

# HOW TO REQUEST A REVIEW

Published by Alberta's Review Offices

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## 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 Alberta's Court and Justice Services (CJS). Information about CJS, including contact information for it, can be found at: <https://www.alberta.ca/court-and-justice-services.aspx>. If CJS cannot help you, it may be able to refer you to an organization that can.

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 within one year from the date of the oldest account.
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 must be done by completing and submitting an on-line booking request form. This form can be found on our web page at:

<https://albertacourts.ca/qb/areas-of-law/reviews-assessments>, under the heading “Booking a Review or Assessment”. After you have completed and submitted the form, the Review Office Scheduler will email you to provide you with available dates and times for your review. Once you receive the available dates and times, you must correspond with the Review Office Scheduler, by email, to advise of the date and time selected by you and to receive confirmation that your review has been booked.

Because available dates and times tend to fill quickly, you should email your selected time and date to the Review Office Scheduler as soon as possible. Alternatively, you may select two or more dates and times, in order of your preferences, in which case the Review Office Scheduler will book and confirm your most preferred selection that is, at the time, still available.

Also, please be advised that all bookings, adjournments, and cancellations must be arranged through email correspondence with the Review Office Scheduler. You should not email a Review Office Assistant to book, adjourn or cancel a review hearing. Emails to a Review Office Assistance for these purposes are likely to be ignored.

Once you receive confirmation that your review hearing has been booked, you are ready to proceed to step 5, below.

## 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 hearing, and when and how 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 the 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 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 in Appendix "A" to this publication. Because all reviews are heard remotely by the Edmonton or Calgary Review Officer, you may select Edmonton or Calgary as the judicial centre for your review. The courthouse in the judicial centre you select is where your documents must be filed. Thus, if filing your documents in Lethbridge is more convenient than filing them in Calgary or Edmonton, then you should select Lethbridge. If you are using Adobe software or MS Word to complete your form, then you may select and insert your chosen 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”, but each lawyer in the group runs a separate practice. Where a lawyer runs a separate practice, the lawyer would be personally responsible for the accounts sent to you and he or she should be named as the Respondent to your review. Where the lawyer is in a partnership with other lawyers or works for a partnership (i.e., a “true law firm”), the law firm would be responsible for the accounts, and it should be named at the Respondent. 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 to you by the lawyer or a copy of the retainer agreement you signed - 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 would make it clear that you were dealing with a law firm.
- (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. This is the date and time that you booked with the Review Office Scheduler (see Step 4 on page 5).
8. The last field in the Notice to Respondent(s) box on your Form 42 is the "where" field. Because your review hearing will be conducted remotely with the Review Officer in Calgary or in Edmonton, you must insert the following in the where field, depending on which Review Officer you were booked to appear before:

Edmonton Remote Hearing – To participate by phone, dial 780-851-3573 and, when prompted, enter meeting number 961102982. By webcam, use <https://albertacourts.webex.com/meet/review.officeelc> and follow the instructions.

or

Calgary Remote Hearing – To participate by phone, dial 1-403-776-2521 and, when prompted, enter meeting number 24851545528. By webcam, use <https://albertacourts.webex.com/meet/review.officeccc> and follow the instructions.



If you are using Adobe software MS Word to complete your Form 42, you can select the appropriate entry from the drop-down list in the “Where” field on your form.

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 Sheet”. You can find a copy of the Cover Sheet on our website under the heading “Court Documents”. Before attaching your confidential evidence to it, you must complete the Cover Sheet 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, older to newest), 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 at the courthouse in the judicial centre that you inserted in your Form 42. Because electronic filing is not yet available to non-lawyers, you will have to personally attend at the courthouse to file your documents or have someone else attend to file them for you.

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 Sheet (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 Sheet (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 hearing, and when and how lawyer must appear for it – and your Confidential Evidence Cover Sheet, 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 are in the process of booking your review, the Review Office Scheduler will try to ensure that the date booked for you will give you sufficient time file your documents and serve them at least 10 days prior to the date of the review. In some cases, the Review Office Scheduler 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. In most cases, this document may be emailed to the Review Officer during the review.

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 Review Office Scheduler and request several new dates to which the review may be adjourned. This request should be made by email.

If you have not yet served the lawyer, then you may: book one of the dates provided to you by the Review Office Scheduler; prepare and file an Amended Appointment; and serve the lawyer with your original Form 42, the Amended Appointment and a copy of your Confidential Evidence Cover Sheet, 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.\* 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 Review Office Scheduler. If the lawyer agrees, then you must book the new date and send the Review Office Scheduler a letter or email message confirming the agreement that you reached with the lawyer. Some lawyers will send a confirming email 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 a 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 or someone representing you must attend, by phone or webcam, on the date and at the time originally set for the review for the purpose of requesting an adjournment. You or the person who attends for you should be prepared to explain why an adjournment should be granted. The

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\* An Amended Appointment should include the Court File Number. This number will have been added to the original Appointment when it was filed.

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 representing you should be prepared to proceed with the review, 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 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.

### **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 Alberta's Court and Justice Services (CJS). Information about CJS, including contact information for it, can be found at: <https://www.alberta.ca/court-and-justice-services.aspx>. If CJS cannot help you, it may be able to refer you to an organization that can.

## **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"**  
**Other Judicial Centres**

Peace River

Fort McMurray

Grand Prairie

St. Paul

Wetaskiwin

Red Deer

Drumheller

Lethbridge

Medicine Hat

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

**Form 42**  
[Rule 10.13]

Clerk's Stamp

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	<b>APPOINTMENT FOR REVIEW OF RETAINER AGREEMENT/LAWYER'S CHARGES</b>
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, 2022  
Time: 9:00 a.m.

Where: Edmonton Remote Hearing – To participate by phone, dial 780-851-3573 and, when prompted, enter meeting number 961102982. By webcam, use <https://albertacourts.webex.com/meet/review.officeelc> and follow the instructions.

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
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**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 24, 2022  
Time: 10:30 a.m.

Where: Edmonton Remote Hearing – To participate by phone, dial 780-851-3573 and, when prompted, enter meeting number 961102982. By webcam, use <https://albertacourts.webex.com/meet/review.officeelc> and follow the instructions.

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.**