

## Step 1: Guilty Plea/Sentencing – s160 Summary Proceedings Act 1957 (replaces s153A Summary Proceedings Act 1957 from 29 June 2009)

Activity	Guideline Hours			Tasks normally covered by Guideline Hours
	PC2	PC3	PC4	
<b>Preparation</b> (including annexure(s) for Home Detention, Community Detention)	up to <b>10</b> hours	up to <b>15</b> hours	up to <b>15</b> hours	For <ul style="list-style-type: none"> <li>• Taking instructions, attending the client</li> <li>• Receiving and reviewing disclosure</li> <li>• Identifying legal and factual issues</li> <li>• Undertaking research</li> <li>• Liaising with Crown/Court</li> <li>• Discussing charges/case/plea with Crown</li> <li>• Obtaining pre-sentencing reports</li> <li>• Preparing sentencing submissions</li> <li>• Attending Registrar's/Judge's List Court</li> <li>• Entering plea</li> <li>• Receiving sentence</li> <li>• Reporting to client</li> <li>• Reporting to and invoicing LSA</li> </ul>
<b>Section 38 – Forensic Report</b>	up to <b>2</b> hours	up to <b>2</b> hours	up to <b>2</b> hours	For <ul style="list-style-type: none"> <li>• Liaising, obtaining and reviewing section 38 Forensic Report</li> </ul>
<b>Restorative Justice Report</b>	up to <b>2</b> hours	up to <b>2</b> hours	up to <b>2</b> hours	For <ul style="list-style-type: none"> <li>• Obtaining Restorative Justice Report – in preparation for sentencing</li> </ul>
<b>Hearing</b>	<b>Actual</b> hours	<b>Actual</b> hours	<b>Actual</b> hours	For <ul style="list-style-type: none"> <li>• Attending hearing – including waiting time (see Granting Notes)</li> </ul>

### Documentation Requirements

- Application for Criminal Legal Aid (*LSA Form 1*) [s12 Legal Services Act 2000]
- Criminal Legal Aid Amendment to Grant (*LSA Form 2*) [s24 Legal Services Act 2000] – if the time required for the step is expected to exceed the fee/guidelines hours stated
- Criminal Legal Aid Tax Invoice (*LSA Form 4*) – including a report on proceedings, sentencing outcome

### Granting Notes

- Waiting time – see page 36 for Granting Notes covering the Agency's policy on waiting time.
- Disclosure – see page 36 for Granting Notes outlining the tasks involved in disclosure by the prosecutor.
- Guideline hours include preparing application for legal aid (and amendment to grant if expecting to exceed fee/guideline hours), correspondence and invoicing.

## Step 2: Applications for Bail, Name Suppression, Media Coverage

Activity	Guideline Hours			Tasks normally covered by Guideline Hours
	PC2	PC3	PC4	
<b>Unopposed application for Bail, Name Suppression</b> (excluding electronic bail monitoring application)	up to <b>2</b> hours (for each hearing)	up to <b>2</b> hours (for each hearing)	up to <b>2</b> hours (for each hearing)	For <ul style="list-style-type: none"> <li>• Taking instructions, attending the client</li> <li>• Receiving and reviewing disclosure</li> <li>• Identifying legal and factual issues</li> <li>• Preparing application for, or opposition to, order(s)</li> <li>• Liaising with Other Agencies and Family, Whanau</li> <li>• Receiving decision</li> <li>• Reporting to client</li> <li>• Reporting to and invoicing LSA</li> </ul>
<b>Opposed application for Bail, Name Suppression</b> (excluding electronic bail monitoring application)	up to <b>4</b> hours (for each hearing)	up to <b>4</b> hours (for each hearing)	up to <b>4</b> hours (for each hearing)	
<b>Electronic bail monitoring</b> (unopposed and opposed)	up to <b>4</b> hours (for each hearing)	up to <b>4</b> hours (for each hearing)	up to <b>4</b> hours (for each hearing)	
<b>Opposed application for Media Coverage</b> (for all applications)	up to <b>4</b> hours (for each hearing)	up to <b>4</b> hours (for each hearing)	up to <b>4</b> hours (for each hearing)	
<b>Unopposed variation</b>	up to <b>1</b> hours (for each hearing)	up to <b>1</b> hours (for each hearing)	up to <b>1</b> hours (for each hearing)	
<b>Opposed variation</b>	up to <b>2</b> hours (for each hearing)	up to <b>2</b> hours (for each hearing)	up to <b>2</b> hours (for each hearing)	
<b>Hearing</b>	<b>Actual</b> hours	<b>Actual</b> hours	<b>Actual</b> hours	

### Documentation Requirements

- Application for Criminal Legal Aid (*LSA Form 1*) [s12 Legal Services Act 2000]
- Criminal Legal Aid Amendment to Grant (*LSA Form 2*) [s24 Legal Services Act 2000] – if the time required for the step is expected to exceed the fee/guidelines hours stated
- Criminal Legal Aid Tax Invoice (*LSA Form 4*) – including a report on proceedings, sentencing outcome

## Indictable Jurisdiction

### Step 2: Applications for Bail, Name Suppression, Media Coverage – cont'd

#### Granting Notes

- Waiting time – see page 36 for Granting Notes covering the Agency's policy on waiting time.
- Disclosure – see page 36 for Granting Notes outlining the tasks involved in disclosure by the prosecutor.
- Guideline hours include preparing application for legal aid (and amendment to grant if expecting to exceed fee/guideline hours), correspondence and invoicing.

## Step 3: Disclosure – Criminal Disclosure Act 2008

Activity	Guideline Hours			Tasks normally covered by Guideline Hours
	PC2	PC3	PC4	
<b>Disclosure by defendant</b>	up to <b>2</b> hours	up to <b>2</b> hours	up to <b>2</b> hours	For preparation of disclosure package, including: <ul style="list-style-type: none"> <li>• Notice of alibi – s22</li> <li>• Evidence of expert witness – s23</li> <li>• Service on prosecutor</li> <li>• Associated correspondence</li> </ul>
<b>Application for disclosure of information – s30</b>	<b>Estimate</b> (by amendment)	<b>Estimate</b> (by amendment)	<b>Estimate</b> (by amendment)	For <ul style="list-style-type: none"> <li>• Preparation of an application for disclosure of information under s30</li> <li>• Preparation for hearing (including written submissions)</li> </ul>
	<b>Actual hours</b>			For attending hearing(s)
<b>Other applications for disclosure</b>	up to <b>1.5</b> hours	up to <b>2</b> hours	up to <b>3</b> hours	For preparation of any or all of: <ul style="list-style-type: none"> <li>• Application for address of witness or informant – s17</li> <li>• Application for order setting conditions for viewing exhibit – s31</li> <li>• Application for timetabling order – s32</li> <li>• Preparation for hearings.</li> </ul>
	<b>Actual hours</b>			For attending interlocutory hearing(s)
<b>Non-party disclosure</b>	up to <b>3</b> hours	up to <b>4</b> hours	up to <b>5</b> hours	For <ul style="list-style-type: none"> <li>• Preparation of an application for non-party disclosure hearing – s24</li> <li>• Preparation for hearing (including written submissions)</li> </ul>
	<b>Actual hours</b>			For attending non-party disclosure hearing(s)

### Documentation Requirements

- Criminal Legal Aid Amendment to Grant (*LSA Form 2*) [s24 Legal Services Act 2000] – if the time required for the step is expected to exceed the fee/guidelines hours stated
- Criminal Legal Aid Tax Invoice (*LSA Form 4*) – including a report on proceedings, sentencing outcome

### Granting Notes

- Waiting time – see page 36 for Granting Notes covering the Agency's policy on waiting time.

**Step 4: Committal – Summary Proceedings Act 1957**

Activity	Guideline Hours			Tasks normally covered by Guideline Hours
	PC2	PC3	PC4	
<b>Standard committal</b> (no hearing s169)	up to <b>10</b> hours	up to <b>20</b> hours	<b>Estimate</b> (by Amend- ment)	For <ul style="list-style-type: none"> <li>• Taking instructions, attending the client</li> <li>• Identifying legal and factual issues</li> <li>• Receiving disclosure</li> <li>• Undertaking research</li> <li>• Liaising with experts</li> <li>• Corresponding with Police/Crown</li> <li>• Liaising with Crown/Court</li> <li>• Discussing charges/case/with Crown</li> <li>• Reviewing videos</li> <li>• Reporting to client</li> </ul>
<b>Application for oral evidence order</b> (s 178)	up to <b>5</b> hours	up to <b>5</b> hours	up to <b>5</b> hours	For <ul style="list-style-type: none"> <li>• Identifying legal and factual issues</li> <li>• Preparing application for Oral Evidence Order</li> <li>• Preparing oral or written submissions for Judge List event (Oral Evidence Order <i>with</i> oral submissions)</li> <li>• Reporting to client</li> </ul>
	<b>Actual hours</b>			For attending Judge List event (Oral Evidence Order <i>with</i> oral submissions only)
<b>Committal hearing</b> (with oral evidence s183)	up to <b>15</b> hours	up to <b>25</b> hours	<b>Estimate</b> (by Amend- ment)	For <ul style="list-style-type: none"> <li>• Preparing hand up witnesses</li> <li>• Taking instructions, attending the client</li> <li>• Identifying legal and factual issues</li> <li>• Receiving disclosure</li> <li>• Undertaking research</li> <li>• Liaising with experts</li> <li>• Corresponding with Police/Crown</li> <li>• Liaising with Crown/Court</li> <li>• Discussing charges/case/with Crown</li> <li>• Reviewing videos</li> <li>• Reporting to client</li> <li>• Briefing witnesses</li> <li>• Preparing cross examination</li> <li>• Preparing submissions</li> </ul>
	<b>Actual hours</b>			For attending Committal Hearing – including waiting time (see Granting Notes). Oral Evidence Order only

## **Documentation Requirements**

- Application for Criminal Legal Aid (*LSA Form 1*) [s12 Legal Services Act 2000]
- Criminal Legal Aid Amendment to Grant (*LSA Form 2*) [s24 Legal Services Act 2000] – if the time required for the step is expected to exceed the fee/guidelines hours stated, and for estimating preparation time in a PC4 matter
- Criminal Legal Aid Tax Invoice (*LSA Form 4*) – including report on proceedings, outcome

## **Granting Notes**

- Waiting time – see page 36 for Granting Notes covering the Agency’s policy on waiting time.
- Disclosure – see page 36 for Granting Notes outlining the tasks involved in disclosure by the prosecutor.
- Opposed application for extra time – providers should apply for an amendment.
- Guideline hours include preparing application for legal aid (and amendment to grant if expecting to exceed fee/guideline hours), correspondence and invoicing.
- Providers may claim for:
  - Standard committal; or
  - Standard committal and application for oral evidence order (oral evidence order refused); or
  - Application for oral evidence order (where application granted) and committal hearing.

**Step 5: Pre-Trial Conferences/Callovers**

Activity	Guideline Hours			Tasks normally covered by Guideline Hours
	PC2	PC3	PC4	
<b>Preparation</b> (Memorandum – initial callover)	up to <b>2</b> hours	up to <b>2</b> hours	up to <b>2</b> hours	For <ul style="list-style-type: none"> <li>• Taking instructions, attending the client</li> <li>• Receiving and reviewing disclosure</li> <li>• Identifying legal and factual issues</li> <li>• Undertaking research</li> <li>• Reviewing evidence (including videos)</li> <li>• Corresponding with Police/Crown</li> <li>• Discussing charges/case/with Crown</li> <li>• Liaising with experts</li> <li>• Receiving Crown memorandum</li> <li>• Preparing Defence memorandum</li> <li>• Identifying pre trial issues</li> <li>• Liaising with Crown/Court</li> <li>• Liaising with witnesses</li> <li>• Reporting to client</li> <li>• Reporting to and invoicing LSA</li> </ul>
<b>Preparation</b> (Memorandum – each subsequent callover)	up to <b>1</b> hours	up to <b>1</b> hours	up to <b>1</b> hours	
<b>Hearing</b>	<b>Actual</b> hours	<b>Actual</b> hours	<b>Actual</b> hours	For <ul style="list-style-type: none"> <li>• Attending hearing – including waiting time (see Granting Notes)</li> </ul>

**Documentation Requirements**

- Criminal Legal Aid Amendment to Grant (*LSA Form 2*) [s24 Legal Services Act 2000] – if the time required for the step is expected to exceed the fee/guidelines hours stated, and for estimating preparation time in a PC4 matter
- Criminal Legal Aid Tax Invoice (*LSA Form 4*) – including report on proceedings, outcome

**Granting Notes**

- Waiting time – see page 36 for Granting Notes covering the Agency’s policy on waiting time.
- Disclosure – see page 36 for Granting Notes outlining the tasks involved in disclosure by the prosecutor.
- Guideline hours include preparing application for an amendment to grant (if expecting to exceed fee/guideline hours), correspondence and invoicing.

**Step 6: Pre-Trial Applications and Responding to Crown Applications**

Activity	Guideline Hours			Tasks normally covered by Guideline Hours
	PC2	PC3	PC4	
<b>Preparation</b> (For all applications in a substantive hearing)	up to <b>10</b> hours	up to <b>20</b> hours	up to <b>20</b> hours	For <ul style="list-style-type: none"> <li>• Taking instructions, attending the client</li> <li>• Receiving and reviewing disclosure</li> <li>• Identifying legal and factual issues</li> <li>• Perusing file</li> <li>• Undertaking research</li> <li>• Corresponding with Police/Crown</li> <li>• Liaising with Crown/Court</li> <li>• Discussing charges/case/with Crown</li> <li>• Reviewing Crown submissions</li> <li>• Briefing witnesses</li> <li>• Preparing cross examination</li> <li>• Preparing submissions</li> <li>• Reporting to client</li> <li>• Reporting to and invoicing LSA</li> </ul>
<b>Expert witness/reports</b>	up to <b>2</b> hours	up to <b>4</b> hours	up to <b>4</b> hours	For: <ul style="list-style-type: none"> <li>• Locating expert witness</li> <li>• Liaising</li> <li>• Psychiatric reports</li> <li>• Reviewing reports</li> </ul> <p>Expert witness fee subject to approval of amendment</p>
<b>Hearing</b>	<b>Actual</b> hours	<b>Actual</b> hours	<b>Actual</b> hours	For <ul style="list-style-type: none"> <li>• Attending hearing – including waiting time (see Granting Notes)</li> </ul>

**Documentation Requirements**

- Criminal Legal Aid Amendment to Grant (*LSA Form 2*) [s24 Legal Services Act 2000] – if the time required for the step is expected to exceed the fee/guidelines hours stated.
- Criminal Legal Aid Tax Invoice (*LSA Form 4*) – including report on proceedings, outcome

**Granting Notes**

- Waiting time – see page 36 for Granting Notes covering the Agency's policy on waiting time.
- Disclosure – see page 36 for Granting Notes outlining the tasks involved in disclosure by the prosecutor.
- Guideline hours include preparing application for an amendment to grant (if expecting to exceed fee/guideline hours), correspondence and invoicing.

**Step 7: Trial**

Activity	Guideline Hours			Tasks normally covered by Guideline Hours
	PC2	PC3	PC4	
<b>Preparation</b>	up to <b>15</b> hours	up to <b>35</b> hours	<b>Estimate</b> (by Amend- ment)	For <ul style="list-style-type: none"> <li>• Taking instructions, attending the client</li> <li>• Receiving and reviewing disclosure</li> <li>• Identifying legal and factual issues</li> <li>• Perusing evidence</li> <li>• Scene visits</li> <li>• Undertaking research</li> <li>• Corresponding with Police/Crown</li> <li>• Liaising with Crown/Court</li> <li>• Discussing charges/case/with Crown</li> <li>• Reviewing videos (for edits)</li> <li>• Serving summons to appear</li> <li>• Briefing witnesses</li> <li>• Preparing cross examination</li> <li>• Preparing submissions</li> <li>• Preparing opening/closing addresses</li> <li>• Reporting to client</li> <li>• Reporting to and invoicing LSA</li> </ul>
<b>Hearing</b>	<b>Actual</b> hours	<b>Actual</b> hours	<b>Actual</b> hours	For <ul style="list-style-type: none"> <li>• attending hearing – including waiting time (see Granting Notes)</li> </ul>

**Documentation Requirements**

- Criminal Legal Aid Amendment to Grant (*LSA Form 2*) [s24 Legal Services Act 2000] – if the time required for the step is expected to exceed the fee/guidelines hours stated, and for estimating preparation time in a PC4 matter
- Criminal Legal Aid Tax Invoice (*LSA Form 4*) – including report on proceedings, outcome

**Granting Notes**

- Waiting time – see page 36 for Granting Notes covering the Agency’s policy on waiting time.
- Disclosure – see page 36 for Granting Notes outlining the tasks involved in disclosure by the prosecutor.
- Guideline hours include preparing application for an amendment to grant (if expecting to exceed fee/guideline hours), correspondence and invoicing.

**Step 8: Sentencing**

Activity	Guideline Hours			Tasks normally covered by Guideline Hours
	PC2	PC3	PC4	
<b>Preparation for Sentencing</b> (Charges on Arraignment, Post-Trial)	up to <b>7</b> hours	up to <b>13</b> hours	up to <b>13</b> hours	For <ul style="list-style-type: none"> <li>• Taking instructions, attending the client</li> <li>• Receiving and reviewing disclosure</li> <li>• Identifying legal and factual issues</li> <li>• Undertaking research</li> <li>• Obtaining testimonials/references</li> <li>• Corresponding with Police/Crown</li> <li>• Liaising with Crown/Court</li> <li>• Reviewing Crown submissions</li> <li>• Reviewing probation reports and annexures</li> <li>• Preparing submissions</li> <li>• Reporting to client</li> <li>• Reporting to and invoicing LSA</li> </ul>
<b>Judicial Monitoring after Sentencing</b>	up to <b>2</b> hours	up to <b>2</b> hours	up to <b>2</b> hours	
<b>Preparation for Sentencing Indication only</b>	up to <b>2</b> hours	up to <b>2</b> hours	up to <b>2</b> hours	
<b>Section 38 – Forensic Report</b>	up to <b>2</b> hours	up to <b>2</b> hours	up to <b>2</b> hours	For <ul style="list-style-type: none"> <li>• Liaising, obtaining and reviewing section 38 Forensic Report</li> </ul>
<b>Restorative Justice Report</b>	up to <b>2</b> hours	up to <b>2</b> hours	up to <b>2</b> hours	For <ul style="list-style-type: none"> <li>• Obtaining Restorative Justice Report – in preparation for sentencing</li> </ul>
<b>Hearing</b>	<b>Actual</b> hours	<b>Actual</b> hours	<b>Actual</b> hours	For <ul style="list-style-type: none"> <li>• attending hearing – including waiting time (see Granting Notes)</li> </ul>

**Documentation Requirements**

- Criminal Legal Aid Amendment to Grant (*LSA Form 2*) [s24 Legal Services Act 2000] – if the time required for the step is expected to exceed the fee/guidelines hours stated
- Criminal Legal Aid Tax Invoice (*LSA Form 4*) – including report on proceedings, outcome

**Granting Notes**

- Waiting time – see page 36 for Granting Notes covering the Agency’s policy on waiting time.
- Disclosure – see page 36 for Granting Notes outlining the tasks involved in disclosure by the prosecutor.
- Guideline hours include preparing application for an amendment to grant (if expecting to exceed fee/guideline hours), correspondence and invoicing.

## Indictable Jurisdiction

### ***Granting Notes***

#### **Waiting Time – All Proceedings Steps**

The Agency accepts claims for waiting time, as part of claims for actual appearances in hearings – before a judge. To support claims for approval and payment of waiting time, the following information is required:

- A summary of both the waiting time and hearing time on the day of appearance – date and times. This includes waiting time for the jury to deliver a verdict. Exclude waiting time where judge has excused Counsel.
- If waiting time exceeds 1 hour, an explanation of the circumstances.

#### **Disclosure by prosecutor – All Proceedings Steps**

Disclosure by the prosecutor can occur at many points in proceedings. Where the steps refer to “Receiving and reviewing disclosure”, this includes any or all of the following tasks:

- 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)
- Interlocutory applications:
  - Application for address of witness or informant
  - Application for disclosure of information
  - Application for order setting conditions for viewing exhibit
  - Application for timetabling order

Remuneration for receiving and reviewing initial and full disclosure is included within the relevant steps. However, if providers are required to attend hearings in connection with interlocutory applications, they may claim actual hearing time.