

ONTARIO
SUPERIOR COURT OF JUSTICE

IN THE MATTER OF THE *SOLICITORS ACT*
AND IN THE MATTER OF SINGER BARRISTERS PROFESSIONAL
CORPORATION, SOLICITORS

RE: SHU HE HUANG, Applicant
and
SINGER BARRISTERS PROFESSIONAL CORPORATION,
Respondent/Client

BEFORE: R. Ittleman, Assessment Officer

HEARD: June 28, 2018, at Toronto

APPEARANCES: Shu He Huang, Client, in person
Darryl Singer, for the Solicitors

ENDORSEMENT

[1] For reasons delivered orally, I granted the request of the Respondent (hereinafter called the “Solicitor”) for an adjournment of the hearing of this *Solicitors Act* assessment. The following is the written endorsement that the parties were informed would follow.

[2] *Huang v. Braga*, 2016 ONSC 6306 is a decision of Justice Archibald relating to two personal injury actions brought by the Client.¹ At paragraph 45, His Honour found Ms Huang to be mentally incapable with respect to her ability to represent herself in the litigation. At paragraph 46, he declared her to be a person under disability as defined in Rule 1.03(1), for whom a litigation guardian was required. At paragraph 51, Justice Archibald appointed the Public Guardian and Trustee to act as litigation guardian for Ms Huang.

[3] The Public Guardian and Trustee continues to act for Ms Huang in those proceedings, as evidenced by the copies of correspondence from Jasmine Daya, the lawyer for the Public Guardian and Trustee, provided to me by Mr. Singer. Further, the Client’s motion to the Divisional Court for leave to appeal Justice Archibald’s decision was denied, and she has recently brought an application to the Divisional Court for “judicial review” of their refusal to grant leave.

¹ It is the Solicitor’s billings to the Client in respect of his representation of her in the personal injury actions that is the subject of this assessment.

[4] Although the Order of Justice Archibald relates only to the two personal injury actions, his finding of disability is binding upon me. For this reason alone, the assessment cannot proceed without a litigation guardian being appointed for the Client.

[5] Further, there is apparently a motion pending for approval of a settlement in the personal injury actions. Ms Daya's correspondence confirms that one of the issues on the motion is the request for approval of Mr. Singer's bills.

[6] If such approval is provided or the accounts are otherwise assessed by a judge, then an assessment by an Assessment Officer will not be required.

[7] Therefore, the assessment hearing scheduled for June 28 and 29, 2018, is adjourned pending the conclusion of the motion for approval. If the assessment is to proceed, steps must be taken for the appointment of a litigation guardian for Ms Huang unless Justice Archibald's findings are subsequently set aside.



R. Ittleman, Assessment Officer

Dated: June 28, 2018