

Appeals and Judicial Reviews Tariff



Legal
Services
Society

British Columbia
www.lss.bc.ca

Revision history (January 2006)

Date issued	Replaced pages	Effective date
01/06	ii-iv, 9 – 12, 15, 16, 19, Guide to Billing, Criminal Appeal Billing Form	01/06
02/05	ii – iv, 17, 19 – 26, Criminal Appeal Billing Form	02/05
06/04	all pages	06/04
06/03	all pages	01/99
11/02	all pages	01/99
10/01	section title page, 11 – 16, 21 – 26, Criminal Appeal Billing Form	01/99
12/99	iii/iv, 3/4, 13/14, 21 – 28, Criminal Appeal Billing Form	01/99
05/99	iii/iv, 5/6, 19/20, 23/24, 27/28, Criminal Appeal Billing Form	01/99

Contents

1. Organization of This Section (June 2004)	1
2. General Tariff Information (June 2004)	2
3. Appeals and Judicial Reviews Tariff	3
Criminal appeals.....	3
Bail pending appeal/Stay of sentence (June 2004).....	3
Extraordinary remedies, prerogative writs, and judicial review applications (June 2004)	4
Applications for judicial review under section 745 of the Criminal Code (June 2004).....	4
Preparation for a summary conviction appeal in the BC Supreme Court (June 2004).....	5
Attendance at a summary conviction appeal in the BC Supreme Court (June 2004)	5
Preparation for a sentence appeal in the BC Court of Appeal (June 2004)	6
Attendance at a sentence appeal in the BC Court of Appeal (June 2004).....	6
Preparation for a conviction appeal in the BC Court of Appeal (June 2004).....	7
Attendance at a conviction appeal in the BC Court of Appeal (June 2004)	8
Applications under Rule 13(3) of the Criminal Appeal Rules (June 2004)	8
Preparation for an appeal in the Supreme Court of Canada (June 2004).....	9
Attendance at an appeal in the Supreme Court of Canada (June 2004)	9
Travel (June 2004).....	10
Administration fee (October 2005).....	10
Visiting clients in custody (October 2005).....	11
Family appeals, including CFCSA	12
General preparation (June 2004).....	12
Opinion letters (January 2006).....	12
Correspondence and communications (June 2004)	12
Preparation for an appeal in the BC Supreme Court (June 2004)	13
Attendance at an appeal in the BC Supreme Court (June 2004).....	13
Preparation for proceedings in the BC Court of Appeal (June 2004).....	14
Attendance at proceedings in the BC Court of Appeal (June 2004).....	14
Preparation for an appeal in the Supreme Court of Canada (June 2004).....	15
Attendance at an appeal in the Supreme Court of Canada (June 2004)	15
Travel (June 2004).....	16
Administration fee (October 2005).....	16

Immigration appeals	17
Stay applications in Federal Court (June 2004).....	17
Preparation for a judicial review in the Federal Court or BC Supreme Court or an appeal in the Federal Court of Appeal (June 2004).....	17
Attendance at a judicial review in the Federal Court or BC Supreme Court or an appeal in the Federal Court of Appeal (June 2004).....	17
Application to reopen/reinstate a proceeding before the Immigration and Refugee Board (IRB) (June 2004)	18
Submissions to Canada Immigration (February 2005).....	18
Appeals in the Supreme Court of Canada (June 2004)	18
Travel (June 2004).....	18
Administration fee (October 2005).....	19
Visiting clients in custody (October 2005).....	19
4. Appeals and Judicial Reviews Tariff Guide to Billing (January 2006)	21
Criminal Appeal Billing Form (February 2005).....	23
Court location codes (February 2005)	28
Blank billing form	

1. Organization of This Section (June 2004)

The Appeals section is organized as follows:

- **General Tariff Information** provides information about the tariff and its use.
- The **Appeals and Judicial Reviews Tariff** lists the tariff items for all tariffs.
- The **Appeals and Judicial Reviews Tariff Guide to Billing** contains information and instructions on completing the **Criminal Appeals Billing Form** and submitting your account to LSS. Use this form for criminal appeals. For all other types of appeals, use the forms and Guide to Billing that appear at the end of the appropriate tariff. Following these instructions carefully will ensure that your account is processed as quickly as possible.
- Disbursements are listed separately in this guide in the **Disbursements for All Tariffs** section.

2. General Tariff Information (June 2004)

For information about coverage and eligibility for appeal and judicial review cases, see the relevant sections of the **Introduction** to the *Guide to Legal Aid Tariffs*. For billing information, see the **Appeals and Judicial Reviews Tariff Guide to Billing** at the end of this section (for criminal appeals), or the **Guides to Billing** in each of the other tariff sections. For information about billing disbursements, see the **Disbursements for All Tariffs** section. For general contractual information relating to the terms of your contract with LSS, see the **General Terms and Conditions** at the beginning of this guide.

3. Appeals and Judicial Reviews Tariff

Important

- Specific authorization, required for each tariff item you bill for, is indicated on your referral.
- A new application for legal aid is required for all appeals, judicial reviews, or submissions. Apply directly to the LSS Appeals Section at the Vancouver Regional Centre.
- Although you may have clients who have been separately referred, if they were jointly charged on a single Information, they are considered co-accused for the purpose of the appeal. Individuals who are jointly charged remain co-accused through all sentencing and disposition review hearings, except bail matters on separate half days. Full legal fees are payable for the first client, and a maximum of a single half fee is payable for all additional co-accused, regardless of how many additional co-accused there are.
- LSS must first grant authorization before you can proceed with a bail pending appeal.
- If the LSS Appeals Section denies an application to appeal, applicants or their lawyers may appeal the decision to the manager of the Appeals Section at the Vancouver Regional Centre.

Tariff item	Rates/Maximum billable hours	Tariff code
-------------	------------------------------	-------------

Criminal appeals

Bail pending appeal/Stay of sentence (June 2004)

- | | | |
|---|----------------------|-------------|
| • Billable per hour when you prepare for a bail hearing or stay of sentence pending a summary conviction appeal. | Up to 3 hours | 3230 |
| • Billable per hour when you prepare for a bail hearing or stay of sentence for: <ul style="list-style-type: none">– release pending an appeal to the Court of Appeal or the Supreme Court of Canada– a contested extension of bail in the Court of Appeal– release pending a new trial | Up to 5 hours | 3247 |
| • Billable per hour when you prepare for any bail variation or extension of bail upon consent in the Court of Appeal or Supreme Court of Canada. | Up to 1 hour | 3251 |
| • Record the actual time spent as specified in your time records. | | |

Caution

- ➡ This item requires prior authorization from the LSS Appeals Section at the Vancouver Regional Centre.

Tariff item	Rates/Maximum billable hours	Tariff code
-------------	------------------------------	-------------

Extraordinary remedies, prerogative writs, and judicial review applications (June 2004)

- | | | |
|--|-----------------------|-------------|
| <ul style="list-style-type: none"> • Billable per hour when you prepare for habeas corpus, certiorari, prohibition, other prerogative writs, judicial review applications, and extradition appeals. | Up to 10 hours | 3270 |
| <ul style="list-style-type: none"> • Additional preparation time is allowed if you were not involved in the proceedings appealed from. | Up to 3 hours | 3283 |
| <ul style="list-style-type: none"> • Bill court attendance under Attendance at a summary conviction appeal to the BC Supreme Court. | | |

Caution

- ➡ A new lawyer in the same law firm or sharing office space with the previous lawyer cannot bill the additional preparation time for a new lawyer in the appeal.

Applications for judicial review under section 745 of the Criminal Code (June 2004)

- | | | |
|--|-----------------------|-------------|
| <ul style="list-style-type: none"> • Billable per hour when you prepare for an application. | Up to 25 hours | 3285 |
| <ul style="list-style-type: none"> • Billable per hour when you attend the application. | Actual time | 3289 |
| <ul style="list-style-type: none"> • Provide the hearing date and the time spent in court. | | |
| <ul style="list-style-type: none"> • Bill the actual time spent as specified in your time records, from the time the application was scheduled to begin to its conclusion, excluding meal breaks. | | |

Tariff item	Rates/Maximum billable hours	Tariff code
-------------	---------------------------------	----------------

Preparation for a summary conviction appeal in the BC Supreme Court (June 2004)

- | | | |
|--|-----------------------|-------------|
| • Billable per hour when you prepare for a summary conviction sentence appeal. | Up to 5 hours | 3340 |
| • Billable per hour when you prepare for a summary conviction appeal. | Up to 12 hours | 3359 |
| • Billable per hour when you prepare for a summary conviction and sentence appeal. | Up to 14 hours | 3368 |
| • Additional preparation time is billable if you were not involved in the proceedings appealed from. | Up to 3 hours | 3374 |
| • Record the actual time spent as specified in your time records. | | |

Cautions

- ➔ A new lawyer in the same law firm or sharing office space with the previous lawyer cannot bill the additional preparation time for a new lawyer in the appeal.
- ➔ Preparation time includes time spent on applications to extend time.

Attendance at a summary conviction appeal in the BC Supreme Court (June 2004)

- | | | |
|--|--------------------|-------------|
| • Billable per hour when you appear in court for the appeal or application hearing. | Actual time | 3380 |
| • Provide the hearing date and the time spent in court. | | |
| • Bill the actual time spent as specified in your time records, from the time the hearing was scheduled to begin to its conclusion, excluding meal breaks. | | |

Cautions

- ➔ Applications to adjourn are not considered a hearing of the appeal. Bill the time you spend attending these under **Preparation**.
- ➔ If matters are scheduled on the same day for more than one client, distribute the waiting time in court equally between the clients. Do not bill this time more than once.

Tariff item	Rates/Maximum billable hours	Tariff code
-------------	------------------------------	-------------

Preparation for a sentence appeal in the BC Court of Appeal (June 2004)

- | | | |
|--|-----------------------|-------------|
| • Billable per hour for preparing a sentence appeal from a guilty plea. | Up to 8 hours | 3400 |
| • Billable per hour for preparing a sentence appeal when the accused did not plead guilty. | Up to 10 hours | 3412 |
| • Additional preparation time is billable if you were not involved in the proceedings appealed from. | Up to 3 hours | 3427 |
| • Record the actual time spent as specified in your time records. | | |

Cautions

- ➡ Bill dangerous and long-term offender appeals under **Preparation for a conviction appeal in the BC Court of Appeal**.
- ➡ A new lawyer in the same law firm or sharing office space with the previous lawyer cannot bill the additional preparation time for a new lawyer in the appeal.

Attendance at a sentence appeal in the BC Court of Appeal (June 2004)

- | | | |
|--|--------------------|-------------|
| • Billable per hour when you appear in court for the hearing of the appeal or application. | Actual time | 3290 |
| • Provide the hearing date and the time spent in court. | | |
| • Bill the actual time spent as specified in your time records, from the time the hearing was scheduled to begin to its conclusion, excluding meal breaks. | | |

Cautions

- ➡ Applications to adjourn are not considered a hearing of the appeal. Bill the time you spend attending these under **Preparation**.
- ➡ If matters are scheduled on the same day for more than one client, distribute the waiting time in court equally between the clients. Do not bill this time more than once.

Tariff item	Rates/Maximum billable hours	Tariff code
-------------	------------------------------	-------------

Preparation for a conviction appeal in the BC Court of Appeal (June 2004)

- | | | |
|--|--|-------------|
| <ul style="list-style-type: none"> • Billable per hour when you prepare for a conviction or extradition appeal, including preparation for any application for leave to appeal or to extend time. | Up to 40 hours | 3310 |
| <ul style="list-style-type: none"> • Additional preparation time is billable for conviction and sentence appeals. | Up to 5 hours | 3319 |
| <ul style="list-style-type: none"> • Additional preparation is billable for each additional 200 transcript pages you read, after the first 200 pages, up to a maximum of five additional hours for each 200 pages, provided you certify that you have read the additional pages by sending a letter to that effect with your account for this item. | Up to 5 hours for each additional 200 pages | 3327 |
| <ul style="list-style-type: none"> • Additional preparation time is billable if you were not involved in the proceedings appealed from. | Up to 10 hours | 3338 |
| <ul style="list-style-type: none"> • Bill dangerous and long-term offender appeals and YCJA transfer to adult court appeals under this item. | | |
| <ul style="list-style-type: none"> • Record the actual time spent as specified in your time records. | | |

Cautions

- ➡ Additional preparation for reading transcripts is billable only when you certify that you have read the transcript.
- ➡ A new lawyer in the same law firm or sharing office space with the previous lawyer cannot bill the additional preparation time for a new lawyer in the appeal.
- ➡ Preparation time includes time spent on applications to extend time.

Attendance at a conviction appeal in the BC Court of Appeal (June 2004)

- | | | |
|---|--------------------|-------------|
| <ul style="list-style-type: none"> • Billable per hour when you appear in court for the hearing of the appeal or application. • Provide the hearing date and the time spent in court. • Bill the actual time spent as specified in your time records, from the time the hearing was set to begin to its conclusion, excluding meal breaks. | Actual time | 3438 |
|---|--------------------|-------------|

Cautions

- Applications to adjourn are not considered a hearing of the appeal. Bill the time you spend attending these under **Preparation**.
- If matters are scheduled on the same day for more than one client, distribute the waiting time in court equally between the clients. Do not bill this time more than once.

Applications under Rule 13(3) of the Criminal Appeal Rules (June 2004)

- | | | |
|--|---------------------|-------------|
| <ul style="list-style-type: none"> • Billable when you prepare for and attend a Rule 13(3) application set down in spite of your best efforts. • Record the actual time spent as specified in your time records. | Up to 1 hour | 3519 |
|--|---------------------|-------------|

Cautions

- LSS will only fund appearances with prior authorization.
- LSS will only reimburse you for appearing at Rule 13(3) hearings when the delay is entirely beyond your control (e.g., the transcripts were not prepared soon enough), and you have made every effort to advise the registrar of the delay and its causes.
- LSS will not pay any travel fees or disbursements for this application.

Tariff item	Rates/Maximum billable hours	Tariff code
-------------	------------------------------	-------------

Preparation for an appeal in the Supreme Court of Canada (June 2004)

- | | | |
|--|-----------------------|-------------|
| • Billable per hour when you prepare for the leave to appeal application. | Up to 25 hours | 3520 |
| • Billable per hour when you prepare for the hearing of the appeal. | Up to 40 hours | 3539 |
| • Additional preparation time is billable if you were not involved in the proceedings appealed from. | Up to 16 hours | 3542 |
| • Record the actual time spent as specified in your time records. | | |

Caution

- ➡ A new lawyer in the same law firm or sharing office space with the previous lawyer cannot bill the additional preparation time for a new lawyer in the appeal.

Attendance at an appeal in the Supreme Court of Canada (June 2004)

- | | | |
|---|--------------------|-------------|
| • Billable per hour when you appear in court for the appeal. | Actual time | 3556 |
| • Provide the hearing date and the time spent in court. | | |
| • Bill the actual time spent as specified in your time records, from the time the appeal was scheduled to begin to its conclusion, excluding meal breaks. | | |

Tariff item	Rates/Maximum billable hours	Tariff code
-------------	---------------------------------	----------------

Travel (June 2004)

- | | | |
|---|--------------|-------------|
| • Billable per half day of travel to or from a hearing or to interview a client in custody if the trip exceeds 160 km per round trip. | \$180 | 2680 |
| • Billable for each half day you remain at the hearing location. | \$180 | 2700 |
| • Provide your destination and travel date. | | |

Cautions

- ➡ To bill travel fees, you must have prior authorization. If “authorized” does not appear beside “Travel” under the “Conditions of Referral” on your referral form, apply to the LSS Appeals Section for authorization.
- ➡ The maximum travel and out-of-office fee on one date is \$360, unless you bill other services for the same day.
- ➡ The maximum travel and out-of-office fee for a day for which you bill other services is \$180.
- ➡ Travel fees are paid per trip, not per client.

Administration fee (October 2005)

- | | | |
|---|-------------|-------------|
| • Billable once per referral to compensate for the administrative tasks associated with opening a file that are not otherwise covered under the tariff. | \$40 | 3500 |
| • Billable for all referrals that have not been final billed as of October 1, 2005. | | |
| • You do not need to record actual time in order to bill this item. | | |

Tariff item	Rates/Maximum billable hours	Tariff code
-------------	---------------------------------	----------------

Visiting clients in custody (October 2005)

- | | | |
|--|-------------|-------------|
| <ul style="list-style-type: none"> • Billable once per referral when you visit a client in custody at a correctional or detention facility other than a holding facility at a courthouse. • Billable for all referrals that have not been final billed as of October 1, 2005. • Provide the visit date and the location where you visited the client. | \$90 | 2750 |
|--|-------------|-------------|

Cautions

- ➡ Do not bill this item for the same date with any other tariff item except **Travel**.
- ➡ Bill this item only once for any one date and location regardless of how many clients you visited.

Tariff item	Rates/Maximum billable hours	Family code	CFCSA code
-------------	------------------------------	-------------	------------

Family appeals, including CFCSA

Note: CFCSA appeal items have their own unique codes (the right-hand column). Please ensure you use the correct code when billing these appeals.

General preparation (June 2004)

- Billable per hour for general preparation or other work not specifically covered by another tariff item. **Up to 10 hours** **3608** **5509**
- Record the actual time spent as specified in your time records.

Opinion letters (January 2006)

- Billable per hour for preparing an opinion on the merit of an appeal. **Up to 5 hours** **3610** **5518**
- Record the actual time spent as specified in your time records.

Caution

- ➡ This item applies only when the referral specifically requests an opinion and does not apply to the general information letters requested with every appeal.
- ➡ This item must be authorized and may only be approved when the appeal lawyer is not the same as the trial lawyer.

Correspondence and communications (June 2004)

- Billable per hour for all correspondence and communications services you provide on family appeals. **Up to 5 hours** **3623** **5526**
- Record the actual time spent as specified in your time records.

Tariff item	Rates/Maximum billable hours	Family code	CFCSA code
-------------	------------------------------	-------------	------------

Preparation for an appeal in the BC Supreme Court (June 2004)

- | | | | |
|--|-----------------------|-------------|-------------|
| <ul style="list-style-type: none"> • Billable per hour for preparing all appeals and judicial review applications in the Supreme Court of BC. | Up to 25 hours | 3642 | 5546 |
| <ul style="list-style-type: none"> • Additional preparation time is billable if you were not involved in the proceedings appealed from. | Up to 6 hours | 3658 | 5551 |
| <ul style="list-style-type: none"> • Record the actual time spent as specified in your time records. | | | |

Caution

- A new lawyer in the same law firm or sharing office space with the previous lawyer cannot bill the additional preparation time for a new lawyer in the appeal.

Attendance at an appeal in the BC Supreme Court (June 2004)

- | | | | |
|--|--------------------|-------------|-------------|
| <ul style="list-style-type: none"> • Billable per hour when you appear in court for the hearing of the appeal or application. | Actual time | 3667 | 5562 |
| <ul style="list-style-type: none"> • Billable per hour when you appear in Provincial Court to stay an order pending the appeal or application. | | | |
| <ul style="list-style-type: none"> • Provide the hearing date and the amount of time spent in court. | | | |
| <ul style="list-style-type: none"> • Bill the actual time spent as specified in your time records, from the time the hearing was scheduled to begin to its conclusion, excluding meal breaks. | | | |

Cautions

- Applications to adjourn are not considered a hearing of the appeal. Bill the time you spend attending these under **General preparation**.
- If matters are scheduled on the same day for more than one client, distribute the waiting time in court equally between the clients. Do not bill this time more than once.

Tariff item	Rates/Maximum billable hours	Family code	CFCSA code
-------------	------------------------------	-------------	------------

Preparation for proceedings in the BC Court of Appeal (June 2004)

- | | | | |
|---|-----------------------|-------------|-------------|
| <ul style="list-style-type: none"> • Billable per hour when you prepare for any proceeding in the BC Court of Appeal. • Record the actual time spent as specified in your time records. | Up to 30 hours | 3718 | 5615 |
|---|-----------------------|-------------|-------------|

Attendance at proceedings in the BC Court of Appeal (June 2004)

- | | | | |
|---|--------------------|-------------|-------------|
| <ul style="list-style-type: none"> • Billable per hour when you appear in court for the hearing of the appeal or application. • Provide the hearing date and the time spent in court. • Bill the actual time spent as specified in your time records, from the time the hearing was scheduled to begin to its conclusion, excluding meal breaks. | Actual time | 3730 | 5637 |
|---|--------------------|-------------|-------------|

Cautions

- ➡ Applications to adjourn are not considered a hearing of the appeal. Bill the time you spend attending these under **General preparation**.
- ➡ If matters are scheduled on the same day for more than one client, distribute the waiting time in court equally between the clients. Do not bill this time more than once.

Tariff item	Rates/ Maximum billable hours	Family code	CFCSA code	Immigration code
-------------	-------------------------------------	----------------	---------------	---------------------

Preparation for an appeal in the Supreme Court of Canada (June 2004)

Note: Immigration appeal items have their own unique codes (the right-hand column). Please ensure you use the correct code when billing these appeals.

- | | | | | |
|---|---------------------|-------------|-------------|-------------|
| • Billable per hour when you prepare for a leave to appeal application. | Up to 20 hrs | 3740 | 5641 | 1380 |
| • Billable per hour when you prepare for the appeal hearing. | Up to 35 hrs | 3753 | 5655 | 1384 |
| • Record the actual time spent as specified in your time records. | | | | |

Caution

- ☞ If the motion for leave to appeal and the hearing of the appeal are heard on the same day, bill preparation and attendance fees for the appeal only.

Attendance at an appeal in the Supreme Court of Canada (June 2004)

- | | | | | |
|--|--------------------|-------------|-------------|-------------|
| • Billable per hour when you appear in court for the hearing of the appeal or application. | Actual time | 3770 | 5674 | 1399 |
| • Provide the hearing date and the time spent in court. | | | | |
| • Bill the actual time spent as specified in your time records, from the time the hearing was scheduled to begin to its conclusion, excluding meal breaks. | | | | |

Tariff item	Rates/Maximum billable hours	Family code	CFCSA code
-------------	------------------------------	-------------	------------

Travel (June 2004)

- | | | | |
|---|--------------|-------------|-------------|
| <ul style="list-style-type: none"> • Billable per half day of travel to or from a hearing or to interview a client in custody if the trip exceeds 160 km per round trip. | \$180 | 3780 | 5682 |
| <ul style="list-style-type: none"> • Billable for each half day you remain at the hearing location. | \$180 | 3785 | 5693 |
| <ul style="list-style-type: none"> • Provide your destination and travel date. | | | |

Cautions

- ➡ To bill travel fees, you must have prior authorization. If “authorized” does not appear beside “Travel” under the “Conditions of Referral” on your referral form, apply to the LSS Appeals Section for authorization.
- ➡ The maximum travel and out-of-office fee on one date is \$360, unless you bill other services for the same day.
- ➡ The maximum travel and out-of-office fee for a day for which you bill other services is \$180.
- ➡ Travel fees are paid per trip, not per client.

Administration fee (October 2005)

- | | | | |
|---|-------------|-------------|-------------|
| <ul style="list-style-type: none"> • Billable once per referral to compensate for the administrative tasks associated with opening a file that are not otherwise covered under the tariff. | \$40 | 3600 | 5610 |
| <ul style="list-style-type: none"> • Billable for all referrals that have not been final billed as of October 1, 2005. | | | |
| <ul style="list-style-type: none"> • You do not need to record actual time in order to bill this item. | | | |

Immigration appeals

Note: For appeals in the Supreme Court of Canada, see Family appeals.

Stay applications in Federal Court (June 2004)

- Billable per hour for preparing an application in Federal Court to stay a removal order. **Up to 15 hours** **1879**
- Record the actual time spent as specified in your time records.

Preparation for a judicial review in the Federal Court or BC Supreme Court or an appeal in the Federal Court of Appeal (June 2004)

- Billable when you prepare applications for judicial review to the Federal Court or BC Supreme Court, or appeals to the Federal Court of Appeal.
- Billable per hour for preparing an opinion letter and notice of application for leave. **Up to 1 hour** **1248**
- Billable per hour for preparing for leave to apply for judicial review. **Up to 20 hours** **1271**
- Billable per hour for preparing for a judicial review when leave is granted. **Up to 10 hours** **1297**
- Record the actual time spent as specified in your time records.

Caution

- ➡ You must have specific authorization to bill this item.

Attendance at a judicial review in the Federal Court or BC Supreme Court or an appeal in the Federal Court of Appeal (June 2004)

- Billable per hour for attending at the Federal Court or BC Supreme Court, or Federal Court of Appeal for the hearing of the appeal or application. **Actual time** **1313**
- Provide the attendance dates.
- Bill the actual time spent as specified in your time records, from the time the hearing was scheduled to begin to its conclusion, excluding meal breaks.

Tariff item	Rates/Maximum billable hours	Tariff code
-------------	------------------------------	-------------

Application to reopen/reinstate a proceeding before the Immigration and Refugee Board (IRB) (June 2004)

- | | | |
|---|----------------------|-------------|
| <ul style="list-style-type: none"> • Billable per hour for an application to reopen or reinstate a proceeding before the IRB. • Bill the actual time spent as specified in your time records. | Up to 5 hours | 1342 |
|---|----------------------|-------------|

Submissions to Canada Immigration (February 2005)

- | | | |
|--|----------------------|-------------|
| <ul style="list-style-type: none"> • Billable per hour when you prepare submissions to the minister. • Record the actual time spent as specified in your time records. | Up to 5 hours | 1582 |
|--|----------------------|-------------|

Appeals in the Supreme Court of Canada (June 2004)

For appeals in the Supreme Court of Canada, please refer to the **Family appeals** section. You must have prior authorization from the LSS Appeals Section at the Vancouver Regional Centre.

Travel (June 2004)

- | | | |
|---|--------------|-------------|
| <ul style="list-style-type: none"> • Billable per half day of travel to or from a hearing or to interview a client in custody if the trip exceeds 160 km per round trip. | \$180 | 1368 |
| <ul style="list-style-type: none"> • Billable for each half day you remain at the hearing location. | \$180 | 1379 |
| <ul style="list-style-type: none"> • Provide your destination and travel date. | | |

Cautions

- ➡ To bill travel fees, you must have prior authorization. If “authorized” does not appear beside “Travel” under the “Conditions of Referral” on your referral form, apply to the LSS Appeals Section for authorization.
- ➡ The maximum travel and out-of-office fee on one date is \$360, unless you bill other services for the same day.
- ➡ The maximum travel and out-of-office fee for a day for which you bill other services is \$180.
- ➡ Travel fees are paid per trip, not per client.

Tariff item	Rates/Maximum billable hours	Tariff code
-------------	------------------------------	-------------

Administration fee (October 2005)

- | | | |
|---|-------------|-------------|
| <ul style="list-style-type: none"> • Billable once per referral to compensate for the administrative tasks associated with opening a file that are not otherwise covered under the tariff. • Billable for all referrals that have not been final billed as of October 1, 2005. • Provide your destination and travel date. | \$40 | 1200 |
|---|-------------|-------------|

Visiting clients in custody (October 2005)

- | | | |
|--|-------------|-------------|
| <ul style="list-style-type: none"> • Billable once per referral when you visit a client in custody at a correctional or detention facility other than a holding facility at a courthouse. • Billable for all referrals that have not been final billed as of October 1, 2005. • Provide the visit date and the location where you visited the client. | \$90 | 1385 |
|--|-------------|-------------|

Cautions

- ➡ Do not bill this item for the same date with any other tariff item except **Travel**.
- ➡ Bill this item only once for any one date and location regardless of how many clients you visited.

4. Appeals and Judicial Reviews Tariff

Guide to Billing (January 2006)

Important

- If you use our E-billing service to bill your legal aid accounts online, go to the [Lawyer e-services login](#) on the LSS website. If you don't already have an online account and would like one, go to www.lss.bc.ca, click the "For lawyers" button, choose "Lawyer e-services log-in" from the menu, then click the "Register now!" link at the top of the screen.
- A master copy of the billing forms and the January 2006 revisions to the [Guide to Legal Aid Tariffs](#) are available in PDF on the LSS website at www.lss.bc.ca under "For lawyers." A copy of the **Criminal Appeal Billing Form** appears at the end of this **Guide to Billing**. All [billing and authorization forms](#) and completion instructions for the forms can also be found at www.lss.bc.ca under "For lawyers" (click "Online resources," then "Forms"). Please print these originals and photocopy them as required.
- Please submit a billing form, even if you are not claiming legal fees or disbursements, to inform LSS of the result for your client and allow LSS to close the case on the computer system.
- Use the **Criminal Appeal Billing Form** described in this section for all criminal appeals. For other types of appeals, use the forms and **Guides to Billing** that appear at the end of the appropriate tariff.
- You may submit interim accounts if —
 - the legal fees total \$500 or more; or
 - disbursements total \$300 or more; or
 - you have changed law firms.
- You are encouraged to submit interim accounts in appeal matters, even though a decision has not yet been reached.
- Enter the correct tariff codes on the billing form to speed the processing of your account.
- Enter dollars and cents for all amounts.
- The underlined letter/number combination before each instruction corresponds to the circled letter/number(s) on the sample billing form shown on the page opposite the instructions.
- Make sure you enter all hearing file numbers on the billing form.
- Legal fees are billable at the rate of \$80 per hour, except where a flat rate applies.
- Provide the actual time spent for each item, even if it exceeds the maximum time billable. This information is used for possible tariff revisions. (The maximum limits are not minimum fees.)
- A new application for legal aid is required for all appeals, judicial reviews, or submissions. Apply directly to the LSS Appeals Section at the Vancouver Regional Centre.

Criminal Appeal Billing Form (February 2005)

CA-1 **Case no.:** The Case Management System (CMS) assigns this seven-digit number and prints it in the top right corner of the referral form. Copy the case number from your referral form. Use this number on all correspondence with LSS.

CA-2 **Referral no.:** The Case Management System assigns this number and prints it in the top left corner of the referral form. Copy the referral number printed under “REF/NO.” (second item from the left under “Reference”) on your referral form. Use this number on all correspondence with LSS.

CA-3 **Lawyer:** Enter your name. This name should be the same as the one printed on the upper left side of your referral form (under “Reference”).

CA-4 **Lawyer vendor no.:** Enter your six-digit LSS vendor number. Your vendor number also appears beside “Counsel” under your name, address, and telephone/fax numbers on your referral form. If the vendor number here does not match the one on your referral form, your account will not be paid.

CA-5 **Client name:** Enter your client’s name. Verify that the name matches the client name printed on the upper right side of your referral form. If it does not match, contact the referring office or the LSS Appeals Department before billing.

CA-6 **Date of assignment:** Enter the date of assignment shown at the top of your referral form.

CA-7 **Co-accused case no(s):** Although you may have clients who have been separately referred, if they are jointly charged on a single Information/Indictment, they are considered co-accused. See all of the rules concerning co-accused in the **General Tariff Information** section of the **Criminal Tariff**.

Copy the seven-digit CMS case number of any co-accused you are representing from the top right corner of the co-accused’s referral form.

Individuals who are jointly charged remain co-accused through all sentencing and disposition review hearings, except bail matters on separate half days. Full legal fees are payable for the first client, and a maximum of a single half fee is payable for all additional co-accused, regardless of how many additional co-accused there are.

CA-8 **Court level:** Enter the appropriate court level number from the box above this column.

CA-9 **Court file #:** Enter the court file number for the hearing you are attending or preparing for. LSS requires this number for auditing purposes.

CA-10 **Offence code:** Enter the offence code. See **Categories of Offences** in the **Criminal Tariff** for the correct codes.

CA-11 **Offence date:** It is very important that you enter the day, month, and year.

CA-12 **Court location:** Enter the court location code. See **Court location codes** at the end of this **Guide to Billing** for the appropriate number. LSS requires this number to verify court attendance and preparation.

CA-13 **Results — Leave to appeal:** Enter the appropriate result code number from the “Result codes” box above this column.

CA-14 **Results — Appeal:** Enter the appropriate result code number from the “Result codes” box above this column.

CA-15 **Early termination:** If the case terminated early, tick the box that most accurately describes the reason for the referral’s early termination. “Client no-show” includes the client’s failure to contact you.

CA-16 **Service date:** If applicable, enter the date you performed the service you are listing.

Note: This form has enough space to list eight items; if you have more than eight items, submit separate forms to complete your billing.

CA-17 **½ days/am/pm:** Tick am, pm, or both to indicate when you performed the service.

CA-18 **Service provider* — Status:** If someone other than the assigned lawyer performed the service, enter an initial to indicate his or her status (e.g., lawyer [L] or articling student[A]). If you are not the lawyer to whom the referral was issued, contact the referring office or the LSS Appeals Department before billing.

CA-19 **Service provider* — Vendor #:** If a lawyer other than the assigned lawyer performed the service, enter his or her LSS vendor number. If you are not the lawyer to whom the referral was issued, contact the referring office or the LSS Appeals Department before billing.

CA-20 **Description of service:** Enter a description of the service performed. Use the descriptions given in the tariff section, wherever possible, to avoid confusion.

CA-21 **Tariff code:** Enter the appropriate tariff code for the service you are billing for. The tariff codes are listed beside the tariff descriptions in the **Appeals and Judicial Reviews Tariff**.

CA-22 **Time (Hrs/10ths):** Record the actual time spent, in hours and tenths of hours, but bill only up to the maximum hours allowed by the appropriate tariff item.

CA-23 **Fees claimed:** Enter the appropriate tariff rate (see the **Appeals and Judicial Reviews Tariff** for rates) or multiply the time spent by the hourly tariff rate, whichever applies. Enter the totals for each item in this column.

CA-24 **Total hrs.:** Add all hours and tenths listed in the column above and enter the total.

CA-25 **LSS total:** Add all legal fees listed under **Fees claimed** and enter the LSS total.

CA-26 **Lawyer use only:** (optional) Copy the **LSS total** to the top of this box to calculate GST and reductions (for your records only — the LSS computer automatically calculates GST/reductions). Do not deduct these amounts from the LSS total in CA-25.

CA-27 **Signature:** Read the statement and sign the declaration. Your signature is your representation that, among other things, you performed the services billed on the dates indicated and that you are entitled to payment. See the **General Terms and Conditions** for more information. LSS will return the billing form if you have not signed it.

CA-28 **Date of last service to client:** Enter the date on which you performed the last billable service for your client. You must bill for services within six months of the last service date or you will not be paid.

CA-29 **Billing date:** Enter the date on which you are submitting this account.

CA-30 **Lawyer's GST reg. number:** Enter your GST registration number; the Canada Revenue Agency requires this.

Court location codes (February 2005)

Court description	Court code	Court description	Court code	Court description	Court code
100 Mile House	1917	Gold River	1057	Penticton	1628
Abbotsford	1354	Golden	1487	Port Alberni	1099
Agassiz	3020	Grand Forks	1495	Port Coquitlam	1297
Alert Bay	1008	Greenwood	1503	Port Hardy	1107
Alexis Creek	1701	Hope	1313	Powell River	1214
Anaheim Lake	1719	Houston	1826	Prince George	1933
Ashcroft	1404	Hudson Hope	1834	Prince Rupert	1941
Atlin	1727	Invermere	1511	Princeton	1636
Bella Bella	1164	Kamloops	1529	Queen Charlotte City	1958
Bella Coola	1172	Kaslo	1537	Quesnel	1966
Blue River	1412	Kelowna	1545	Revelstoke	1644
Burnaby	1271	Kimberley	1552	Richmond	1222
Burns Lake	1735	Kitimat	1842	Rossland	1651
Campbell River	1016	Klemtu	3012	Salmo	1669
Cassiar	1743	Ladysmith	1065	Salmon Arm	1677
Castlegar	1420	Langley	1339	Sechelt	1230
Chase	1438	Lillooet	1560	Sidney	1115
Chetwynd	1750	Lower Post	1859	Smithers	1974
Chilliwack	1289	Lytton	1578	Sparwood	1685
Clearwater	1446	Mackenzie	1867	Squamish	1248
Colwood	1321	Maple Ridge	1347	Stewart	1982
Courtenay	1024	Massett	1875	Surrey	1388
Cranbrook	1453	McBride	1883	Tahsis	1123
Creston	1461	Merritt	1586	Terrace	1990
Dawson Creek	1768	Mission	1362	Tofino	1131
Dease Lake	1776	Nakusp	1594	Tumbler Ridge	3038
Delta	1305	Nanaimo	1073	Ucluelet	1149
Duncan	1032	Nelson	1602	Valemont	2006
Fernie	1479	New Aiyansh	1891	Vancouver	1255
Fort Nelson	1784	New Hazelton	1909	Vanderhoof	2014
Fort Simpson	1925	New Westminster	1370	Vernon	1693
Fort St. James	1792	North Vancouver	1180	Victoria	1156
Fort St. John	1800	Ocean Falls	1198	West Vancouver	1263
Fort Ware	3046	Oliver	1610	White Rock	1396
Fraser Lake	1818	Parksville	1081	Whitehorse	3053
Ganges	1040	Pemberton	1206	Williams Lake	2022

Outside British Columbia

Supreme Court of Canada	4010	All other out-of- province matters	4050
----------------------------	------	---------------------------------------	------

