involved in the proceedings appealed from. The additional hours authorized will range from 3 to 15 hours depending on the appeal type and court level. Note that if you are in the same firm or sharing office space with the previous lawyer, you may not receive additional preparation hours.
- The appeal or judicial review involves large volumes of transcript or documentary evidence. The guideline is 5 hours of additional preparation for every 200 pages of material beyond the first 200 pages, based on the actual page count of the material.
- The appeal or judicial review is particularly complex, considering factors such as the number and nature of meritorious issues, legal and factual complexity, and length of the original proceedings.

In addition, LABC may, at its discretion, pay further legal fees to lawyers. See items 40 and 41 of [General Terms and Conditions](#) for more information.

## Enhanced fees

Enhanced fees may be available for senior counsel in cases that LABC considers to be complex criminal law appeals. The [Enhanced Fees and Exceptional Responsibility Premium policy](#) sets out the procedures and criteria for approval of enhanced fees. See the LABC website (under [Lawyers — LABC Policies](#)). The LABC Appeals Section will work with counsel to develop a budget for the appeal.

## Timekeeping

You must keep typed timekeeping records for each representation contract and retain them for at least five years from the date of payment of the final invoice. When invoicing for services billable on an hourly basis, you must attach a typed timekeeping record that specifies the date(s) and time spent on each task. LABC may ask you to provide additional information about the case or services rendered to date

when considering requests for extra fees or Extended CFCSA Services, or as part of our audit process. If you prefer, you may use the [timesheet](#) provided in the Lawyer Portal under **Resources — Forms**.

## Billing items

This section describes billing rules and tariff items for criminal, family, CFCSA, immigration, and prison law appeals, judicial reviews, and submissions.

Use the information in this section to request authorization or when billing via the Lawyer Portal.

All tariff items require prior authorization from the LABC Appeals Section at the Vancouver Regional Centre.

When invoicing, enter the service date for attendance items. For preparation items, provide the hours spent per service month.

Contact the Appeals Section if you require funding for a particular type of appeal or judicial review that is not specifically listed under the billing items below.

**Note:** You will need to request authorization via the Lawyer Portal to bill the following:

- more than the billing maximum (check each of your contracts in the Lawyer Portal to see the list of tariff items you can bill and the maximum units for each item); and
- a tariff item that does not appear on your contract in the Lawyer Portal (LABC will apply the authorization guidelines as stated in the *LABC Tariffs* for that particular tariff item).

## Billing rules – all appeals

The following billing rules apply to preparation and attendance tariff items for all areas of law. For rules specific to each area of law, see the relevant section below.

### Preparation

- Billable in hourly increments accurate to 10ths of an hour for actual preparation time up to the maximum hours as authorized on your representation contract.
- Record the actual time spent as specified in your timekeeping records.
- Preparation includes all general preparation required to conduct the appeal or judicial review, or to prepare the submissions, including:
  - client interviews
  - taking instructions
  - preparing correspondence
  - preparing and filing court documents
  - researching and drafting written arguments
  - preparing for preliminary applications, including applications to extend time
  - preparing for hearings

## Attendance

- Billable in hourly increments accurate to 10ths of an hour for actual time spent in court or at a tribunal hearing.
- Provide the date(s) and the time spent in court or at the tribunal. Bill the actual time spent as specified in your timekeeping records, from the time the hearing was scheduled to begin to its conclusion, excluding meal breaks.
- Attendance at applications to adjourn is not considered a hearing of the appeal. Bill the time you spend attending applications to adjourn under “Preparation.” Bill attendance for other pre-hearing applications under “Attendance at court proceeding.”

## Criminal Appeals

The *Appeals and Judicial Reviews Tariff* specifies the maximum hours authorized for different types of criminal appeals, including conviction and sentence appeals in summary conviction and indictable matters, judicial review applications, extradition proceedings, judicial screening applications under section 745.6 of the *Criminal Code* (“faint hope” hearings), and Ministerial reviews under section 696.1 of the *Criminal Code*.

### Preparation for bail pending appeal

- See “[Billing rules – All appeals – Preparation](#)” for general billing rules.

Hours authorized for specific services:	Up to
Release pending summary conviction appeal in BCSC	3
Release pending appeal to BCCA or SCC, contested extension of bail in BCCA or SCC, or release pending a new trial	5
Consent bail variation or extension of bail in BCCA or SCC	1

### Preparation for court proceedings in BC Supreme Court

- See “[Billing rules – All appeals – Preparation](#)” for general billing rules.

Hours authorized for specific services:	Up to
Summary conviction — sentence appeal	5
Summary conviction — appeal	12
Summary conviction <i>and</i> sentence appeal	14

Judicial review applications (includes certiorari and other extraordinary remedies)	10
Extradition — submissions to the Minister	10
Judicial screening applications (section 745.6 of the <i>Criminal Code</i> )	25

## Preparation for a sentence appeal in BC Court of Appeal

- See “[Billing rules – All appeals – Preparation](#)” for general billing rules.
- Preparation includes time spent on any application for leave to appeal.

Hours authorized for specific services:	Up to
Sentence appeal — guilty plea	8
Sentence appeal — no guilty plea	10
BC Review Board disposition appeal	10
Sentence appeal – Dangerous/long term offenders or YCJA transfer to adult court	40

## Preparation for appeal in Supreme Court of Canada

- See “[Billing rules — All appeals — Preparation](#)” for general billing rules.

Hours authorized for specific services:	Up to
Preparation – leave to appeal	25
Preparation — appeal	40

## Attendance at court proceeding

- See “[Billing rules — All appeals — Attendance](#)” for general billing rules.

Actual time

Appeal opinion – see [Other items](#)

Travel and visiting clients in custody – see [Other items](#)

## Family and CFCSA Appeals

The *Appeals and Judicial Reviews Tariff* specifies the maximum hours authorized for family and CFCSA appeals. Funding is limited to appeals of decisions relating to the primary, coverable legal issues in the case.

### Preparation for a family/CFCSA appeal

- See “[Billing rules – All appeals – Preparation](#)” for general billing rules.
- Includes all preparation for a family law or CFCSA appeal or judicial review.

Hours authorized for specific services:	Up to
Preparation for BCSC	40
Preparation for BCCA	45
Preparation — leave to appeal to SCC	20
Preparation — appeal in SCC	35

### Attendance at court proceeding

- See “[Billing rules – All appeals – Attendance](#)” for general billing rules.
- Also billable per hour when you appear in Provincial Court to stay an order pending the appeal or application.

Actual time

Appeal opinion – see [Other items](#)

Travel and visiting clients in custody – see [Other items](#)

## Immigration Appeals

The *Appeals and Judicial Reviews Tariff* specifies the maximum hours authorized for immigration proceedings, other than refugee hearings before the Refugee Protection Division of the Immigration and Refugee Board (IRB). It covers proceedings before other divisions of the IRB (Immigration Division, Immigration Appeal Division, Refugee Appeal Division), judicial review proceedings (including any subsequent appeals), and submissions to Canada Immigration or Canada Border Services Agency (CBSA).

### Preparation for Immigration and Refugee Board (IRB)

- See "[Billing rules – All appeals – Preparation](#)" for general billing rules.

Hours authorized for specific services:	Up to
Preparation for hearing — non-refugee case	10
Preparation for hearing — Refugee Appeal Division	10
Application to re-open/reinstate before IRB	5

### Preparation for immigration appeal/judicial review

- See "[Billing rules – All appeals – Preparation](#)" for general billing rules.

Hours authorized for specific services:	Up to
Stay applications in Federal Court (FC)	15
Leave to apply for judicial review in FC or BCSC, or an appeal in Federal Court of Appeal (FCA)	20
Preparation for judicial review in FC or BCSC, or an appeal in FCA when leave is granted	10
Preparation — leave to appeal to SCC	20
Preparation — appeal in SCC	35

### Attendance at court proceeding (includes IRB)

- See "[Billing rules – All appeals – Attendance](#)" for general billing rules.

#### Actual time



## Submissions to CIC/CBSA

- Billable per hour when you prepare submissions to Citizenship and Immigration Canada (CIC) or Canada Border Services Agency (CBSA).

Hours authorized for specific services:

Submissions to CIC/CBSA

Up to

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Appeal opinion – see Other items

Travel and visiting clients and custody – see Other items

## Prison Law (Administrative) Appeals

The *Appeals and Judicial Reviews Tariff* specifies the maximum hours authorized for prison law appeals. Funding is generally limited to judicial review of decisions that significantly deprive inmates of their residual liberty, such as placements in segregation, involuntary transfers to higher security, and parole revocation.

### Preparation for prison law proceeding

- See “[Billing rules – All appeals – Preparation](#)” for general billing rules.
- Billable per hour for judicial reviews in BC Supreme Court or Federal Court of parole board/release decisions, conditions of detention, and facility transfers.

Hours authorized for specific services:

Preparation for prison law proceeding

Up to

10

### Attendance at court proceeding

- See “[Billing rules – All appeals – Attendance](#)” for general billing rules.

Actual time

Appeal opinion – see [Other items](#)

Travel and visiting clients in custody – see [Other items](#)

## Other items

### Appeal opinion

- Billable per hour under an “appeal opinion contract” when the LABC Appeals Section specifically authorizes you to prepare an opinion letter, or asks you to provide information on the merits of appealing a court or tribunal decision.
- This item does not apply when you respond to general information requests the Appeals Section may send to you.
- Record the actual time spent as specified in your timekeeping records.

#### Hours authorized for specific services:

Appeal opinion

Up to

2

### Travel

*[Updated: April 1, 2020]*

- Billable per half day of travel to or from a hearing or to interview a client in custody if the trip exceeds 160 kilometres per round trip.
- Also billable for each half day you remain at the location (provide your destination and your travel date).
- You can bill travel fees if your representation contract states that travel is authorized under “Contract Details.” If not, you must request prior authorization via the Lawyer Portal.
- The maximum travel and out-of-office fee on one date is two half days, unless you bill other services for the same day, in which case the maximum is one half day.
- Travel fees are paid per trip, not per client.
- Note that if you fly between Victoria and Vancouver, you are not entitled to travel fees.

For service dates prior to Nov 4, 2019	<b>\$180.00</b>
For service dates between Nov 4, 2019 and Mar 31, 2020	<b>\$225.00</b>
For service dates on or after April 1, 2020	<b>\$238.50</b>

## Visiting clients in custody

- Billable once per representation contract when you visit a client in custody at a correctional or detention facility (other than a holding facility at a courthouse).
- In addition to this item, you may also bill the actual time spent interviewing a client in custody as preparation.
- If you visit more than one client at the same facility on the same day, you may bill this item for one client only, but you may bill preparation for each client you interview. When billing, you will need to indicate the facility.

For service dates prior to Nov 4, 2019	<b>\$90.00</b>
For service dates between Nov 4, 2019 and Mar 31, 2020	<b>\$112.50</b>
For service dates on or after April 1, 2020	<b>\$119.25</b>