



June 2023

## **53 - 2023 NOTICE TO THE PROFESSION**

### **TRAVEL DISRUPTION**

Over the past few months Legal Aid Manitoba (LAM) has seen the considerable impact caused by travel disruption to counsel. In an effort to address the disruption caused by flight cancellations to remote circuits, LAM will pay counsel for travel disruption in certain circumstances as outlined below:

#### **Travel Disruption:**

Where counsel has attended to a circuit court and where counsel's return travel is disrupted due to unforeseen circumstances beyond counsel's control and results in a delay exceeding 2.5 hours returning to their local airport or, in the case of a drive in circuit, their office location, counsel will be compensated with a travel disruption fee of \$325 per half day until travel is resumed. Counsel cannot bill more than 2 half days (travel disruption plus duty counsel or trial) per calendar day. The Travel disruption fee is separate and apart from Wait Time and shall not overlap with any Wait Time that may be payable.

#### **Travel Disruption – Disbursements:**

Where travel occurs after 6:00pm, counsel may claim the dinner per diem. If travel is delayed until the following or subsequent day(s), counsel may claim meals applicable up to travel time (e.g. breakfast up to 8:30am; lunch after noon; dinner after 6:00pm), overnight accommodation and the incidental per diem at the rates applicable at time of travel.

#### **Explanation Note:**

The Travel Disruption is intended to capture significant delays due to weather or aircraft issues where counsel is effectively stranded in a circuit court community and has no ability to return to their usual place of business. The fee is payable in half day increments but the total number of half days cannot exceed 2 in the same calendar day. This means if counsel has already billed for 2 half days of trial or 1 half day of duty counsel and 1 half day of trial they cannot then bill a half day of travel disruption for the same calendar day.

### **CHILD ABUSE REGISTRY**

Chapter 5.4.3 of The Area Directors' Manual has been amended to broaden the circumstances under which we will issue a certificate for matters related to the Child Abuse Registry.

5.4.3 Applications to oppose registration on the Child Abuse Registry have merit where there is no criminal conviction and registration would significantly restrict opportunities for work in the Applicant's primary employment or a student's anticipated livelihood or where criminal charges have been stayed but an agency is proceeding to register the client on the Child Abuse Registry.

## **CHANGE IN FINANCIAL CIRCUMSTANCES**

Counsel is reminded of their obligations to report any change in the client's circumstances as outlined in s. 25(1) *The Legal Aid Manitoba Act* (C.C.S.M. c. L105) *Legal Aid Regulation* 225/91:

Change of circumstances to be reported

25(1) A solicitor shall immediately report to the executive director or an area director any change of circumstances or additional information that indicates the client is not, or was not at any time since the application was submitted, eligible for legal aid.