

chapter A-14, r. 5.2

Agreement between the Minister of Justice and the Barreau du Québec respecting the tariff of fees and expenses of advocates rendering services in criminal and penal matters and the dispute settlement procedure

An Act respecting legal aid and the provision of certain other legal services

(chapter A-14, s. 83.21)

PRELIMINARY

1. This Agreement establishes the tariff of fees applicable to advocates in private practice who render services in criminal and penal matters to persons who receive legal aid or other legal services under the Act respecting legal aid and the provision of certain other legal services (chapter A-14), except advocates who entered into a professional services contract with the Commission des services juridiques.

The Agreement also provides rules concerning expenses and dispute settlement.

PART I TARIFF OF FEES

CHAPTER I GENERAL

2. A day may comprise a maximum of 3 work periods, one in the morning, one in the afternoon and one in the evening. Morning ends at 1:00 p.m. and evening starts at 6:00 p.m.

A preparation period, a period of participation in a conference ordered or convened by a judge and a hearing period are considered work periods.

3. For the purposes of this Agreement,

(1) a trial held before judge only begins with the presentation of the prosecutor's evidence and a trial held before jury begins by jury selection;

(2) a trial ends with a decision on a conviction.

4. The following fees apply to the services rendered by an advocate:

(1) if the court refuses or is unable to proceed in the presence of the parties on the day fixed for the hearing: \$100;

4.1	REFUS OU IMPOSSIBILITÉ DE PROCÉDER DU TRIBUNAL	100.00
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(2) all professional services related to an application for an extension concerning the execution of a sentence or order of the court: \$80;

4.2	DEMANDE EXTENSION DÉLAI EXÉCUTION PEINE	80.00
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(3) when to cease representing, the advocate must file a motion: \$60;

4.3	REQUÊTE POUR CESSER D'OCCUPER	60.00
4.3-13.1	ART13.1-REQUÊTE POUR CESSER D'OCCUPER	30.00

(4) when the advocate is replaced at a hearing: \$60.

4.4	SUBSTITUTION D'UN AVOCAT LORS D'UNE AUDITION	60.00
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5. For services rendered during a facilitation conference in criminal and penal matters, the fees are \$275 per period.

5	CONFÉRENCE PÉNALE DE FACILITATION PAR PÉRIODE	275.00
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6. The Commission determines the fees applicable to services not included in the tariff by taking into account the fees provided for in this Agreement for similar services, if applicable.

N.T.	SERVICE NON TARIFÉ	0.00
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CHAPTER II
SPECIAL RULES

§1. *General*

DIVISION I

FEEs APPLICABLE UNDER THE LEGAL AID PLAN AND FOLLOWING A COURT DESIGNATION ORDER ISSUED PURSUANT TO THE CRIMINAL CODE (R.S.C. 1985, c. C-46) OR FOLLOWING DETERMINATION BY THE COMMISSION PURSUANT TO SECTION 83.12 OF THE ACT RESPECTING LEGAL AID AND THE PROVISION OF CERTAIN OTHER LEGAL SERVICES

7. Subject to section 23, a flat fee includes up to 2 hearing periods in the same day, that is, one in the morning and one in the afternoon.

If, once under way, the hearing or conference may not end before 6:00 p.m. in the same day, the advocate is entitled, for the evening and for each additional work period, to fees of:

- (1) in first instance: \$275;
- (2) in appeal: \$285.

8. An advocate who receives a mandate during the proceedings and who sees a case through is entitled to the full remuneration where a flat fee is provided and no other advocate has rendered services in the record.

Where a mandate is entrusted following an order issued pursuant to the Criminal Code, the advocate is entitled to the full flat-rate remuneration upon completion of the mandate.

9. Where a flat fee is prescribed for all services and more than one advocate has rendered services, each advocate, if in private practice, is entitled to the part of the flat rate corresponding to the services rendered by the advocate, subject to sections 81.1 and 104 of the Regulation respecting the application of the Act respecting legal aid and the provision of certain other legal services (chapter A-14, r. 4).

10. Where a recipient's legal aid is suspended or withdrawn or a recipient ceases to be eligible for legal aid or waives it, the advocate is remunerated for the services rendered until reception of the notice provided for in section 74 of the Regulation

respecting the application of the Act respecting legal aid and the provision of certain other legal services (chapter A-14, r. 4) and for the legal services rendered subsequently for the performance of conservatory acts necessary for the preservation of the rights of the recipient or required by the court.

11. Services rendered on a finding or a plea of guilty to a less and included offence are remunerated according to the tariff applicable in respect of the offence charged.

12. Where an advocate represents a client indicted by more than one information and the trial or a hearing during which the accused pleads guilty to the various charges is held in the same court and on the same day, the advocate is entitled to the full remuneration for the best paid information and to one-half of the prescribed tariff for each other information.

13. An advocate who represents 2 or more persons charged with the same offence or with a like offence arising from the same course of events and for which the proceedings are held in the same court at or about the same time is entitled to the remuneration applicable to a mandate, increased by the following percentage according to the number of represented persons:

- (1) 2 persons: 50%;
- (2) 3 persons: 100%;
- (3) 4 persons: 150%;
- (4) 5 persons or more: 200%.

14. Where the mandate is of an exceptional nature owing to the circumstances of the work or the complexity of the case, the advocate may submit an application for special consideration so that the Commission determines the excess fees.

D-H	DEMANDE DE CONSIDÉRATION SPÉCIALE	0.00
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15. Where the advocate must, at the director general's request, justify in writing an application for a legal aid mandate, fees in the amount of \$75 are payable if the mandate is granted.

15	DEMANDE ÉCRITE POUR MANDAT AIDE JURIDIQUE	75.00
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16. All services rendered under a consultation mandate: \$65.

16	MANDAT DE CONSULTATION	65.00
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17. To represent, for appearance, a person arrested under a warrant issued in another judicial district, regardless of the technological means used: \$100.

17	COMPARUTION DÉTENU/MANDAT AUTRE DISTRICT JUD.	100.00
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18. To represent a detained person for the purposes of section 503 of the Criminal Code, where the appearance is held using technological means, outside regular court house hours and under a presiding justice of the peace: \$150.

18	COMPARUTION TENUE PAR MOYEN TECHNOLOGIQUE	150.00
18-13.1	ART13.1-COMPARUTION TENUE PAR MOYEN TECHNOLOGIQUE	75.00

19. Release hearing actually held: \$150.

19	ENQUÊTE SUR MISE EN LIBERTÉ EFFECTIVEMENT TENUE	150.00
19-7.1	ENQUÊTE SUR MISE EN LIBERTÉ EFF. TENUE PÉR. ADD.	275.00

20. All services related to a granted request to change location, where the advocate subsequently ceases to act: \$80.

20	DEMANDE POUR CHANGEMENT DE LIEU ACCUEILLIE	80.00
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21. Where an advocate pleads in writing, at the court's request or under its authorization, fees of \$160 are payable.

21	PLAIDOIRIE ÉCRITE DEMANDÉE OU AUTORISÉE PAR JUGE	160.00
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§2. Tariff of fees for certain services in first instance

22. For all services rendered to persons charged with indictable offences under section 553 of the Criminal Code or summary conviction offences under Part XXVII of the Code, until sentencing, if applicable: \$330.

22	ART553/PROC.SOMM. XXVII ENS. SERV. DÉCISION FINALE	330.00
22-7.1	ART553/PROC.SOMM. XXVII PÉRIODE ADDITIONNELLE	275.00
22-7.1-13.1	'ART13.1-ART553/PROC.SOMM. XXVII PÉRIODE ADD.	137.50
22-7.1-2	ART553/PROC.SOMM. XXVII 2 PÉRIODES ADDITIONNELLES	550.00
22-7.1-2-13.1	ART13.1-ART553/PROC.SOMM. XXVII 2 PÉRIODES ADD.	275.00
22-8	ARTICLE 8 HONORAIRE FORFAITAIRE EN ENTIER	330.00
22-12	ARTICLE 12 MOITIÉ DU TARIF PRÉVU	165.00

N.T.22-13.1	ARTICLE 13.1 MOITIÉ DU TARIF PRÉVU	0.00
N.T.22A	COMPARUTION	65.00
N.T.22B	TOUS AUTRES SERVICES APRÈS COMP. ET AVANT REPR.	220.00
N.T.22B-12	ART12 - TOUS SERVICES APRÈS COMP. ET AVANT REPR.	110.00
N.T.22C	REPRÉSENTATIONS SUR SENTENCE	45.00
N.T.22D	TOUS SERVICES AVANT SENTENCE	285.00
N.T.22D-12	ART12 - TOUS SERVICES AVANT SENTENCE.	142.50
N.T.22E	TOUS AUTRES SERVICES RENDUS APRÈS COMPARUTION	265.00
N.T.22E-12	ART12 - TOUS AUTRES SERVICES RENDUS APRÈS COMP.	132.50

23. For all services rendered to persons charged with indictable offences other than those referred to in section 22 of this Agreement or section 239 of the Criminal Code, or within the exclusive jurisdiction of the Superior Court, under section 469 of the Code, until sentencing, if applicable: \$550.

23	AUTRES QUE 469,553&PROC.SOMM. ENS. SERV. DÉC. FIN.	550.00
23-7.1	AUTRES QUE 469,553&PROC.SOMM. PÉRIODE ADD.	275.00
23-7.1-13.1	ART13.1-AUTRES QUE 469,553&PROC.SOMM. PÉRIODE ADD.	137.50
23-7.1-2	AUTRES QUE 469,553&PROC.SOMM. 2 PÉRIODES ADD.	550.00
23-7.1-2-13.1	ART13.1-AUTRES QUE 469,553&PROC.SOMM. 2 PÉR. ADD.	275.00
23-8	ARTICLE 8 HONORAIRE FORFAITAIRE EN ENTIER	550.00
23-12	ARTICLE 12 MOITIÉ DU TARIF PRÉVU	275.00
N.T.23-13.1	ARTICLE 13.1 MOITIÉ DU TARIF PRÉVU	0.00
N.T.23A	COMPARUTION	65.00
N.T.23B	TOUS AUTRES SERVICES APRÈS COMP. ET AVANT REPR.	420.00
N.T.23B-12	ART12 - TOUS SERVICES APRÈS COMP. ET AVANT REPR.	210.00
N.T.23C	REPRÉSENTATIONS SUR SENTENCE	65.00
N.T.23D	TOUS AUTRES SERVICES AVANT SENTENCE	485.00
N.T.23D-12	ART12 - TOUS AUTRES SERVICES AVANT SENTENCE	242.50
N.T.23E	TOUS AUTRES SERVICES RENDUS APRÈS COMPARUTION	485.00
N.T.23E-12	ART12 - TOUS SERVICES RENDUS APRÈS COMPARUTION	242.50
N.T.23F	COMPARUTION ET RENONCIATION ART 549	105.00
N.T.23G	COMP. ET ENQUÊTE PRÉLIMINAIRE EFFECTIVEMENT TENUE	205.00
N.T.23H	RENONCIATION ART 549	40.00
N.T.23I	ENQUÊTE PRÉLIMINAIRE EFFECTIVEMENT TENUE	140.00
N.T.23J	TOUS SERVICES APRÈS COMP. & RENONC. ET AVANT REPR.	380.00
N.T.23J-12	ART12 - SERVICES APRÈS COMP. & RENONC. & AV. REPR.	190.00
N.T.23K	TOUS SERVICES APRÈS COMP. & ENQ. ET AVANT REPR.	280.00

N.T.23K-12	ART12 - SERVICES APRÈS COMP. & ENQ. ET AV. REPR.	140.00
N.T.23L	TOUS AUTRES SERVICES APRÈS COMP. ET ENQ. PRÉLIM.	345.00
N.T.23L-12	ART12 - TOUS SERVICES APRÈS COMP. ET ENQ. PRÉLIM.	172.50
N.T.23M	TOUS AUTRES SERVICES APRÈS COMPARUTION ET RENONC.	445.00
N.T.23M-12	ART12 - TOUS AUTRES SERVICES APRÈS COMP. & RENONC.	222.50
N.T.23N	COMPARUTION, RENONCIATION ET REPR. SUR SENTENCE	170.00
N.T.23O	COMPARUTION., ENQ. PRÉLIM. ET REPR. SUR SENTENCE	270.00
N.T.23P	TOUS SERVICES SAUF RENONCIATION ART 549	510.00
N.T.23P-12	ART12 - TOUS SERVICES SAUF RENONCIATION ART 549	255.00
N.T.23Q	TOUS AUTRES SERVICES SAUF ENQUÊTE PRÉLIMINAIRE	410.00
N.T.23Q-12	ART12 - TOUS SERVICES SAUF ENQUÊTE PRÉLIMINAIRE	205.00

The tariff includes up to 2 hearing periods for the preliminary inquiry and up to 2 hearing periods for the trial, where in each case, the hearings are held on the same day. The other hearing periods are remunerated \$275 each for the preliminary inquiry and for trial before judge only and \$400 each for trial before judge and jury.

23A	AUTRES 469,553&PROC.SOMM. ENQ. PRÉLIM. PÉR. ADD.	275.00
23A-13.1	ART13.1-AUTRES 469,553&PROC. ENQ. PRÉL. PÉR. ADD.	137.50
23A-2	AUTRES 469,553&PROC.SOMM. ENQ. PRÉL. 2 PÉR. ADD.	550.00
23A-2-13.1	ART13.1-AUTRES 469,553&PROC. ENQ. PRÉL. 2 PÉR. ADD	275.00
23B	AUTRES 469,553&PROC.SOMM. PROCÈS JURY PÉR. ADD.	400.00
23B-13.1	ART13.1-AUTRES 469,553&PROC. PROCÈS JURY PÉR. ADD.	200.00
23B-2	AUTRES 469,553&PROC.SOMM. PROCÈS JURY 2 PÉR. ADD.	800.00
23B-2-13.1	ART13.1-AUTRES 469,553&PROC. PROCÈS JURY 2 PÉR ADD	400.00

Exceptionally, the tariff provided for in this section is also applicable to the services referred to in section 22 when they are rendered to a person liable to a minimum term of imprisonment or charged with a sexual offence.

23.1	PROC.SOMM./553/PEINE MINIMALE ENS. SERV. DÉC. FIN.	550.00
23.1-7.1	PROC.SOMM./553/PEINE MINIMALE PÉRIODE ADD.	275.00
23.1-7.1-13.1	ART13.1-PROC.SOMM./553/PEINE MINIMALE PÉRIODE ADD.	137.50
23.1-7.1-2	PROC.SOMM./553/PEINE MINIMALE 2 PÉRIODES ADD.	550.00
23.1-7.1-2-13.1	ART13.1-PROC.SOMM./553/PEINE MINIMALE 2 PÉR. ADD.	275.00
23.1-8	ARTICLE 8 HONORAIRE FORFAITAIRE EN ENTIER	550.00
23.1-12	ARTICLE 12 MOITIÉ DU TARIF PRÉVU	275.00
23.1A	PROC.SOMM./553/PEINE MINIMALE ENQ. PRÉL. PÉR. ADD.	275.00
23.1A-13.1	ART13.1-PROC.SOMM./553/PEINE MIN. ENQ. PÉR. ADD.	137.50
23.1A-2	PROC.SOMM./553/PEINE MIN. ENQ. PRÉL. 2 PÉR. ADD.	550.00

23.1A-2-13.1	ART13.1-PROC.SOMM./553/PEINE MIN. ENQ. 2 PÉR. ADD.	275.00
23.1B	PROC.SOMM./553/PEINE MINIM. PROCÈS JURY PÉR. ADD.	400.00
23.1B-13	ART13.1-PROC.SOMM./553/PEINE MIN. PROCÈS PÉR. ADD.	200.00
23.1B-2	PROC.SOMM./553/PEINE MIN. PROCÈS JURY 2 PÉR. ADD.	800.00
23.1B-2-13.1	ART13.1-PROC.SOMM./553/PEINE MIN. PROCÈS 2 PÉR.	400.00
N.T.23.1-13.1	ARTICLE 13.1 MOITIÉ DU TARIF PRÉVU	0.00
N.T.23.1A	COMPARUTION	65.00
N.T.23.1B	TOUS AUTRES SERVICES APRÈS COMP. ET AVANT REPR.	420.00
N.T.23.1B-12	ART12 - TOUS SERVICES APRÈS COMP. ET AVANT REPR.	210.00
N.T.23.1C	REPRÉSENTATIONS SUR SENTENCE	65.00
N.T.23.1D	TOUS AUTRES SERVICES AVANT SENTENCE	485.00
N.T.23.1D-12	ART12 - TOUS AUTRES SERVICES AVANT SENTENCE	242.50
N.T.23.1E	TOUS AUTRES SERVICES RENDUS APRÈS COMPARUTION	485.00
N.T.23.1E-12	ART12 - TOUS SERVICES RENDUS APRÈS COMPARUTION	242.50
N.T.23.1F	COMPARUTION ET RENONCIATION ART 549	105.00
N.T.23.1G	COMP. ET ENQUÊTE PRÉLIMINAIRE EFFECTIVEMENT TENUE	205.00
N.T.23.1H	RENONCIATION ART 549	40.00
N.T.23.1I	ENQUÊTE PRÉLIMINAIRE EFFECTIVEMENT TENUE	140.00
N.T.23.1J	TOUS SERVICES APRÈS COMP. & RENONC. ET AVANT REPR.	380.00
N.T.23.1J-12	ART12 - SERVICES APRÈS COMP. & RENONC. & AV. REPR.	190.00
N.T.23.1K	TOUS SERVICES APRÈS COMP. & ENQ. ET AVANT REPR.	280.00
N.T.23.1K-12	ART12 - SERVICES APRÈS COMP. & ENQ. ET AV. REPR.	140.00
N.T.23.1L	TOUS AUTRES SERVICES APRÈS COMP. ET ENQ. PRÉLIM.	345.00
N.T.23.1L-12	ART12 - TOUS SERVICES APRÈS COMP. ET ENQ. PRÉLIM.	172.50
N.T.23.1M	TOUS AUTRES SERVICES APRÈS COMPARUTION ET RENONC.	445.00
N.T.23.1M-12	ART12 - TOUS AUTRES SERVICES APRÈS COMP. & RENONC.	222.50
N.T.23.1N	COMPARUTION, RENONCIATION ET REPR. SUR SENTENCE	170.00
N.T.23.1O	COMPARUTION., ENQ. PRÉLIM. ET REPR. SUR SENTENCE	270.00
N.T.23.1P	TOUS SERVICES SAUF RENONCIATION ART 549	510.00
N.T.23.1P-12	ART12 - TOUS SERVICES SAUF RENONCIATION ART 549	255.00
N.T.23.1Q	TOUS AUTRES SERVICES SAUF ENQUÊTE PRÉLIMINAIRE	410.00
N.T.23.1Q-12	ART12 - TOUS SERVICES SAUF ENQUÊTE PRÉLIMINAIRE	205.00

§3. Tariff of fees for services rendered to persons charged with indictable offences under section 239 of the Criminal Code, or offences within the exclusive jurisdiction of the Superior Court under section 469 of the Code

24. Sections 13, 14 and 19 do not apply to this subdivision.

25. For preparation of hearings and conferences held before trial, and during those hearings and conferences, the fees are \$275 per period.

The number of preparation periods an advocate has is limited to 5 periods per application heard by the court.

25	PRÉPARATION AUDITION ET CONFÉRENCE AVANT PROCÈS	275.00
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26. For preparation of trial, the fees are \$275 per period.

The number of preparation periods for trial an advocate has is limited to

(1) 3 periods for each day of hearing scheduled for the presentation of the prosecution's evidence as established during the pretrial conference or as indicated in the court's record;

26.1	PRÉPARATION DU PROCÈS PAR PÉRIODE	275.00
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(2) 1 period for each day of hearing during the trial.

26.2	PRÉPARATION PENDANT PROCÈS PAR PÉRIODE	275.00
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27. If the trial is interrupted for more than 3 consecutive weeks, an advocate has a maximum of 8 additional preparation periods to be worked during the interruption.

27	PRÉPARATION DURANT INTERRUPTION PAR PÉRIODE	275.00
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28. Where an advocate represents more than one accused in a single trial, the number of preparation periods to which the advocate is entitled is established by subparagraph 1 of the second paragraph of section 26, increased by 50%, regardless of the number of accused the advocate represents.

29. The Commission may, at the advocate's request, reconsider the number of preparation periods to which the advocate was entitled pursuant to subparagraph 1 of the second paragraph of section 26 or section 28 where the number of hearing days actually held for the trial is greater than one and a half the number of hearing days scheduled for the presentation of the prosecution's evidence.

The advocate submits his or her request in the advocate's final statement of fees.

30. Where an advocate replaces, during the proceedings, an advocate whose remuneration is governed by this subdivision, the advocate must submit to the

Commission a detailed application of the preparation time the advocate deems necessary to represent his or her client.

The Commission examines the application by taking into account the circumstances of the case and determines the maximum number of preparation periods which the advocate has instead of the preparation periods provided for in subparagraph 1 of the second paragraph of section 26 or section 28.

31. During the trial, the fees are \$400 per hearing period.

31	AUDITION DU PROCÈS PAR PÉRIODE	400.00
31-2	AUDITION DU PROCÈS 2 PÉRIODES	800.00

32. For services rendered during representations on sentence, the fees are \$275 per period.

32	SERVICES RENDUS REPRÉSENTATION SUR PEINE/PÉRIODE	275.00
32-2	SERVICES RENDUS REPRÉSENTATION SUR PEINE/2 PÉR.	550.00

§4. Tariff of fees of services other than in criminal and penal matters

33. Where a judgment orders the designation of an attorney: \$150.

33	DÉSIGNATION DU PROCUREUR PAR JUGEMENT	150.00
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34. All services rendered before a Review Board under sections 672.38 et seq. of the Criminal Code: \$500.

34	COMMISSION D'EXAMEN ART 672.38 C.Cr. ENS. SERVICES	500.00
34-1	COMM. EXAMEN ART 672.38 C.Cr. DÉMARCHES PRÉLIM.	145.00
34-2	COMM. EXAMEN ART672.38 C.Cr DÉC. FIN. APRÈS SUBST	355.00
34-7.1	COMMISSION D'EXAMEN ART 672.38 C.Cr. PÉRIODE ADD.	275.00

35. All services rendered until sentencing, if applicable, for hearings held under

(1) section 742.6 of the Criminal Code: \$200;

35.1	ARTICLE 742.6 ENSEMBLE SERVICES DÉCISION FINALE	200.00
35.1-8	ARTICLE 8 HONORAIRE FORFAITAIRE EN ENTIER	200.00
35.1-12	ARTICLE 12 MOITIÉ DU TARIF PRÉVU	100.00
N.T.35.1-13.1	ARTICLE 13.1 MOITIÉ DU TARIF PRÉVU	0.00
N.T.35.1A	COMPARUTION	60.00
N.T.35.1B	TOUS AUTRES SERVICES APRÈS COMP. ET AVANT REPR.	100.00
N.T.35.1B-12	ART12 - TOUS SERVICES APRÈS COMP. ET AVANT REPR.	50.00

N.T.35.1C	REPRÉSENTATIONS SUR SENTENCE	40.00
N.T.35.1D	TOUS SERVICES AVANT SENTENCE	160.00
N.T.35.1D-12	ART12 - TOUS SERVICES AVANT SENTENCE.	80.00
N.T.35.1E	TOUS AUTRES SERVICES RENDUS APRÈS COMPARUTION	140.00
N.T.35.1E-12	ART12 - TOUS AUTRES SERVICES RENDUS APRÈS COMP.	70.00

(2) sections 110, 111, 112, 810.01 (5) and 810.2 (5) of the Criminal Code: \$200.

35.2	ART 110 C.Cr. ENSEMBLE SERVICES DÉCISION FINALE	200.00
35.2-12	ART12- ART 110 C.Cr. ENS. SERVICES DÉCISION FINALE	100.00

36. In matters of extraordinary remedies provided for in the Criminal Code,

(1) for preparation and service of the proceeding: \$300;

36.1	RECOURS EXTRAORDINAIRES PRÉP. ET SIGNIFICATION	300.00
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(2) per hearing period: \$275.

36.2	RECOURS EXTRAORDINAIRES PÉRIODE AUDITION	275.00
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37. For services rendered following an order under section 486.3 of the Criminal Code: \$275 per work period. The advocate is entitled to 3 preparation periods per day of hearing already held when the mandate is entrusted to the advocate and to a maximum of 4 additional preparation periods.

37A	SERVICES RENDUS ORDONNANCE 486.3 C.cr. PAR PÉRIODE	275.00
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For all services rendered following an order under section 672.24 of the Criminal Code: \$330.

37B	SERVICES RENDUS SUITE ORDONNANCE ARTICLE 672.24	330.00
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38. All services rendered for an application for release from custody or for review of the decision rendered on release addressed to a judge of the Superior Court: \$200.

38	DEMANDE OU RÉVISION MISE EN LIBERTÉ JUGE COUR SUP.	200.00
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39. In matters of preventive detention,

(1) for the preparation of the record for a contestation of an application for preventive detention under Part XXIV of the Criminal Code, including interviews and other necessary services: \$1,000;

39.1	DÉTENTION PRÉVENTIVE PRÉP. CONTESTATION DEMANDE	1000.00
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(2) per hearing period: \$275.

39.2	DÉTENTION PRÉVENTIVE PAR PÉRIODE D'AUDITION	275.00
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40. All services rendered for an application for a change of a probation order under section 732.2 (5) of the Criminal Code: \$150.

40	ENS. SERV. DEMANDE DE MODIFICATION ART 732.2(5)	150.00
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41. All services rendered for an application for the issue of an order of imprisonment for default of payment of fines under section 734.7 of the Criminal Code or article 346 of the Code of Penal Procedure (chapter C-25.1): \$220.

41	ENS. SERV. EMPRISONNEMENT DÉFAUT PAIEMENT AMENDES	220.00
41-12	ART12 - EMPRISONNEMENT DÉFAUT PAIEMENT AMENDES	110.00

42. All services rendered until sentencing, if applicable, under the Youth Criminal Justice Act (S.C. 2002, c. 1)

(1) on an application for review under section 59 (1): \$185;

42.1	LSJPA ENS. SERVICES DEMANDE EXAMEN DÉCISION FINALE	185.00
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(2) on an application under section 64 (1): \$425.

42.2	LSJPA ENSEMBLE SERVICES ART.64(1) DÉCISION FINALE	425.00
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§5. Tariff of fees for services rendered in appeal

43. Appeal on extraordinary remedies, appeal in matters of preventive detention or appeal from the decision on a conviction, sentence or both:

(1) preparation of all proceedings preliminary to the appeal, including drafting and filing of notice of appeal: \$600;

43.1	PRÉPARATION ENS. PROC. INCLUANT RÉDACTION & DÉPÔT	600.00
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(2) hearing of application for leave to appeal: \$220;

43.2	AUDITION DEMANDE DE PERMISSION D'EN APPELER	220.00
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(3) motion for extension of the time to appeal: \$200;

43.3	REQUÊTE PROLONGATION DU DÉLAI D'APPEL	200.00
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(4) preparation of factum: \$800;

43.4	PRÉPARATION DU MÉMOIRE	800.00
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(5) hearing of appeal: \$800.

43.5	AUDITION DE L'APPEL	800.00
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44. All services rendered for an application for release from custody until the decision on the appeal: \$270.

44	ENS. SERV. DEMANDE MISE EN LIBERTÉ DÉCISION APPEL	270.00
44-13.1	ART13.1-ENS. SERV. MISE EN LIBERTÉ DÉCISION APPEL	135.00

45. For services rendered following an order made under section 684 of the Criminal Code, the fees are \$800 for the hearing at the Court of Appeal. The advocate is entitled to a maximum of 4 preparation periods remunerated \$275 each.

45	ORDONNANCE ARTICLE 684 AUDITION COUR D'APPEL	800.00
45A	ORDONNANCE ARTICLE 684 PRÉPARATION PAR PÉRIODE	275.00

46. During appeal to the Supreme Court, the fees are the following:

(1) for the preparation of all proceedings preliminary to the appeal, including drafting and filing of notice of appeal or application for leave to appeal: \$3,000;

46.1	COUR SUPRÊME PRÉP. PROC. INCLUANT RÉDAC.&DÉPÔT	3000.00
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(2) preparation of factum: \$3,000;

46.2	COUR SUPRÊME PRÉPARATION MÉMOIRE	3000.00
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(3) hearing of appeal: \$4,000.

46.3	COUR SUPRÊME AUDITION DE L'APPEL	4000.00
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47. For services rendered following an order made under section 694.1 of the Criminal Code, the fees are \$2,000 for the hearing at the Supreme Court. The advocate is entitled to a maximum of 8 preparation periods remunerated \$275 each.

47	COUR SUPRÊME AUDITION ORDONNANCE ART 694.1	2000.00
47A	COUR SUPRÊME PRÉP. ORDONNANCE ART694.1 PAR PÉRIODE	275.00

DIVISION II

FEES APPLICABLE UNDER A LENGTHY AND COMPLEX CASE, FOLLOWING DETERMINATION BY THE COMMISSION PURSUANT TO SECTION 83.12 OF THE ACT RESPECTING LEGAL AID AND THE PROVISION OF CERTAIN OTHER LEGAL SERVICES

48. For services rendered at hearings and conferences held before trial, the fees are \$275 per period.

48	SERVICES RENDUS AVANT PROCÈS (1 PER.)	275.00
48-2	SERVICES RENDUS AVANT PROCÈS (2 PÉR.)	550.00

48-3	SERVICES RENDUS AVANT PROCÈS (3 PÉR.)	825.00
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49. For preparation of trial, the fees are \$275 per period.

The number of preparation periods an advocate has is limited to

(1) 3 periods for each day of hearing scheduled for the presentation of the prosecution's evidence as established during the pretrial conference or as indicated in the court's record;

49.1	PRÉPARATION DU PROCÈS (1 PÉRIODE)	275.00
49.1-2	PRÉPARATION DU PROCÈS (2 PÉRIODES)	550.00
49.1-3	PRÉPARATION DU PROCÈS (3 PÉRIODES)	825.00

(2) 1 period for each day of hearing during the trial.

49.2	PRÉPARATION PENDANT PROCÈS (1 PÉRIODE)	275.00
49.2-2	PRÉPARATION PENDANT PROCÈS (2 PÉRIODE)	275.00

50. If the trial is interrupted for more than 3 consecutive weeks, an advocate has a maximum of 8 additional preparation periods to be worked during the interruption.

50	PRÉPARATION DURANT INTERRUPTION (1 PÉRIODE)	275.00
50-2	PRÉPARATION DURANT INTERRUPTION (2 PÉRIODES)	550.00
50-3	PRÉPARATION DURANT INTERRUPTION (3 PÉRIODES)	825.00

51. Where an advocate represents more than one accused in a single trial, the number of preparation periods to which the advocate is entitled is established by subparagraph 1 of the second paragraph of section 49, increased by 50%, regardless of the number of accused the advocate represents.

52. The Commission must, at the advocate's request, reconsider the number of preparation periods to which the advocate was entitled under subparagraph 1 of the second paragraph of section 49 or section 51 where the number of hearing days actually held for the trial is greater than one and a half the number of hearing days scheduled for the presentation of the prosecution's evidence.

The advocate submits his or her request in the advocate's final statement of fees.

53. Where an advocate replaces an advocate whose remuneration was governed by this Division or where an advocate's remuneration becomes governed by this Division during the proceedings, the advocate must submit to the Commission a detailed application of the preparation time the advocate deems necessary to represent his or her client.

The Commission examines the application by taking into account the circumstances of the case and determines the maximum number of preparation periods which the advocate has instead of the preparation periods provided for in subparagraph 1 of the second paragraph of section 49 or section 51.

54. During the trial, the fees are \$400 per hearing period.

54	AUDITION DU PROCÈS (1 PÉRIODE)	400.00
54-2	AUDITION DU PROCÈS (2 PÉRIODES)	800.00
54-3	AUDITION DU PROCÈS (3 PÉRIODES)	1200.00

55. Where an advocate pleads in writing, at the court's request or under its authorization, fees of \$275 are payable per work period, for a maximum of 10 periods.

55	PLAIDOIRIE ÉCRITE DEMANDÉE OU AUTORISÉE (1 PÉR.)	275.00
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56. For preparation and hearings of representations on sentence, the fees are \$275 per period.

56A	PRÉPARATION REPRÉSENTATION SUR PEINE (1 PÉR.)	275.00
56A-2	PRÉPARATION REPRÉSENTATION SUR PEINE (2 PÉR.)	550.00
56A-3	PRÉPARATION REPRÉSENTATION SUR PEINE (3 PÉR.)	825.00
56B	AUDITION REPRÉSENTATION SUR PEINE (1 PÉR.)	275.00
56B-2	AUDITION REPRÉSENTATION SUR PEINE (2 PÉR.)	550.00
56B-3	AUDITION REPRÉSENTATION SUR PEINE (3 PÉR.)	825.00

The number of preparation periods is limited to 15 periods.

57. Subdivision 5 of Division I of this Chapter applies to appeals, with the necessary modifications.

PART II **EXPENSES**

58. Expenses include travel allowances and fees authorized by the director general or the Commission, if applicable, in particular fees for expert reports. They also include other fees pertaining to proceedings incidental to the mandate.

The fees of a counsel and the fees pertaining to professional assistance services of a second advocate during hearing of the trial are treated as expert reports. Assistance fees are only eligible for the services rendered in accordance with Chapter II of the Act

respecting legal aid and the provision of certain legal services (chapter A-14) and are limited to \$175 per hearing period.

146A	AVOCAT - ASSISTANT	175.00
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59. An advocate is entitled to a reimbursement of \$0.10 per page for photocopies made during written proceedings or to reproduce authorities.

61	PHOTOCOPIES	0.00
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60. At the end of a legal aid mandate, an advocate who sees the case through receives \$25 as a reimbursement of administrative overhead costs, except consultation mandates and mandates that end with a consultation.

FA	FRAIS ADMINISTRATIFS	25.00
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The provision applies only to mandates entrusted since 1 April 2012 and the amount is increased to \$50 for mandates entrusted as of 1 April 2014.

61. An advocate is entitled to a travel allowance only if the destination is farther than a radius of 25 km from his or her office.

When using his or her personal motor vehicle, an advocate is entitled to the travel allowance per kilometre provided for in section 8 of the Directive sur les frais remboursables lors d'un déplacement et autres frais inhérents (C.T. 202754, 2005-08-30) as established under the Public Administration Act (chapter A-6.01), subject to the following special rules:

- (1) according to the distance actually travelled, in the case of a trip made within the boundaries of the judicial district where the advocate has his or her office;
- (2) according to the distance actually travelled up to a maximum of 200 km, in the case of a trip made within the boundaries of the judicial district where the advocate has his or her office;
- (3) according to the distance actually travelled, in the case of a trip to the Supreme Court of Canada, the Court of Appeal of Québec, the Federal Court or to any court or body, exercising its jurisdiction outside the boundaries of the judicial district where the advocate has his or her office; despite the preceding, where the advocate's office is in a judicial district other than the district where the legal aid centre which issued the mandate is located, the advocate elects to receive either the reimbursement established in subparagraph 2 or a reimbursement established according to the distance between the place where the mandate was issued and that where the court in question sits;
- (4) according to the distance actually travelled, in the case of a trip made with the authorization of the director general of the legal aid centre, outside the boundaries of

the judicial district where the advocate has his or her office, where the nature or complexity of the matter requires that the mandate be entrusted to that advocate.

The advocate who is entitled to a travel allowance is also entitled to the reimbursement of the parking expenses incurred.

62. Subject to sections 59 and 60, expenses may not exceed the actual expenses actually incurred by the advocate and are paid on presentation of supporting documents.

PART III

DISPUTE SETTLEMENT PROCEDURE

CHAPTER I

SUBMISSION OF A DISPUTE AND CONCILIATION

63. A dispute means any disagreement concerning the interpretation or application of this Agreement, in particular on a claim for fees for a service not included or an application for special consideration, and any disagreement concerning a statement of fees or expenses submitted pursuant to the Regulation respecting the report relating to the services rendered by certain advocates and notaries (chapter A-14, r. 8).

A dispute must be submitted within 6 months of receiving the notice provided for in section 8 of the Regulation.

64. A dispute is submitted by an advocate by means of a notice addressed to the regional centre or, as the case may be, to the Commission. The notice must contain a summary of the facts and the relief sought.

65. The regional centre or, as the case may be, the Commission, answers in writing to any notice of dispute it receives.

66. Before submitting a dispute, an advocate may resort to conciliation by a written notice to the director general of the regional legal aid centre, to the Commission and to the section of the Barreau du Québec to which the advocate belongs.

67. Resorting to conciliation interrupts the 6-month prescription.

68. Within 15 days of receiving the notice provided for in section 66, the director general of the regional legal aid centre and the bâtonnier of the section each designate an advocate.

69. Within 30 days of their designation, the advocates so appointed and the advocate who applied for conciliation meet and endeavour to reach a settlement.

CHAPTER II

ARBITRATION

70. An advocate who submitted a dispute may, if no answer is received within 30 days of sending the notice or if the advocate is dissatisfied with the answer, submit the dispute to arbitration.

Resorting to arbitration is prescribed by 6 months.

The application for arbitration is made by a letter addressed to the chief judge of the Court of Québec, which is also sent to the regional centre, to the Commission and to the Barreau du Québec.

The chief judge designates one of the judges of that court to act as arbitrator.

71. After giving at least 30 days' notice to the Commission, the Barreau du Québec may either intervene or take up the defence for the advocate who submitted a dispute to arbitration.

72. Stenography fees and fees to reproduce a recording of the judicial hearings, if any, are borne by the regional centre or the Commission, as the case may be.

73. The arbitrator has jurisdiction, to the exclusion of any court, to rule on a dispute within the meaning of this Agreement. The arbitrator may uphold, modify or rescind the disputed decision and, by the terms of the arbitration award, order a payment or determine compensation, restore a right or issue any other order the arbitrator considers fair in the circumstances.

The arbitration award is final and binding on the parties.

74. The arbitrator may issue an interim award at any time.

75. The arbitrator sends every arbitration award to the parties and the Barreau du Québec.

PART IV

MISCELLANEOUS, TRANSITIONAL AND FINAL

76. This Agreement replaces, in criminal and penal matters, the Regulation to ratify the Agreement between the Minister of Justice and the Barreau du Québec respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of advocates under the legal aid plan (chapter. A-14, r. 6) entered into on 4 April 2008.

This Agreement takes effect on 27 March 2013 and, subject to the exceptions in sections 77 and 78, applies to the services rendered under the legal aid mandates entrusted since 1 April 2010.

This Agreement does not have the effect of reducing fees already paid before its publication.

77. The tariffs provided for in the third paragraph of section 23 apply to services rendered under mandates entrusted as of 27 March 2013 takes effect and under mandates entrusted previously if services are rendered after 27 March 2013.

78. The tariffs provided for in sections 24 to 32 and 43 to 47 apply to the services rendered under mandates entrusted as of 27 March 2013.

For the services referred to in those sections and rendered under mandates entrusted between 1 April 2010 and that date, the Regulation to ratify the Agreement between the Minister of Justice and the Barreau du Québec respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of advocates under the legal aid plan entered into on 4 April 2008 continue to apply despite their replacement.

The Regulation also continues to have effect for the services rendered under mandates entrusted between 1 April 2007 and 1 April 2010 and in the cases that are not referred to in section 77.

79. The maximum amount of fees that may be paid to an advocate to whom mandates are entrusted in accordance with Chapter II of the Act respecting legal aid and the provision of certain legal services (chapter A-14), between 1 April and 31 March of the years covered by this Agreement, is set at \$140,000. Beyond that amount, the fees paid to the advocate are reduced by 35% for each mandate.

N.T.174	RÉDUCTION DE 35% DES HONORAIRES	0.00
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80. This Agreement also replaces the Regulation respecting the tariff of fees and expenses of advocates in the course of providing certain legal services and the dispute settlement procedure (chapter A-14, r. 9). It takes effect, as regards the fees payable for the services rendered under Chapter III of the Act respecting legal aid and the provision of certain other legal services (chapter A-14), on 27 March 2013.

81. By exception, section 51 of this Agreement does not apply to the remuneration of an advocate who, on 27 March 2013, represents more than one accused in a long and complex trial. In such case, that advocate's remuneration continues to be adjusted pursuant to section 59 of the Regulation respecting the tariff of fees and expenses of advocates in the course of providing certain legal services and the dispute settlement procedure (chapter A-14, r. 9).

82. This Agreement ends on 30 September 2017, but continues to have effect until it is replaced.

REFERENCES

Decision 2013-03-19, 2013 G.O. 2, 746