

**PRESS RELEASE**

**Wednesday 7 July 2021**

**In two judgments dated 30 April and 2 July 2021, Mr Justice Zacaroli decided CANDEY’s application for recognition of a lien over shares obtained by its former client, Edward Wojakovski.**

**The judgments deal with important issues concerning solicitors’ rights to recover fees under DBAs and the public interest of ensuring solicitors who take risks for defendant clients get paid.**

In December 2020, CANDEY issued an application to recognise a lien over shares Mr Wojakovski obtained under a settlement agreement. Mr Wojakovski was a defendant in that claim. The lien was said to arise because the success fee under CANDEY’s DBA was triggered upon Mr Wojakovski obtaining “*any benefit*” and preserving the shares satisfied this requirement.

In his first judgment, Zacaroli J decided Mr Wojakovski’s successful retention of shares did not constitute a recovery – and even if it did, no entitlement to a fee was triggered under CANDEY’s DBA because Mr Wojakovski was a defendant.

In his second judgment, which proceeds on the basis his first was wrong, Zacaroli J found that CANDEY did obtain a lien over the shares but that it was defeated because CANDEY was on notice of a final charging order.

CANDEY is appealing the first judgment on the basis its DBA provided that “*any benefit*” obtained by Mr Wojakovski triggered a success fee, that preserving Mr Wojakovski’s interest in shares constituted such a “benefit”, and that a defendant who successfully preserves such a valuable right is entitled to share it with his solicitors under a DBA.

This raises important questions of access to justice as Zacaroli J’s judgment means defendant litigants that successfully preserve valuable assets are unable to access funding arrangements available to their claimant opponents.

CANDEY is also appealing the second judgment.

The judgment is available on [BAILII](#).