

**To all Attorneys:**

**Legal Aid Taxation Guidelines**

The Committee has found it necessary to remind counsel of the following matters in an effort to meet its commitment to process bills within 30 days of receipt. We also wish to make clear those matters that attract taxing down by the Committee. We should be grateful for and look forward to your cooperation.

General provisions for remuneration of counsel assigned under a Legal Aid certificate are laid out in sections 13, 13A and 14 of the Legal Aid Amendment Act 2003. Of particular note is section 13(3A) which deals specifically with submission of bills by counsel.

**Interim Billing**

Section 13(3A) (d) specifically states that interim bills should be of amounts of \$2,000 or more. An interim bill can however be submitted for a lesser amount by counsel upon receipt of notification of transfer of certificate to another counsel. Bills for less than \$2,000 can be submitted as they are final bills. All other bills for less than \$2,000 will be returned to counsel.

**General Billing**

With respect to submission of bills, counsel should note that the following matters should not be included as they are not provided for in the Legal Aid (Scale of Fees) Regulations 1980.

- Preparation of bills
- Interim or final reports
- Telephone calls to or from Legal Aid
- File notes

Where such items are included in bills, the Legal Aid Committee will tax them off.

## **Disbursements**

General provisions for disbursements of counsel made in respect of the conduct of a matter on behalf of a legally aided person are contained in regulation 4 of the Legal Aid (Scale of Fees) Regulations 1980.

Counsel should provide a breakdown of disbursements when submitting their bills for taxation. The breakdown should include the nature of the disbursement and the cost of each disbursement.

Disbursements submitted without the requisite breakdown will be taxed off by the Legal Aid Committee.

## **Bill Format**

Counsel are reminded that there is a specific format in which bills should be submitted for taxation. Please see copy attached for reference. Bills submitted in any other form will be returned.

## **Waiver of Filing Fees, Revenue Stamps etc**

Fees paid in respect of matters filed in the Supreme Court Registry and in the Magistrates' Court are not recoverable on taxation. In order to obtain a waiver of such fees it is counsel's responsibility to produce a copy of the legal aid certificate in respect of the legally aided client to the relevant court.

## **Requests for Extension of a Legal Aid Certificate**

Counsel's attention is drawn to regulation 10 and in particular (4), (5), (6) and (7) of the Legal Aid (General) Regulations 1980, as amended.

When counsel becomes aware that it is necessary for the proper conduct of the aided person's case and in order to conclude a matter to exceed the number of hours or scope of work originally allocated under a legal aid certificate, a request should be made to the Legal Aid Committee in writing asking for an extension of the said certificate.

Such a request should include an up-to-date report on the status of the matter, an explanation of the new work or acts required, and an estimate of the additional time required.

Unapproved work or work undertaken over and above the time allocated in a certificate is subject to be taxed off by the Committee in their discretion.

### **Temporary Certificate**

Emergency certificates as they have come to be known are provided for by regulation 6 of the Legal Aid (General) Regulations 1980, (as amended) as read with section 10 of the Legal Aid Act 1980 (as amended).

In cases where counsel telephone or refer a client to the Legal Aid Office for an emergency certificate, sufficient information should be given to enable the Senior Legal Aid Counsel to determine if the client qualifies, or if the interest of justice requires a temporary grant.

A temporary certificate expires in 28 days. Where a full certificate has not been obtained in the interim, counsel must request an extension either before the temporary certificate expires or in order to exceed the time or scope of the temporary certificate failing which the work carried out will be subject to taxing off by the Committee.

Dated the 3rd day of November 2005

The Legal Aid Committee