**FORM 58 C**

**APPLICATION TO HAVE A LAWYER’S ACCOUNT ASSESSED**

**(GENERAL HEADING)**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Province of Prince Edward Island, state as follows:

1. I am the \_\_\_\_\_ Applicant/\_\_\_\_\_ Respondent to this Application.

2. A copy of the lawyer’s account(s) is/are attached.

3. A copy of the Retainer Agreement and/or Engagement Letter is attached

\_\_\_\_\_yes \_\_\_\_\_no

4. The date the lawyer was retained was \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and he/she was required to provide the following legal service:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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5. The lawyer estimated the cost of the legal services to the client to be in the amount of $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

6. The lawyer stated his or her billing rate at $\_\_\_\_\_\_\_\_\_\_ per hour.

7. The lawyer explained additional fees that might be incurred (eg. work by other lawyers, secretarial time) and disbursements as follows:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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8. The actual fees exceeded the estimated amount for the following reasons:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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9. The lawyer was provided with a retainer fee in the amount of $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

10. We discussed what, if anything , was required or expected to be done or provided by the client and the lawyer and by other persons not associated with the lawyer: \_\_\_\_\_yes \_\_\_\_\_no

*if yes, please provide particulars:*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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11. We discussed a timetable of the conduct of the matter with appropriate milestones identified, if appropriate: \_\_\_\_\_yes \_\_\_\_\_no

*if yes, please provide particulars:*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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12. We discussed the method and frequency of communications between the parties, and how they were to be conducted: \_\_\_\_\_yes \_\_\_\_\_no

*if yes, please provide particulars:*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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13. We discussed the basis on which fees will be set in regard to the payment of costs of outside services and disbursements: \_\_\_\_\_yes \_\_\_\_\_no

*if yes, please provide particulars:*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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14. We discussed the frequency of billing of fees and disbursements and time of payment:

\_\_\_\_\_yes \_\_\_\_\_no

*if yes, please provide particulars:*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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15. (For lawyer only) I certify that the disbursements, as shown on the account, were made.

\_\_\_\_\_ yes \_\_\_\_\_\_ no

16. We discussed the charging of interest in the amount of \_\_\_\_\_\_\_\_\_\_% on accounts more than 30 days overdue: \_\_\_\_\_yes \_\_\_\_\_no

17. I \_\_\_\_\_believe \_\_\_\_\_do not believe

the account is reasonable and proportional, to the legal services provided with reference to the following:

(a) the amount involved in the matter or proceeding; \_\_\_\_\_ yes \_\_\_\_\_\_ no

(b) the complexity of the matter or proceeding; \_\_\_\_\_ yes \_\_\_\_\_\_ no

( c) the importance of the issues; \_\_\_\_\_ yes \_\_\_\_\_\_ no

(d) the duration of any hearing; \_\_\_\_\_ yes \_\_\_\_\_\_ no

(e) the conduct of any party that tended to shorten or to lengthen unnecessarily the duration of the matter or proceeding; \_\_\_\_\_ yes \_\_\_\_\_\_ no

(f) whether any step in the proceeding was,

(i) improper, vexatious or unnecessary, or \_\_\_\_\_ yes \_\_\_\_\_\_ no

(ii) taken through negligence, mistake or excessive caution;

\_\_\_\_\_ yes \_\_\_\_\_\_ no

(g) the denial of or refusal to admit anything that should have been admitted;

\_\_\_\_\_ yes \_\_\_\_\_\_ no

DECLARED before me at , in )

Prince Edward Island, this day of )

, 20\_\_\_. )

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