

Supreme Court – Family/Civil

STEPS FOR SUPREME COURT FAMILY/CIVIL PROCEEDINGS

Proceedings Type

*Maximum Guideline
Rate*

Commentary and Staff Actions

Stage 1

1. Preparation for application to the Supreme Court seeking leave to appeal

- Where trial or previous appeal lawyer seeks to be assigned

4

hrs @ GHR

Application must be made in advance using Form 6 *Application Civil/Family Legal Aid* accompanied by a completed Form 5 *Family/Civil Legal Aid Summary* outlining the grounds of the appeal.

- Where new lawyer seeks to be assigned

6

hrs @ GHR

A second counsel will not normally be assigned for the application for leave to appeal.

- Oral hearing of the application

Actual hearing time
@ GHR

Note that under the Supreme Court (Applications for Leave to Appeal) Practice Note 2003, the application to the court is a maximum of 10 pages.

2. Preparation of response to application to the Supreme Court seeking leave to appeal

- Where trial or previous appeal lawyer seeks to be assigned

3

hrs @ GHR

Application must be made in advance using Form 6 *Application Civil/Family Legal Aid* accompanied by a completed Form 5 *Family/Civil Legal Aid Summary* outlining the grounds for opposing the application.

- Where new lawyer seeks to be assigned

5

hrs @ GHR

A second counsel will not normally be assigned for the application for leave to appeal.

- Oral hearing of response to application

Actual hearing time
@ GHR

The response to the application for leave is a maximum of 5 pages.

Proceedings Type

Maximum Guideline Rate

Commentary and Staff Actions

Stage 2

1. Where leave was granted

- Preparation of the substantive appeal (based on a one day hearing)

30 – 40

hrs @ GHR

Application must be made in advance using Form 9 *Application for Amendment to Grant*. Applications must demonstrate the nature of the preparation to be carried out.

- Hearing time

Actual hearing time
@ GHR

Consideration will be given to more preparation time based on the:

- Complexity of policy-based arguments presented;
- Number and complexity of cases used in development of argument presented;
- Breadth and complexity of other evidence presented.

The nature of cases will vary considerably. Because of this, fewer than 30 hours may be granted for preparation, depending on the nature of the case.

It may be appropriate for a second counsel to be assigned in cases dealing with extensive and complex matters.

2. Travel Costs

- Estimate of travel costs has been approved

As pre-approved @
relevant travel costs
reimbursement rate

The Agency's travel policy will apply to hearings, both in respect of the application for leave and substantive hearings.

Supreme Court – Family/Civil

STEPS FOR SUPREME COURT FAMILY/CIVIL PROCEEDINGS