

CASE NO.

VOL NO.

**HALIFAX REGIONAL MUNICIPALITY,
a municipal body corporate**

PLAINTIFF

- and -

VANCE JOUDREY

DEFENDANT

**Justice Walter R. E. Goodfellow Halifax, Nova Scotia S. H. No. 167817
[Cite as: Halifax (Regional Municipality) v. Joudrey 2001 NSSC 185]**

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DATE HEARD: November 13th, 2001 (Chambers) followed by written
submissions on costs issue.

DECISION: December 10th, 2001

SUBJECT: TAXATION OF SOLICITOR/CLIENT COSTS

SUMMARY: Consent Order, January 9th, 2000, recited obligations upon Defendant that he failed to keep and found in contempt by decision November 14th, 2001. In addition to spelling out the conditions to purge the contempt and consequences of failure to do so, the Court found the background situation exceptional and granted costs on a solicitor and client basis. The solicitor's account claimed a total of 63 hours for 3 different counsel for legal fees of \$11,705.00, plus disbursements. The Court stated that while the application was handled professionally by all counsel, when a Court grants solicitor and client costs, the Court's discretion and responsibility remains. A determination of solicitor and client costs does not carry with it the automatic payment of whatever the bill happens to be. The Court commented on hourly rates and number of hours, concluding in the absence of evidence that the hourly rates advanced are relatively standard for services in comparable files within a generally discernable range of barristers, range of hours, hourly rates charged by comparable barristers for such services, etcetera. The Court calls upon its experience and determines the appropriate hourly rate which, in this case, for a barrister with

less than ten years service at the Bar, was \$180.00 per hour; for a barrister with less than six years service at \$140.00 per hour; and a barrister with less than one year service at \$90.00 per hour. The Court also reduced the overall time charged by 10 per cent. Generally speaking, the more experienced and senior the barrister, the less time should be required in Chambers Applications than a less experienced barrister and a junior barrister for the first year or so is embarking on a sharp learning curve, plus services such as acting as a runner, to file documents, etcetera, should not be billed at a professional rate. Costs and disbursements sought of \$13,703.81 taxed at \$10,398.64.

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