

# **Pro Bono Tariff**

November 1985

This booklet should be used as a guide by counsel in billing the Legal Services Society for disbursements, and in forms completion in pro bono matters. It contains excerpts from the standard tariff booklet of the Society, modified in part to reflect the situations pro bono counsel may encounter. If the directions do not adequately address any questions you might have, please feel free to contact the referring or head office of the Legal Services Society. Counsel is reminded that no fee is paid by the Society in pro bono matters.

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#### GENERAL INFORMATION ON FINANCIAL ELIGIBILITY AND LEGAL AID COVERAGE

# 1. Financial Eligibility

Before clients are referred to lawyers, the clients must demonstrate to the Society, through an eligibility test, that they are financially eligible for assistance. The Society is quite prepared to review its decision at any time.

Where counsel consider that clients may be able to pay some or all fees, or should no longer be receiving legal aid, they should contact the referring office to ask that the legal aid appointment be reviewed, revoked or modified.

## Private Billing

Counsel are reminded that when a referral from the Legal Services Society is accepted, Ruling G-8 of the Professional Conduct Handbook strictly limits:

- a) Any fees counsel may receive from the client;
- b) Entering into any fee arrangement with the client;
- c) The disposition of funds received on the client's behalf.

Nonetheless, counsel are encouraged to discuss contingency or other fee agreements with the client. Requests for authorization to bill privately should be directed to the nearest Legal Services Society branch office or Head Office. The request should specify the reason why a private retainer is appropriate. The Legal Services Society requires that any amount recovered will be applied to disbursements incurred on the file prior to any distribution of proceeds.

Any funds paid over to counsel on behalf of a client should be held in trust until final authorization to bill privately is obtained. Counsel should be aware that clients are normally allowed 30 days within which to appeal a decision of the Legal Services Society to allow private billing.

It is not intended to deny the client or counsel the right to tax a private account before the Registrar, pursuant to the Barrister and Solicitors' Act, once the consent of the Society has been given.

# Claiming Costs

Where provided for, costs must be claimed and are not to be waived in any action without the written consent of the referring office. When claiming costs please include disbursements which have been paid directly by the Legal Services Society (e.g. transcripts) and disbursements paid to counsel on all previous L.S.S. tariff bills. The amounts paid may be ascertained from the Tariff Accounts Department.

## 4. Taxing and Collecting Costs

All reasonable efforts should be made to collect costs which are awarded. If costs are awarded a copy of the Certificate of costs must accompany the completed billing form.

Notwithstanding Section 12 of the Legal Services Society Act, which deems costs to be the property of the Society, counsel acting on behalf of a legally aided client for the entire case may elect to collect and retain costs. If you wish to retain costs, please deposit the funds received for costs in your trust account and render your completed billing form to the Society with a written request to Legal Services Society to retain costs. We will advise you in writing if and when the funds may be released.

## 5. Appeals and Extraordinary Remedies in Civil Matters

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 extraordinary remedies, or for appeals should be made to the Appeals Committee, Legal Services Society, Suite 300, Box 3, 1140 W. Pender St., Vancouver, B.C. V6E 4G1, telephone 660-4600.

#### B. INFORMATION ON TARIFF ACCOUNTS

# 1. Disbursements in Exceptional Circumstances

Amounts allowed by this tariff for disbursements may be varied in exceptional circumstances not otherwise provided for by this publication. Requests for variations must be made in writing to the Tariff Accounts Department. All requests for increased disbursements must be made before the disbursements are incurred.

## 2. Disbursements: Contribution by Client

Clients will be advised by the Legal Services Society that they will be required to pay for whatever portion they can of the disbursements in their case. They will be told to make any payments for disbursements to counsel handling the case.

# 3. Authorization for Transcripts or Court Reporter's Attendance

Prior written authority to order transcripts or to authorize the attendance of the Court Reporter must be obtained from the Legal Services Society. For authority to order a <u>daily transcript</u> of a trial or <u>expedited transcripts</u>, you must contact Jacine Levan at the Legal Services Society head office, phone 660-4600. Authorization must be obtained from the local referring office for the original transcript and a copy of an Examination For Discovery of another party, as well as for a copy of the transcript of the Examination of your own client. For requests in relation to appeals, call the Appeals Coordinator at Legal Services Society head office (660-4600).

#### 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.

## Effective date of Referral

The Society will not pay for disbursements incurred prior to the date of assignment shown at the top of the referral form except where such disbursements have been authorized in writing by the referring office.

Please ensure that written authorization for disbursements incurred prior to the date of assignment of the referral is included with your billing form.

#### 6. Interim Accounts

Interim Accounts for disbursements in Pro Bono matters will be processed by the Legal Services Society at the request of counsel. Subsequent billing forms should be requested from original referring office.

#### 7. Submission of Referral Forms

Please submit your final account for payment of disbursments within 6 months of the last service date. The Legal Services Society must be able to forcast its expenditures with a reasonable degree of accuracy in order to ensure that funds are available to pay accounts in a timely manner.

# 8. Referrals Involving Travel

Disbursements for meals, meterage and accommodation may be billed as set out in the DISBURSEMENTS section where counsel are required to travel outside their community.

# 9. <u>Information and Assistance</u>

For information and assistance concerning any matter please contact the nearest Legal Services Society office.

# 10. Private Process Serving

Please refer to the Legal Services Society Notice to Referral Counsel for standard Process Serving billing procedures which will be included with your billing form.

#### 11. User Fee

In many cases, the referring office will request that the client pay a User Fee to that office. This will be either \$10.00 if the client is on Social Assistance or \$30.00 if the client's income is higher. You are not expected to collect the user Fee.

#### 12. Extent of Authorization

Normally, counsel are authorized to incur disbursements for those matters listed at the top of the referral form. If more work needs to be done, contact the referring office. If you are given authorization for the disbursements for additional work, the referring office will advise you on how to bill.

#### 13. Change of Lawyer

The referring office should be contacted where the lawyer submitting the bill is not the lawyer named at the top of the form otherwise payment will be made to the lawyer named at the top of the form.

#### 14. Billing Procedures

For information or assistance on tariff accounts generally please contact the Tariff Accounts Department of the Legal Services Society, Suite 300, Box 3, 1140 W. Pender Street, Vancouver, B.C. V6E 4G1. Assistance is available between the hours of 10:00 a.m. and 4:00 p.m. at 660-4600.

#### PLEASE REMEMBER:

- Attach all letters of authorization to the billing form and all receipts for disbursements greater than \$100.00 (except meterage and photocopying) when you are submitting it to the L.S.S. for payment.
- Please return ALL referral forms whether used or not, to L.S.S. head office, indicating why no account is being rendered.
- Quote the L.S.S. 7 digit file number on ALL correspondence with offices of the Legal Services Society or its funded agencies.
- Ensure that the lawyer number that appears at the top of the referral form is your lawyer number.

#### C. DISBURSEMENTS

#### Notes

- A) In general counsel may incur necessary and usual disbursements up to a total of \$200 (beyond those under Item 7, below) without prior authorization of the Society. Totals in excess will require the prior authorization of the Tariff Accounts Department.
- B) 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 for items exceeding \$100 and copies of special authorization letters must accompany the account.

# 2. Travel [Code]

At 16¢ per km. for automobile travel <u>only when</u> the destination is outside the city or municipality where counsel practices.

(Provide date, destination, and distance)

Bus, Train, Ferry and Air Fares - Prevailing economy rates apply

#### Accommodation

Actual cost up to \$40.00 per night [661]

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[562]

#### 4. Meals

Up to \$5.00 for breakfast [463]
\$6.00 for lunch
\$11.00 for dinner,
May be claimed only if case is out of town (80 kilometers one way) or if
late-sitting is required.

#### 5. Transcripts & Court Reporters

# a) <u>Authorization for Transcripts and Court Reporters Attendance</u>

You must obtain authorization to incure transcript disbursements prior to incurring disbursement. For authority to order daily transcripts of a trial or expedited transcripts, you must contact Jacine Levan at the L.S.S. head office, phone 660-4600. Authorization must be obtained from the local

referring office for the original transcript and a copy of the Examination for Discovery of another party as well as for a copy of the transcript of the Examination of your own client. For requests in relation to appeals, call the Appeals Coordinator at L.S.S. head office (660-4600).

b) Transcript proceedings outside of B.C. - Accounts should be paid by counsel and claimed as a disbursement. If the cost will exceed \$100, obtain prior authorization from the Tariff Accounts Department

[646]

#### 6. Service of Documents

a) For service in B.C. please refer to enclosed Notice to Counsel

[240]

b) For service of documents outside of B.C., use local government service if possible. Otherwise, use private process serving.

[174]

# 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) <u>Medical Examinations</u>, 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

[638]

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

[125]

- b) Medical Testimony at Trial Authority of the Tariff Accounts Department required except as specified under (a)
  - i. Medical Specialists \$50 per hour to a maximum of \$250 per day

[232]

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

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

[257]

8.

9.

d) Proceedings Out of Town - Where an expert must attend proceedings out of town, authority for reports, fees and travel disbursements should be [588] obtained from the Tariff Department Skip Tracing Accounts should be paid by counsel and claimed as a disbursement. If the cost [356] will exceed \$100, obtain prior authorization from the Tariff Accounts Department Interpreting A) Language Interpretation For plaintiff or respondent in Provincial Court: Free on notice to Court Administrator. For parties in County or Supreme Court, and for other individuals at b) all court levels: i) Greater Vancouver Area: Apply for free or nominal charge service [877] to MOSAIC. 1161 Commercial Drive Vancouver, B.C. 254-9626 ii. Elsewhere: Contact the Certified Legal Interpreters of B.C. or the B.C. Professional Legal Interpreters and ask for legal aid rate, or other local agency and pay fee. If the fee is to exceed \$80, obtain prior authorization from the Tariff Accounts Department [877] B) Hearing Impaired Greater Vancouver Area Apply to Western Institute for the Deaf, 2125 West 4th Ave, Vancouver, B.C. V6K 1X9 736-7391 ii. Elsewhere: Retain local expert and pay fee and claim as a Disbursement. If the fee is to exceed \$80, obtain prior

authorization from the Tariff Accounts Department.

[877]

10.	Photocopying	
	25¢ per page	[471 ]
11.	Special Delivery/Registered Mail	
	Claim at cost for Special Delivery or Registered Mail	[869]
	There is no reimbursement for normal post office mail charges.	
12.	Telephone Calls	
	Long distance calls only, at cost	[836]
13.	Courier Services	
	For emergencies only - claim at cost	[893]
14.	Word Processing	
	The Society is not able to accept word processing as a disbursement	
15.	Witness Fees or Expenses	
	Apply by letter to Tariff Accounts Department. No applications for lost wages will be considered	[695]
16.	Filing Fees	
	Fees required to be paid to court or tribunal for filing documents should be billed. This does not include fee of a filing agency.	[398]
17.	Substitutional Service	,
	Tariff Accounts Department will approve minimum expenses necessary to comply with court order. (Attach copies of invoices.)	[133 ]
18.	<u>Other</u>	
	An expense not described above and exceeding \$50.00 requires prior authorization of the Tariff Accounts Department	[737 ]

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#### D. COMPLETING PRO BOND REFERRAL FORM

Numbers match circled numbers on form on facing page.

#### RECORD OF ACTION

#### 1. Problem Code

Please provide the appropriate code for the type of case from the list under the column headed "Problem"

#### 2. Services

Tick the box which indicates the single most significant service.

#### 3. Client Status

Tick the box which is most appropriate.

## 4. Litigation Detail

Tick the box which is most appropriate for "Forum", "Action", "Extent of Proceedings", and "Outcome of Proceedings".

## 5. Result for Client

Tick the box which most appropriately describes the result.

# 6. Court Location (Verify in all cases when court action occurred)

If court action occurred in a court different from the one indicated by the referring office, alter it appropriately.

# 7. Costs Awarded (Complete in all cases)

Counsel are expected to pursue costs in their clients' favour regardless of anticipated collection problems. The society may attempt to collect even if counsel can not. Enter the result of the costs decision as 'To Client', 'Against Client' or 'No Award'. If costs were awarded to client, enter the name, address and telephone number of the party against whom the costs were awarded. The Society asks that counsel pursue costs diligently and reserves the right to follow up on all uncollected awards.

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8. Total Awarded (Complete in all cases where costs were awarded)

Enter the total amount of costs awarded, including disbursements. Enter whole dollars only.

9. <u>Amount Collected</u> (Complete in all cases where costs have been awarded to the client and counsel has collected some or all of the award)

Enter the amount of costs and disbursements collected by counsel. This amount is to be deducted from counsel's account to the society; please complete and return the account to the Society even if the collected costs equal or exceed the amount otherwise payable by the society. The contained information is necessary for case closure purposes. Enter whole dollars only.

#### DISBURSEMENTS

10. Disbursements - Photocopying (Complete if claiming photocopying expenses reimbursement)

Enter the number of pages for which payment is being claimed and the amount claimed. The maximum allowable under the tariff is 25¢ per page. If your office normally charges less, use your office rate.

11. <u>Disbursements - Meterage</u> (Used to be called Mileage - Claim only where travel is necessary to the provision of referred services and where the destination is outside the city or municipality where counsel practices)

Enter the total number of kilometres travelled, the date(s) on which the trip(s) were undertaken and the destinations. The maximum allowable by the society is 16¢ per kilometre (25¢ per mile). Use your office rate if it is less. Enter the total amount in the space provided(12).

13. <u>Disbursements - Phone Calls</u> (Long Distance only - Claim when necessarily incurred to provide the referred service)

Enter the billed amount.

14. Other Disbursements (Claim when necessarily incurred to provide the referred service)

Refer to this booklet for allowable items, restrictions, codes and amounts. Enter dollars and cents. Items without codes will be rejected and will slow processing of the account. If space is insufficient, continue on an attached sheet ensuring that all required information is provided.

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LAWYER: SEND TO L.S.S. TARIFF ACCOUNTS FOR PAYMENT

# 15. Sub-Total - Disbursements (Complete when any Disbursements have been claimed)

Enter the total of all disbursements claimed. Be sure to include those recorded on any attached sheet. Enter dollars and cents.

# TOTAL ACCOUNT

16 - 21

## 16. Interim or Final

Indicate whether the billing is an interim or final account in box provided.

#### 17. No Account

Tick where Result for Client (above on form) is "Converted to Private Retainer", attach copy of LSS authorization letter and mail form to LSS Tariff Accounts. Tick "Other" if no disbursements are being claimed but ensure Record of Action is completed.

## 18. Disbursements Sub Total

Enter sum of Disbursements (box 15).

# 19. Less Contributions

Enter any amounts collected from client.

# 20. Less Costs Collected

Enter awarded costs and disbursements counsel has collected from other party.

# 21. Total

Subtract boxes 19 and 20 from box 18 and record the difference.

# 22. Hours of Work Required/Equivalent Value

Enter the total number of hours counsel worked on the case. Hours and tenths can be accommodated. Future versions will also provide a space for counsel to indicate the dollar value of the services rendered. The amount can be entered above the "hrs." line until them.

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## Lawyer

Print the lawyer's name in the space indicated. Enter the date that the bill/report is rendered (24). Sign the account where indicated (23). Leave space (25) blank.

#### Other Boxes on Form

LSS/CLO Use Only and File Supervised - these boxes are for LSS/CLO Use Only.

#### SUBMISSION OF ACCOUNT

Forms are to be completed and returned even if no account is being rendered. Mail the top two copies of the form to the head office of the Society:

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