

# CIVIL STEPS

## Version control

Please note that:

- The date in the footer is the date that this document was published.
- The date in the header row of each proceedings steps table is the date that the activities, tasks and guideline hours were issued for the particular proceedings.
- For example, this document was reissued on 27 February 2017 with the updated refugee proceedings steps. Other steps, such as ACC, were not amended and retain their original publication date.

<b>ACC</b>		December 2005
<b>Steps for proceedings under the Accident Compensation Act 2001</b>		
<b>Step 1: Pre-review assessment</b>		
<b>Activity</b>	<b>Guideline Hours</b>	<b>Tasks normally covered by Guideline Hours</b>
<b>Pre-review assessment</b> Where the merits of the case cannot be discerned due to volume and/or complexity of the file.	up to <b>3</b> hours	For <ul style="list-style-type: none"><li>• Taking instructions, attending the client</li><li>• Preparation of application legal aid</li><li>• Identify reasons why prospects of success are not evident and what has to occur to assess prospects of success.</li><li>• Identifying legal and factual issues</li><li>• Review relevant ACC files and medical reports</li><li>• Preparing opinion on legal aid merits tests (ss 7(1)(e), 10(3) and (4))</li><li>• Reporting to client</li><li>• Reporting to and invoicing for Legal Aid</li></ul>

## Granting Notes

- This is an interim grant under s16 (1) (b) to enable the provider to undertake an initial attendance, review ACC file(s) and provide an opinion as to prospects of success.
- An interim grant will not be available in all cases as a matter of course. Providers are required to identify the reasons why prospects of success are not evident and what has to occur to assess these. For example, the matter may involve a range of complicated legal and/or medical issues, or the file may extend over several volumes.
- In the initial grant letter, providers will be advised that no further grant of aid can be assumed as consideration of the prospects of success will be required first.
- If there are no prospects of success aid will be ceased.
- If more than the guideline hours are requested, the file may be referred to a specialist adviser for a recommendation.

## Steps for proceedings under the Accident Compensation Act 2001

## Step 2: ACC review

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
<b>ACC review</b> Where step 1 is omitted	up to <b>11</b> hours	For <ul style="list-style-type: none"> <li>• Taking instructions, attending the client</li> <li>• Preparation of application legal aid</li> <li>• Identify reasons why prospects of success are not evident and what has to occur to assess prospects of success.</li> <li>• Identifying legal and factual issues</li> <li>• Review relevant ACC files and medical reports</li> <li>• Preparing opinion on legal aid merits tests (ss 7(1)(e), 10(3) and (4))</li> <li>• Applying for ACC Review</li> <li>• Preparation of Review submissions</li> <li>• Reporting to client</li> <li>• Preparing amendment application (if applicable)</li> <li>• Liaising with Legal Aid</li> <li>• Reporting to and invoicing for Legal Aid</li> </ul>
<b>ACC review</b> Where the review is the first step	up to <b>11</b> hours	For <ul style="list-style-type: none"> <li>• Taking instructions, attending the client</li> <li>• Applying for ACC Review</li> <li>• If necessary, seek prior approval to obtain independent medical report on applicant's condition</li> <li>• Preparation of Review submissions</li> <li>• Reporting to client</li> <li>• Preparing amendment application</li> <li>• Liaising with Legal Aid</li> <li>• Reporting to and invoicing for Legal Aid (include a copy of Reviewer's decision and specialist report if applicable)</li> </ul>
<b>Hearing</b>	<b>Actual</b> hours	For attending Review hearing

**Note:** Special disbursements are available for medical and other reports.

When a provider requests for a report to be funded they must also provide:

- the name of the expert,
- a reason why this particular expert has been chosen, and
- the question(s) the expert is being asked to address.

If a second independent specialist opinion is being sought then providers need to advise:

- why this is required
- why they cannot ask their original expert for clarification of their opinion.

## Steps for proceedings under the Accident Compensation Act 2001

## Step 3: District Court Appeal

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
<b>District Court Appeal</b> Where the listed provider <i>did not</i> represent the applicant at review	up to <b>12</b> hours	For <ul style="list-style-type: none"> <li>• Taking instructions, attending the client</li> <li>• Reviewing ACC files and other relevant material</li> <li>• Identifying legal and factual issues</li> <li>• Preparation and filing of appeal papers in the District Court</li> <li>• Preparation of Appeal submissions</li> <li>• Reporting to client</li> <li>• Reporting to and invoicing for Legal Aid (include a copy of District Court decision)</li> </ul>
<b>District Court Appeal</b> Where the listed provider represented the applicant at review	up to <b>6</b> hours	For <ul style="list-style-type: none"> <li>• Taking instructions, attending the client</li> <li>• Identifying legal issues</li> <li>• Preparation and filing of appeal papers in the District Court</li> <li>• Preparation of Appeal submissions</li> <li>• Reporting to client</li> <li>• Reporting to and invoicing for Legal Aid (include a copy of District Court decision)</li> </ul>
<b>Hearing</b>	<b>Actual</b> hours	For attending Appeal hearing

## Granting Notes

### Listed provider *did not* represent the applicant at review

- Where another provider represented the applicant, a request to transfer to the new provider must be submitted
- Sufficient information must be provided about the purpose of the appeal and to satisfy the s 10(4)(e) merits test for appeals for example a copy or a draft of submissions to the District Court or a summary of the points to be raised.

### Listed provider represented the applicant at review

- Sufficient information must be provided about the purpose of the appeal and to satisfy the s 10(4)(e) merits test for appeals for example a copy or a draft of submissions to the District Court or a summary of the points to be raised.

### Preparation of Casebooks

This will be covered as follows:

- The provider's time for researching the cases is covered by the guideline hours as part of preparation
- As an office disbursement at the rate of \$75.00 per casebook.

**Steps for proceedings under the Employment Relations Act 2000****Step 1: Employment Relations Authority proceedings**

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
<b>Proceedings for personal grievances and disputes</b> Investigate and complete mediation	up to <b>6</b> hours	For <ul style="list-style-type: none"> <li>• Taking instructions, attending the client</li> <li>• Preparing application for legal aid</li> <li>• Identifying legal and factual issues</li> <li>• Preparation for mediation conference</li> <li>• Reporting to client</li> <li>• Reporting to and invoicing for Legal Aid</li> <li>• Attending mediation conference</li> </ul>

**Granting Notes****Personal grievances and disputes**

- Personal grievance and dispute proceedings include action involving:
  - unjustifiable dismissal
  - unjustifiable disadvantage
  - breach of terms of conditions of agreement
  - breach of good faith obligations and disputes about the interpretation, application or operation of an employment agreement.
- Grievances and disputes may include issues in relation to:
  - fixed term employment
  - redundancy
  - probationary employment
  - discrimination
  - contract law.

**Mediation**

- The applicant and/or provider must demonstrate that if the matter was not resolved at mediation there is a 'real likelihood' that proceedings could occur in the Employment Relations Authority or the Employment Court.
- The need for a 'real likelihood' refers to the need for it to be more likely that if the dispute were not resolved a proceeding could occur in the Employment Relations Authority or the Employment Court rather than an alternative forum such as arbitration.
- A grant of legal aid for employment mediation can only be considered when:
  - mediation has been directed in the course of proceedings before the Employment Relations Authority or the Employment Court only, and
  - not to provide legal aid would mean the applicant suffers substantial hardship.

**Steps for proceedings under the Employment Relations Act 2000****Step 2: Cases not resolved by mediation**

<b>Activity</b>	<b>Guideline Hours</b>	<b>Tasks normally covered by Guideline Hours</b>
<b>Cases not resolved by mediation</b> Set down for investigation meeting in the Employment Relations Authority	up to <b>16</b> hours	For <ul style="list-style-type: none"><li>• Taking instructions, attending the client</li><li>• Preparing application for legal aid</li><li>• Identifying prospects of success</li><li>• Identifying legal issues to be resolved by the Authority and all steps taken to bring proceedings to completion</li><li>• Preparation for hearing:<ul style="list-style-type: none"><li>– interviewing witnesses</li><li>– undertaking research of issues</li><li>– preparing briefs of evidence</li></ul></li><li>• Reporting to client</li><li>• Reporting to and for invoicing for Legal Aid</li><li>• Attending 1-day hearing (allowance of 7 hours is included so if less than a full day then a pro rate reduction will be made.</li></ul>

**Steps for proceedings under the Employment Relations Act 2000****Step 3: Application for judicial hearing or matters originating in the Court**

<b>Activity</b>	<b>Guideline Hours</b>	<b>Tasks normally covered by Guideline Hours</b>
<b>All matters</b> All matters by way of application for judicial hearing or matters originating in the Court	To be determined by Grants staff on a case by case basis	For <ul style="list-style-type: none"> <li>• Taking instructions, attending the client</li> <li>• Preparing application for legal aid</li> <li>• Identifying               <ul style="list-style-type: none"> <li>– the legal and factual issues to be resolved by the Court</li> <li>– facts in issue and evidence</li> <li>– estimate of the time required to bring the proceedings to completion</li> <li>– the prospects of success.</li> </ul> </li> <li>• Preparation for hearing</li> <li>• Reporting to client</li> <li>• Reporting to and invoicing for Legal Aid</li> </ul>
<b>Hearing</b>	<b>Actual hours</b>	For attending hearing before the Employment Court

**Granting Notes**

- If challenging the determination of the Authority, the application must be made in the prescribed manner within 28 days of the Authority's determination.
- The application must:
  - specify the determination, or part thereof, to which the election relates
  - state whether or not a full hearing of the entire matter is sought.
- If a hearing de novo is not sought by the party challenging the Authority's determination, the election must also specify:
  - error of law or fact alleged
  - question of law or fact to be resolved
  - grounds on which the election is made
  - the relief sought.

**Additional Documentation**

- Copy of the application to have the proceedings heard in the Court
- If a hearing de novo is sought, a copy of the Authority's decision in the matter
- If removal to the Court is requested:
  - certification by the provider as to the reasons for removal to the Court
  - copy of application to the Court for special leave to order a removal
- If removal of the matter to the Court for a hearing and determination is sought, an application to the Court for special leave to order a removal must be made.

## **Preparation of Casebooks**

This will be covered as follows:

- The provider's time for researching the cases is covered by the guideline hours as part of preparation
- As an office disbursement at the rate of \$75.00 per casebook.

## **Disbursements**

There is no provision for the waiver of Employment Relations Authority or Employment Court fees, including hearing fees therefore they can be claimed as a disbursement.

## Refugee and protected persons proceedings steps

Refugee and protected persons		February 2017
Refugee and protection status - application		
Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Preparation and reporting to client	up to <b>25</b> hours	<p>For (with the assistance of an interpreter if necessary):</p> <ul style="list-style-type: none"> <li>• Take initial instructions</li> <li>• Identify whether personal account is prima facie evidence within the Refugee Convention (United Nations Convention Relating to the Status of Refugees, and the Protocol Relating to the Status of Refugees)</li> <li>• Determine whether, prima facie grounds are available in relation to the 'Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment' and/or the 'International Covenant on Civil and Political Rights'</li> <li>• Prepare and engross formal application</li> <li>• Arrange for personal account and all documents to be lodged in support translated into English by a duly certified translator</li> <li>• Lodge documents with Refugee Status Branch (RSB) with covering synopsis of claim</li> </ul> <p>For interview:</p> <ul style="list-style-type: none"> <li>• Draft submissions</li> <li>• Collate evidence</li> <li>• Attend on applicant with interpreter to brief applicant in readiness for interview</li> <li>• Reporting to and invoicing Legal Aid</li> </ul> <p>For post-interview follow up</p> <ul style="list-style-type: none"> <li>• Reviewing RSB Officer's report</li> <li>• Attend on applicant with interpreter if necessary to take instructions on interview report to answer additional information sought</li> <li>• Attend on applicant with interpreter if necessary to examine decision and advise</li> <li>• Draft responses to any questions raised by the interview</li> <li>• Provide further evidence.</li> </ul>
Interview time	Actual interview time	For attending interview with applicant.

### Documentation Requirements

- Application for Civil Legal Aid (*LA Form 5*)
- Civil Legal Aid Amendment to Grant (*LA Form 19*)
- Civil Legal Aid Tax Invoice (*LA Form 20*)

## Granting Notes

If more than 25 hours is requested for **preparation and reporting to client**, the file may be referred to a specialist adviser for a recommendation.

Actual interpreter/translator disbursements up to a maximum of \$1200 plus GST are pre-approved.

Prior approval must be sought on civil legal aid amendment to grant (*LA Form 19*) for interpreter/translator disbursements in excess of \$1200 plus GST.

Prior approval must be sought on civil legal aid amendment to grant (*LA Form 19*) for disbursements for Istanbul Protocol reports (Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment) and psychiatrist reports.

When an applicant's family member(s) is also covered by one member's claim for Refugee status additional time is automatically added to the maximum grant as follows:

- 6 hours for spouse
- 3 hour for each child aged 13-18
- 1 hour for each child aged 12 and under



## Immigration and Protection Tribunal Proceedings steps

Immigration and Protection Tribunal		February 2017
<b>Step 1: Appeal to IPT<sup>1</sup> when refugee or protected persons application refused</b>		
Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Provider appeared for applicant in refugee and protected person application	up to <b>14</b> hours	For <ul style="list-style-type: none"> <li>• Taking instructions (with assistance of interpreter if required)</li> <li>• Lodging notice of appeal with the Immigration and Protection Tribunal</li> </ul>
Provider <i>did not</i> appear for applicant in refugee and protected person application	up to <b>18</b> hours	<ul style="list-style-type: none"> <li>• Examining a copy of the Immigration Service file</li> <li>• Arranging a fixture and lodging the memorandum</li> <li>• Preparing for appeal, including statement(s), submissions and supporting material</li> </ul>

### Documentation Requirements

- A new application on Application for Civil Legal Aid (*LA Form 5*) is required
- Civil Legal Aid Amendment to Grant (*LA Form 19*)
- Civil Legal Aid Tax Invoice (*LA Form 20*)

### Granting Notes

- If more than the standard rate is requested for Step 1, the file may be referred to a specialist adviser for recommendation.
- Actual interpreter/translator disbursements up to a maximum of \$1200 plus GST are pre-approved for Steps 1 & 2 combined.
- Prior approval must be sought on civil legal aid amendment to grant (*LA Form 19*) for interpreter/translator disbursements in excess of \$1200 plus GST.
- Specialist reports must be approved in advance on Civil legal aid amendment to grant (*LA Form 19*).

<sup>1</sup> Immigration and Protection Tribunal

**Step 2: Attend appeal**

<b>Activity</b>	<b>Guideline Hours</b>	<b>Tasks normally covered by Guideline Hours</b>
<b>Attend appeal hearing</b>	<b>Actual</b> hours	For attending hearing.
<b>Review decision</b>	up to <b>3</b> hours	For <ul style="list-style-type: none"> <li>• Attend on appellant with interpreter post appeal should there be additional matters required by the Tribunal</li> <li>• Attend on appellant with interpreter to examine decision and advise</li> <li>• Reporting to applicant</li> <li>• Reporting to and invoicing Legal Aid (including a copy of the decision)</li> </ul>

**Documentation Requirements**

- Application for Civil Legal Aid (*LA Form 5*)
- Civil Legal Aid Amendment to Grant (*LA Form 19*)
- Civil Legal Aid Tax Invoice (*LA Form 20*)

**Granting Notes**

- If more than the standard rate is requested for Step 2 the file may be referred to a specialist adviser for recommendation.
- Actual interpreter/translator disbursements up to a maximum of \$1200 plus GST are pre-approved for Steps 1 & 2 combined.
- Prior approval must be sought on civil legal aid amendment to grant (*LA Form 19*) for interpreter/translator disbursements in excess of \$1200 plus GST.
- Specialist reports must be approved in advance on Civil legal aid amendment to grant (*LA Form 19*).

## Step 1: Investigate and make application

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Warrant(s) of commitment	up to <b>3</b> hours	For <ul style="list-style-type: none"> <li>• Arranging a suitably qualified interpreter</li> <li>• Taking instructions, attending the client</li> <li>• Identifying legal and factual issues</li> <li>• Obtaining disclosure</li> <li>• Reviewing file</li> <li>• Undertaking research</li> <li>• Liaising with family or community of the detained person</li> <li>• Liaising with RSB or IPT &amp; determining whether a protected person application is appropriate</li> <li>• Preparing submissions and application for release on conditions, or opposition to order(s)</li> <li>• Receiving decision</li> <li>• Reporting to client</li> <li>• Reporting to and invoicing for Legal Aid</li> </ul>
Hearing	Actual hours	For attending warrant of commitment hearing.

### Documentation Requirements

- A new application on Application for Civil Legal Aid (*LA form 5*) is required to attend the first Warrant of Commitment hearing [s14 Legal Services Act 2011]
- Civil Legal Aid Amendment to Grant is required to attend subsequent Warrant of Commitment hearings (*LA form 19*) [s28 Legal Services Act 2011]
- Civil Legal Aid Tax Invoice (*LA form 20*)
- To claim for warrant of commitment hearings, providers must submit evidence of each attendance.

### Granting Notes

- Actual interpreter/translator disbursements @ \$25 per hour GST exclusive may be claimed without prior approval up to a maximum of \$750 GST exclusive for Steps 1 & 2 combined.
- Any amount in excess of \$750 GST exclusive requires prior approval by submitting the appropriate Civil legal aid amendment to grant (*LA form 19*).

# Review Tribunals

October 2003

For all civil matters relating to review tribunals, authorities and panels not covered by any other steps

## Step 1: Application for review

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
<b>Preparation for review application</b>	up to <b>5</b> hours	For <ul style="list-style-type: none"><li>• Preparation of supporting documentation:<ul style="list-style-type: none"><li>– Proof of income; financial statement for the applicant including proof of all income and capital</li><li>– Purpose of application and prospects of success</li></ul></li><li>• Take initial instructions and identify legal and factual issues.</li><li>• Prepare and lodge application for legal aid (including certification as to prospects of success).</li><li>• Prepare submissions for Review hearing.</li><li>• Notify authority of application for review.</li><li>• Reporting to client</li><li>• Reporting to and invoicing for Legal Aid (include a copy of the Reviewer's decision)</li></ul>

## Review Tribunals

October 2003

For all civil matters relating to review tribunals, authorities and panels not covered by any other steps

### Step 2: Complete review

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Review hearing	up to <b>2</b> hours	For <ul style="list-style-type: none"><li>• Taking instructions, attending the client</li><li>• Claiming statutory costs (where applicable)</li><li>• Reporting to client</li><li>• Reporting to and invoicing for Legal Aid</li></ul>
Hearing	<b>Actual</b> hours	For attending hearing.

## Other Civil Proceedings

November 2009

Proceedings commenced in the District Court via Notice of Claim procedure

### Step 1: Commencement of civil proceedings – plaintiff or appellant

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
<b>Preparation of <i>Notice of claim</i></b> (District Court Rules 2009, r. 2.10)	up to <b>10</b> hours	For <ul style="list-style-type: none"> <li>• Taking instructions, attending the client</li> <li>• Preparation of application for legal aid</li> <li>• Liaising with Legal Aid</li> <li>• Identifying legal and factual issues</li> <li>• Preparing <i>Notice of claim</i></li> <li>• Filing <i>Notice of claim</i> with the Court</li> <li>• Serving <i>Notice of claim</i> on respondent/defendant</li> <li>• Reporting to client</li> <li>• Default judgement or formal proof – if no response to <i>Notice of claim</i> or <i>Information Capsule</i></li> <li>• Reporting to and invoicing for Legal Aid</li> </ul>
<b>Application for mediation or other alternative dispute resolution</b> (District Court Rules 2009, r. 1.7)	up to <b>1</b> hour	For <ul style="list-style-type: none"> <li>• Taking instructions, attending the client</li> <li>• Identifying legal and factual issues</li> <li>• Preparation of application for mediation or other alternative dispute resolution</li> </ul>
<b>Mediation or ADR conference</b>	up to up to <b>1</b> times anticipated hearing time (hrs) hours	For <ul style="list-style-type: none"> <li>• Attendances</li> <li>• Reporting to client</li> <li>• Reporting to and invoicing for Legal Aid</li> <li>• Attending mediation</li> </ul>
<b>Interlocutory applications</b> (District Court Rules 2009, r. 2.27.5)	up to <b>2</b> hours for each application	For <ul style="list-style-type: none"> <li>• Taking instructions, attending the client</li> <li>• Identifying legal and factual issues</li> <li>• Preparing and filing an application to the court for an order requiring the plaintiff to file:               <ul style="list-style-type: none"> <li>– a statement of claim, <i>or</i></li> <li>– an originating application</li> </ul> </li> <li>• Serving documents on plaintiff/appellant</li> <li>• Reporting to client</li> <li>• Reporting to and invoicing Legal Aid</li> </ul>

### Granting Notes

- Proceedings under the Harassment Act 1997 are started by filing a notice of claim (r 2.3.2, r 2.10, r 7.5.1(a)(vi))

## Other Civil Proceedings

November 2009

Proceedings commenced in the District Court via Notice of Claim procedure

### Step 1a: Commencement of civil proceedings – plaintiff or appellant

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
<b>Preparation of response to Notice of claim</b> (District Court Rules 2009, r. 2.12)	Up to <b>6</b> hours	For <ul style="list-style-type: none"> <li>• Taking instructions, attending the client</li> <li>• Preparing application for legal aid</li> <li>• Identifying legal and factual issues</li> <li>• Preparing and serving response to <i>Notice of claim</i></li> <li>• Serving documents on plaintiff/appellant</li> <li>• Reporting to client</li> <li>• Reporting to and invoicing for Legal Aid</li> </ul>
<b>Application for mediation or other alternative dispute resolution</b> (District Court Rules 2009, r. 1.7)	up to <b>1</b> hour	For <ul style="list-style-type: none"> <li>• Taking instructions, attending the client</li> <li>• Identifying legal and factual issues</li> <li>• Preparation of application for mediation or other alternative dispute resolution</li> </ul>
<b>Mediation or ADR conference</b>	up to <b>1</b> times anticipated hearing time (hrs) hours	For <ul style="list-style-type: none"> <li>• Attendances</li> <li>• Reporting to client</li> <li>• Reporting to and invoicing for Legal Aid</li> <li>• Attending mediation</li> </ul>
<b>Interlocutory applications</b> (District Court Rules 2009, r. 1.7, 2.12.2)	up to <b>2</b> hours for each application	For <ul style="list-style-type: none"> <li>• Taking instructions, attending the client</li> <li>• Identifying legal and factual issues</li> <li>• Preparing and filing an application to the court for an order requiring the plaintiff to file:               <ul style="list-style-type: none"> <li>– a statement of claim, or</li> <li>– an originating application</li> </ul> </li> <li>• Serving documents on plaintiff/appellant</li> <li>• Preparation of application for mediation or other alternative dispute resolution (<i>r. 1.7</i>)</li> <li>• Reporting to client</li> <li>• Reporting to and invoicing for Legal Aid</li> </ul>
<b>Objection to jurisdiction</b> (District Court Rules 2009, r. 2.12.7)	up to <b>1</b> hour	For <ul style="list-style-type: none"> <li>• Taking instructions, attending the client</li> <li>• Identifying legal and factual issues</li> <li>• Preparing and filing form HCF G7 stating the respondent/defendant's objection and grounds for it.</li> <li>• Reporting to client</li> <li>• Reporting to and invoicing for Legal Aid</li> </ul>

## Other Civil Proceedings

November 2009

Proceedings commenced in the District Court via Notice of Claim procedure

<b>Counterclaim and claims</b> (District Court Rules 2009, <i>r.</i> 2.27, 2.30 & 2.32))	up to <b>4</b> hours	For preparing and <ul style="list-style-type: none"><li>• Filing a counterclaim against plaintiff (<i>r.</i> 2.27)</li><li>• Serving claims between defendants (<i>r.</i> 2.30)</li><li>• Filing a response to a claim (<i>r.</i> 2.32)</li></ul>
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## Other Civil Proceedings

November 2009

Proceedings commenced in the District Court via Notice of Claim procedure

### Step 2: Information capsule – plaintiff or appellant

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
<b>Preparation of information capsule</b> (District Court Rules 2009, r. 2.14)	up to <b>16</b> hours	For <ul style="list-style-type: none"><li>• Taking instructions, attending the client</li><li>• Identifying legal and factual issues</li><li>• Preparing an information capsule</li><li>• Serving information capsule on respondent/defendant</li><li>• Reporting to client</li><li>• Preparing application for amendment to grant (if guidelines are going to be exceeded)</li><li>• Liaison with Legal Aid</li><li>• Reporting to and invoicing for Legal Aid</li></ul>

## Other Civil Proceedings

August 2009

Proceedings commenced in the District Court via Notice of Claim procedure

### Step 2a: Information capsule – respondent or defendant

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
<b>Preparation of information capsule</b> (District Court Rules 2009, r. 2.15)	up to <b>16</b> hours	For <ul style="list-style-type: none"><li>• Taking instructions, attending the client</li><li>• Identifying legal and factual issues</li><li>• Preparing an information capsule</li><li>• Serving information capsule on plaintiff/appellant</li><li>• Reporting to client</li><li>• Preparing application for amendment to grant (if guidelines are going to be exceeded)</li><li>• Liaison with Legal Aid</li><li>• Reporting to and invoicing for Legal Aid</li></ul>

## Other Civil Proceedings

November 2009

Proceedings commenced in the District Court via Notice of Claim procedure

### Step 3: Pre-hearing matters

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
<b>Preparation of <i>Notice of discontinuance</i> (plaintiff)</b> (District Court Rules 2009, r. 2.17.1)	up to <b>2</b> hours	For <ul style="list-style-type: none"> <li>• Taking instructions, attending the client</li> <li>• Identifying legal and factual issues</li> <li>• Preparing and filing a <i>Notice of discontinuance</i></li> <li>• Reporting to client / Liaison with Legal Aid</li> <li>• Reporting to and invoicing for Legal Aid</li> </ul>
<b>Preparation of <i>Notice of pursuit of claim</i> (plaintiff)</b> (District Court Rules 2009, r. 2.17.2)	up to <b>2</b> hours	For <ul style="list-style-type: none"> <li>• Taking instructions, attending the client</li> <li>• Identifying legal and factual issues</li> <li>• Preparing a <i>Notice of pursuit of claim</i></li> <li>• Serving the <i>Notice of pursuit of claim</i> on each respondent/defendant and filing the documents</li> <li>• Reporting to client / Liaison with Legal Aid</li> <li>• Reporting to and invoicing for Legal Aid</li> </ul>
<b>Preparation of <i>Third party notice</i> (respondent)</b> (District Court Rules 2009, r. 2.18 – 2.20)	up to <b>6</b> hours	For <ul style="list-style-type: none"> <li>• Taking instructions, attending the client</li> <li>• Identifying legal and factual issues</li> <li>• Preparing a <i>Third party notice</i></li> <li>• Serving the <i>Third party notice</i> and associated documentation on third party or parties</li> <li>• Reporting to client / Liaison with Legal Aid</li> <li>• Reporting to and invoicing for Legal Aid</li> </ul>
<b>Interlocutory applications</b> (District Court Rules 2009, r. 2.21 – 2.24)	up to <b>2</b> hours	For <ul style="list-style-type: none"> <li>• Taking instructions, attending the client</li> <li>• Identifying legal and factual issues</li> <li>• Preparing and filing an application:               <ul style="list-style-type: none"> <li>– for leave to apply for the following</li> <li>– to enter a judgment (r. 2.21.1(a))</li> <li>– for the allocation of a hearing date (r. 2.21.1(b))</li> <li>– to set aside a notice (r. 2.24.1)</li> </ul> </li> <li>• Serving documents on respondent/defendant/third party</li> <li>• Reporting to client / Liaison with Legal Aid</li> <li>• Reporting to and invoicing for Legal Aid</li> </ul>
<b>Preparation of <i>Reply to response from respondent</i> (plaintiff)</b> (District Court Rules 2009, r. 2.35.1)	up to <b>3</b> hours	For <ul style="list-style-type: none"> <li>• Taking instructions, attending the client</li> <li>• Identifying legal and factual issues</li> <li>• Preparing and filing a <i>Reply</i></li> <li>• Serving <i>Reply</i> on respondent and any other party</li> </ul>

## Other Civil Proceedings

November 2009

Proceedings commenced in the District Court via Notice of Claim procedure

### Step 4: Short trial

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
<b>Preparation for hearing</b> (District Court Rules 2009, r. 2.44 – 2.45)	up to <b>1.5</b> times anticipated hearing time (hrs)	For <ul style="list-style-type: none"><li>• Reviewing file</li><li>• Preparing amendment to grant (if expecting to exceed guideline hours)</li><li>• Preparing oral evidence</li><li>• Preparing statements of evidence</li><li>• Preparing cross examination</li><li>• Preparing submissions</li><li>• Reporting to client</li><li>• Liaison with Legal Aid</li><li>• Reporting to and invoicing for Legal Aid</li></ul>
<b>Review of decision to allocate short trial</b> (District Court Rules 2009, r. 2.46)	up to <b>2</b> hours	For <ul style="list-style-type: none"><li>• Preparing application</li><li>• Preparing oral submissions if required</li></ul>
<b>Hearing</b>	<b>Actual</b> hours	For <ul style="list-style-type: none"><li>• Attending short trial hearing</li><li>• Making oral submissions in support of application for review</li></ul>

## Other Civil Proceedings

November 2009

Proceedings commenced in the District Court via Notice of Claim procedure

### Step 5: Judicial conferences

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
<b>Settlement and Direction conference</b> (District Court Rules 2009, <i>r.2.47 &amp; r.2.48</i> )	up to <b>1.5</b> times anticipated conference time (hrs)	For <ul style="list-style-type: none"> <li>• Reviewing file</li> <li>• Preparing submissions</li> <li>• Reporting to client</li> <li>• Liaison with Legal Aid</li> <li>• Reporting to and invoicing for Legal Aid</li> </ul>
<b>Interlocutory applications</b> (District Court Rules 2009, <i>r.2.49.4</i> )	up to <b>2</b> hours	For <ul style="list-style-type: none"> <li>• Application for summary judgment</li> <li>• Pre-trial disclosure for simplified trial</li> <li>• Interrogatories</li> <li>• Discovery</li> <li>• Inspection or testing of property</li> <li>• Any other interlocutory relief or order</li> </ul> (Directions conference only - District Court Rules 2009, <i>r.2.49.4</i> )
<b>Hearing</b>	<b>Actual</b> hours	For attending conferences.

## Other Civil Proceedings

November 2009

Proceedings commenced in the District Court via Notice of Claim procedure

### Step 6: Simplified trial

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
<b>Preparation for hearing</b> (District Court Rules 2009, r. 2.52))	up to <b>1.5</b> times anticipated hearing time (hrs)	For <ul style="list-style-type: none"><li>• Reviewing file</li><li>• Preparing amendment to grant (if expecting to exceed guideline hours)</li><li>• Preparing oral evidence</li><li>• Preparing statements of evidence</li><li>• Preparing cross examination</li><li>• Preparing submissions</li><li>• Reporting to client</li><li>• Liaison with Legal Aid</li><li>• Reporting to and invoicing for Legal Aid</li></ul>
<b>Interlocutory applications</b> (District Court Rules 2009, r.2.51.6))	up to <b>2</b> hours	For <ul style="list-style-type: none"><li>• Application for an order to disclose particular documents (r.2.51.3)</li><li>• Application for mediation or ADR</li><li>• Objection to jurisdiction</li><li>• Application for summary judgment</li><li>• Leave to extend time for interlocutory applications</li><li>• Application for strike-out, stay, dismissal or indemnity costs</li><li>• Directions as to service</li><li>• Leave to serve documents outside of New Zealand</li><li>• Any other interlocutory application allowed by the Judge</li></ul>
<b>Hearing</b>	<b>Actual</b> hours	For attending hearing.

## Other Civil Proceedings

November 2009

Proceedings commenced in the District Court via Notice of Claim procedure

### Step 7: Commencement of full trial (High Court only) – plaintiff or appellant

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
<b>Preparation of Statement of claim</b> (District Court Rules 2009, r. 2.7 and r 2.12.2(a))	up to <b>10</b> hours	For <ul style="list-style-type: none"> <li>• Taking instructions, attending the client</li> <li>• Identifying legal and factual issues</li> <li>• Preparing and filing:               <ul style="list-style-type: none"> <li>– Application for leave to file a <i>Statement of claim</i> (see granting notes)</li> <li>– <i>Statement of claim</i></li> <li>– Notice of proceeding</li> <li>– Affidavits in support</li> </ul> </li> <li>• Serving documents on respondent/defendant</li> <li>• Reporting to client</li> <li>• Preparing application for amendment to grant if the guideline hours are going to be exceeded</li> <li>• Liaison with Legal Aid</li> <li>• Reporting to and invoicing for Legal Aid</li> </ul>
<b>Preparation of Originating application</b> (District Court Rules 2009, r. 2.7 and r 2.12.2(b))	up to <b>10</b> hours	For <ul style="list-style-type: none"> <li>• Taking instructions, attending the client</li> <li>• Identifying legal and factual issues</li> <li>• Preparing and filing:               <ul style="list-style-type: none"> <li>– Application for leave to file an <i>Originating application</i> (see granting notes)</li> <li>– <i>Originating application</i></li> <li>– Notice of proceeding</li> <li>– Affidavits in support</li> </ul> </li> <li>• Serving documents on respondent/defendant</li> <li>• Reporting to client</li> <li>• Preparing application for amendment to grant if the guideline hours are going to be exceeded</li> <li>• Liaison with Legal Aid</li> <li>• Reporting to and invoicing for Legal Aid</li> </ul>
<b>Interim injunctions</b>	up to <b>2</b> hours	For drafting and filing interim injunctions.
<b>Hearing</b>	<b>Actual</b> hours	For attending hearing.
<b>Alternate Dispute Resolution</b> (prior approval required)	up to <b>4</b> hours	For attempts to resolve the matter by referral to settlement conference or ADR
<b>Hearing</b> (prior approval required)	<b>Actual</b> hours	For settlement conference or ADR
<b>Additional factors</b>	Up to <b>2</b> hours	For preparation of a summary judgment application.

## Granting Notes

### Application for leave

- Rule 2.7 requires the plaintiff to submit an application for leave to:
  - file a statement of claim and proceed to a full trial under the High Court Rules applying to the statement of claim procedure (HCR 5.25-5.35)
  - file an originating application and proceed to a full trial under the High Court Rules applying to the originating application procedure.
- An application for leave is *not* required to start the following proceedings by way of a statement of claim (*r* 2.9):
  - Admiralty
  - Arbitral awards
  - Defamation

## Step 7a: Commencement of full trial – respondent or defendant

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
<b>Preparation of Statement of Defence</b>	up to <b>6</b> hours	For <ul style="list-style-type: none"> <li>• Taking instructions, attending the client</li> <li>• Identifying legal and factual issues</li> <li>• Preparing and filing:                             <ul style="list-style-type: none"> <li>– Statement of defence (notice of opposition for summary judgment)</li> <li>– Affidavits in reply</li> </ul> </li> <li>• Serving documents on plaintiff or appellant</li> <li>• Reporting to client</li> <li>• Preparing application for amendment to grant if the guideline hours are going to be exceeded</li> <li>• Liaison with Legal Aid</li> <li>• Reporting to and invoicing for Legal Aid</li> </ul>
<b>Interim injunctions</b>	up to <b>4</b> hours	For drafting and filing interim injunctions.
<b>Hearing</b>	<b>Actual</b> hours	For attending hearing.
<b>Alternate Dispute Resolution</b> (prior approval required)	up to <b>4</b> hours	For attempts to resolve the matter by referral to settlement conference or ADR
<b>Hearing</b> (prior approval required)	<b>Actual</b> hours	For settlement conference or ADR
<b>Additional factors</b>	Up to <b>2</b> hours	For preparation to defend a summary judgement application

## Step 8a: Pre-trial matters – immediate track

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
<b>Preparation of documents - <i>plaintiff</i></b>	up to <b>9</b> hours	For <ul style="list-style-type: none"> <li>• Preparation of affidavits or written or oral statements of evidence to be used at hearing</li> <li>• Preparation of lists of issues and authorities and documents for common bundle of documents</li> <li>• All other relevant document preparation</li> <li>• Pre-hearing/trial exchange of documents.</li> </ul>
<b>Preparation of documents – <i>respondent</i></b>	up to <b>6</b> hours	For <ul style="list-style-type: none"> <li>• Preparation of affidavits or written or oral statements of evidence to be used at hearing</li> <li>• Preparation of lists of issues and authorities and documents for common bundle of documents</li> <li>• All other relevant document preparation</li> <li>• Pre-hearing/trial exchange of documents.</li> </ul>
<b>Pre-trial matters</b>	up to <b>3</b> hours	For <ul style="list-style-type: none"> <li>• Taking instructions, attending the client</li> <li>• Identifying legal and factual issues</li> <li>• Preparation associated with call ups</li> <li>• Reporting to client</li> <li>• Preparing application for amendment to grant if the guideline hours are going to be exceeded</li> <li>• Liaison with Legal Aid</li> <li>• Reporting to and invoicing for Legal Aid</li> </ul>
<b>Discovery</b>	up to <b>6</b> hours	For <ul style="list-style-type: none"> <li>• Requesting and reviewing discovery</li> <li>• Preparing discovery for other party</li> </ul>
<b>Further discovery</b>	up to <b>2</b> hours	Where discovery is disputed, preparation and filing of interlocutory application for further and better discovery.
<b>Interlocutory applications</b>	up to <b>2</b> hours preparation for <b>each</b> application	See granting notes for an indicative list of possible interlocutory applications. All applications will be referred to a Specialist Adviser.
<b>Hearing</b>	<b>Actual</b> hours	For attending call ups, discovery and other hearings
<b>Alternate Dispute Resolution</b> (prior approval required)	up to <b>4</b> hours	For attempts to resolve the matter by referral to settlement conference or ADR
<b>Hearing</b> (prior approval required)	<b>Actual</b> hours	For settlement conference or ADR

# Other Civil Proceedings

November 2009

Steps for full trial

## Step 8b: Pre-trial matters – swift track

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Preparation of documents - <i>plaintiff</i>	up to <b>9</b> hours	For <ul style="list-style-type: none"> <li>Preparation of affidavits or written or oral statements of evidence to be used at hearing</li> <li>Preparation of lists of issues and authorities and documents for common bundle of documents</li> <li>All other relevant document preparation</li> <li>Pre-hearing/trial exchange of documents.</li> </ul>
Preparation of documents – <i>respondent</i>	up to <b>6</b> hours	For <ul style="list-style-type: none"> <li>Preparation of affidavits or written or oral statements of evidence to be used at hearing</li> <li>Preparation of lists of issues and authorities and documents for common bundle of documents</li> <li>All other relevant document preparation</li> <li>Pre-hearing/trial exchange of documents.</li> </ul>
Pre-trial matters	up to <b>6</b> hours	For <ul style="list-style-type: none"> <li>Taking instructions, attending the client</li> <li>Identifying legal and factual issues</li> <li>Preparation associated with call ups and conferences</li> <li>Reporting to client</li> <li>Preparing application for amendment to grant if the guideline hours are going to be exceeded</li> <li>Liaison / Reporting to / invoicing for Legal Aid</li> </ul>
Discovery	up to <b>6</b> hours	For <ul style="list-style-type: none"> <li>Requesting and reviewing discovery</li> <li>Preparing discovery for other party.</li> </ul>
Further discovery	up to <b>2</b> hours	Where discovery is disputed, preparation and filing of interlocutory application for further and better discovery.
Interlocutory applications	up to <b>2</b> hours preparation for <b>each</b> application	See Granting Notes for an indicative list of possible interlocutory applications. All applications will be referred to a Specialist Adviser.
Interrogatories	up to <b>5</b> hours	Preparing / reviewing interrogatory questions / answers.
Hearing	<b>Actual</b> hours	For attending: <ul style="list-style-type: none"> <li>call ups</li> <li>discovery</li> <li>directions, timetabling and evaluation conferences</li> <li>other hearings as required.</li> </ul>
Alternate Dispute Resolution (prior approval required)	up to <b>4</b> hours	For attempts to resolve the matter by referral to settlement conference or ADR
Hearing (prior approval required)	<b>Actual</b> hours	For settlement conference or ADR

## Step 8c: Pre-trial matters – standard and assigned track

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
<b>Preparation of documents - <i>plaintiff</i></b>	up to <b>9</b> hours	For <ul style="list-style-type: none"> <li>• Preparation of affidavits or written or oral statements of evidence to be used at hearing</li> <li>• Preparation of lists of issues and authorities and documents for common bundle of documents</li> <li>• All other relevant document preparation</li> <li>• Pre-hearing/trial exchange of documents.</li> </ul>
<b>Preparation of documents – <i>respondent</i></b>	up to <b>6</b> hours	For <ul style="list-style-type: none"> <li>• Preparation of affidavits or written or oral statements of evidence to be used at hearing</li> <li>• Preparation of lists of issues and authorities and documents for common bundle of documents</li> <li>• All other relevant document preparation</li> <li>• Pre-hearing/trial exchange of documents.</li> </ul>
<b>Pre-trial matters</b>	up to <b>8</b> hours	For <ul style="list-style-type: none"> <li>• Taking instructions, attending the client</li> <li>• Identifying legal and factual issues</li> <li>• Preparation of Memorandum of issues for pre-trial/evaluation conferences</li> <li>• Preparation associated with initial, directions, evaluation and pre-trial conferences</li> <li>• Reporting to client</li> <li>• Preparing application for amendment to grant if the guideline hours are going to be exceeded</li> <li>• Liaison with Legal Aid</li> <li>• Reporting to and invoicing for Legal Aid</li> </ul>
<b>Discovery</b>	up to <b>8</b> hours	For <ul style="list-style-type: none"> <li>• Requesting and reviewing discovery</li> <li>• Preparing discovery for other party</li> </ul>
<b>Further discovery</b>	up to <b>2</b> hours	Where discovery is disputed, preparation and filing of interlocutory application for further and better discovery.
<b>Interlocutory applications</b>	up to <b>2</b> hours preparation for <b>each</b> application	See Granting Notes for an indicative list of possible interlocutory applications. All applications will be referred to a Specialist Adviser.
<b>Interrogatories</b>	up to <b>5</b> hours	For preparing and reviewing interrogatory questions and answers.
<b>Hearing</b>	<b>Actual</b> hours	For attending: <ul style="list-style-type: none"> <li>• Initial directions, evaluation and pre-trial conferences</li> <li>• Other hearings as required</li> </ul>
<b>Alternate Dispute Resolution</b> (prior approval required)	up to <b>4</b> hours	For attempts to resolve the matter by referral to settlement conference or ADR

### Steps for full trial

<b>Hearing</b> (prior approval required)	<b>Actual</b> hours	For settlement conference or ADR
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### Granting Notes

- Examples of possible interlocutory applications include:
  - Application for further and better discovery
  - Application for better particulars of a claim
  - Application to strike out
  - Application for summary judgment
  - Application to dismiss claim for want of prosecution (i.e. the other party has not progressed their claim)
  - Application to file an amended statement of claim
  - Application for trial date
  - Application for security for costs (unlikely against legally-aided person)
  - Application to join a 3rd party out of time
  - Application to separate trials
  - Application for a change of venue
  - Application to transfer to another jurisdiction (e.g. from District Court to High Court)
  - Application to appoint a particular expert.

## Other Civil Proceedings

November 2009

Steps for full trial

### Step 9a: Hearing/trial – immediate track

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Preparation for trial	up to <b>4.5</b> hours	For <ul style="list-style-type: none"><li>• Taking instructions, attending the client</li><li>• Identifying legal and factual issues</li><li>• Preparation associated with the hearing</li><li>• Receive and consider judgment</li><li>• Seal judgment</li><li>• Agreed bundle of documents</li><li>• Reporting to client</li><li>• Preparing application for amendment to grant if the guideline hours are going to be exceeded</li><li>• Liaison with Legal Aid</li><li>• Reporting to and invoicing for Legal Aid (include copy of fixture notice and judgement)</li></ul>
<b>Hearing</b>	<b>Actual</b> hours	For attending trial.
<b>Alternate Dispute Resolution</b> (prior approval required)	up to <b>4</b> hours	For attempts to resolve the matter by referral to settlement conference or ADR
<b>Hearing</b> (prior approval required)	<b>Actual</b> hours	For settlement conference or ADR

## Other Civil Proceedings

November 2009

Steps for full trial

### Step 9b: Hearing/trial – swift track

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
<b>Preparation for trial</b>	up to <b>9</b> hours	For <ul style="list-style-type: none"> <li>• Taking instructions, attending the client</li> <li>• Identifying legal and factual issues</li> <li>• Pre-hearing exchange of documents</li> <li>• Preparation associated with the hearing</li> <li>• Receive and consider judgment</li> <li>• Seal judgment</li> <li>• Agreed bundle of documents</li> <li>• Reporting to client</li> <li>• Preparing application for amendment to grant if the guideline hours are going to be exceeded</li> <li>• Liaison with Legal Aid</li> <li>• Reporting to and invoicing for Legal Aid (include copy of fixture notice and judgement)</li> </ul>
<b>Hearing</b>	<b>Actual</b> hours	For attending trial.
<b>Alternate Dispute Resolution</b> (prior approval required)	up to <b>4</b> hours	For attempts to resolve the matter by referral to settlement conference or ADR
<b>Hearing</b> (prior approval required)	<b>Actual</b> hours	For settlement conference or ADR

## Step 9c: Hearing/trial – standard and assigned tracks

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Preparation for trial	up to <b>36</b> hours	For <ul style="list-style-type: none"> <li>• Taking instructions, attending the client</li> <li>• Identifying legal and factual issues</li> <li>• Exchange of witness briefs</li> <li>• Preparation associated with the hearing</li> <li>• Receive and consider judgment</li> <li>• Seal judgment</li> <li>• Agreed bundle of documents</li> <li>• Reporting to client</li> <li>• Preparing application for amendment to grant if the guideline hours are going to be exceeded</li> <li>• Liaison with Legal Aid</li> <li>• Reporting to and invoicing for Legal Aid (include copy of fixture notice and judgement)</li> </ul>
<b>Hearing</b>	<b>Actual</b> hours	For attending trial.
<b>Alternate Dispute Resolution</b> (prior approval required)	up to <b>4</b> hours	For attempts to resolve the matter by referral to settlement conference or ADR
<b>Hearing</b> (prior approval required)	<b>Actual</b> hours	For settlement conference or ADR

## Step 10: Appeal from District Court to High Court

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Preparation for trial	<b>Estimate</b> (by amendment)	For <ul style="list-style-type: none"> <li>• Taking instructions, attending the client</li> <li>• Preparation application for legal aid</li> <li>• Identifying legal and factual issues</li> <li>• Preparation associated with the appeal</li> <li>• Receive and consider judgment</li> <li>• Seal judgment</li> <li>• Agreed bundle of documents</li> <li>• Reporting to client</li> <li>• Preparing application for amendment to grant if the guideline hours are going to be exceeded</li> <li>• Liaison with Legal Aid</li> <li>• Reporting to and invoicing for Legal Aid (include copy of fixture notice and judgement)</li> </ul>
<b>Hearing</b>	<b>Actual</b> hours	For attending appeal hearing.
<b>Alternate Dispute Resolution</b> (prior approval required)	up to <b>4</b> hours	For attempts to resolve the matter by referral to settlement conference or ADR
<b>Hearing</b> (prior approval required)	<b>Actual</b> hours	For settlement conference or ADR

### Granting Notes

- The guideline hours will be set by a Specialist Adviser.

## Supreme Court – Family / Civil

### Step 1(a): Preparation for application to the Supreme Court seeking leave to apply

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Where trial or previous lawyer seeks to be assigned	up to <b>4</b> hrs	Application must be made in advance using LA form 6 accompanied by a completed LA form 5 <i>Summary</i> outlining the grounds of the appeal.  A second counsel will not normally be assigned for the application for leave to appeal.
Where new lawyer seeks to be assigned	up to <b>6</b> hrs	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.
Oral hearing of the application	<b>Actual hearing time</b>	

### Step 1(b): Preparation of response to application to the Supreme Court seeking leave to apply

Where trial or previous appeal lawyer seeks to be assigned	up to <b>3</b> hrs	Application must be made in advance using LA form 6 accompanied by a completed LA form 5 <i>Summary</i> outlining the grounds for opposing the application.
Where new lawyer seeks to be assigned	up to <b>5</b> hrs	A second counsel will not normally be assigned for the application for leave to appeal.
Oral hearing of response to application	<b>Actual hearing time</b>	The response to the application for leave is a maximum of 5 pages.

### Step 2: Where leave was granted

Preparation of the substantive appeal (based on a one day hearing)	<b>30 – 40</b> hrs	Application must be made in advance using LA form 9 <i>Application for Amendment to Grant</i> . Applications must demonstrate the nature of the preparation to be carried out.
Hearing time	<b>Actual hearing time</b>	Consideration will be given to more preparation time based on the: <ul style="list-style-type: none"> <li>▪ Complexity of policy-based arguments presented;</li> <li>▪ Number and complexity of cases used in development of argument presented;</li> <li>▪ Breadth and complexity of other evidence presented.</li> </ul> <p>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.</p> <p>The travel policy will apply to hearings, both in respect of the application for leave and substantive hearings.</p>
Travel costs	<b>Pre-approved relevant travel costs reimbursement rate</b>	

## **Granting Notes**

### **Documentation Requirements**

- Application for Civil Legal Aid (*LA form 5*) [s14 Legal Services Act 2011]
- Civil Legal Aid Amendment to Grant (*LA form 19*) [s28 Legal Services Act 2011]
- Civil Legal Aid Tax Invoice (*LA form 20*)