

CRIMINAL STEPS

Summary Jurisdiction		June 2009
Step 1: Guilty Pleas (including sentencing)		
Activity	Fixed Fees/ Guideline Hours	Tasks normally covered by Guideline Hours
Guilty Plea/Sentencing (both same day – no stand down) OR Charges withdrawn	Flat fee of \$220 including any disbursements	For Taking instructions, attending the client Receiving and reviewing disclosure Identifying legal and factual issues Engaging in charge resolution/negotiation Attending Registrar's/Judge's List Court
Guilty Plea/Sentencing (both same day – after stand down for pre-sentencing reports/inquiries)	Flat fee of \$269 including any disbursements	Entering plea Obtaining pre-sentencing reports Preparing and delivering sentencing submissions Receiving sentence
Guilty Plea/Sentencing (sentencing on another day – after pre-sentencing reports/inquiries obtained)	Flat fee of \$293 including any disbursements	Reporting to client Reporting to and invoicing for Legal Aid
Section 38 – Forensic Report	up to 2 hours	For Liaising, obtaining and reviewing s38 Forensic Report
Expert witness/reports	up to 2 hours	For: Locating expert witness Liaising Psychiatric reports Reviewing reports Expert witness fee subject to approval of amendment
Restorative Justice Report	up to 2 hours	For Obtaining Restorative Justice Report – in preparation for sentencing
Written sentencing submissions	up to 3 hours	For Preparing sentencing submissions under Sentencing Practice Note 2003 or, providing written submissions in support of an application made, for example section 106, special reasons or substitution of community based sentences under the Land Transport Act.

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

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Unopposed application for Bail, Name Suppression (excluding electronic bail monitoring application)	up to 2 hours (for each hearing)	For Taking instructions, attending the client Receiving and reviewing disclosure
Opposed application for Bail, Name Suppression (excluding electronic bail monitoring application)	up to 4 hours (for each hearing)	Identifying legal and factual issues Preparing application for, or opposition to, order(s) Liaising with Family, Whanau – for bail applications Receiving decision
Electronic bail monitoring (unopposed and opposed)	up to 4 hours (for each hearing)	Reporting to client Reporting to and invoicing for Legal Aid
Opposed application for Media Coverage (for all applications)	up to 4 hours (for each hearing)	
Unopposed variation	up to 1 hours (for each hearing)	
Opposed variation	up to 2 hours (for each hearing)	
Hearing	Actual hours	For Attending hearing – including waiting time (see Granting Notes)

Step 3: Disclosure – Criminal Disclosure Act 2008

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Disclosure by defendant	up to 1 hours	For preparation of disclosure package, including: Notice of alibi – s22 Evidence of expert witness - s23 Service on prosecutor Associated correspondence
Non-party disclosure	up to 3 hours	For Application for non-party disclosure hearing – s24
	Actual hours	For: attending non-party disclosure hearing(s)

Step 4: Status Hearing (including Family Violence Monitoring Hearings)

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Preparation for hearing	up to 2 hours	For Taking instructions, attending the client Receiving and reviewing disclosure Identifying legal and factual issues Engaging in charge discussions/resolution/negotiation with the Officer in Charge, Prosecution Entering plea Reporting to client Reporting to and invoicing for Legal Aid
Hearing	Actual hours (if matter continues to a Defended Hearing - Step 4)	For Attending hearing – including waiting time (see Granting Notes)

Granting Notes

If a guilty plea is entered at or before the hearing, then only the following guideline hours/fee may be claimed:

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Guilty plea entered or charges withdrawn at or before status hearing	up to 2 hours plus the Fee for the appropriate Guilty Plea /Sentencing option - Step 1	For Preparing for status hearing Obtaining pre-sentencing reports Preparing and delivering sentencing submissions Receiving sentence Reporting to client Reporting to and invoicing for Legal Aid

Step 5: Defended Hearing

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
<p>Preparation for hearing (including 'same day' sentencing)</p>	<p>up to 5 hours or up to 3 hours (if preparation has already been claimed for the Status Hearing - Step 2)</p>	<p>For Taking instructions, attending the client Receiving and reviewing disclosure Identifying legal and factual issues Preparing for hearing – cross examination, briefing witnesses, submissions Preparing written submissions Preparing and delivering sentencing submissions Receiving verdict/sentence Reporting to client Reporting to and invoicing for Legal Aid</p>
<p>Expert witness/reports</p>	<p>up to 2 hours</p>	<p>For: Locating expert witness Briefing expert witness Liaising Psychiatric reports Reviewing reports Expert witness fee subject to approval of amendment</p>
<p>Hearing (including 'same day' sentencing)</p>	<p>Actual hours</p>	<p>For Attending hearing – including waiting time (see Granting Notes)</p>
<p>Preparation for sentencing (when matter adjourned to another day for sentence)</p>	<p>up to 2 hours</p>	<p>For Preparing for sentencing hearing Obtaining pre-sentencing reports Preparing and delivering sentencing submissions Receiving sentence Reporting to client Reporting to and invoicing for Legal Aid</p>
<p>Section 38 – Forensic Report</p>	<p>up to 2 hours</p>	<p>For Liaising, obtaining and reviewing s38 Forensic Report</p>
<p>Restorative Justice Report</p>	<p>up to 2 hours</p>	<p>For Obtaining Restorative Justice Report – in preparation for sentencing</p>

Step 5: Defended Hearing continued

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Written sentencing submissions	up to 3 hours	For Preparing sentencing submissions under Sentencing Practice Note 2003 or, providing written submissions in support of an application made, for example section 106, special reasons or substitution of community based sentences under the Land Transport Act.
Sentencing hearing (when matter adjourned to another day for sentence)	Actual hours	For Attending hearing – including waiting time (see Granting Notes)

Granting Notes

If a guilty plea is entered at or before the hearing, then only the following guideline hours/fee may be claimed:

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Guilty Plea entered before Hearing	up to 5 hours or	For Preparing for defended hearing Obtaining pre-sentencing reports Preparing and delivering sentencing submissions Receiving sentence Reporting to client Reporting to and invoicing for Legal Aid
	up to 3 hours (if preparation has already been claimed for the Status Hearing - Step 2) plus the Fee for the appropriate Guilty Plea /Sentencing option - Step 1	

Step 6: Appeals to the High Court

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Appeal against disclosure decision (s33(3)(b) Criminal Disclosure Act 2008)	up to 5 hours	For Taking instructions, attending the client Receiving and reviewing disclosure Identifying legal and factual issues Preparing and filing notice of appeal
Bail or Media Coverage	up to 5 hours	Preparing affidavits Undertaking research Liaising with Crown, prosecution
Name Suppression	up to 6 hours	Considering Crown, prosecution submissions Preparing submissions for hearing Interviewing/cross examining witnesses Liaising with the High Court
Appeal against Sentence	up to 6 hours	Receiving decision Reporting to client Liaising with prison
Appeal against Conviction	up to 10 hours	Reporting to and invoicing for Legal Aid
Appeal against Conviction and Sentence	up to 12 hours	
Hearing	Actual hours	For attending hearing – including waiting time (see Granting Notes)

Granting Notes

Waiting Time – Proceedings Step 2, 3, 4, 5

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.

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, and
- an explanation of the circumstances, if more than one hour's waiting time is claimed for an appearance or appearances on a particular day. An explanation of the circumstances 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.

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)

Requesting additional disclosure

Interlocutory applications (actual hearing time may be claimed for interlocutory hearings):

- 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

Guideline hours

Guideline hours include preparing application for amendment to grant (if expecting to exceed fee/guideline hours), correspondence and invoicing.

Documentation Requirements

Application for Criminal Legal Aid (*LA form 1(a) Summary*) [s14 Legal Services Act 2011]

Criminal Legal Aid Amendment to Grant (*LA form 2*) [s28 Legal Services Act 2011] – if the time required for the step is expected to exceed the guideline hours stated

Criminal Legal Aid Guilty Plea Tax Invoice (*LA form 3*)

Criminal Legal Aid Tax Invoice (*LA form 4*) – including a report on proceedings, sentencing outcome.

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	
Preparation (including annexure(s) for Home Detention, Community Detention)	up to 10 hours	up to 15 hours	up to 15 hours	For Taking instructions, attending the client Receiving and reviewing disclosure Identifying legal and factual issues Undertaking research Liaising with Crown/Court Discussing charges/case/plea with Crown Obtaining pre-sentencing reports Preparing sentencing submissions Attending Registrar's/Judge's List Court Entering plea Receiving sentence Reporting to client Reporting to and invoicing for Legal Aid
Section 38 – Forensic Report	up to 2 hours	up to 2 hours	up to 2 hours	For Liaising, obtaining and reviewing s38 Forensic Report
Restorative Justice Report	up to 2 hours	up to 2 hours	up to 2 hours	For Obtaining Restorative Justice Report – in preparation for sentencing
Hearing	Actual hours	Actual hours	Actual hours	For Attending hearing – including waiting time (see Granting Notes)

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

Activity	Guideline Hours			Tasks normally covered by Guideline Hours
	PC2	PC3	PC4	
Unopposed application for Bail, Name Suppression (excluding electronic bail monitoring application)	up to 2 hours (for each hearing)	up to 2 hours (for each hearing)	up to 2 hours (for each hearing)	For Taking instructions, attending the client Receiving and reviewing disclosure Identifying legal and factual issues Preparing application for, or opposition to, order(s) Liaising with Other Agencies and Family, Whanau Receiving decision Reporting to client Reporting to and invoicing for Legal Aid
Opposed application for Bail, Name Suppression (excluding electronic bail monitoring application)	up to 4 hours (for each hearing)	up to 4 hours (for each hearing)	up to 4 hours (for each hearing)	
Electronic bail monitoring (unopposed and opposed)	up to 4 hours (for each hearing)	up to 4 hours (for each hearing)	up to 4 hours (for each hearing)	
Opposed application for Media Coverage (for all applications)	up to 4 hours (for each hearing)	up to 4 hours (for each hearing)	up to 4 hours (for each hearing)	
Unopposed variation	up to 1 hours (for each hearing)	up to 1 hours (for each hearing)	up to 1 hours (for each hearing)	
Opposed variation	up to 2 hours (for each hearing)	up to 2 hours (for each hearing)	up to 2 hours (for each hearing)	
Hearing	Actual hours	Actual hours	Actual hours	

Step 3: Disclosure – Criminal Disclosure Act 2008

Activity	Guideline Hours			Tasks normally covered by Guideline Hours
	PC2	PC3	PC4	
Disclosure by defendant	up to 2 hours	up to 2 hours	up to 2 hours	For preparation of disclosure package, including: Notice of alibi – s22 Evidence of expert witness – s23 Service on prosecutor Associated correspondence
Application for disclosure of information – s30	Estimate (by amendment)	Estimate (by amendment)	Estimate (by amendment)	For Preparation of an application for disclosure of information under s30 Preparation for hearing (including written submissions) For attending hearing(s)
	Actual hours			
Other applications for disclosure	up to 1.5 hours	up to 2 hours	up to 3 hours	For preparation of 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. For attending interlocutory hearing(s)
	Actual hours			
Non-party disclosure	up to 3 hours	up to 4 hours	up to 5 hours	For Preparation of an application for non-party disclosure hearing – s24 Preparation for hearing (including written submissions) For attending non-party disclosure hearing(s)
	Actual hours			

Step 4: Committal – Summary Proceedings Act 1957

Activity	Guideline Hours			Tasks normally covered by Guideline Hours
	PC2	PC3	PC4	
Standard committal (no hearing s169) or	up to 10 hours	up to 20 hours	Estimate (by Amendment)	For Taking instructions, attending the client Identifying legal and factual issues Receiving disclosure Undertaking research Liaising with experts Corresponding with Police/Crown Liaising with Crown/Court Discussing charges/case/with Crown Reviewing videos Reporting to client
Application for oral evidence order (s178) or	up to 5 hours	up to 5 hours	up to 5 hours	For Identifying legal and factual issues Preparing application for Oral Evidence Order Preparing oral or written submissions for Judge List event (Oral Evidence Order <i>with</i> oral submissions) Reporting to client
	Actual hours			For attending Judge List event (Oral Evidence Order <i>with</i> oral submissions only)
Committal hearing (with oral evidence s183) or	up to 15 hours	up to 25 hours	Estimate (by Amendment)	For Preparing hand up witnesses Taking instructions, attending the client Identifying legal and factual issues Receiving disclosure Undertaking research Liaising with experts Corresponding with Police/Crown Liaising with Crown/Court Discussing charges/case/with Crown Reviewing videos Reporting to client Briefing witnesses Preparing cross examination Preparing submissions
	Actual hours			For attending Committal Hearing – including waiting time (see Granting Notes). Oral Evidence Order only

Step 5: Pre-Trial Conferences / Call overs

Activity	Guideline Hours			Tasks normally covered by Guideline Hours
	PC2	PC3	PC4	
Preparation (Memorandum – initial call over)	up to 2 hours	up to 2 hours	up to 2 hours	For Taking instructions, attending the client Receiving and reviewing disclosure Identifying legal and factual issues Undertaking research Reviewing evidence (including videos) Corresponding with Police/Crown
Preparation (Memorandum – each subsequent call over)	up to 1 hours	up to 1 hours	up to 1 hours	Discussing charges/case/with Crown Liaising with experts Receiving Crown memorandum Preparing Defence memorandum Identifying pre trial issues Liaising with Crown/Court Liaising with witnesses Reporting to client Reporting to and invoicing for Legal Aid
Hearing	Actual hours	Actual hours	Actual hours	For Attending hearing – including waiting time (see Granting Notes)

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

Activity	Guideline Hours			Tasks normally covered by Guideline Hours
	PC2	PC3	PC4	
Preparation (For all applications in a substantive hearing)	up to 10 hours	up to 20 hours	up to 20 hours	For Taking instructions, attending the client Receiving and reviewing disclosure Identifying legal and factual issues Perusing file Undertaking research Corresponding with Police/Crown Liaising with Crown/Court Discussing charges/case/with Crown Reviewing Crown submissions Briefing witnesses Preparing cross examination Preparing submissions Reporting to client Reporting to and invoicing for Legal Aid
Expert witness/reports	up to 2 hours	up to 4 hours	up to 4 hours	For: Locating expert witness Liaising Psychiatric reports Reviewing reports Expert witness fee subject to approval of amendment
Hearing	Actual hours	Actual hours	Actual hours	For Attending hearing – including waiting time (see Granting Notes)

Step 7: Trial

Activity	Guideline Hours			Tasks normally covered by Guideline Hours
	PC2	PC3	PC4	
Preparation	up to 15 hours	up to 35 hours	Estimate (by Amend- ment)	For 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 (for edits) Serving summons to appear Briefing witnesses Preparing cross examination Preparing submissions Preparing opening/closing addresses Reporting to client Reporting to and invoicing for Legal Aid
Hearing	Actual hours	Actual hours	Actual hours	For Attending hearing – including waiting time (see Granting Notes)

Step 8: Sentencing

Activity	Guideline Hours			Tasks normally covered by Guideline Hours
	PC2	PC3	PC4	
Preparation for Sentencing (Charges on Arraignment, Post-Trial)	up to 7 hours	up to 13 hours	up to 13 hours	For Taking instructions, attending the client Receiving and reviewing disclosure Identifying legal and factual issues
Judicial Monitoring after Sentencing	up to 2 hours	up to 2 hours	up to 2 hours	Undertaking research Obtaining testimonials/references Corresponding with Police/Crown
Preparation for Sentencing Indication only	up to 2 hours	up to 2 hours	up to 2 hours	Liaising with Crown/Court Reviewing Crown submissions Reviewing probation reports and annexures Preparing submissions Reporting to client Reporting to and invoicing for Legal Aid
Section 38 – Forensic Report	up to 2 hours	up to 2 hours	up to 2 hours	For Liaising, obtaining and reviewing s38 Forensic Report
Restorative Justice Report	up to 2 hours	up to 2 hours	up to 2 hours	For Obtaining Restorative Justice Report – in preparation for sentencing
Hearing	Actual hours	Actual hours	Actual hours	For Attending hearing – including waiting time (see Granting Notes)

Granting Notes

Waiting time – All Proceedings Steps

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 but excludes waiting time where the judge has excused counsel.

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, and
- an explanation of the circumstances, if more than one hour's waiting time is claimed for an appearance or appearances on a particular day. An explanation of the circumstances 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.

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 (actual hearing time will be paid for interlocutory hearings):

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

Guideline hours

Guideline hours include preparing application for legal aid (and amendment to grant if expecting to exceed fee/guideline hours), correspondence and invoicing.

Documentation Requirements

Application for Criminal Legal Aid (*LA form 1*) [s14 Legal Services Act 2011]

Criminal Legal Aid Amendment to Grant (*LA form 2*) [s28 Legal Services Act 2011] – if the time required for the step is expected to exceed the fee/guidelines hours stated

Criminal Legal Aid Tax Invoice (*LA form 4*) – including a report on proceedings, sentencing outcome

Step 1: Proceedings before NZ Parole Board, High Court

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Preparation for hearing – s6(c) Eligible proceedings are those specified under s6(c) Legal Services Act 2000:		For Taking instructions, attending the client Identifying legal and factual issues Reviewing file Perusing Parole Board material
Postponement order (s27)	up to 4 hours	Undertaking research
Recall (ss59-66A -breach of parole)	up to 4 hours	Instructing experts Receiving specialist reports
Non-release orders (s107)	up to 12 hours	Preparing application for order(s) Preparing submissions for hearing(s)
Extended supervision orders (107F-107I, 107M, 107N)	up to 12 hours	Liaising with the Parole Board, High Court Receiving decision
Appeals to High Court from certain decisions of the Parole Board (s 68-70) - postponements, extended supervision orders, recalls	up to 12 hours	Reporting to client Reporting to and invoicing for Legal Aid
Appeals to Court of Appeal from sentencing Court (s107R extended supervision)	up to 12 hours	
Hearing	Actual hours	For Attending hearing – including waiting time (see Granting Notes)

Granting Notes

Other Parole Proceedings

Legal aid will be granted under *civil* proceedings for all other Parole matters excluded through s6(c) of the Legal Services Act 2011.

Waiting Time – All Proceedings Steps

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 but excludes waiting time where the judge has excused counsel.

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, and
- an explanation of the circumstances, if more than one hour's waiting time is claimed for an appearance or appearances on a particular day. An explanation of the circumstances 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.

Guideline hours

Guideline hours include preparing application for legal aid (and amendment to grant if expecting to exceed fee/guideline hours), correspondence and invoicing.

Documentation Requirements

Application for Criminal Legal Aid (*LA form 1*) [s14 Legal Services Act 2011]

Criminal Legal Aid Amendment to Grant (*LA form 2*) [s28 Legal Services Act 2011] – if the time required for the step is expected to exceed the fee/guidelines hours stated

Criminal Legal Aid Tax Invoice (*LA form 4*) – including a report on proceedings, sentencing outcome

Step 1: Preparation of summary of issues to be raised on appeal

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Preparation of issues (by trial counsel)	up to 2 hours	For Taking instructions, attending the client Identifying legal and factual issues Preparing application for legal aid
Preparation of issues (by new counsel)	up to 4 hours	Preparing amendment to legal aid grant (if expecting to exceed guideline hours at this step) Reporting to client Reporting to and invoicing for Legal Aid

Step 2: Preparation of appeals

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Appeal against interlocutory decision (disclosure, pre-trial rulings, admissibility of evidence, name suppression, media coverage, etc)	up to 10 hours	For Taking instructions, attending the client Identifying legal and factual issues Preparing amendment to legal aid grant (if expecting to exceed guideline hours at this step)
Appeal against Sentence	up to 5 hours	Preparing and filing notice of appeal Preparing affidavits Undertaking research
Appeal against Conviction	up to 15 hours	Liaising with Crown, prosecution Considering Crown, prosecution submissions Preparing submissions for hearing Interviewing/cross examining witnesses
Appeal against Conviction and Sentence	up to 19 hours	Liaising with the Court of Appeal Receiving decision Reporting to client Liaising with prison Reporting to and invoicing for Legal Aid
Hearing	Actual hours	For <ul style="list-style-type: none"> Attending hearing – including waiting time (see Granting Notes)

Step 1(a): Preparation of application for Leave to Appeal

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Preparation of application (by trial or prior appeal counsel)	up to 4 hours	For Taking instructions, attending the client Identifying legal and factual issues Preparing application for legal aid Reporting to client
Preparation of application (by new counsel)	up to 6 hours	Reporting to and invoicing for Legal Aid
Hearing	Actual hours	For Attending hearing – including waiting time (see Granting Notes)

Step 1(b): Preparation of response to application for Leave to Appeal

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Preparation of response (by trial or prior appeal counsel)	up to 3 hours	For Taking instructions, attending the client Identifying legal and factual issues Preparing and filing notice of appeal Preparing affidavits
Preparation of response (by new counsel)	up to 5 hours	Undertaking research Liaising with Crown, prosecution Considering Crown, prosecution submissions Preparing submissions for hearing Interviewing/cross examining witnesses Liaising with the Court of Appeal Receiving decision Reporting to client Liaising with prison Reporting to and invoicing for Legal Aid
Hearing	Actual hours	For Attending hearing – including waiting time (see Granting Notes)

Step 2: Substantive Appeal (following the granting of leave)

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Preparation for appeal hearing	up to 40 hours	For Taking instructions, attending the client Identifying legal and factual issues Preparing amendment to legal aid grant (if expecting to exceed guideline hours at this step) Receiving and reviewing disclosure Engaging in charge discussions/resolution/negotiation with the Officer in Charge, Prosecution Entering plea Reporting to client Reporting to and invoicing for Legal Aid
Appeal hearing	Actual hours	For Attending hearing – including waiting time (see Granting Notes)

Granting Notes

Waiting Time – All Proceedings Steps

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 but excludes waiting time where the judge has excused counsel.

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, and
- an explanation of the circumstances, if more than one hour’s waiting time is claimed for an appearance or appearances on a particular day. An explanation of the circumstances 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.

Guideline hours

Guideline hours include preparing application for legal aid (and amendment to grant if expecting to exceed fee/guideline hours), correspondence and invoicing.

Documentation Requirements

Application for Criminal Legal Aid Court of Appeal or Supreme Court (*LA form 12*) [s14 Legal Services Act 2011]

Criminal Legal Aid Amendment to Grant (*LA form 2*) [s28 Legal Services Act 2011] – if the time required for the step is expected to exceed the guideline hours stated

Criminal Legal Aid Tax Invoice (*LA form 4*) – including a report on proceedings, sentencing outcome