

## General Tariff Information

This chapter of *LABC Tariffs* describes how Legal Aid BC (LABC) will compensate you for disbursements you pay while providing services to clients. For general information about your contract with LABC, see *General Terms and Conditions*.

### Tariff items

Wherever possible, LABC does not require you to obtain prior authorization for necessary and reasonable disbursements. However, many disbursements are not automatically authorized or are authorized only to a specified limit. To be reimbursed for these, you must obtain authorization *before* incurring the expense or exceeding the limit or you may not be paid. See also [Disbursement Items](#) (on page 4).

LABC will generally not authorize payments for items that are considered general office overhead, unless expressly permitted in the *Disbursements Tariff*.

### Authorization requests

To request authorization for disbursements, submit a tariff item authorization request via the Lawyer Portal.

LABC authorizes disbursements it considers necessary and reasonable. A disbursement is considered *necessary* if it is likely to significantly advance the client's case or if, without it, the client's case will be significantly disadvantaged. *Reasonableness* depends on the amount of the disbursement and the circumstances of the particular case. Additional considerations include:

- Will the expenditure result in a tangible benefit to the client?
- Does the disbursement relate to the primary legal issues identified on the representation contract or will it assist in the resolution of a primary legal issue?
- Would a client of modest means incur the disbursement?
- Is this an economical option for this disbursement?
- Is the disbursement consistent with others allowed by LABC?
- Is the other side contributing to the cost?

You may request a review of a decision by writing to the Case Management Section or, for appeal cases, to the Appeals Section. Be sure to outline your reasons for requesting a review.

## Retroactive disbursement authorization requests

If a lawyer submits an authorization request to LABC *after* incurring the expense or exceeding the specified limit, LABC may refuse to pay the cost of the disbursement. See the [Retroactive Authorization Requests — Disbursements policy](#) on the LABC website.

## Experts

Prior authorization is required to set the limits of the retainer for most experts. For experts, provide the reasons for retaining the expert, a time estimate, and a description of their qualifications (LABC may request a copy of the expert's curriculum vitae).

LABC will specify rates upon authorization for preparation and attendance time, as well as travel time. You must ensure that experts understand, before they provide services, any limits on hours, rates, or expenses that LABC imposes in the authorization or under the tariff.

If you have received authorization for an expert report or assessment, that authorization *includes* retaining the expert for court testimony at the rates authorized for actual court attendance. Prior authorization is required for travel fees and expenses.

LABC will not fund an expert to attend court to hear evidence from any witness without specific prior authorization.

## Incurring disbursements

You are responsible for ensuring that the invoices you submit for reimbursement are accurate billings for satisfactory services and meterage (where applicable). You are also responsible for paying all disbursements except bills from third-party service providers who contract directly with LABC.

LABC is not responsible for any contract for disbursements made between a lawyer and a third party. The lawyer contracts for disbursements and cannot bind LABC to any contract without specific authorization to do so. LABC is not bound by any court order directing a party to pay for a disbursement.

If you have a complaint about the service you received from a service provider, please contact the Manager, Lawyer Services. LABC is concerned about the quality of services its clients receive and may be able to help you reduce the account or pursue a complaint with the appropriate agencies.

## Third party invoices

In most cases, you are not required to provide third-party invoices when billing via the Lawyer Portal; however, you may be prompted to provide some information from these invoices when billing. You must keep these invoices for at least five years from the date of payment of your final invoice in case LABC makes a billing inquiry or conducts an audit.

For services you retain on an hourly basis, including experts' services, please ensure that all invoices you receive clearly indicate the client's name, service dates, hearing dates, a breakdown of the number of hours worked (e.g., preparation, attendance), the kilometres travelled and the destination or travel time (as applicable), billing rates, and a brief description of services provided.

If you have any questions about disbursements, contact:

### **Case Management Section**

**Email:** [helpdesk.case-mgt@legalaid.bc.ca](mailto:helpdesk.case-mgt@legalaid.bc.ca)

**Phone:** [604-601-6145](tel:604-601-6145)

## Disbursement items (in alphabetical order)

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

This section describes the disbursement tariff items, and indicates whether or not prior authorization is required.

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

- any amount exceeding the limit you can bill without prior authorization;
- more than the maximum stated in the *LABC Tariffs*;
- more than the Lawyer Portal billing maximum (tariff items that do not have a maximum amount payable or maximum billable hours published in the *LABC Tariffs* have a Lawyer Portal billing maximum based on reasonableness thresholds determined from time to time by LABC); 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).

**Any disbursement item *not* listed below requires prior authorization.**

### Appraisal of property or chattels

- No prior authorization required for one appraisal of real property up to \$300 per representation contract (including reasonable meterage charges).
- Prior authorization required for any appraisal of other property or chattels.
- If requesting authorization, show that the estimated value of the assets or the complexity of the real property appraisal appears to justify the requested expenditure.
- If property is divided, any property and/or cash received by the client in lieu of property represents a change of financial circumstances, and you must send the client to the issuing office for a reassessment of their financial eligibility.

### Binding charges

- Billable if binding documents is expected or required by the court or administrative tribunal.
- No prior authorization required to bill up to the following rates for both in-house and third-party binding:

<b>\$0.35</b>	<b>\$1.50</b>	<b>\$2.50</b>
Per tab	Per cover	Per coil

## Birth and marriage certificates

- No prior authorization required for expenses up to \$35, including agency fees.
- Indicate the number of family members (“units”) for whom you are claiming a birth certificate.

## Blood/alcohol experts

See also [Travel — Witnesses](#).

- No prior authorization required for up to two hours preparation and the actual court attendance at \$75 per hour.

## Child access supervision reports

- Prior authorization required. LABC will specify rates upon authorization.

## Computer-assisted legal research

- No prior authorization required for search and online charges up to \$300. If requesting prior authorization to exceed this limit, provide cost estimates.
- The \$300 authorization limit includes up to \$50 per client for DIVORCEmate if:
  - spousal support is one of the primary legal issues identified on the family representation contract,
  - the opposing party’s income is greater than \$25,000, and
  - the relationship lasted longer than two years.
- Bill this item only if you use DIVORCEmate on a pay-per-use basis, not if you hold an annual licence.
- You cannot bill your own or others’ research time under this item, only the actual cost of online time.

## Conduct money

See also [Travel — Witnesses](#).

- LABC will pay only those witness fees required by the BC Supreme Court (BCSC) rules and will not reimburse witnesses for lost wages.
- No prior authorization required to pay BCSC witness fees to an in-province witness.

- Prior authorization required to pay BCSC witness fees to an out-of-province witness.

## Courier services

- No prior authorization required. Do not bill this tariff item in addition to the [Disbursements block payment](#).

## Custody and access reports

- Prior authorization required to set the limits of the retainer.
- Where appropriate, preference will be given to clinical counsellors (up to \$75 per hour).
- Both parties should agree to a single assessment by one qualified expert whose report will become evidence. Additional assessments will be authorized only in exceptional circumstances.
- Both parties share the cost of an assessment. Prior authorization required if, in unusual situations, LABC is going to pay for the other party's share of an assessment.

## Digital audio recording CD

- Billable once per representation contract up to \$27 for one copy of the court's digital audio recording system (DARS).
- Bill this item only if a copy of the DARS is necessary for efficient preparation of your file.
- If you require multiple dates of a proceeding, include them in one DARS order.

## Disbursements block payment

- Billable once per representation contract in lieu of billing the actual cost of standard low-cost disbursement items (courier services, long distance charges, photocopying/receiving faxes — in-house and third party, and postage).

- No prior authorization required to bill at the following rates:

<b>\$10</b>	<b>\$18</b>	<b>\$28</b>	<b>\$38</b>
Criminal contracts	CFCSA contracts	Family contracts	Immigration contracts

- Billable only if fees for legal services are also billed.
- Does not apply to appeals and judicial reviews, or duty counsel contracts.

- You do not need to keep receipts, or track or record actual expenses, to bill this item.

## Filing/hearing fees

- No prior authorization required. Claim the actual fees, including agency fees, required by the court or tribunal for filing documents.

## Gladue reports

- Prior authorization required to set the limits of the retainer.
- Report writers must be on the LABC roster of writers and require a minimum of 8 weeks, from the time the writer receives all necessary information and documents from the lawyer, to complete the report.
- Provide detailed reasons why the client would benefit from a Gladue report.
- If budget is limited, LABC may be required to prioritize requests based on potential loss of liberty, length of criminal record and availability of resources (writers and funding).
- The writer's invoice must include the information listed under [Third-party invoices](#) as well as the date the report was submitted to you.

### *Gladue report writer – expenses*

- When a Gladue report is authorized, no prior authorization is required for meterage at the current LABC rate (see [Travel – Rates/guidelines for travel costs – Meterage](#) for the current LABC rate), parking, transit fees, small rental fees for meeting rooms and long distance phone calls for a combined total of up to \$150.

## Hospital records

See also [Medical records, reports, and testimony – Records and reports.](#)

- No prior authorization required to obtain hospital records for amounts under \$150.

## Interpreting and translation

- Invoices for services must include the interpreter's/translator's name and address.

### *Interpreting for language*

- No prior authorization required for any interpretation services up to 10 hours per representation contract (maximum hourly rate is \$25 for uncertified interpreters/\$35 for certified interpreters).
- To be billable, interpretation services must be performed under the lawyer's supervision by a professional third-party interpreter who has experience interpreting in a court or legal environment. LABC does not pay for interpretation services provided by employees, relatives, or friends.
- When billing the certified rate, you are responsible for ensuring interpreters meet LABC certification guidelines. LABC recognizes certification through membership status with the Society of Translators and Interpreters of BC (STIBC), completion of the Vancouver Community College court interpreting course, and/or completion of a recognized interpreter certification program. Certification documents must be provided upon request.
- LABC does not accept billing for minimum time or a flat rate.
- For multiple client claims under the *Immigration Tariff*, you can bill up to 10 hours per adult client without prior authorization.

### *Interpretation for the hearing impaired*

- No prior authorization required for any interpretation services up to 10 hours per representation contract (maximum hourly rate is \$50).
- Sign language interpreters must be certified and perform services under the lawyer's supervision.

### *Translation for language*

- LABC will pre-authorize translation costs of up to \$361 (1,900 words) for each immigration representation contract.
- Prior authorization required for any translation service (up to \$0.19 per English word of translation — no flat rates) for any other type of representation contract.
- LABC will not pay for translating forms that are already available in the required language, but only for translating the client information entered on them.
- Unless the circumstances are exceptional, LABC will not authorize a translation of any document back into the client's language.



### *Meterage – Interpreters/translators*

- No prior authorization required to bill meterage up to 250 kilometres at the current LABC rate (see [Travel – Rates/guidelines for travel costs – Meterage](#) for the current LABC rate).
- Meterage billable per trip, not per client, no matter how many clients are seen.
- Meterage for interpreters/translators billable for travel to and from their office to the lawyer’s office. Detours to pick up or drop off clients are not billable. Parking is not covered.

### **Long distance charges**

- No prior authorization required. Claim the actual cost of long-distance charges.
- Maintain a long-distance log detailing the time, rate, and phone number for each billable item, including collect calls. You will need to provide this to LABC upon request.
- Do not bill this item in addition to the [Disbursements block payment](#).

### **Mediation/arbitration**

- LABC expects that the parties will share the cost of mediation and/or arbitration equally. Prior authorization required if, in unusual situations, LABC is required to pay for the other party’s share of mediation/arbitration.
- Mediation or arbitration must be carried out by a qualified mediator or arbitrator.
- Mediators and/or arbitrators must bill all preparation and attendance at the LABC Tier 1, prior to November 4, 2019 (\$83.90) rate for lawyers (see [General Terms and Conditions – Tariff Rates Quick Reference](#)).

### *Preparation for mediation/arbitration*

- No prior authorization required for preparation of up to five hours, which represents your client’s half of the total preparation time (ten hours).

### *Attendance at mediation/arbitration*

- No prior authorization required for up to 7.5 hours of the mediator’s attendance at mediation, which represents your client’s half of a fifteen hour mediation session.

### *Meterage – Mediators/Arbitrators*

- No prior authorization required to bill meterage up to 250 kilometres at the current LABC rate (see [Travel – Rates/guidelines for travel costs – Meterage](#) for the current LABC rate).

## Medical records, reports and testimony

[Updated: April 1, 2020]

- The listed fees on the following page are based on the *Doctors of BC Guide to Fees*. Physicians may bill current rates. Rates and descriptions for the items below can be found on the Doctors of BC website at [doctorsofbc.ca](http://doctorsofbc.ca) (click Resource Centre, then Handbooks & Guides, and under Quick-link Sections of the Guide to Fees, click Medical Legal Matters).

### Records and reports

<b>Form completion or simple letter reporting on patient's condition</b>	(Item A00070)	\$177.00
<b>Medical-legal letter</b>	(Item A00071)	\$374.00
<b>Medical records photocopying (first 10 pages)</b>	(Item A00096)	\$1.85/page
" " " (subsequent pages)	(Item A00096)	\$0.30/page
<b>Medical records review by physician for the first 15 minutes</b> (authorization required for any additional time beyond 15 minutes)	(Item A00095)	\$105.00

- Prior authorization required for the following items:

<b>Medical-legal report</b>	(Item A00072)	\$1,117.00
<b>Medical-legal opinion</b>	(Item A00073)	\$1,869.00

### Medical expert testimony

- The report author may bill for testimony, as required, without prior authorization, as follows:

#### General practitioners

- \$253.00 per hour for up to two hours preparation
- \$253.00 per hour for actual court attendance
- \$145.00 per hour for travel time

#### Specialists

- \$296.00 per hour for up to two hours preparation
- \$296.00 per hour for actual court attendance
- \$167.00 per hour for travel time

- LABC pays witnesses' preparation, court attendance, and travel time in accordance with the Doctors of BC Crown Counsel Billing Guidelines (Scale "B"). See also [General Tariff Information — Experts](#).
- Prior authorization required for travel fees and expenses. See Travel — Witnesses.

## Miscellaneous

- Prior authorization required for any item, including any expert, not specifically listed here as a disbursement item.

## Paternity testing

- Prior authorization required to set the limits of the retainer.
- LABC will fund a paternity test only where no presumption of paternity exists and the putative father is not *in loco parentis*. Testing will be authorized only when no other means are available to prove or disprove paternity.
- LABC will not automatically authorize paternity testing even if the court orders a paternity test and orders the parties to share the cost.

## Photocopying/receiving faxes

- No prior authorization required. Do not bill this item in addition to the [Disbursements block payment](#).

### *In house*

- Claim up to \$0.15 per page.
- Please maintain a log to support the number of pages copied or faxes received. LABC may request your log to verify your invoice.

### *Third party*

- Claim the reasonable cost paid to an arm's-length third party.
- Claim copies made at courthouses at the actual cost up to \$1.00 per page.

## Photographs

- No prior authorization required for amounts up to \$50.

## Postage

- No prior authorization required. Do not bill this item in addition to the [Disbursements block payment](#).

## Printing electronic disclosure or transcripts

- No prior authorization required for charges up to \$1,000.
- Print only those portions of the disclosure or transcripts that are necessary to have in printed form.
- If you request authorization to exceed this limit, provide cost estimates.

### *In house*

- Claim up to \$0.15 per page.
- Please maintain a log to support the number of pages printed. LABC may request your log to verify your invoice.

### *Third party*

- Claim the reasonable cost paid to an arm's-length third party.
- Please retain invoices and provide them upon request.

## Private detectives and investigators

See also [Skip tracing](#).

- Prior authorization required.
- Provide detailed reasons why an investigator is required and an estimate of the time required.
- LABC will fund private detectives on a limited basis to carry out well-defined, discrete tasks. Surveillance will not be authorized.
- Prior authorization required for travel fees and expenses. See [Travel — Witnesses](#).

## Psychologists and psychiatrists

[Updated: September 18, 2020]

- Prior authorization required to set the limits of the retainer.

- Experts' fees are as follows:

### *Psychologists*

- Up to \$150.00 per hour for preparation
- Up to \$150.00 per hour for actual court attendance
- Up to \$80.00 per hour for travel time

### *Psychiatrists*

- Up to \$296.00 per hour for preparation
- Up to \$296.00 per hour for actual court attendance
- Up to \$167.00 per hour for travel time
- Provide a proposal stating the number of hours required for interviewing, making assessments, reviewing materials, testing, and writing reports. Include the number of people to be interviewed and a brief description of their relationship(s) to the client.
- LABC will authorize psychological/psychiatric assessments that it considers necessary and reasonable. See [Authorization requests](#) for further information.
- Prior authorization required for travel fees and expenses. See [Travel — Witnesses](#).

## Service of court documents

- No prior authorization required if the total amount for each service does not exceed \$200, including meterage charges.
- For service outside your jurisdiction, contact a process server directly, unless unusual circumstances require the use of an agent.
- Ensure process servers are aware of current LABC meterage rates. (See [Travel — Rates/guidelines for travel costs — Meterage](#) for the current LABC rate.)

## Skip tracing

See also [Private detectives and investigators](#).

- No prior authorization required for amounts up to \$200, including meterage charges.

## Title searches for property and assets

- No prior authorization required to claim the cost of the search.

- This expense is for searching for registered assets under the *Land Titles Act* and the *Personal Property Securities Act*. Title searches do not include payroll and accounting searches.

## Transcripts (all types)

See [Transcripts section](#).

## Travel

[Updated: April 1, 2020]

### Lawyers

#### *Travel authorized*

- If travel is authorized on your representation or duty counsel contract under “Contract Details,” prior authorization is not required to bill the items listed below under [Rates/guidelines for travel costs](#).

#### *Travel not authorized*

- If travel is not authorized on your representation or duty counsel contract, you may bill meterage, parking, bus, train, ferry, taxi fares, and tolls using the guidelines set out **below** under [Rates/guidelines for travel costs](#). Request prior authorization via the Lawyer Portal to bill any other travel items.

#### *General guidelines*

- You are expected to arrange the most economical means of travel unless you have prior authorization for a more expensive means.
- When you are on travel status and travelling to a location for multiple LABC cases during the same trip, split the disbursement costs equally between each representation contract for which you have a court appearance that day. When you have both legal aid and private files, only bill LABC for the pro-rated portion of travel costs that apply to the legal aid files for which you have a court appearance that day.
- Please read these guidelines in conjunction with the “Travel” billing item of the tariff section that applies to the area of law for your case.

## Witnesses

- Prior authorization required to specify the travel expenses allowed for expert and non-expert witnesses.

- Rates for accommodation, airfare, car rental, meals, and meterage as specified **below** under [Rates/guidelines for travel costs](#) apply, unless otherwise noted on the authorization or under the Disbursement items.
- For non-expert witnesses, see also [Conduct money](#).

## Rates/guidelines for travel costs

- Witnesses always require prior authorization to bill for travel expenses as set out below. Lawyers may bill travel items without prior authorization if travel is authorized on their representation or duty counsel contract (see relevant guidelines above).

### *Accommodation*

- You may bill for accommodation if you are an out-of-town lawyer who must stay overnight due to the scheduling of a court proceeding.
- LABC is authorized to use government personnel rates for hotel accommodation. You are expected to choose the most reasonable accommodation at provincial government standard room rates for each location as set out on the BC government website at [csa.pss.gov.bc.ca/businesstravel](http://csa.pss.gov.bc.ca/businesstravel).
- Privately owned accommodation in all areas, including that of a friend or relative, is authorized up to \$40 per night.
- LABC does not pay for any personal expenses incurred at the hotel.

### *Airfare*

- Use economy fare rates.

### *Bus, train, ferry, taxi fares, tolls*

- Choose the most economical means of travel available.

### *Car rental*

- LABC is authorized to use government personnel rates for car rental.
- Use a car rental only in remote locations or if you arrived at your destination by alternative means (e.g., by air), and a car is the most reasonable and economical means of transportation available there.
- Do not use a car rental in place of a private vehicle and do not bill for meterage.

### Meals

- If travel to attend a court hearing or interview a client in custody occurs over two half days on the same day (i.e., you are out of the office for a full day with no overnight stay), you may claim a per diem rate of \$14.25 for lunch.
- If you are an out-of-town lawyer who must stay overnight for a court hearing, you may claim the following per diem rates (when travel is for part of a day, claim only the meals applicable to that portion of the day spent travelling):

<b>\$12.50</b>	<b>\$14.50</b>	<b>\$25.00</b>	<b>OR</b>	<b>\$52.00</b>
Breakfast	Lunch	Dinner		Daily per diem for meals

- LABC rates for meals are based on the BC Public Service Agency (Employee Group 1) rates.

### Meterage

- The LABC meterage rate is \$0.55 per kilometre, billable per trip, not per client, no matter how many clients you see.
- LABC provides a meterage allowance per kilometre for actual distance travelled from an office or home to a specified destination other than your office (such as attendance at a courthouse, detention facility, mediation, meeting with clients and witnesses, or examination for discovery) when using a personal vehicle for business relating to a representation or duty counsel contract. The LABC rate for meterage is based on the BC Public Service Agency rate.
- Meterage is not billable for distance travelled between your home and office or for the portion of distance travelled by aircraft or ferry.

### Parking

- Claim actual costs up to \$18 per day.
- LABC will not pay parking charges that are part of your overhead costs.

## Videoconferencing

- Prior authorization required for witnesses to testify via videoconferencing.
- Please inquire whether government rates are available when booking the videoconference.
- This item relates only to videoconferencing expenses and not to the witness expenses.



## Transcripts

### Do I need (and how do I get) prior authorization?

- Unless otherwise specified in this section of the tariff, or unless the LABC Appeals Section authorizes transcripts when issuing your representation contract, you must obtain prior authorization via the Lawyer Portal before ordering transcripts (see [Transcript Items](#)).
- To find out how to request prior authorization, see the relevant “To order...” instructions under [Transcript Items](#).
- If you order a transcript (or a different category of transcript) without getting prior authorization where required, LABC may not pay for it. See the [Retroactive Authorization Requests — Disbursements policy](#).
- LABC will not pay rates higher than those specified on the transcript authorization.

**Note: If you submit inaccurate or incomplete information, your request may be delayed.**

### Which transcript service provider can I use?

Legal Aid BC and the Attorney General have exclusive service provider contracts with private transcription companies to produce transcripts from digital audio recordings of BC Provincial Court (criminal and civil) and BC Supreme Court (criminal) proceedings. Each transcription company has the exclusive right to produce official transcripts for specific court registries. See [Appendix: Transcript Service Providers](#) for a list of the transcription companies and their service areas.

The transcription company contracts do not cover proceedings before other courts or tribunals (e.g. Immigration and Refugee Board), examinations for discovery, BC Supreme Court civil proceedings, proceedings in (or within the appellate jurisdiction of) the Federal Court, or court proceedings that a court reporter has been retained to attend. If you are representing a legal aid client in proceedings where another party has proposed retaining a court reporter, contact the Case Management Section about the arrangement.

For appeals and judicial reviews, the exclusive rights of the transcription companies extend only to preparing the original transcript of a Supreme Court (criminal) or Provincial Court (criminal and civil) proceeding. For the production of appeal transcripts (“Red Books”) and appeal books (“Blue Books”) required for an appeal, you may retain the designated transcription company or an independent appeal book coordinator. However, LABC will *not* pay rates higher than what the transcription company would charge to produce the appeal transcripts and appeal books. Also note that if you choose to use the designated transcription company to prepare an appeal book, you must obtain *all* copies required under the applicable *Court of Appeal Rules* from that transcription company.

## Which category of transcript can I order?

LABC expects you to order the most economical transcript possible that satisfies your time requirements (see [How are transcripts categorized?](#)). Transcription companies charge premium rates for daily, expedited, and priority transcripts, so these are authorized only in exceptional circumstances. If you are requesting an expedited transcript, consider whether a priority transcript will satisfy your time requirements instead. If you do not require the transcript for more than 10 business days, choose a standard one.

## How many copies can I order and in what format?

Unless otherwise noted in each item below, when you order a transcript for a non-appeal proceeding as the first party, the transcription company will send one original paper copy and one electronic copy to the court registry and one electronic copy (via an electronic storage device or email) to you. You may print copies, or portions, of the electronic transcript for your own internal use. Please print only those portions of the transcript that are necessary to have in printed form. You can bill the printing cost under the [Printing electronic disclosure or transcripts](#) item. If you need a paper copy from the transcription company, you must first request authorization for a paper copy from LABC and provide reasons why printing your electronic copy does not meet your needs.

## Can I make copies of transcripts?

Do not provide paper or electronic copies of the transcript to other parties, as they must obtain transcripts directly from the transcription company. You may, however, make copies for your LABC client for use within your own firm, or for another LABC lawyer acting for another LABC client in a multi-party proceeding (e.g., a co-accused).

## Who gets the bill for transcripts?

For transcripts of proceedings in BC Provincial Court (criminal and civil) or BC Supreme Court (criminal only), the contracted transcription company will bill LABC directly for the transcripts (see [Appendix: Transcript Service Providers](#) for a list of those companies). For all other court or tribunal transcripts (e.g., Immigration and Refugee Board or transcripts relating to examinations for discovery), the transcript provider or court reporter you choose will bill you directly. You may then invoice LABC for the disbursement via the Lawyer Portal.

## How are transcripts categorized?

**Transcripts are classified by the production time required, as follows:**

- **Daily transcripts** must be prepared and made available to the ordering party by 9 a.m. on the business day following the date the transcripts were requested, provided the order was placed with the registry before 4 p.m.
- **Expedited transcripts** must be prepared and made available to the ordering party by the third business day after the date on which they were ordered.
- **Priority transcripts** must be prepared and made available to the ordering party by the tenth business day after the date on which they were ordered.
- **Standard transcripts** are delivered to the ordering party within 22 business days after the date on which they were ordered, unless the ordering party consents to a longer period, or as required for specific types of proceedings as follows:
  - **Oral reasons for judgment, sentencing, rulings, or jury charges** must be delivered to the judicial officer for editing within 5 business days after the transcript is ordered. (Note: Written reasons for judgment for Supreme Court matters are automatically posted on the Internet. Oral reasons for judgment for Supreme and Provincial Court matters are posted on the Internet only at the direction of the presiding judge.)
  - **Transcripts or transcript extracts required for an appeal** must be delivered to the ordering party within 60 days of filing the Notice of Appeal, unless further extensions are granted by the Court of Appeal.
  - **Transcripts for reciprocal maintenance hearings**, including hearings under the *Interjurisdictional Support Order Act*, must be delivered to the ordering party within 14 business days after the transcripts are ordered.
  - **Transcripts for preliminary inquiries must be delivered to the ordering party within 22 business days after the transcripts are ordered.**

**Business day** means a day, other than a Saturday or Sunday, on which provincial government offices are open for normal business in British Columbia.

**Transcripts may also be classified by the party ordering them, as follows:**

- **First party** refers to the first order placed by any person for a transcript, or portion of a transcript (in paper or electronic format, or both). Transcription companies charge a higher rate for first party orders. The court registry will require the transcription company to file the original transcript, and you will receive an electronic copy of the original. If you require an official paper copy of the original, you must request authorization.
- **Second party** refers to the second or subsequent order placed by any person for a transcript, or portion of a transcript (in paper or electronic format, or both), if the transcript has already been produced or is in the process of being produced by a transcription company or court reporter. Transcription companies charge a second party (copy) rate that is lower than the first party rate. If you are aware that another party is submitting a first

party order, and you place your order on the same day as the other party, you are entitled to receive the transcript at the same party copy rate.

## Transcript items

This section describes the transcript items, and indicates whether or not prior authorization is required.

**Unless otherwise specified in this section, or unless the LABC Appeals Section authorizes transcripts when issuing your representation contract, you need prior authorization for the transcript items below.**

**Any transcript item *not* listed below requires prior authorization.**

### Bail reviews

- No prior authorization required to order *first party standard* transcripts for bail reviews in Provincial Court only.
- When you order at the *first party standard* rate, your order will include the original for the court registry, a paper copy for your application, and an electronic copy for you. If you require a second paper copy for your own use, you can print from the electronic copy, or request one in your initial transcript order without seeking prior authorization from LABC.

### Preliminary inquiries

- No prior authorization required to order *standard* transcripts.
- When you order at the *first party standard* rate, your order will include the original for the court registry, and an electronic copy for you. If you require a paper copy for your own use, you can print from the electronic copy, or request one in your initial transcript order without seeking prior authorization from LABC.

### Section 11(b) Charter applications

- No prior authorization required to order *standard* transcripts.
- When you order at the *first party standard* rate, your order will include the original for the court registry, a paper copy for your application, and an electronic copy for you. If you require a second paper copy for your own use, you can print from the electronic copy, or request one in your initial transcript order without seeking prior authorization from LABC.

*To order transcripts for bail reviews, preliminary inquiries, and s. 11(b) Charter applications:*

**Note:** Unless otherwise specified, forms are provided in the Lawyer Portal under Resources – Forms.

1. If no authorization is required, complete the applicable sections of the Transcript Order Form and send it directly to the appropriate transcription company. For Criminal Case Management (CCM) cases, indicate this on the Transcript Order Form.
2. For non-CCM cases, if authorization is required, submit a transcript authorization request via the Lawyer Portal. Use the transcript authorization information to complete the Transcript Order Form. Send the **Transcript Order Form** and a copy of the LABC transcript authorization directly to the transcription company.
3. For CCM cases, if authorization is required, complete an authorization request in the CCM portal. Use the transcript authorization information to complete the Transcript Order Form. Send the **Transcript Order Form** and a copy of the LABC transcript authorization directly to the transcription company.
4. To identify the appropriate transcription company, see [Appendix: Transcript Service Providers](#).

## Digital audio recording CD

For details, see the [Digital audio recording CD](#) item in the Disbursement Items section.

## Examinations for discovery and applications to set aside ex parte orders

- Prior authorization required for any transcripts of examinations for discovery or applications to set aside ex parte orders.
- LABC will *not* pay any amount that exceeds the rates set out in the current [Official Reporters Regulation](#).
- For examinations for discovery:
  - if you are discovering the opposing party, LABC may authorize first party ordinary transcripts. The court reporter will provide the original transcript to the court registry and one copy to you.

- if the opposing party is discovering your client, LABC may authorize one copy at the second party ordinary rate.
- LABC will pay attendance and room rental only if you discover the opposing party.
- you may retain any court reporter you choose to transcribe examinations for discovery in family cases.
- For **applications to set aside ex parte orders**, LABC will authorize *first party standard* transcripts.

*To order transcripts for examinations for discovery and applications to set aside ex parte orders:*

1. Submit a transcript authorization request via the Lawyer Portal.
2. For **examinations for discovery**, contact the court reporter of your choice and provide them with a copy of the LABC transcript authorization. The court reporter should bill you directly. You may claim the transcript cost as a disbursement from LABC. When billing via the Lawyer Portal, you must attach a copy of the court reporter's invoice.
3. For **applications to set aside an ex parte order**, contact the designated transcription company and provide them with a copy of the LABC transcript authorization. The transcription company will bill LABC directly.

## Non-appeal proceedings before a court or tribunal

- Prior authorization required for any transcripts of pre-trial or trial proceedings or proceedings before a tribunal.
- For **trial transcripts on continuation**, LABC will consider transcript requests only if:
  - more than three months have elapsed since the last trial date,
  - there has been a change of lawyer,
  - there has been more than one continuation, or
  - the court has requested written submissions.
- For **transcripts of Chambers orders**, LABC will authorize transcripts only if the content of the order cannot be determined from the clerk's notes or the court's digital audio recording system (where a copy of the DARS is available without a court application).

*To order transcripts for non-appeal proceedings before a court or tribunal:*

1. Submit a transcript authorization request via the Lawyer Portal.
2. Use the LABC transcript authorization information to complete a Transcript Order Form (provided in the Lawyer Portal under Resources – Forms). Send this form and a copy of the LABC transcript authorization to the designated transcription company.
3. When ordering Supreme Court oral reasons, rulings, or jury charges, also complete and send a [Finalization and Distribution of Oral Transcription Request Form](#) to the transcription company.

## Court reporter's attendance at proceeding

- LABC will authorize a court reporter's attendance at a proceeding only in exceptional circumstances. Please submit an authorization request via the Lawyer Portal, explaining why a court reporter is necessary.

## Appeals and judicial reviews – General

- Prior authorization required for all transcripts for appeals and judicial reviews. With some exceptions (noted below), the LABC Appeals Section will ordinarily include a transcript authorization when it issues a representation contract.
- For *Crown appeals* (of acquittals, sentence, or other matters), the Crown is responsible for ordering transcripts and providing them to you. If Crown has not provided transcripts for the portions of the trial that you need, submit a transcript authorization request for a supplemental transcript via the Lawyer Portal (see [To order transcripts for appeals or judicial reviews](#)).
- Consider ordering only those parts of the transcript necessary to advance the issues you have decided to argue and only those exhibits required to determine the appeal or judicial review. Discuss with opposing counsel *before* ordering the transcript as opposing counsel may feel that additional evidence must be available for the court to consider, especially in cases where you are suggesting the verdict was unreasonable. If in doubt about the sufficiency of the portions of the transcript you and opposing counsel are proposing to use, seek direction from a Chambers judge.

## Appeals and judicial reviews – BC Superior courts

### Court of Appeal

- You usually require a transcript of the proceedings in the lower court or tribunal (the Red Book), and an appeal book containing all relevant pleadings, exhibits, orders, and rulings (the Blue Book). For most criminal appeals, you must file an original plus five copies of both books (one for the registry, three for the judges hearing the appeal, and one each for the lawyers).
- You are responsible for deciding what material the appeal book should include. For exhibits, contact the trial court registry to obtain an exhibit list, select the relevant material, and ask the transcription company to include it in the appeal book.
- For more information about transcript requirements, consult the *Court of Appeal Rules* (for civil appeals), or the *Criminal Appeal Rules* (for criminal appeals), and/or contact the Court of Appeal Registry.
- For appeals *against sentence only*, the Court of Appeal Registry will order transcripts of the proceedings at sentence, and provide you with a copy if the transcripts of the lower court sentencing proceeding are no longer than 100 pages. If they exceed 100 pages, you will have to order the transcripts. In such cases, submit a transcript authorization request via the Lawyer Portal.

### Supreme Court

- For *summary conviction appeals* in Supreme Court, you usually have to file an original plus three copies of the transcript (the original for the court file, and copies for the judge and counsel). Exhibits that form part of the trial record in Provincial Court are transferred directly to the Supreme Court registry where the appeal will be heard, so a separate Appeal Book is not generally required. For more information, consult the *General Criminal Rules*, or contact the court registry.
- For all other appeals and judicial reviews in Supreme Court, consult the applicable rules, and/or contact the court registry to determine exactly what is required.



## Appeals and judicial reviews – Immigration and prison law appeals

- For appeals to the Refugee Appeal Division (RAD) of the Immigration and Refugee Board, the LABC Appeals Section will not ordinarily authorize transcripts as counsel can usually rely on the audio recording of the refugee hearing. If you require transcripts for a RAD appeal, submit a transcript authorization request via the Lawyer Portal.
- For Federal Court judicial reviews or appeals in immigration matters, the LABC Appeals Section will ordinarily include a transcript authorization with your representation contract. To determine what you must file, consult the *Federal Court Rules*, or the *Federal Court Immigration Rules*, or contact the court registry.
- For judicial reviews or appeals in prison law cases, the LABC Appeals Section will include a transcript authorization with your representation contract where it is readily apparent that one is required given the issues in the case. Otherwise, you will need to submit a transcript authorization request via the Lawyer Portal.

*To order transcripts for appeals or judicial reviews:*

**Note:** Unless otherwise specified, forms are provided in the Lawyer Portal under Resources — Forms.

1. If your **representation contract includes a transcript authorization**, review the authorization details. You may need to contact the Appeals Section at [helpdesk.appeals@legalaid.bc.ca](mailto:helpdesk.appeals@legalaid.bc.ca) to provide additional information about the transcripts you need, including an estimate of the proceeding length, so LABC can authorize the appropriate number of pages (“units”). You do *not* need to submit a transcript authorization request via the Lawyer Portal unless you are specifically asked to do so.
2. If your **representation contract does not include a transcript authorization**, submit a transcript authorization request via the Lawyer Portal.
3. Once you receive the LABC transcript authorization, use the information to complete a Transcript Order Form. Send this form and a copy of the LABC transcript authorization to the appropriate transcription company or appeal book coordinator.
4. For **Supreme Court oral reasons, rulings, or jury charges**, also complete and send a **Finalization and Distribution of Oral Transcription Request Form** to the transcription company or appeal book coordinator.
5. For **Federal Court judicial reviews in immigration matters**, you will need to request a recording of the proceedings from the Immigration and Refugee Board, and submit that recording, the Transcript Order Form, and a copy of the LABC transcript authorization to the appropriate transcription company.
6. If you have questions about your transcript authorization, the process for requesting LABC authorization, or ordering transcripts, contact the LABC Appeals Section at [helpdesk.appeals@legalaid.bc.ca](mailto:helpdesk.appeals@legalaid.bc.ca).

## Appendix: Transcript Service Providers

Court region and locations	Type of proceeding	Service area	Transcript service provider (contact info on page 27)
<b>Vancouver Island:</b> Campbell River, Courtenay, Duncan, Ganges*, Gold River*, Nanaimo, Port Alberni, Port Hardy, Powell River, Sidney*, Tahsis*, Tofino*, Ucluelet*, Victoria, Western Communities	Criminal	1.0	JC Word Assist
	Civil	2.0	
<b>Lower Mainland:</b> Bella Bella*, Bella Coola*, North Vancouver, Pemberton*, Robson Square (800 Hornby Street), Sechelt, Vancouver Provincial Court (222 Main Street)	Criminal	3.0	JC Word Assist
	Civil	4.0	
<b>Fraser:</b> Chilliwack, New Westminster	Criminal – Supreme	5.1	JC Word Assist
<b>Fraser:</b> Abbotsford, Chilliwack, New Westminster, Port Coquitlam, Richmond, Surrey	Criminal – Provincial	5.2	Verbatim
<b>Fraser:</b> Chilliwack, New Westminster	Civil – Supreme	6.1	JC Word Assist
<b>Fraser:</b> Abbotsford, Chilliwack, New Westminster, Port Coquitlam, Richmond, Surrey	Civil – Provincial	6.2	Verbatim
<b>Interior:</b> Ashcroft*, Castlegar*, Chase*, Clearwater, Cranbrook, Creston*, Fernie*, Golden, Grand Forks, Invermere, Kamloops, Kelowna, Lillooet*, Merritt*, Nakusp*, Nelson, Penticton, Princeton*, Revelstoke*, Rossland, Salmon Arm, Sparwood*, Vernon	Criminal	7.0	JC Word Assist
	Civil	8.0	
<b>North:</b> Alexis Creek*, Anahim Lake*, Atlin*, Burns Lake*, Chetwynd*, Dawson Creek, Dease Lake*, Fort Nelson*, Fort St. James*, Fort St. John, Fort Ware*, Good Hope Lake*, Houston*, Hudson	Criminal	9.0	JC Word Assist

Court region and locations	Type of proceeding	Service area	Transcript service provider (contact info on page 27)
Hope*, Kitimat*, Lower Post*, Mackenzie*, Masset*, McBride*, New Aiyansh*, Hazelton*, 100 Mile House*, Prince George, Prince Rupert, Queen Charlotte City, Quesnel, Smithers, Stewart*, Terrace, Tsay Keh Dene*, Tumbler Ridge*, Valemont, Vanderhoof*, Williams Lake	Civil	10.0	
<b>Vancouver Law Courts:</b> Court of Appeal, Vancouver Law Courts	Criminal	11.0	JC Word Assist
	Civil	12.0	

Transcript service provider contact information	Service area
<p><b>JC WordAssist Ltd.</b> 111 Skinner Street Nanaimo, BC V9R 5E8</p> <p>614 – 808 Nelson Street Vancouver, BC V6Z 2H2</p> <p>101 – 821 Burdett Avenue Victoria, BC V8W 1B3</p> <p>188 Corless Crescent Prince George, BC V2M 6B1</p> <p>4415 29th Street Vernon, BC V1T 5B7</p>	<p>Tel: 250-754-7822 Fax: 250-754-3245 Toll-free tel: 1-888-811-9882 Toll-free fax: 1-800-754-3020 Email: <a href="mailto:admin@jcword.com">admin@jcword.com</a> Website: <a href="http://jcword.com">jcword.com</a></p> <p>Tel: 604-669-6550 Toll-free: 1-877-979-0996 Fax: 604-669-6512</p> <p>Tel: 250-477-8080 Toll-free: 1-877-979-0997 Fax: 250-477-1339</p> <p>Tel: 250-564-7970 Toll-free: 1-877-966-0665 Fax: 250-564-7977</p> <p>Tel: 250-260-3496 Toll-free: 1-888-679-5599 Fax: 250-260-3462</p>

Transcript service provider contact information	Service area
<p><b>Verbatim Words West Ltd.</b>                      260 – 13711 72nd Avenue                      Surrey, BC                      V3W 2P2</p> <p>Tel: 604-591-6677                      Toll-free: 1-888-860-6677                      Fax: 604-591-1567                      Email: <a href="mailto:orderdesk@verbatimwords.ca">orderdesk@verbatimwords.ca</a>                      Website: <a href="http://verbatimwords.ca">verbatimwords.ca</a></p>	<p>5.2, 6.2</p>