

INFORMATION SHEET AGREEMENT TO PAY PILOT PROJECT

1. What is a “Full Agreement to Pay”?

This is an agreement between you and Legal Aid Manitoba (LAM) in which you agree to pay LAM the total cost of the legal services provided at LAM rates.

It is offered to applicants whose income is above the financial eligibility guidelines to qualify for legal aid, but low enough that they may not be able to pay for a lawyer.

2. What are the advantages to me in entering into this agreement?

You will not be asked to pay your lawyer a retainer or any other money.

Your lawyer will bill LAM at LAM’s rates. LAM will take care of paying your lawyer; you will not have to pay your lawyer anything for handling the case. The amount LAM pays is usually based upon a flat fee for each kind of case, and where a case becomes unusually difficult or takes a long time to finish, the Discretionary Increase Committee may award some additional hours. These additional hours are paid at a rate of \$80/hour. You will be required to make an initial payment ranging from \$400 - \$700 depending on the type of matter you are receiving assistance for, plus \$100 monthly until you have paid enough to cover the amount we paid your lawyer, plus an administration fee. The administration fee will be 25% of the total expenditures incurred by LAM on your behalf.

3. How much will the case cost me in total?

We have no way of knowing what the cost of any particular case will be at the beginning of a case. The cost of your case will largely depend on how much work has to be done by your lawyer, and/or a Graduate-at-Law, and a number of other factors including:

- whether your matter is set for trial (contested matters and trials cost more);
- the length of the trial, if there is a trial; and
- the disbursements (expense for other services) your lawyer has to pay out, (medical reports, transcripts, DNA/blood tests and other disbursements can be expensive).

Your lawyer will be required to comply with LAM’s policies and procedures. **There are certain expenditures that your lawyer cannot incur on your behalf without receiving prior approval from LAM to do so**, such as disbursements exceeding \$125.00, or proceeding to trial in family matters. In these circumstances, LAM will only authorize your lawyer to incur these expenses if LAM, in its sole discretion, determines that you have the ability to pay the total cost of these expenses.

Some cases cost several thousand dollars while others cost less than \$300. The average family law case (uncontested) costs LAM about \$1,500. **LAM’s policies and procedures allow a lawyer to ask LAM for an increase in fees.** Sometimes a lawyer will ask LAM to pay more than the usual amount because a case was unusually difficult or took a lot of time to finish. In these cases, LAM sometimes agrees to pay some additional hours at a rate of \$80/hour.

If you have concerns about the amount paid by way of additional hours, LAM will review your file and the amount paid. A copy of your lawyer's bill will be provided upon request.

It is important that you speak to your lawyer from time to time during the case about the approximate amount of fees and disbursements, so you remain aware of increases in your case costs.

In some cases, you will have to keep making monthly payments even after the case is over, until the full cost of the case, including the 25% administration fee, is paid in full.

4. How do I make payments?

An initial payment must be made by cash, money order, certified cheque or debit when you provide your signed agreement and enter into the program. Initial payments range from \$400-\$700 depending on the type of matter you need assistance for. Further monthly payments may be made by cheque or money order, **payable to Legal Aid Manitoba.**

If a cheque is not honoured by your financial institution, we will only accept cash, certified cheques, money orders or debit payments from that point on. Please note that we do not accept credit cards.

5. What happens if I do not make any payments?

If payment is not received, and prior arrangements have not been made, LAM's retainer with your lawyer will be cancelled. This means that your lawyer will not be paid for services provided after the effective date of cancellation, and will no longer be retained by LAM to continue with your case.

LAM's retainer with your lawyer can be re-activated within 30 days of cancellation where payments are brought up to date. LAM will not keep cancelling and re-activating its retainer with your lawyer. As well, your lawyer may not wish to continue representing you if his or her retainer is cancelled. You will be allowed to default and have LAM's retainer with your lawyer cancelled a maximum of one time. On the second instance, LAM's retainer with your lawyer will be cancelled permanently.

If LAM's retainer with your lawyer is cancelled, and your account has not been paid in full, LAM in its sole discretion may take some or all of the following actions:

- any and all reasonable collection initiatives including, but not limited to sending your account to a collection agency, suing you, garnishment, and seizure and/or attachment of your property;

6. What happens if I pay more than the case actually costs?

Overpayments will be refunded to you. This will be sent along with the amount of your lawyer's account.

7. What happens if I have not paid enough money by the end of my case to cover my account with Legal Aid Manitoba?

You will have to continue making payments until the full amount of the costs associated with your legal matter have been paid in full. **LAM will take any and all reasonable collection initiatives** including, but not limited to filing your account with a collection agency, suing you, garnishment, and seizure and/or attachment of your property, to enforce payment of overdue accounts.

8. What if I do not agree with the amount Legal Aid Manitoba has paid my lawyer?

In most cases you will be responsible for payment of the set fees depending upon the type of case. We emphasize that in all cases, the amount LAM pays is much less than if you had hired the lawyer privately.

Sometimes a lawyer will ask LAM to pay more than the usual amount because a case was unusually difficult or took a lot of time to finish. In those cases, LAM sometimes agrees to pay some additional hours at a rate of \$80/hour. If you have concerns about the amount paid by way of additional hours, LAM will review your file and the amount paid. A copy of your lawyer's bill will be provided upon request.

9. What if my financial circumstances change?

If your income is reduced, we may be able to suspend or delete your monthly contribution requirements. As well, if your income increases, you may no longer be eligible for services provided as a result of this program. LAM has the right, in its sole discretion, to adjust the amount of monthly payments (upward or downward) and should you be unwilling to pay the adjusted amount, LAM's retainer with your lawyer may be cancelled.

If your income or assets change during your case, you or your lawyer should provide us with a copy of any relevant documents such as:

- your Record of Employment if you are laid off or quit your job;
- two consecutive pay stubs if you have changed employment or the hours of work have either increased or decreased;
- proof of receipt of Social Assistance (SA), Employment Insurance (EI), Worker's Compensation Board payments, or private insurance benefits;
- any change in family size; or
- payment of child support or day care fees.

10. What if I want to change lawyers?

Change of counsel requests must be made in writing. If more than six months has passed since your original application, you will be required to complete and submit a new application and application fee.

In most circumstances, LAM pays lawyers a “block fee tariff” (flat fee). This means that a set amount is paid for handling a case from start to finish, with the exception of contested matters or trials. Should a change of lawyer request be granted, each lawyer involved in the matter is entitled to bill LAM for portions, or all of the block fee and any additional hours allowed by the Discretionary Increase Committee. Under an Agreement to Pay contract, you would ultimately be responsible for payment of all accounts and applicable program fees.

PLEASE NOTE:

- LAM will not routinely send you a letter or account, but will notify you when the matter is concluded, outlining cost, amount paid and balance owing.
- It is your responsibility to make your payments or contact our office for alternative arrangements.
- When leaving a voice mail message for a Payment Programs Officer, please leave your full name, file number, if available, and a telephone number where you can be reached. If you do not know your file number, please spell your last name and provide a date of birth. Thank you.