



LEGAL AID

NOVA SCOTIA

**Tariff
Reference Manual**

April 1, 2016

www.nslegalaid.ca

Please note that the Tariffs contained in this version of the Tariff Reference Manual have been approved by Order-in-Council #2006-54 effective February 10, 2006. The hourly rates have been amended effective May 1, 2014 as approved by Order-in-Council #2014-142. The mileage rate has been amended effective April 1, 2016. The Certificate Disbursement Approval form has been added as Appendix C. The Certificate Lawyer Standards effective September 1, 2013 has been added as Appendix D. The meal rates contained in Tariff 4 have been updated October 1, 2013.

FORWARD

The Nova Scotia Legal Aid Commission has prepared the Tariff Reference Manual for the direction and guidance of those members of the private Bar retained by the Commission to provide legal services to qualified Legal Aid applicants.

The Manual contains an appendix of forms used by the Commission in processing Certificate claims as well as instructions for their completion. Of particular importance is Section 4 of the Manual which sets out the current Tariff of Fees.

It is strongly recommended that the Manual be retained in your office for future reference. Please be sure to review the Manual each time you accept a Legal Aid Certificate as the contents of the Manual are incorporated by reference into the "Agreement" portion of the Certificate. You should ensure that you have the most recent copy of the Manual by confirming same with your local Legal Aid Office. Should the Tariff of Fees be updated or revised, you may obtain an updated copy from your local Legal Aid Office or from the "Certificate & AHTDC" section of the Nova Scotia Legal Aid Commission website (www.nslegalaid.ca).

DISCLAIMER

The Nova Scotia Legal Aid Commission was created by and functions under authority of the **Legal Aid Act**, Statutes of Nova Scotia 1977 c. 11 (revised 1989 c.252) and Regulations passed thereunder. If this Reference Manual conflicts with the **Act** or Regulations, the **Act** and Regulations as amended shall prevail.

INDEX

SECTION 1	LEGAL AID ACT REGULATIONS RESPECTING TARIFF OF FEES.....	3
SECTION 2	LEGAL AID CERTIFICATE	4
SECTION 3	REPORT AND ACCOUNT.....	5
SECTION 4	NSLAC TARIFF OF FEES.....	6
	Introduction.....	6
	Extension of Terms of Certificate.....	6
	Part 1 - Tariffs	
	Tariff 1: Tariff for Criminal Law Matters Involving Adults and Young Persons.....	8
	Tariff 2: Tariff for Family Law Matters.....	11
	Tariff 3: Tariff for Civil Law Matters.....	14
	Tariff 4: Tariff for Disbursements.....	15
	Tariff 5: Tariff for Matters Not Otherwise Provided for Herein.....	16

	Part 2 – Forms.....	17
SECTION 5	PARTY COSTS.....	18
APPENDIX A	- FORMS	19
	▪ Memo to Certificate Lawyer.....	20
	▪ Legal Aid Certificate.....	21
	▪ Legal Aid Report and Account.....	22
APPENDIX B	- NOVA SCOTIA LEGAL AID OFFICES.....	24
APPENDIX C	– DISBURSEMENT APPROVAL FORM	27
APPENDIX D	– CERTIFICATE LAWYER STANDARDS	29

SECTION 1 - *LEGAL AID ACT* REGULATIONS RESPECTING TARIFF OF FEES

TARIFF OF FEES

15 Where the Commission determines that legal aid should be provided by a lawyer in private practice who is to be compensated by the Commission, a certificate of eligibility shall be issued by the Commission.

Section 15 amended: O.I.C. 2006-54, N.S. Reg. 12/2006.

16 Compensation pursuant to a certificate of eligibility issued in a non-criminal matter shall be paid at the rate set out in the Tariff for Family Law Matters, as set out in Tariff 2 in Schedule "B".

Section 16 replaced: O.I.C. 2003-346, N.S. Reg. 142/2003; amended: O.I.C. 2006-54, N.S. Reg. 12/2006; amended: O.I.C. 2014-142, N.S. Reg. 55/2014.

17 Compensation pursuant to a certificate of eligibility issued in a criminal matter shall be paid at the rate set out in the Tariff for Criminal Law Matters Involving Adults and Young Persons, as set out in Tariff 1 in Schedule "B".

Section 17 replaced: O.I.C. 2003-346, N.S. Reg. 142/2003; amended: O.I.C. 2006-54, N.S. Reg. 12/2006; amended: O.I.C. 2014-142, N.S. Reg. 55/2014.

17A (1) The rate to be paid under a certificate of eligibility is the rate set out in the applicable tariff in force on the date the certificate is issued.

(2) The tariff in effect on the date the certificate is issued remains effective for that certificate until the services covered by that certificate are complete.

Section 17A added: O.I.C. 2006-54, N.S. Reg. 12/2006.

18 An account submitted by a lawyer in private practice may be taxed by the Executive Director who may determine the proper fees and disbursements to be paid by the Commission.

Section 18 amended: O.I.C. 2006-54, N.S. Reg. 12/2006.

19 A lawyer who is not satisfied with the determination of fees and disbursements may appeal to the Commission and the Commission may make a determination of proper fees and disbursements as the Commission sees fit.

Section 19 amended: O.I.C. 2006-54, N.S. Reg. 12/2006.

SECTION 2 - LEGAL AID CERTIFICATE

All counsel who agrees to act for a qualified Legal Aid applicant under the terms of a Legal Aid Certificate will receive in the mail a Legal Aid Certificate and Legal Aid Report and Account Form.

BEFORE COMMENCING WORK UNDER THE CERTIFICATE, PLEASE DO THE FOLLOWING:

1. Check to ensure that you have received the full forms. If any forms are missing, kindly call the issuing office immediately and you will be sent the complete documentation;
2. Next, please examine the Legal Aid Certificate closely. Is all of the information recorded in the Certificate correct? If not, kindly call the issuing office immediately with advice on the nature of the errors or omissions. If changes are necessary, you will be asked to return the forms and new forms will then be sent to you;
3. Finally, please take careful note of the conditions contained in Paragraphs 1 to 8 of the Certificate as well as any "SPECIAL CONDITIONS" set out in Paragraph 6. Paragraph 1 refers you to the Nova Scotia Legal Aid Tariff of Fees. You should examine carefully the Tariff for preparation times applicable to the authorized services in your Certificate, as well as the Tariff for disbursements. If you have any questions about the meaning of the Certificate conditions or the Tariff of Fees, please call the issuing office **BEFORE COMMENCING SERVICE UNDER THE CERTIFICATE**;
4. If you are unable to accept the conditions of the Certificate or the limits set out in the Tariff of Fees, please return the Certificate to the issuing office as soon as possible.

HAVING TAKEN THE ABOVE STEPS, PLEASE ADVISE THE ISSUING OFFICE OF YOUR WILLINGNESS TO PROVIDE SERVICE UNDER THE CERTIFICATE BY SIGNING AND RETURNING ONE COPY OF THE CERTIFICATE TO THE ISSUING OFFICE WITHIN THE TIME SPECIFIED IN CERTIFICATE PARAGRAPH 7. YOU MAY RETAIN THE OTHER COPY FOR YOUR RECORDS.

Please note that your acceptance of the Certificate constitutes the entire retainer agreement between the Lawyer and the Nova Scotia Legal Aid Commission. The Lawyer agrees to provide those services specified in the Certificate as being the only authorized services; the Lawyer also agrees to provide those services subject to the conditions set out in the Certificate and the Nova Scotia Legal Aid Tariff of Fees.

PLEASE NOTE THAT THE TARIFF STRICTLY LIMITS THE AMOUNT OF PREPARATION TIME AND DISBURSEMENTS THAT MAY BE INCURRED IN THE PERFORMANCE OF AUTHORIZED SERVICES.

SECTION 3 - REPORT AND ACCOUNT

Please note that in addition to the Certificate, you have been provided with a Report and Account form. This form is self-explanatory and has been composed specifically for the rendering of Certificate accounts.

To ensure quick payment of your account, please be sure to follow these instructions:

1. The account must be rendered on the Nova Scotia Legal Aid Report and Account form;
2. The Commission will only accept an Interim Report and Account, including disbursements, when the amount involved is \$800.00 or more due to the processing cost for smaller amounts;
3. Partial hours are to be charged in tenths of an hour;
4. The lawyer shall attach to the Report and Account form a detailed statement generated from their time-keeping system showing dates, the particulars of service and the time expended by date for all preparation, court, and travel time. Authorized disbursements will be reimbursed where supported by receipts showing Harmonized Sales Tax (HST);
5. The account should not exceed the hourly limits for preparation nor the limits imposed on disbursements set out in the Legal Aid Tariff. Should the account exceed the authorized limits, supporting documentation approving the amendment should be included with your account;
6. The account should be rendered by sending to the Issuing Office one copy of the Report and Account completed in full;
7. Receipts for all disbursements, any correspondence authorizing further extensions of the Certificate, and any letter/Certificate Disbursement Approval form (see Appendix C) of prior approval for any disbursement over \$200.00 should be attached.

SECTION 4 - NOVA SCOTIA LEGAL AID COMMISSION TARIFF OF FEES

Introduction

The Nova Scotia Legal Aid Tariff of Fees (NSLA Tariff) sets out limits on preparation times and disbursements that may be expended in rendering authorized services under a legal aid Certificate of eligibility (hereinafter referred to as "Certificate"). Please note that these limits are maximums, not block fees. Lawyers rendering an account may bill only for **actual** preparation times and **actual** disbursements.

The NSLA Tariff reflects fees customarily paid by a client of modest means. The fees and preparation times provided for in the NSLA Tariff apply to the authorized services covered by a Certificate. **However**, in certain exceptional circumstances, the Nova Scotia Legal Aid Commission may authorize issuing a Certificate that extends the terms of the original Certificate.

Extension of Terms of Certificate

Approval for an extension of the terms of a Certificate should be sought by the lawyer providing services under the Certificate **before** the limits contained in the Certificate have been exceeded. The approval should be sought by the lawyer providing services under the Certificate by writing to the office of the Nova Scotia Legal Aid Commission that issued the Certificate to explain why an extension of the terms of the Certificate is being sought.

If approval to extend the terms of a Certificate is not granted, the Nova Scotia Legal Aid Commission is not responsible for the payment of any account that exceeds the limits imposed by the Certificate or the NSLA Tariff.

In certain exceptional circumstances, the Nova Scotia Legal Aid Commission may approve an increase in preparation times allowed or in disbursement expenditures that exceed the strict maximums in the issued Certificate or in the NSLA Tariff.

If the Nova Scotia Legal Aid Commission approves a request for an increase in preparation times or in disbursement expenditures, then the Nova Scotia Legal Aid Commission must issue an amended Certificate in the matter, or a letter granting the increase in preparation times or disbursement expenditures that has been approved.

The NSLA Tariff is composed of the above Introduction and Extension of Terms of Certificate, and all of the following:

Part 1 - Tariffs

Tariff 1 - Tariff for Criminal Law Matters Involving Adults and
Young Persons

Tariff 2 - Tariff for Family Law Matters

Tariff 3 - Tariff for Civil Law Matters

Tariff 4 - Tariff for Disbursements

Tariff 5 - Tariff for Matters Not Otherwise Provided for Herein

Part 2 – Forms

PART 1 - TARIFFS

TARIFF 1 TARIFF FOR CRIMINAL LAW MATTERS INVOLVING ADULTS AND YOUNG PERSONS

Lawyer fees based on experience

- 1 (1) A lawyer will be paid for preparation time and court appearances at the rates set out in the following table, according to the number of years experience the lawyer has practising law as a member of the Nova Scotia Barristers' Society or an equivalent organization in another jurisdiction:

Years experience	Rate per hour
less than 5	\$70.00
5 or more	\$80.00
10 or more	\$95.00 for offences for which the mandatory sentence is imprisonment for life (e.g. murder)

- (2) In this Section, years of experience are calculated as of the date that the lawyer is retained for services under a Certificate.

Certificate covering multiple offences

- 2 The Commission may issue 1 Certificate covering multiple offences, with the terms of that Certificate being based on the most serious criminal offence charged, when a person is charged with multiple offences in relation to a set of events that are similar on some or all of the following characteristics:

- (a) date of alleged offence;
- (b) type of alleged offence;
- (c) location of alleged offence;
- (d) common purpose;
- (e) involvement of the same parties.

Travel allowance

- 3 An allowance of \$45.00 per hour, to a maximum of 6 hours per day, may be paid for time spent travelling a distance of 20 km or more, one way, if the lawyer satisfies the Commission that the travel is reasonable and necessary.

Supreme Court of Canada lawyer fees

- 4 Lawyer fees for hearings in the Supreme Court of Canada will be paid at the rates noted in Sections 1, 2 and 3 of this Tariff.

Court time maximums

- 5 A lawyer's fee for actual court time will be paid up to a maximum billing of 6 hours per day.

Preparation time maximums

- 6 A lawyer's fee for actual preparation time will be paid according to the authorized service and up to the maximum time limits as set out in the following table:

Tariff Item	Authorized Service	Maximum Hours
C.1	First degree and second degree murder punishable by mandatory life imprisonment	150
C.2	Homicide punishable by possible life imprisonment (e.g. manslaughter, criminal negligence causing death, impaired driving causing death)	75
C.3	Dangerous offender or long term offender application	100
C.4	Appeal to NS Court of Appeal on tariff items C.1, C.2 or C.3 matters	60
C.5	Electable indictable offence other than a hybrid offence for which the Crown proceeds summarily	15 (an additional 5 hours preparation time may be allowed if there is a preliminary hearing held)
C.6	Summary conviction offences including an absolute jurisdiction indictable offence and a hybrid offence for which the Crown proceeds summarily	4
C.7	Canadian Charter of Rights and Freedoms application arising in tariff items C.5 or C.6 only	15 (must be applied for and authorized by the Commission in writing in advance)
C.8	Appeal of conviction or conviction and sentence on tariff item C.5	25
C.9	Appeal of sentence on tariff item C.5	10
C.10	Appeal of conviction or conviction and sentence on tariff item C.6	13

Tariff Item	Authorized Service	Maximum Hours
C.11	Appeal of sentence on tariff item C.6	10
C.12	Application for leave to appeal to Supreme Court of Canada	60
C.13	Appeal to Supreme Court of Canada	40
C.14	YCJA application to determine whether a young person is liable to adult sentence	30
C.15	YCJA review of sentence	4
C.16	Independent legal advice or opinion – any offence (adult or young person)	1
C.17	Criminal Code Review Board matter	4 (may be increased to a maximum of 20 hours, depending upon the liberty interest involved, if approved by the Commission in advance)
C.18	Breach of a conditional sentence order	1 (may be increased to a maximum of 4 hours if approved by the Commission in advance)
C.25	Any other special matter – any offence (adult or young person)	as authorized by the Commission in advance

TARIFF 2 TARIFF FOR FAMILY LAW MATTERS

Lawyer fees based on experience

- 1 (1) A lawyer will be paid for preparation time and court appearances at the rates set out in the following table, according to the number of years experience the lawyer has practising law as a member of the Nova Scotia Barristers' Society or an equivalent organization in another jurisdiction:

Years experience	Rate per hour
less than 5	\$70.00
5 or more	\$80.00

- (2) In this Section, years of experience are calculated as of the date that the lawyer is retained for services under a Certificate.

Travel allowance

- 2 An allowance of \$45.00 per hour, to a maximum of 6 hours per day, may be paid for time spent travelling a distance of 20 km or more, one way, if the lawyer satisfies the Commission that the travel is reasonable and necessary.

Court time maximum

- 3 A lawyer's fee for actual court time will be paid up to a maximum billing of 6 hours per day.

Preparation time maximums

- 4 A lawyer's fee for actual preparation time will be paid according to the authorized service and up to the maximum time limits as set out in the following table:

Tariff Item	Authorized Service	Maximum Hours
<i>Maintenance and Custody Act</i>		
F.1	Uncontested application or uncontested application to vary	5
F.2	Contested custody, or contested custody and one or more contested issues of maintenance, access or paternity	12
F.3	One or more contested issues of maintenance, access, paternity or contested application to vary any of them	7

Tariff Item	Authorized Service	Maximum Hours
<i>Divorce Act</i>		
F.11	Divorce proceedings – minimal issues only	7
F.12	Divorce proceedings with contested custody or with contested custody plus one or more contested issues of maintenance, access, paternity or <i>Matrimonial Property Act</i>	17
F.13	Divorce proceedings – with one or more contested issues of maintenance, access, paternity or <i>Matrimonial Property Act</i>	9
F.14	Independent legal advice or opinion for divorce proceedings	1
<i>Children and Family Services Act</i>		
F.21	Application for standing as a party	4
F.22	Representing parent or a party with standing and presenting plan for custody or return of child	20
F.23	Representing parent or a party with standing who is not seeking custody or return of child	5
F.24	Independent legal advice or opinion for <i>Children and Family Services Act</i> proceedings	as authorized by the Commission in advance
<i>Adult Protection Act</i>		
F.31	Application under Act	8
F.32	Review under Act	2
Other		
F.41	Negotiating, drafting or executing separation agreement	5
F.42	Independent legal advice or opinion on other family law matter	as authorized by the Commission in advance
F.51	Appeal to Nova Scotia Supreme Court on behalf of any party on family law matter	13

F.52	Appeal to Nova Scotia Court of Appeal on behalf of any party on family law matters	25
F.61	Any other special family law matter not otherwise covered in the Tariff for Family Law Matters, including appeal to Supreme Court of Canada on family law matter	as authorized by the Commission in advance

TARIFF 3 TARIFF FOR CIVIL LAW MATTERS

Lawyer fees based on experience

- 1 (1) A lawyer will be paid for preparation time and court appearances at the rates set out in the following table, according to the number of years experience the lawyer has practising law as a member of the Nova Scotia Barristers' Society or an equivalent organization in another jurisdiction:

Years experience	Rate per hour
less than 5	\$70.00
5 or more	\$80.00

- (2) In this Section, years of experience are calculated as of the date that the lawyer is retained for services under a Certificate.

Travel allowance

- 2 An allowance of \$45.00 per hour, to a maximum of 6 hours per day, may be paid for time spent travelling a distance of 20 km or more, one way, if the lawyer satisfies the Commission that the travel is reasonable and necessary.

Court time maximum

- 3 A lawyer's fee for actual court time will be paid or to a maximum billing of 6 hours per day.

Preparation time maximums

- 4 A lawyer's fee for actual preparation time will be paid according to the authorized service and up to the maximum time limits as set out in the following table:

Tariff Item	Authorized Service	Maximum Hours
Civil		
E.1	Civil litigation on behalf of any party for all services for civil claims (pleadings, trial preparation, pre-trial applications or attendances)	15
E.2	Legal services for civil matter (not litigation)	2
E.3	Representing any party in any other special matter including administrative tribunals	as authorized by the Commission in advance

TARIFF 4 TARIFF FOR DISBURSEMENTS

Disbursements properly accounted for

- 1** A lawyer will be paid for disbursements necessarily incurred in providing authorized services if they are properly accounted for in the Report and Account in accordance with this Tariff.

Report and Account for disbursements

- 2** (1) A lawyer cannot charge any accounts for disbursements directly to the Commission.
- (2) Disbursements must be billed to the account of the lawyer and claimed on a Report and Account form submitted to the Commission.
- (3) An Interim Report and Account form may be submitted for fees and disbursements if the total amount claimed is \$800.00 or more.

Maximum amount per item

- 3** Disbursements may not exceed \$200.00 per item unless approved in advance by the Commission.

Receipts for disbursements

- 4** Receipts for all disbursements, which clearly show the amount of Harmonized Sales Tax paid, must accompany the Report and Account form.

Travel reimbursements

- 5** (1) Reimbursement for reasonable and necessary travel will be allowed at the rate per kilometer approved by the Province for its employees travelling on government business.
- (2) The Commission will not reimburse for taxi charges.

Effective April 1, 2016, the rate per kilometer is .4231 cents per kilometer.

Meal reimbursements

- 6** If approved in advance by the Commission, reimbursement will be allowed for meal expenses at the rates approved by the Province for its employees traveling on government business.
- (a) breakfast - \$8.00;
- (b) lunch - \$15.00;
- (c) dinner- \$20.00;

The above meal rates are effective October 1, 2013.

No file administration fees

- 7** Lawyers are not permitted to charge a file administration fee.

**TARIFF 5
TARIFF FOR MATTERS NOT
OTHERWISE PROVIDED FOR HEREIN**

- 1** (1) The Internal Operations Director (IOD) must allow a reasonable fee in respect of any matters, proceedings, actions or appeals under a Certificate that are not covered by Tariffs 1 to 4.
- (2) In determining the fee to be paid under subsection (1), the Internal Operations Director must take preparation times and fees allowed for comparable services in Tariffs 1 to 4 into account.

PART 2 – FORMS

- 1** The Commission must determine the form and content of the certificate of eligibility to be used by the Commission in issuing Certificates and the Report and Account Form to be used by lawyers when invoicing the Commission for the services provided under a Certificate.
- 2** The Commission may direct the use of any forms it prepares and considers necessary for the effective operation of the Legal Aid Certificate System.
- 3**
 - (1) The lawyer who has provided services under a Certificate must attach to their Report and Account form a detailed time-keeping statement showing dates, the particulars of service and the time expended by date for all preparation, court and travel time.
 - (2) The Commission may require the lawyer to provide any other documents the Commission considers necessary to enable the Commission to satisfy itself as to the accuracy of any Report and Account form submitted for payment, including whether it complies with the terms of the Certificate and the NSLA Tariff.

SECTION 5 – PARTY COSTS

Section 22 of the ***Legal Aid Act*** deals with party and party costs and is reproduced below.

- 22 (1) Unless a court otherwise orders, a court shall have the discretion to award party and party costs for or against a recipient of legal aid.
- (2) Where a court orders costs against a recipient of legal aid, these costs shall be payable by the recipient and not by the Commission.
- (3) Where a court orders costs to be paid to a recipient of legal aid, the recipient may be required by the Commission to pay those costs to the Commission.

Section 77.04 of the ***Civil Procedure Rules*** deals with relief from liability because of poverty respecting costs.

Section 77.03 (5) of the ***Civil Procedure Rules*** covers the awarding of costs to a party represented by Nova Scotia Legal Aid.

APPENDIX A

NOVA SCOTIA LEGAL AID

TO:

FROM:

DATE:

RE: - CERTIFICATE NO.

Feel free to use the services of our Research Coordinator, Andrew Waugh, Barrister & Solicitor. Please submit any research questions via e-mail to the following address: andrew.waugh@nsleglaid.ca

Thank you for accepting this Legal Aid Certificate. Attached are the Certificate and Report and Account.

- (1) **Legal Aid Certificate** - Please sign ONE copy of the Certificate and return by scan or e-mail within ten (10) day to the issuing office. The second copy is for you. Failure to return a signed copy within ten (10) days may be deemed as non-acceptance of the terms of the Certificate and the Certificate may be cancelled.
- (2) **Legal Aid Report and Account** – This is your billing form. Please complete this form when the file is finished and return ONE copy to the issuing office. Retain a copy for your records. Provide copies of receipts for all disbursements above \$20.00. **All work should be completed before submitted for payment. If the Certificate is outstanding for over one (1) year, an interim account should be submitted. An interim account can be submitted at any time provided there is a minimum of \$800.00 outstanding in fees and disbursements as outlined in the Tariff Reference Manual Section 3.**

Lawyers are advised that the Harmonized Sales Tax (HST) will apply to their fees and disbursements. The HST paid on disbursements must be shown separately to enable the Commission to claim reimbursement.

All Report and Account forms must be accompanied by an itemized statement of account detailing particulars of the preparation time on the file. **Disbursements must be documented and advance approval for expenses over \$200.00 and any travel. Travel will be considered reasonable and necessary when all reasonable attempts have been made to have client meeting, by phone or appearance by video link (other than appearances for trial or sentencing).**

- (3) Please consider using the Mentoring Program! Simply contact the Managing Lawyer of the Legal Aid Office.

OFFICE
NOVA SCOTIA LEGAL AID COMMISSION

Certificate No.

Retainer

Referred to in this Certificate as the
COMMISSION

Commenced M D Y

To:

Re:

Tel:

referred to as the **LAWYER**
Lawyer Bar Admission Date (M/D/Y):

referred to as the **CLIENT**

LEGAL AID CERTIFICATE

The **COMMISSION** agrees to pay the **LAWYER** for legal services rendered after the retainer date to the **CLIENT** at the **CLIENT'S** request in accordance with Tariff Reference Manual Item ___ - ___ maximum preparation time of ___ hours upon the following terms and conditions:

1. The **LAWYER'S** account will be only for the legal services covered by this agreement, will conform to the terms and conditions contained in the Nova Scotia Legal Aid Tariff Reference Manual, and be rendered using the Legal Aid Report and Account form immediately upon completion of the legal services or when requested by the Commission.

2. The **LAWYER** will not request or receive any compensation from the **CLIENT** or any other party for legal services covered by the agreement.

3. The **LAWYER** will immediately remit to the **COMMISSION** any costs recovered by the **CLIENT** at any stage of the legal services covered by this agreement.

4. Partial hours are to be charged in tenths of an hour. The **LAWYER shall attach to the Report and Account form a detailed statement generated from their time-keeping system** showing dates, the particulars of service and the time expended by date for all preparation, court, and approved travel time. Authorized disbursements will be reimbursed where supported by **receipts** showing Harmonized Sales Tax (HST) paid. The **COMMISSION** pays Harmonized Sales Tax but is entitled to claim reimbursement. Motor vehicle use is chargeable @ \$0.4231/km, photocopies and faxes (incoming & outgoing) @\$0.35/page.

5. Requests by the **LAWYER** for amendments to this Certificate or approval of disbursements will be made to the issuing office except where such a request will reveal confidential information to opposing counsel; written requests may then be made to Service Delivery Director.

6. Special Conditions: None or: Private Bar Lawyers should be aware of the **Private Bar Mentoring Program**. Details can be found on our website www.nslegalaid.ca under Certificate & AHTDC Lawyers login section.

7. The **LAWYER** may accept this Certificate by returning a signed copy within ten (10) days to the issuing office.

8. I **CERTIFY** that I comply with **Nova Scotia Legal Aid Commission Certificate Lawyer Standards**. I authorize the NSLAC to obtain proof from the NSBS that I have met the required Continuing Professional Development component for criminal and family law practice when deemed necessary.

AGREEMENT

The **LAWYER** agrees to act for the **CLIENT** in rendering the legal services described above subject to the conditions contained in this Certificate and the Nova Scotia Legal Aid Commission Tariff Reference Manual. The **LAWYER** agrees to submit Final Report & Account within forty-five (45) days of completion.

SIGNED: _____ SIGNED: _____
For the **COMMISSION** **LAWYER**

Copy for: **LAWYER** Issuing Office Administration

Date Issued: **Most Serious Matter:**

To: NOVA SCOTIA LEGAL AID COMMISSION
Referred to in this Certificate as the **COMMISSION**

Certificate No. _____

From: _____

Retainer
Commenced: _____
(M/D/Y)

Re: _____
Tel: _____
referred to as the **CLIENT**

referred to as the **LAWYER**
Lawyer Bar Admission Date (M/D/Y): _____

(INTERIM/FINAL) LEGAL AID REPORT AND ACCOUNT

The **LAWYER** certifies this account conforms to the agreement contained in this **LEGAL AID CERTIFICATE** for legal services provided to the **CLIENT** in accordance with Tariff Reference Manual item ____ - ____ maximum preparation time of ____ hours and that no other compensation has been received or will be requested from the client or any other party for these services.

ACTUAL PREPARATION TIME (Tariff Page 9, 11, 14)

_____ hours @ \$70.00/hr
 \$80.00/hr
 \$95.00/hr
= (a) \$ _____

COURT TIME AND DATES (M/D/Y)

*	____/____/____	_____ hrs	____/____/____	_____ hrs
*	____/____/____	_____ hrs	____/____/____	_____ hrs
*	____/____/____	_____ hrs	____/____/____	_____ hrs
*	____/____/____	_____ hrs	____/____/____	_____ hrs
*	____/____/____	_____ hrs	____/____/____	_____ hrs
*	____/____/____	_____ hrs	____/____/____	_____ hrs

AUTHORIZED TRAVEL TIME (Tariff Page 8, 11 or 14)

_____ hours @ \$45.00/hr = (b) \$ _____

COURT TOTAL _____ hours @ noted rate/hr = (c) \$ _____

ACTUAL DISBURSEMENTS (Tariff Page 15): Please provide full particulars for each disbursement; **INCLUDING RECEIPTS;** FILE ADMINISTRATION FEE WILL BE DISALLOWED.

Vehicle Use _____ @ .4231/km \$ _____	Item: _____	\$ _____
Photocopies _____ @ .35/page \$ _____		\$ _____
Fax In & Out _____ @ .35/page \$ _____		\$ _____
Mentoring _____ \$ _____		\$ _____
TOTAL (d) \$ _____	TOTAL (e) \$ _____	

TOTAL DISBURSEMENTS (d+e)	\$ _____	+ HST _____	=	\$ _____
TOTAL LEGAL FEES (a+b+c)	\$ _____	+ HST _____	=	\$ _____
TOTAL FEES AND DISBURSEMENTS:	\$ _____	+ HST _____	=	\$ _____

OUTCOME: _____

PAYABLE TO: _____ Address as noted above or:
Address: _____

Interim Account; or Final Account (I hereby confirm that all work has been completed and no further accounts will be issued.)

LAWYER'S SIGNATURE

Completion Date: _____
M | D | Y

CHECKED BY ISSUING OFFICE FOR: (1) Mathematical Accuracy
(2) Tariff & Certificate Compliance Including AUTHORIZED Amendments

Initials

Initials

Account Approved for Payment _____

Date: _____

Copy for: **LAWYER** Issuing Office Administration

APPENDIX B

NOVA SCOTIA LEGAL AID OFFICES

OFFICE OF THE EXECUTIVE DIRECTOR/ADMINISTRATION	920-1701 Hollis Street Halifax B3J 3M8	902-420-6578 1-877-420-6578
AMHERST	55 Church Street B4H 3A7	902-667-7544 1-866-999-7544
ANNAPOLIS ROYAL	PO Box 188 56 St. Anthony Street B0S 1A0	902-532-2311 1-866-532-2311
ANTIGONISH	70 West Street, Suite 2 B2G 2X7	902-863-3350 1-866-439-1544
BRIDGEWATER	202-141 High Street B4V 1W2	902-543-4658 1-866-543-4658
DARTMOUTH - CRIMINAL	300-99 Wyse Road B3A 4S5	902-420-8815 1-877-420-8818
DARTMOUTH – FAMILY	1210-99 Wyse Road B3A 4S5	902-420-7921 1-855-420-7921
HALIFAX – SOUTH	400-5475 Spring Garden Road B3J 3T2	902-420-6583 1-877-777-6583
HALIFAX – NORTH	2830 Agricola Street B3K 4E4	902-420-3450 1-866-420-3450
HRM - YOUTH	401-5475 Spring Garden Road B3J 3T2	902-420-6569
HRM - DUTY COUNSEL	402-5475 Spring Garden Road B3J 3T2	902-420-7800
KENTVILLE	325 Main Street, Salon B B4N 1K5	902-679-6110 1-866-679-6110
NEW GLASGOW	116 George Street B2H 2K6	902-755-7020 1-877-755-7020
PORT HAWKESBURY	302-15 Kennedy Street B9A 2Y1	902-625-4047 1-888-817-0116
SYDNEY	401-15 Dorchester Street B1P 5Y9	902-563-2295 1-877-563-2295

SYDNEY CONFLICT	338 Charlotte Street B1P 1C8	902-563-2770
SYDNEY DUTY COUNSEL	402-15 Dorchester Street B1P 5Y9	902-539-7026
TRURO	102-523 Prince Street B2N 1E8	902-893-5920 1-877-777-5920
WINDSOR	PO Box 760 151 Wentworth Road, Suite 2 B0N 2T0	902-798-8397 1-866-798-8397
YARMOUTH	204-165 Main Street B5A 4B2	902-742-7827 1-866-742-3300

APPENDIX C

**NOVA SCOTIA LEGAL AID COMMISSION
DISBURSEMENTS APPROVAL
CERTIFICATES**

Lawyer requesting disbursement: _____

Certificate number: _____

Client name: _____

For disbursements greater than \$200 (net of HST)

When any disbursements are expected to be \$200 or more, approval must be obtained from the Managing Lawyer of the issuing office before proceeding, except where such a request will reveal confidential information to opposing counsel; written requests may then be made to the Executive Director. (i.e. service of documents, transcripts, DNA testing, experts, etc.) This form with the proper approval should be submitted with the Report and Account form claiming reimbursement of the disbursement.

Description of disbursement: _____

Estimated cost: _____

For disbursements greater than \$200 for experts

The following issues must be addressed in your request:

1. Is an expert necessary to your case? In addressing the question, could the evidence you are seeking from the expert be solicited from other sources or witnesses? Is there a local alternative?
2. An estimate of the number of hours required on the part of the expert.
3. A statement concerning the hourly rate for the expert.
4. Confirmation from the expert that a written report, suitable for filing with the court, will be prepared and available within a stated time frame.
5. Confirmation from the expert that he/she is prepared to give evidence before the court concerning the contents and methodology of the report, should it be required by counsel.
6. Total estimated cost of the disbursement, including all of the above and travel costs, as confirmed by the expert.
7. In the opinion of the Managing Lawyer, is the disbursement necessary for the client to make full answer and defense to the criminal charges or advance a claim or right of significant legal merit?

MANAGING LAWYER APPROVAL _____

DIRECTOR APPROVAL _____
(required for requests in excess of \$1500)

AMOUNT APPROVED _____

DATE _____

June 2010

APPENDIX D

**CERTIFICATE LAWYER STANDARDS
EFFECTIVE SEPTEMBER 1, 2013**

Pursuant to Section 15 of the **Legal Aid General Regulations Respecting Tariff of Fees**, the Nova Scotia Legal Aid Commission (NSLAC) enters into a contractual relationship with a private lawyer. The lawyer by accepting the Certificate agrees to enter into a solicitor/client relationship with a qualified applicant and render an account. By accepting the Certificate, the lawyer represents that the lawyer is aware of the practice standards required by the NSLAC and is meeting these standards.

The lawyer authorizes the NSLAC to obtain proof from the Nova Scotia Barristers' Society (NSBS) that the lawyer has met the required Continuing Professional Development component for criminal and family law practice when deemed necessary.

MANDATORY REQUIRMENTS FOR LAWYERS ACCEPTING CRIMINAL CERTIFICATES FROM THE NOVA SCOTIA LEGAL AID COMMISSION

- (a) Compliance with all the standards required by the Nova Scotia Barrister's Society for practicing law in the Province.
- (b) At least 20% of all Mandatory Continuing Professional Development requirements each year must focus on criminal law practice.

Equivalent Minimum Standard

The NSLAC may determine that a lawyer, who does not meet the minimum standard may nonetheless possess equivalent qualifications to practice in the area of criminal law.

The NSLAC may recognize equivalent qualifications and, without restricting the right to determine equivalent qualifications in specific circumstances, the following may be accepted as equivalent qualifications:

- (a) Lawyer is employed and supervised by or associated with a member of a firm who meets the minimum qualifications.
- (b) Lawyer has recognized criminal law experience demonstrated by teaching criminal law and possesses the practical skills related to the practice of criminal law.
- (c) Lawyer has had substantial, concentrated articling experience with an experienced criminal practitioner.
- (d) Lawyers new to the practice of criminal law who sign an agreement to:
 - i. Acquire the minimum 20% CPD in criminal law practice within one year, and, if required by the NSLAC;
 - ii. Attend training courses as directed by NSLAC;
 - iii. Utilize mentoring for a period of time by an experienced criminal practitioner.

Enhanced Standards for Serious Criminal Proceedings

Serious Criminal Offence

An offence that has:

- (a) A minimum sentence of 1 year or more; or
- (b) A maximum sentence of 14 years or more.

Enhanced Standards

In addition to the Minimum Standards set out by the NSLAC, a lawyer who accepts a Certificate for a serious criminal offence, as defined herein, shall meet the Minimum Standard of Practice for criminal matters set out above and shall have a minimum of 20% of the lawyer's practice concentration in criminal law the previous year and on an ongoing basis.

Enhanced Equivalency

The NSLAC may recognize equivalent qualifications for serious offences, and, without restricting the right to determine enhanced equivalent qualifications in specific circumstances, the following may be accepted as enhanced equivalent qualifications:

- (a) The lawyer's practice consists of 30% litigation and the lawyer possesses the required practical skills relating to the practice of criminal law.

Enhanced Standards for Homicide, Dangerous Offender Applications Cases Specifically Designated by the NSLAC.

In addition to the Enhanced Standards for Serious Criminal Offences, a lawyer who accepts a Certificate for a homicide case, a Dangerous Offender Application or cases specifically designated by the NSLAC, shall also be required to:

- (a) In 5 of the previous 7 years, have had 20% of the lawyer's practice concentrated in criminal law; and,
- (b) In 5 of the previous 7 years, must have completed at least 30% of the Mandatory Continuing Professional Development requirements of the Nova Scotia Barristers Society which must have focused on criminal law practice.

MANDATORY REQUIREMENTS FOR LAWYERS ACCEPTING FAMILY CERTIFICATES FROM THE NOVA SCOTIA LEGAL AID COMMISSION

- (a) Compliance with all the standards required by the NSBS for practicing law in the Province;
- (b) Compliance with the family law standards as established by the NSBS;
- (c) At least 30% of all the Mandatory Continuing Professional Development requirement each year must focus on family law practice.

Equivalent Minimum Standard

The NSLAC may determine that a lawyer, who does not meet the minimum 30% requirement in relation to Mandatory Continuing Professional Development, may nonetheless possess equivalent qualifications to practice in the area of family law.

The NSLAC may recognize equivalent qualifications and, without restricting the right to determine equivalent qualifications in specific circumstances, the following may be accepted as equivalent qualifications:

- (a) Lawyer is employed and supervised by or associated with a member of a firm who meets the minimum qualifications.
- (b) Lawyer has recognized family law experience demonstrated by teaching family law and possesses the practical skills related to the practice of family law.
- (c) Lawyer has had substantial, concentrated articling experience with an experienced family practitioner.
- (d) Lawyers new to the practice of family law who sign an agreement to:
 - i. Acquire the 30% CPD in family law practice within one year, and, if required by the NSLAC;
 - ii. Attend training courses as directed by NSLAC;
 - iii. Utilize mentoring for a period of time by an experienced family practitioner.