



March 2021

47 - 2020 NOTICE TO THE PROFESSION

TARIFF REVIEW – Increase in the Nominal Hourly Rate to \$100/Hour

As counsel are aware the Government of Manitoba has tabled legislation to place the setting and taxation of the tariff under the control of the Legal Aid Manitoba Management Council (see Bill 50 – <https://web2.gov.mb.ca/bills/42-3/b050e.php>). That legislation was given second reading on March 9, 2021.

Last fall the Legal Aid Advisory Committee recommended a significant tariff increase. That recommendation was supported by Management Council. The government was asked to allocate appropriate funding for that increase in this year's budget.

As a result of ongoing discussions between Manitoba Justice, Management Council and The Executive Management Committee of LAM (EMC), and with the understanding that sufficient go forward funding will be made available by the government of Manitoba, we are in a position to increase the tariff by 25% for all certificates issued on or after April 1, 2021. It was anticipated that this would be done by a formal tariff increase effective April 1, 2021, however, because the legislation giving Legal Aid control of the tariff is not expected to pass before April 1, 2021 and may be delayed longer, and the long time that has passed since the last tariff increase, we are deeming these extremely unusual circumstances. Accordingly, until the tariff comes under the control of Management Council the increase will be offered through a discretionary increase under the Executive Director's Authorization.

The executive director will exercise his legislated discretion to increase the Tariff of fees payable by 25% for all block tariff items and authorized hours through the BCM process on any certificate issued on or after April 1, 2021 where counsel certify:

"I am requesting that the Executive Director increase the Tariff fees payable by 25%"

EMC is currently reviewing the Tariff Schedule in anticipation of the passage of the legislation. We look forward to being able to more quickly react to the real time changes in the practice of law as we move forward and working cooperatively in ensuring equal access to justice for all Manitobans.