

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:

Successful refugee claim - IRB success rate of 20% or less

Complexities:

Exclusion

Multiple countries of citizenship

Novel claims - e.g. Transgendered

Ministerial intervention

Other regulatory factors:

Contributions of the applicant or other contributors

Amount of time realistically set aside in anticipation of a lengthy trial of hearing which time was not otherwise filled by the lawyer

Complexities:

Minor

Domestic violence

Mental illness

Illiteracy

Expert witness

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 attach relevant documents to support your discretion request.

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

Note:

Discretionary increase request must include detailed reasons outlining the exceptional circumstances of the case which justify a discretionary increase and should address the period of service of the specific account. Attaching copies of earlier opinion letters rendered in the matter can be helpful.

The onus is on counsel to establish exceptional circumstances. This means that LAO can only pay discretion once counsel has been able to establish that there are exceptional circumstances in the case that would warrant an increased fee. For instance, when stating that a client has special needs, please describe, in one or two paragraphs, how these special needs impacted the proceeding and increased the time counsel was required to spend on the case.

5. Director General 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.

Note:

The Director General has authority to determine whether a discretion request based on factors not included in the clarified discretion guidelines meets the exceptional circumstances test and is eligible for discretion consideration. Counsel should, however, limit requests for a DG exception in few and limited circumstances, such as preparation of submissions on Federal Court questions for certification.

For more information on discretion requests, 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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