

NOTICE TO THE PROFESSION # 45 - 2021

Old / "Found" Disbursements

LAM recognizes that the COVID-19 Pandemic has made it more difficult for private law firms to track paper disbursements. Therefore, LAM is relaxing the time limit in s.9.2.9.1 of the *Taxation Manual*:

LAM will not accept any supplementary bills for disbursements more than 30 days after the final bill for the conclusion of work on the certificate has been paid.

LAM is prepared to accept any outstanding disbursements dated March 1, 2020 or later but not submitted within the 30 day limit when counsel submitted their final account.

This relaxation will continue until March 31, 2021 and may be extended.

INTERIM BILLING – Billing when the trial or preliminary inquiry is not complete

In 2013 LAM put in place the interim billing provisions set out in NTTTP #20 – 2013. At the request of several private bar lawyers and CDLAM, LAM is creating a process that will permit interim statements of account in all cases where:

1. at least one full day of trial or preliminary inquiry has taken place;
2. the hearing has been adjourned; and,
3. the next hearing date will be at least 30 days away.

LAM will provide additional information once the programming is complete and the function is available.

CANCELLED TRIALS – Administrative Increase to cover preparation for second and subsequent Preliminary Inquiry and Trial dates cancelled due to COVID-19.

As set out in NTTTP #44 – 2020 counsel may bill for a preliminary inquiry or trial date where the following conditions are met:

1. The matter is not a BCM matter on which an agreement has already been accepted by counsel;
2. A trial or preliminary inquiry has been adjourned due to COVID-19;
3. The trial or preliminary inquiry was set for not less than 1 full day;
4. Counsel certifies that at least 5 hours per day of the set length of the trial has already been expended in the preparation of the matter;
5. There was no resolution of the trial or preliminary inquiry entered into prior to the adjournment, and the matter has either been rescheduled to a new trial date, or date setting court, or a direct indictment has been preferred.

Counsel have recently requested this increase where a hearing has been cancelled more than once. LAM has determined that in keeping with the rationale for NTTTP #44 an additional increase of up to 5 hours preparation will be considered for each day of the subsequent

hearing that was cancelled. Counsel must provide the same certification as was noted in NTTTP 44 **and also provide:**

1. certification of additional time required for preparation following the first adjournment,
2. a list of the new tasks reasonably required, and completed, following the first adjournment to prepare for the subsequent hearing.

Where an additional increase is appropriately justified, discretion will be exercised to grant preparation fees as per NTTTP #44 for second, and subsequent, adjournments due to COVID-19 restrictions.