

Supreme Court of Nova Scotia

Between:

[name] as litigation guardian for [name] [title in proceeding]

and

[name] [title in proceeding]

Affidavit of Counsel

I [make oath/affirm] and give evidence as follows:

- 1 I am [name] , counsel for the plaintiffs.
- 2 I have personal knowledge of the evidence sworn to in this affidavit except where otherwise stated to be based on information and belief.
- 3 I state, in this affidavit, the source of any information that is not based on my own personal knowledge, and I state my belief of the source.
- 4 The plaintiffs seek approval of a proposed settlement for [name of child] in the amount of \$.

Medical evidence

- 5 I obtained an accident report and medical reports from [names of physicians] .
- 6 The most pertinent reports are attached to this my affidavit as Exhibits ["A", "B",] .
- 7 As revealed in the accident and medical reports:
 - (a) [name of child] suffered [summarize injuries] on [date of accident] ;
 - (b) [summarize progress after injury] ;
 - (c) [summarize child's present condition] .

Settlement

8 The parties were able to reach an agreement for settlement subject to approval by the court, which agreement is evidenced by the documents attached as Exhibit "X".

9 The terms of settlement are summarized as follows:

Opinion on value of claim

[Provide counsel's opinion on quantification of each head of loss. See Rule 36.13(5)(c).]

Opinion on liability

[Provide counsel's assessment of the case for the child including liability generally, causation, heads of loss, and the intangible expenses of going to trial. Each risk should be appraised, such as "high, medium, or low". See Rule 36.13(5)(d).]

Opinion on settlement

12+ I have reviewed the medical reports and have carefully considered case law for guidance, and I have concluded that, in all the circumstances, the proposed settlement is in the best interests of [name of child] .

Approval of Account

13 I agreed to provide services to the plaintiffs [*on the basis that my firm would be paid at standard rates per hour/on the contingency agreement attached and marked Exhibit " " /other*] .

14 Attached and marked Exhibit "Y" are records of the time devoted to the case by me and other members of my firm, which show work done, standard rates, and the extensions.

15 Attached and marked as Exhibit "Z" is a statement of the disbursements paid by my firm for the plaintiff.

16 Attached and marked Exhibit "XX" is a copy of the final account, the original of which has been delivered to [name of litigation guardian] [*;this account includes an adjustment to cover future work required for completion of the services/discloses costs covered by the defendant, such as the expense of the motion for approval/other*] .

[Provide further evidence on each of the subjects in Rule 77.13(2) that are important in this case:

- "counsel's efforts to secure speed and avoid expense for the client"

- "the nature, importance, and urgency of the case"
- "the circumstances of the person who is to pay counsel, or of the fund out of which counsel is to be paid"
- "the general conduct and expense of the proceeding"
- "the skill, labour, and responsibility involved".]

Sworn to/Affirmed before me)
 on _____, 20)
 at _____,)
)
)
)
 _____)

_____)
 Name of counsel