

NP - General Rate Application - 2008

Information - # 15

Filed: Oct. 26, 2007 Board Secretary: CS

# Going

## Trends and changes

- In almost all of the 21 categories, fees are higher than last year by an average of three to five percent.
- In the few remaining categories where fees did not go up (commercial and residential real estate), they were slightly lower than last year.
- Hourly rates are, on average, slightly higher than in 2004. (See box below: "How does your hourly rate compare?")

- Services where fees and rates remained at about the same level as last year were those in fields where there is new or increasing competition from other service providers, including paralegals, title insurers, banks and accountants.

## Caveats

This type of survey does have some limitations. We did not ask how much time is spent on particular matters, or the

experience level of the respondents. Some lawyers pointed out that not all of their clients are charged on a straight fee-for-service basis (some family lawyers and real estate practitioners noted they charge an hourly rate). In several categories, practitioners stated that they charged either their hourly rate, a local tariff (criminal), a flat percentage of the purchase price (real estate), or a contingency fee (civil actions, personal injury).

As well, fees charged in areas outside major centres are generally much lower. "We are a small firm that assists blue-collar folks mostly," says a small firm practitioner from Ontario, "so we keep our fees low."

## How we did our survey

Practitioners in every province were asked for the total fees, excluding tax and disbursements, charged for each of 21 common legal matters. Lawyers were asked to offer an average fee, or a minimum and maximum range, but many offered all three. The "average range" was calculated using the mean average of the highs and lows; We indicate the high and low rate recorded for each matter.

## HOW DOES YOUR HOURLY RATE COMPARE?

### Hourly rates for 2005

We also asked for the hourly rate charged for three separate years of call — 2005, 2000 (five years out) and 1995 (10 years out). Here are the average answers for selected areas and provinces across the country.

Province	2005	2000	1995
B.C.	\$130	\$190	\$215
Prairies	\$120	\$190	\$260
Ontario	\$150	\$205	\$260
Atlantic	\$100	\$140	\$170
National	\$130	\$190	\$235

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## NATIONAL FEE RANGES — SAMPLE SIZE 110 FIRMS

	AREA MATTER	\$ AVERAGE RANGE		\$ LOW	\$ HIGH	\$ AVERAGE
FAMILY	Uncontested Divorce	560	— 1,280	200	3,200	940
	Contested Divorce	2,350	— 16,970	500	100,000	8,505
	Separation Agreement	550	— 2,170	200	7,000	1,420
	Child Custody & Support	1,530	— 10,740	500	50,000	6,180
CRIMINAL	Summary Offence (Guilty Plea)	560	— 1,860	200	5,000	1,280
	Criminal Offence (One-day Trial)	1,250	— 3,500	500	10,000	2,430
ESTATE	Simple Will	100	— 330	50	2,000	240
	Complex Will	220	— 980	100	5,000	610
	Power of Attorney	80	— 170	0	500	125
	Probate	800	— 3,940	300	15,000	2,610
CIVIL LITIGATION	Civil Action (Two-day Trial)	6,280	— 33,670	2,000	150,000	20,830
	Civil Action (Appeal Only)	7,000	— 53,615	3,000	250,000	34,180
REAL ESTATE	Purchase	430	— 880	250	2,500	680
	Residential Sale and Purchase	710	— 1,305	350	4,000	1,040
	Commercial Property Purchase	810	— 4,555	500	15,000	2,565
	Commercial Lease Agreement	760	— 1,840	500	5,000	1,210
CORPORATE	Simple Incorporation	460	— 1,140	300	5,000	830
	Shareholders' Agreement	520	— 3,050	150	10,000	1,800
	Secured Financial Agreement	465	— 1,570	200	3,000	920
	Simple Prospectus	N/A				
	Merger Acquisition	10,700	— 58,750	1,000	250,000	50,500

## NATIONAL FIRM FEES — SAMPLE SIZE 52 FIRMS

	AREA MATTER	\$ AVERAGE RANGE		\$ LOW	\$ HIGH	\$ AVERAGE
FAMILY	Uncontested Divorce	620	— 1,400	500	2,500	1,010
	Contested Divorce	2,695	— 16,860	750	40,000	8,890
	Separation Agreement	675	— 2,040	250	4,800	1,315
	Child Custody & Support	1,500	— 9,610	800	25,000	5,970
CRIMINAL	Summary Offence (Guilty Plea)	505	— 1,550	200	5,000	1,065
	Criminal Offence (One-day Trial)	1,170	— 3,770	600	10,000	2,500
ESTATE	Simple Will	130	— 610	50	2,000	360
	Complex Will	270	— 1,610	100	5,000	950
	Power of Attorney	85	— 190	40	400	140
	Probate	1,170	— 5,180	400	10,000	3,360
CIVIL LITIGATION	Civil Action (Two-day Trial)	11,170	— 43,930	5,000	150,000	27,870
	Civil Action (Appeal Only)	7,820	— 57,250	5,000	250,000	35,670
REAL ESTATE	Purchase	480	— 830	250	1,200	670
	Residential Sale and Purchase	700	— 1,220	400	1,600	940
	Commercial Property Purchase	N/A				
	Commercial Lease Agreement	N/A				
CORPORATE	Simple Incorporation	430	— 1,530	300	5,000	1,050
	Shareholders' Agreement	845	— 4,500	150	10,000	2,790
	Secured Financial Agreement	N/A				
	Simple Prospectus	N/A				
	Merger Acquisition	N/A				

## NATIONAL SOLE PRACTITIONER FEES – SAMPLE SIZE 58 FIRMS

	AREA MATTER	\$ AVERAGE RANGE		\$ LOW	\$ HIGH	\$ AVERAGE
FAMILY	Uncontested Divorce	570	— 1,280	200	3,200	910
	Contested Divorce	1,060	— 13,305	500	100,000	8,320
	Separation Agreement	550	— 2,280	200	7,000	1,460
	Child Custody & Support	1,550	— 10,330	500	50,000	6,280
CRIMINAL	Summary Offence (Guilty Plea)	700	— 2,060	280	5,000	1,390
	Criminal Offence (One-day Trial)	1,450	— 3,300	750	7,000	2,370
ESTATE	Simple Will	100	— 250	75	600	180
	Complex Will	210	— 580	100	1,500	400
	Power of Attorney	80	— 160	0	500	120
	Probate	1,000	— 3,400	300	15,000	2,080
CIVIL LITIGATION	Civil Action (Two-day Trial)	3,710	— 6,290	2,000	8,000	5,000
	Civil Action (Appeal Only)	N/A				
REAL ESTATE	Purchase	440	— 955	300	2,500	690
	Residential Sale and Purchase	730	— 1,340	350	4,000	1,080
	Commercial Property Purchase	790	— 4,050	500	15,000	2,680
	Commercial Lease Agreement	630	— 1,260	500	2,500	1,020
CORPORATE	Simple Incorporation	480	— 860	300	1,500	700
	Shareholders' Agreement	400	— 775	200	2,000	660
	Secured Financial Agreement	540	— 1,500	300	1,500	940
	Simple Prospectus	N/A				
	Merger/Acquisition	N/A				

## BRITISH COLUMBIA FEES – SAMPLE SIZE 20 FIRMS

	AREA MATTER	\$ AVERAGE RANGE		\$ LOW	\$ HIGH	\$ AVERAGE
FAMILY	Uncontested Divorce	540	— 910	400	1,200	750
	Contested Divorce	3,810	— 25,750	1,000	100,000	15,890
	Separation Agreement	890	— 2,950	500	5,000	2,080
	Child Custody & Support	2,650	— 15,330	1,000	50,000	9,950
CRIMINAL	Summary Offence (Guilty Plea)	750	— 1,550	300	2,500	1,170
	Criminal Offence (One-day Trial)	2,400	— 4,670	1,000	7,000	3,170
ESTATE	Simple Will	155	— 285	\$120	\$600	\$240
	Complex Will	240	— 530	200	900	440
	Power of Attorney	70	— 110	0	150	90
	Probate	1,270	— 1,930	500	2,500	1,575
CIVIL LITIGATION	Civil Action (Two-day Trial)	7,250	— 13,600	5,000	20,000	11,290
	Civil Action (Appeal Only)	N/A				
REAL ESTATE	Purchase	440	— 780	350	1,200	650
	Residential Sale and Purchase	600	— 1,140	350	1,500	920
	Commercial Property Purchase	N/A				
	Commercial Lease Agreement	N/A				
CORPORATE	Simple Incorporation	490	— 720	475	945	640
	Shareholders' Agreement	815	— 2,980	500	7,000	2,360
	Secured Financial Agreement	N/A				
	Simple Prospectus	N/A				
	Merger/Acquisition	N/A				

## PRAIRIES FEES – SAMPLE SIZE 27 FIRMS

	AREA MATTER	\$ AVERAGE RANGE	\$ LOW	\$ HIGH	\$ AVERAGE
FAMILY	Uncontested Divorce	800 — 1,820	500	3,200	1,295
	Contested Divorce	2,970 — 14,550	750	45,000	8,000
	Separation Agreement	580 — 2,280	250	7,000	1,560
	Child Custody & Support	1,870 — 7,500	800	20,000	4,215
CRIMINAL	Summary Offence (Guilty Plea)	470 — 1,950	200	6,000	1,160
	Criminal Offence (One-day Trial)	1,530 — 4,420	750	10,000	2,900
ESTATE	Simple Will	100 — 240	50	300	170
	Complex Will	200 — 630	100	2,000	430
	Power of Attorney	95 — 180	40	300	140
	Probate	1,045 — 4,875	300	15,000	2,960
CIVIL LITIGATION	Civil Action (Two-day Trial)	4,625 — 35,280	2,000	150,000	22,670
	Civil Action (Appeal Only)	8,200 — 40,600	3,000	120,000	27,000
REAL ESTATE	Purchase	395 — 640	250	1,500	600
	Residential Sale and Purchase	640 — 1,100	400	1,700	890
	Commercial Property Purchase	N/A			
	Commercial Lease Agreement	800 — 1,950	500	5,000	1,520
CORPORATE	Simple Incorporation	480 — 905	300	1,300	680
	Shareholders Agreement	450 — 2,280	150	10,000	1,450
	Secured Financial Agreement	580 — 1,080	500	2,000	940
	Simple Prospectus	N/A			
	Merger Acquisition	23,830 — 106,670	1,500	250,000	80,375

## ONTARIO FEES – SAMPLE SIZE 51 FIRMS

	AREA MATTER	\$ AVERAGE RANGE	\$ LOW	\$ HIGH	\$ AVERAGE
FAMILY	Uncontested Divorce	535 — 1,160	300	2,800	860
	Contested Divorce	1,940 — 6,940	500	20,000	4,680
	Separation Agreement	650 — 1,730	200	4,000	1,260
	Child Custody & Support	1,600 — 7,000	500	20,000	4,560
CRIMINAL	Summary Offence (Guilty Plea)	815 — 2,260	500	5,000	1,500
	Criminal Offence (One-day Trial)	1,170 — 2,500	500	3,500	1,835
ESTATE	Simple Will	130 — 585	100	2,000	360
	Complex Will	400 — 1,530	250	5,000	1,100
	Power of Attorney	80 — 205	50	500	145
	Probate	1,070 — 4,150	500	10,000	2,800
CIVIL LITIGATION	Civil Action (Two-day Trial)	8,310 — 26,875	3,500	100,000	18,320
	Civil Action (Appeal Only)	8,170 — 60,330	5,000	250,000	38,900
REAL ESTATE	Purchase	520 — 900	350	1,200	690
	Residential Sale and Purchase	850 — 1,270	500	1,900	1,070
	Commercial Property Purchase	880 — 1,715	600	4,000	1,440
	Commercial Lease Agreement	720 — 1,070	500	2,000	950
CORPORATE	Simple Incorporation	560 — 1,660	300	5,000	1,050
	Shareholders Agreement	740 — 3,170	300	7,500	2,185
	Secured Financial Agreement	430 — 1,300	400	3,000	1,075
	Simple Prospectus	N/A			
	Merger Acquisition	N/A			

## PRAIRIES FEES — SAMPLE SIZE 27 FIRMS

	AREA MATTER	\$ AVERAGE RANGE	\$ LOW	\$ HIGH	\$ AVERAGE
FAMILY	Uncontested Divorce	800 — 1,820	500	3,200	1,295
	Contested Divorce	2,970 — 14,550	750	45,000	8,000
	Separation Agreement	580 — 2,280	250	7,000	1,560
	Child Custody & Support	1,870 — 7,500	800	20,000	4,215
CRIMINAL	Summary Offence (Guilty Plea)	470 — 1,950	200	5,000	1,160
	Criminal Offence (One-day Trial)	1,530 — 4,420	750	10,000	2,900
ESTATE	Simple Will	100 — 240	50	300	170
	Complex Will	200 — 630	100	2,000	430
	Power of Attorney	95 — 180	40	300	140
	Probate	1,045 — 4,875	300	15,000	2,960
CIVIL LITIGATION	Civil Action (Two-day Trial)	4,625 — 35,280	2,000	150,000	22,670
	Civil Action (Appeal Only)	8,200 — 40,600	3,000	120,000	27,000
REAL ESTATE	Purchase	395 — 640	250	1,500	600
	Residential Sale and Purchase	640 — 1,100	400	1,700	890
	Commercial Property Purchase	N/A			
	Commercial Lease Agreement	800 — 1,950	500	5,000	1,520
CORPORATE	Simple Incorporation	480 — 905	300	1,800	680
	Shareholders' Agreement	450 — 2,280	150	10,000	1,460
	Secured Financial Agreement	580 — 1,080	500	2,000	940
	Simple Prospectus	N/A			
	Merger/Acquisition	23,830 — 106,670	1,500	250,000	80,375

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	AREA MATTER	\$ AVERAGE RANGE	\$ LOW	\$ HIGH	\$ AVERAGE
FAMILY	Uncontested Divorce	535 — 1,160	300	2,800	860
	Contested Divorce	1,940 — 6,940	500	20,000	4,680
	Separation Agreement	650 — 1,730	200	4,000	1,260
	Child Custody & Support	1,600 — 7,000	500	20,000	4,560
CRIMINAL	Summary Offence (Guilty Plea)	815 — 2,260	600	5,000	1,500
	Criminal Offence (One-day Trial)	1,170 — 2,500	500	3,500	1,835
ESTATE	Simple Will	130 — 585	100	2,000	360
	Complex Will	400 — 1,530	250	5,000	1,100
	Power of Attorney	80 — 205	50	500	145
	Probate	1,070 — 4,150	500	10,000	2,800
CIVIL LITIGATION	Civil Action (Two-day Trial)	8,310 — 26,875	3,500	100,000	18,320
	Civil Action (Appeal Only)	8,170 — 60,330	6,000	250,000	38,900
REAL ESTATE	Purchase	520 — 900	350	1,200	690
	Residential Sale and Purchase	850 — 1,270	500	1,900	1,070
	Commercial Property Purchase	880 — 1,715	600	4,000	1,440
	Commercial Lease Agreement	720 — 1,070	500	2,000	950
CORPORATE	Simple Incorporation	560 — 1,660	300	5,000	1,050
	Shareholders' Agreement	740 — 3,170	300	7,500	2,185
	Secured Financial Agreement	430 — 1,300	400	3,000	1,075
	Simple Prospectus	N/A			
	Merger/Acquisition	N/A			

