

Six-Month Billing Rule

As you know, the Legal Services Society (LSS) reserves the right to refuse to pay any accounts received more than six months after either the conclusion or abandonment of a case, or after the date upon which the referral lawyer ceased representing the client. In accordance with the definition set out in the “General Terms and Conditions” to the *Guide to Legal Aid Tariffs*, dated January 1999, LSS treats the last service date as “the date a referral lawyer last performed a legal service billable according to the tariff contract.” When you bill an account, you enter this date into a box that appears on all billing forms to the right of the signature block. Accordingly, we calculate the six-month period for submission of an account from this date.

In cases where your client disappears or does not give you further instructions, we recommend that you submit an interim account, even if you wish to keep the file open. Please submit your account in the usual fashion, even if the amount of fees or disbursements is less than that required for interim billing purposes.

Sometimes an account is rendered within six months of the last date of service, but that six-month period expires before LSS can review the account. If you submit an account within the six-month period, but have not heard from us (in the form of either payment or a billing inquiry) within 90 days, we recommend that you contact us.

We have noticed when reviewing such cases that sometimes lawyers await the outcome of a number of referrals for the same client before billing the file. We recommend that even if you have multiple referrals, especially in cases where there are joint issues with both CFCSA and FRA referrals, you keep your billing current and submit accounts at least every six months.

To help us pay you more quickly, when we send you a billing inquiry, we ask that you please respond in a timely way. We draw your attention to item 48 of the “General Terms and Conditions,” which states that “LSS may refuse to pay a referral lawyer’s accounts if, upon request, the referral lawyer fails to provide, within 30 days, adequate documentation confirming legal fees and disbursements.”

Finally, if you are aware that any of your files contravenes the six-month rule, please submit it immediately, along with a letter of explanation to the attention of the Senior Tariff Accounts Examiner.

Mark Benton
Director of Tariff

Nancy Peck
Director of Finance