

Legal Aid Ontario Announcements in December 2020

Dec. 2

Detention Representation Program

LAO is launching an Immigration Detention Representation Program (IDRP) in January 2021 on a one-year pilot basis and seeking applications from general refugee panel lawyers to participate.

The IDRP will use a collaborative approach between refugee panel lawyers acting on certificates and LAO's Refugee Law Offices in Toronto and Hamilton. The program will connect unrepresented detained clients with counsel in time to ensure meaningful representation at the 48-hour review hearing, and subsequent hearings, if the client remains in detention. It will also provide training and mentorship to panel lawyers doing detention work. The aim of this hybrid model is to ensure access to counsel for all unrepresented financially eligible detainees.

Tariff hours increase

Effective January 1, 2021, LAO is increasing the legal aid certificate tariff hours to prepare for a subsequent detention review hearing from one to three hours. With this change, lawyers will be paid for three hours to prepare for any detention review hearing, in addition to the actual time of the hearing.

Dec. 7

LAO accepting verbal consent and declaration confirmation for in-custody applicants, effective Dec. 7, 2020

The following is temporary during COVID-19 disruptions and will be applied to existing and new applications effective Dec. 7, 2020.

As part of Legal Aid Ontario's (LAO) continuing response to COVID-19, we will now accept verbal consent and declaration (C&D) confirmation for in-custody applications (big case management cases are excluded).

Counsel must still advise LAO of any material changes in clients' circumstances including financial situation or whether they are being released from custody.

Dec. 8

Register now for consultations on tariff reform and a more modern *Legal Aid Online*

Legal Aid Ontario wants to hear from you on new ways to pay lawyers and making [Legal Aid Online](#) easier to use.

Register now for one of the virtual meetings below to give your input on:

- cost-neutral updates to the tariff and block fees and where future increases might be applied, if and when possible
- making *Legal Aid Online* more modern and easier to use

- enabling easier online access to information you need to do legal aid work

Consultation dates and areas of law

- **Criminal law**
 - Dec. 14, 12:00 p.m. to 1:30 p.m. EST
 - Dec. 17, 4 p.m. to 5:30 p.m.
- **Family**
 - Dec. 14, 4 p.m. to 5:30 p.m.
- **Child protection**
 - Dec. 15, 12 p.m. to 1:30 p.m.
- **Immigration and refugee**
 - Dec. 15, 4 p.m. to 5:30 p.m.
- **French-language consultation** (all areas of law)
 - Dec. 17, 1 p.m. to 2:30 p.m.

An online survey and the possibility of making written submissions will follow these sessions at a later date.

Dec. 10

Notice: Per diem duty counsel access to MCIS interpreter services effective Dec. 3, 2020

To better serve clients who don't speak English or French, effective December 3, 2020, per diem lawyers may directly access Multilingual Community Interpreter Services (MCIS) when advising LAO clients during scheduled duty counsel shifts. The service is unavailable for certificate-related work.

Questions? Please contact your local supervisor or manager of duty counsel services.

Dec. 16

Update: LAO assists lawyers, clients with matters before SCJ's 361 University Ave. virtual practice court in Toronto

Further to [our August 13, 2020 announcement](#), effective immediately, LAO counsel will assist accused persons with matters in the Superior Court of Justice's 361 University Avenue practice court in Toronto on Mondays only.

The service will no longer be available on Fridays. The court continues to operate virtually due to the COVID-19 pandemic.

LAO counsel will act as agents for private bar lawyers with matters before the court, and can assist self-represented accused persons. Unrepresented or self-represented

persons should adjourn their matters to Mondays to ensure that LAO counsel will be there to assist them.

This temporary support, now available through the end of January 2021, aims to alleviate a backlog at SCJ's 361 University practice court and is part of [LAO's ongoing response to COVID-19](#).

To request LAO counsel act as your agent Counsel should complete and email an [LAO counsel request form](#) by 3:30 PM the business day before the matter is up in court. LAO counsel will only assist with requests made this way.

For further information, please email mcmo@lao.on.ca.

Dec. 29

Temporary Refugee and Immigration Certificate Authorizations for COVID-19 - UPDATED

The following authorizations have been extended until January 31, 2021. An additional two hours will continue to be added to all new Basis of Claim certificates. Lawyers may now request an additional two hours for representation before the RPD for hearings scheduled to take place between July 20, 2020 and January 31, 2021. Please use the updated COVID-19 [Refugee and Immigration Authorization Request form](#).

Legal Aid Ontario (LAO) is implementing some temporary measures to assist private bar lawyers representing refugee claimants and Humanitarian and Compassion ate applicants. These temporary changes are to reflect the additional work to advise and assist clients during the COVID-19 pandemic.

This communication contains important information on the temporary measures and how lawyers can request and bill them.

The temporary measures are:

1. Additional 2 hours for preparation and filing of Basis of Claim (BOC) forms

An additional 2 hours has been automatically added to every BOC preparation certificate issued since **March 1, 2020**. There is no requirement for counsel to request these hours.

2. Additional 2 hours for representation before the RPD

This will be available for lawyers to request for any refugee claim scheduled for a hearing **between July 20, 2020 and January 31, 2021** (even if the hearing did not proceed as scheduled).

Lawyers should use the COVID-19 [Refugee and Immigration Authorization Request form](#) to request these hours for certificates that meet the criteria. Follow the instructions

on the form. Please ensure you have already requested and received RPD hearing authorization on the certificates prior to requesting the additional COVID-19 hours.

3. Additional 3 hours for further Humanitarian and Compassionate Ground submissions

This will be available for lawyers to request for H&C applications submitted to IRCC **before October 1, 2020**, where the lawyer has submitted or intends to submit updated evidence or submissions related to the impact of the COVID-19 pandemic on the client's circumstances.

Lawyers should use the COVID-19 [Refugee and Immigration Authorization Request form](#) to request these hours for certificates that meet the criteria. Follow the instructions on the form.

These temporary measures may be extended after January 31, 2021.

Further instructions

The following apply to all three measures:

- For certificates that are already final billed, lawyers can submit supplementary accounts to bill the new hours.
- If you previously billed hours above the tariff maximum that were not paid, do not submit a new account. Send a request to the Lawyer Services and Payments department through Legal Aid Online asking that the new authorization be applied to the unpaid hours.
- If you require up to three additional interpreter hours (above the pre-authorized ten hours), these can be billed without seeking additional authorizations and will be paid. Requests for additional interpreter hours in excess of thirteen hours should be made through the normal process by uploading a brief request in Legal Aid Online under the "Communications for LSP" link.
- LAO strongly encourages lawyers to request and bill these hours prior to the end of the current fiscal year on March 31, 2021.