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**SCHEDULE A  
FORMS**

Under section 48 of the *Legal Aid Act*, the Lieutenant-Governor in Council makes the following Regulation:

**PART 1  
GENERAL PROVISIONS**

**Citation**

1 This Regulation may be cited as the *General Regulation – Legal Aid Act*.

**Definition of “Act”**

2 In this Regulation, “Act” means the *Legal Aid Act*.

**Areas**

3 For the purpose of administering the plan, the Province is divided into the following areas:

- (a) Area 1: Saint John, Charlotte and Kings counties;
- (b) Area 2: Westmorland, Albert and Kent counties;
- (c) Area 3: Sunbury and Queens counties, the Parish of Ludlow in Northumberland County and York County with the exception of the parishes of Canterbury and North Lake;
- (d) Area 4: Carleton County, the parishes of Canterbury and North Lake in York County and Victoria County with the exception of the parishes of Drummond and Grand Falls;
- (e) Area 5: Northumberland County with the exception of the parishes of Alnwick and Ludlow;
- (f) Area 6: the parishes of Bathurst and Beresford in Gloucester County;

- (g) Area 7: the Parish of Alnwick in Northumberland County and Gloucester County with the exception of the parishes of Bathurst and Beresford;
- (h) Area 8: Restigouche County; and
- (i) Area 9: Madawaska County and the parishes of Drummond and Grand Falls in Victoria County.

### **Sending documents**

4(1) Subject to subsection (2), a written notice or other document required to be sent under the Act and this Regulation shall be forwarded in person, by ordinary mail, by prepaid registered mail, by prepaid courier or by electronic transmission.

4(2) A written notice or other document required to be sent by an employee or the Executive Director under the Act and this Regulation may be forwarded in person, by ordinary mail, by prepaid registered mail, by prepaid courier or by electronic transmission to the recipient at his or her last known address or to his or her lawyer.

4(3) A written notice or other document sent by ordinary mail or prepaid registered mail shall be deemed to have been received by the recipient five days after the date of mailing, in the absence of evidence to the contrary.

### **Disclosure of information**

5 No person appointed or contracted with under section 14 of the Act and no employee shall disclose any information provided by or about an applicant for legal aid services or a holder of a legal aid certificate other than for the purpose of the proper administration of the Act and this Regulation.

## **PART 2**

### **BOARD, LEGAL AID COMMITTEE AND AREA LEGAL AID COMMITTEES**

#### **Remuneration and expenses**

6(1) A member of the Board who is not employed in the Civil Service as defined in the *Civil Service Act* is entitled to remuneration of \$87.50 for each half-day or portion of a half-day that he or she attends a Board meeting.

6(2) If the Chair of the Board is not employed in the Civil Service as defined in the *Civil Service Act*, the Chair shall receive an additional \$37.50 for each half-day or portion of a half-day that he or she attends a Board meeting.

6(3) Members of the Board are entitled to reimbursement of travelling and other expenses incurred by the member in the performance of his or her duties in accordance with the Travel Policy of the Board of Management.

#### **Legal Aid Committee**

7(1) The Legal Aid Committee shall consist of not fewer than three members who are lawyers.

7(2) A member of the Legal Aid Committee holds office for a term of two years and may be reappointed.

7(3) A member of the Legal Aid Committee may resign by notice in writing addressed to the Board.

7(4) The Chair of the Legal Aid Committee, Minister, Board or Executive Director shall call meetings of the Legal Aid Committee.

7(5) If the Chair is absent from a meeting of the Legal Aid Committee, the members present may elect from among themselves a member to preside at the meeting.

7(6) The Chair of the Legal Aid Committee or other member presiding at the meeting is entitled to vote and, in the event of a tie vote, he or she shall cast the deciding vote.

#### **Area legal aid committees**

8(1) The persons who are members of an area committee shall be lawyers.

8(2) A member of an area committee holds office for a term of two years and may be reappointed.

8(3) A member of an area committee may resign by notice in writing addressed to the Executive Director.

8(4) The Executive Director shall appoint the Chair of an area committee.

8(5) Any appointment to an area committee may be revoked by the Executive Director for cause.

8(6) The Chair of an area committee shall call meetings of the committee.

8(7) The Chair of an area committee is entitled to vote and, in the event of a tie vote, the Chair shall cast the deciding vote.

8(8) The secretary of an area committee is not a member of the committee.

#### **Information**

9 A lawyer who has undertaken to provide legal aid services shall provide any information with respect to the services requested by the Executive Director or the employee.

### **PART 3**

#### **APPLICATION FOR LEGAL AID SERVICES**

#### **Definitions**

10 The following definitions apply in this Part.

“child” means a person who is under 18 years of age and who resides with the applicant at least 40% of the time. (*enfant*)

“dependant” means a person

(a) who is between the ages of 18 years and 25 years, inclusive, who is registered at an educational institution and who resides with the applicant at least 40% of the time, or

(b) who is 18 years of age or over, who suffers absence or reduction of functional competence because of physical or mental impairment which substantially limits his or her ability to carry out normal daily activities and who resides with the applicant. (*personne à charge*)

“spouse” means, in relation to any person,

(a) a person to whom that person is married, or

(b) a person with whom that person cohabits in a conjugal relationship. (*conjoint*)

### **Contribution**

**11(1)** For the purposes of paragraph 27(2)(c) of the Act, an employee for an area shall determine the applicant’s contribution to the cost of the legal aid services in accordance with Schedule A based on

(a) the gross income of the applicant and his or her spouse, and

(b) the size of the household.

**11(2)** Despite paragraph (1)(a), if the applicant or his or her spouse is a dependant, the dependant’s income is not included.

### **Calculation of income**

**12(1)** An employee for an area shall calculate the income referred to in paragraph 11(1)(a) by adding the following amounts:

(a) salaries, wages and commissions;

(b) business, professional, farming, fishing and rental income after deducting reasonable expenses;

(c) investment income;

(d) social assistance benefits;

(e) Canada Pension Plan and Old Age Security benefits;

(f) disability pensions or benefits;

(g) Workers’ Compensation benefits;

(h) Employment Insurance benefits;

(i) child support or spousal support received;

- (j) 40% of the income received for board and lodging;
- (k) regular payments received under an annuity, a pension or an insurance scheme;
- (l) regular payments received from a mortgage, an agreement of sale or a loan; and
- (m) subject to subsection (2), benefits or payments received directly or indirectly from any other source.

**12(2)** For greater certainty, the calculation under subsection (1) does not include the following amounts:

- (a) the Canada Child Tax Benefit or the Universal Child Care Benefit;
- (b) goods and services tax or harmonized sales tax rebates;
- (c) income tax refunds; or
- (d) student loans or bursaries or grants from an educational institution.

**12(3)** An employee for an area shall subtract from the amount under subsection (1) the following amounts:

- (a) child care payments;
- (b) child support and spousal support payments; and
- (c) medical or dental expenses that are not covered by an insurance plan, if the annual expenses are \$1,500 or more.

### **Household size**

**13** For the purposes of paragraph 11(1)(b), the household includes the applicant and his or her spouse, children and dependants.

### **Security for debts**

**14(1)** For the purposes of subsection 27(7) of the Act, the applicant may deposit a Certificate of Lien in Form 1 and the Executive Director may register the certificate under the *Land Titles Act* or under the *Registry Act*, as the case may be.

**14(2)** Under the *Land Titles Act*, the Registrar General shall register the Certificate of Lien in the title register and the lien shall appear as an encumbrance against the land or the estate or interest in the land mentioned in the certificate.

**14(3)** The Certificate of Lien need not specify the amount of the debt referred to in subsection 27(5) of the Act.

**14(4)** The Executive Director shall send a Certificate of Discharge without delay in Form 2 to the applicant who discharges his or her obligation to pay the cost of the legal aid services provided to him or her and to the Registrar General or the registrar, as the case may be.

## **Representative**

**15** An employee may require that an application for legal aid services for a person who is under 19 years of age, a mentally incompetent person as defined in the *Infirm Persons Act* or a patient as defined in the *Menial Health Act* be made on that person's behalf by a parent, guardian, relative, friend, committee or the Public Trustee appointed under the *Public Trustee Act*.

## **Another area**

**16(1)** If an employee for an area is of the opinion that an application for legal aid services may be disposed of more conveniently in another area or the legal aid services applied for can be provided more conveniently and economically in another area, he or she may send to an employee for the other area the application together with any other documentation and information available to him or her.

**16(2)** The employee to whom the application is sent under subsection (1) shall proceed as if the application had been made to him or her by the applicant in the first instance.

## **Refusal to issue a legal aid certificate**

**17(1)** An employee shall refuse to issue a legal aid certificate to an applicant on the following grounds:

- (a) the application relates to a matter in which the applicant is concerned in a representative, fiduciary or official capacity and it appears that the costs can be paid out of any property or funds;
- (b) the application relates to a matter that is outside the scope of legal aid services;
- (c) the applicant is entitled to financial or other aid besides legal aid services or has reasonable expectations of this aid and has failed to satisfy the employee that this aid is not available to him or her;
- (d) the applicant is not financially eligible for legal aid services;
- (e) the application relates to a matter that is frivolous, vexatious, an abuse of the process of the court or an abuse of the facilities provided by the Act;
- (f) the relief sought would not provide a benefit to the applicant in addition to the benefit that would be provided to him or her as a member of the public or a member of a group;
- (g) the relief sought, if obtained, is not enforceable in law; or
- (h) the professional services sought are available to the applicant without legal aid services.

**17(2)** An employee may refuse to issue a legal aid certificate to an applicant on the following grounds:

- (a) the applicant is one of a number of persons having the same interests under circumstances in which a person, other than the applicant, may sue or defend on behalf of or for the benefit of all those persons;
- (b) the applicant has the right to be joined in an action as plaintiff with one or more other persons having the same right to relief by reason of there being a common question of law or fact to be determined;
- (c) the applicant has previously received a legal aid certificate with respect to the same matter or proceeding;
- (d) the relief sought is enforceable only in another jurisdiction;
- (e) the cause of action may be prosecuted or defended only in a court of another jurisdiction; or
- (f) no sufficient reason for granting the legal aid certificate is shown.

### **Withdrawal of application**

**18** If an applicant for legal aid services does not comply with the requirements of the Act and this Regulation with respect to making an application, an employee shall notify the applicant of the non-compliance and if the applicant does not comply within 30 days after receiving notice, the employee may consider the application to be withdrawn.

### **Refusal to consider subsequent application**

**19** If an application for legal aid services is refused and the applicant makes a subsequent application dealing with the same matter or proceeding within 60 days after receiving notice of the refusal, an employee may refuse to consider the subsequent application.

## **PART 4**

### **LEGAL AID CERTIFICATES**

#### **Form**

**20** A legal aid certificate shall be on a form provided by the Executive Director.

#### **Content of a legal aid certificate**

**21(1)** Subject to section 22, a legal aid certificate shall bear the date on which the applicant submitted his or her application to the employee and shall set out the nature and extent of the services to be provided on the applicant's behalf, the amount of the applicant's contribution to the cost of the legal aid services, if any, and any condition imposed by the employee.

**21(2)** An employee shall qualify a legal aid certificate to indicate that no civil proceedings may be taken under the certificate unless the lawyer provides to the employee his or her written opinion that it is reasonable for him or her to commence, defend or continue the proceeding and the employee authorizes the lawyer to proceed.

**21(3)** The services referred to in subsection (1) include taking reasonable steps to collect any amounts with respect to a judgment or an order as to costs, if those steps are approved by the Executive Director.

### **Retroactive legal aid certificate**

**22** An employee may issue a legal aid certificate with retroactive effect to an applicant for legal aid services and to whom a lawyer has provided legal services if the employee considers it is just and proper to do so.

### **Procedure for issuing a legal aid certificate**

**23(1)** An employee shall send the legal aid certificate to the applicant and a copy of the certificate to the applicant's lawyer.

**23(2)** A lawyer who agrees to provide legal aid services under a legal aid certificate shall complete and sign the lawyer's acknowledgment and undertaking portion of the legal aid certificate and return it to the employee within ten days after receiving the copy of the certificate under subsection (1).

**23(3)** A lawyer who agrees to act for an applicant under a legal aid certificate shall require the applicant to execute a payment directive without delay with respect to all amounts payable under section 36 of the Act on a form provided by the Executive Director.

**23(4)** If a lawyer is unable or unwilling to act for any reason, he or she shall return the legal aid certificate without delay to the employee.

### **End of lawyer and client relationship**

**24(1)** If a holder of a legal aid certificate notifies his or her lawyer that he or she wishes to change lawyers or if a lawyer notifies the holder that the lawyer is no longer able or willing to represent him or her, both parties shall notify the employee who issued the legal aid certificate of the termination of the lawyer and client relationship.

**24(2)** If a lawyer and client relationship has been terminated and legal aid services authorized under the legal aid certificate have not been completed, the employee who issued the legal aid certificate may assign another lawyer whose name is on a panel.

### **Amendment of a legal aid certificate**

**25(1)** When the initial step in a proceeding is required by a statute, rule of law or practice to be taken immediately to preserve the rights of a holder of a legal aid certificate, a lawyer may take the initial step but shall not take any further step until the certificate has been amended to authorize him or her to proceed.

**25(2)** A holder of a legal aid certificate may apply to have his or her certificate amended in person or by his or her lawyer.

**25(3)** When a holder of a legal aid certificate is represented by a lawyer, an employee may require the lawyer to provide an opinion as to the merits of the application before deciding whether to amend the certificate as requested.

**25(4)** On his or her own initiative, an employee may amend a legal aid certificate by varying the terms of contribution when the employee, after issuing a certificate, is of the opinion that

(a) the holder of the certificate is able to pay some part of the cost of the legal aid services and no contribution by the holder is provided for in the certificate, or

(b) the holder of the certificate is able to pay a greater or lesser part of the cost of the legal aid services than is provided for in the certificate.

**25(5)** If an employee determines that a legal aid certificate issued by him or her or by a former employee should be amended, the employee shall issue an amended certificate and shall send the amended certificate to the lawyer of the holder of the certificate.

**25(6)** A legal aid certificate shall not be amended until notice on a form provided by the Executive Director is given to the holder of the certificate and his or her lawyer except when the amendment is to the advantage of the holder.

**25(7)** The lawyer referred to in subsection (6) shall complete and sign a copy of the amended certificate and return the copy and the certificate that is replaced by the amended certificate to the employee without delay.

**25(8)** An employee who amends a legal aid certificate shall notify the holder of the certificate of his or her right of appeal under paragraph 32(1)(b.1) of the Act except when the amendment is to the advantage of the holder.

### **Cancellation of a legal aid certificate**

**26(1)** The Executive Director or an employee shall not cancel a legal aid certificate until notice in writing is given to the holder of the certificate and his or her lawyer.

**26(2)** The Executive Director or the employee who cancels a legal aid certificate shall notify the holder of the certificate of his or her right of appeal under paragraph 32(1)(c) of the Act.

**26(3)** A lawyer who receives notice under subsection (1) shall send the file of the holder of the legal aid certificate to the Executive Director or to the employee who cancelled the legal aid certificate, as the case may be.

**26(4)** If a circumstance comes to the attention of a lawyer which indicates that a holder of a legal aid certificate may not have been entitled or may no longer be entitled to the certificate under which the lawyer is acting, the lawyer shall immediately report the circumstance to the employee who issued the certificate.

### **Appeals**

**27(1)** For the purposes of subsection 32(1) of the Act, an appeal shall be filed by sending a notice of appeal to an employee for the area on a form provided by the Executive Director within 30 days after receiving notice of the decision being appealed.

27(2) The area committee or a Provincial Director, as the case may be, shall make a written decision on the matter, with reasons, and shall send the decision to the applicant or holder of the legal aid certificate and an employee for the area without delay.

### **Further appeals**

28(1) For the purposes of subsection 32(3.1) of the Act, an appeal shall be filed by sending a notice of appeal to an employee for the area on a form provided by the Executive Director within 30 days after receiving notice of the decision being appealed.

28(2) The Executive Director shall make a written decision on the matter, with reasons, and shall send the decision to the applicant or holder of the legal aid certificate and an employee for the area without delay.

## **PART 5**

### **PROVISION OF LEGAL AID SERVICES**

#### **Request for removal from a panel**

29(1) A lawyer may remove his or her name from a panel referred to in section 33 of the Act by making a written request to an employee for the area.

29(2) Despite his or her removal under subsection (1), the lawyer shall complete the legal aid services that he or she has undertaken.

#### **Complaint**

30(1) An employee who receives a complaint alleging that a lawyer whose name is on a panel has failed to carry out his or her duties with respect to legal aid services shall report the complaint to the Executive Director, who shall investigate the complaint.

30(2) In his or her discretion, the Executive Director may communicate the complaint, the report and the results of his or her investigation to the complainant, the lawyer against whom a complaint was made and the Law Society, as he or she considers necessary.

30(3) The Executive Director may remove the name of a lawyer from a panel for cause and shall send to the lawyer his or her decision, with reasons, within 24 hours after making the decision.

30(4) The Executive Director shall notify all employees for the area of a removal under subsection (3).

30(5) Nothing in this section discharges a lawyer whose name has been removed from a panel from his or her obligations to his or her clients and to the Law Society.

#### **Suitability of a lawyer**

31(1) An employee who becomes aware of a matter respecting the suitability of a lawyer whose name is on a panel shall report the matter to the Executive Director.

31(2) The Executive Director may remove the name of a lawyer from a panel for cause in the following circumstances:

- (a) he or she receives a report from an employee under subsection (1);
- (b) he or she receives notification by the Law Society that a notice of complaint relating in whole or in part to the operation of the plan has been served by them on the lawyer; or
- (c) he or she learns that a criminal charge relating in whole or in part to the operation of the plan has been laid against the lawyer.

**31(3)** The Executive Director shall send to a lawyer his or her decision to remove the name of the lawyer from a panel under subsection (2), with reasons, within 24 hours after making the decision.

**31(4)** The Executive Director shall notify an employee for the area of a removal under subsection (2).

**31(5)** Following the removal of the name of a lawyer from a panel, the Executive Director shall conduct an investigation.

**31(6)** Nothing in this section discharges a lawyer whose name has been removed from a panel from his or her obligations to his or her clients and to the Law Society.

### **Removal from a panel**

**32** A lawyer whose name has been removed from a panel under section 30 or 31 shall send to the Executive Director the following documents:

- (a) any legal aid file in his or her possession;
- (b) a report on the state of any incomplete files; and
- (c) an account for fees and disbursements.

### **Request for restoration to a panel**

**33(1)** A lawyer whose name has been removed from a panel may apply to the Executive Director at any time to have his or her name restored.

**33(2)** When the Executive Director receives an application under subsection (1), he or she shall allow the lawyer to show cause in writing as to why his or her name should be restored to a panel and the Executive Director shall make a decision and notify the lawyer of his or her decision.

**33(3)** If the Executive Director restores the name of a lawyer under subsection (2), the Executive Director may impose conditions on the restoration that he or she considers appropriate.

**33(4)** A lawyer whose request to have his or her name restored is refused may appeal the decision of the Executive Director to the Appeals Committee on a form provided by the Executive Director within 60 days after receiving notice of the decision.

**Duty counsel**

34(1) A person is entitled to the assistance of duty counsel even though he or she has not been issued or is ineligible to receive a legal aid certificate.

34(2) A person who is detained is entitled to consult with duty counsel by telephone.

34(3) A duty counsel shall submit a report on a form provided by the Executive Director to an employee for the area at the end of each week.

34(4) The employee shall review the account and send it to the Executive Director with a recommendation as to payment that he or she considers appropriate.

**Employment of another lawyer as counsel**

35(1) If, in the opinion of the lawyer acting for a holder of a legal aid certificate, the matters or proceedings for which legal aid services are authorized under the certificate require the assistance of another lawyer, the lawyer acting for the holder may apply in writing to the Executive Director, who may authorize him or her to employ another lawyer as counsel.

35(2) An application referred to in subsection (1) shall state

- (a) the extent of the services to be performed by the lawyer, and
- (b) the reasons why those services are required.

35(3) The authorization given by the Executive Director under subsection (1) shall be in writing and shall specify the extent of the services to be provided by the lawyer employed under the authorization.

35(4) The lawyer may be selected from a legal aid panel in any area, but shall not be a person associated in the practice of law with the lawyer employing him or her except with the prior approval of the Executive Director.

35(5) When an authorization has been granted to employ a lawyer in the first instance or on the hearing of an appeal, the lawyer employing that lawyer may attend at the hearing of the appeal to assist.

**Lawyer and client relationship**

36(1) The customary lawyer and client relationship shall exist between a lawyer and his or her client and nothing in this Regulation shall be construed to vary the customary relationship.

36(2) No lawyer, engaged in carrying out duties under the plan, shall suggest or recommend to any person any lawyer to act for him or her in any matter or proceeding.

**Legal aid clinics**

37 With the approval of the Board, the Commission may establish legal aid clinics and may designate existing legal aid clinics as approved clinics.

**PART 6**  
**REMUNERATION OF LAWYERS**

**Remuneration**

**38(1)** The remuneration of a lawyer appointed or contracted with under section 14 of the Act is as follows:

- (a) \$58 per hour for lawyers who have been members of the law society of a common law province or territory of Canada for less than two years; and
- (b) \$70 per hour for lawyers who have been members of the law society of a common law province or territory of Canada for two years or more.

**38(2)** A lawyer shall be paid an amount equal to his or her necessary and proper disbursements for the provision of legal aid services.

**38(3)** No payment shall be made to a lawyer unless an account has been presented, settled and approved for payment in accordance with the Act, this Regulation and any policy established under the Act and this Regulation.

**38(4)** Subject to subsections 25(1) and 34(4), a lawyer is not entitled to be paid for a service unless that service is authorized by a legal aid certificate.

**Accounts presented for payment**

**39** A lawyer appointed or contracted with under section 14 of the Act shall present his or her account to the employee responsible for auditing accounts in the following circumstances:

- (a) the lawyer and client relationship has been terminated under subsection 24(1);
- (b) the lawyer has completed all services authorized under the legal aid certificate;
- (c) the lawyer is of the opinion that no further useful services can be provided to the holder of a legal aid certificate; or
- (d) the holder of a legal aid certificate has directed the lawyer not to proceed further.

**Presenting an account**

**40(1)** A lawyer who is required to present his or her account under section 39 shall send to the employee responsible for auditing accounts the following documents:

- (a) an account of his or her fees and disbursements showing the date on which each service was provided and bearing the following certificate signed by him or her:

“I certify that the legal aid services indicated were provided by me or by another named person as is specifically stated and that the disbursements set out were paid or liability for them incurred and were necessary and proper”;

- (b) a copy of the legal aid certificate;

(c) the accounts of any counsel employed to provide services which have been prepared in accordance with this section and certified in accordance with paragraph (a);

(d) when the holder of a legal aid certificate obtained the services of the lawyer with respect to the matter that is the subject of the certificate before the issuance of the certificate, a detailed statement of the services provided by the lawyer and any disbursements made by him or her before the issuance of the certificate and a statement of any payment made by the holder of the certificate to the lawyer on account of his or her fees and disbursements; and

(e) any other supporting material that is required by the employee responsible for auditing accounts.

**40(2)** Subject to subsection (3), within 60 days after completing the legal aid services, a lawyer referred to in subsection (1) shall

(a) present his or her account to the employee responsible for auditing accounts, and

(b) send a copy of his or her account to the head office of the Commission.

**40(3)** When a lawyer has completed all the legal aid services authorized under a legal aid certificate during a fiscal year of the Province, the lawyer shall ensure that his or her account is presented to and received by the head office of the Commission within 15 days after the end of that fiscal year.

**40(4)** When a lawyer has not completed all the legal aid services authorized under a legal aid certificate by the end of a fiscal year of the Province, the lawyer shall ensure that an interim account for services performed during that fiscal year is presented to and received by the head office of the Commission within 15 days after the end of that fiscal year and shall ensure that the account is clearly identified as an interim account.

**40(5)** If the lawyer does not comply with subsection (2), (3) or (4), as the case may be, there shall be no liability for payment of the account and the employee responsible for auditing accounts shall not settle the account but shall return the account promptly to the lawyer with an appropriate reference to this section.

**40(6)** Despite paragraph (1)(a), a lawyer may apply to the employee responsible for auditing accounts for reimbursement of his or her disbursements before presenting his or her account.

### **Review by employee responsible for auditing accounts**

**41(1)** When conducting a review, the employee responsible for auditing accounts shall consider fees in accordance with the hourly rates set out in subsection 38(1) and the reasonableness of the fees by taking into consideration the experience of the lawyer and the nature and complexity of the case.

**41(2)** Following a review, the employee responsible for auditing accounts may disallow in whole or in part fees for

(a) proceedings that are

- (i) unreasonably taken or prolonged,
  - (ii) not calculated to advance the interests of the holder of the legal aid certificate, or
  - (iii) incurred through negligence,
- (b) the preparation of any document that is improper, unnecessary or of unreasonable length,
- (c) preparation that is unreasonable in its nature, scope or with respect to the time spent,  
or
- (d) work left in an incomplete state owing to circumstances which, in the opinion of the employee, are primarily the responsibility of the lawyer.

**41(3)** When the employee responsible for auditing accounts settles an account, he or she shall send to the lawyer who provided it a copy of the account without delay showing the decision made on the items in the account, the adjustments made, the amount at which the account is settled and the amount payable.

**41(4)** A lawyer may apply for a review of the settlement of his or her account to the Executive Director within 30 days after receiving the settlement of the account.

**41(5)** An application referred to in subsection (4) shall be in writing and shall set out the items objected to and the grounds of the objection.

**41(6)** The Executive Director shall review and confirm or vary the settlement of the account and shall notify the lawyer of his or her decision within 60 days after receiving the application for review.

**41(7)** A lawyer may appeal the decision of the Executive Director to the Appeals Committee on a form provided by the Executive Director within 60 days after receiving notice of the decision.

## **Liens**

**42(1)** A lawyer appointed or contracted with under section 14 of the Act does not have a lien for his or her fees, charges or expenses for legal aid services on property or papers in his or her possession that belong to a holder of a legal aid certificate.

**42(2)** Nothing in subsection (1) shall deprive a lawyer of his or her lien on the property and papers in his or her possession for fees, charges and expenses that the holder of a legal aid certificate was liable to pay to him or her for professional services provided before the issuance of the certificate and not covered by the certificate.

**SCHEDULE A**

**Contribution based on gross monthly income  
(after allowable deductions)**

Household size	Tier 1 - No contribution	Tier 2 - \$150	Tier 3 - \$250	Tier 4 - Not eligible
1	0 - \$1,200	\$1,201 - \$1,900	\$1,901 - \$2,600	\$2,601+
2	0 - \$1,800	\$1,801 - \$2,800	\$2,801 - \$3,800	\$3,800+
3	0 - \$1,900	\$1,901 - \$2,900	\$2,901 - \$3,900	\$3,901+
4	0 - \$2,000	\$2,001 - \$3,100	\$3,101 - \$4,200	\$4,201+
5	0 - \$2,100	\$2,101 - \$3,300	\$3,301 - \$4,500	\$4,501+
6+	0 - \$2,300	\$2,301 - \$3,500	\$3,501 - \$4,700	\$4,701+

**Contribution based on gross annual income  
(after allowable deductions)**

Household size	Tier 1 - No contribution	Tier 2 - \$150	Tier 3 - \$250	Tier 4 - Not eligible
1	0 - \$14,400	\$14,401 - \$22,800	\$22,801 - \$31,200	\$31,201+
2	0 - \$21,600	\$21,601 - \$33,600	\$33,601 - \$45,600	\$45,601+
3	0 - \$22,800	\$22,801 - \$34,800	\$34,801 - \$46,800	\$46,801+
4	0 - \$24,000	\$24,001 - \$37,200	\$37,201 - \$50,400	\$50,401+
5	0 - \$25,200	\$25,201 - \$39,600	\$39,601 - \$54,000	\$54,001+
6+	0 - \$27,600	\$27,601 - \$42,000	\$42,001 - \$56,400	\$56,401+

NEW BRUNSWICK LEGAL AID SERVICES COMMISSION

COMMISSION DES SERVICES D'AIDE JURIDIQUE  
DU NOUVEAU-BRUNSWICK

LEGAL AID ACT  
LOI SUR L'AIDE JURIDIQUE

CERTIFICATE OF LIEN

I, \_\_\_\_\_ (full name) \_\_\_\_\_,  
of the \_\_\_\_\_ (city, town, village, etc.) \_\_\_\_\_  
of \_\_\_\_\_ in the County of \_\_\_\_\_  
and Province of New Brunswick, spouse of \_\_\_\_\_ (full name) \_\_\_\_\_, of  
the \_\_\_\_\_ (city, town, village, etc.) \_\_\_\_\_  
of \_\_\_\_\_ in the County of \_\_\_\_\_ and  
Province of New Brunswick, in consideration of the issue to me of a legal aid certificate,

HEREBY AGREE to pay to the New Brunswick Legal Aid Services Commission an amount equal to the disbursements made in proceedings taken on my behalf together with the cost to the Commission of the legal aid services provided to me,

AND FURTHER AGREE to provide by these presents a lien to the New Brunswick Legal Aid Services Commission on all the lands in the District or County or counties of \_\_\_\_\_ in which I have an estate or interest, more particularly:

(Address, municipal address, property mapping number, etc.)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATED at \_\_\_\_\_, New Brunswick, this \_\_\_\_\_ day  
of \_\_\_\_\_ 20\_\_\_\_.

SIGNED, SEALED AND DELIVERED )  
in the presence of: )  
 )  
 )  
 )  
 )  
 )  
 )  
 )  
 )  
 )



AFFIDAVIT

I, \_\_\_\_\_, of the \_\_\_\_\_  
of \_\_\_\_\_ in the County of \_\_\_\_\_ and  
Province of New Brunswick, MAKE OATH (or SOLEMN AFFIRMATION) AND SAY AS FOLLOWS:

1. THAT \_\_\_\_\_ did on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
duly sign the Certificate of Lien hereto annexed in my presence.

2. THAT the signature of \_\_\_\_\_ to the said Certificate of Lien subscribed is the  
signature of the said \_\_\_\_\_ and was subscribed thereto in my presence and is in  
his/her proper handwriting.

3. THAT the signature of \_\_\_\_\_ to the said Certificate of Lien as witness to the  
execution thereof by the said \_\_\_\_\_ is my signature.

Sworn to (or Solemnly )  
affirmed) before me at the )  
 )  
 of in the )  
 )  
County of and )  
 )  
Province of New Brunswick, )  
this day of , )  
20 . )  
 )  
 )  
 )  
 )  
 )

\_\_\_\_\_

\_\_\_\_\_  
Commissioner of Oaths



AFFIDAVIT

Je soussigné(e), \_\_\_\_\_ de la (du) \_\_\_\_\_  
de \_\_\_\_\_ dans le comté de \_\_\_\_\_ au Nouveau-Brunswick,  
DÉCLARE SOUS SERMENT (ou AFFIRME SOLENNELLEMENT) ce qui suit :

1. \_\_\_\_\_ a, le \_\_\_\_\_ 20\_\_\_\_, dûment signé en ma présence le certificat de privilège ci-joint.
2. La signature de \_\_\_\_\_, apposée sur ledit certificat de privilège, est la signature dudit (de ladite) \_\_\_\_\_ et a été apposée en ma présence et de sa propre main.
3. La signature de \_\_\_\_\_, apposée sur ledit certificat de privilège à titre de témoin à la signature dudit certificat pour ledit (ladite) \_\_\_\_\_, est ma signature.

Fait sous serment (ou )  
 Déclaré solennellement) )  
 devant moi dans la (le) )  
 de dans le )  
 comté de au )  
 Nouveau-Brunswick )  
 le 20 . )  
 \_\_\_\_\_ )  
 \_\_\_\_\_ )  
 Commissaire aux serments )





AFFIDAVIT

I, \_\_\_\_\_, of the \_\_\_\_\_ of \_\_\_\_\_ in the County of \_\_\_\_\_ and Province of New Brunswick, MAKE OATH (or SOLEMN AFFIRMATION) AND SAY AS FOLLOWS:

- 1. THAT \_\_\_\_\_ did on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ duly sign the Certificate of Lien hereto annexed in my presence.
2. THAT \_\_\_\_\_, Executive Director of New Brunswick Legal Aid Services Commission, did on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ duly sign the Certificate of Discharge hereto annexed in my presence.
3. THAT the signature of \_\_\_\_\_ to the said Certificate of Discharge as witness to the execution thereof by the said \_\_\_\_\_ is my signature.

Sworn to (or Solemnly affirmed) before me at the \_\_\_\_\_ of \_\_\_\_\_ in the \_\_\_\_\_ County of \_\_\_\_\_ and Province of New Brunswick, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ . \_\_\_\_\_ Commissioner of Oaths

AFFIDAVIT

Je soussigné(e), \_\_\_\_\_, de la (du) \_\_\_\_\_ de \_\_\_\_\_ dans le comté de \_\_\_\_\_ au Nouveau-Brunswick, DÉCLARE SOUS SERMENT (ou AFFIRME SOLENNELLEMENT) ce qui suit :

- 1. \_\_\_\_\_ a, le \_\_\_\_\_ 20\_\_, dûment signé en ma présence le certificat de privilège ci-joint.
2. \_\_\_\_\_, directeur général de la Commission des services d'aide juridique, a, le \_\_\_\_\_ 20\_\_, dûment signé en ma présence le certificat de mainlevée ci-joint.

3. La signature de \_\_\_\_\_ , apposée sur ledit certificat de mainlevée à titre de témoin à la signature dudit certificat par ledit (ladite) \_\_\_\_\_ , est ma signature.

Fait sous serment ( *ou* )  
Déclaré solennellement )  
devant moi dans la (le) )  
de dans le )  
comté de au )  
Nouveau-Brunswick )  
le 20 . )  
\_\_\_\_\_  
Commissaire aux serments )

DRAFT  
ÉBAUCHE