

Appeals and Judicial Reviews Tariff



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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 Guides 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.
- For requests for extra fees or additional preparation, see **General Terms and Conditions**, items 41 and 42.

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

Criminal appeals

Bail pending appeal/Stay of sentence (June 2004)

- | | | |
|--|----------------------|-------------|
| <ul style="list-style-type: none"> • Billable per hour when you prepare for a bail hearing or stay of sentence pending a summary conviction appeal. | Up to 3 hours | 3230 |
| <ul style="list-style-type: none"> • 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 |
| <ul style="list-style-type: none"> • 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 |
| <ul style="list-style-type: none"> • 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 submissions to the minister following committal for extradition. | 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 waiting time more than once.

Preparation for a sentence appeal in the BC Court of Appeal (November 2006)

- | | | |
|--|-----------------------|-------------|
| • 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.
- Preparation time includes time spent on applications to extend time.

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 waiting time more than once.

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 waiting 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

- This item requires prior authorization from the LSS Appeals section at the Vancouver Regional Centre.
- 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 (November 2006)

- | | | |
|--|-----------------------|-------------|
| • 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 15 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.
- ➡ Preparation time includes time spent on applications to extend time.

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)

- | | | |
|---|--------------|-------------|
| <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 | 2680 |
| <ul style="list-style-type: none"> • Billable for each half day you remain at the hearing location. | \$180 | 2700 |
| <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 (April 2009)

- | | | |
|---|-------------|-------------|
| <ul style="list-style-type: none"> • This item has been eliminated and cannot be billed on referrals with a date of assignment after March 31, 2009. | \$40 | 3500 |
| <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. | | |

Tariff item

**Rates/Maximum
billable hours**

**Tariff
code**

Visiting clients in custody (October 2005)

- 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. **\$90** **2750**
- Provide the visit date and the location where you visited the client.

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 (November 2006)

- | | | | |
|--|-----------------------|-------------|-------------|
| <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.
- ➡ Preparation time includes time spent on applications to extend time.

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 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 waiting time more than once.

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

Preparation for proceedings in the BC Court of Appeal (November 2006)

- | | | | |
|---|-----------------------|-------------|-------------|
| <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. • Preparation time includes time spent on applications to extend time. | 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 waiting 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 (November 2006)

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.
- ➡ Preparation time includes time spent on applications to extend time.

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)

- | | | | |
|---|--------------|-------------|-------------|
| • 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 |
| • Billable for each half day you remain at the hearing location. | \$180 | 3785 | 5693 |
- 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 (April 2009)

- | | | | |
|---|-------------|-------------|-------------|
| • This item has been eliminated and cannot be billed on referrals with a date of assignment after March 31, 2009. | \$40 | 3600 | 5610 |
| • Billable once per referral to compensate for the administrative tasks associated with opening a file that are not otherwise covered under the tariff. | | | |

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 hearing date and 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 | 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 (April 2009)

- | | | |
|--|-------------|-------------|
| <ul style="list-style-type: none"> This item has been eliminated and cannot be billed on referrals with a date of assignment after March 31, 2009. Billable once per referral to compensate for the administrative tasks associated with opening a file that are not otherwise covered under the tariff. | \$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. 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 (November 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 at www.lss.bc.ca (Lawyers→Lawyer e-services). If you don't already have an online account and would like one, go to the Lawyers section of the LSS website.
- A master copy of the billing forms and the official version of the *Guide to Legal Aid Tariffs* are available in PDF on the LSS website at www.lss.bc.ca in the Lawyers section. 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 Lawyers→Forms & questionnaires.
- Please submit a billing form, even if you are not claiming 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 fees total \$500 or more; or
 - disbursements total \$300 or more; or
 - you have changed law firms.
- 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 LSS hourly rate, except where a block fee applies. Claim the Tier 1 rate on your billing form. When processing your account, LSS will automatically adjust the amount if you are eligible for Tier 2 or 3 rates.
- 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 Section 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 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 when you provide services to only one co-accused 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.

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 Section 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 Section 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 rate, whichever applies. Enter the totals for each item in this column. Claim the Tier 1 rate on your billing form. When processing your account, LSS will automatically adjust the amount if you are eligible for Tier 2 or 3 rates.

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 adjustments (for your records only — the LSS computer automatically calculates GST/adjustments). 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 (November 2006)

| 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 |
| Anahim 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 |
| Burns Lake | 1735 | Kimberley | 1552 | Richmond | 1222 |
| Campbell River | 1016 | Kitimat | 1842 | Rossland | 1651 |
| Cassiar | 1743 | Klemtu | 3012 | Salmo | 1669 |
| Castlegar | 1420 | Ladysmith | 1065 | Salmon Arm | 1677 |
| Chase | 1438 | Langley | 1339 | Sechelt | 1230 |
| Chetwynd | 1750 | Lillooet | 1560 | Sidney | 1115 |
| Chilliwack | 1289 | Lower Post | 1859 | Smithers | 1974 |
| Clearwater | 1446 | Lytton | 1578 | Sparwood | 1685 |
| Colwood | 1321 | Mackenzie | 1867 | Squamish | 1248 |
| Courtenay | 1024 | Maple Ridge | 1347 | Stewart | 1982 |
| Cranbrook | 1453 | Massett | 1875 | Surrey | 1388 |
| Creston | 1461 | McBride | 1883 | Terrace | 1990 |
| Dawson Creek | 1768 | Merritt | 1586 | Tofino | 1131 |
| Dease Lake | 1776 | Mission | 1362 | Tumbler Ridge | 3038 |
| Delta | 1305 | Nakusp | 1594 | Ucluelet | 1149 |
| Duncan | 1032 | Nanaimo | 1073 | Valemont | 2006 |
| Fernie | 1479 | Nelson | 1602 | Vancouver | 1255 |
| Fort Nelson | 1784 | New Aiyansh | 1891 | Vanderhoof | 2014 |
| Fort Simpson | 1925 | New Hazelton | 1909 | Vernon | 1693 |
| Fort St. James | 1792 | New Westminster | 1370 | Victoria | 1156 |
| Fort St. John | 1800 | North Vancouver | 1180 | West Vancouver | 1263 |
| Fort Ware | 3046 | Ocean Falls | 1198 | White Rock | 1396 |
| Fraser Lake | 1818 | Oliver | 1610 | Whitehorse | 3053 |
| Ganges | 1040 | Parksville | 1081 | Williams Lake | 2022 |
| | | Pemberton | 1206 | | |
| Outside British Columbia | | | | | |
| Supreme Court of Canada | 4010 | All other out-of- province matters | 4050 | | |