



Tariff Handbook for Criminal Roster Lawyers

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Disclaimer:

Please be advised that this Tariff Handbook for criminal roster lawyers does NOT override the Tariff or any associated LAA policy or Rules.

The purpose of this document is to provide assistance in understanding how the Tariff operates and to address common confusions regarding invoicing under the Tariff.

This Handbook is also intended to provide up to date information on processing and requirements for Additional Hour requests.

*****This Handbook is subject to change.** An updated and current version will always be found on the [Roster Resources - Legal Aid Alberta](#) ***

Lawyer's Guide to the Criminal Tariff

The LAA Tariff is a combination of Block Fees, Disbursements, and "extras" such as Additional Hours (hourly billing). LAA has no ability to amend the current structure of the Tariff, or the number of hours included in the block fees (or hourly rate). The Tariff is part of the current Governance Agreement with the Law Society of Alberta and the Ministry of Justice and Solicitor General.

Table 1: Overview of Available Criminal Tariffs

Level	Tariff	Item	Amount	Block Fee (BF)/ Hourly(Hr)	Broken down by Hour
Level 1		No file Opening Fee			N/A
Level 2/2.5	1.01	File Opening Fee	67.64	BF	N/A
Level 3	1.01	File Opening Fee	135.29	BF	N/A
	1.02	Express Payment - L1 Guilty Plea/Resolution by ECR	587.80	BF	4.70
	1.03	Express Payment - L2 Guilty Plea/Resolution by ECR	937.50	BF	7.50
	1.04	Express Payment - L1 Trial	1020.84	BF	8.16
	1.05	Express Payment - Alternative Measures, Extra-Judicial Sanction	711.31	BF	5.69
Level 1	1.06	Interview and Briefing	230.65	BF	1.84
Level 2/2.5	1.06	Interview and Briefing	625.00	BF	5.00
Level 3	1.06	Interview and Briefing	2500.00	BF	20.00
	1.07	Provincial Court Bail Application	125.00	BF	1.00
	1.08	KB Bail or Bail Revocation Application	250.00	BF	2.00
	1.09	Preparation and Service of Bail Order	125.00	BF	1.00
	1.10	Adjournments in Docket Court	62.50	BF	0.50
	1.11	Adjournments not in Docket Court	125.00	BF	1.00
	1.12	Pre-Trial Conference and Pre-Preliminary Conference	250.00	BF	2.00
	1.13	Waiting Time	125.00	Hr	Up to 2.00 per ½ day
	1.14	Court outside Regular Hours	125.00	Hr	Up to 2.00 per ½ day
	1.15	Preliminary Inquiry - 1st Half Day	640.96	BF	5.13
	1.16	Preliminary Inquiry - 2nd to 10th Half Day	327.38	BF	2.62
	1.17	Preliminary Inquiry - 11th Half Day Forward	502.98	BF	4.02
	1.18	Guilty Plea at completion of Preliminary Inquiry - same day	125.00	BF	1.00
	1.19	Waiver of Preliminary Inquiry	125.00	BF	1.00
	1.20	Arraignments	125.00	BF	1.00



	1.21	Written Argument when Ordered by the Court	125.00	Hr	Up to 10
	1.22	Written Argument when Not Ordered by the Court	125.00	Hr	Up to 5
	1.23	Jury Selection	125.00	Hr	Up to 2.00 per ½ day
	1.24	Trial - 1st half day	747.03	BF	5.98
	1.25	Trial - 2nd to 10th Half Day	375.00	BF	3.00 per ½ day
	1.26	Trial - 11th Half day forward	502.98	BF	4.02 per ½ day
	1.27	Guilty plea	375.00	BF	3.00
	1.28	Resolution through Early Case Resolution	375.00	BF	3.00
	1.29	Guilty Plea on day of Trial	684.53	BF	5.48
	1.30	Withdrawal of Charge with Notice to Counsel	375.00	BF	3.00
	1.31	Withdrawal of Charge on Day of Trial Without Notice to Counsel	684.53	BF	5.48
	1.32	Speaking to Sentence	125.00	Hr	Up to 4.00 per ½ day
	1.33	Contested Post-sentence Hearings - 1st Half Day	375.00	BF	3.00 per ½ day
	1.34	Contested Post-Sentence Hearings - 2nd Half Day forward	250.00	BF	2.00 per ½ day
	1.35	Counsel Withdraws from the Record	125.00	Hr	Up to 2.00
	1.36	Charges Waived out of Jurisdiction	125.00	Hr	Up to 2.00
	1.37	Multiple Charges	125.00	per set	Up to 10.00 per Cert
	7.04	Additional Hours - Criminal Certificate	125.00	Hr	AS APPROVED



Block Fees Inclusive of Preparation & Attendance

The Criminal Tariff (and family tariff) operates on a combination of block fees (which include preparation and attendance hours) and hourly billing (additional hours, speaking to sentence, etc.).

It is essential to understand the included preparation hours within the block fees in order to properly request and get approved for Additional Hours under Tariff 7.04 as Additional Hours can only be justified where tariff included hours have been or will be expended.

The number of hours included in any one block fee can be determined by dividing the total block fee by the hourly rate of \$125.00.

Example: Guilty Plea Tariff 1.27 = $\$375.00 / \$125.00 = 3.00$ Hours Total.

Please keep in mind that Tariff has not been modernized in some time. This means there are certain assumptions (like "court hours" is 3.00 per half day) that are built into the block fees to assist in determining "including preparation hours". Knowing the intended amount of preparation hours included in each Tariff is significantly helpful in determining when additional hours need to be requested:

- Everything is scheduled/invoiced in "half days" (AM or PM).
- Anything billed on an hourly rate assumes "actual time" (i.e., Speaking to Sentence 1.32).
- Court Time is assumed to be 3.00 hours per half day for trial/prelim tariffs.
 - Example: 1st half day Trial Tariff 1.24 = $\$747.03 / \$125 = 5.98$ Hours Total.
 - 5.98 Hours Total – 3.00 hours court time per half day = 2.98 Hours preparation.
- The Tariff presumes that multi-day trials/prelims are NOT frequent and does NOT properly contemplate pre-trial motions.
 - Any trial – one day up to 5 days includes 2.98 hours of preparation time (as above) so these prep hours will quickly be expanded in the case of multi day trials (with or without pre-trial motions as the Trial Tariff is the only option for invoicing).
- Other Tariffs like the Guilty Plea presumptively assume 1.00 hour of court time and the remainder is considered to be prep time. However, if "actual" court time changes – i.e., all 3.00 hours can be used in court time for a lengthy guilty plea – it would be appropriate to ask for Additional Hours to compensate for preparation time.



Table 2: Common Tariff Breakdowns

Tariff	Block fee Divide by Hour	Block Fee by Hour	Tariff Included Prep Time	Court Time	Comments
1.06 – Interviewing & Briefing (Level 1)	230.65/125.00	1.85	1.85		
1.06 – Interviewing & Briefing (Level 2/2.5)	625.00/125.00	5.00	5.00		
1.27 – Guilty Plea/1.28 – ECR	375.00/125.00	3.00	2.00-	1.00+	
1.29 – Guilty plea on day of trial	684.53/125.00	5.48	4.48-	1.00+	Block fee to compensate for lost trial time
1.30 – Withdrawal with Notice	375.00/125.00	3.00	2.00-	1.00+	Block fee to compensate for lost trial time
1.31 – Withdrawal without Notice	684.53/125.00	5.48	4.48-	1.00+	Block fee to compensate for lost trial time
1.15 – 1 st half day Prelim	640.96/125.00	5.13	2.13+	3.00	
1.24 – 1 st half day Trial [1/2 day trial]	747.03/125.00	5.98	2.98	3.00	
1.24+1.25 – Full day trial	1122.03/125.00	8.98	2.98	6.00	



Understanding the Tariff

There are common issues that arise with the invoicing of particular Tariff Items. You may also check the [Roster Resources - Legal Aid Alberta](#) site for ongoing updates and guides for invoicing certain Tariff Items. We update the section when we notice trends or patterns of invoicing difficulty.

There are two categories of Tariffs: “Process Tariffs” and “Outcome Tariffs.”

- Process Tariffs: block fees to cover steps towards conclusion (i.e., court appearances);
- Outcome Tariffs: signal conclusion of the Information and can only be charged once per Information [example: 6 Informations on a Certificate means only 6 Outcome Tariffs can be charged].

Note: This is why you cannot charge Trial Tariffs AND a Guilty Plea or withdrawal for the same Information on a Certificate. However, you CAN charge a Guilty Plea and then Speak to Sentence (1.32) because Speak to Sentence assumes an Outcome Tariff has been charged on the Information.

Process Tariffs	Outcome Tariffs
Interviewing & Briefing (1.06)	Trial Tariffs (1.24 – 1.26)
Adjournments (1.10 & 1.11, 7.08)	Guilty Plea Tariff (1.18, 1.27, 1.29)
Arraignments (1.20)	Withdrawal of Charge Tariffs (1.30 & 1.31)
Provincial Court Bail Hearing (1.07)	Multiple Charges (1.37)
KB Bail Hearing (1.08 & 1.09)	Charges Waived (1.36)
Pre-trial Conferences (1.12)	Counsel Withdraws (1.35)
Waiting Time (1.13)	
Written Arguments (1.21 & 1.22)	
Jury Selection (1.23)	
Additional Hours (7.04)	

Some Initial Reminders:

Multiple Certificates for the Same Client

- You can only charge 1 Tariff per Half Day across ALL certificates for the same client.
- If globally resolving files across multiple certificates, there is only one Guilty Plea Tariff charged to ONE certificate, the remainder of the resolved Informations will be charged as “Multiple Charges” – see Multiple Charges Section.

Pre-Trial Motions

- As the Tariff does not consider Pre-Trial Motions or Applications as a separate block fee, the Trial Tariff is to be charged beginning at Pre-Trial Motions and carrying through the days of actual trial.
 - You cannot charge 1.24 and then “restart” the Trial Tariffs at the next date.
- Additional hours under 7.04 can be requested for preparation time for Pre-Trial Motions.



Additional Hours

- All additional hours (7.04) are to be requested prior to being expended and the requests (and approval) are governed by LAA Administrative Policy 5;
- In rapidly evolving situations and exceptional circumstances, additional hours may be expended without prior approval and a request can be made to LAA to consider approval and payment of those retroactive hours – see Retroactive Hours Section;
- Any additional hours are “actual time spent” and time tracking, or recording is mandatory.

Common Tariff Questions


Adjournments (1.10, 1.11 and 7.08)

Tariff 1.10 is for Adjournments in “Docket Court” while Tariff 1.11 is for Adjournments “Not in Docket Court.” Tariff 7.08 is for the use of the online Adjournment Digital Service offered in certain locations currently for CMO appearances.

You cannot charge Tariff 1.10 IF:

- It is your first appearance on the Information(s) on the Certificate – the first appearance is not chargeable and technically accounted for in the Outcome Tariffs;
- If you are setting a date – of any kind: summary disposition, trial, hearing date;
- If Counsel is not prepared to move the file along (disclosure received and consistent contact with client) and must adjourn.

Tariff 1.11 can be used for any appearance in-between the appearance for “setting a date” (not chargeable under 1.10) and the outcome date (final date of conclusion). In other words, it has been communicated to the Certificate and Tariff Officer team that they must look in JOIN to see whether a “date has been scheduled” in order to assess whether Tariff 1.11 is appropriate.



You cannot charge Tariff 1.11 IF:

- You had to wait in docket court for a long time;
- For arraignments in KB;
- Because you feel the adjournment was more work than \$46.20.

Note: Please leave a comment on the specific line item when charging Tariff 1.11 on an invoice to assist the Certificate and Tariff Officer in confirming that 1.11 is appropriate. JOIN can be misleading.

Pre-Trial Conferences (1.12)

Tariff 1.12 is a block fee – you are paid for 2.0 hours whether that actual time is spent or not. For that reason and due to the increased prevalence of PTCs during the pandemic, LAA has requested that confirmation of the attended PTC be attached to the line item when invoicing. JOIN still is not capturing every PTC and we require some documentation which is all held confidentially in our system.

You can attach:

- Copy of email from clerk or Judge/Justice or other scheduling notice;
- Copy of confirmation email with Crown;
- Completed PTC Report or confirmation email.

Also remember that you can charge Tariff 1.12 as many times as needed on a Certificate – however due to JOIN limitations, we require some supporting documentation, or your invoice will be rejected for more information.

Written Arguments (1.20 and 1.21)

The only difference between Tariff 1.20 and 1.21 is the number of total hours that can be charged.

If an argument is ordered by the Court (i.e., written submissions), then you can charge up to 10.0 hours for preparation and writing of whatever argument was ordered by the Court. Please be aware that a copy of the written argument can be requested at any time to support the invoicing of this Tariff item. As this is an hourly Tariff item, the actual hours expended should also be reflected in your time tracking.

When you are writing other arguments that are **not specifically ordered** by the Court, such as Charter Notices, you have the ability to use Tariff 1.22 and charge up to 5 hours for preparation and writing. Again, be aware that LAA can request a copy of that written argument at any time and the actual hours expended must be reflected in time tracking. Additional hours needed for preparation and writing can be requested under Tariff 7.04 (or if you expended the 5 hours under 1.22 already).

Withdrawal With Notice or Without? (1.30 and 1.31)

Generally speaking, there is no concrete timeframe as to “when notice was received” to differentiate between Tariff 1.30 and 1.31. The general rule is that if the preparation hours were spent in anticipation of the trial and in close proximity to the trial date, then you would be entitled to charge Withdrawal without Notice (1.31). Tariff 1.30 is more used in “brought forward” cases.

In either scenario, Additional Hours can be requested to cover additional preparation time that is needed in addition to the 2.98 Hours included in the Trial Tariffs.



ECR or Guilty Plea? (1.27 and 1.28)

Both Tariffs are equivalent to 3.00 hours and are intended to include preparation and attendance as described previously. These are block fees – so even if you spent 1.0 hour preparing and 1.0 hour in court, you are paid for 3.0 hours total. You can use EITHER Tariff 1.27 or 1.28 when resolving.

Generally speaking, if you wanted to separate the two, you can charge 1.28 (ECR) when you work out an ECR previous to a court sitting and 1.27 in situations where you work out the guilty plea on the fly in a court sitting.

Note: You should not charge both 1.27 and 1.28 on the same invoice unless there is more than one Information although it is recommended to use one Tariff or the other consistently.


KB Bail (1.08 and 1.09)

Unlike the Provincial Court Bail Tariff (1.07), you are only allowed to invoice for a KB Bail Sitting once per certificate (2.00 hours under Tariff 1.08 with an additional hour for the paperwork available under Tariff 1.09).

Any additional KB Bail Sitings must be approved in advance through an Authorization Request for “Add Tariff Item” and “Additional Bail 7.01).

Tariff 1.37 – Multiple Charges

Multiple Charges applies ONLY where there is more than one Information being resolved on the same day. Multiple Charges is an Outcome Tariff meaning the additional Informations/Dockets on the certificate(s) must have been concluded.



You cannot typically charge for Multiple Charges in the following situations UNLESS you have completed interview & briefing PLUS additional disclosure review prior to:

- Billing for change of counsel
- Billing for withdrawal from the record.

Charging Multiple Charges in these situations is intended to compensate for actual time spent in addition to the Interviewing & Briefing time before concluding the file by withdrawing. If you have not completed additional work outside of the Interviewing & Briefing hours, you should not be charging Multiple Charges when withdrawing from the record.

Example: Receive Certificate, maybe make first appearance and order disclosure. On the first phone call with client is that there is another preferred counsel. – Do Not charge Multiple Charges

Example: Receive Certificate, order disclosure and review disclosure prior to calling client. Client advises that they have another preferred counsel – Charge Multiple Charges for all Informations which disclosure was reviewed.

Example: Have the certificate, fully prepped and client doesn't show up for resolution or trial date – Charge Multiple Charges is Appropriate to compensate for expended preparation time now that the outcome tariff cannot be charged.

Effectively, please use Multiple Charges where appropriate as opposed to seeking retroactive additional hours through the authorization request process.

Tariff 1.37 is effectively additional hours – 1.0 additional hour per additional resolved Information to compensate for additional preparation time when globally resolving.

- i.e.: If a certificate has 5 Informations – if you resolve all 5 on the same day, you would charge the outcome tariff and 4 x 1.37
- i.e.: If a certificate has 11 Informations – if you resolve all 11 on the same day, you would charge the outcome tariff and 10 x 1.37
- i.e.: If you have a trial date, with to speak to dockets attached and resolve them all, then you would charge the trial tariff plus the Multiple charges x whatever number you resolved. However, if you have 11 dockets, and set a trial date on each separately, you cannot charge the multiple charges at all.

This tariff should be labelled as "Multiple Resolved Informations." You do not need prior approval to charge this tariff but are allowed only up to 10.

- Example: You can only charge 10 times per certificate, so if you have 14 dockets and resolve them all the same day – 1 docket is the basis for the outcome tariff (i.e., a guilty plea) tariff, then you can charge 10x multiple charges, but would still be missing 3 "hours" for resolving those additional Informations. You would put in a request for 3 additional hours due to the cap of 10 on tariff 1.37 to ensure you are properly compensated.

Note: Additional Hour requests for "topping up" due to the cap on Multiple Charges must be requested under "Add Tariff Item" – "Additional Hours 7.04" not under "Tariff 1.37."



How do I Charge for Handling CSO Breaches?

There is no Tariff item specific for CSO breaches.

If the CSO breach is contested and evidence is called, then the Trial Tariff applies (1.24 on).

If the CSO Breach is admitted, then you can use Tariff 1.27 – and if there was prolonged argument surrounding the CSO itself, Speaking to Sentence can be used for the additional court time and marked as “PM” in the invoicing system. Any other extraordinary preparation time needed can be requested through the Additional Hours request process.

How do I Charge for Probation and/or Sentencing Reviews?

When dealing with youth, LAA will provide an independent certificate to Youth’s Preferred Counsel for sentence reviews.

Otherwise, attendance by Counsel at “required” post-sentencing hearings (which are *not contested* like would be covered under Tariff 1.33 and 1.34) is usually dealt with through the additional hours process and, since attendance at these types of hearings are not accounted for in the Tariff, additional hours may be granted on a case-by-case basis.

How do I Charge for Preparation of a Charter Notice?

By definition, Tariff 1.22 can be charged up to 5.0 hours for the preparation of a “written argument not ordered by the Court” which includes the preparation of a Charter Notice. As this Tariff is available on every Certificate without a request being needed, it is recommended that these hours be expended prior to requesting additional hours for Charter Notice preparation. Please remember that a copy of all written arguments charged under Tariff 1.21 and/or 1.22 can be requested by LAA at any time as supporting documentation to an invoice.

Preparation for the actual Charter argument is either covered by the included preparation hours in the Trial Tariffs, or, more likely, through the additional hour authorization request process.

Common Disbursement Questions

Transcripts (8.11 and 9.09)

All transcripts which are NOT EXPEDITED (ordered on a 30 day turn around) as well as any EXPEDITED BAIL transcripts needed can be charged under 8.11 without prior approval, this includes:

- bail transcripts for KB review on an expedited basis (or if you have been approved for a secondary KB application);
- prelim transcripts ordered on a 30 day turn around;
- trial transcripts ordered on 30 day turn around (where there is a continuation);
- guilty plea transcripts ordered on 30 day turn around.

If a transcript besides **BAIL**, is needed to be ordered on a less than 30 day turn around, then prior approval for the transcript should be sought through an Authorization Request for “Add Tariff Item” -



Tariff 9.09. The only explanation required is an explanation of why the transcript needs to be expedited (even if it's clearly apparent). Examples would be:

- ordering trial transcripts on an expedited basis to assist with closing argument/sentencing;
- ordering prelim transcripts on an expediated basis;
- decision of judge on expediated basis (in order to get it for sentencing);
- transcripts from other proceedings (related trials, etc.) that are needed on an expediated basis;
- transcripts of court appearances for Jordan applications (unless they can be ordered on a 30 day turn around).

Transcription Services (9.09)

Tariff 9.09 also can be requested for the purposes of transcribing complainant and witness statements for trial purposes – please proceed through the Authorization request system and attach the quote from the transcription service as well as a brief explanation of why the transcribed statement is needed (even if it is readily apparent).

Experts (9.01 and 9.02)

The hourly rate for various experts has no discretion to approve ANY expert above the allowable hourly rate as found below:

Expert / Professional	Amount / Rate
Registered Psychologists	up to \$155.00 per hour
Physicians – General Practitioners	up to \$180.00 per hour
Other Physicians, Including Psychiatrists	up to \$200.00 per hour
Other Experts, Professionals, or Investigators	up to \$115.00 per hour

All Expert Costs must be approved in advance, whether for report writing or testimony fees, requests can be submitted via the Authorization Request system. You are required to provide an explanation of why the Expert is necessary as well as an estimate of the number of hours (at the allowable hourly rate) will be needed to complete the task. Further approval can be sought as the case evolves and/or if further Expert hours are needed as the case progresses.

Note: We encourage you to find an expert who will work for the LAA rates, however, as there is no discretion to approve above the hourly rate, if you require an expert above the rates, you must seek an Order from the Court directing Legal Aid to pay the higher amount. The order would need to include the requested Expert name, their requested hourly rate and for the estimated number of hours to complete the task. That Order would then be provided to LAA via an Authorization Request.

Note: Watch out for GST! Our system automatically adds GST on top of the invoice line amount UNLESS you click the "GST exempt" button.



Additional Hours Handbook

LAA is a publicly funded non-profit organization meaning that we have a responsibility to our funders to ensure that all expenditure of public funds is justified and reasonable. LAA is not a free service and we have a duty to the Client to both provide oversight and ensure reasonable legal expenses for a person of modest means. Per LAA Admin Policy 5:

3.3 When LAA decides whether to grant a discretionary funding request, LAA's goal is to use the legal aid plan's resources responsibly – allowing LAA to assist the most Albertans possible – while also ensuring that LAA's clients receive competent and effective legal assistance that is proportionate to the seriousness and complexity of the legal problems the client faces.


Additional Hours are “discretionary funding” even though the Tariff does not always have adequate preparation or attendance hours included.

The bottom line is that the Tariff Block Fee are intended to be inclusive of preparation and attendance (prep time and court time) and the certificates are not *zero -hour* certificates. The Prep Hours (Table 2 above) are hours additional to the court attendance that are included in the Tariff Block Fees and must be expended first before additional hours will be authorized.

i.e., If you have a level 1 charge and are taking it to trial – you must justify why the 2.98 hours included in the tariff are not enough to prepare for trial due to specific legal issues.

There is no doubt that the block fees and hourly rate are lower than what would be charged in private practice. However, agreeing to take on Legal Aid files is agreeing to apply your expertise to a client's case for a reduced rate. **Additional hours are not guaranteed on any file – they must be justified, and adequate reasoning provided in addition to principled consideration of how the hours included in the Tariff block fee are being expended.**

Per LAA Admin Policy 5:



3.6 LAA may authorize some, all, or none of the coverage a lawyer seeks through an Authorization Request. When deciding whether to grant an Authorization Request, LAA will consider whether a reasonable person of modest means, who was funding the matter using the client's own resources, would have the lawyer perform those services (or would incur the disbursement).

LAA may also consider:

- (a) the potential benefit or advantage the client stands to gain from the legal services (or disbursement) being requested;
- (b) if the services (or disbursement) relate to a specific legal issue or legal argument, the importance that issue or argument would have to a reasonable person of modest means who was in a similar position as the client;
- (c) the likelihood of success of any legal argument or application that relates to the additional services (or disbursement);
- (d) how the lawyer has used any time that is permitted by the Tariff or that was granted in response to earlier Authorization Requests;
- (e) whether the services (or disbursement) the lawyer is requesting appear to reflect a reasonable estimate of the time (or expense) associated with the services (or disbursement);
- (f) whether there are any reasonable alternatives to the services (or disbursement) being requested, and whether the lawyer has adequately investigated those alternatives;
- (g) whether a block Tariff item already compensates the lawyer for any related services;
- (h) the type of certificate under which the lawyer is representing the client and the usual expectations regarding the nature or scope of the lawyer's representation under that kind of certificate;
- (i) whether a legal issue that arises in the client's case is important to LAA's clientele, and if so, whether approving the Authorization Request could benefit other LAA clients; and
- (j) any other criteria set out in an internal policy or guideline that LAA establishes for a specific legal issue, service area, or category of disbursement.

Making a Request

If additional hours are to be requested, there are 3 main guidelines for additional hour requests:

1. LAA needs as much substantive information about the file as you can provide;
2. LAA can only approve additional hours above and beyond the tariffs if the request has proper documentation and the tariff block fee included hours have been expended;
3. Please submit requests for hours as the file evolves whenever possible rather than asking for a large chunk at the outset of the file (as an estimate "just in case" every obstacle arises).

In other words, a request for Additional Hours must include (a) consideration of the "tariff included tasks or sets" and (b) proper justification for why additional hours are needed (aka substantive information about the file and legal issues present).

There is a requirement for additional documentation and information in order to approve additional hours as we are taking a holistic review of the certificate, the client, and overall circumstances in which the request is made in advance of approval.

You will also find the following Guidelines and questions to assist in what information to provide when making an Authorization Request under 7.04 within the Lawyer Portal as well as on our Roster Resources page ([How to request additional hours - Legal Aid Alberta](#)).



Additional Hours Request Questions

1. What stage is the file at?

Reviewing disclosure to determine course; prelim; trial; ECR or guilty plea; sentencing, etc.

2. Summary of the allegations.

Provide specific details of allegations or crown theory of case. Please note "charged with assault with a weapon" is not specific enough.

3. If requesting hours for disclosure review, a summary of the allegations is more helpful than describing the length of the disclosure.

Please consider including, in addition to the summary of the allegations:

- Actual length of the videos to be reviewed (rather than GB total);
- Number of substantive witnesses (not just total police witnesses).

4. Crown position on sentencing versus defence position? Contested or joint?

To help identify when additional preparation hours are needed for resolutions. Remember that Multiple Charges 1.37 allows billing for one Additional Hour per multiple resolved Information.

5. How many days of prelim or trial? If prelim, what are the issues that the prelim is proceeding on? Challenging committal?

6. If trial, what is the defence plan for trial:

- Is the accused testifying?
- Are there Charter issues and what are the specifics?
- How many statements of the complainant to compare for cross-examination?
- Challenging credibility of any officers?
- Pre-trial applications (like Charter) and their specifics;
- Witness lists;
- Any defence witnesses to be called and how they fit into the case;
- Crown position or theory versus defence theory;
- Crown position on sentencing if known;
- Any extraordinary legal or client issues that have arisen.

Examples of Additional Hour Requests

The LAA Criminal Assessment Team requires specific information to be provided in order to (a) confirm tariff included hours will be expended and (b) additional hours on top of the tariff are justified and reasonable based on a holistic view of the client and the case.



Your request may be rejected or revised to a lower number of hours because:

- Not enough information or the incorrect information was provided to justify the hours requested;
- Enough information was provided but the number of hours sought is not considered reasonable considering the information that was provided;
- The legal issues cited to justify the need for Additional Hours is/are basic or common legal knowledge – such that additional hours needed to “research” or understand the legal issue are not justified;
- The request is not approvable for some other exceptional reason (i.e., likelihood of success of the application).

Table 3: Examples of Rejected/Revised Requests:

<p>This file contains an unusually large volume of media disclosure, in particular surveillance video that needs to be carefully viewed to create a timeline of the alleged offence. The above requested hours are necessary to properly review the disclosure.</p>
<p>I require additional time to review disclosure. To negotiate settlement and or set a date for trial. I received disclosure comprising of previous criminal records, CIPC Report, file summary, information, and arrest reports, show cause package summary, probation orders, narrative reports, notices, officer notes, police witness statement. Offer in principle is made and reasons provided. Need to engage reasons provided in our response with a view to getting 22 months imprisonment offer reduced.</p>
<p>Hello - I am requesting additional hours for time required to review disclosure. There are audio statements from various complainants for this matter.</p> <p>Thank You,</p>
<p>Extra Hours Request– 6 hours</p> <ol style="list-style-type: none"> 1. Previous hours under the tariff have been used to initially meet with client and discuss this matter. Also, Defence counsel has briefly met with Crown Counsel to discuss matter. 2. 5 additional hours are being requested to review disclosure and meet with client to review the same and discuss options and likely outcomes. <ul style="list-style-type: none"> • Video statement – 1 hour. • Review Disclosure – 2 hours. • Review with client and discuss case and options (Client requires extra time to fully understand, he can be quite difficult) – 2 hours. 3. Meeting at Crown Office to discuss matter – 1 hour. <p>6 Hours is the minimum required for this case to proceed at this point. Additional hours may be needed in the future if this matter proceeds to trial.</p>

NOTE: the above request was rejected because all steps outlined as requiring additional hours are contemplated within the included hours in the block fees and there are no specifics. These types of



templates that do not contain any specifics and have vague justifications for additional hours will not be accepted.

Table 4: Example of Appropriate Requests:

<p>Requesting 10 further hours.</p> <p>The trial judge indicated last week that the Jordan application will be heard January x. We have already prepared most of the Jordan materials, however, since the last trial date was adjourned due to Covid, more disclosure has come in and more trial time has been booked. The Jordan materials must be updated to show the further delay, and recent case law of R. v. Brown must be reviewed.</p> <p>Requesting:</p> <ul style="list-style-type: none">• 2 hours to review timetables, emailed and how the latest trial was book.• 1 hour to generate an updated affidavit of reception of disclosure and explanation of booking process.• 1 hour to review case law and update written submissions based on it.• 4 hours to update the written submissions, including responding to Crown submissions and preparing for oral argument.
<p>This matter is set for trial December x in Provincial Court of Alberta. There is a rather large amount of media files relative to the charges. The accused is alleged to have breached his conditions by contacting his ex-wife's husband as well as assaulted him. Resolution has been canvassed and the accused as instructed to proceed to trial.</p> <p>To prepare this matter for trial, all media files will have to be reviewed. This includes cell phone footage audio only, no transcript, cell phone camera footage, interview with complainant, police body wear camera x 2 and interview with accused, no transcript. We request an additional 10 hours be granted to prepare for trial.</p>
<p>This is listed as a level one offence however the disclosure is extensive and still outstanding. Upon receiving this file from Legal Aid, the matter was already set for a two-day trial in July to which I am available. upon receiving the disclosure, I reviewed it preliminarily which took approximately three hours. this is outside of any discussions with the Accused or witnesses, and I consider my interview and briefing to be exhausted.</p> <p>The disclosure was 259 pages as the matter was an assault on P.O. by a motor vehicle, flight, and dangerous driving plus a number of other small offences. there is also an expert reconstructionist report as well as a dog track that has been reviewed and will be the subject of significant cross-examination.</p> <p>Both individuals were located in an area after a vehicle was found to be abandoned. an individual who was not the Accused was arrested and for some reason deemed to be the passenger from the get-go. there is very little evidence of identity except for one officer in fleeting glance looking at the driver at the vehicle.</p> <p>I am requesting additional hours because the interview and briefing have already been taken up by the lengthy disclosure. these hours will be used for a review of fleeting glance ID cases and for proper preparation of cross-examination of the expert reconstructionist and, more significantly, the dog track. I</p>



have already done the research on the dog track on a separate file however this was a few years ago so it will only take some refreshing of reviewing the research and finding similar cases to mine.

Additional Hours Rules

All requests for Additional Hours must be submitted and approved prior to expenditure of those hours.

If you could not get the hours approved prior to expenditure, you must follow the Retroactive Hours procedure per Admin Policy 5 and as detailed in the [Retroactive Hours](#) section of this handbook.

Time tracking or keeping is mandatory!

Please see Admin Policy 5 and Timesheets section of this Handbook.


All Requests must be made in “real time” – aka the information that you enter into the Authorization Request is the current state of the file.

If the information provided is not “current” according to JOIN, you will be asked to follow the Retroactive Hours procedure.

Retroactive Hours

The basis for approving Retroactive Hour Requests is found within Section 3 of Administrative Policy 5.

The Retroactive Hours Policy is not a substitute for properly submitting Additional Hour Requests and having hours approved prior to being expended. It is expected that all hours and special disbursements are requested beforehand.



Authorization Requests Must be Submitted in Advance of Performing Work for Clients

- 3.9 In general, LAA will not reimburse lawyers for any legal services that were performed (or disbursements that were expended) on behalf of a client if the services (or disbursements) were not specifically authorized by the Tariff, or if the services (or disbursements) were not requested and approved in advance, by way of an Authorization Request.
- 3.10 LAA may approve a retroactive Authorization Request for legal services (or a disbursement) and reimburse a lawyer for some or all the retroactive services (or disbursement), but only if:
- (a) one of the exceptions set out in this Part applies; or
 - (b) an exception does not apply, but there are other exceptional circumstances where the lawyer made reasonable and good-faith efforts to adhere to the discretionary authorization process and failing to reimburse the lawyer would cause substantial unfairness to the lawyer.

Exceptions – Retroactive Authorization Requests

- 3.11 LAA may approve a retroactive Authorization Request if:
- (a) it was reasonably necessary to perform the services (or expend the disbursement) to protect the client's position or the client's interests;
 - (b) the lawyer could not have reasonably anticipated the need to submit an Authorization Request at an earlier stage of proceedings; and
 - (c) the lawyer promptly submitted a retroactive Authorization Request after they performed the services (or expended the disbursement).

For example, if you request 40 hours and are given 20 – it is your responsibility to request the further 20 hours with additional updated information before going above those first 20 approved hours.


You cannot submit timesheets to prove the original 40 hours were needed. It is common practice for LAA to approve parts of requests to ensure consistency.

Exceptional Retroactive Circumstances

There are always exceptional circumstances that arise within criminal practice. For example, additional hours are also used to compensate for the multiple charges cap, when you need to charge more than one outcome (i.e., trial ended in mistrial and new trial scheduled). You are always welcome to ask – where the tariff is deficient, we will do our best to exercise our discretion within the Administrative Policy to ensure fairness.

Best Practices for Requesting Additional Hours:

- Provide specific information about the file – do not make vague estimates for routine file steps.
- If you have already expended some additional hours, please attach timesheets to further requests.

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- Always ask – worst answer is “no, it can’t be done per policy.”

Time Tracking & Hourly Billing

Time tracking is essential to proper record keeping and maintenance of a LAA certificate even in criminal matters. Per Administrative Policy 5, Part 3:

Extra Hours

- 3.8 If LAA grants an authorization request allowing for additional preparation time on a certificate matter beyond what is already authorized by the Tariff (“extra hours”):
- (a) the extra hours are paid at the standard hourly rate set out in the Tariff;
 - (b) the lawyer must maintain timekeeping records to document the time spent working on the client’s matter and how that time was used, and the lawyer must provide these records to LAA, upon request;
 - (c) the extra hours authorization is not a block fee or flat rate that the lawyer may charge in the matter, and the lawyer may only submit an account for the actual time the lawyer has worked on the matter.

This means due to LAA’s mix between block fees and hourly billing, you are not able to “flat fee” or “block fee” a LAA client like you can in private practice. If you are able to complete the file within the tariff included hours for preparation and attendance, then technically you can rely on the “block fees only” and quote a “flat fee” based off the tariff block fees. However, as soon as you require additional hours – you are into hourly billing. In fact, some Tariffs actually have hourly billing built into them (i.e., Speaking to Sentence – Tariff 1.32).



Best Practices in Timekeeping:

- Timesheets should include client name, matter or file reference and then list all time spent on that client's matter. If working on multiple matters, timesheets should be able to be cross referenced with one another.
- Timesheets should be detailed and specific (what disclosure is being reviewed? Which docket is being worked on? What was the meeting or phone call about?)
- Timesheets need to be made contemporaneously as the file evolves – not created or re-created after the fact. That means "immediately enter the time spent."
- For LAA work, Timesheets should include both Tariff Items as well as actual hour tracking. This is the easiest way to keep the "tariff included hours" separate from the "additional hours."
- Timesheets should be legible and explain services to be performed where needed. There should also be a total. Timesheets should permit the recording of billable and non-billable hours.



Examples of Timesheet Structure:

Interviewing & Briefing Included Hours:
 Level 1 - 1.85 Hrs
 Level 2/2.5 – 5 Hrs
 Level 3 – 20 Hrs

CLIENT NAME: DOE, John

CERTIFICATE #: C345667(Level 1/2/2.5/3)

Date	Crt	Hours	Tariff	Task/Description
	-	-		File Opening
			1.10	First Appearance in Docket: Not Billable per Tariff
TOTAL HOURS				

Example Timesheet:



Interviewing & Briefing Included Hours:

- Level 1 - 1.85 Hrs
- Level 2/2.5 - 5 Hrs
- Level 3 - 20 Hrs

CLIENT NAME: DOE, John

CERTIFICATE #: C345667 (Level 1/2/2.5/3)

Date	Cat	Hours	Tariff	Task/Description
Sept 7/20	-	-		File Opening
Sept 15/20	444	-	1.10	First Appearance in Docket: Not Billable per Tariff
Sept 15/20		0.5		first meet w/ client in court; court adjourned for disclosure
Sept 21/20		1.0		initial review of disclosure.
Sept 21/20		0.5		call client to discuss ↳ will speak to Crown
Sept 24/20		0.5		email to Crown for ECR
Sept 29/20	444	-	1.10	Adjourn for ECR discussion
Oct 5/20		0.5		review ecr offer w/ client
Oct 6/20	444	-	1.10	-set summary disposition date.



Date	Crt	Hours	Tariff	Task/Description
Oct 6/20		0.3		advise client of what date to appear
Oct 13/20	444	-	1.27	- guilty plea - over for sentencing.
Oct 20/20		0.5		review materials from client.
Oct 20/20		1.0		prepare sentencing submissions (oral)
Oct 21/20	444	-	1.32	speak to sentence - decision: probation





Date	Crt	Hours	Tariff	Task/Description
				Tariff: 1.10 for Sept 29/20 1.27 for guilty plea. 1.32 for speaking to sentence 1.0 hour prep + 1.0 hour court = 2.00 hours.
TOTAL HOURS		4.8		





Conclusion

As LAA works towards a new innovative and simplified Tarff to replace the current structure, proper education about the existing Tariff as well as how Additional Hours are requested and approved is necessary to re-build and maintain LAA's relationship with our Roster.



Contact Information

What do you need help with?

Billing

Invoicing, Tariff questions, payments

taxation@legalaid.ab.ca

Duty Counsel

DC certificates, Shiftboard

dutycounsel@legalaid.ab.ca

Certificates

LAA certificates, certificate, and tariff officer requests

certificatemanagement@legalaid.ab.ca

Lawyer Portal

Technical help, account troubleshooting, reset password, report an issue

lawyerportal@legalaid.ab.ca

Roster Relations

Questions, comments or concerns about Legal Aid Policies, Rules and/or Agreements

rosterrelations@legalaid.ab.ca

General LAA Feedback

Comments, content suggestions, website feedback

communications@legalaid.ab.ca



Legal Aid Alberta

