

Criminal legal aid fee schedules – 4 July 2016

Schedules A, B & C: Police Prosecutions

Police Prosecutions				
Administration/Case Review				
	A	B	C	Tasks covered by fixed fee
Preliminary work - new legal aid grant	\$155			For: <ul style="list-style-type: none"> • taking instructions, attending client • receiving, reviewing and/or preparing disclosure • identifying legal and factual issues • undertaking research • reviewing evidence (including videos/DVD's) • liaising with prosecutor/court • identifying the need for applications, interlocutories etc. • attending to unopposed bail, name suppression, variation, interlocutories etc. • initial CMM discussions with prosecution • preparation for CMM list event • preparation • entering plea • any agent fees • reporting to client.
Charge discussions	\$120			<ul style="list-style-type: none"> • engaging in charge discussions and/or resolution, including diversion or charges withdrawn
Appearances - hearing time*	\$48 per half hour			For: <ul style="list-style-type: none"> • attending the Registrar's/ Judge's list Court • when sentencing occurs on the same day as plea is entered • attending the Case Review Hearing • any agent fees.
Case Management Memorandum (CMM)	\$75	\$75	\$75	<ul style="list-style-type: none"> • completion and on-time filing of the CMM document.

Other matters		
	A-C	Tasks covered by fixed fee
Sentencing Indications – - preparation @ ¹ - hearing time*	\$250	For: <ul style="list-style-type: none"> taking instructions, attending client preparing for Sentencing Indications Hearing preparing and completing written submissions any agents fees reporting to client.
	\$48 Per half hour	For: <ul style="list-style-type: none"> attending the Sentencing Indications Hearing any agents fees.
Fitness to Plead/Stand Trial - preparation - hearing time*	\$225	For: <ul style="list-style-type: none"> taking instructions, attending client preparation of Fitness to Plead/Stand trial application any agents fees reporting to client.
	\$48 Per half hour	For: <ul style="list-style-type: none"> attending Fitness to Plead/Stand Trial Hearing any agent fees.

Trial and Sentencing				
	A	B	C	Tasks covered by fixed fee
Disputed Facts - preparation - hearing time*	\$225			For: <ul style="list-style-type: none"> taking instructions, attending the client preparation for Disputed Facts Hearing any agent fees reporting to client.
	\$48 Per half hour			For: <ul style="list-style-type: none"> attending Disputed Facts Hearing any agents fee.

Trial and Sentencing (continued)				
	A	B	C	Tasks covered by fixed fee
Trial - preparation (part) – if case resolves prior to Trial but a significant amount of work has been carried out OR - preparation (full) – if case goes to a hearing - hearing time*	\$250			For: <ul style="list-style-type: none"> • taking instructions, attending the client • indentifying legal and factual issues • reviewing evidence (including videos/DVDs) • undertaking research • any agent fees • obtaining pre-sentence reports • preparing for trial – cross examination, briefing witness, submissions • receiving verdict • any agents fees • reporting to client.
	\$500			
	\$48 per half hour			For: <ul style="list-style-type: none"> • attending the trial hearing • any agents fees.
Sentencing (when remanded off for sentencing) - - preparation - hearing time*	\$100	\$120	\$140	For: <ul style="list-style-type: none"> • preparing for the sentencing hearing • any agent fees • reporting to client.
	\$48 per half hour			For: <ul style="list-style-type: none"> • attending the Sentencing Hearing • any agent fees.
Re-preparation **	\$120			<ul style="list-style-type: none"> • re-preparation prior to an adjourned or subsequent Trial/Sentencing hearing.

Pre trial admissibility hearing				
Activity	A	B	C	Tasks covered by fixed fee
Pre-trial admissibility - - preparation	\$225			For: <ul style="list-style-type: none"> • taking instructions, attending the client • receiving and reviewing disclosure • identifying legal and factual issues • preparing application • liaising with other agencies • receiving decision • any agent fees • reporting to client.
	\$48 per half hour			For: <ul style="list-style-type: none"> • actual hearing time • any agent fees.
Applications for Bail, Name Suppression, Media Coverage, Electronic Bail Monitoring				
Opposed application(s) for Bail, Name Suppression Second opposed bail, application or variation Electronic bail Monitoring Opposed application(s) for Media Coverage - hearing time*	\$225			For: <ul style="list-style-type: none"> • taking instructions, attending the client • receiving and reviewing disclosure • identifying legal and factual issues • preparing application • liaising with other agencies and family, whanau – for bail applications • receiving decision • any agent fees • reporting to client.
	\$225			
	\$225			
	\$225			
	\$48 per half hour			For: <ul style="list-style-type: none"> • attending hearing(s) for applications or variations • any agent fees.

Sentencing Reports/Submissions				
Activity	A	B	C	Tasks covered by fixed fee
Expert witness/reports		\$150		For: <ul style="list-style-type: none"> • locating expert witness • liaising with expert witness • obtaining reports eg psychiatric reports • reviewing reports • any agent fees • reporting to client.
Section 38 – Forensic Report		\$150		For: <ul style="list-style-type: none"> • liaising, obtaining and reviewing section 38 Forensic Report • any agent fees • reporting to client.
Restorative Justice Report		\$150		For: <ul style="list-style-type: none"> • obtaining Restorative Justice Report in preparation for sentencing • any agent fees • reporting to client.
Written sentencing submissions @²		\$250		For: <ul style="list-style-type: none"> • limited to preparing sentencing submissions under the Sentencing Practice Note, where requested by the Judge, or providing written submissions in support of an application made. For example: discharge without conviction under the Sentencing Act; special reason or substitution of community based sentences under the Land Transport Act • any agent fees • reporting to client.
(Interlocutory) Appeals to the High Court				
Appeal against disclosure decision (s33(3)(b) Criminal Disclosure Act 2008)		\$350		For: <ul style="list-style-type: none"> • taking instructions, attending the client • receiving and reviewing disclosure • identifying legal and factual issues • preparing and filing notice of appeal

Bail or Media Coverage	\$350	<ul style="list-style-type: none"> • preparing affidavits • undertaking research • liaising with Crown, prosecution • considering Crown, prosecution submissions • preparing submissions for hearing • interviewing/cross examining witnesses
Name Suppression	\$450	<ul style="list-style-type: none"> • liaising with the High Court • receiving decision • any agent fees • reporting to client • liaising with prison.
Interlocutory Appeal - hearing time*	\$48 per half hour	For: <ul style="list-style-type: none"> • actual hearing time • any agent fees.

GRANTING NOTES – SCHEDULES A-C

Note that many of the tasks listed in the fixed fee schedules are generic and relate to tasks that may need to be undertaken for progression of the case. Not all tasks will need to be repeated at each stage of the case.

Legend

@¹ **Sentencing indications** - this preparation fee is available only if there is a written sentencing indications' submission.

@² **Written sentencing submission** - if the client accepts the Sentencing Indication, a Written Sentencing Submission is not required and the fee for a written sentencing submission cannot be claimed.

If the client does not accept the Sentencing Indication, then the fee for Written Sentencing Submissions can be claimed if the work is carried out. This applies whether or not the Submission is Judge-ordered.

*# **Re-preparation fee** – where the hearing has been adjourned for a month or more

Preliminary work – disclosure by defendant

Receiving, reviewing and/or preparing disclosure may include preparing the disclosure package ie disclosure by defendant.

Hearing time including waiting time

'Time' is payable in half hour blocks, rounded up to the nearest half hour.

Claims for waiting time are accepted as part of claims for actual appearances in hearings before a Judge. Waiting time begins when the provider is required to be in the courtroom. This -

- **includes** waiting time for the jury to deliver a verdict
- **excludes** waiting time where the Judge has excused counsel.

If more than one hour's waiting time is claimed per activity (eg waiting time for trial or waiting time for sentencing) the following information is required:

- a summary of both the waiting time and hearing time on the day of appearance – date and times

- an explanation of the circumstances is also required. This must include:
 - confirmation that the provider was unable to undertake any other work while waiting
 - confirmation that the provider made enquiries to the court about the delay
 - reasons for the delay.

Where a client fails to attend a scheduled appearance, the provider can claim reasonable and actual time for waiting for the client, up to one hour. No evidence is required. Waiting time in addition to one hour in situations where a client fails to attend a hearing can be claimed via an amendment to grant.

Disclosure by prosecutor

Disclosure by the prosecutor can occur at many points in proceedings. Where the schedules refer to ‘receiving and reviewing disclosure’, this includes any or all of the following tasks, unless a separate fixed fee is otherwise specified:

- requests for further initial disclosure from prosecution (after commencement of proceedings)
- receiving and reviewing further initial disclosure
- receiving and reviewing full disclosure (after not guilty plea, election, or first appearance)
- requesting additional disclosure
- interlocutory applications:
 - address of witness or informant
 - disclosure of information – s30
 - order setting conditions for viewing exhibit – s31
 - timetabling order – s32.

Access to fees when a case is reassigned

If a provider picks up a reassigned case and fees for activities have been claimed, the new provider is eligible for a fee for those activities if they need to do any of the tasks in those activities. The full schedule, assuming the work needs to be done, is available to the new provider.

Invoicing

Reporting to Legal Aid Services and invoicing in line with fees under the applicable schedule are tasks deemed to be included in every fixed fee. Additional payment cannot be claimed for these tasks.

Audits

Providers are expected to accurately reflect their activities in their invoices. Any suspicion of inaccurate claims can be followed up and providers audited.

Documentation requirements

Application for Criminal Legal Aid – Police prosecution (*LA form 1a*) [[s14 Legal Services Act 2011](#)]

Criminal Legal Aid Fixed Fees Tax Invoice — Schedule A (*LA form 23*) [[s97 Legal Services Act 2011](#)]

Amendments to Grant

Cases in which an amendment to grant is approved are referred to as fixed fees plus cases.

Schedule D, E & F: Crown Prosecutions

Crown Prosecutions				
Administration/Case Review				
	D	E	F	Tasks covered by fixed fee
Preliminary work - new legal aid grant	\$430	\$645	\$875	For: <ul style="list-style-type: none"> • taking instructions, attending the client • receiving and reviewing disclosure • identifying legal and factual issues • initial CMM discussions with client and prosecutions • preparation for CMM list event and/or judicial intervention hearing as applicable • discussing charges/case/plea with Crown • undertaking research • reviewing/perusing evidence (including videos/DVDs) • liaising with Crown/Court/Police • entering plea • any agent fees • reporting to client.
	\$59 per half hour	\$67 per half hour	\$76 per half hour	For: <ul style="list-style-type: none"> • attending the Registrar's/ Judge's list Court • any agents fees.
Case Review - preparation	\$600	\$1100	\$2000	For: <ul style="list-style-type: none"> • taking instructions, attending the client • identifying legal and factual issues • undertaking research • reviewing/perusing evidence (including videos/DVD's) • liaising with Crown/Court/Police • entering pleas • preparing submissions • discussing charges/case/with Crown/Police • reporting to client • attending Hearings (including Case Review) • any agent fees.
	\$59 per half hour	\$67 per half hour	\$76 per half hour	For: <ul style="list-style-type: none"> • attending the Case Review Hearing • any agents fees.
- hearing time*	\$59 per half hour	\$67 per half hour	\$76 per half hour	For: <ul style="list-style-type: none"> • attending the Case Review Hearing • any agents fees.

Case Management Memorandum				
	D	E	F	Tasks covered by fixed fee
Case Management Memorandum (CMM)	\$120	\$135	\$155	For: <ul style="list-style-type: none"> • completion and on-time filing of the CMM document
Other matters				
Sentencing Indications – - preparation @ - hearing time*	\$300	\$500	\$700	For: <ul style="list-style-type: none"> • taking instructions, attending client • preparing for Sentencing Indications Hearing • preparing and completing written submissions • any agents fees • reporting to client.
	\$59 Per half hour	\$67 Per half hour	\$76 Per half hour	For: <ul style="list-style-type: none"> • attending the Sentencing Indications Hearing • any agent fees.
Fitness to Plead/Stand Trial - preparation - hearing time*	\$250			For: <ul style="list-style-type: none"> • taking instructions, attending client • preparation of Fitness to Plead/Stand trial application • any agents fees • reporting to client.
	\$59 Per half hour	\$67 Per half hour	\$76 Per half hour	For: <ul style="list-style-type: none"> • attending Fitness to Plead/Stand Trial Hearing • any agent fees.

Trial and sentencing				
	D	E	F	Tasks covered by fixed fee
Preparation Trial Callover Memorandum (TCM)	\$200	\$220	\$240	For: <ul style="list-style-type: none"> taking instructions, attending the client receiving and reviewing disclosure identifying legal and factual issues undertaking research reviewing evidence (including videos/DVDs) corresponding with Crown liaising with experts
Preparation (memorandum – all subsequent callovers)	\$140	\$150	\$200	<ul style="list-style-type: none"> receiving Crown memorandum preparing Defence memorandum identifying pre-trial issues liaising with Crown/Court liaising with witnesses any agent fees reporting to client. <p>Note, one fee to be claimed for all subsequent callovers</p>
Pre-Trial conferences and callovers - hearing time*	\$59 per half hour	\$67 per half hour	\$76 per half hour	For: <ul style="list-style-type: none"> actual hearing time any agent fees.
Pre-Trial applications including responding to Crown Application– - preparation	\$700	\$1100	\$1940	For: <ul style="list-style-type: none"> taking instructions, attending the client receiving and reviewing disclosure identifying legal and factual issues perusing file undertaking research corresponding with Crown liaising with Crown/Court discussing charges/case/with Crown reviewing Crown submissions briefing witnesses preparing cross examination preparing submissions any agent fees reporting to client. <p>Note, one fee to be claimed for all applications</p>

Trial and sentencing (continued)				
Activity	D	E	F	Tasks covered by fixed fee

Pre-Trial applications - hearing time*	\$59 per half hour	\$67 per half hour	\$76 per half hour	For: <ul style="list-style-type: none"> • actual hearing time • any agent fees.
Disputed facts - preparation	\$250			For: <ul style="list-style-type: none"> • taking instructions, attending the client • preparation of Disputed Facts Hearing • any agent fees • reporting to client
- hearing time*	\$59 per half hour	\$67 per half hour	\$76 per half hour	For: <ul style="list-style-type: none"> • attending disputed facts hearing • any agent fees.
Trial - preparation (part) when election for trial by jury is reversed OR client pleads guilty OR - preparation (full) if case goes to a full hearing	\$500	\$800	Estimate required by Amendment	For: <ul style="list-style-type: none"> • taking instructions, attending the client • receiving and reviewing disclosure • identifying legal and factual issues • perusing evidence • scene visits • undertaking research • corresponding with Police/Crown • liaising with Crown/Court • discussing charges/case/with Crown • reviewing videos/DVDs (for edits) • serving summons to appear • briefing witnesses • preparing cross examination • preparing submissions • preparing opening/closing addresses • any agent fees • reporting to client.
	\$1400	\$2650		
- hearing time*	\$59 per half hour	\$67 per half hour		\$76 per half hour

Trial and sentencing (continued)				
Activity	D	E	F	Tasks covered by fixed fee
Sentencing	\$600	\$1000	\$1400	For: <ul style="list-style-type: none"> taking instructions, attending the client receiving and reviewing disclosure identifying legal and factual issues undertaking research obtaining testimonials/references corresponding with Police/Crown liaising with Crown/Court reviewing Crown submissions reviewing probation or other reports and annexures preparing submissions any agent fees reporting to client.
- preparation				
- hearing time	\$59 per half hour	\$67 per half hour	\$76 per half hour	For: <ul style="list-style-type: none"> actual hearing time any agent fees.
Re-preparation **	\$400			<ul style="list-style-type: none"> re-preparation prior to an adjourned or subsequent trial/sentencing hearing.
Applications for Bail, Name Suppression, Media Coverage, Electronic Bail Monitoring				
Activity	D	E	F	Tasks covered by fixed fee
Opposed application(s) for Bail, Name Suppression	\$300	\$350	\$400	For: <ul style="list-style-type: none"> taking instructions, attending the client receiving and reviewing disclosure identifying legal and factual issues preparing application for, or opposition to, order(s) liaising with other agencies and family, whanau receiving decision any agent fees reporting to client.
Second opposed bail, whether application or variation	\$300	\$350	\$400	
Electronic bail Monitoring	\$250	\$300	\$350	
Opposed application(s) for Media Coverage	\$150	\$160	\$260	
Unopposed application(s) for Bail, Name Suppression	\$130	\$170	\$220	
Opposed variation(s)	\$170	\$210	\$250	
Unopposed variation(s)	\$100	\$120	\$170	
Bail, Name Suppression, Media Coverage, Electronic Monitoring	\$59 per half hour	\$67 per half hour	\$76 per half hour	
- hearing time*				For: <ul style="list-style-type: none"> actual hearing time any agent fees.

Disclosure – Criminal Disclosure Act 2008				
Activity	D	E	F	Tasks covered by fixed fee
Disclosure by defendant	\$200	\$220	\$290	For: <ul style="list-style-type: none"> • for preparation of disclosure package, including: <ul style="list-style-type: none"> • notice of alibi (s22); • evidence of expert witness (s23); • service on prosecutor; and • associated correspondence • any agent fees • reporting to client.
Application for disclosure of information (s30)	\$200	\$230	\$280	For: <ul style="list-style-type: none"> • preparation of an application for disclosure of information under s30 • preparation for hearing (including written submissions) • any agent fees • reporting to client.
Other applications for disclosure	\$220	\$240	\$290	For: <ul style="list-style-type: none"> • preparation for any or all of: Application for address of witness or informant (s17); Application for order setting conditions for viewing exhibit (s31); Application for timetabling order (s32); Preparation for hearings • any agent fees • reporting to client.
Non-party disclosure	\$270	\$380	\$570	For: <ul style="list-style-type: none"> • preparation of an application for non-party disclosure hearing (s24) • preparation for hearing (including written submissions) • any agent fees • reporting to client.
Disclosure - hearing time*	\$59 per half hour	\$67 per half hour	\$76 per half hour	For: <ul style="list-style-type: none"> • attending disclosure hearing(s) • any agents fees

Expert/Sentencing Reports				
Expert witness/reports	\$220	\$380	\$570	For: <ul style="list-style-type: none"> • locating expert witness • liaising with expert witness • obtaining psychiatric reports • reviewing reports • any agent fees • reporting to client.
Section 38 – Forensic Report	\$250	\$270	\$320	For: <ul style="list-style-type: none"> • liaising, obtaining and reviewing section 38 Forensic Report • any agent fees • reporting to client.
Restorative Justice Report	\$150	\$170	\$200	For: <ul style="list-style-type: none"> • obtaining Restorative Justice Report in preparation for sentencing • any agent fees • reporting to client.

(Interlocutory) Appeals to the High Court – Schedules D, E, F			
Activity	Interim/Completion	Full	Tasks covered by fixed fee
Appeal against disclosure decision (s33(3)(b) Criminal Disclosure Act 2008)	\$300 Interim = To be claimed pre-disposal	\$500 To be claimed at disposal	For: <ul style="list-style-type: none"> • taking instructions, attending the client • receiving and reviewing disclosure • identifying legal and factual issues • preparing and filing notice of appeal • preparing affidavits • undertaking research • liaising with Crown, prosecution • considering Crown, prosecution submissions • preparing submissions for hearing • interviewing/cross examining witnesses • liaising with the High Court • receiving decision • reporting to client • liaising with prison • any agent fees
	\$200 Completion = To be claimed at disposal		
Bail or Media Coverage	\$300 Interim = To be claimed pre-disposal	\$500 To be claimed at disposal	
	\$200 Completion = To be claimed at disposal		

Name Suppression	\$330 Interim = To be claimed pre-disposal	\$550 To be claimed at disposal		Note: Interim Fee can only be claimed via an interim invoice when the case has been substantially progressed. Completion Fee can only be claimed via a final invoice after disposal and where an interim fee has previously been claimed. Full fee can only be claimed after disposal via a final invoice and cannot be paid if an interim fee has previously been claimed and approved.
	\$220 Completion = To be claimed at disposal			
Activity	D	E	F	Tasks covered by fixed fee
Interlocutory appeals to the High Court - hearing time*	\$59 per half hour	\$67 per half hour	\$76 per half hour	For: <ul style="list-style-type: none"> • actual hearing time • any agent fees.

GRANTING NOTES – SCHEDULES D-F

Legend

@ **Sentencing indications** - this preparation fee is only available if there is a written sentencing indications' submission.

*# **Re-preparation fee** – where the hearing has been adjourned for a month or more.

Preliminary work – disclosure by defendant

Receiving, reviewing and/or preparing disclosure may include preparing the disclosure package ie disclosure by defendant.

Hearing time including waiting time

'Time' is payable in half hour blocks, rounded up to the nearest half hour.

Claims for waiting time are accepted as part of claims for actual appearances in hearings before a Judge. Waiting time begins when the provider is required to be in the courtroom. This:

- **includes** waiting time for the jury to deliver a verdict
- **excludes** waiting time where the Judge has excused counsel.

If more than one hour's waiting time is claimed per activity (eg waiting time for trial or waiting time for sentencing) the following information is required:

- a summary of both the waiting time and hearing time on the day of appearance – date and times
- an explanation of the circumstances is also required. This must include:
 - confirmation that the provider was unable to undertake any other work while waiting
 - confirmation that the provider made enquiries to the court about the delay
 - reasons for the delay.

Where a client fails to attend a scheduled appearance, the provider can claim reasonable and actual time for waiting for the client, up to one hour. No evidence is required. Waiting time in addition to one hour in situations where a client fails to attend a hearing can be claimed via an amendment to grant.

Disclosure by prosecutor

Disclosure by the prosecutor can occur at many points in proceedings. Where the schedules refer to 'receiving and reviewing disclosure', this includes any or all of the following tasks, unless a separate fixed fee is otherwise specified:

- requests for further initial disclosure from prosecution (after commencement of proceedings)
- receiving and reviewing further initial disclosure
- receiving and reviewing full disclosure (after not guilty plea, election, or first appearance)
- requesting additional disclosure
- interlocutory applications:
 - address of witness or informant
 - disclosure of information – s30
 - order setting conditions for viewing exhibit – s31
 - timetabling order – s32.

Access to fees when a case is reassigned

If a provider picks up a reassigned case and fees for activities have been claimed, the new provider is eligible for a fee for those activities if they need to do any of the tasks in those activities. The full schedule, assuming the work needs to be done, is available to the new provider.

Invoicing

Reporting to Legal Aid Services and invoicing in line with fees under the applicable schedule are tasks deemed to be included in every fixed fee. Additional payment cannot be claimed for these tasks.

Audits

Providers are expected to accurately reflect their activities in their invoices. Any suspicion of inaccurate claims can be followed up and providers audited.

Documentation requirements

Application for Criminal Legal Aid – (*LA form 1*) [[s14 Legal Services Act 2011](#)]

Criminal Legal Aid Fixed Fees Tax Invoice — Schedules D–F (*LA form 24*) [[s97 Legal Services Act 2011](#)]

Amendments to Grant

Cases in which an Amendment to Grant is approved are referred to as Fixed Fees Plus cases.

Schedule G: Fees schedule for Appeals to the High Court

Appeals to the High Court						
Grounds of Appeal						
Activity	Fixed fee				Tasks covered by fixed fee	
Grounds of Appeal (Interim Grants only)	\$200				For: <ul style="list-style-type: none"> all preparation related to determining the grounds of appeal 	
Preparation of Appeals						
Appeal against Sentence	\$330 Interim = To be claimed pre-disposal		\$550 To be claimed at disposal		For: <ul style="list-style-type: none"> taking instructions, attending the client receiving and reviewing disclosure identifying legal and factual issues preparing and filing notice of appeal preparing affidavits undertaking research liaising with Crown considering Crown submissions preparing submissions for hearing interviewing/cross examining witnesses liaising with the High Court receiving decision reporting to client liaising with prison any agent fees. 	
	\$220 Completion = To be claimed at disposal					
Appeal against Conviction	\$440 Interim = To be claimed pre-disposal		\$730 To be claimed at disposal			
	\$290 Completion = To be claimed at disposal					
Appeal against Conviction and Sentence	\$440 Interim = To be claimed pre-disposal		\$730 To be claimed at disposal			Note: Interim Fee can only be claimed via an interim invoice when the case has been substantially progressed.
	\$290 Completion = To be claimed at disposal					Completion Fee can only be claimed via a final invoice after disposal and where an interim fee has previously been claimed.
Schedule (substantive matter)	A-C	D	E	F	Tasks covered by fixed fee	
Appeal Hearing - hearing time*	\$48 per half hour	\$59 per half hour	\$67 per half hour	\$76 per half hour	For: <ul style="list-style-type: none"> actual hearing time any agent fees. 	

Additional fixed fees		
Reassignment		
Activity	Fixed fee	Tasks covered by fixed fee
Termination of Assignment fee	\$330 For Appeal against Sentence	For: <ul style="list-style-type: none"> work undertaken prior to termination of assignment that has substantially progressed case.
	\$440 For Appeal against Conviction; Appeal against Conviction and Sentence	Note, the Termination of Assignment fee cannot be paid if an interim fee or base fee for that activity has previously been paid to that provider.

Schedule H: Fees schedule for Appeals to the Court of Appeal

Appeals to the Court of Appeal		
Preparation of summary of issues to be raised on appeal		
Activity	Fixed fee	Tasks covered by fixed fee
Preparation of issues (by trial counsel)	\$270	For: <ul style="list-style-type: none"> • taking instructions, attending the client • identifying legal and factual issues • preparing application for legal aid • reporting to client • any agent fees
Preparation of issues (by new counsel)	\$660	
Preparation of appeals		
Activity	Fixed fee	Tasks covered by fixed fee
Appeal against interlocutory decision (e.g. disclosure, pre-trial rulings, admissibility of evidence, name suppression, media coverage, etc.)	\$1400	For: <ul style="list-style-type: none"> • taking instructions, attending the client • identifying legal and factual issues • preparing and filing notice of appeal • preparing affidavits • undertaking research • liaising with Crown • considering Crown submissions • preparing submissions for hearing • interviewing/cross examining witnesses • liaising with the Court of Appeal • receiving decision • reporting to client • liaising with prison • any agent fees.
Appeal against Sentence	\$1000	
Appeal against Conviction	\$1700	
Appeal against Conviction and Sentence	\$2400	
Appeal - hearing time*	\$76 per half hour	For: <ul style="list-style-type: none"> • actual hearing time • any agent fees.

Schedule I: Fees schedule for Appeals to the Supreme Court

Appeals to the Supreme Court		
Preparation of application for Leave to Appeal		
Activity	Fixed fee	Tasks covered by fixed fee
Preparation of application (by trial or prior appeal counsel)	\$860	For: <ul style="list-style-type: none"> • taking instructions, attending the client • identifying legal and factual issues • preparing and filing notice of application for leave • preparing application for legal aid • undertaking research • preparing affidavits (if relevant) • preparing written submissions on leave application • liaising with Crown • considering Crown submissions • preparing for any hearing (if relevant) • liaising with the Supreme Court • receiving decision • reporting to client • liaising with prison (if relevant) • any agent fees
Preparation of application (by new counsel)	\$1400	
Leave to Appeal - hearing time*	\$76 per half hour	For: <ul style="list-style-type: none"> • actual hearing time • any agent fees.
Preparation of response to application for Leave to Appeal		
Activity	Fixed fee	Tasks covered by fixed fee
Preparation of response (by trial or prior appeal counsel)	\$860	For: <ul style="list-style-type: none"> • receiving notice of application for leave • taking instructions, attending the client • preparing application for legal aid • considering Crown submissions • identifying legal and factual issues • undertaking research • preparing affidavits (if relevant) • preparing written submissions on leave application • liaising with Crown • preparing for any hearing (if relevant) • liaising with the Supreme Court • receiving decision • reporting to client • liaising with prison (if relevant) • any agent fees.
Preparation of response (by new counsel)	\$1400	

Response to Leave to Appeal hearing time	\$76 per half hour	For: <ul style="list-style-type: none"> • Actual hearing time • Any agent fees.
Substantive Appeal (following the granting of leave)		
Activity	Fixed fee	Tasks covered by fixed fee
Preparation for appeal hearing	Estimate required by Amendment	For: <ul style="list-style-type: none"> • taking instructions, attending the client • identifying legal and factual issues • receiving and reviewing disclosure • engaging in charge discussions/resolution/negotiation with the Officer in Charge Prosecution • entering plea • reporting to client • any agent fees.
Appeal - hearing time*	\$76 per half hour	For: <ul style="list-style-type: none"> • actual hearing time • any agent fees.

GRANTING NOTES FOR SCHEDULES G-I

Hearing time including waiting time

'Time' is payable in half hourly blocks, rounded up to the nearest half hour, or hourly blocks, rounded up to the nearest hour, or two hourly blocks, rounded up to the nearest two hour block, depending on the activity.

Claims for waiting time are accepted as part of claims for actual appearances in hearings before a judge. Waiting time begins when the provider is required to be in the courtroom. This excludes waiting time where the judge has excused counsel.

If more than one hour's waiting time is claimed per activity (eg waiting time for trial or waiting time for sentencing) the following information is required:

- a summary of both the waiting time and hearing time on the day of appearance – date and times
- an explanation of the circumstances is also required. This must include:
 - confirmation that the provider was unable to undertake any other work while waiting
 - confirmation that the provider made enquiries to the court about the delay
 - reasons for the delay.

Where a client fails to attend a scheduled appearance, the provider can claim reasonable and actual time for waiting for the client, up to one hour. No evidence is required. Waiting time in addition to one hour in situations where a client fails to attend a hearing can be claimed via an amendment to grant.

Invoicing

Reporting to Legal Aid Services and invoicing in line with fees under the applicable schedule are tasks deemed to be included in every fixed fee. Additional payment cannot be claimed for these tasks.

Documentation requirements

Application for Criminal Legal Aid (LA form 1) [[s14 Legal Services Act 2011](#)]

Criminal Legal Aid Fixed Fees Tax Invoice — Schedule G (LA form 25) [[s97 Legal Services Act 2011](#)]

Criminal Legal Aid Fixed Fees Tax Invoice — Schedules H–I (LA form 26) [[s97 Legal Services Act 2011](#)]

Schedule J: Fees schedule for Parole (Criminal Matters)

Parole (Criminal Matters)				
Proceedings before NZ Parole Board				
Activity	Interim/ Completion	Full	Tasks covered by fixed fee	
Preparation for hearing – Postponement order (s27)	\$270 Interim = To be claimed pre- disposal	\$450 To be claimed at disposal	For: <ul style="list-style-type: none"> • taking instructions, attending the client • identifying legal and factual issues • reviewing file • perusing Parole Board material • undertaking research • instructing experts • receiving specialist reports • preparing application for order(s) • preparing submissions for hearing(s) • liaising with the Parole Board, High Court • receiving decision • reporting to client • any agent fees 	
	\$180 Completion = To be claimed at disposal			
Preparation for hearing – Recall (ss59-66A – breach of parole)	\$270 Interim = To be claimed pre- disposal	\$450 To be claimed at disposal		
	\$180 Completion = To be claimed at disposal			
Preparation for hearing – Non-release orders (s107)	\$360 Interim = To be claimed pre- disposal	\$600 To be claimed at disposal	Note: Interim Fee can only be claimed via an interim invoice when the case has been substantially progressed.	
	\$240 Completion = To be claimed at disposal			
Preparation for hearing – Extended supervision orders (ss 107F-107I, 107M)	\$520 Interim = To be claimed pre- disposal	\$860 To be claimed at disposal		Completion Fee can only be claimed via a final invoice after disposal and where an interim fee has previously been claimed.

	\$340 Completion = To be claimed at disposal		Full fee can only be claimed after disposal via a final invoice and cannot be paid if an interim fee has previously been claimed and approved.
Other parole matters	n/a	\$372 To be claimed at disposal	
Activity	Fixed fee		Tasks covered by fixed fee
Parole - hearing time*	\$59 per half hour		For: <ul style="list-style-type: none"> • actual hearing time • any agent fees.
Parole Appeals – Grounds for Appeal			
Activity	Fixed fee		Tasks covered by fixed fee
Grounds of Appeal (Interim Grants only)	\$220		For: <ul style="list-style-type: none"> • all preparation related to determining the grounds of appeal.
Parole Appeals – Substantive Appeal			
Activity	Fixed fee		Tasks covered by fixed fee
Appeals to High Court from certain decisions of the Parole Board (s68-70) – postponements, extended supervision orders, recalls	Estimate required by Amendment		For: <ul style="list-style-type: none"> • taking instructions, attending the client • identifying legal and factual issues • reviewing file • perusing Parole Board material • undertaking research • instructing experts • receiving specialist reports • preparing application for order(s) • preparing submissions for hearing(s) • liaising with the Parole Board, High Court • receiving decision • reporting to client • any agent fees.
Appeals to Court of Appeal from sentencing Court (s107R extended supervision)	Estimate required by Amendment		
Parole Appeal - hearing time*	\$59 per half hour		For: <ul style="list-style-type: none"> • actual hearing time • any agent fees.

Additional fixed fees		
Reassignment		
Activity	Fixed fee	Tasks covered by fixed fee
Termination of Assignment fee	\$270 For Postponement Order; Recall	For: <ul style="list-style-type: none"> • work undertaken prior to termination of assignment that has substantially progressed case. <p>Note, the Termination of Assignment fee cannot be paid if an interim fee has previously been paid to that provider.</p>

GRANTING NOTES FOR SCHEDULE J

Fee for 'Other Matters'

This is a one-off fee to compensate for time taken to attend reintegration hui and/or liaise with family members and other parties.

Hearing time including waiting time

Time begins from when the parole provider needs to be at the car park of the prison in order to be on time for a scheduled parole hearing and ends when the provider returns to their car following the hearing.

Claims for waiting time are accepted as part of claims for actual appearances in hearings before a Parole Board. If the parole provider is required to wait more than one hour for the hearing time to begin, an explanation of the delay is required, but evidence is not.

Hearing time is payable in half hour blocks, rounded up to the nearest half hour.

If a Parole Board hearing is cancelled after the provider has arrived at the prison, the provider can still claim for time from arriving at the car park to returning to the car park.

Disclosure by prosecutor

Disclosure by the prosecutor can occur at many points in proceedings. Where the schedules refer to 'Receiving and reviewing disclosure', this includes any or all of the following tasks, unless a separate fixed fee is otherwise specified:

- request further initial disclosure from prosecution (after commencement of proceedings)
- receiving and reviewing further initial disclosure
- receiving and reviewing full disclosure (after not guilty plea, election, or first appearance)
- requesting additional disclosure
- interlocutory applications:
 - Application for address of witness or informant
 - Application for disclosure of information – s30
 - Application for order setting conditions for viewing exhibit – s31
 - Application for timetabling order – s32.

Invoicing

Reporting to Legal Aid Services and invoicing in line with fees under the applicable schedule are tasks deemed to be included in every fixed fee. Additional payment cannot be claimed for these tasks.

Documentation requirements

Application for Criminal Legal Aid (*LA form 1*) [[s14 Legal Services Act 2011](#)]

Criminal Legal Aid Fixed Fees Tax Invoice — Schedule J (*LA form 27*) [[s97 Legal Services Act 2011](#)]