

Ministry of Community Safety and Correctional Services

Coroner's Inquest Legal Fee Reimbursement Program Guidelines

April 2009

PROGRAM ELIGIBILITY

You are eligible under the Coroner's Inquest Legal Fee Reimbursement Program to apply for reimbursement of the costs of legal representation for an inquest if:

- You are a parent or spouse of the deceased;
- The deceased was a victim of crime; and
- You have been granted standing by the presiding coroner at the inquest into their death.

For the purposes of the program, the deceased is considered a victim of crime if there are reasonable grounds to believe that the death was the direct result of conduct by another person that is prohibited under the Criminal Code of Canada.

A conviction for the crime is not a pre-requisite, as long as there is sufficient evidence to establish that the victim's death was the direct result of criminal conduct.

Applicants who are under investigation, charged with or convicted of committing the crime that led to the victim's death are not eligible.

APPLICATION PROCESS

Applications can be submitted to the Office of the Deputy Minister of Community Safety for the Ministry of Community Safety and Correctional Services at the following address or by fax:

25 Grosvenor Street, 11th Floor
Toronto, ON M7A 1Y6
Fax: (416) 327-0469

In order to determine whether a person is eligible under the program, applicants are encouraged to submit their application as soon as they have been granted standing at the inquest. Applications may be submitted at any point during the inquest process and up to two years after the conclusion of the inquest.

Applicants will be advised in writing of their eligibility after their applications are assessed and an eligibility decision is reached.

The ministry's decision regarding eligibility is final and there is no appeal process.

FUNDING PROCESS

Once applications have been assessed and applicants advised they are eligible to seek funding under the Coroner's Inquest Legal Fee Reimbursement Program, the lawyer's statement of account is to be submitted to the ministry at the close of the inquest, at the same address as the application (see page 2) to be assessed for eligible expenses.

No funding decisions will be made until the inquest is concluded and the lawyer's final statement of account has been submitted to the ministry. The ministry will determine what portion is eligible for reimbursement.

Applicants must notify the ministry in writing of any changes to their submitted request for funding.

Applicants will be advised in writing of the amount that is being reimbursed based on the ministry's review. A cheque will be made payable to the applicant unless written direction has been received to make the cheque payable to the applicant's lawyer in trust.

The ministry's decision regarding the amount of reimbursement is final and there is no appeal process.

ELIGIBLE EXPENSES

Applicants will only be reimbursed for approved eligible expenses as set out below (eligible cost categories) and in Appendices A to D of the program guidelines.

A maximum of \$45,000 is available for legal fee reimbursement per inquest: \$40,000 for legal fees and \$5,000 for travel and other expenses.

Exceptions may be made in the following limited circumstances:

- when an inquest runs longer than 20 days; and/or
- when the location of the inquest results in higher travel and accommodation expenses.

The maximum amount available under the exception provision is \$45,000.

The total maximum amount an applicant can receive is \$90,000, if he/she meets the criteria for the exception provision and his/her legal fees are assessed as eligible.

In the event that the applicant seeks to have the ministry consider exercising its discretion under the exception provisions, the applicant's lawyer must provide the ministry with written reasons as to the basis for the exception provisions. Decisions on exceptions will be made at the conclusion of the inquest.

Eligible legal fees will only be reimbursed for one legal representative at one time.

Eligible Cost Categories

The following costs are eligible for reimbursement:

Legal Representation

- Legal fees will only be reimbursed for one legal representative at one time at a rate of up to \$192/hr, for up to 9 hours a day (7 hours court time, 2 hours preparation time).
- Legal fees and disbursements eligible for reimbursement include opening and closing statements, examination of witnesses and reasonable preparation for, and representation at, those portions of the inquest for which standing has been accorded to the client.
- Legal fees eligible for reimbursement include attendance at meetings requested by the presiding Coroner, the production of documents and the provision of other information requested by the presiding Coroner.
- Reasonable pre-inquest preparation time to review the coroner's brief, attend pre-inquest meetings as requested by the presiding coroner, and meetings with the client to obtain instructions and to prepare the client to provide evidence at the inquest.

Travel, accommodation, meals, and mileage

- Reasonable travel and accommodation costs for the legal representative will be reimbursed in accordance to Appendix A.
- Meal costs incurred by the legal representative (exclusive of alcoholic beverages) while away from home and engaged in activities related to the inquest will be reimbursed according to the rates outlined in Appendix B.
- The allowable rate for mileage for the legal representative when using a personal vehicle will be reimbursed according to the rates outlined in Appendix C.

- All claims for reimbursement of travel, accommodation, meals and mileage expenses must be supported by original, itemized receipts.

Disbursements and other costs

- Reasonable claims for disbursements as outlined in Appendix D may be reimbursed and must be supported by receipts or invoices.
- Photocopying and faxes may be reimbursed.

Ineligible Cost Categories

The following costs are not eligible for reimbursement:

- Applications to the presiding Coroner to be granted standing at an inquest.
- Judicial reviews of Coroner decisions regarding standing.
- Office overhead costs.
- Funding related to the investigative activities of other agencies or to the investigative activities of the Coroner except for preparation and attendance at interviews by Coroner counsel or staff.
- Legal services being paid for or provided by Legal Aid.

APPENDIX A

Travel and Accommodation Expenses

The following travel and accommodation expenses are eligible for reimbursement where the distance travelled is 50 kilometres or more, one way, from the lawyer's office to the place where his or her duties are performed in relation to the inquest:

Road transportation

- Personal vehicle when it is the most practical and economical way to travel.
- Rental vehicle if a personal vehicle is not available and a rental vehicle is more economical than use of a personal vehicle. The size of the rental car must be the most economical and practical required for the business task and number of occupants.
- Bridge, ferry and highway tolls and necessary parking fees.
- Whenever practical, local public transportation/hotel shuttles must be used.
- Reimbursement for taxicabs when it is the most practical and economical.

Rail Transportation

- Travel by rail (coach class) is permitted when this is the most practical and economical way to travel.

Air Transportation

- Economy travel by air is permitted when this is the most practical and economical way to travel.

Accommodation

- Reimbursement will be made for reasonable single accommodation in a standard room, and no reimbursement will be made for suites, executive floors, or concierge levels.

APPENDIX B

Maximum Meal Allowance Reimbursement

Amounts include gratuities and taxes and must be supported by receipts:

Breakfast: \$ 8.75
 Lunch: \$11.25
 Dinner: \$ 20.00

For a full day of meal claims (i.e. breakfast, lunch and dinner), claimants can allocate \$40.00 among the three meals, with a suggested cap of \$20.00 for any single meal. Please note that for less than a full day of meal claims, claimants must use the separate meal rates noted above.

Claimants must submit original, itemized receipts with all claims for reimbursement of meal expenses. Reimbursement will not exceed the amount actually spent (including taxes and tip). Where meals have been paid in excess of the allowable limits, claimants may only claim the maximum amount. Alcohol may not be claimed.

APPENDIX C

Kilometre Reimbursement Rates for Personal Vehicle Use

The reimbursement rates for a personal vehicle are as follows:

Kilometres Driven	Southern Ontario (cents per km)	Northern Ontario (cents per km)
-------------------	------------------------------------	------------------------------------

0 – 4,000 km	0.4000	0.4100
4,001 – 10,700 km	0.3500	0.3600
10,701 – 24,000 km	0.2900	0.3000
More than 24,000 km	0.2400	0.2500

Note: The boundary between northern and southern Ontario is described as follows:

Healey Lake (Municipal) Road from Healey Lake easterly to its junction with Hwy 612;
 Highway 612 southerly to its junction with Highway 69;
 Highway 69 easterly to its junction with Highway 169;
 Highway 169 easterly to its junction with Highway 118;
 Highway 118 through Bracebridge to its junction with Highway 11;
 Highway 11 northerly to its junction with Highway 60 at Huntsville;
 Highway 60 easterly to its junction with Highway 62 at Killaloe Station; and Highway 62 to Pembroke.

The Highways named above are considered to be in Southern Ontario.

APPENDIX D

Eligible Disbursements

The following out-of-pocket disbursements actually and reasonably incurred are eligible for reimbursement:

- Long distance telephone and telecommunication charges.
- The actual cost of copies of documents purchased from a court office or from the office of a government or government agency and in any other case.
- Postage, express or courier charges in relation to the inquest.