

**Fee Schedules:**

**Schedule A, B & C (CMM): Fees schedule for PC1A, B & C Criminal Procedures Simplification cases at Manukau and Tauranga District Courts**

Base Fixed Fees				
Disposed prior to Defended Hearing				
Activity	A	B	C	Tasks covered by Fixed Fee
Guilty Plea/Sentencing or Charges Withdrawn during administrative appearances (before review stage)	<b>\$300</b>	<b>\$350</b>	<b>\$390</b>	For: <ul style="list-style-type: none"> <li>• Taking instructions, attending client</li> <li>• Receiving and reviewing disclosure (may include preparation of disclosure package — ie, disclosure by defendant)</li> <li>• Identifying legal and factual issues</li> <li>• Undertaking research</li> <li>• Engaging in charge resolution/negotiation</li> <li>• Attending to unopposed bail, name suppression, variation, interlocutories etc.</li> <li>• Attending Registrar's/Judge's List Court/Status Hearing</li> <li>• Entering plea</li> <li>• Sentencing submissions including obtaining pre-sentencing reports</li> <li>• Any agent fees</li> <li>• Reporting to client</li> </ul> <p><b>Note, fee covers all hearing time.</b></p>
Case Management Memorandum (CMM) + Guilty Plea/Sentencing	<b>\$450</b>			For: <ul style="list-style-type: none"> <li>• Taking instructions, attending client</li> <li>• Initial CMM discussions with client and prosecutions</li> <li>• Preparation and on-time filing of CMM (compulsory)</li> <li>• Preparation for CMM list event and/or judicial intervention hearing as applicable</li> <li>• Attendance at case review date, CMM list event and/or judicial intervention hearing as applicable</li> <li>• Charges withdrawn, if this occurs as part of the CMM list event or judicial intervention</li> <li>• Entering plea</li> <li>• Sentencing submissions including obtaining pre-sentencing reports</li> <li>• Any agent fees</li> </ul>

				<ul style="list-style-type: none"> <li>• Reporting to client.</li> </ul> <p><b>Note, fee covers all hearing time and includes disposal at a defended hearing if disposal occurs prior to the presentation of evidence.</b></p>
<b>Disposed at Defended Hearing</b>				
<b>Activity</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>Tasks covered by Fixed Fee</b>
Case Management Memorandum (CMM) <ul style="list-style-type: none"> <li>- CMM attendances include Case Management Discussions, Case Review Date, CMM List Event, and Judicial Intervention Hearing</li> </ul>		<b>\$390</b>		For: <ul style="list-style-type: none"> <li>• Taking instructions, attending the client</li> <li>• Initial CMM discussions with client and prosecutions</li> <li>• Preparation and on-time filing of CMM (compulsory)</li> <li>• Preparation for CMM list event and/or judicial intervention hearing as applicable</li> <li>• Attendance at case review date, CMM list event and/or judicial intervention hearing as applicable</li> <li>• Charges withdrawn, if this occurs as part of the CMM list event or judicial intervention</li> <li>• Entering plea</li> <li>• Any agent fees</li> <li>• Reporting to client.</li> </ul> <p><b>To be claimed in conjunction with All attendances up to completion of Defended Hearing fee (below).</b></p>
All attendances (excluding CMM) up to completion of Defended Hearing (including sentencing)		<b>\$190</b>		For: <ul style="list-style-type: none"> <li>• Taking instructions, attending the client</li> <li>• Receiving and reviewing disclosure (may include preparation of disclosure package — ie, disclosure by defendant)</li> <li>• Identifying legal and factual issues</li> <li>• Preparing for hearing – cross examination, briefing witnesses, submissions</li> <li>• Preparing for sentencing hearing (when matter adjourned to another day for sentence)</li> <li>• Obtaining pre-sentencing reports</li> <li>• Preparing and delivering sentencing submissions</li> <li>• Receiving verdict/sentence</li> <li>• Attending defended hearing (up to and including 1.5 hours)</li> <li>• Attending sentencing hearing</li> </ul>

				(when matter adjourned to another day for sentencing) – (up and including 1.5 hours) <ul style="list-style-type: none"> <li>Any agent fees</li> <li>Reporting to client.</li> </ul> <b>To be claimed in conjunction with Disposed at Defended Hearing CMM fee (above).</b>
Defended Hearing / Sentencing Hearing – Additional Hearing Time		<b>\$48</b> per half hour		For: <ul style="list-style-type: none"> <li>Where hearing time for all defended/sentencing hearing attendances exceeds 1.5 hours</li> <li>Any agent fees.</li> </ul>
<b>Additional Fixed Fees</b>				
<b>Applications for Bail, Name Suppression, Media Coverage, Electronic Bail Monitoring</b>				
<b>Activity</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>Tasks covered by Fixed Fee</b>
Opposed application(s) for Bail, Name Suppression		<b>\$225</b>		For: <ul style="list-style-type: none"> <li>Taking instructions, attending the client</li> <li>Receiving and reviewing disclosure</li> </ul>
Electronic bail Monitoring		<b>\$225</b>		<ul style="list-style-type: none"> <li>Identifying legal and factual issues</li> <li>Preparing application</li> <li>Liaising with other agencies and family, whanau – for bail applications</li> </ul>
Opposed application(s) for Media Coverage		<b>\$225</b>		<ul style="list-style-type: none"> <li>Attending hearing/s</li> <li>Receiving decision</li> <li>Any agent fees</li> <li>Reporting to client.</li> </ul> <b>Note, fee covers all hearing time.</b>
<b>Sentencing Reports/Submissions</b>				
<b>Activity</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>Tasks covered by Fixed Fee</b>
Expert witness/reports		<b>\$150</b>		For: <ul style="list-style-type: none"> <li>Locating expert witness</li> <li>Liaising</li> <li>Psychiatric reports</li> <li>Reviewing reports</li> <li>Any agent fees</li> <li>Reporting to client.</li> </ul>
Section 38 – Forensic Report		<b>\$150</b>		For: <ul style="list-style-type: none"> <li>Liaising, obtaining and reviewing section 38 Forensic Report</li> <li>Any agent fees</li> <li>Reporting to client.</li> </ul>
Restorative Justice Report		<b>\$150</b>		For: <ul style="list-style-type: none"> <li>Obtaining Restorative Justice Report – in preparation for sentencing</li> <li>Any agent fees</li> <li>Reporting to client.</li> </ul>

Written sentencing submissions	<b>\$250</b>			For: <ul style="list-style-type: none"> <li>Limited to 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</li> <li>Any agent fees</li> <li>Reporting to client.</li> </ul>
<b>(Interlocutory) Appeals to the High Court</b>				
<b>Activity</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>Tasks covered by Fixed Fee</b>
Appeal against disclosure decision (s33(3)(b) Criminal Disclosure Act 2008)	<b>\$350</b>			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 and filing notice of appeal</li> <li>Preparing affidavits</li> <li>Undertaking research</li> <li>Liaising with Crown, prosecution</li> <li>Considering Crown, prosecution submissions</li> <li>Preparing submissions for hearing</li> <li>Interviewing/cross examining witnesses</li> <li>Liaising with the High Court</li> <li>Receiving decision</li> <li>Any agent fees</li> <li>Reporting to client</li> <li>Liaising with prison.</li> </ul>
Bail or Media Coverage	<b>\$350</b>			
Name Suppression	<b>\$450</b>			
Interlocutory Appeal - Hearing Time	<b>\$48 per half hour</b>			For: <ul style="list-style-type: none"> <li>Actual hearing time</li> <li>Any agent fees.</li> </ul>
<b>Reassignment</b>				
<b>Activity</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>Tasks covered by Fixed Fee</b>
Termination of Assignment fee	<b>\$180</b>	<b>\$210</b>	<b>\$230</b>	For: <ul style="list-style-type: none"> <li>Work undertaken prior to termination of assignment that has substantially progressed case.</li> </ul> <p><b>Note, the Termination of Assignment fee cannot be paid if a base fee has previously been paid to that provider. See reassignment policy for details.</b></p>

## Granting notes

### Invoicing

Reporting to Legal Aid and invoicing in line with fees under the applicable schedule are tasks deemed to be included in every fixed fee. Additional payment cannot be claimed for these tasks.

### Waiting time

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. Waiting time is payable in half hour blocks, rounded up to the nearest half hour.

If more one hour's waiting time is claimed per activity (eg, waiting time for trial or waiting time for sentencing), the following information is required:

- A summary of both the waiting time and hearing time on the day of appearance – date and times.
- If waiting time exceeds one hour for an appearance or appearances on a particular day, an explanation of the circumstances is also required. This 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

Disclosure by the prosecutor can occur at many points in proceedings. Where the schedules refer to 'Receiving and reviewing disclosure', this includes any or all of the following tasks, unless a separate fixed fee is otherwise specified:

- 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:
  - 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.

### Documentation requirements

Case Management Memorandum – copy of date stamped front page

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

Criminal Legal Aid Fixed Fees Tax Invoice — Schedules A–C (*LA form 23*) [[s97 Legal Services Act 2011](#)]