

Revision to last Notice to Counsel of July 31, 1997

Under the item, Criminal Tariff Reductions, in the Notice to Counsel of July 31, 1997, you were advised that the tariff item for failures to appear at trial for category I and II offences was being eliminated. That portion of the notice was suspended before implementation, and referring offices were asked to notify all counsel who received referrals with dates of *assignment on and after August 15, 1997* that the tariff item was available for billing in the appropriate circumstances.

The Criminal Tariff Committee has now determined two tariff items to be affected by the reduction as an alternative to placing two additional staff criminal lawyers in the Lower Mainland. Again, the committee wishes it noted that the reductions were recommended under protest.

The tariff item "Subsequent half-days of trial – Categories I, II and III" (page 32 of the September 1994 Criminal Tariff) is amended for referrals with dates of assignment on and after October 15, 1997, to eliminate subsequent half day payments for Categories I and II. The block fee, in these circumstances, will include all trial attendances. For cases where the charges involve category III offences, the tariff remains unchanged.

The tariff item "No charge sworn" (page 22 of the September 1994 Criminal Tariff) is amended for referrals with dates of assignment on and after October 15, 1997 to eliminate the tariff item for Category I (tariff code 0158). The only fee available in these circumstances could be the Early Termination tariff item (also from page 22). For cases where the anticipated charges involve category II, III and IV offences, the tariff remains unchanged.

Legal Services Society regrets any inconvenience caused to counsel by the rescinding of the July notice.

New Tariff Item in Criminal Tariff

Legal Services Society has been processing appearances at hearings concerning breaches of conditional sentences using the Tariff item "sentencing after conviction at trial or when Guilty Plea not billed" (page 28 of the September, 1994 Criminal Tariff). The Criminal Tariff Committee and Legal Services Society have decided that the hearings are more in the nature of show cause hearings and that it is appropriate to create a new tariff item to track the costs in this area, effective immediately.

The new tariff item will be reviewed by Legal Services Society and the Criminal Tariff Committee at the end of six months to assess its adequacy and the volume of its use. If you have concerns about the billing for these appearances, please forward them to Nancy Henderson, Director of Tariff, in order they can be brought to the committee's attention. The new tariff item is as follows:

Breaches of Conditional Sentences

Billable per half-day when counsel appears in court on a hearing of a breach of a conditional sentence on a date on or after October 1, 1997:

- when no witnesses are presented at the hearing, for all categories of offence:
\$120 [2732];

- or when a witness is presented at the hearing and gives sworn evidence, for all categories of offence: **\$250 [6837]**

Cautions



If hearings concerning the breach of conditional sentences on more than one information for the client are held before the same judge on the same half-day, do not bill for each hearing separately – claim the fee for only one Breach of



This item cannot be billed on the same half day for the same client in combination with any other tariff items except travel fees.



If the appearance was made prior to October 1, 1997, the tariff item billable is the sentencing item at page 28 of the September, 1994 Criminal Tariff (“sentencing after conviction at trial or when guilty plea not billed”)



Show cause hearings for the interim release of clients pending a hearing on the breach of conditional sentence should be billed as show cause hearings in the ordinary way.



The charge code from the original offence should be included on the form, and the information number of the breach. Record as a result only the new sentence imposed as a result of the hearing of the breach of conditional sentence.



Bill this item under Other Fees using the codes provided and noting the dates of hearing.

New Disbursement Rules for Interpretation and Translation

Further to the Notice to Counsel dated April 1997 concerning changes to the limits for interpretation and translation expenses without pre-authorization, Legal Services Society with the Immigration Tariff Committee would like to clarify the limits in effect when counsel is dealing with multiple clients as defined under the tariff. Pursuant to the tariff, even though clients may have been separately referred, if they have a joint claim, or have been set down for a joint hearing, they are considered multiple clients and counsel is eligible to bill only up to one and one-half times the usual fee.

For interpretation and translation, however, the limits under which no authorization is required will be calculated on a per adult client basis, regardless of the number of referrals issued. If children are also being represented as part of the multiple client claim, additional authorizations for necessary interpretation and translation may be requested. Please indicate children by name and birthdate. ***This new policy is in effect immediately.***

Also in regard to the limits for interpretation and translation for which no prior authorization is required, the \$100 limit for interpreter's meterage for local travel is considered separate from the \$350 limits for the actual interpretation and translation. Interpreter's meterage for local travel should be billed **under tariff code [0427]**. This policy is also in effect immediately.

When considering authorizations for **over the \$350**, the disbursements area of the tariff department is being very strict. Most cases are completing easily within the \$350 limits. Counsel wishing additional authorization should be prepared to support their case for exceeding the ordinary guidelines.

Disruption to Postal Service

In the event we experience a disruption in Canada Post service or in the anticipation of an announced disruption, counsel may deliver their accounts to their local Legal Services Society referring office, who will forward the accounts to head office for processing. Counsel may instead choose to deliver their accounts to head office directly. Please note that charges for the delivery of accounts will be at the cost of counsel, and not allowed as a billable item.

To receive cheques during a postal disruption, Legal Services Society will continue to deliver by courier collect to those counsel who have indicated by written fax they wish to receive this service. Otherwise, cheques will be delivered to the nearest Legal Services Society referring office and counsel can arrange for pick-up or delivery by courier collect.

In those areas where the local referring office is an Area Director, counsel should deal on these matters with the nearest Legal Services Society office location.

Please contact **Tariff Helpdesk** in Vancouver at **604-601-6155** if you have any questions, or need further information.

Nancy Henderson
Director of Tariff