

**DISCLAIMER**  
**LEGAL AID REGULATIONS**  
**C.O. 1976/286**

The text of the attached *Legal Aid Regulations, C.O. 1976/286*, is published by the Yukon government, department of Justice, solely as a convenience.

We believe it to be accurate, but it is not an authoritative text of which judicial notice must be taken.

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**C.O. 1976/286**  
**LEGAL AID ACT**

Pursuant to the provisions of the Legal Aid Act, the Commissioner in Executive Council orders as follows:

1. The annexed Legal Aid Regulations are hereby made and established on and from the 1st day of November, A.D. 1976.

Dated at Whitehorse, in the Yukon Territory, this 8th day of November, A.D., 1976.

*(Legal Aid Regulations repealed; Schedules and forms are not repealed by O.I.C. 1987/70)*

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Commissioner of the Yukon

**SCHEDULE 1**

*(Amended by O.I.C. 1989/03)*

**FEES IN CRIMINAL MATTERS**

**GROUP I**

All indictable offences having a maximum punishment of life imprisonment under any statute of Canada, (save and except for an offence contrary to s.306(1)C.C.C., together with the following offences:

- (a) kidnapping;
- (b) aircraft offences under the Criminal Code (Canada);
- (c) sexual assault;
- (d) aggravated sexual assault;
- (e) sexual assault with a weapon;
- (f) conspiracy;
- (g) extortion;
- (h) criminal negligence;

- (i) perjury;
- (j) forcible confinement;
- (k) infanticide;
- (l) sexual intercourse with female under 14;
- (m) manslaughter
- (n) importing under the Narcotic Control Act (Canada);
- (o) dangerous offender applications under the Criminal Code (Canada);
- (p) any attempt to commit one of the enumerated offences above;
- (q) counselling the commission of any of the enumerated offences above.
  1. Preparation for preliminary hearing, trial, or guilty plea including interviews with accused and witnesses, per hour (see note 1) - \$70.00
  2. Counsel fee at preliminary hearing, per day - \$330.00
  3. Counsel fee at trial, per day - \$500.00

### **GROUP II**

All indictable offences not included in Group I having a maximum punishment of more than two years but not more than fourteen years under any statute of Canada, together with the following enumerated offences:

- (a) break and enter under the Criminal Code (Canada);
- (b) trafficking under the Narcotic Control Act (Canada) and the Food & Drug Act (Canada);
- (c) possession for the purpose of trafficking under the Narcotic Control Act (Canada) or the Food & Drug Act (Canada);
- (d) an application for extradition;
- (e) an application under the Fugitive Offenders Act (Canada) or an appeal to the Immigration Appeal Board;
  4. Preparation for preliminary hearing, trial, or guilty plea including interviews with the accused and witnesses, per hour (see note 2) - \$60.00
  5. Counsel fee at preliminary hearing, per day - \$275.00
  6. Counsel fee at trial, per day - \$390.00

### **GROUP III**

All indictable offences not mentioned in Groups I and II. All offences that may be prosecuted by either indictment or summary conviction, except offences under Sections 237 and 238 of the Criminal Code (Canada).

7. For all services including bail hearing and bail reviews, preliminary hearing, adjournments, preparation and counsel fee at trial where the accused has no election under Criminal Code (Canada).
  - (a) where the accused pleads not guilty or all charges are withdrawn - \$420.00
  - (b) where the accused pleads guilty - \$275.00
8. For all services including bail hearings and bail reviews, preliminary hearing, adjournments, preparation and counsel fee at trial where the accused has an election under the Criminal Code (Canada),
  - (a) where the accused pleads not guilty or all charges are withdrawn - \$835.00
  - (b) where the accused pleads guilty - \$275.00

#### **GROUP IV**

All summary conviction offences all territorial offences and offences under Sections 237 and 238 of the Criminal Code (Canada) and appearances at a deportation hearing before a Special Inquiry Officer.

9. For all services, including bail hearings, bail reviews, adjournments, preparation and counsel fee at trial,  
(a) where the accused pleads not guilty or all charges are withdrawn - \$348.00  
(b) where the accused pleads guilty - \$207.00

#### **BAIL PENDING TRIAL FOR OFFENCES IN GROUPS I AND II**

10. For all services including application to a judge of the Supreme Court, preparation, drawing notice of motion, affidavits, attendances, justifications by surety or sureties or entering into recognizance - \$348.00

11. For all services including preparation, attendance on a judicial interim release hearing where the prosecutor moves to show cause - \$174.00

12. For all services including a review of an order made by a justice of the peace or a judge, drawing notice of a motion, preparation, affidavits, attendances, justification by surety of sureties, or entering into recognizance - \$348.00

13. Bail pending appeal on all indictable offences for all services - \$348.00

#### **APPEALS TO THE SUPREME COURT OF CANADA IN RESPECT OF ALL MATTERS**

14. Drawing application for leave to appeal, notice of appeal, preparation of appeal case, including statement of points of fact and law, and all other necessary preparation, per hour (see note 5) - \$70.00

15. Counsel fee on application for leave to appeal, per day - \$500.00

16. Counsel fee on appeal, per day - \$666.00

#### **APPEALS TO THE COURT OF APPEAL WITH RESPECT TO INDICTABLE OFFENCES SET OUT IN GROUPS I AND II**

17. Drawing and filing notice of appeal, preparation of the appeal book, statement of points of fact and law and all other preparation, per hour (see note 6) - \$70.00

18. Counsel fee, per day - \$500.00

#### **APPEALS TO THE COURT OF APPEAL WITH RESPECT TO INDICTABLE OFFENCES HAVING A MAXIMUM PUNISHMENT OF TWO YEARS AS SET OUT IN ITEM SEVEN**

19. Drawings and filing notice of appeal, preparation of the appeal book, statement of points of fact and law, and all other preparation, per hour (see note 6) - \$60.00

20. Counsel fee, per day - \$390.00

**APPEALS TO THE COURT OF APPEAL AND SUPREME COURT OF YUKON  
WITH RESPECT TO ALL SUMMARY CONVICTION OFFENCES**

21. Drawing and filing notice of appeal, preparation of the appeal book, application for leave to appeal, application for bail pending appeal, preparation of statement of points of fact and law, and all other preparation, up to a maximum of six hours, per hour - \$60.00

22. Counsel fee, per day - \$390.00

**ADJOURNMENTS (FOR GROUP I AND II OFFENCES ONLY)**

23. Attendance on an adjournment before a judge of the Supreme Court (see note 7) - \$83.00

24. Attendance on a adjournment or consent order before a Territorial Court Judge (see note 7) - \$27.00

**APPEALS BY WAY OF STATED CASE**

25. Application to a justice of the peace or territorial court judge to state a case, including preparation of application, drafting case and service of application, attendance on justice of the peace or territorial court judge to enter into recognizance or application for bail, preparation and service of notices of appeal and stated case, to a maximum of six hours, per hour - \$60.00

26. Counsel fee, per day - \$390.00

**CERTIORARI, MOTION TO QUASH, MANDAMUS, PROHIBITION AND QUO  
WARRANTO**

27. Block fee for all services including preparing, serving and filing notice of application or motion, affidavits and all other necessary material, preparation and counsel fee on the hearing of the motion - \$695.00

28. On motions for leave to appeal and appeals to the Court of Appeal, the same fees as under items 17 and 18.

**HABEAS CORPUS**

29. Block fee for all services including preparing, serving and filing notice of application, affidavits and all other necessary material, preparation and counsel fee on the hearing of the application in the Supreme Court, applying for the writ of habeas corpus and the motion for discharge if the writ is granted - \$695.00

30. Where a barrister certifies that he or she has the equivalent of four years practice in criminal law, the basic hourly and per diem rates are subject to the following increases: (see note 17)

rate per hour \$ 60.00	increase to \$ 67.00
rate per hour \$ 70.00	increase to \$ 78.00
rate per day \$ 275.00	increase to \$ 308.00
rate per day \$ 330.00	increase to \$ 370.00
rate per day \$ 390.00	increase to \$ 438.00
rate per day \$ 500.00	increase to \$ 560.00
rate per day \$ 666.00	increase to \$ 750.00

31. Where a barrister certifies that he or she has the equivalent of ten years practice in litigation, including at least four years of practice in criminal law, the basic hourly and per diem rates are subject to the following increases: (see note 17)

rate per hour \$ 60.00	increase to \$ 75.00
rate per hour \$ 70.00	increase to \$ 88.00
rate per day \$ 275.00	increase to \$ 344.00
rate per day \$ 330.00	increase to \$ 413.00
rate per day \$ 390.00	increase to \$ 488.00
rate per day \$ 500.00	increase to \$ 625.00
rate per day \$ 666.00	increase to \$ 833.00

### **COUNSEL FEES ON CIRCUITS**

32. Block fee for all necessary court attendances while on the circuit,
- (a) Counsel Fee per court circuit sitting day - \$500.00
  - (b) \$70.00 per hour to a maximum of \$500.00 for preparation for each of the court circuit days
  - (c) travel time to and from circuits per hour - \$35.00

NOTE: The per diem limit under item (a) and (b) above may be reduced by the Legal Services Society where it appears the fee may be excessive for a particular circuit. There shall be no experience increase allowable for Counsel fees on circuits.

33. Attendance at the Whitehorse Correction Centre, per visit no matter how many clients interviewed - \$60.00

### **NOTES**

1. A maximum of eight hours preparation for each of the first two days of trial and a maximum of four hours preparation for each succeeding day of trial is allowed, but not more than,

- (a) forty hours for first and second degree murder;
- (b) thirty-two hours for attempted murder, manslaughter, sexual assault, criminal negligence causing death, importing a narcotic; and,
- (c) twenty-four hours for all other indictable offences punishable by a maximum of life imprisonment, including an application under Part XXI of the Criminal Code (Canada).

2. A maximum of six hours preparation for the first day of trial, four hours preparation for the second day of trial and a maximum of two hours preparation for each succeeding day of trial is allowed, but not more than,

- (a) eighteen hours for indictable offences punishable by a maximum of fourteen years;
- (b) fourteen hours for indictable offences punishable by more than five years but not more than ten years; and,
- (c) twelve hours for indictable offences punishable by more than two years, but not more than five years, or an application for extradition or under the Fugitive Offenders Act (Canada) or an appeal to the Immigration Appeal Board.

3. When an offence may be prosecuted by either indictment or summary procedure, the maximum punishment by indictment exceeds two years and the prosecutor

proceeds by indictment, the solicitor is entitled to submit his or her account as if the offence were included in Group II and the matter shall then be treated as a Group II offence for the purpose of this Schedule.

4. Upon

(a) any application to the Supreme Court of the Yukon Territory for admission to bail including drawing of notice of motion, affidavits, attendances incidental to the application, preparation of recognizance, execution thereof and justification of surety or sureties; or,

(b) a review of an order made by the Supreme Court of the Yukon Territory, including drawing notice of motion, affidavits, attendances incidental to the review, preparation of recognizance, execution thereof and justification of surety or sureties,

a maximum of eight hours is allowed at the appropriate preparation rate under items 1 or 4.

5. The maximum preparation time allowed for,

(a) leave to appeal, is fifteen hours; and

(b) an appeal, is thirty-five hours

6. The maximum time allowed for preparation where an appeal is against,

(a) sentence only, is six hours; and

(b) conviction and sentence, or conviction alone, is fourteen hours.

7. A barrister is not entitled to a fee for more than one adjournment or consent order before the same judge during the same half day.

8. A Legal Aid Committee may allow a fee to a barrister for the preparation of an opinion, for an additional opinion or for the barrister's attendance to make a further submissions when requested by the Legal Aid Committee .... \$60.00/hour with no experience increase.

9. In any criminal matter not dealt with by this schedule, the Legal Aid Committee may allow a reasonable fee and in determining the fee properly payable, the Legal Aid Committee may have regard to the fees payable under this schedule for comparable services.

10. This schedule is the Legal Aid Tariff reflecting fees customarily paid by a client of modest means and except in unusual circumstances, the fees provided for shall normally apply for the legal services covered thereby, including block fees and maximum fees, but,

(a) at the written request of the barrister, the fees may be increased by the Legal Aid Committee in those cases where in the opinion of the Legal Aid Committee an increase is justified having regard to all the circumstances, including the nature of the work done, the complexity of the case, the result obtained, the number of charges against the client, the length of the trial, the amount of Court time saved, the amount of money saved by the Legal Aid Plan, the time necessarily spent, and any other factor that would warrant increased fees;

(b) the fees may be decreased by the Legal Aid Committee in those cases where, in the opinion of a taxing officer appointed by the Legal Aid Committee, a decrease is appropriate.

11. A barrister shall prepare an account in accordance with this schedule and shall provide details of services rendered, including the date, length of time, description of service and by whom the service was rendered.

12. The Legal Aid Committee may require proof and justification of all items included in an account, either by the production of docket entries or otherwise.

13. Where a barrister represents two or more persons charged with the same offence or a similar offence arising out of the same occurrence, and where the trials, pleas of guilty or appeals are heard in the same court at approximately the same time, then, for the purposes of this schedule, the barrister is entitled to fees as for one client and to an increase of 40% and such additional fees as may be appropriate in accordance with note 10(a).

14. Where a barrister represents a person charged with two or more offences, and the trials, pleas of guilty or appeals are heard in the same court at approximately the same time, then, for the purpose of this schedule, the barrister is entitled to fees as for one charge and such additional fees as may be appropriate in accordance with note 10(a).

15. If an application for leave to appeal and the hearing of the appeal are heard at approximately the same time, the barrister is entitled to fees for the appeal only.

16. Where a barrister can readily ascertain that the services authorized by a certificate in the specific circumstances of the case, are sufficiently unusual or unique that the maximum allowed by the tariff is clearly inadequate, the barrister may forthwith advise the Legal Aid Committee of the details of the case and give them an estimate of the time and services required. Failure of a barrister to do so will be a factor in the settlement of the barrister's account.

17. For the purposes of this schedule, years of practice in criminal law or litigation are calculated by multiplying the total number of years in practice by the percentage of the barrister's practice that is criminal law or litigation, as the case may be.

18. Where a barrister attends at court with a client to commence a preliminary hearing or trial on a date already fixed by the court, on a Group I or Group II offence, and where the barrister is required to wait more than one hour before the client's case is called by the court, and through no fault of the barrister the preliminary hearing or trial is adjourned to another fixed date, the barrister may if the circumstances required the barrister to wait, be paid a fee equal to one half of the preparation rate applicable under items 1 or 4 to a maximum of three and one-half hours in lieu of any claim under items 23 and 24.

19. This Schedule has effect only with respect to certificates issued on or after the 1st day of January, 1989.

*(Amended by O.I.C. 1989/03)*

## **SCHEDULE 2**

*(Amended by O.I.C. 1989/03)*

### **FEES IN CIVIL MATTERS GENERAL**

1. In all proceedings in the Supreme Court of Canada, Supreme Court of the Yukon Territory, or Federal Court of Canada, proceedings under the Matrimonial

Property and Family Support Act, the Children's Act or the Mental Health Act, appeals in the Court of Appeal of the Yukon Territory and quasi-judicial or administrative boards or commissions an hourly rate of (see notes 1 to 9) - \$70.00.

2. In all proceedings in the Territorial Court (other than proceedings under the Matrimonial Property and Family Support Act, Children's Act or the Mental Health Act) an hourly rate of (see notes 1 to 9) - \$60.00.

### **APPEALS OF INTERLOCUTORY ORDERS**

3. All services including preparation, correspondence, preparation of appeal book and factum,

(a) to a judge of the Supreme Court of the Yukon Territory (see note 29) per day - \$390.00

(b) to the Court of Appeal, counsel fee (see note 30) per day - \$500.00

### **TRIAL OF AN ACTION**

4. Setting action down for trial, preparing, serving and filing notice of readiness for, and notice of listing for trial - \$43.00

5. Counsel fee in the Supreme Court of the Yukon Territory and the Federal Court of Canada and in proceedings under the Matrimonial Property and Family Support Act, Children's Act, or the Mental Health Act, per day - \$500.00

6. Counsel fee in the Territorial Court other than proceedings under the Matrimonial Property and Family Support Act, Children's Act, or the Mental Health Act, per day - \$390.00

### **APPLICATIONS (see notes 10 to 14)**

7. Counsel fee in the Supreme Court of the Yukon Territory or the Federal Court of Canada and in proceedings under the Matrimonial Property and Family Support Act, Children's Act, or the Mental Health Act for attendance on an application, per day - \$500.00

8. Counsel fee in the Territorial Court other than proceedings under the Matrimonial Property and Family Support Act, Children's Act, or the Mental Health Act for attendance on an application, per day - \$390.00

### **UNCONTESTED DIVORCES**

9. Uncontested divorce proceedings, including preliminary attendances, preparing and issuing petition, service, all other necessary matters preliminary to trial including correspondence, interim motions, discoveries, pre-trial conferences, preparation for trial, setting down for trial, counsel fee at trial and all necessary matters subsequent to trial, including obtaining decree absolute, preparation of bill of costs, attendance on taxation, obtaining assignment of costs, filing execution - \$580.00

10. Advising a respondent in an uncontested divorce action in respect of all necessary matters, up to a maximum of five hours, per hour - \$70.00

### **QUASI-JUDICIAL OR ADMINISTRATIVE BOARDS OR COMMISSIONS**

11. Counsel fee, (see note 17) per day - \$390.00



**APPEALS TO THE SUPREME COURT OF CANADA**

- 12. Counsel fee on application for leave to appeal per day (see note 18) - \$500.00
- 13. Counsel fee on appeal (see note 18) per day - \$666.00

**APPEALS TO THE COURT OF APPEAL, FEDERAL COURT OR APPEAL AND SUPREME COURT OF THE YUKON TERRITORY**

- 14. Counsel fee on motion for leave to appeal, per day - \$500.00
- 15. Counsel fee on appeal, (see note 19) per day - \$500.00

**APPEALS TO THE SUPREME COURT UNDER THE MATRIMONIAL PROPERTY AND FAMILY SUPPORT ACT, CHILDREN'S ACT OF THE MENTAL HEALTH ACT**

- 16. Fee for all services including preparation and filing notice of appeal, preparation for and counsel fee on appeal - \$550.00

**SEPARATION AGREEMENTS**

- 17. Fee for all services for negotiating, drafting and settling a marital separation agreement - \$300.00

**DRAWING DOCUMENTS**

- 18. For drawing documents wherever the subject-matter or nature thereof is properly or customarily within the scope of the professional duties of a solicitor, per hour - \$60.00

**EXPERIENCE INCREASE**

- 19. Where a solicitor certifies that he or she has the equivalent of four years of practice in civil litigation, the basic hourly and per diem rates set out in the schedule are subject to increase as follows: (see note 28)

rate per hour \$ 60.00	increase to \$ 67.00
rate per hour \$ 70.00	increase to \$ 78.00
rate per day \$ 390.00	increase to \$ 438.00
rate per day \$ 500.00	increase to \$ 560.00
rate per day \$ 666.00	increase to \$ 750.00

- 20. Where a solicitor certifies that he or she has the equivalent of ten years practice in litigation, including at least four years of practice in civil litigation, the basic hourly and per diem rates set out in the schedule are subject to increase as follows: (see note 28)

rate per hour \$ 60.00	increase to \$ 75.00
rate per hour \$ 70.00	increase to \$ 88.00
rate per day \$ 390.00	increase to \$ 488.00
rate per day \$ 500.00	increase to \$ 625.00
rate per day \$ 666.00	increase to \$ 833.00

## NOTES

1. For preliminary interviews, advising and receiving instructions for the institution or defence of a proceeding, including correspondence, a maximum of two and one-half hours is allowed.

2. For preparation, issuance, service and delivery of originating process and pleadings, demand and reply to demand for particulars, financial statements and correspondence, a maximum of four hours is allowed.

3. For all services on discovery before the examination, including preparation of affidavit of documents, the production and inspection of documents, correspondence and preparation for discoveries, a maximum of one hour for each hour of examination for discovery is allowed.

4. Attendance on discovery is calculated at the applicable hourly rate with a minimum allowance of one hour.

5. The following maximum times are allowed for motions:

(a) On contested motions, for all services, including preparation of notice of motion and affidavits, preparation, correspondence and attendance on motion, and settling, signing and entering the order, a maximum of four hours.

(b) Where examinations are held on affidavits, for all services in connection therewith including preparation for examination and correspondence, a maximum fee of one hour for each hour of examination.

(c) Attendance on an examination is calculated at the applicable hourly rate with a minimum allowance of one hour.

(d) On a motion for leave to appeal, for all services including preparation, correspondence and attendance on motion for leave, a maximum of three hours.

(e) On uncontested motions and motions without notice, for all services including preparation of notice of motion and affidavits, preparation, correspondence and attendance on motion, settling, signing and entering the order, a maximum of three hours is allowed.

6. For preparation for trial, including necessary correspondence, attendance at pre-trial conference and preparation during trial, a maximum of ten hours is allowed for each of the first two days of trial and five hours is allowed for each succeeding day of trial but not more than forty hours in total (including first two days).

7. On all necessary matter subsequent to trial including correspondence, settling, signing and entering judgment, a maximum of one hour is allowed.

8. For preparation for an attendance on assessment of bill of costs, obtaining assignment of costs, correspondence and examination in aid of execution and filing execution, a maximum of one and one-half hours is allowed.

9. A solicitor is not entitled to a fee for more than one adjournment before the same judge during the same half day.

10. On uncontested applications and applications without notice, for all services including preparation of notice of application and affidavits, preparation, correspondence and attendance on application, settling, signing and entering the order, a maximum of three hours is allowed.

11. On contested applications, for all services including preparation of notice of application and affidavits, preparation, correspondence, settling, signing and entering the order, a maximum of five hours is allowed.

12. Where examinations are held on affidavits, for all services in connection therewith before the examination including preparation for the attendance on examination and correspondence, a maximum fee of one hour for each hour of examination is allowed.

13. Attendance on an examination is calculated at the applicable hourly rate with a minimum allowance of one hour.

14. Where the trial of an issue or a reference is directed on an application, the fees for subsequent services may be determined by reference to the fees provided for comparable services in this schedule.

15. The counsel fee on a reference is at the discretion of the Legal Aid Committee.

16. A fee may be allowed in the discretion of a Legal Aid Committee for negotiating a settlement whether or not a settlement has been effected or a proceeding has been instituted.

17. For preliminary interviews, advising and receiving instructions, preparation and correspondence, a maximum of five hours is allowed.

18. For drawing an application for leave to appeal, notice of appeal, preparation of appeal case, including statement of points of fact and law, and all other necessary preparation, maximum preparation time allowed for,

(a) leave to appeal, is fifteen hours; and

(b) appeal, is thirty-five hours.

19. For drawing and filing notice of appeal, preparation of appeal book, motion for leave to appeal, preparation of appeal books and factums and all other preparation the maximum preparation time allowed for,

(a) leave to appeal, is ten hours; and

(b) appeal, is twenty-five hours.

20. The Legal Aid Committee may allow a fee to a solicitor for the preparation of an opinion, for an additional opinion or for the solicitor's attendance to make further submissions when requested by the Legal Aid Committee.

21. In any civil matter not dealt with by this schedule, the Legal Aid Committee may allow a reasonable fee and in determining the fee properly payable, the Legal Aid Committee may have regard to the fees payable under this schedule for comparable services.

22. This schedule is a legal aid tariff reflecting fees customarily paid by a client of modest means and except in unusual circumstances the fees provided for shall normally apply for the legal services covered thereby including block fees and maximum fees, but, (a) at the written request of the solicitor, the fees may be increased by the Legal Aid Committee in those cases where in the opinion of the Legal Aid Committee an increase is justified, having regard to all the circumstances including the nature of the work done, the complexity of the case, the result obtained and any other factor which would warrant an increased fee; and

(b) the fees may be decreased by the Legal Aid Committee in those cases where, in the opinion of a taxing officer appointed by the Legal Aid committee, a decrease is appropriate, where and to the extent that the fees charged exceed the amount of fees that would be taxed were the account of the solicitor for the legal aid services the subject of a taxation under the Legal Profession Act.

23. A solicitor shall prepare an account in accordance with this schedule and shall provide details of services rendered, including the date, time of day, length of time, description of service and by whom the service was rendered.

24. The Legal Aid Committee may require proof and justification of all items included in an account, either by the production of docket entries or otherwise.

25. Where a solicitor represents two or more persons in the same proceeding or where a solicitor represents a person in two or more proceedings and in either case where the trials, hearing or appeals are heard in the same court or forum at approximately the same time, then for the purposes of this schedule the solicitor may be entitled to fees as for one client on one proceeding and such additional fees as may be appropriate in accordance with note 22(a).

26. If a motion for leave to appeal and the hearing of the appeal are heard at approximately the same time, the solicitor is entitled to fees for the appeal only.

27. Where a solicitor can readily ascertain that the services authorized by a certificate, in the specific circumstances of the case, are sufficiently unusual or unique that the maximum allowed by the tariff is clearly inadequate, the solicitor may forthwith advise the Legal Aid Committee of the details of the case and give them an estimate of the time and services required. Failure of a solicitor to do so will be a factor in the settlement of the solicitor's account.

28. For the purpose of this schedule,  
(a) practice in litigation means practice in civil litigation or practice in criminal law; and  
(b) years of practice in civil litigation or litigation are calculated by multiplying the total number of years in practice by the percentage of the solicitor's practice that is civil litigation or litigation, as the case may be.

29. The maximum time allowed for preparation is three hours.

30. The maximum time allowed for preparation is five hours.

31. This Schedule has effect only with respect to certificates issued on or after the 1st day of January, 1989.

*(Amended by O.I.C. 1989/03)*

### **SCHEDULE 3**

*(Amended by O.I.C. 1989/03)*

#### **FEES FOR BARRISTERS PROVIDING SERVICES OF ARTICLED STUDENTS, PARALEGALS AND INVESTIGATORS**

1. Fees for paralegals, articulated students and investigators in the full-time employ of the barrister, per hour - \$23.00

#### **NOTES**

1. Where Schedules 1 and 2 provide a total fee for a particular service the fee payable for the service may include any services provided by any one or more of an articulated student, paralegal or investigator. Where all of the service has been provided by any one or more of such persons, the fee payable for the service is the lesser of the total fee calculated under Schedule 1 or 2 or the amount produced by the application of the hourly rate in this schedule.

2. Where Schedules 1 and 2 provide a maximum number of hours of preparation, any allowance for fees under this schedule may be considered as part of the total allowable fees and be included in the maximum. However, in applying the maximum, the hours billed under Schedules 1 and 2 may be applied first.

2. This Schedule has effect only with respect to certificates issued on or after the 1st day of January, 1989.

#### **SCHEDULE 4**

*(Amended by O.I.C. 1989/03)*

#### **FEES OF DUTY COUNSEL YOUTH COURT AND TERRITORIAL CRIMINAL COURT**

1. Subject to item 2, performance of duties as duty counsel, per hour - \$60.00
2. The per diem limit under item 1, except where an increase is recommended and approved by the Legal Services Society, per day - \$300.00

#### **NOTE**

1. This Schedule has effect only with respect to certificates issued on or after the 1st day of January, 1989.

#### **SCHEDULE 5**

*(Amended by O.I.C. 1989/03)*

#### **FEES FOR LEGAL CONSULTATIONS**

1. Interviews and advice to applicants including any necessary correspondence, up to a maximum of three hours, per hour - \$60.00

#### **NOTE**

1. This Schedule has effect only with respect to certificates issued on or after the 1st day of January, 1989.