



October 2022

50 - 2021 NOTICE TO THE PROFESSION

TARIFF REVIEW – NEW TARIFF EFFECTIVE OCTOBER 3, 2022

Last year the Management Council of Legal Aid Manitoba approved an Interim Tariff of Fees (NTTP 49-2021) and committed to working with stakeholders to complete a comprehensive review of the Fee structure. Over the past year, LAM senior management has worked with a representative group of the private bar and staff counsel to review the practice of law both in Winnipeg and the different regions of the province. Their insights, suggestions and arguments have been reviewed and incorporated into a new Tariff of Fees approved by the Advisory Committee and the Management Council of LAM. These changes will become effective on any legal matter issued on or after October 3, 2022. These changes reflect an overall potential annual increase of over \$2,000,000 in the fees paid to private counsel. This is in addition to the 25% increase announced last year and demonstrates the support of the Management Council to modernize the tariff paid to private bar counsel.

Criminal Matters:

- All sexual assaults, whether the Crown is proceeding by way of indictment or by way of summary conviction, will now be Category B matters.
- Category A matters (Murder, manslaughter, aggravated sexual assault, et al.) Preliminary Inquiry will increase to \$725 for each subsequent 1/2 day after the first half day.
- Category A matters Trial tariff will increase to \$800 for each subsequent 1/2 day after the 10th half day, including sentencing if required.
- Pretrial conferences before a Judge will increase from a maximum of 2 to 3.
- An uncontested bail hearing before a Judge, where a person has been remanded into custody by a Justice, will now be paid \$100.

Domestic Matters:

- Tariff 1 matters will increase from \$690 to \$890 per matter
- A new tariff for Child Protection Matters where an agency seeks a permanent order has been created. The tariff will remain at \$1,550 per matter.
- The tariff for Tariff 2 matters has been increased from \$1,550 to \$2,250.
- A Tariff 2 matter where a client has an interest in real property will be eligible for an increase of \$200.
- A Tariff 2 matter where a client has an interest in real property but is not on the title will be eligible for an increase of \$400 if authorized by the Area Director.
- A Tariff 2 matter where a property matter can only be resolved through a reference to a Master or Arbitration is eligible for an increase of \$100 per hour to a maximum of \$1,000 when authorized by the Area Director.

- Where a domestic file becomes extremely complex due to extremely unusual circumstances including, but not limited to; a highly litigious opposing party, significant mental health factors of one or more parties, unusual financial or personal circumstances of one or more parties, counsel may apply to the Area Director to have the file designated a **Highly Litigious File**. Counsel may be invited to meet with a committee of Senior Managers to determine what additional resources should be invested, including additional guaranteed hours to ensure that counsel are adequately resourced to conclude the matter.

The senior management team, the Advisory Committee and Management Council, are very grateful for all the hard work done by the tariff review committee members. The process was lengthy but has produced a significant improvement on the old tariff. The tariff may be viewed on the Legal Aid Manitoba – For Lawyers Web Page.

Early Billing:

Counsel are reminded that immigration matters may be fully billed after an argument is complete and all documents have been filed before a decision is rendered. Counsel must undertake to provide a copy of the decision when it is available to be eligible to seek early payment.

NATIONAL DAY FOR TRUTH AND RECONCILIATION

All Legal Aid Manitoba offices will be closed on September 30, 2022, in respect of the National Day for Truth and Reconciliation. The effects of colonization are no more apparent than in the justice system we all work in. LAM has encouraged our staff to take the day to reflect and educate themselves on our role in both the harm caused and in reconciliation. The following activities may be of interest to all counsel:

Activities

- Take some time to watch something from the National Film Board's Indigenous Peoples in Canada catalogue here: <https://www.nfb.ca/subjects/indigenous-peoples-in-canada-first-nations-and-metis/>.
- Explore the Witness Blanket honouring the stories of Survivors of Canada's residential schools: <https://witnessblanket.ca/>.
- Visit the Manitoba Museum between Sept. 30 and October 2, 2022. Admission is free and special programming is focused on TRC: <https://manitobamuseum.ca/event/orange-shirt-days-2022/2022-10-02>
- Visit the Winnipeg Art Gallery on September 30th for their special programming in partnership with the National Centre for Truth and Reconciliation: <https://www.wag.ca/event/national-day-for-truth-and-reconciliation-2/>.

Education

- Access the Canadian Bar Association's Truth and Reconciliation Toolkit – available to all without membership here: <https://www.cba.org/Truth-and-Reconciliation/Reconciliation-Toolkit-for-Firms>
- Spend some time with the National Centre for Truth and Reconciliation's virtual Exhibits: <https://nctr.ca/exhibits/>

- Register for "The Path Forward: Conversations around Reconciliation" presented through the Law Society of Manitoba on September 28th.
- Read a book: https://www.cbc.ca/books/48-books-by-indigenous-writers-to-read-to-understand-residential-schools-1.6056204?utm_source=Students+%2F+Alumni+Master+List&utm_campaign=b302919601-EMAIL_CAMPAIGN_2021_08_23_09_10&utm_medium=email&utm_term=0_ef1040c97c-b302919601-81650438&mc_cid=b302919601&mc_eid=f688b70227.

FRENCH LANGUAGE SERVICES

LAM is working with various stakeholders to improve access to justice for the growing population of French-speaking Manitobans. Recently all counsel who indicated that they spoke French were contacted and asked to confirm they had sufficient proficiency in conducting a hearing in French. LAM will make every effort to place clients requesting French counsel with those on our approved list absent a specific choice of counsel noted on the application. Where we cannot place a file as noted above, we will move to lawyers who have indicated an ability to speak French but are not sufficiently proficient at conducting a hearing.

If you wish to update your profile, please contact Stephanie at strap@legalaid.mb.ca to update your language profile.

COUNSEL WHO SPEAK MORE THAN ONE LANGUAGE

Several counsel speak a second or more languages. When a client indicates that they prefer to work with a lawyer who speaks a particular language, LAM will consider counsel who have indicated that they are conversant in that language. If you wish to update your profile, please get in touch with Stephanie at strap@legalaid.mb.ca to update your language profile.

TRANSCRIPTS

Counsel are reminded that LAM will not compensate counsel for transcripts ordered, especially trial transcripts, without prior authorization. Where counsel seeks to file an appeal to the Court of Appeal, counsel may file a notice to the court that the matter is pending a legal aid certificate, and transcripts will be ordered if and when the certificate issues.

COURT SERVICE FEES

Further to the Notice from Courts Division, Manitoba Justice circulated on January 11, 2021, respecting new court service fees, counsel are reminded that legal aid vouchers are to be used for all three levels of court. LAM will not reimburse counsel for filing fees where a voucher should have been used.