



CARMEN ARTACHE v. JERROLD GOLDIN

570 N.Y.S.2d 238 (1991) | Cited 1 times | New York Supreme Court | May 28, 1991

DECISION & ORDER

Ordered that the order and judgment is reversed, on the facts, with costs, and a charging lien in the amount of \$37,500 is fixed in favor of the appellant.

We find that the weight of the credible evidence established that the appellant was discharged without cause. The appellant's representation of the plaintiff was entirely competent and successful up until the time of his discharge. In addition, a potential conflict of interest involving the appellant was fully disclosed to the plaintiff and she chose to continue to be represented by the appellant. Indeed, the discharge occurred solely as a result of a fee dispute. Accordingly, the appellant is entitled to a charging lien for the reasonable value of services rendered prior to the date of substitution of counsel (see, *Lai Ling Cheng v Modansky Leasing Co.*, 73 N.Y.2d 454; *Luciano v Trabucco*, 159 A.D.2d 695; Judiciary Law § 475). We find the reasonable value of the work performed on behalf of the plaintiff for which the appellant was not compensated to be \$37,500.

