

CRIMINAL FIXED FEE SCHEDULES 3 JULY 2017

Contents

SCHEDULES A, B & C: POLICE PROSECUTIONS	2
GRANTING NOTES – SCHEDULES A, B & C	7
SCHEDULES D, E & F: CROWN PROSECUTIONS	10
GRANTING NOTES – SCHEDULES D, E & F.....	17
SCHEDULE G: FEE SCHEDULE FOR APPEALS TO THE HIGH COURT	20
SCHEDULE H: FEE SCHEDULE FOR APPEALS TO THE COURT OF APPEAL.....	22
SCHEDULE I: FEE SCHEDULE FOR APPEALS TO THE SUPREME COURT	23
GRANTING NOTES FOR SCHEDULES G, H & I	25
SCHEDULE J: FEE SCHEDULE FOR PAROLE (CRIMINAL MATTERS).....	26
GRANTING NOTES FOR SCHEDULE J	28

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. • preparation • entering plea • any agent fees • reporting to client.
	\$90			
Charge discussions	\$120			<ul style="list-style-type: none"> • engaging in charge discussions and/or resolution, including diversion or charges withdrawn
Case Management Memorandum (CMM) / Case Review Hearing – - preparation ^	\$200	\$200	\$720	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 prosecutor/court • CMM and charges/case discussions with client and prosecutions • preparing and completing the CMM • preparing for CMM list event and/or judicial intervention hearing as applicable • entering pleas • preparing submissions • any agent fees • reporting to client. <p>Note: Evidence of having filed the CMM is not required</p>

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.
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Other matters		
	A-C	Tasks covered by fixed fee
Sentencing Indications – - preparation @ ¹	\$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.
- hearing time*	\$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	\$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.
- hearing time*	\$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	\$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 - 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 identifying 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	\$200			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 and variations				
Applications and variations (opposed) - - Preparation of submission(s)# ¹ Applications and variations (unopposed) - - Preparation of submission(s)# ² - hearing time* ¹	\$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.
	\$60			
	\$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.

Sentencing Reports/Submissions (continued)				
	A	B	C	Tasks covered by fixed fee
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		
Interlocutory appeal hearings - preparation *	\$450	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 • any agent fees • reporting to client • liaising with prison.
- hearing time*	\$48 per half hour	For: <ul style="list-style-type: none"> • attending interlocutory hearing(s) • any agent fees.

GRANTING NOTES – SCHEDULES A, B & 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

* **Repeatables** - this is a repeatable activity and can be claimed per occurrence of this activity. This includes for all hearings/appearances that are stood down or adjourned, or which need to be rescheduled because the client fails to appear. The fee that can be claimed relates to the hearing time from the time the provider is required to be in the courtroom.

^ **Case management memorandum (CMM)** - this is a repeatable activity if the CMM requires revisions in preparation for a second or subsequent case review hearing for reasons of, for example, other charges being added or if there is a significant change in circumstances.

@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.

- #¹ **Opposed applications and variations (preparation)** relate to - bail; bail breaches; name suppression; electronic bail monitoring; media coverage; and vacating a plea. These are repeatable activities and can be claimed per occurrence, up to four times per 'type' (eg Bail). After four times, an Amendment to Grant is required.
- Other applications that can be claimed once (if pre-trial, and not encompassed within a hearing) are s18, 23, and 25 applications.
- #² **Unopposed applications and variations (preparation)** – as above, but repeatable only twice per type. After two claims, an Amendment to Grant is required.
- *¹ **Applications and variations (hearing time)** – this fee is available where there are either written or verbal applications/variations.
- & **Written expert witness / reports** - not including non-expert reports (eg probation reports) or oral reports.
- *[^] **Section 38 Forensic reports** – two s38 reports are required by legislation. A fee for each of those reports can be claimed. An Amendment to Grant is required for claims for any subsequent s38 reports.
- *[#] **Re-preparation fee** – repeatable 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.

When new charges are added to a grant

Each time a new charge is added to a grant, a reduced 'preliminary work' fee can be claimed. If all the charges are treated together from that point, then no additional fees are required.

When there is more than one charge in a grant, and they differ in substance

If there are multiple charges in a grant (either from the outset of the grant or if new charges are added to the grant) that share one or more appearances BUT and then separate with respect to their substance and how they are treated by the court, then repeatable fees can be claimed for each relevant activity, where work for those activities is undertaken.

This applies whether or not the fees in the schedule are shown as repeatable.

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.

Interlocutories

The fee for interlocutories does not include interlocutories relating to disclosure by prosecutor.

Examples of interlocutories that can be claimed relate to appeal against pre-trial decisions relating to, for example (s215):

- admissibility of evidence
- permission to cross-examine a complainant
- witness identity/anonymity
- disclosure decision (s33(3)(b) Criminal Disclosure Act 2008)
- bail or media coverage
- name suppression.

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 23C*) [[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.

Schedules D, E & F: Crown Prosecutions

Crown Prosecutions				
Administration/Case Review				
	D	E	F	Tasks covered by fixed fee
Preliminary work - new legal aid grant - when additional charges are added to the legal aid grant * - hearing time*	\$430	\$645	\$875	For: <ul style="list-style-type: none"> • taking instructions, attending the client • receiving and reviewing disclosure • identifying legal and factual issues • 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.
	\$215	\$320	\$435	
	\$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 Management Memorandum (CMM) / Case Review Hearing - - preparation ^	\$720	\$1,235	\$2,155	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 • CMM and charges/case discussions with client and Crown • preparing and completing the CMM • preparing for CMM list event and/or judicial intervention hearing as applicable • entering pleas • preparing submissions • any agent fees • reporting to client. <p>Note: Evidence of having filed the CMM is not required</p>

- 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.
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Other matters				
Sentencing Indications – - preparation @	\$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.
- hearing time*	\$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	\$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.
- hearing time*	\$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) #3	\$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.
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 Applications - 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	For: <ul style="list-style-type: none"> • attending trial hearing • any agent fees.

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 and variations				
Activity	D	E	F	Tasks covered by fixed fee
Applications and variations (opposed) -	\$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 or variations liaising with other agencies and family, whanau receiving decision any agent fees reporting to client.
- Preparation of submission(s)# ¹				
Applications and variations (unopposed) -	\$200	\$250	\$300	<ul style="list-style-type: none"> receiving decision any agent fees reporting to client.
- Preparation of submission(s)# ²				
- hearing time* ¹	\$59 per half hour	\$67 per half hour	\$76 per half hour	For: <ul style="list-style-type: none"> attending hearing(s) for applications or variations 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				
Activity	D	E	F	Tasks covered by fixed fee
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	D	E	F	Tasks covered by fixed fee
Interlocutory appeal hearings - preparation *	Interim fee \$330 – to be claimed pre-disposal Completion fee \$220 – to be claimed at disposal OR Full fee \$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, 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.
- hearing time *	\$59 per half hour	\$67 per half hour	\$76 per half hour	For: <ul style="list-style-type: none"> • attending interlocutory hearing(s) • any agent fees.

GRANTING NOTES – SCHEDULES D, E & F

Legend

- * **Repeatables** - this is a repeatable activity and can be claimed per occurrence of this activity. This includes for all hearings/appearances that are stood down or adjourned, or which need to be rescheduled because the client fails to appear. The fee that can be claimed relates to the hearing time from the time the provider is required to be in the courtroom.
- ^ **Case Management Memorandum (CMM)** - this is a repeatable activity if the CMM requires revisions in preparation for a second or subsequent case review hearing for reasons of, for example, other charges being added or if there is a significant change in circumstances.
- @ **Sentencing indications** - this preparation fee is only available if there is a written sentencing indications' submission.
- #¹ **Opposed applications and variations (preparation)** relate to - bail; bail breaches; name suppression; electronic bail monitoring; media coverage; and vacating a plea. These are repeatable activities and can be claimed per occurrence, up to four times per 'type' (eg bail). After four times, an amendment to grant is required.

Other applications that can be claimed once (if they are pre-trial and not encompassed within a hearing) are s18, 23, and 25 applications.
- #² **Unopposed applications and variations (preparation)** – as above, but repeatable only twice per type. After two claims, an amendment to grant is required.
- #³ **Preparation for subsequent callover memoranda** - This is repeatable and can be claimed per occurrence, up to four times. After four times, an amendment to grant is required.
- *¹ **Applications and variations (hearing time)** – this fee is available where there are either written or verbal applications/variations.
- & **Expert witness / reports** - not including non-expert reports (eg probation reports) or oral reports.
- *^ **Section 38 Forensic reports** – two s38 reports are required by legislation. A fee for each of those reports can be claimed. An amendment to grant is required for claims for any subsequent s38 reports.
- *# **Re-preparation fee** – repeatable 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.

When new charges are added to a grant

Each time a new charge is added to a grant, a reduced 'preliminary work' fee can be claimed. If all the charges are treated together from that point, then no additional fees are required.

When there is more than one charge in a grant, and they differ in substance

If there are multiple charges in a grant (either from the outset of the grant or if new charges are added to the grant) that share one or more appearances BUT and then separate with respect to their substance and how they are treated by the court, then repeatable fees can be claimed for each relevant activity, where work for those activities is undertaken.

This applies whether or not the fees in the schedule are shown as repeatable.

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.

Interlocutories

The fee for interlocutories does not include interlocutories relating to disclosure by prosecutor.

Examples of interlocutories that can be claimed relate to appeal against pre-trial decisions relating to, for example (s215):

- admissibility of evidence
- permission to cross-examine a complainant
- witness identity/anonymity
- disclosure decision (s33(3)(b) Criminal Disclosure Act 2008)
- bail or media coverage
- name suppression.

Interim fees can only be claimed via an interim invoice when the case has been substantially progressed.

Completion fees can only be claimed via a final invoice after disposal and where an interim fee has previously been claimed.

Full fees can only be claimed after disposal via a final invoice and cannot be paid if an interim fee has previously been claimed and approved.

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 24C*) [[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: Fee 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:
	\$290 Completion = To be claimed at disposal					<p>Interim Fee – can only be claimed via an interim invoice when the case has been substantially progressed.</p> <p>Completion Fee – can only be claimed via a final invoice after disposal and where an interim fee has previously been claimed.</p> <p>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.</p>
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. 	

Reassignment		
Activity	Fixed fee	Tasks covered by fixed fee
Termination of Assignment fee	<p style="text-align: center;">\$330 For Appeal against Sentence</p>	<p>For:</p> <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>
	<p style="text-align: center;">\$440 For Appeal against Conviction; Appeal against Conviction and Sentence</p>	

Schedule H: Fee 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 • complying with the Criminal Electronic Document Protocol • 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	\$76	
- hearing time*	per half hour	For: <ul style="list-style-type: none"> • actual hearing time • any agent fees.

Schedule I: Fee 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, H & I

* **Repeatables** - this is a repeatable activity and can be claimed per occurrence of this activity.

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 25A*) [[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: Fee 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	<p>For:</p> <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 <p>Note: Interim Fee – can only be claimed via an interim invoice when the case has been substantially progressed.</p> <p>Completion Fee – can only be claimed via a final invoice after disposal and where an interim fee has previously been claimed.</p> <p>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.</p>
	\$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	
	\$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	
	\$340 Completion = To be claimed at disposal		
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, non-release 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	For: <ul style="list-style-type: none"> • 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.
Parole Appeal - hearing time*	\$59 per half hour	For: <ul style="list-style-type: none"> • actual hearing time • any agent 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</p>
	\$360 For Non-release order	

	\$520 For Extended supervision order	been paid to that provider.
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GRANTING NOTES FOR SCHEDULE J

* **Repeatables** - this is a repeatable activity and can be claimed per occurrence of this activity.

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 27B*) [[s97 Legal Services Act 2011](#)]