

Account date:

[YYYY-MM-DD]

Date of request:

[YYYY-MM-DD]

1. Requestor information

Name:

Solicitor #

Phone #:

Fax #:

Email:

2. Client information

Client name:

Certificate #

Name of co-accused/
other parties:

3. Request details

Request type:

- New discretion request
- Retroactive discretion request

If this is a *retroactive discretion request* for an account already settled, enter the account number below. Submit the request using the *Legal Aid Online* electronic document submission or LAOiFax process.

LAO account #: _____

Authorizations:

Have you sought all necessary district office authorizations? Yes No

(if no, please do so before submitting any accounts by contacting your district office)

Circumstances:

The Legal Aid Tariff reflects the fees customarily paid by a reasonable privately paying client of modest means. These fees apply for all legal aid services, except in **exceptional cases**. Should your account exceed the tariff maximum and you wish Legal Aid Ontario to consider paying the account as billed with discretion, please explain the exceptional, factual and legal circumstances of your case based on the following factors (click all that apply):

Results obtained:

- All charges withdrawn as a result of your actions
- Discharge of all charges at preliminary hearings as a result of your actions
- Acquittal of all charges at trial as a result of your actions
- Sentence significantly reduced as a result of your actions
- Material contribution to an outcome that is precedent-setting, that affects the administration of justice in favour of the defendant

Complexities:

- Novel legal issue or unusual factual situation
- Rare motion - e.g.: Third party records, recusal motion, mistrial
- Forensic/expert evidence
- Client's special needs - e.g.: mental illness (unique proceedings)
- Characteristics of witness - e.g.: child witness (testimonial capacity)

Other regulatory factors:

- Contributions of the applicant or other contributors
- Amount of time realistically set aside in anticipation of a lengthy trial or hearing which time was not otherwise filled by the lawyer

Relevant factors:

- Defence facing exceptional Crown/prosecutorial resources
- Disclosure
- Extended sentencing hearing
- Timelines/reduction in appearances - JOT criteria
- High profile case

4. Case details

Please provide case details and the factual circumstances that support the specific factors for discretion selected in the section above. Attach any relevant documents to support your discretion request.

Note: if the certificate authorized an opinion letter, please attach.

5. District Area Director exception request

Are there other discretion factors not articulated in the above criteria? Yes No

If yes, provide details below:

Note: This request is to be used rarely and only in circumstances when counsel can clearly demonstrate that the exceptional circumstances test has been met.

For more information on Discretion Request, see Chapter Two of the *Tariff & Billing Handbook*.

For assistance in completing this form, please contact the Lawyer Service Centre at 1-966-979-9934 (toll-free)

Please attach the completed form to your online account.

Personal information in this form is collected under the authority of section 84 of the *Legal Aid Services Act* and is used in the general administration of the payment of lawyers accounts including: case management, application of block fees and tariff, discretion, reviews, disbursement authorization, expedite requests, late billing, hard cap, and recoveries; and, is used in the panel management of lawyers including investigations, panel suspension, and panel removal. Questions about this collection should be directed to the FIPPA coordinator, 40 Dundas Street West, Suite 200, Toronto, ON, M5G 2H1, 416-979-1446 or 1-800-668-8258.

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