

CASE NO.

VOL. NO.

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Cite as: Haynes Group of Lawyers v. Regan, 1998 NSCA 139

THE HAYNES GROUP OF LAWYERS

- and -

SUSAN MARIE REGAN

Appellant

Respondent

C. A. No. 145934

Halifax

CHIPMAN, J.A.

APPEAL HEARD:

May 12, 1998

JUDGMENT DELIVERED:

May 12, 1998

WRITTEN RELEASE OF ORAL:

May 15, 1998

SUBJECT:

BARRISTERS AND SOLICITORS - FEES - CONTINGENT FEE AGREEMENT

SUMMARY:

The appellant law firm entered into a contingent fee agreement with the respondent. The agreement contained a provision for payment by the client of fees on a time basis in the event the client discharged the firm prior to the conclusion of the matter for which the firm was retained. The client did discharge the firm and seek another lawyer. The law firm applied in Chambers to have the bill taxed. The Chambers judge taxed the bill and granted an order giving the firm judgment for the amount as taxed but providing that no monies were payable until the disposition of the proceeding, and then the judgment could only be enforced with leave of the court.

ISSUE:

Did the Chambers judge err in the exercise of his discretion?

RESULT:

The Court of Appeal held that it had not been shown that the Chambers judge erred in the exercise of his discretion. The appeal was dismissed without costs. The Court of Appeal added a provision charging any recovery by the plaintiff with the solicitors' bill as taxed, pursuant to **Civil Procedure Rule 63.26**.

THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION. QUOTES MUST BE FROM THE DECISION, NOT FROM THIS COVER SHEET. THE FULL COURT DECISION CONSISTS OF 3 PAGES.