

LEGAL FEE RULING – FILLABLE FORM STEP BY STEP INSTRUCTIONS TO ADJUDICATORS

Compatibility

The recommended program to use is Microsoft Excel. This form is compatible with Windows and Macintosh operating systems and may function with other spreadsheet programs such as OpenOffice.org Calc if you do not have Microsoft Excel available.

Language

Both the French and English versions of the Legal Fee Review forms are built into the one excel document. The Data entry tab is bilingual while Schedules 1 and 2 are auto-filled on different tabs in each language. (Schedule 1 – English, Annexe 1 – Français, Schedule 2 – English, Annexe 2 - Français).

1) Data Entry

Filling in the form

You will see 5 tabs at the bottom of the screen. However, you will enter all of your data only in the first tab to the left of the page, Data Entry. If you try to enter data directly into the Schedules, the form will not allow you to do so. As Schedule 2 rulings are too lengthy for an Excel document, you will need to complete your Schedule 2 reasons separately, using your word processing software, and attach the reasons to the data on the form. To fill out the legal fee ruling form, enter the appropriate data into the fields in the "DataEntry" tab. All of these fields are language neutral.

Claim Number

Enter only the claim letter, a hyphen and five numbers. Do not add the E-5442-10 information as this is already built into the form. E.g. D-33333

Claimant

Enter the Claimant's name as it appears in the decision or NSP.

Adjudicator Name

Enter the Adjudicator's name.

Claimant's lawyer

Enter the Claimant's lawyer's name.

Note: The "Claimant", "Adjudicator" and "Claimant's Lawyer" fields are limited to 30 characters. There is a character counter for the "Claimant" field you can use as a guide.

Total Awarded in IAP Decision

Enter the value of the award under the IAP Decision (or Negotiated Settlement). Do not format the amount or enter decimals; formatting is automated by the form. For example, an award of \$25,000.00 would simply be entered as 25000.

Claimant Address

Enter the Claimant's address. To enter another line, hold down the "Alt" key and press "Enter".

Dated at –

City, Province/Territory: Enter the name of the city and province or territory.

Date: Enter the date the ruling was signed. The date must be entered in this cell in the prescribed format: MM/DD/YYYY including the slashes. Note that the month comes first. The form will automatically format the date correctly for the language used on the form.

Chief Adjudicator's Fee Guideline Calculation Table

This section illustrates the calculation of the Chief Adjudicators' Legal Fee Guidelines. Do not modify the amounts here.

Legal Fees Claimed

Enter the legal fees claimed by legal counsel in dollar amounts. If legal counsel has voluntarily reduced their fees below what is allowed in the contingency fee agreement, enter the lower amount. For example, if the CFA was for 30% and counsel reduces their fees to the guidelines, enter the guideline amount. Again, do not format the amount; formatting is automated by the form.

Override Approved Fees

Enter the amount approved for legal fees in your decision if the Chief Adjudicator's Fee Guidelines are not applied.

IMPORTANT: This will override the auto-calculated fees.

Approved Legal fees

This field is automatically generated. If the override value is empty, this will use the lesser of fees claimed or the Chief Adjudicator's Fee Guidelines. If the override cell has a value, the override amount is used.

Special Note: If the amount of legal fees is auto-calculated as per the Chief Adjudicator's Fee Guidelines, an extra table will appear on the Schedules, explaining how these fees were calculated.

Taxes

Since taxes are handled differently from province to province, the tax section has been broken up into 3 sections: GST or HST, PST or QST and Special Considerations.

For the GST or HST and PST or QST sections, the first number represents what portion of the legal fees are covered by the appropriate tax and the second value represents the tax rate. This should have been provided to you by the legal counsel. Simply enter the percentage numbers (there is no need for the % symbol). In a typical file, you would enter 100% of the fees as taxable, then enter the rate of tax. It may be less if part of the services are said to be exempt from tax. Once you enter the percentage of the fees subject to tax and the rate of tax, the form will make the calculations.

Special Considerations

This is designed to address firms that only charge 15% of the award, including taxes. If this is the case, you will need to enter "X" in the "Legal Fees at 15% of award, taxes included" field. In this situation, where taxes are included, the form will not calculate the taxes, but will instead auto-fill to show the taxes are included.

Special lawyer considerations

If the claimant was formerly represented by Blott & Co, enter "X" in the field. Wording will automatically appear on the Schedule to indicate that the transition provisions apply.

Lawyer representation text selection

This section will select the appropriate payment directions to legal counsel when there was previously another lawyer working with the claimant.

If there was no previous lawyer, enter an "X" in "No text".

If was a previous lawyer and no agreement on how to divide fees, enter an "X" in "long text".
If there was a previous lawyer and an agreement on how to divide fees, enter an "X" in "short text".

Reason for approval of Legal Fee

Your Schedule 1 Reasons should be entered in this field. If your reasons are too long to display in this box, they will not fit on the Schedule 1 page. In this case, enter "Reasons for approval of legal fee are on attached document" in this field. Then write your reasons in a separate Word or Word Perfect document and submit both together.

Reasons to support your Schedule 2 ruling (in Word or Word Perfect format) will need to be submitted along with the fillable form.

Overview

Further down the tab is an overview of the completed calculations based on the information entered above. This is a good place to ensure everything has been entered correctly.

2) Add your Electronic Signature

To add your electronic signature, navigate from the Data entry sheet to the tab that represents the Schedule you are submitting. Scroll down to the Signature Box on page 2. Mouse click (once) inside the large white box beside the word "Signature". From the main menu, select Insert. Click to choose "Picture". In the newly opened window browse to locate the image file. Select it. Click Insert.

TIP: If you have to resize the image to fit, hover the mouse over the bottom right corner circle of the perimeter of the image. Mouse click and drag the cross-hairs until the image is the desired size. Take care not to cover the date and adjudicator name.

3) Saving a filled copy of the form

To save a copy with the data you have entered, select the "Save As" option from the "File" menu and name your file appropriately with the file number (e.g. D-33333) and the Schedule type. Save the final form as you would any other file and submit via EDI. Remember to submit both the fillable form and your Reasons if you wrote a Schedule 2.

Printing

There is no requirement to print the form. If you choose to print a copy for your own purposes, simply go to the tab that represents the Schedule you are trying to complete and the language it needs to be printed in and print as you normally would.

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