

# HOW TO REQUEST A REVIEW

Published by Alberta's Review Offices

Edmonton Review Office  
Mezzanine, South Tower  
The Law Courts  
1A Sir Winston Churchill Square  
Edmonton, AB T5J 0R2  
Phone: 780-422-1520  
Fax: 780-422-9585  
Email: [ReviewOffice.Edmonton@albertacourts.ca](mailto:ReviewOffice.Edmonton@albertacourts.ca)

Calgary Review Office  
Calgary Courts Centre,  
Suite 802-N, 601 – 5<sup>th</sup> St. S.W.  
Calgary, Alberta T2P 5P7  
Phone: 403-297-3862  
Fax: 403-355-2405  
Email: [ReviewOffice.QBCalgary@albertacourts.ca](mailto:ReviewOffice.QBCalgary@albertacourts.ca)

Current version: March 24, 2020

© 2016

## About this publication and its use

This publication explains the steps that should or must be taken to arrange for a review of lawyer's charges. The publication is arranged sequentially, from the first step to the last. It also contains:

- References to other Review Office publications that may be of assistance to you (all of which can be found at <http://www.albertacourts.ca/qb/areas-of-law/reviews-assessments>), and
- A glossary of several, possibly unfamiliar, terms and expressions that are used in the publication.

The terms and expressions that are included in the glossary are hyperlinked to the glossary. Right-clicking your mouse with your cursor on any of them will take you to a definition or explanation of the term or expression. Once you have read the definition or explanation, you will have to scroll back to your previous position in the publication.

The first three steps that are explained in the publication are not required but are strongly recommended. All of the remaining steps are required. The information that is provided for each step should help you to correctly and successfully complete the step.

If you have any procedural questions that are not answered in this publication, you may contact the Review Office in Calgary or Edmonton. Contact information for each of the offices is provided on this publication's title page. The Review Office Assistant in either office should be able to answer your procedural questions. However, Review Office Assistants cannot give you advice about your particular case (e.g., "Is the complaint that I have about my lawyer's charges likely to be successful?"). If you need advice about your particular case, you might be able to obtain it from a Resolution and Court Administration Services (RCAS) centre. Information about Alberta's RCAS centres can be found at: <https://www.alberta.ca/rcas.aspx#toc-0>.

Finally, if you are reading a hard copy of this publication and you have access to the Internet, then you should check the "current version date" of the electronic copy that is posted on our website. You will find this date on the title page of the publication. If it is more current than the date on your hard copy, then you should use the electronic copy. Rules and procedures change from time to time and the publications on our website are updated to reflect these changes. If you do not have access to the Internet, then you should ask a friend with Internet access to print a current version of this publication for you, if required.

## **Step 1 – Learn about reviews and the review process**

Before you make arrangements for a review, you should understand what a review is, how reviews are conducted and what a review can accomplish. Reading the Review Office publication entitled *Review Office FAQs* should give you a good understanding of reviews and the review process. This understanding should allow you to make a more informed decision as to whether or not you wish to arrange for a review.

## **Step 2 – Gather and organize the essential documents**

The documents that are essential for every review are:

- The statements of account that the person requesting the review wishes to present for consideration by the Review Officer, and
- The written retainer agreement made between the parties, if there is one.

Statements of account are the bills or invoices that a lawyer sends to a client for the legal services provided by the lawyer. The term “statement of account” is a traditional term that is still used by many lawyers and is used by Review Officers and the Court. The term “account” is an abbreviated form of the traditional term. We will use the abbreviated form in this publication. Accounts are required for reviews because they contain the charges (fees, [disbursements](#) and [Other Charges](#)) that the Review Officer may consider and [allow](#), [disallow](#) or reduce.

A “retainer agreement” is an agreement (or contract) that is entered into by a client and a lawyer for the provision of the lawyer’s services. It should specify what services will be provided, how the lawyer will charge for them and how the lawyer’s accounts will be paid. Most retainer agreements are in writing and are signed by the lawyer and the client. Some are not signed but are discussed and agreed to verbally. Review Officers are obliged to respect the billing provisions in a retainer agreement unless the provisions are found to be clearly unreasonable. Where there is no retainer agreement, the Review Officer will have greater discretion in determining the reasonableness of the lawyer’s charges.

As a result of the important role that accounts and retainer agreements play in the review process, copies of them must be filed with a clerk at the correct courthouse. This ensures that they will be available for the review hearing. Details on how, where and when these documents must be filed are provided in Step 6, below.

Before you take any of the required steps to arrange for a review you should:

1. Assemble all of the accounts that you would like to have reviewed;

2. If you are missing an account, see if you can get a copy from your lawyer. Don't worry if you can't. There is a simple procedure that may be used to require the lawyer to file copies of accounts that you do not have. It is explained in instructions provided in Step 5. [Click here](#) to see these instructions or continue reading until you get to them.
3. Arrange the accounts by date (from the oldest to the most current).
4. Check to see if you have a copy of a written retainer agreement. If you do, then you will have to file it (see Step 6 below). If you know that a retainer agreement exists but you don't have a copy, see if you can get one from your lawyer. Don't worry if you can't. The lawyer is required to file a copy - but having a copy in advance of the review should help you to prepare for the review.

Once you have gathered and organized the accounts and your copy of the retainer agreement (if you have one) you are ready to begin Step 3.

### **Step 3 – Check to see if you have or might have a time limit problem**

Although you could arrange for a review hearing without taking this step, taking it before you file documents for the review could save you time and avoid a delay in the hearing of your review.

Rule 10.10(2) of the *Alberta Rules of Court* imposes a one year time limit for requesting a review of a lawyer's account. The time limit begins on the date on which the account was sent to the client. In the absence of evidence of when the account was sent, the date of the account will be presumed to be the date on which it was sent. To obtain a review of an account, the court document that starts the review process (Form 42, *Appointment for Review of Retainer Agreement / Lawyer's Charges*) must be filed within one year of this date. If it is filed more than one year after this date, then the Review Officer will be unable to review the account unless the time limit problem is resolved in your favour. Information on how a time limit problem might be resolved is provided in a Review Office publication entitled *Dealing with the Time Limit for a Review*, which can be found on our webpage at <http://www.albertacourts.ca/qb/areas-of-law/reviews-assessments>.

To see where you stand with respect to the time limit for a review, you will have to look at the dates of the oldest and the most current of the accounts that you would like to have reviewed. Whether you have, do not have or might have a time limit problem can be determined, as follows:

1. If the most current account is more than one year old, then you definitely have a time limit problem.

2. If the oldest account is less than one year old, then you don't have a problem, as long as you can file a Form 42 before the one year period expires.
3. If the most current account is less than a year old but the oldest account is more than year old, then you might have a time limit problem.

If you have or might have a time limit problem, then you should read the Review Office Publication entitled *Dealing with the Time Limit for a Review*. It explains the time limit in more detail and provides information on how a time limit problem might be resolved in your favour.

If you do not have a time limit problem, then you should proceed to Step 4, below.

#### **Step 4 – Book an appointment for your review**

Before you can file documents for your review, you must obtain a date and time for the review hearing. This can be done by:

1. Booking an appointment with a Review Office, or
2. If the lawyer's office is located outside of the areas served by the Calgary and Edmonton courthouses, then by booking an appointment with a clerk at the courthouse nearest to the lawyer's office.

You may book an appointment with a Review Office only by telephone or email. Contact information for the Review Offices is provided on the cover page to this publication. An appointment may be booked with a clerk by attending at the clerk's courthouse and dealing with the clerk, in person.

You may not choose the Review Office or courthouse that you prefer. You must book your appointment with the office or courthouse that is determined, as follows:

1. If the lawyer's office is in an area served by the Calgary courthouse, then you must book your appointment with the Calgary Review Office.
2. If the lawyer's office is in an area served by the Edmonton courthouse, then you must book with the Edmonton Review Office.
3. If the lawyer's office is closer to any other courthouse that deals with Court of Queen's Bench matters, then you must book with a court clerk at that courthouse.
4. If the lawyer does not have an office in Alberta, then you may book with the Review Office or courthouse that is nearest to where you reside.\*

---

\* NOTE: There is a specific *Rule of Court* that gives an Alberta Review Officer jurisdiction to review the accounts of out-of-province lawyer (Rule 10.11(a)). The rule does not apply in every case. If you wish to have an out-of-province

Courthouses that deal with Court of Queen's Bench matters are located in the following cities:

- Peace River
- Fort McMurray
- Grand Prairie
- St. Paul
- Wetaskiwin
- Red Deer
- Drumheller
- Lethbridge and
- Medicine Hat

When you book with a court clerk, your review will be heard in a room in the clerk's courthouse that will be connected by closed circuit television (CCTV) with the Review Officer in Edmonton. The Edmonton Review Officer is responsible for these reviews and does not travel for them.

If you are required to book your review with a Review Office but cannot travel to Calgary or Edmonton for the review, then you may ask the Review Office for permission to participate by telephone. In some cases it might also be possible to arrange for your participation by CCTV from the courthouse nearest to you, but this would require prior permission from the court clerk at that courthouse and coordination between the clerk and the responsible Review Office. In either case, your review documents would have to be filed at the courthouse in which the appropriate Review Office is located.

### **Step 5 – Complete a Form 42 and get it and your evidence ready for filing**

Form 42, *Appointment for Review of Retainer Agreement / Lawyer's Charges*, is the document that opens a court file for a review. It is also used to notify the lawyer of the review and where and when the lawyer must attend for it. A pdf and an MS Word version of the form can be found on the Review Office website under the heading "Court Documents". If you have Adobe editing software or use MS Word, then you should be able to download the applicable version of form and complete it on your computer. Both versions have two drop-down lists that you can use. If you don't have Adobe software and don't use MS Word, then you may print either version of the form and complete it by hand. When you print the form to complete it by hand, you may see the greyed-out phrase "Choose an item" (where a drop-down list exists) and "[Name of client, lawyer or

---

lawyer's accounts reviewed, you should read the rule to see if it applies to your case. You can find the rule by clicking on [http://www.qp.alberta.ca/documents/rules2010/Rules\\_vol\\_1.pdf](http://www.qp.alberta.ca/documents/rules2010/Rules_vol_1.pdf) and scrolling to page 10-9.

law firm]”. You may “white out” these areas to give you room to print the required information or, if possible, you may print neatly above, below or beside them.

Follow the detailed instructions below to complete your Form 42:

1. The “COURT FILE NO.” field should be left blank. When the form is filed, the clerk will assign a court file number to it and insert the number in the form.
2. The “JUDICIAL CENTRE” field must be completed by inserting “Calgary”, “Edmonton” or one of the cities listed on page 6 of this publication. The city that you use must be the one that your lawyer’s office is in or is nearest to. If you are using Adobe software or MS Word to complete your form, then you may select and insert the city from the drop-down list provided for this field.
3. The “APPLICANT(S)” field is completed by inserting the name of the client or clients requesting the review. This would include you if the lawyer acted for you, personally. If the lawyer acted only for a corporation owned or controlled by you, then only the name of the corporation should be inserted. Where the lawyer acted for more than one client, all of their names should be inserted, in full (e.g., “Bob Jones, Betty Jones and Wondersteel Inc.” – **not** “Bob and Betty Jones and Wondersteel”). If you are not sure who the lawyer officially acted for, look at one of the lawyer’s accounts. It should be addressed to the lawyer’s clients. If a name appears after “Attention:”, the person named is not a client. He or she is a representative of the client or a contact person for the client. If you have a written retainer agreement, you could look at it instead of looking at an account. Most written retainer agreements specify who the lawyer will be acting for.
4. Complete the “RESPONDENT(S)” field by inserting the name of the lawyer or law firm that is responsible for the accounts that you wish to have reviewed. To do this correctly, you will have to determine if you were dealing with a lawyer, personally, or with a law firm. Some lawyers share office space and staff with other lawyers and work under group names like “Smyth Family Law” or “Smyth, Roland & Jones, Barristers and Solicitors”. However, unless the lawyers in the group have formed a partnership, the group will not be a law firm. If the group is not a law firm, then the lawyer who signed the accounts will be personally responsible for them. If the group is a law firm (i.e. a partnership), then the firm (and not the lawyer, personally) will be responsible for them. For this reason, it is important to name the right respondent to a review (i.e., lawyer or law firm). To determine if you were dealing with a lawyer or a law firm, look at one of the accounts that you received; a letter sent by the lawyer or your copy of your retainer agreement - and apply the following rules:

- (a) If the document's letterhead uses a firm-like name and the name is followed by "LLP", then you were dealing with a law firm. "LLP" stands for "limited liability partnership", which is a form of partnership.
- (b) If the letterhead uses a firm-like name but the name is not followed by "LLP", then look at the signature block in the document (i.e., the place where the lawyer signed the document). If the signature block contains a firm-like name followed by "Per", then you were probably dealing with a law firm:

Example: Smyth, Roland & Jones  
Per:

Joseph Smyth, B.A., LLB.

"Per" is a term that may be understood to mean "on behalf of". In the example above, Joseph Smyth would have signed the document on behalf of Smyth, Roland & Jones. This indicates that Smyth, Roland & Jones is a partnership and, therefore, a law firm.

- (c) If neither "LLP" nor "Per" is used in the document, then you were probably dealing with the lawyer, personally.
  - (d) If the lawyer uses her or his own name followed by "Professional Corporation", then you were dealing with the lawyer's professional corporation. However, pursuant to Law Society Rules, a lawyer who uses a professional corporation is personally responsible for all of the corporation's dealings with clients. For this reason, you may insert the lawyer's name in the "RESPONDENT(S)" field of your Form 42, or you may insert the name of the lawyer's professional corporation. Either of these options is proper and appropriate but you should not use both (e.g. do not use "John Smyth and John Smyth Professional Corporation").
5. When you insert a name in the "RESPONDENT(S)" field, make sure that you type or print it exactly as it appears in the lawyer's documents. Example: If the law firm is "Smyth, Roland & Jones, LLP", don't change the "&" to "and" and do include the "LLP". If you make a mistake the Review Officer can correct it but this could waste valuable review time.
  6. Next, type or print your contact information in the field to the right of "ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT". "Party filing this document" means you (the person completing the Form 42), not someone who you might ask to file the document for you. The

contact information that you provide should include a mail or delivery address where documents can be sent to you. You should also include your phone number and your email address, if you have one.

7. Type the date and time for the review in the “date” and “time” fields within the “Notice to Respondent(s)” box on the form. If you haven’t booked a date and time with a court clerk or Review Office, then you will have to do so to obtain the date and time for your Form 42. If you intend to book your appointment with a clerk and file your Form 42 on the same day, then you should leave the “date” and “time” fields blank. You can fill them in by hand once you have booked your appointment.
8. If you are using Adobe software MS Word to complete your Form 42, select the address of the correct location from the drop-down list in the “Where” field on your form. The correct location will be the one that is nearest to the lawyer’s office. It is where the parties must appear for the review. Depending on where you live, you might be able to attend the review by telephone or CCTV from a courthouse that is nearer to where you reside. This location, if it is applicable to you, is not included your Form 42. If you are completing your form by hand, you can find the address for the correct location in Appendix “A” to this publication.
9. There are four check boxes on the form. They are under the heading entitled “Purpose of this appointment”. If you are using Adobe software or MS Word to complete your form, you can check a box by placing your cursor on it and clicking or left-clicking your mouse. Check as many of the boxes as are applicable:
  - Check the first box if you have a copy of a written retainer agreement with your lawyer and will be filing it with your Form 42. Also, insert the date of the retainer agreement. If there is more than one retainer agreement, insert the dates for all of them.
  - Check the second box if you believe that you had a written retainer agreement with the lawyer but no longer have a copy of it. When this box is checked, the lawyer must file a copy of the retainer agreement, if there is one, so that a copy will be available for the review hearing.
  - Check the third box to indicate that you are requesting a review of all of the accounts that you will be filing with your completed Form 42. Also, insert the dates for all of them.
  - Check the fourth box if you would like to have other accounts reviewed but do not have copies of them. When this box is checked, the lawyer must

file copies of the “missing accounts” so that they will be available for the review hearing.

10. At this point, you have completed your Form 42. If you used Adobe software or MS Word to complete it, print a copy.

You might also find it helpful to examine Appendix “B” to this publication. Appendix “B” is an example of a correctly completed Form 42.

Once you have completed your Form 42, make two photocopies of it. At this point your Form 42 should be ready for filing. However, you must also file:

- copies of the accounts that you have and would like to have reviewed;
- a copy of your written retainer agreement with the lawyer, if you have one; and
- any other evidence that you think might be of assistance to the Review Officer (e.g., copies of receipts, email messages, letters, etc.).

Under Rule 10.15 of the *Alberta Rules of Court*, these documents are considered to be confidential evidence that may not be disclosed to the public unless ordered by the Court. To prevent them from being inadvertently disclosed to a member of the public through a court-file search, they should be attached to a “Confidential Evidence Cover”. You can find a copy of the Cover on our website under the heading “Court Documents”. Before attaching your confidential evidence to it, you must complete the Cover by:

- Filling out the top half in the same way that you filled out the top half of the first page of your Form 42 (up to its “Notice to Respondent(s)” box); and
- Checking off the applicable checkboxes that appear below “The following confidential materials are attached for the hearing of this matter”.

The last of the checkboxes should be checked only if you intend to attach documents other than the accounts and the retainer agreement.

After you have completed your Confidential Evidence Cover, organize your attachments to it, starting with the lawyer’s accounts (in date order), followed by the retainer agreement (if you have one) and, then, any other materials that you wish to attach. Thereafter, make two copies of the entire set and staple each set together. This should provide you with three identical sets.

At this point you are ready to file your evidence. Step 6, below, explains where and how you should file your Form 42 and your confidential evidence.

### **Step 6 – File your Form 42 and your evidence**

Your Form 42 and your confidential evidence must be filed with a court clerk in the courthouse nearest to the lawyer's office. If you followed this publication's directions for the completion of your Form 42, then the location of the correct courthouse will have been inserted in "Notice to Respondent(s)" box on your form.

In many cases, the courthouse that is nearest to the lawyer's office will also be the one that is nearest to where you live. Where this is the case and the courthouse is not in Edmonton or Calgary, you may book your appointment for a review and file your documents at the same time. The clerk before whom you attend should be able to do book your appointment first and then immediately file your documents.

As indicated in Step 4, above, appointments for reviews in Calgary and Edmonton can only be booked by telephone or email. Thus, if you are required to book your appointment with a Review Office, then you should book it before you attend at the applicable courthouse (Calgary or Edmonton) to file your documents.

Regardless of where or how you book your appointment, the date and time of your appointment must be added to your Form 42 before the form is filed. When you book your appointment with a court clerk, this information may be hand-printed on the form just before it is filed.

Every Alberta courthouse charges a \$100 fee for filing a Form 42, *Appointment for Review of Retainer Agreement / Lawyer's Charges*. There is no fee for filing evidence for a review.

Immediately after you present your documents to the clerk for filing, the clerk will check them to make sure that they are in order. After this the clerk will:

- add a Court File Number to your documents,
- stamp your documents with a clerk's filing stamp, and
- send you to a cashier to pay the filing fee.

Stamped copies of your Form 42 and your Confidential Evidence Cover (with attachments) will be returned to you when you pay the filing fee. The original of your Form 42 and a copy of your Confidential Evidence Cover (with attachments) will be

placed in a court file and the file will be delivered to the appropriate Review Office before your review.

You may pay the filing fee with cash or by credit card, debit card, bank draft or money order. Bank drafts and money orders must be made payable to “Government of Alberta”.

If you are unable to file your documents, in person, then you may ask a friend or relative to file them for you, bearing in mind that the friend or relative will have to pay the filing fee for you. Also, you should make sure that your friend or relative has the original and two copies of your completed Form 42, as well as three copies of your Confidential Evidence Sheet, with attachments. Your friend or relative will have to return two stamped copies of each of these documents to you. You will need one set of these documents for the review and the other, for Step 7, below.

### **Step 7 – Serve your documents on the lawyer**

One set of your stamped documents must be served on the lawyer at least 10 days before the date of the review. Your Form 42 advises the lawyer of the review and where and when the lawyer must appear for it – and your Confidential Evidence Cover, with attachments, gives the lawyer an opportunity to prepare for the review. The 10 day period also gives the lawyer time to file any documents that the lawyer is required or wishes to file. When you book your review, the clerk or Review Office Assistant with whom you are dealing will give you a date that should give you sufficient time to file and serve your documents at least 10 days prior to the review. In some cases, the clerk or Review Office Assistant may ask you to contact the lawyer before a date is booked to confirm that the lawyer will be available on the proposed date.

Documents for a review may be served by:

- giving them to the lawyer or a receptionist at the lawyer’s office, or
- mailing or delivering them to the lawyer’s office, using a form of mail or delivery that requires the signature of the person receiving them.

You do not have to give or deliver the documents yourself. You may arrange to have someone else do this for you.

Since the review process is intended to be quick and user-friendly, other forms of service might be accepted by a Review Officer. Scanning your documents and emailing them to the lawyer would likely be accepted if the correct email address is used and you do not receive a message from your Internet service provider indicating that your email message was not delivered.

In other court proceedings the service of documents on a party to the proceedings (or anyone else who is required to be served) must be proved by filing an Affidavit of Service. An affidavit is a document that contains facts, the truth of which is sworn or affirmed before a [commissioner of oaths](#). An Affidavit of Service contains facts with respect to how, when and on whom documents specified in the affidavit were served. As the review process is intended to be user-friendly, an affidavit of service needn't be filed. However, a client who serves review documents on a lawyer or law firm must be prepared to answer a Review Officer's questions about the date and manner of service. The Review Officer might also want to see a document that corroborates service. In most cases the document will be a Canada Post receipt or tracking sheet that confirms that the documents were delivered - or a hard copy of an email message that shows that the documents were emailed to the lawyer or law firm.

Once you have served your documents, mark the appointment time and date in your calendar. If you do not appear for the review, your appointment for it could be struck by the Review Officer. The striking of an appointment ends the proceedings. While it might be possible to commence new proceedings by booking a new appointment and filing and serving a new set of documents, this would cost you another \$100 filing fee and you could, by then, be facing a time limit problem. (See the Review Office publication entitled *Dealing with the Time Limit for a Review*).

### **Step 8 – Arranging for or requesting an adjournment**

If your circumstances change and you cannot attend a review on the date scheduled for it, then you must make arrangements for, or request, an adjournment. You can arrange for an adjournment:

- (a) with the agreement of the lawyer, or
- (b) if you have not yet served the lawyer, by filing an Amended Appointment.

If you have already served the lawyer and cannot obtain the lawyer's agreement to adjourn, then you must request an adjournment at the outset of the review proceedings. Each of these procedures are explained below.

To arrange for an adjournment, you must first contact the court clerk or Review Office Assistant with whom you booked your appointment. The clerk or Review Office Assistant will give you several new dates for the adjournment of your review.

If you have not yet served the lawyer, then you may: book one of the dates provided to you; prepare and file an Amended Appointment; and serve the lawyer with your original Form 42 Appointment, the Amended Appointment and a copy of your Confidential Evidence Cover, with attachments. Your Amended Appointment should be identical to

the original, except that it will be titled “**AMENDED** APPOINTMENT FOR REVIEW OF RETAINER AGREEMENT/LAWYER’S CHARGES” and will contain the new time and date, printed and underlined in red.<sup>†</sup> Appendix “C” provides an example of an Amended Appointment. There is no fee for filing an Amended Appointment and the filing of one does not affect the time limit for a review. Compliance with the time limit Rule would depend upon the date on which you filed your original Appointment.

If you have already served the lawyer, then you should contact her or him to see if the lawyer will agree to adjourn the review to one of the new dates provided by the clerk or the Review Office Assistant. If the lawyer agrees, then you must book the new date and send the Review Office Assistant a letter or email message confirming the agreement that you reached with the lawyer. Some lawyers will send the confirming letter for you if you ask them to do so. When you arrange for an adjournment with the agreement of the lawyer, an Amended Appointment is not required. However, you must advise the lawyer that the new date has been booked by you and it is best to do this in writing (e.g., by email).

If you are unable to contact the lawyer, then the Review Office Assistant might be able to assist you by providing lawyer contact information or, in exceptional cases, by contacting the lawyer for you. Typically, such assistance will only be provided where you have made reasonable but unsuccessful efforts to contact the lawyer and the Review Office Assistant is not busy with other matters.

If an adjournment agreement cannot be reached, then you must attend or be represented on the date and at the time originally set for the review for the purpose of requesting an adjournment. You may attend by telephone if you are given the Review Office Assistant’s prior permission to do so, or you may arrange to have any capable adult attend on your behalf. In either case you or the person you send should be prepared to explain why an adjournment should be granted. The lawyer will be given an opportunity to explain why, in the lawyer’s view, it should not be granted. The Review Officer will almost always grant an adjournment where there is a medical, employment or important personal reason for it. He or she is unlikely to grant an adjournment where there is no reasonable and believable reason for it. If an adjournment is not granted, then the review will proceed. Therefore, you or the person who you send to represent you should be prepared to proceed to the extent possible.

Lawyers may also arrange for or request adjournments, following the procedures outlined above. As most lawyers have busy schedules that often include court

---

<sup>†</sup> An Amended Appointment should include the Court File Number. This number will have been added to the original Appointment when it was filed. In addition, copies of the accounts that were attached to the original appointment should be attached to the Amended Appointment. Additional accounts may be attached if they were missed when the original appointment was filed.

appearances, it is not uncommon for lawyers to arrange for or request adjournments from dates booked by clients. A client can avoid an unnecessary adjournment by checking with the lawyer before booking the date for a review. A lawyer who agrees to a date before it is booked will enter the date in his or her calendar and this will, in most cases, result in the review proceeding on that date.

Review Office Assistants will sometimes assist clients with the coordination of dates for a review but they are not obliged to do so. Clients who request reviews are responsible for coordinating dates with the lawyers so as to avoid unnecessary adjournments.

### **Resources for preparing**

Once you have a firm date for your review, you will want to prepare for it. The Review Office publication entitled *Preparing for a Review* is designed to help you do this. It also contains information on how review hearings are conducted and how the parties to a review should behave during a hearing.

Review Office Assistants can also be of assistance in dealing with procedural issues that are not covered in *Preparing for a Review*. You may contact a Review Office Assistant using the contact information provided on the title page to this publication but you should not ask for nonprocedural advice about your particular case (e.g., how can I convince the Review Officer that the work done by my lawyer was unnecessary?). In addition, Review Office Assistants may refer you to one of our publications if it contains the answer to a question asked by you. Review Office Assistants have numerous administrative duties and may not always have time to provide information that is contained in our publications.

### **Conclusion**

This publication explains the steps to be taken to arrange for a review of a lawyer's charges. Following the instructions provided in the publication should ensure the successful completion of each step and success in bringing your concerns before a Review Officer for adjudication. Another publication entitled *Preparing for a Review* is designed to help you prepare for your review hearing so that your concerns may be more effectively identified and expressed before the Review Officer. It and other Review Office publications that may be of assistance to you can be found at <http://www.albertacourts.ca/qb/areas-of-law/reviews-assessments>.

Procedural information can also be obtained from a Review Office Assistant, using the contact information provided on the title page to this publication. However, Review Office Assistants cannot provide you with advice on nonprocedural issues in your particular case. Should you require advice of this type, you might be able to obtain it

from a Court Administration Services (RCAS) centre. Contact information for RCAS centres can be found at: <https://www.alberta.ca/rcas.aspx#toc-0>.

## **Glossary of terms and expressions**

**Allow** - This term is used by Review Officers to state the amount that a Review Officer has decided that a lawyer is entitled to for fees, disbursements or Other Charges. The expression “allowed in full” means that the lawyer is entitled to the full amount claimed in the lawyer’s accounts. The expression “allowed in the amount of \_\_\_\_\_” sets the amount that the lawyer is entitled to. Where the lawyer’s accounts have already been paid, the lawyer must refund the difference between what was paid by the client and what was allowed by the Review Officer.

**Commissioner for Oaths** – A Commissioner for Oaths is person who is appointed by the Official Documents and Appointments Branch of Alberta Justice to swear or affirm affidavits and other official documents. All lawyers in Alberta are commissioners for oaths. Non-lawyers can become commissioners by studying an information booklet, passing an oral test, and paying an application fee. Most court clerks are commissioners. They can swear or affirm affidavits for court proceedings (including reviews) and, in most cases, they will be able to do this when an unsworn affidavit is presented for filing.

**Disallow** – This is a term used by Review Officers to express a decision to remove a fee, disbursement or Other Charge claimed by a lawyer in an account. When a fee, disbursement or Other Charge is disallowed, it is not payable by the client or must be refunded to the client if the client has already paid it.

**Disbursement** – A disbursement is a payment that is made or is required to be made by a lawyer to a third party on a client’s behalf. A payment made to a courier for the delivery of documents to another lawyer for a real estate transaction is an example. So is a payment made to the Court for a document filing fee charged by the Court.

**Other Charges** – When this term is capitalized, it refers to a charge for a service provided by a lawyer or law firm, other than work actually done by a lawyer. An example of an Other Charge is a charge for photocopies made on a law firm’s photocopy machine. A charge for storing a client’s file after the file is closed is another example.

**Appendix “A”**  
**Courthouse and Review Office Addresses for Completing a Form 42**

Note: The address you insert in the “where” field of your Form 42 should be the address courthouse or review office that is nearest to your lawyer’s (or former lawyer’s) office.

Calgary Review Office 8th Floor North Tower Calgary Courts Centre 601 – 5 <sup>th</sup> St. SW Calgary, AB	Medicine Hat Law Courts 460 First St. S.E. Medicine Hat, AB
Drumheller Court House 511 - 3 Ave., West Drumheller, AB	Peace River Court House 9905 - 97 Ave. Peace River, AB
Edmonton Review Office Mezzanine, South Tower The Law Courts 1A Sir Winston Churchill Square Edmonton, AB	Red Deer Court House 4909-48 Ave. Red Deer, AB
Fort McMurray Court House 9700 Franklin Ave. Fort McMurray, AB	St. Paul Court House 4704-50 St. St. Paul, AB
Grande Prairie Court House 10260-99 St. Grande Prairie, AB	Wetaskiwin Law Courts 4605-51 St. Wetaskiwin, AB
Lethbridge Court House 320 - 4 St. S. Lethbridge, AB	

**Appendix "B"**  
**Sample of a Correctly Completed Form 42**

**Form 42**  
[Rule 10.13]

COURT FILE NUMBER

COURT

COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE

Lethbridge

APPLICANT(S)

Betty Hughes and Miles Hughes

RESPONDENT(S)

Northcotte, Smyth & Crump LLP

DOCUMENT

**APPOINTMENT FOR REVIEW OF  
RETAINER AGREEMENT/LAWYER'S  
CHARGES**

Clerk's Stamp

ADDRESS FOR SERVICE AND  
CONTACT INFORMATION OF  
PARTY FILING THIS DOCUMENT

Betty and Miles Hughes  
23 Scenic Drive N., Lethbridge, AB T2J 1M6  
(403) 422-7321  
mhughes@mailbox.com

**NOTICE TO RESPONDENT(S)**

You have the right to state your side of this matter before the review officer.

To do so, you must be present when this matter is heard by the review officer as shown below:

Date: January 4, 2017

Time: 9:00 a.m.

Where: Lethbridge Court House, 320 – 4 St. South., Lethbridge AB

Go to the end of this document to see what else you can do and when you must do it.

**Purpose of this appointment**

The purpose of this appointment is to determine the reasonableness of the retainer agreement/lawyer's charges reflected in:

- the retainer agreement(s) dated: March 1, 2019;
- all retainer agreements between the client(s) and the lawyer/law firm, which are required to be provided by the lawyer/law firm to the review officer under rule 10.14(1) and (2);
- the lawyer's account(s) dated: March 30, 2019, May 21, 2019 and January 22, 2020;
- all lawyer's accounts between the client(s) and the lawyer/law firm, which are required to be provided by the lawyer/law firm to the review officer under rule 10.14(1) and (2);

**WARNING**

If you do not attend this appointment either in person or by your lawyer, the review officer may give the party who requested this appointment what is being requested, without you being there to object. You will be bound by the review officer's decision. If you want to take part in this appointment, you or your lawyer must attend before the review officer on the date and at the time as shown at the beginning of this form.

If you are a lawyer responding to this appointment pertaining to your charges or retainer agreement, you must file a copy of the signed accounts in respect of which the client seeks a review, any retainer agreement that was entered into for the services you provided and any time records kept by you for the services, whether or not you intend to rely on them at the appointment. This must be done 5 days or more before the date of the appointment for review or any other period specified by the review officer. **If you do not comply with this rule, you forfeit your right to payment of the charges in the account that are the subject of review, unless the review officer otherwise directs.**

**Appendix "C"**  
**Sample of an Amended Appointment**

**Form 42**  
[Rule 10.13]

COURT FILE NUMBER	1603 04539
COURT	COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE	Lethbridge
APPLICANT(S)	Betty Hughes and Miles Hughes
RESPONDENT(S)	Northcotte, Smyth & Crump LLP
DOCUMENT	<b>AMENDED APPOINTMENT FOR REVIEW OF RETAINER AGREEMENT/LAWYER'S CHARGES</b>

Clerk's Stamp

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT	Miles Hughes 23 Scenic Drive N., Lethbridge, AB T2J 1M6 (403) 422-7321 mhughes@mailbox.com
---	---

**NOTICE TO RESPONDENT(S)**

You have the right to state your side of this matter before the review officer.

To do so, you must be present when this matter is heard by the review officer as shown below:

Date: January 28, 2017

Time: 10:30 a.m.

Where: Lethbridge Court House, 320 – 4 St. South, Lethbridge AB

Go to the end of this document to see what else you can do and when you must do it.

**Purpose of this appointment**

The purpose of this appointment is to determine the reasonableness of the retainer agreement/lawyer's charges reflected in:

- the retainer agreement(s) dated: March 1, 2019;
- all retainer agreements between the client(s) and the lawyer/law firm, which are required to be provided by the lawyer/law firm to the review officer under rule 10.14(1) and (2);
- the lawyer's account(s) dated: March 30, 2019, May 21, 2019 and January 22, 2020;
- all lawyer's accounts between the client(s) and the lawyer/law firm, which are required to be provided by the lawyer/law firm to the review officer under rule 10.14(1) and (2);

**WARNING**

If you do not attend this appointment either in person or by your lawyer, the review officer may give the party who requested this appointment what is being requested, without you being there to object. You will be bound by the review officer's decision. If you want to take part in this appointment, you or your lawyer must attend before the review officer on the date and at the time as shown at the beginning of this form.

If you are a lawyer responding to this appointment pertaining to your charges or retainer agreement, you must file a copy of the signed accounts in respect of which the client seeks a review, any retainer agreement that was entered into for the services you provided and any time records kept by you for the services, whether or not you intend to rely on them at the appointment. This must be done 5 days or more before the date of the appointment for review or any other period specified by the review officer. **If you do not comply with this rule, you forfeit your right to payment of the charges in the account that are the subject of review, unless the review officer otherwise directs.**