



LEGAL AID ONTARIO
AIDE JURIDIQUE ONTARIO

A ROAD MAP FOR CERTIFICATE AND DUTY COUNSEL LAWYERS



CONTENTS

1.0	Responsibilities of Legal Aid Ontario panel members	4
1.1	General terms and conditions of empanelment	4
1.2	Annual self-reporting	4
1.3	Changes to your practice	5
1.4	Use of agents and law clerks	5
1.5	Conflict of interest	5
2.0	Certificates	6
2.1	Introduction	6
2.2	Acknowledging certificates	7
2.3	Types of authorized certificates	7
2.4	Certificate directions	8
2.5	Certificate restrictions	9
3.0	Per diem duty counsel	10
3.1	Introduction	10
3.2	Duty counsel empanelment	10
3.3	Getting per diem duty counsel assignments	11
3.4	Re-scheduling per diem duty counsel assignments	11
4.0	Billing Legal Aid Ontario	12
4.1	How much you can bill	12
4.2	Using <i>Legal Aid Online</i>	13
4.3	Billable services	14
4.4	Billing tips	17
4.5	Billing errors	18
5.0	Clients switching to another lawyer	19
5.1	Conflicts of interest	19
6.0	How clients can appeal negative decisions	20
7.0	Alternative fee arrangements	21
8.0	Mentoring: Second Chair program	22
8.1	Case-by-base mentoring	22
8.2	Pre-approved mentor program	23
9.0	How Legal Aid Ontario manages panel lawyers	24
9.1	Professionalism policy	24
9.2	Complaints	24
9.3	Removal from a panel	24
10.0	Legal research services at Legal Aid Ontario	25
11.0	Clinic Resource Office	26
12.0	Lawyer Service Centre	27

WELCOME TO LEGAL AID ONTARIO

This handbook will help guide you through your working relationship with Legal Aid Ontario. Please read it closely. It includes details and hyperlinks, including to our [website](#), for all the facts we think you need to provide legal services to LAO clients, including information about:

- how our certificate program works
- how our per diem duty counsel program works
- how to bill LAO and get paid for your services
- Alternative Fee Arrangements
- what LAO is doing to manage LAO panels
- some of our departments with whom you may have dealings.

Please do not hesitate to:

- call your director general with any questions or concerns
- address your questions about billing to our Lawyer Service Centre at (416) 979-9934 or toll free at 1-866-979-9934.

Thank you for choosing to provide legal services with Legal Aid Ontario, an organization dedicated to providing access to justice for low-income individuals.

1.0 Responsibilities of Legal Aid Ontario panel members

Now that you are empanelled, you are a member of Legal Aid Ontario's panel in your area(s) of law, and can now do paid work for LAO.

1.1 General terms and conditions of empanelment

Members of the Legal Aid Ontario panel are required to read and comply with its [General Terms and Conditions](#). Failure to comply with the General Terms and Conditions may result in [removal from the LAO panel](#).

1.2 Annual self-reporting

All LAO panel lawyers must complete and submit an annual self-report to:

- renew or retain membership on the legal aid panels and areas of law in which they work
- confirm their ongoing compliance with panel standards and any conditions imposed
- automatically update their panel standing on LAO's rosters.

You can access, fill in and submit your self-report on [Legal Aid Online](#).

1.3 Changes to your practice

We understand that your legal practice may change over the years. Please keep us up-to-date by advising your [district office](#), in writing, if:

- you plan to stop taking certificates or doing per diem work and why (for instance, because you are going on maternity leave, leaving private practice, or taking on only full-fee clients)
- you change your business address, phone number, email address, fax number, GST/HST number (please also complete and submit our [lawyer change of information form](#)).

1.4 Use of agents and law clerks

LAO does not expect you to personally attend every court appearance. In many cases, LAO accepts and encourages you to use a local agent and/or duty counsel to deliver cost-effective service—so long as you clearly communicate these practices to your clients at the outset. Failure to do so may result in your client seeking to [switch to another lawyer](#).

Please also note that:

- if you are a refugee panel refugee lawyer, your agent must be approved on either the General or Appellate panel standards
- all agents must be empanelled lawyers; If you use a non-lawyer, law clerk or articling student (there are some exceptions with articling students) for a [block fee matter](#), you may not get paid. This is discussed in more detail [on our website](#).

1.5 Conflict of interest

LAO's clients include society's most marginalized—economically disadvantaged persons facing serious criminal, family or immigration consequences. Under such circumstances, such individuals could be particularly vulnerable to exploitation by a person in a position of trust, such as a lawyer.

While LSUC rules regarding conflict of interest do cover some aspects of blurring personal and professional responsibilities, Legal Aid Ontario expects its lawyers to understand the power imbalance inherent in their relationships with their clients and take reasonable steps to avoid situations likely to create an actual or perceived conflict of interest. Hence, panel lawyers, including those acting as duty counsel are expected to:

- maintain a professional relationship with their clients
- never use their position of authority to physically, emotionally or sexually harass LAO certificate clients
- never seek personal services in exchange for representation.

Questions?

[Learn about panel standards for each panel and access the application form.](#)

2.0 Certificates

2.1 Introduction

A legal aid certificate is an agreement issued by Legal Aid Ontario to clients who are eligible for representation by a panel lawyer. It guarantees payment to a panel lawyer for representing a legal aid client. LAO issues different types of certificates. This Section 2 is about tariff certificates—certificates for a certain number of hours, based on what is required for a particular legal matter. Panel lawyers bill against their tariff certificate for that number of hours at an hourly tariff rate, based on their [tier level](#).

There are also certificates for:

- block fee accounts, discussed in more detail in [Section 4.3](#) of this manual
- case management, discussed in more detail in [Section 4.3](#) of this manual
- domestic violence—a two-hour authorization for emergency situations, available to lawyers on a specialized subpanel who are also on the family law or immigration/refugee panels and have completed the training in domestic violence offered by LAO

Legal Aid Ontario is aware that it is up to you whether or not to take any certificates. You are not obliged to do certificate work. We know you choose to take on this work for our clients because you have a keen sense of social justice, and believe that all clients, irrespective of their income, are entitled to high quality legal services. For this, Legal Aid Ontario is truly grateful.

Tariff certificates are only for the most serious legal matters, such as:

- criminal charges, where a jail sentence is likely, or if jail is not likely, the client's legal matters would result in serious consequences such as job loss
- serious family problems, such as support, access and custody matters, risk to a parent-child bond, and cases involving domestic violence or child protection
- immigration and refugee matters
- mental health cases, usually involving clients hospitalized at psychiatric facilities.

Certificates are one of a continuum of services Legal Aid Ontario offers to provide clients with the right legal aid service at the right time. Other services available to clients:

- Information, links to other resources, community legal clinics or online services on the [LAO website](#)
- General legal advice (in person at a courthouse, or over the phone via our [toll-free telephone line](#))
- Simple, efficient and effective support for same-day assistance from duty counsel (LAO lawyers or paid private bar lawyers in courtrooms)
- Support for clients who might have exhausted other LAO services, or for eligible clients who may otherwise lack representation for serious matters.

2.2 Acknowledging certificates

Once you receive your LAO solicitor number, you can accept work for clients by acknowledging their certificates via [Legal Aid Online](#). In very rare and exceptional circumstances, the district office may be able to conduct a manual acknowledgement for you.

When you acknowledge a certificate, you are assuring both LAO and the client that you are ready, willing and able to see the matter to its conclusion, barring any unforeseen circumstances.

Each certificate sets out exactly what you, a lawyer, are authorized to do. If the initial authorizations on a certificate do not reflect or describe the actual work required for a matter, you need to write to your district office, in advance, and request further applicable authorizations (unless it is a [block fee case](#)).

Legal Aid Ontario's expectations, when you acknowledge a certificate, are that you have:

- completed a conflicts check, to ensure that you can represent the client
- reviewed the certificate to ensure that you can handle this matter, are on the relevant panel, and understand EXACTLY what the certificate authorizes you to do (and not do)
- sought travel authorization, where appropriate; panel lawyers can accept legal aid certificates anywhere in the province and are not restricted from taking clients only in the cities where they are empanelled—though LAO will not cover your travel costs from one city to another to visit or represent a certificate client, unless there are exceptional circumstances.

You and the client must notify LAO immediately if you cannot complete a matter because you have not satisfied one or more of the above expectations. LAO may need to issue a further certificate to the client to ensure the least disruption to the client's matter.

If you do not seek all available authorizations prior to submitting your account, payment on your

account may be delayed, and it will not be paid in full.

Finally, please note that you are responsible for advising LAO if your client no longer qualifies financially for a certificate.

2.3 Types of authorized certificates

When you receive a certificate, read it carefully to ensure you know what services are authorized. All counsel must request and receive authorization from LAO for every specific task before starting that task. If you provide services that are not authorized, you may not get paid for them.

It is beyond the scope of this document to explain the many different authorizations available for each type of certificate. You can get further details in our [Tariff and Billing Handbook](#) or learn about the main types of authorizations by clicking on the links below:

- [Criminal authorizations and charges](#). The few authorizations on a criminal defence certificate that you have to request include travel and bail review as well as Big Case Management and Mid-Case Management budgets for more complex matters. The charges specify the type of billable case (i.e. a tariff matter, as opposed to block fees), the type of offense (i.e. summary, indictable 1 or indictable 2, provincial offence or summary federal offence) and the court level for the matter (Ontario Court of Justice, Superior Court of Justice, Court of Appeal, Supreme Court of Canada).
- [Family law authorizations](#) (for family law, child protection and *Child, Youth and Family Services Act* matters). These authorizations specify the type of case (i.e., family law application, family law variation, *Child, Youth and Family Services Act* application) and the court level for the matter (Ontario Court of Justice, Superior Court of Justice, Court of Appeal, Supreme Court of Canada).
- [Refugee and immigration authorizations](#) specify the type of case (refugee claim, pre-removal risk assessment or Humanitarian

and Compassionate application) and the client's country of origin as well as the level of decision maker (tribunal, immigration officer or appellate level). Valuable information and resources regarding Refugee and Immigration law services and certificate matters are [available online](#).

- [Mental health authorizations](#). Valuable information for lawyers who plan to practice before the Consent and Capacity Board are in [the helpful tips for lawyers representing clients before the Consent and Capacity Board guide](#).
- Domestic violence two-hour authorizations. These authorizations are for legal advice in family and immigration law matters, and can be issued by select women's shelters and other community agencies in addition to LAO. Only family law or refugee/immigration panel lawyers who belong to the domestic violence sub-panel and have completed training in domestic violence offered by LAO are eligible.

2.4 Certificate directions

Each certificate will set out the exact requirements you must meet to ensure payment. You must, for instance, provide Legal Aid Ontario with a copy of the client's financial statement or, in family law matters, the eventual support order.

In addition:

For criminal matters, you must:

- advise LAO if your client was released from custody
- advise LAO if a direction on recovery of monies is necessary
- if it is a criminal appeal certificate matter, provide LAO with a copy of the reasons for judgment/charge to the jury.

For family law matters, you must:

- proceed only in the Ontario Court of Justice (i.e. you must seek permission to proceed in the Superior Court of Justice)

- consider an LAO settlement conference
- before commencing work on a certificate, seek all available authorizations from your district office, including trial and related trial matters such as trial management conferences; more information is in our [Tariff and Billing Handbook](#).

For refugee matters, you must:

- provide a copy of the complete, stamped BOC and notice of hearing to LAO with your request for hearing coverage
- provide a notice of hearing to LAO with a request for hearing coverage if your Syrian claim is not expedited
- provide a completed [authorization form for hearing preparation](#) for each subsequent sitting and attach a notice of hearing to the request
- provide a completed [authorization form for preparation of submissions](#)

Appellate panel lawyers requesting a certificate to appeal a negative decision must complete and submit a [merit assessment form for a RAD](#) or for a [judicial review](#) plus:

- if the factum has been prepared, attach a copy of it as well as a copy of the written decision that is the subject of the judicial review (RPD and RAD, where applicable)
- if no factum is available, attach a copy of the BOC narrative, RPD decision and, where applicable, a copy of the RAD decision
- if the case under review was on Humanitarian and Compassionate grounds (H & C), attach a copy of the written submissions made and the H & C decision
- if the case reviewed was a pre-removal risk assessment (PRRA), attach a copy of the PRRA submission and a copy of the PRRA decision
- in any other case, attach a copy of the underlying submissions and a copy of the tribunal's decision.

2.5 Certificate restrictions

A certificate may also provide optional restrictions. These include, but are not limited to, one or more of the following:

- One change of solicitor will be allowed for good reason.
- No change of solicitor will be granted.
- No change of solicitor will be allowed except in extraordinary circumstances.
- Only a member of a particular panel, such as the Extremely Serious Matters panel or *Child, Youth and Family Services Act* sub-panel, can acknowledge this certificate.

Questions?

If you are not sure about whether you have all available authorizations prior to submitting your account, please contact your [district office](#).

If you experience difficulties in acknowledging a certificate, please contact Legal Aid Ontario's Lawyer Service Centre at (416) 979-9934 or toll free at 1-866-979-9934.

3.0 Per diem duty counsel

3.1 Introduction

Per diem duty counsel are private bar lawyers, paid by Legal Aid Ontario on an hourly or daily basis, who work with low-income clients in courthouses.

If you are a panel lawyer, you are not required to do per diem duty counsel work. But you need to be empanelled to join the per diem duty counsel panel, because certificate panel membership requires lawyers to keep up with current practices and processes as well as current case law and statutes.

Only local lawyers can be on the local duty counsel panel (unlike certificate panel lawyers, who can serve clients anywhere in Ontario). If local counsel is not available, lawyers from outside the community may be permitted onto the duty counsel panel. In general, LAO will not pay your travel costs to an out-of-town courthouse to act as duty counsel, unless you are going to an area where no duty counsel is available.

3.2 Duty counsel empanelment

You may choose to join a duty counsel panel based on your area of law as follows:

- **Criminal duty counsel panel lawyers** can work in Ontario Courts of Justice and limited Superior Courts of Justice to provide general and specific advice as well as dispositive functions, such as speaking to adjournments, running bail hearings, negotiating with the Crown, representing clients on a guilty plea and on sentencing. In general, criminal duty counsel **do not do** complex bail hearings, preliminary hearings, trials, or other matters beyond the personal scope of duty counsels.
- **Family duty counsel panel lawyers** can work in Ontario Courts of Justice, Superior Courts of Justice and Superior Courts of Justice (family) to provide general and specific advice, dispositive functions such as speaking to adjournments, case conferences, simple settlement conferences, simple motions, negotiate simple terms of settlement and limited document preparation (extent of assistance varies throughout province).
- **Family law information centre (FLIC) duty counsel advice panel lawyers** can work in Ontario Courts of Justice, Superior Courts of Justice and Superior Courts of Justice (family) to provide clients with summary legal advice, refer to community services, do limited document preparation, and help start emergency proceedings.

3.3 Getting per diem duty counsel assignments

LAO's senior duty counsel or his/her delegate will offer "shadowing assignments" to lawyers who are added to a duty counsel panel. These assignments are generally unpaid opportunities to sit in with an experienced duty counsel and get a better understanding of the pace and the nature of duty counsel work. (Note: this per diem training is distinct from LAO's [second chair mentoring initiative](#), which provides funding to support experienced counsel (mentors) and junior counsel (mentees) on particularly complex cases.)

LAO's senior duty counsel/lawyer manager will add duty counsel panel lawyers to the regular duty counsel rotation once they feel that the duty counsel has a firm grasp of the work. Duty counsel assignments are commonly set up three to six months in advance. Depending upon the size of the list, this may mean a duty counsel assignment once every two weeks, every month, or every two months. Duty counsel assignments may be scheduled for a full day or part of a day. Legal Aid Ontario has sole discretion to reduce the time that the duty counsel lawyer is actually needed for the assignment. If court ends earlier than expected, for instance, duty counsel will be told they are no longer needed.

LAO has the sole discretion to place some lawyers on an ad hoc "emergency list" of duty counsels, to be contacted on short notice due to their proximity to the courthouse and/or their level of reliability, quality and experience as duty counsels.

3.4 Re-scheduling per diem duty counsel assignments

Lawyers are expected to advise their duty counsel office as soon as they become aware that they cannot make a duty counsel assignment. This ensures fairness in the quantity of duty counsel assignments handed out to all lawyers on the duty counsel panel.

In general, the duty counsel office finds a replacement duty counsel, but in some districts, lawyers are required to get their own replacements. Make sure you find out the local practice in your district.

If you cancel on five or more assignments within a calendar year, you may need to discuss your ability to commit to duty counsel assignments with the senior duty counsel or lawyer manager.

If, as you grow your practice, you find you no longer have the time to take on duty counsel assignments, please advise your duty counsel office accordingly, in writing.

Questions?

[Contact your director general and ask for the contact person for duty counsel in your courthouse.](#)

4.0 Billing Legal Aid Ontario

As part of Legal Aid Ontario's [General Terms and Conditions](#) of working with empaneled lawyers, LAO agrees that it will pay for certificate and duty counsel services in accordance with the *Legal Aid Services Act*, its regulations and schedules, the [Tariff and Billing Handbook](#), as well as the [Disbursements Handbook](#). It is imperative that you read these handbooks.

4.1 How much you can bill

In general, LAO pays lawyers for certificate work at an hourly rate [up to a predetermined maximum amount per fiscal year](#) (which LAO may, on occasion, adjust), and at your tier level.

Every lawyer can bill at their tier level. Tier levels are based on years of experience in the related area of law and percentage of dedicated work in that area of law, as follows:

- **Tier 1:** lawyers with up to four years of practice in related areas of law; all duty counsel work regardless of the lawyer's years of experience
- **Tier 2:** four to 10 years of recognized years of practice in related areas of law
- **Tier 3:** 10 years or more of practice in related areas of law.

[Get more information about current tier levels.](#)

The main exception from the above is for complex criminal cases, which have their own rates, and block fee rates for criminal certificates, which are not based on tier level.

If you want to move from one tier level to the next, you will need to download, complete and submit, to your district office, [the application form for a tier level increase](#). The office will check to make sure you have completed it correctly, then forward it on to LAO's Finance Department. It is advisable to apply as soon as you become eligible, as LAO applies tier level increases in the month when you receive your certification, not retroactively.

You may apply for an increase in tier level after a specified number of dedicated years in an area of practice, and you can be at different tier levels for different types of law.

If, for instance, you have practiced law for four years:

- and your practice is comprised exclusively of criminal law, you can apply to bill at Tier 2 level for criminal law; you will remain at Tier 1 for family law billings
- and your practice was split equally between family law and criminal law, you will need to wait another four years, in order to bill at Tier 2 for a total of four years of experience in criminal law and four years in family law.

If you are billing an account with a tier level change while working within that account, you should bill one account for services up to and including the date before the tier level increase. You should then submit a second account for services from the date of the tier level increase. That way, the system can capture the change in experience.

4.2 Using *Legal Aid Online*

All lawyers on LAO panels must use [Legal Aid Online](#), our secure website for submitting accounts, viewing payment status, acknowledging and managing certificates, communicating with LAO about payments, and electronically submitting and receiving documents.

Before you begin using *Legal Aid Online*, please:

- review our [User Agreement](#) and [User Guide](#)
- watch our [billing tutorials](#), to learn what you need to do to keep your accounts accurate, and help us pay you on time
- make sure your computer system meets our [technical requirements](#)

Once you have done all of the above, please go to *Legal Aid Online*:

- You will be prompted to type in a User ID and password. User IDs and passwords are upper- and lower-case sensitive and must always be entered accurately.
- For this first sign-in only, you will be required to change your password when you log in. Please also confirm your email address and security question. This will allow you to [reset your password](#) if you forget it or get locked out.

You must accept responsibility and liability for all transactions conducted under your account, whether you or any other designated person makes them. It is not advisable to share your ID and password with staff members. If you have a bookkeeper, you may seek a unique bookkeeper user ID that will allow your bookkeeper to access limited information on the portal. LAO is not responsible for any activity on *Legal Aid Online* by persons you have authorized to access your *Legal Aid Online* account.

What you can do on *Legal Aid Online*

Conduct transactions related to certificates:

- Update your client's information.
- Receive certificate status updates by email or text message (SMS).
- Acknowledge and manage certificates.
- Request amendments/authorizations of certificates.
- Respond to change of solicitor requests.

Conduct billing transactions:

- Submit dockets, invoices and discretion requests with accounts.
- Monitor payment status.
- Check hard cap status, read annual billing limits, arrange to receive notices.
- Monitor billing reminders to ensure accounts are submitted within the billing deadlines.
- Electronically submit disbursement requests, expedite requests and review requests.
- Electronically send and receive correspondence from LAO's Lawyer Services and Payments department on a specific certificate.
- Read Electronic Fund Transfer (EFT) deposit notices.

Use a single sign-in to directly access [LAO LAW](#) (LAO's extensive online body of legal research and resources for Ontario lawyers who represent clients on certificates).

4.3 Billable services

There are four types of billable services, as follows:

4.3.1 Tariff matters

Lawyers bill by the hour for certificate services, at their tier level, in accordance with a prescribed allotment of hours for a particular matter.

4.3.2 Block fee matters (criminal only)

Block fees are single, fixed fees Legal Aid Ontario pays for most of a lawyer's work on an eligible criminal case.

There are three categories of block fee:

- Summary I
- Summary II
- Indictable offences.

There are also some block fee “enhancements” that do not require further authorizations, including:

- pretrial blocks – bail hearing, Charter motion, judicial pre-trial
- vulnerable client block – *Gladue*, mental health

LAO pays for work on the case up to an appropriate final resolution (i.e., a guilty plea or withdrawal of an eligible charge; diversion is an interim resolution that becomes final upon successful completion). This means that you will receive the same payment as you would under the current tariff, including the most common disbursements and the additional services you would normally provide. There is no discretion available for block fee matters.

Please note the following:

- **If your case is a block fee matter but exceptional circumstances require you to bill according to the tariff**, you will need to request an exemption, in writing, from the director general—as soon as these circumstances arise. Directors general make these decisions on a case-by-case basis. Please await an answer before submitting your account.
- **Once a matter is set down for a contested trial, it is ineligible for block fee billings.** LAO will pay you at your hourly tariff rate for these matters, whether they proceed to a preliminary hearing or a trial; or are resolved to a guilty plea or withdrawal. You could, for instance, receive payment as a block fee enhancer for a bail hearing, and then, once the matter is set down for trial, continue billing at your hourly tariff rate.
- Not all criminal charges fall within the block fee guideline.

[Learn more about block fees.](#)

4.3.3 Case management matters

Case managed cases are select criminal and family law cases and proceedings that are beyond the tariff allotment and meet LAO’s prescribed criteria for a budget, comprised of tariff authorizations and blocks of hours. LAO case managers collaborate with lawyers to develop this budget.

There are three different types of case management:

Big Case Management (BCM)	Mid-Level Case Management (MLCM)	
<p>This is only for the most serious criminal matters, and must meet one of the following criteria:</p> <ul style="list-style-type: none"> the total fees and disbursements are expected to exceed \$20,000 or it is a first or second degree murder charge, and the total fees and disbursements are expected to exceed \$30,000 or there are multiple accused, and the collective fees and disbursements are expected to exceed \$50,000. 	<p>Criminal cases that:</p> <ul style="list-style-type: none"> would normally cost LAO between \$8,000 and \$20,000 in fees and disbursements or are homicide cases that would normally cost up to \$30,000 in fees/disbursements and discretion and do not meet the criteria for Big Case Management (BCM)—by application only and not subject to discretionary increases and contain at least one of the charges listed in LAO’s mid-level case management—criminal fact sheet and have been set down for preliminary hearing or trial. 	<p>Family cases that:</p> <ul style="list-style-type: none"> would normally cost LAO \$8,000 to \$20,000 and received a certificate for a extended society care application or have a set pre-trial or trial date, and the lawyer is requesting pre-trial or trial authorizations and have total interim billings of \$5,000 in fees and disbursements. <p>LAO’s case management family-CYFSA extended society care fact sheet provides more details, such as factors to be considered, motions and applications that may be present, eligible criminal charges and more.</p> <p>Directors General have the residual authority to add any cases which, in their opinion, are likely to exceed \$8,000; this must be confirmed in writing.</p>
<p>Get more information on BCM from your director general and our website.</p>	<p>Get more information on MLCM from your director general and our website.</p>	

4.3.4 Discretion

Legal Aid Ontario expects you to bill for all your accounts within the hours authorized on your certificate. However, LAO may grant an increase on the payment of accounts that exceed the tariff maximum—in other words, provide you with a *discretionary increase*—if you can demonstrate exceptional circumstances for the case. The onus is on counsel to establish exceptional circumstances.

Note, however, that discretionary increases are not available on block fee accounts, mid-level case management accounts or accounts which specifically exclude discretion (such as second chair or independent legal advice accounts).

To request a discretionary increase, you must:

- have sought and obtained all available authorizations on a certificate from your district office
- have found that the tariff is still clearly inadequate for the services required
- submit a request for discretionary increase for each account where applicable at the time of submitting the account, by:
 - filling out the [request for discretion form](#) and attaching the necessary documentation, as follows:
 - provide on the form, the details of the case that address the clarified discretion criteria and the work expended in support of your request.
 - attach, if appropriate, copies of earlier opinion letters rendered in the matter
 - (if you are submitting a request for a discretionary increase on a retroactive basis:) request retroactive discretion by filling out the applicable [discretionary request form](#) and submit to LAO's Lawyer Services & Payments department within 60 days of the date your account was paid (based on the date of the deposit notice). Retroactive discretion will not be considered if requested more than 60 days after the original account was paid.


To find out more about when and how to make a discretionary increase request, please contact the Lawyer Service Centre at (416) 979-9934 or toll free at 1-866-979-9934.

[Go to Legal Aid Ontario's discretion guidelines.](#)

4.4 Billing tips

It is critically important that all lawyers read and understand LAO's billing distinctions, detailed account information and tariff maximums, as set out in much greater detail in our [Tariff and Billing Handbook](#) as well as disbursements, as set out in our [Disbursements Handbook](#).

Other useful billing resources:

- [Billing tips for criminal lawyers](#)
- [Billing tips for family lawyers](#)
- [Billing tips for refugee lawyers](#)
- [Tips on how to meet LAO billing deadlines for certificate accounts](#)
- [Tips for billing Big Case Management files](#)
- [Tips for billing Complex Case Rate files](#)
- A helpful and on-point tutorial for lawyers on [billing for duty counsel assignments](#)
- Click on help buttons  located throughout [Legal Aid Online](#) for useful information as you submit your account

Also see the following sections of our website:

- [Accounts and billing](#)
- [Online billing guide](#) (using *Legal Aid Online*)
- [Annual billing limits](#)—2,350 hours per fiscal year for all panel lawyers, regardless of tier level
- [Better Billing Bulletin](#) (B3) newsletter
- [Billing deadlines](#)—current certificates
- [Discretion](#)—how and when to request a discretionary increase
- [Disbursements](#)
- [How to bill](#)
- [Billing forms and resources](#)—such as forms for Tier level requests, panel standards, and bank or address information change
- [Payment schedules](#)

The most important billing tips

- Bill on time.
- Obtain all possible amendments/authorizations from the district office before starting your online account.
- When requesting discretion, make sure to check off “Request Discretionary Increase” and use the Request Discretion Form.
- Select and bill enhancers for criminal law matters.
- Enter case outcomes correctly, such as pleas/outcomes in criminal law matters.
- Bill court days correctly.
- Provide details for court attendance.
- Seek a case management budget if and when appropriate. [Learn more](#).
- Attach all private dockets whenever you have arranged a private retainer with a client—before LAO issues a certificate for that client and matter.
- Don't try to bill “Charges Heard Separately” under a block fee certificate.
- Bill simple correspondence at 0.1 hours per letter.
- Do not submit accounts for unapproved disbursements. All disbursement-related matters are in the [Disbursements Handbook](#).
- Do not bill for ongoing services after a certificate's date of cancellation or termination.

4.5 Billing errors

You are responsible, as the lawyer contracting with Legal Aid Ontario, to bill LAO correctly on *Legal Aid Online*, as well as to ensure that your accounts are accurate and reflect the work of you or your agent (as previously noted, agents of panel refugee lawyers must be approved on either the General or Appellate panel standards). Filling in accounts incorrectly at the time of submission on *Legal Aid Online* may result in your account not being paid in part, in full, at all, or on time.

LAO's [Audit and Compliance Unit](#) is responsible for making sure accounts are billed and paid out correctly. It conducts random audits as part of the organization's mandate to ensure transparency and value for taxpayer's money. It also closely examines accounts that do not meet one of more of Legal Aid Ontario's requirements.

If the Audit and Compliance Unit identifies a potential billing error on an account that has already been paid to you, the unit will contact you by sending out a notice requesting specific documentation to support the accounts under review. You will be asked to provide this documentation within 30 days. If you do not comply after 30 days, you will get a second notice, requesting the documentation within 15 days. If accounts are not submitted by that date, the Audit and Compliance Unit may:

- deduct fees and disbursements paid to the account from future payments
- notify your District Office; refer your accounts to our Investigation's Department or refer you to panel management (which may choose to begin the process of removing you from your panel).

Note: You must obtain all authorizations prior to submitting your account, and then, if discretion is required, request discretionary payment when the account is submitted. The Audit and Compliance Unit does not provide authorization for services, approve discretion requests or pay for services that were not included at the time of submission of your account.

Questions?

For all issues related to billing, please contact the Lawyer Service Centre at (416) 979-9934 or toll free at 1-866-979-9934.

Get more information on who to contact with account questions at [contacts for lawyers](#).

Get more information about the [Audit and Compliance Unit](#) on our website.

Rules and regulations for discretion and authorizations are in the [Tariff and Billing Handbook](#).

5.0 Clients switching to another lawyer

Clients who receive a certificate from Legal Aid Ontario can select the lawyer they prefer, provided the lawyer is on a legal aid panel.

As indicated in [Section 2.2](#), acknowledging a client's certificate means that you are confirming (to the client and to LAO) that you do not have a conflict and are ready, willing and able to represent the client to the matter's completion. If there is breakdown in the relationship, you and your clients are expected to repair it to the best of your respective abilities.

Clients who wish to change lawyers must show that the breakdown is irreparable, and is not their fault. They would then need to apply to formally change solicitor at the legal aid office and qualify for a new certificate. If the client's request for a change of solicitor meets legal aid guidelines and the client continues to qualify, a new certificate may be issued, with new authorizations and time allotments.

LAO guidelines state that a change of solicitor is generally allowed only in extraordinary circumstances. Examples include the following:

- When the client has a reasonable and demonstrable concern with the quality of the work being performed by the lawyer;
- When a lawyer is obliged for ethical reasons to withdraw from the case. For example, when a lawyer discovers a conflict of interest, or when a lawyer discovers that he or she is not competent to handle the matter;
- When a client indicates that there is a complete breakdown of his or her relationship with the lawyer, and this is confirmed by the lawyer. Mere dissatisfaction is not considered a complete breakdown.

You are not permitted to "fire" your client because he or she is merely dissatisfied with your service to date for any of the reasons listed above.

LAO will be more lenient in exercising discretion and allowing clients to switch lawyers where mental illness, domestic violence or language is an issue.

5.1 Conflicts of interest

As indicated in [Section 1.5](#), LAO expects all panel lawyers, including those working as duty counsel, to:

- maintain a professional relationship with clients
- never use their position of authority to physically, emotionally or sexually harass LAO certificate clients
- never seek personal services in exchange for representation.

If you do not comply with the above, and your personal relationship with a client contributes to a breakdown in your lawyer-client relationship, your client may make a request to switch lawyers, and LAO may comply.

Such a situation holds potential to harm your client, LAO and you. It would jeopardize the client's right to have his or her issue dealt with quickly by the justice system, waste the work you did for the client, and necessitate a new certificate to another lawyer, who would need to duplicate your work, at the taxpayer's expense.

Questions?

For more information on processes involved in clients switching lawyers, please contact your [director general](#) or [district office](#).

6.0 How clients can appeal negative decisions

Clients who are refused a certificate can appeal on the basis of disagreement with financial and/or legal eligibility decisions, or a refusal of the form that must be filled in to switch to another lawyer (known as a [change of solicitor application](#)). They must do so within 15 days if they are not in custody, and 45 days if they are in custody.

These appeals are considered by a district area committee, which is comprised of two lawyers and one lay person and acts as an appellate body under the *Legal Aid Services Act*. The committee conducts appeal hearings by phone, without the client present. It can uphold, overturn or defer decisions.

If the committee upholds a refusal, the client can apply within 15 days (45 days if the client is in custody) to the director of appeals in Legal Aid Ontario's Provincial Office. The decision of the Director of Appeals is final.

Questions?

For more information, please contact your director general or [district office](#).

7.0 Alternative fee arrangements

An [Alternative Fee Arrangement](#) is a new method of payment which provides lawyers with regular payments. Unlike Legal Aid Ontario's usual hourly or block fee billing, payment in the AFA system is not dependent on the submission of online accounts.

LAO is piloting these arrangements with some lawyers and law firms. They are available to lawyers or law firms in all areas of law, and may also include per diem duty counsel work.

Lawyers or law firms who participate in Alternative Fee Arrangements get the security of regular, agreed-upon monthly payments over an agreed-upon timeframe, generally, a year. In exchange, they manage a predetermined number and range of legal aid services over that same timeframe.

Questions?

Get more information on the [Alternative Fee Arrangement](#) section of the LAO website or your [district office](#).

8.0 Mentoring: Second Chair program

This program, launched in 2014, provides funding for private bar lawyers working on legal aid certificates to act as a “second chair” on a case or an aspect of a case (for example, a summary judgment motion). It provides new and mid-career lawyers with the opportunity to receive training and benefit from the knowledge and experience of more senior and experienced lawyers, and also provides senior or more experienced lawyers with the assistance and support of a new or mid-career lawyer.

8.1 Case-by-case mentoring

A new or mid-career lawyer tackling an interesting legal aid case for which he or she needs assistance can apply to be a mentee, i.e., apply for a senior lawyer to act as second chair. Legal Aid Ontario will compensate the senior lawyer.

Alternatively, a senior lawyer working on an interesting legal aid case that he or she believes would provide an interesting learning opportunity can apply to be a mentor, i.e., apply for a new or mid-career lawyer to help the senior lawyer on the case. LAO will compensate the new or mid-career lawyer.

8.1.1 Eligibility

Approval for the case-by-case program is based on:

- whether the case provides a good learning opportunity
- whether the mentor has experience in that particular area of law and as a mentor and
- the commitment of the new or mid-career lawyer to legal aid work.

8.1.2 How to apply

Go to LAO’s [Second Chair page](#). If you are applying to be a mentor, complete the [case-by-case mentor application](#). Alternatively, if you are applying to be a mentee, complete the [case-by-case mentee application](#). Submit your forms to secondchair@lao.on.ca.

You should hear back about your application within approximately two weeks.

8.2 Pre-approved mentor program

Senior lawyers experienced in providing mentoring or continuing legal education, who are working on legal aid cases that he or she believes would provide a useful learning opportunity to new or mid-career lawyers can obtain pre-approval for a pre-determined number of mentoring hours.

Pre-approved senior lawyers can determine:

- which certificate cases offer the best mentoring opportunities
- how the mentoring should be provided and
- which LAO panel lawyer would most benefit from the mentoring.

8.2.1 How to apply

Go to LAO's [Second Chair page](#). If you are applying to be a mentor, complete the [pre-approved program – mentor application form](#) and submit your form to secondchair@lao.on.ca.

If you hope to be a mentee, you do not have to complete an application form.

You should hear back about your application within approximately two weeks.

A mentor who has been approved and has identified a case that he or she would like to work with a mentee must complete the [pre-approved mentor payment report](#). This report sets out:

- the certificate number for which mentor or mentee services are being provided
- the first date of service
- the name of the mentee selected
- the type of case and
- the number of hours which will be used.

The mentor should aim to submit the pre-approved mentor payment report to secondchair@lao.on.ca before the services are started. The final deadline for submission of the pre-approved mentor payment report is within 30 days of service commencement.

9.0 How Legal Aid Ontario manages panel lawyers

Legal Aid Ontario is committed to ensuring that lawyers acting for legal aid clients provide consistently high quality legal aid services in a cost-effective and efficient manner. Lawyers who are on the panel are required to meet panel standards, comply with the [General Terms and Conditions](#) and all policies.

For more information, go to LAO's [panel management questions and answers](#).

9.1 Professionalism policy

LAO has developed a [professionalism policy](#) to establish a mutual commitment, with lawyers who provide LAO services, to the core values of respect and civility in all communications.

9.2 Complaints

From time to time, a client, opposing party, opposing party's lawyer, interested party, or justice partner/stakeholder brings problems and/or concerns with per diems or certificate lawyers to LAO's attention, via written or verbal complaints.

LAO contacts everyone who makes a complaint to hear what they have to say, and does its best to try and resolve the issue.

If LAO cannot verify a complaint, no further action will be taken.

If LAO can verify a complaint, it will take remedial action which may include, but not be limited to, arranging for you to:

- make related adjustments to your practice to address the concern
- complete further education related to the practice of law, such as professional development, shadowing, mentoring, etc., depending on the concerns raised
- complete further substantive legal education
- complete further professional legal education
- have a formal mentor for a period of time or indefinitely
- be removed from the duty counsel panel
- be removed from the certificate panel.

9.3 Removal from a panel

Panel removal is governed by [Legal Aid Services Act, 1998, O. Reg.106/99, ss. 31 and 32](#).

Questions?

Get more information from the [making a complaint](#) and [panel management questions and answers](#) pages on our website.

10.0 Legal research services at Legal Aid Ontario

Legal Aid Ontario's LAO LAW division is responsible for the [LAO LAW website](#), which provides online legal research support for legal aid to panel lawyers and LAO staff lawyers.

The LAO LAW website contains legal research resources on Aboriginal legal issues, criminal law, family law, immigration and refugee law and mental health law, and correctional law including:

- general memoranda on legal topics
- specific issue memoranda about discrete legal issues
- criminal, family, and immigration and refugee law facta and precedents
- *The Bottom Line*, a weekly newsletter that reports on breaking developments in case law and legislation in criminal, family, and refugee law (subscribe on the LAO LAW website)
- a forensic science database
- links to useful websites, and various legal articles and manuals
- an online mentoring service to assist lawyers with practice issues.

The LAO LAW website also provides case-specific research to Ontario lawyers in certificate cases and to duty counsel and staff lawyers acting for legally aided clients. A criminal lawyer and a family law lawyer are on call daily (Monday to Friday) to address research requests by panel lawyers, duty counsel and staff lawyers (and an immigration and refugee lawyer is also available three days per week).

Panel lawyers can get onto the site by logging in with their Law Society solicitor number and LAO solicitor number.

Questions?

Contact LAO LAW as follows:

Phone: (416) 979-1321

Fax: (416) 979-8946

Toll-free: 1-800-265-1392

Email: laolaw@lao.on.ca

Twitter:

[@LAO LAW](#)

[@LAOLAWFR](#)

11.0 Clinic Resource Office

Legal Aid Ontario's Clinic Resource Office (CRO) provides legal research services to LAO clinic lawyers, Student Legal Aid Services Societies and LAO staff in the areas of:

- social assistance (Ontario Disability Support Program or Ontario Works)
- housing (issues between tenants and landlords, or co-ops and their members)
- Canada Pension Plan and Old Age Security
- criminal injuries compensation
- employment insurance
- human rights
- Canada Child Tax Benefit matters.

Questions?

Contact the Clinic Resource Office as follows:

Phone: (416) 204-5420

Toll free: 1-877-544-5420

Email: cro@lao.on.ca

12.0 Lawyer Service Centre

The Lawyer Service Centre (LSC) is Legal Aid Ontario's toll-free telephone line for lawyers who do legal aid work. It is your first call for all enquiries related to payment that are not answered on [Legal Aid Online](#) as well as other services for lawyers, including:

- billing/tariff instruction/enquiries
- account status/outstanding payment status
- block fee enquiries
- application status
- portal amendment request status
- new solicitor assistance
- deposit slip reconciliation
- technical support, including password reset

If the Lawyer Service Centre cannot help you, it can refer you, where appropriate, to other departments in LAO, such as:

- Lawyer Services and Payments
- Lawyer Services Development
- the Audit and Compliance Unit
- Case Management and Litigation
- Provincial Case Management and Special Projects
- Finance
- Communications
- Information Technology
- District offices

Questions?

Contact the Lawyer Service Centre toll-free, Monday through Friday, from 8 a.m. to 5 p.m., at 1-866-979-9934.