

Legal Aid Rates and Fees

The legal aid rates and fees are used to reimburse lawyers and other providers for performing legal aid services in accordance with the steps for family law proceedings. The rates and fees are comprised of:

- hourly rates set according to the category of the forum – court or similar – for the proceedings, and the level of experience of the provider; and
- fees set for a specific service.

Fee Rates

The following hourly rates are applied in the determination of maximum grants and claiming for legal aid services performed in family law proceedings [Legal Services Act 2000 s7]

Forum Category (see below for full explanation of categories)	Level of Experience			
	Other (\$/hr)	Level 1 (\$/hr)	Level 2 (\$/hr)	Level 3 (\$/hr)
FC1 (Other tribunal/judicial authority)		105	132	143
FC2 (Family Court, District Court, ...)		121	138	154
FC3 (High Court)		138	154	171
FC4 (Court of Appeal/Supreme Court)		149	165	182
Travel time		55	66	77
Employment advocates	94			
Qualified legal executives	94			
Non qualified legal executives/para-legals	83			
Law clerks	83			

NB: All fee rates are GST inclusive.

The fee rates are effective from 1 July 2008.

Forum Categories

- FC 1** Any tribunal or judicial authority not included in any other category
- FC 2** Family Court, District Court (including any mental health hearing before a District Court judge), Environment Court, Employment Court, Maori Land Court
- FC 3** High Court, Maori Appellate Court, Waitangi Tribunal.
- FC 4** Court of Appeal and Supreme Court.

Level of Experience

- Level 1** A person with up to 4 complete years of litigation experience
- Level 2** A person with at least 4 and up to 9 complete years of litigation experience
- Level 3** A person with at least 9 complete years of litigation experience

Fixed Fees

No fixed fees have been established for Steps/Activities within family law proceedings.

Other Fee Rates

Other fee rates have been established by the Agency for the following specific services:

Services	Fixed Fee/Rate
LARP Review	\$220 per review * (including disbursements)
Private Mediation	\$160/hour

* Payment in excess of the fee, up to a maximum of 3 hours at the appropriate fee rate, will be considered in special circumstances - by application for amendment to grant.

NB: All other fee rates are GST inclusive.

The fee rates are effective from 1 July 2008.

Steps for Family Law Proceedings

Steps have been established for all major types of family law proceedings to help determine:

- the maximum grant that may be approved when legal aid is granted in a matter; and
- the amount that may be claimed for services provided in a matter.

Structure of the Steps

The steps for a proceeding are made up of:

- *steps* - covering the main 'events' in a proceeding, eg Investigate and Make Application, Defended Hearing;
- *activities* – defined for each of the steps, or main 'events' in a proceeding, eg Preparation for Hearing, Hearing;
- *guideline hours and/or fees* - a 'reasoned estimate' of the time required for each activity in a step for at least 80% of matters;
- *tasks* – describing the actions for each activity within a step;
- *documentation requirements* – forms to be completed by providers to support the legal aid services; and
- *granting notes* – providing additional information to support special granting situations.

A summary of the Agency's policies and procedures for applying the steps to granting legal aid and making claims for services provided is included in the Policies and Procedures section of this information pack.

Documentation Requirements

The documents required to support the provision of services are specified in the steps for the proceedings. Generally, the documents required comprise the Agency's forms covering:

- applications for, and amendment of, grants of legal aid; and
- tax invoices.

In the event that an application for amendment to grant is required in a matter, additional documentation may be required or requested by Agency staff, to substantiate the application, eg copies of application for orders, affidavits, exhibits, and summary documents for Court.

Providers should also retain sufficient documentary evidence and records to be able to support each claim in the event of an examination and/or audit – as provided for in the Legal Services Act 2000.

Granting Notes

The steps are supported by 'Granting Notes' which may apply to one or more activities within the steps. The notes provide additional context for the activities within the steps, and any special granting requirements and approvals.

Some notes will apply to specific steps - the application of 'Additional Factors', the use of 'Interpreters'; and some are specific to the proceedings - attendance at Family Group Conferences.

Revision History

The steps which are available for application to family law proceedings comprise:

Steps	Legislation	Last Revision
Adoption	Adoption Act 1955	June 2005
Children & Young Persons	Children, Young Persons and Their Families Act 1989	August 2008
Day to Day Care & Contact	Care of Children Act 2004	August 2008
Domestic Violence	Domestic Violence Act 1995	August 2008
Family Proceedings/Guardianship	Family Proceedings Act 1980, Care of Children Act 2004	August 2008
Paternity	Family Proceedings Act 1980	June 2005
Personal & Property Rights	Protection of Personal & Property Rights Act 1988	June 2005
Property Relationships	Property (Relationships) Act 1976	August 2008

The steps, which were revised at August 2008, have been prepared using a new format. The new format is aimed at providing better information about the steps and the activities to be completed in a proceeding. The steps, which were last revised in June 2005, have been converted to the new format for consistency - although the guideline hours have not been reviewed.

The Agency will, as needed, update the steps to reflect changes to the legislation upon which the proceedings are based, and any significant changes in court procedures and legal practice surrounding the proceedings.

Pre-proceedings Settlements

December 07

Step: Settlement of legal disputes prior to proceedings

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Negotiation of settlement	up to 6 hours	For <ul style="list-style-type: none"> • Taking instructions, attending the client • Identifying legal and factual issues • Preparing application for legal aid • Liaising with the other party(s) • Conducting negotiations and where possible reaching agreement (see Granting Notes) • Reporting to client • Reporting to and invoicing LSA

Documentation Requirements

- Application for Family Legal Aid (*LSA Form 6*) [s12 Legal Services Act 2000].
- Family Legal Aid Tax Invoice (*LSA Form 10*) – including evidence that there have been reasonable attempts to negotiate and settle the issues in dispute.

Granting Notes

Where the matter is not resolved by a pre-proceedings settlement, the applicant and/or provider may seek a further grant of legal aid to resolve the matter by legal proceedings. It may be appropriate to adjust the guideline hours/reduce the hours claimed in Step 1 of those proceedings, to reflect any efficiencies arising from the services already provided.

Private Mediation

December 07

Step: Private Mediation

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Preparation for mediation	up to 1.5 hours	For <ul style="list-style-type: none"> • Taking instructions, attending the client • Identifying legal and factual issues • Preparing application for legal aid • Liaising with the other party(s) • Preparing for the mediation • Writing up the agreement after the mediation • Reporting to client • Reporting to and invoicing LSA
Mediation	Actual hours	For <ul style="list-style-type: none"> • attending mediation • finalising the agreement that occurs during the mediation

Documentation Requirements

- Application for Family Legal Aid (*LSA Form 6*) [s12 Legal Services Act 2000].
- Family Legal Aid Tax Invoice (*LSA Form 10*) – including evidence that there have been reasonable attempts to negotiate and settle the issues in dispute.

