

General Tariff Information

This chapter of *Legal Aid BC Tariffs* provides information about how Legal Aid BC (LABC) will compensate you for the criminal law services that you provide to clients. For general information about your contract with LABC, see *General Terms and Conditions*. For information about criminal appeals, see *Appeals and Judicial Reviews*.

The *Criminal Tariff* explains each criminal billing item and contains offence codes. For information about billing disbursement items, see *Disbursements*.

Scope of the criminal standard contract

Each criminal representation contract lists the charges against your client that Legal Aid BC was aware of on the interview date. LABC issues representation contracts for four levels of offences: administrative, summary, indictable, and major. These charges generally involve the risk of jail, a direct loss of livelihood, immigration complications that could result in deportation, or Aboriginal rights. Current coverage and financial eligibility guidelines are outlined on the LABC website (under [Legal Aid — Representation](#)).

Scope of the criminal early resolution contract

Legal Aid BC issues a criminal early resolution contract (CERC) when the charges against your client do not qualify for a criminal standard contract (i.e., no risk of jail) and/or the client has a higher income than the threshold for a criminal standard contract. Current coverage and financial eligibility guidelines are outlined on the Legal Aid BC website (under [Legal Aid — Representation](#)).

Criminal early resolution contracts include most of the tariff items included in the criminal representation contract except for preliminary hearing fees and trial fees. If you are issued a CERC and you believe your client is entitled to a criminal standard contract, contact provincialsupervisors@legalaid.bc.ca to request a reassessment for your client.

CERCs have a service stop date of six months after the contract is issued and a bill by date 60 days after the service stop date. You may request an extension (via the Lawyer Portal) to the service stop date if you are actively engaged in steps to resolve the matter and further time is required.

Tariff items

This chapter describes the individual tariff items and how LABC pays you for them. Some of these services are paid a single block fee, while others are paid a block fee per half day (or per two half days), or an hourly rate.

Unless noted otherwise, the billing limits described in the tariff are calculated per client, and you may usually bill legal services on different Informations separately. Where the tariff indicates that two services cannot be billed together, bill for the service with the higher legal fee.

Distinct legal fees are payable for the same legal service depending on the offence level. If two offence levels are included on one Information, your services will be paid at the tariff rate of the higher offence level. If your client is committed to trial for a lesser included offence, all legal services you provide after that committal are paid at the tariff rate for the lesser included offence (based on its offence level).

Modifying or adding Informations to your contract

Your representation contract lists the Informations laid against your client that Legal Aid BC knows about on the interview date. When Informations include multiple counts, all the offences do not need to be listed on your contract. However, the most serious offences according to Legal Aid BC offence categories should be listed, since Legal Aid BC pays for your legal services based on the highest offence level on an Information. (See [List of Offences](#) for details of Legal Aid BC offence categories and billing rates).

Modifying the Informations already on your contract

If the most serious offence on an Information is not listed on your contract, please update the offences for that Information via the Lawyer Portal.

Adding Informations to your contract

You may add an Information to your contract via the Lawyer Portal if:

- the “bill by date” of your contract has not passed, and
- the date of the most recent offence listed on the Information is before, or not more than 90 days after, the client’s interview date.

When you need Legal Aid BC approval to add an Information

Some offences will require Legal Aid BC authorization before they can be added to your contract (see the [Offences Authorization List](#)). Generally, these offences arise less often, require more information to assess coverage, or may not be covered for legal aid as stand-alone offences.

If an Information includes some offences that require LABC authorization, and others that do not, you can add the Information to your contract without LABC authorization as described above (see “Adding Informations to your contract”).

Where, however, your Information includes only offences requiring authorization, submit an Add Charges authorization request via the Lawyer Portal. LABC will determine whether the offence is coverable before adding the Information to your existing contract.

When your client needs to reapply

If there are additional Informations where the most recent offence occurred more than 90 days after the client’s interview date, advise your client to reapply for legal aid to request coverage for the additional offences. If coverage is approved, LABC will issue a new contract for these offences.

Severances

The term “Information: refers to the information or indictment upon which the Crown proceeds unless:

- a court-ordered severance occurs,
- the Crown proceeds separately under one Information, or
- the defence elects separate trials, and the judge permits this.

When severances occur, you may treat each severed trial, preliminary hearing, or plea as if it belonged to a separate Information. When billing, include a note.

“C” Informations

If an Information is re-laid, bill only for the legal services on the “C” Information. In this situation, do not bill the stay on the original Information. An original Information and “C” Information will be treated as the same Information if:

- the charges on the “C” Information include all the charges on the original Information,
- the charges are amended,
- the charges are lesser included offences, or
- the charges refer to the same facts as the original Information.

Co-accused

“Co-accused” refers to two or more individuals jointly charged on a single Information. In youth court, the co-accused includes all individuals charged with offences arising out of the same incident.

Full legal fees are payable only for your first client. If you represent more than one client, you are entitled to one additional half-fee per service provided, regardless of the number of additional clients.

When you provide legal services to only one co-accused on a separate half day, you may bill the full legal fees for those services.

Criminal Case Management

Criminal Case Management (CCM) applies to all criminal cases where the preliminary hearing or trial is scheduled to last more than 20 half days, or if the case is complex and the general preparation time is anticipated to be more than 75 hours. You must arrange a CCM budget in advance by submitting a tariff item authorization request via the Lawyer Portal (choose “criminal case management budget request” from the tariff item list) and attaching a CCM Questionnaire. This questionnaire is available in the Lawyer Portal under **Resources – Forms**.

Once on CCM, the case must stay on CCM. The CCM policy and procedures define and explain the spectrum of case management, including the responsibilities of LABC and counsel. Please see the Legal Aid BC Website (under [Lawyers — LABC policies](#)). If you have questions, please contact the Case Management Section at 604-601-6155 or 1-888-401-6206 (no charge), or email ccm.support@legalaid.bc.ca.

Enhanced fees and exceptional responsibility premium

Enhanced fees may be available for senior counsel in CCM cases that Legal Aid BC considers to be complex criminal matters. An exceptional responsibility premium will only be paid upon confirmation that Crown Counsel in your case is being paid in “Recognition of Exceptional Responsibilities” (as per the British Columbia Crown Counsel Association Agreement with Respect to Crown Counsel). The [Enhanced Fees and Exceptional Responsibility Premium policy](#) sets out the procedures and criteria for approval of enhanced fees and the exceptional responsibility premium. See the LABC website (under [Lawyers — LSS policies](#)).

Other compensation

Although Legal Aid BC does not ordinarily pay for lost trial time, LABC may compensate you for legal fees when a case unexpectedly fails to proceed and if the case was concluded (not merely adjourned). To apply for extra legal fees for such a case, submit a tariff item authorization request via the Lawyer Portal, setting out the scheduled trial dates, the reason the case did not proceed, the date you were first notified the case would not proceed, and the actual preparation time spent that you were not able to bill under a block fee tariff item. In support of your request, you must provide typed timekeeping records and documents for the work you completed on the representation contract.

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

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 additional or extra fees, or as part of our audit process.

When invoicing for criminal block fees, lawyers do not need to attach a timekeeping record.

You must record time for CCM cases and victim/witness representations under section 278 of the *Criminal Code*. When billing on CCM cases, you will need to provide the specific date(s) and time spent on each task, or attach a typed timekeeping record that specifies the date(s) and times spent on each task. When invoicing, enter the service date for attendance items. For preparation items, provide the hours spent per service month.

If you prefer, you may use the timesheet provided in the Lawyer Portal under **Resources — Forms**.

Billing Items

Use the information in this section when billing via the Lawyer Portal. This section describes the criminal tariff items and how to bill them. Most services are paid a single block fee or a block fee per half day. Some, such as CCM items, are paid an hourly rate or have other specific rules. A list of offence codes (page 23) follows this section. Some offence codes are noted in the billing item descriptions as well.

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

- more than the maximum units stated (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 (Legal Aid BC will apply the authorization guidelines as stated in the *Legal Aid BC Tariffs* for that particular tariff item).

Provincial Court fee

[Updated: April 1, 2020]

- Billable once per representation contract when you have:
 - Interviewed your client,
 - Appeared in Provincial Court on your client’s behalf, or
 - Obtained disclosure.
- Billable even if the proceeding is not yet before the court.
- Not billable if your client’s case was already committed for trial in Supreme Court when you received your representation contract.

| | Administrative | Summary | Indictable | Major |
|--|----------------|----------|------------|----------|
| For service dates prior to Nov 4, 2019 | \$100.00 | \$120.00 | \$135.00 | \$200.00 |
| For service dates between Nov 4, 2019 and Mar 31, 2020 | \$125.00 | \$150.00 | \$168.75 | \$250.00 |
| For service dates on or after April 1, 2020 | \$132.50 | \$159.00 | \$178.88 | \$265.00 |

Supreme Court fee

[Updated: April 1, 2020]

- Billable once per representation contract when you have:
 - interviewed your client,
 - appeared in Supreme Court on your client’s behalf, or
 - obtained disclosure.
- Billable even if the proceeding is not yet before the court, as long as the case has been committed for trial in Supreme Court when you provide the service described above.
- Not billable if your only attendance is a Supreme Court bail review and/or a Section 525 scheduling fee.

| | Administrative | Summary | Indictable | Major |
|--|----------------|---------|-----------------|-----------------|
| For service dates prior to Nov 4, 2019 | n/a | n/a | \$300.00 | \$350.00 |
| For service dates between Nov 4, 2019 and Mar 31, 2020 | n/a | n/a | \$375.00 | \$437.50 |
| For service dates on or after April 1, 2020 | n/a | n/a | \$397.50 | \$463.75 |

Visiting clients in custody

[Updated: May 4, 2020]

NOTE: In recognition of the changes to Corrections policy resulting from the public safety response to the COVID-19 pandemic, in-person attendance when visiting a client in custody is temporarily not required.

- 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).
- **COVID-19 Amendment:** Effective for visits on or after March 16, 2020, this item may also be billed when you take instructions from your client in custody by telephone or video.
- **COVID-10 Amendment:** Not billable when you take instructions from a client in a correctional or detention facility by telephone or video on the same half day with any other tariff items.
- If you visit more than one client at the same facility on the same day, bill for only one client. When billing, you will need to indicate the facility.
 - **COVID-19 Amendment:** For visiting clients in custody on or after March 16, 2020, this restriction is temporarily suspended. You may bill this item for each client in custody you take instructions from by telephone or video.

| | Administrative | Summary | Indictable | Major |
|--|----------------|----------|------------|----------|
| For service dates prior to Nov 4, 2019 | \$90.00 | \$90.00 | \$90.00 | \$90.00 |
| For service dates between Nov 4, 2019 and Mar 31, 2020 | \$112.50 | \$112.50 | \$112.50 | \$112.50 |
| For service dates on or after April 1, 2020 | \$119.25 | \$119.25 | \$119.25 | \$119.25 |

Bail matters in Provincial Court

[Updated: April 1, 2020]

- Billable per half day when you appear in Provincial Court and argue for the client’s release from custody, continued release if Crown applies to revoke bail, or for any bail variation/review.
- Billable for consent releases when you have to make representations to Crown.
- Do not bill for consent releases when Crown has made the consent release decision without you having to make representations to Crown.
- If you bill this item for the same half day that you also appear as duty counsel, do not include the time on your duty counsel invoices.
- If bail hearings on more than one Information are held before the same judge on the same half day, bill for only one hearing.

| | Administrative | Summary | Indictable | Major |
|--|----------------|----------|------------|----------|
| For service dates prior to Nov 4, 2019 | \$100.00 | \$125.00 | \$150.00 | \$200.00 |
| For service dates between Nov 4, 2019 and Mar 31, 2020 | \$125.00 | \$156.25 | \$187.50 | \$250.00 |
| For service dates on or after April 1, 2020 | \$132.50 | \$165.63 | \$198.75 | \$265.00 |

Section 525 scheduling fee – Supreme Court

[Updated: April 1, 2020]

- Billable when your client is served with a Notice of Scheduling Hearing and your client meets the criteria for a 525 bail review.
- If the notice of scheduling hearing has more than one Information, bill for only one hearing.
- Not billable until the scheduling hearing is complete and you know whether the case will proceed to a bail review hearing.
- Not billable if you bill for a section 525 bail review hearing.

| | Administrative | Summary | Indictable | Major |
|--|----------------|----------|------------|----------|
| For service dates prior to Nov 4, 2019 | \$100.00 | \$125.00 | \$150.00 | \$200.00 |
| For service dates between Nov 4, 2019 and Mar 31, 2020 | \$125.00 | \$156.25 | \$187.50 | \$250.00 |
| For service dates on or after April 1, 2020 | \$132.50 | \$165.63 | \$198.75 | \$265.00 |

Bail matters in Supreme Court

[Updated: April 1, 2020]

- Billable per half day when you appear in Supreme Court and argue for the client’s release from custody, continued release if Crown applies to revoke bail, or for any review.
- If you bill this item for the same half day that you also appear as duty counsel, do not include the amount on your duty counsel invoices.
- If bail hearings on more than one Information are held before the same judge on the same half day, bill for only one hearing.

Bail review hearing – section 525

- Not billable with a section 525 scheduling fee.
- You do not need prior authorization to bill this item.

Bail review hearing – section 520 and other bail review hearings

- Prior authorization is required to bill this item. Please submit a Tariff Item authorization request via the Lawyer Portal.

Bail applications for murder or other section 469 offences

- You do not need prior authorization to bill this item.

| | Administrative | Summary | Indictable | Major |
|--|----------------|----------|------------|----------|
| For service dates prior to Nov 4, 2019 | \$280.00 | \$350.00 | \$400.00 | \$600.00 |
| For service dates between Nov 4, 2019 and Mar 31, 2020 | \$350.00 | \$437.50 | \$500.00 | \$750.00 |
| For service dates on or after April 1, 2020 | \$371.00 | \$463.75 | \$530.00 | \$795.00 |

Contested fitness hearing

[Updated: April 1, 2020]

- Billable for each half day that you appear at a contested fitness hearing to determine your client’s fitness to stand trial, call witness(es), or make an argument, *and* when a decision is made regarding fitness.
- Not billable:
 - For filing or requesting a forensic assessment report,
 - For adjournments, applications of an assessment order, or extensions of an assessment order unless evidence is heard, or
 - When you consent to the judge’s finding.
- If contested fitness hearing on more than one Information are held before the same judge on the same half day, bill for only one hearing.

| | Administrative | Summary | Indictable | Major |
|--|----------------|----------|------------|----------|
| For service dates prior to Nov 4, 2019 | \$450.00 | \$450.00 | \$450.00 | \$450.00 |
| For service dates between Nov 4, 2019 and Mar 31, 2020 | \$562.50 | \$562.50 | \$562.50 | \$562.50 |
| For service dates on or after April 1, 2020 | \$596.25 | \$596.25 | \$596.25 | \$596.25 |

Non-trial resolution

[Updated: April 21, 2020]

NOTE: In recognition of the changes to Court procedures resulting from the public safety response to the COVID-19 pandemic court attendance for some Non-trial resolution services is temporarily not required to bill this item. These are identified under the Billing rules for specific services below.

Important temporary billing rules:

1. If you have billed a non-trial resolution without a court appearance the subsequent court appearance to confirm the non-trial resolution is not billable.
 2. For non-trial resolutions that require confirmation by the Crown to be billable, you must attach to your invoice written records confirming both the consent of the Crown and consent of the client to the non-trial resolution.
 3. When billing a non-trial resolution without a court appearance use the date of the confirmed agreement with the Crown as the service date.
- Billable where a matter is resolved without a preliminary hearing or trial.
 - Not billable on the same half day with “Preliminary hearing” or “Trial” items.

- If more than one Information was resolved before the same judge on the same half day, claim this item once. See “Multiple information resolution.”
 - **COVID-19 Amendment:** *This limitation applies to non-trial resolutions based on a confirmed agreement with the Crown where multiple Informations will be resolved before the same judge on the same half day.*

Billing rules for specific services:

Application to withdraw a guilty plea

- Billable when you appear in court and make representations on an application to withdraw a guilty plea.
- Upon successful application to withdraw a guilty plea, subsequent proceedings can be billed through the tariff.

Breach of conditional sentences

- Billable when the allegation of breach is not contested.
- Bill at the level of the original offence and include the Information number. Under results, record the new sentence imposed at the hearing of the breach.
- **COVID-19 Amendment:** *Effective April 1, 2020 this item may be billed once an agreement is confirmed with the Crown that the breach of conditional sentence will not be contested. You must attach written confirmation of the agreement from your file to your invoice.*

Complete stay of proceeding

- Billable when a stay of proceedings is entered on all charges on an Information, and you have made at least one appearance on that Information or have made representations to Crown resulting in the stay.

Consent committal

- Billable when the focus hearing has been completed and a preliminary hearing scheduled, or when you appear in court to enter a consent committal on a preliminary hearing before the hearing begins.
- **COVID-19 Amendment:** *Effective April 1, 2020 this item may be billed once an agreement is confirmed with the Crown that the client consents to committal to trial. You must attach written confirmation of the agreement from your file to your invoice.*

Drug court

- Billable when you represent a client who enters the Drug Treatment Court of Vancouver (DTCV). The sentencing item is also billable even though sentencing has not occurred. If a client's plea is struck because the client opts out or is removed from the DTCV, you may bill for all subsequent services on your original representation contract.
- **COVID-19 Amendment:** *Effective April 1, 2020 this item may be billed once an agreement is confirmed with the Crown that the client will enter Drug Treatment Court of Vancouver. You must attach written confirmation of the agreement from your file to your invoice.*

Extradition order

- Billable when you consent to the extradition order.
- **COVID-19 Amendment:** *Effective April 1, 2020, this item may be billed once an agreement is confirmed with the Crown that your client will consent to the extradition order. You must attach written confirmation of the agreement from your file to your invoice.*

Failure to appear or change of lawyer

- Billable when your solicitor-client relationship ends for an Information and/or a representation contract because the client fails to appear or a change of counsel occurs, within 60 days of a scheduled start of a trial.

Guilty plea

- Billable when you appear in court and represent a client entering a guilty plea to one or more charges.
- **COVID-19 Amendment:** *Effective April 1, 2020 this item may be billed once an agreement is confirmed with the Crown that your client will plead guilty. You must attach written confirmation of the agreement from your file to your invoice.*

No charge sworn because of representations by counsel

- Note that LABC may request a written summary of your representation.

No evidence called

- Billable when the Crown calls no evidence in a case resulting in a dismissal of the charge(s).
- **COVID-19 Amendment:** *Effective April 1, 2020 this item may be billed once an agreement is confirmed with the Crown that the Crown will call no evidence at the trial. You must attach written confirmation of the agreement from your file to your invoice.*

Peace bond

- Billable when you appear in court and represent a client who consents to a peace bond.
- **COVID-19 Amendment:** *Effective April 1, 2020 this item may be billed once an agreement is confirmed with the Crown that your client will enter a peace bond. You must attach written confirmation of the agreement from your file to your invoice.*
- You may bill both “Sentencing” and this item. **COVID-19 Amendment:** *sentencing is only billable when the matter is spoken to in court.*

Represented diversion

- Note that LABC may request a written summary of your representation.

Varying the terms of a sentence, probation order, or peace bond

- Billable when you appear in court to vary the terms of a sentence, probation order, or peace bond.
- You may bill both “Sentencing” and this item.

| | Administrative | Summary | Indictable | Major |
|--|----------------|----------|------------|----------|
| For service dates prior to Nov 4, 2019 | \$185.00 | \$225.00 | \$325.00 | \$500.00 |
| For service dates between Nov 4, 2019 and Mar 31, 2020 | \$231.25 | \$281.25 | \$406.25 | \$625.00 |
| For service dates on or after April 1, 2020 | \$245.13 | \$298.13 | \$430.63 | \$662.50 |

Multiple information resolution *(per additional information)*

[Updated: April 21, 2020]

NOTE: See “Non-trial resolution” item for temporary COVID-19 billing changes.

- Billable if all charges on one or more additional Informations are resolved without trial before the same judge on the same half day. See “Non-trial resolution” for a list of matters with billing rules for specific services.
- Bill this item only once per Information.

| | Administrative | Summary | Indictable | Major |
|--|----------------|-----------------|-----------------|-----------------|
| For service dates prior to Nov 4, 2019 | \$75.00 | \$90.00 | \$120.00 | \$150.00 |
| For service dates between Nov 4, 2019 and Mar 31, 2020 | \$93.75 | \$112.50 | \$150.00 | \$187.50 |
| For service dates on or after April 1, 2020 | \$99.38 | \$119.25 | \$159.00 | \$198.75 |

Sentencing

[Updated: April 1, 2020]

- Billable for each half day of sentencing when you appear in court and substantive representation on sentence is made, evidence is lead, or a decision is made. Adjournments or requests for pre-sentence reports do not constitute a sentencing appearance.
- If sentencing submissions on more than on Information are held before the same judge on the same half day, bill for only one submission.
- Not billable on the same half day as any of the “Preliminary hearing” or Trial” items.
- Sentencing includes submissions on a peace bond, and submissions to vary the terms of a sentence, probation, order, or peace bond.
- Billable when you represent a client who enters the Drug Treatment Court of Vancouver (DTCV) even though sentencing has not occurred.
- Restoration applications that can be resolved as part of the first half day of sentencing are included under the tariff. Where one or more subsequent half days of sentencing are required to conclude a restoration application, you must have prior authorization.
- Billable at the higher rate for sentencing in a recognized First Nations Court.

| Court | Administrative | Summary | Indictable | Major |
|--|-----------------------|-----------------|-------------------|-----------------|
| For service dates prior to Nov 4, 2019 | \$80.00 | \$100.00 | \$125.00 | \$200.00 |
| For service dates between Nov 4, 2019 and Mar 31, 2020 | \$100.00 | \$125.00 | \$156.25 | \$250.00 |
| For service dates on or after April 1, 2020 | \$106.00 | \$132.50 | \$165.63 | \$265.00 |

| First Nations Court | Administrative | Summary | Indictable | Major |
|--|-----------------------|-----------------|-------------------|-----------------|
| For service dates prior to Nov 4, 2019 | \$120.00 | \$150.00 | \$190.00 | \$300.00 |
| For service dates between Nov 4, 2019 and Mar 31, 2020 | \$150.00 | \$187.50 | \$237.50 | \$375.00 |
| For service dates on or after April 1, 2020 | \$159.00 | \$198.75 | \$251.75 | \$397.50 |

Gladue fee

[Updated: April 1, 2020]

- Billable once per representation contract when your client identifies as Indigenous and:
 - You prepared Gladue submissions for court, and
 - Where appropriate, you made substantive Gladue submissions in court.

Billing rules for specific situations:

With a Gladue report

- Billable if a Gladue report was submitted to the court in your client’s case.

Without a Gladue Report

- Billable if your preparation of Gladue submissions included:
 - Interviewing your client,
 - Contacting extended family, Elders, counsellors, and other community supports, as appropriate, to identify relevant Gladue factors and gather supporting information, and
 - Preparing some culturally appropriate restorative justice options for bail or sentencing.

| | Administrative | Summary | Indictable | Major |
|--|-----------------|-----------------|-----------------|-----------------|
| For service dates prior to Nov 4, 2019 | \$180.00 | \$180.00 | \$180.00 | \$180.00 |
| For service dates between Nov 4, 2019 and Mar 31, 2020 | \$225.00 | \$225.00 | \$225.00 | \$225.00 |
| For service dates on or after April 1, 2020 | \$238.50 | \$238.50 | \$238.50 | \$238.50 |

Pre-Trial Conferences

[Updated: May 4, 2020]

- Billable once per information when a pre-trial conference is convened pursuant to the Provincial Court Practice Direction [CRIM 12](#) and you prepare for and attend a conference before a judge to meet your obligations under the Practice Direction.
- If pre-trial conferences on more than one Information are held before the same judge on the same half day, do not bill for each conference separately. Claim the block fee for only one conference.
- Provide the conference date.

| | Administrative | Summary | Indictable | Major |
|---|----------------|----------|------------|----------|
| For service dates on or after May 4, 2020 | \$245.13 | \$298.13 | \$430.63 | \$662.50 |

Preliminary hearing (first two half days)

[Updated: April 1, 2020]

- Billable for the first two half days of preliminary hearing, regardless of when they occur, where evidence is led, witness(es) called, arguments made on the admissibility of evidence or on disclosure of third-party records, or a decision is made.
- Billable after the hearing has started, if a guilty plea or stay is entered, or if sentencing begins, during the first two half days of preliminary hearing, when you appear in court and substantive representation on sentence is made, evidence is led, or a decision is made. For subsequent half days of sentencing, bill under “Sentencing.”

| | Administrative | Summary | Indictable | Major |
|--|----------------|---------|------------|-----------|
| For service dates prior to Nov 4, 2019 | n/a | n/a | \$600.00 | \$800.00 |
| For service dates between Nov 4, 2019 and Mar 31, 2020 | n/a | n/a | \$750.00 | \$1000.00 |
| For service dates on or after April 1, 2020 | n/a | n/a | \$795.00 | \$1060.00 |

Preliminary hearing (subsequent half days)

[Updated: April 1, 2020]

- Billable for each half day after the first two half days of preliminary hearing where evidence is led, witness(es) called, argument made on the admissibility of evidence or on disclosure of third-party records, or a decision is made.
- Bill to a maximum of 20 half days including any “Preliminary hearing (first two half days)” or “Trial” billing items. If the preliminary hearing or trial is set for a total of more than 20 half days, the case must become part of Criminal Case Management (CCM) (see page 3).
- See “Preliminary hearing (first two half days)” for specific billing rules.

| | Administrative | Summary | Indictable | Major |
|--|----------------|---------|------------|----------|
| For service dates prior to Nov 4, 2019 | n/a | n/a | \$300.00 | \$400.00 |
| For service dates between Nov 4, 2019 and Mar 31, 2020 | n/a | n/a | \$375.00 | \$500.00 |
| For service dates on or after April 1, 2020 | n/a | n/a | \$397.50 | \$530.00 |

Trial (first two half days)

[Updated: April 1, 2020]

- Billable for the first two half days of trial, regardless of when they occur, where evidence is led, witness(es) called, argument made on the admissibility of evidence, argument made on disclosure of third-party records, or a decision is made.
- Billable after the trial has started, if a guilty plea or stay is entered or if sentencing begins, during the first two half days of trial, when you appear in court and substantive representation on sentence is made, evidence is led, or a decision is made. For subsequent half days of sentencing, bill under “Sentencing.”

Billing rules for specific services:

Breach of conditional sentences

- Billable when the allegation of breach is contested.
- Bill at the level of the original offence and include the Information number. Under results, record the new sentence imposed at the hearing of the breach.

Coroners hearings

- Prior-authorization required.
- Billable as an indictable matter using offence code 307.

Cross-examination appointments (section 486 of the *Criminal Code*)

- Billable for up to four half days of trial – the first two half days under this item and the additional two half days under “Trial (subsequent half days)”. If more than four half days are required, request authorization via the Lawyer Portal.

Dangerous and long-term offender hearings

- Billable when you are appointed to represent a client in a dangerous or long-term offender proceeding and attend to make representation at the hearing.
- Bill the applicable tariff items at the major rate using offence code 778.
- If more than one Information, bill only one fee for the day of the hearing.
- Bill the tariff items completed prior to the dangerous or long-term offender application at the level of the predicate offence.

Extradition order

- Billable when the extradition order is contested.

| | Administrative | Summary | Indictable | Major |
|--|----------------|----------|------------|-----------|
| For service dates prior to Nov 4, 2019 | \$480.00 | \$600.00 | \$800.00 | \$1400.00 |
| For service dates between Nov 4, 2019 and Mar 31, 2020 | \$600.00 | \$750.00 | \$1000.00 | \$1750.00 |
| For service dates on or after April 1, 2020 | \$636.00 | \$795.00 | \$1060.00 | \$1855.00 |

Trial (subsequent half days)

[Updated: April 1, 2020]

- Billable for each half day after the first two half days of trial where evidence is led, witness(es) called, argument made on the admissibility of evidence, argument made on disclosure of third-party records, or a decision is made.
- Bill to a maximum of 20 half days including any “Trial (first two half days)” or “Preliminary hearing” billing items. If the preliminary hearing or trial is set for a total of more than 20 half days, the case must become part of Criminal Case Management (CCM) (see page 3).
- See “Trial (first two half days)” for billing rules for specific services.

| | Administrative | Summary | Indictable | Major |
|--|-----------------|-----------------|-----------------|-----------------|
| For service dates prior to Nov 4, 2019 | \$315.00 | \$390.00 | \$490.00 | \$700.00 |
| For service dates between Nov 4, 2019 and Mar 31, 2020 | \$393.75 | \$487.50 | \$612.50 | \$875.00 |
| For service dates on or after April 1, 2020 | \$417.38 | \$516.75 | \$649.25 | \$927.50 |

Mental health review (court or Review Board)

[Updated: April 1, 2020]

- Includes sections 672.33, 672.45, 672.47, and 672.48 of the Criminal Code.
- Billable per half day when (after a finding under section 672 of the Criminal Code) you are appointed to represent a client at a hearing where evidence is led, witness(es) called, argument made on the admissibility of evidence, argument made on disclosure of third-party records, or a decision is made.
- Regardless of the number of Informations, bill only one fee for a fitness review hearing.

Billing rules for specific services:

Annual review hearings

- Covers attendance on behalf of a client facing an annual review before the Review Board. Requires a representation contract issued by the Vancouver Regional Centre.
- Billable per half day when (after finding under section 672.81 of the Criminal Code) you are appointed to represent a client at a hearing where evidence is led, witness(es) called, argument made on the admissibility of evidence, argument made on disclosure of third-party records, or a decision is made.
- Use offence code 075.

Court hearings (sections 672.33 and 672.45 of the *Criminal Code*)

- Bill these hearing under this item.

Review Board hearings (including sections 672.47 and 672.48 of the *Criminal Code*)

- Covers attendance before the Review Board. Bill under the original representation contract for the substantive charges for hearings outside the Lower Mainland.
- Use offence code 083.
- Bill court hearing following a decision under section 672.48 under the applicable “Preliminary hearing” or “Trial” billing item.

| | Administrative | Summary | Indictable | Major |
|--|----------------|----------|------------|----------|
| For service dates prior to Nov 4, 2019 | \$450.00 | \$450.00 | \$450.00 | \$450.00 |
| For service dates between Nov 4, 2019 and Mar 31, 2020 | \$562.50 | \$562.50 | \$562.50 | \$562.50 |
| For service dates on or after April 1, 2020 | \$596.25 | \$596.25 | \$596.25 | \$596.25 |

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 km per round trip. You can also bill for each half day you remain at the hearing location. When billing, you will need to provide details of your trip, specifying the court or in-custody location, and your travel date(s).
- You may bill standard travel fees and disbursements for one visit per representation contract to interview a client in custody without prior authorization [bill as “Travel (one in-custody visit)”]. For additional travel fees, your representation contract must state that travel is authorized under “Contract Details.” If travel is not authorized, 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 | \$180.00 |
| For service dates between Nov 4, 2019 and Mar 31, 2020 | \$225.00 |
| For service dates on or after April 1, 2020 | \$238.50 |

Criminal Case Management (CCM)

Note that once a case is on CCM, it must stay on CCM.

All CCM preparation and attendance items require prior authorization.

Note that any specific instructions you receive from Legal Aid BC in your authorization, representation contract, or other communications, supersede the standard billing rules below.

General preparation

- Billable in hourly increments accurate to 10ths of an hour for actual preparation time as authorized.
- Record the actual time spent as specified in your timekeeping records.

As authorized

Trial preparation

- Billable in hourly increments accurate to 10ths of an hour for actual preparation time as authorized, during the date range as set out in your authorization.
- Record the actual time spent as specified in your timekeeping records.
- Billable for time spent on court preparation during the preliminary hearing or trial.

Note: If your court dates change, contact the Case Management Section to request an amendment to your authorization.

As authorized

Court attendance

- Billable in hourly increments accurate to 10ths of an hour for time spent in court at a pre-trial application, preliminary hearing, or trial, during the date range as set out in your authorization.
- Billable where evidence is led, witness(es) called, argument made on the admissibility of evidence, argument made on disclosure of third-party records, or a decision is made.
- Provide the date(s) and time spent in court. Bill the actual time spent as specified in your timekeeping records, from the time court was scheduled to begin to its conclusion, excluding meal breaks.

Note: If your court dates change, contact the Case Management Section to request an amendment to your authorization.

As authorized

Victim/witness representations under section 278 of the *Criminal Code*

Preparation

- Billable in hourly increments accurate to 10ths of an hour when you receive a representation contract for victim/witness representation and provide the client with advice and representation about the disclosure of records under section 278 of the *Criminal Code*.
- This item includes interviewing clients, giving legal advice, and preparing for the hearing.
- Record the actual time spent as specified in your timekeeping records.

Up to 10 hours

Attendance

- Billable in hourly increments accurate to 10ths of an hour when you attend the hearing of an application under section 278 of the *Criminal Code*.
- Bill the actual time spent in the hearing as specified in your timekeeping records, and provide the hearing date.
- Do not bill this item on the same half day with any other item except travel. (Bill your time according to “Travel” on page 16.)

Actual time (up to the maximum stated on your contract)

Additional preparation

- Prior authorization from the Manager, Criminal, Immigration and Appeals, is required for additional preparation and will be granted only in cases of unusual complexity. The authorization will set out the scope of the representation contract.

As authorized

Representation for victim-serving agencies

- Prior authorization from the Ministry of Attorney General is required. For the scope of the retainer, apply to the Manager, Criminal, Immigration and Appeals.

As authorized

Related proceedings

Extradition hearings

- Bill the applicable tariff items using the offence for which the other jurisdiction is seeking to extradite your client to determine the offence level. For all levels, use offence code 922.
- Regardless of the number of offences, bill any appearances before the same judge on the same half day as one item.

As authorized

Material witness representations

- Billable when you are appointed to represent a material witness in a murder investigation and you either interview or attend court for the client.
- Bill the applicable tariff items at the indictable rate and use offence code 026.
- Billing for attendance at the hearing is restricted to those parts of the proceeding when the client may incriminate themselves. For further attendance, request prior authorization from the Manager, Criminal, Immigration and Appeals.

As authorized

Other witness representations

- Billable when you are appointed to represent a witness in a court proceeding and interview the client or attend court for the client.
- Bill the applicable tariff items at the indictable rate and use offence code 577.
- Billing for other witness representations is restricted to attendance when the client gives evidence. For further attendance, request prior authorization from the Manager, Criminal, Immigration and Appeals.

As authorized

List of Offences

Legal Aid BC issues representation contracts for four levels of offences: administrative, summary, indictable, or major. The appropriate levels and codes for all offences are listed below.

- If the offence is a major level offence, the case is paid at the major rate.
- If the offence is an indictable level offence the case is paid at the indictable rate no matter how the Crown elects to proceed.
- If the offence is a summary or administrative level offence the case is paid at the summary or administrative rate if the Crown proceeds summarily and is paid at the indictable rate if the Crown proceeds by indictment. To be paid at the indictable rate, indicate that the Crown has elected to proceed by indictment when you invoice.

Two exceptions to the rule are:

- Breach of probation — even though the minimum penalty is greater than six months, this offence is paid at the administrative rate even where the Crown proceeds by indictment.
- Unlawful confinement — where Crown proceeds summarily, the case is paid at the indictable rate. Where Crown proceeds by indictment, the case is paid at the major rate.

Conspiracy

If you act for a single client charged with conspiracy (with or without other substantive charges), you may bill at the indictable rate, regardless of the level of the substantive offence. If the substantive offence is major, however, bill at the major rate.

| Offence | Level | Code |
|--------------------------------|----------------|------|
| Aboriginal fishing and hunting | Summary | 043 |
| Arson | Indictable | 729 |
| Assault | Summary | 679 |
| Assault causing bodily harm | Indictable | 117 |
| Assault with a weapon | Indictable | 993 |
| Assault — spousal | Summary | 994 |
| Assaulting a peace officer | Summary | 703 |
| BC Benefits Act offences | Administrative | 712 |

| Offence | Level | Code |
|--|----------------|-------------|
| Breach of probation | Administrative | 496 |
| Breach of trust; Personation; Forgery | Indictable | 877 |
| Break and enter — business or residence | Summary | 696 |
| Break and enter — business or residence | Indictable | 695 |
| Contempt | Summary | 401 |
| Coroner's inquest | Indictable | 307 |
| Criminal negligence causing bodily harm | Indictable | 091 |
| Dangerous and long-term offender hearings | Major | 778 |
| Dangerous driving | Summary | 395 |
| Dangerous/impaired driving causing death/bodily harm | Indictable | 323 |
| Driving — CCC | Summary | 299 |
| Drugs — cultivating/production | Indictable | 869 |
| Drugs — importing | Indictable | 927 |
| Drugs — other drug offences | Summary | 169 |
| Drugs — possession | Summary | 828 |
| Drugs — possession for the purpose of trafficking | Indictable | 505 |
| Drugs — trafficking | Indictable | 539 |
| EI offences | Administrative | 571 |
| Extortion including with weapon | Indictable | 437 |
| Extradition hearing | Indictable | 922 |
| Fail to comply | Administrative | 357 |
| Fail/refuse to provide breath sample | Indictable | 943 |

| Offence | Level | Code |
|--|----------------|------|
| Failure to appear | Administrative | 548 |
| Fishing offences | Administrative | 198 |
| Fraud — false pretences over \$5000 | Indictable | 430 |
| Fraud — other | Summary | 414 |
| Gaming or betting | Summary | 810 |
| Harassment | Summary | 619 |
| Impaired/.08 | Indictable | 174 |
| Indecent act | Summary | 745 |
| Kidnapping; Abduction | Major | 463 |
| Living off avails; Keeping a bawdy house and procuring | Indictable | 947 |
| Material witness to murder | Indictable | 026 |
| Mischief and willful damage to property | Summary | 901 |
| Municipal by-laws | Administrative | 662 |
| Murder including attempted murder and manslaughter | Major | 638 |
| MVA — driving while suspended | Administrative | 423 |
| MVA — other | Administrative | 274 |
| Obstructing peace officer; Resisting arrest | Summary | 919 |
| Other federal offences including: Bankruptcy/Customs/Income tax | Administrative | 985 |
| Other indictable offences | Indictable | 455 |
| Other summary offences | Summary | 844 |
| Peace bond offences | Administrative | 967 |

| Offence | Level | Code |
|---|----------------|-------------|
| Perjury | Indictable | 258 |
| Possession of house or car-breaking instruments | Indictable | 398 |
| Prostitution | Indictable | 851 |
| Provincial — other | Administrative | 282 |
| PSP over \$5000 | Indictable | 794 |
| PSP under \$5000 including stolen credit cards | Summary | 612 |
| Review Board hearing (annual) under CCC | Indictable | 075 |
| Review Board hearing under CCC | Indictable | 083 |
| Robbery | Indictable | 596 |
| Sexual assault | Indictable | 380 |
| Sexual assault — aggravated | Major | 554 |
| Sexual assault with weapon or causing bodily harm | Major | 976 |
| Sexual offences — other (pornography/sexual touching) | Indictable | 381 |
| Taking car without owner's consent; Joyride | Summary | 133 |
| Theft over \$5000 | Indictable | 182 |
| Theft under \$5000 | Summary | 208 |
| Threats to people | Indictable | 224 |
| Threats to property or animals | Summary | 225 |
| Trespassing; Prowling | Summary | 604 |
| Unlawful confinement — indictable | Major | 219 |
| Unlawful confinement — summary | Indictable | 218 |
| Unlawfully at large or escape | Summary | 217 |

| Offence | Level | Code |
|---|----------------|------|
| Weapons — make automatic weapon | Indictable | 365 |
| Weapons — other | Indictable | 992 |
| Weapons — possess restricted weapon or weapon obtained by crime | Indictable | 216 |
| Weapons — use firearm in commission of offence | Indictable | 366 |
| Wildlife Act | Administrative | 316 |
| Witness | Indictable | 577 |
| YCJA — dispositions (info # unknown) | Indictable | 018 |