

**SUPREME COURT OF NOVA SCOTIA**

**Citation:** *R. v. Murtha*, 2009 NSSC 342

**Date:** 20091117

**Docket:** CRH 312005

**Registry:** Halifax

**Between:**

Her Majesty the Queen in Right of the Province of Nova Scotia

Plaintiff

v.

Richard Murtha

Defendant

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**LIBRARY HEADING**

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**Judge:** The Honourable Justice David Farrar

**Heard:** September 28, 2009, in Halifax, Nova Scotia (In Chambers)

**Subject:** The determination of solicitor/client privilege as it relates to documents seized from the offices of the Nova Scotia Barristers' Society

**Summary:** On April 24, 2007 the Halifax Regional Police issued a warrant on the offices of the Nova Scotia Barristers' Society and seized records used by the Society in the investigation of one of its members or provided to the Society for the purposes of making a claim pursuant to the Lawyers' Fund for Client Compensation. The Society claimed solicitor/client privilege over the documents, the Crown sought a determination of the claim of privilege asserted by the Society.

**Issue:** Whether the documents seized from the Society were subject to solicitor/client privilege.

**Result:** To the extent that the documents represented correspondence between the solicitor and his former clients, the documents were privileged. However, to the extent any solicitor/client privileged documents were provided to the Society for the purposes of seeking compensation from the Fund, the privilege was waived.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION. QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.***