

LEGAL SERVICES SOCIETY OF BRITISH COLUMBIA

**HUMAN RIGHTS TARIFF**

*Effective for Referrals After July 1, 1991*

This booklet contains the tariff of fees and disbursements for human rights matters. Please read these notes before starting the case.

**INTRODUCTION**

**1. Coverage and Eligibility**

Any apparently meritorious case involving the Human Rights Act is covered by legal aid. Complainants are automatically eligible for legal aid regardless of financial circumstances. Respondents are eligible for legal aid if their financial circumstances are such that their ability to provide for the needs of themselves and their families would be jeopardized if they retained counsel privately.

**2. Extent of Authorization**

You are authorized to bill on this referral only for human rights cases. Any other work undertaken on behalf of the client must be done on a private basis, or in accordance with a separate legal aid referral.

**3. Private Billings**

By agreement with the B.C. Council of Human Rights, counsel may not convert to a private retainer a client referred to them by the Legal Services Society on the human rights tariff.

**4. Payment to Referral Counsel**

Payment to referral counsel is made on the basis of the attached tariff of fees.

**5. Fees and Disbursements in Exceptional Circumstances**

Fees and disbursements may only be varied in exceptional circumstances not otherwise provided for by these tariffs. Requests for variations must be made in writing to the Tariff Accounts Department, #300 - 1140 West Pender Street, Vancouver, B.C. V6E 4G1. Requests for additional fees are usually considered retroactively and a letter outlining the request must be included with the billing form. The requests may also be considered in some circumstances before the work is completed. The tariff is intended to provide fair compensation to counsel on all human rights matters within the limits dictated by the budgetary constraints of the Legal Services Society. Accordingly, extra fees will rarely be granted and should be requested only in exceptional circumstances.

**6. Appeals or Judicial Reviews**

Legal aid is not automatically granted for appeals or extraordinary remedies. Each application for an appeal or extraordinary remedy is reviewed to determine whether there is substantial merit to the application.

Applications for appeals or judicial review should be made to the Appeals Committee, Legal Services Society, Suite 300, Box 3, 1140 West Pender St., Vancouver, B.C. V6E 4G1.

## Articled Students

Articled students may act on human rights matters in accordance with the rules of the Law Society and with the consent of the client.

### 8. File Number

Because of the large number of accounts handled by the Legal Services Society the client file number located at the top of the referral form is very important. Please ensure that a record of this number is kept and referred to in all correspondence with the Society.

### 9. Junior Counsel

Junior counsel may be appointed in exceptional circumstances to assist referral counsel. Please contact the tariff manager. When appointed junior counsel may bill one-half fees.

### 10. Multiple Clients/Single Hearings

Counsel may not bill for more than one complainant at a single hearing without prior approval. Where there are multiple complainants with regard to a single human rights hearing, rates are negotiable. Please contact the tariff manager.

### 12. Interim Accounts

Generally speaking, the Society is not able to accept accounts until all services on a case have been completed. Interim accounts will be accepted only in the following circumstances:

- a) where a case has not yet been completed but unbilled fees and disbursements have accumulated to an amount of \$1,000.00 or unbilled disbursements alone total \$250.00 or more;
- b) one year after the date of the "Assignment Date" or after the last interim account was submitted;
- c) the Tariff Accounts Department may allow interim billing in other exceptional circumstances.

### 13. Submission of Referral Forms

You must submit your final bill for payment within 6 months of the last service date.

### 14. Referral Signature

A signature is required on the referral form and is your representation that the services were performed by yourself or your agent on the dates indicated. Be sure that your correct lawyer number is by your name near the top of the form. Errors in this number could result in payment to the wrong lawyer.

### 15. G.S.T.

Please calculate and bill your GST as follows:

List your disbursements net of the GST

Total your account as you would have before the GST was implemented

Calculate the GST as 7% of the total account

Round up exact half-cents

Show the GST on the "GST" line in the "Total Account" section on the referral form

Enter your GST registration number at the bottom of the form

## **6. Transcripts**

Authority to order transcripts must be obtained from the Legal Services Society in advance.

### **Transcripts Prepared by a Court Reporting Agency**

If the transcripts are required on an expedited or daily basis: contact the Transcript Coordinator at L.S.S. Head Office, telephone 660-4600, for authorization.

For non-urgent transcripts, obtain authority from the referring branch office. If the referral is from an area director or community law office, please contact the Transcript Coordinator at L.S.S. Head Office, telephone 660-4600.

Transcripts provided by a court reporting agency are paid for directly by the Society and may not be billed on the referral.

### **Transcripts Not Prepared by a Court Reporting Agency**

If the cost consists only of a typing fee and is not undertaken by a court reporting agency, contact the Tariff Accounts Department, telephone 660-4600, for authorization. Payment of this cost should be made by the referral lawyer and billed on the referral form as a disbursement.

### **Transcripts in Relation to Appeal or Judicial Review Matters**

Contact the Appeals Coordinator at L.S.S. Head Office, telephone 660-4600.

## **17. Information and Assistance**

For information and assistance concerning fees, disbursements and billing procedures, contact the Tariff Accounts Department. Assistance is available between the hours of 10:00 a.m. and 4:00 p.m. at 660-4600. Staff of the Society will make every effort to process your accounts in a timely manner. They will only be able to answer inquiries about the payment of a specific account if it has been unduly delayed.

## TARIFF OF FEES

Fees are allowed at the rate of \$50 per hour for accounts with assignment dates prior to July 1/92. Fees are allowed at the rate of \$80/hour for accounts with assignment dates after July 1/92. All items may be billed in conjunction with each other unless otherwise stated.

Hourly maximums are not to be considered minimum fees, and counsel should bill according to actual time spent.

		<u>Rates/Maximum</u>	<u>Billable Hours</u>
		<del>maximum</del> \$20/hr	<del>maximum</del> \$80/hr
1.	<b><u>GENERAL PREPARATION WHEN COUNSEL IS APPOINTED BEFORE A HEARING IS SET</u></b>		
	All instructions including interviews, letters, investigation, review when there is a change of counsel, receipt of report from Council of Human Rights, response to report of Council of Human Rights including correspondence and attendances to disclose facts, all process necessary to commence or defend matters referred to counsel, including settlement negotiations.	\$ 300.	\$ 480.
	<b>Total allowed per client</b>		<b>Up to 6 hours</b>
2.	<b><u>SETTLEMENTS</u></b>		
	Drafting settlement agreement at any stage prior to submissions or hearing or before an order is made.	\$ 50	\$ 80
			<b>Up to 1 hour</b>
3.	<b><u>HEARINGS: B.C. COUNCIL OF HUMAN RIGHTS</u></b>		
	<b>(a) Preparation Time</b>		
	i. All preparation necessary where matter has been designated for Hearing or written submissions pursuant to S.14(1)(d)	\$ 400	\$ 640
			<b>Up to 8 hours</b>
	ii. For the fourth half-day and each subsequent half-day of a Hearing, counsel may bill additional preparation time	\$ 50	\$ 80
			<b>Up to 1 hour per half-day</b>
	<b>(b) Attendance</b>		
	i. For each half-day attendance at a Hearing where evidence is heard or arguments made	\$ 125	\$ 200
			<b>Up to 2.5 Hours</b>

ii. Where counsel attends at a Hearing and an adjournment is granted Up to 1 hour

**(c) File/Enforce Order**

For filing/enforcing an Order made pursuant to a Hearing Up to 3 hours

4.

**JUDICIAL REVIEW/APPEALS TO THE SUPREME COURT**

(Where authorized by Legal Service Society)

(For appeals to the Court of Appeal and the Supreme Court of Canada, contact the Tariff Manager to discuss fees)

**(a) Preparation Time**

i. All preparation necessary where the matter has been set down for judicial review or appeal to Supreme Court Up to 14 hours

ii. For each half-day in Court, counsel may bill additional preparation time Up to 1 hour

**(b) Attendance**

For each half-day attendance in court where evidence is heard or arguments made Up to 2.5 hours

5.

**TRAVEL**

(a) Half-day of travel to or from a hearing where the trip exceeds 160 km round trip \$100.00

(b) For each half-day counsel remains at such place for purpose of hearing \$100.00

(c) For date of travel less than 160 km to a hearing but requiring an overnight stay \$100.00

Where other fees are billed for a day when a travel fee claim is made, the maximum travel fee is \$100.00 on that day. Otherwise the maximum travel fee is \$200.00 on one day.

Travel fees are paid per trip, not per client.

Travel disbursements may also be billed subject to the limitations in the disbursement tariff.

## DISBURSEMENTS

### 1. Notes

a) Counsel will be responsible for paying all disbursements associated with each case — as well as insuring that all have been entered on the billing form when it is rendered. **The Society cannot guarantee reimbursement for items omitted from the billing.** Copies of receipts or invoices for items exceeding \$100 and copies of special authorization letters must accompany the account.

b) Counsel is not authorized to bind the Legal Services Society for any contract for disbursements.

### 2. Travel

At 26¢ per km. for automobile travel only when the destination is outside the city or municipality where counsel practises. (Provide date, destination, and distance)

bus, Train, Ferry and Taxi - (Provide date, destination)

Air Fare - Prevailing economy rates apply. (Provide date, destination)

### 3. Accommodation

Actual cost up to \$65.00 per night

### 4. Meals

Up to \$6.50 for breakfast,  
\$8.00 for lunch,  
\$14.00 for dinner.

May be claimed only if case is out of town (80 kilometres one way) or if late-sitting is required.

### 5. Transcripts & Court Reporters

In advance of each service required counsel should obtain authorization.

a) **Transcripts Prepared by a Court Reporting Agency:**

If the transcript is required on an expedited or daily basis, contact the Transcript Coordinator at L.S.S. Head Office, 660-4600.

for non-urgent transcripts, contact the referring branch office. (If the referral was made by an Area Director or Community Law Office, contact the Transcript Coordinator at L.S.S. Head Office, 660-4600).

b) **Transcripts Not Prepared by a Court Reporting Agency**

contact the Tariff Accounts Department, 660-4600, for authorization for payment of typing fees.

c) **Transcripts In Relation to Appeals or Applications for Judicial Review**

contact the Appeals Coordinator, 660-4600.

### 6. Service of Documents

a) In B.C. private process servers may be used. If the fee for service of an individual exceeds \$75.00, include invoice with billing.

b) Outside B.C., local government service should be used if possible. Otherwise, use private process serving.

### 7. Experts' Reports

Authority for Reports - One medical report or one medical specialist's report may be obtained without prior authority (the author of the report may testify without prior authorization). Subsequent reports and all reports of other experts require prior authority from the Tariff Accounts Department.

a) **Medical Examinations, Reports and Opinions**

i) **Medical Specialists** - examination and preparation of report, \$50 per hour up to a maximum of \$250, plus \$50 if subject is examined in an institution.

ii) **General Practitioner** - examination and report, \$40 per hour to a maximum of \$200, plus \$50 if subject is

ined in an institution.

b) Medical Testimony at Trial - Authority of the Tariff Accounts Department required except as specified above.

i) Medical Specialists - \$50 per hour to a maximum of \$250 per day.

ii) General Practitioner - \$40 per hour to a maximum of \$200 per day.

c) Other Experts' Reports - Authority for reports, fees and court appearances should be obtained from the Tariff Accounts Department.

d) Proceedings Out of Town - Where an expert must attend proceedings out of town, authority for reports, fees and travel disbursements should be obtained from the Tariff Accounts Department.

#### 8. Skip Tracing

Accounts should be paid by counsel and claimed as a disbursement. If the cost will exceed \$195, obtain authorization from the Tariff Accounts Department.

#### 9. Interpreting

Outside services required. Contact the following groups for assistance:

##### *Language Interpretation*

i) Greater Vancouver Area: Apply for free or nominal charge service to MOSAIC, 254-9626.

ii) Elsewhere: Contact the Certified Legal Interpreters of B.C., 689-3611, or the B.C. Professional Legal Interpreters, 879-0414, and ask for legal aid rate, or contact other local agency and pay fee. If the fee is to exceed \$150, obtain prior authorization from the Tariff Accounts Department.

##### *Hearing Impaired*

##### **Greater Vancouver Area:**

Apply to:  
Western Institute for the Deaf,  
2125 West 7th Avenue, Vancouver, B.C.  
V6K 1X9  
736-7391

#### 10. Photocopying

25¢ per page at the office  
30¢ per page at the courthouse

#### 11. Special Delivery/Registered Mail

Claim at cost for Special Delivery or Registered Mail. There is no reimbursement for normal post office mail charges.

#### 12. Telephone Calls

Long distance calls only, at cost.  
Provide log where total being billed exceeds \$100.00.

#### 13. Fax

For emergencies only — claim either office rate (to a maximum of 25¢ per page for incoming and long distance charges for outgoing) or cost paid to a third party.

#### 14. Courier Services

For emergencies only — claim at cost.

#### 15. Witness Fees or Expenses

Apply by letter or telephone to Tariff Accounts Department. No applications for lost wages will be considered.

#### 16. Parking

Claim only when lawyer travels to court out of the city where he/she practices.

#### 17. Car Rental

Prior approval is required from the Tariff Accounts Department.

#### 18. Computer Assisted Legal Research

Prior approval is required from the Tariff Accounts Department.

#### 19. Other

An expense not described above and exceeding \$50.00 requires prior authorization of the Tariff Accounts Department. Please describe disbursement.

