

2020 LSBC 10  
Decision issued: February 24, 2020  
Citation issued: September 4, 2018

**CORRECTED DECISION: THE PREAMBLE TO PARAGRAPH [17] OF THE  
DECISION WAS AMENDED ON FEBRUARY 27, 2020**

**THE LAW SOCIETY OF BRITISH COLUMBIA**

**In the matter of the *Legal Profession Act*, SBC 1998, c. 9**

**and a hearing concerning**

**HONG GUO**

**RESPONDENT**

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**DECISION OF THE HEARING PANEL  
ON AN APPLICATON TO EXCLUDE  
A MEMBER OF THE PUBLIC**

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Hearing date: February 5, 2020

Panel: Jennifer Chow, QC, Chair  
Ralston Alexander, QC, Lawyer  
John Lane, Public representative

Discipline Counsel: Kathleen Bradley  
Counsel for the Respondent: Gerald Cuttler, QC  
Appearing on his own behalf Robert William Gordon Grosz

[1] The Respondent, Ms. Guo has applied to the Panel for an order pursuant to Rule 5-8 that Mr. Robert William Gordon Grosz, a member of the public, be excluded from this hearing and any continuation of this hearing.

[2] Law Society Rule 5-8(1) provides that every hearing involving a Law Society citation is open to the public. It also provides the Panel with the authority to

exclude some or all members of the public in any circumstances we consider appropriate.

- [3] Rule 5-8(2) provides that on application, the Panel may make other orders to protect the interests of any person, including an order that specific information not be disclosed, and any order regarding the conduct of the hearing necessary for the implementation of such order.
- [4] Ms. Guo's affidavit provides the following:
- (a) Mr. Grosz was previously employed by Ms. Guo. At this time Mr. Grosz is subject to various orders: an order dated December 16, 2019 made by a Law Society hearing panel under Rule 5-8; an order dated December 17, 2019 made under Rule 5-8 by the same hearing panel; an order made November 15, 2019 by Madam Justice Forth regarding confidentiality of certain documents; and another order made December 10, 2019 by Madam Justice Forth. These orders were made to protect client confidentiality and protect solicitor-client privilege. In the case of the exclusion order made on December 17, 2019, that order was made to address Ms. Guo's concerns, not only about client confidentiality and solicitor-client privilege, but her concerns about her own personal safety.
  - (b) Ms. Guo says in her affidavit that Mr. Grosz's conduct frightens and intimidates her. She says that she finds his presence to be distracting, harassing and intimidating and she believes that, if he is granted access to any evidence at the hearing, Mr. Grosz will attempt to disseminate it maliciously in an effort to cause her harm. She finds the thought of Mr. Grosz attending the hearing to be very stressful.
- [5] Mr. Cuttler, counsel for Ms. Guo, submits that no circumstances have changed since the last hearing panel made their orders on December 17, 2019 to exclude Mr. Grosz from Ms. Guo's other hearing.
- [6] Counsel for the Law Society consents to Ms. Guo's application and emphasizes concerns over continuing or possible breaches of Law Society orders and the Supreme Court orders.
- [7] The Panel afforded Mr. Grosz time today to ensure that we heard directly from him about his concerns as this order affects his attendance at this hearing.
- [8] Rule 5-6(1) provides the Panel with the authority to determine the practice and procedure to be followed at a hearing. At this time the Panel is on day three of a

ten day hearing in regard to a citation issued against Ms. Guo that contains serious allegations. It is important and in the public interest that the hearing be conducted in a fair manner with minimal interruptions from members of the public.

- [9] In his submissions, Mr. Grosz used profanity, made a number of accusations against the Law Society, the British Columbia courts and numerous other persons and parties. On both hearing days that Mr. Grosz has attended, he has interrupted counsel and the Panel, spoken over counsel and the Chair, and has used profanity and made a number of threats against numerous persons.
- [10] In the Panel's view, this hearing cannot continue with Mr. Grosz present as his attendance is disruptive and, more importantly, disrespectful to these proceedings and the various rules that govern these proceedings.
- [11] Additionally, Mr. Grosz has made statements today and Monday about guns and "murder and mayhem." His presence also raises issues of public safety.
- [12] Accordingly, for those reasons alone, the Panel finds that it is in the public interest to exclude Mr. Grosz from this hearing and any continuation of this hearing, so that we can ensure that Ms. Guo is afforded a fair and respectful hearing process.
- [13] Additionally, we agree with the Law Society's submissions that Mr. Grosz has breached client confidentiality and solicitor-client privilege. He appears to have disregard to the current orders made against him. Based on his own submissions before this Panel, it is our view that Mr. Grosz will continue to breach client confidentiality and solicitor-client privilege. We have seen Mr. Grosz before us, both on Monday and again today, and on both occasions, and in the face of admonitions from the Chair, he has interrupted the proceedings, spoken out of turn, been disrespectful of the Law Society and its processes, and we are satisfied that he will continue this disruptive behaviour despite his promises to the contrary.
- [14] The materials and submissions of Mr. Grosz himself indicate that he is obsessed with Ms. Guo. We emphasize that these are his own materials and his own submissions. We agree with counsel that his continued presence at this proceeding will impair Ms. Guo's right to a fair hearing. We find that his materials and submissions, submitted and made in this proceeding, indicate that her fears about harassment and threats to her personal safety are valid and justified.
- [15] This Panel agrees with the Law Society that, before making an order that impairs the open hearing principle, we must consider the nature of the interests sought to be protected, whether alternative measures can just as effectively protect the interests

engaged and, if necessary, the proper balance between the openness principle and the interests engaged. We have done so.

[16] We also agree with Mr. Cuttler that the orders he seeks properly balance the interest of the public in an open hearing with a fundamental interest of Ms. Guo to focus and participate in this hearing, free from the additional and significant stress that would result if Mr. Grosz is present. We also agree that the order sought properly balances the interests of the public in an open hearing, with the interests of counsel, witnesses and Law Society staff to attend and participate in this hearing free from unnecessary stress, disruption and distraction.

[17] This Panel makes the following orders. We order pursuant to Rule 5-6(1) and Rule 5-8 of the Law Society Rules that:

- (a) Robert William Gordon Grosz is excluded from the hearing room for this hearing and any continuation thereof;
- (b) Robert William Gordon Grosz is not entitled to receive, directly or indirectly, a transcript of any of the proceedings or copies of any exhibit or document tendered in evidence or otherwise in these proceedings;
- (c) If any person other than a party requests a copy of the transcript or any exhibit filed in these proceedings, confidential client information and information protected by solicitor-client privilege must be redacted from the transcript or exhibit before it is disclosed to that person; and
- (d) No one present at these proceedings may disclose, disseminate or publish any confidential client information or information protected by solicitor-client privilege.