

THE LAW SOCIETY OF BRITISH COLUMBIA

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

and a hearing concerning

AENGUS RICHARD MARTYN FOGARTY

RESPONDENT

**DECISION OF THE HEARING PANEL
ON AN APPLICATION FOR ADJOURNMENT**

Written submissions: September 1, 2020
September 14, 2020

Panel: Philip Riddell, QC, Chair
Carol Roberts, Lawyer
Brendan Matthews, Public representative

Discipline Counsel: Kathleen Bradley
Appearing on his own behalf: Aengus R.M. Fogarty

- [1] The Respondent brings an application to adjourn the continuation of the hearing of this matter. The Respondent refers to his inability to travel from the Czech Republic to Ireland without the necessity of undergoing 14 days of isolation due to the COVID 19 pandemic as the basis for his application. The Respondent states that his “files” are in his home office in Galway, Ireland and that even if he were able to travel to Galway, his home office in which his “files” are located are in a residence occupied by members of his family who would be considered vulnerable to COVID-19 and are required to be isolated.

- [2] It is against this background that the Respondent seeks to adjourn this hearing until “after the Covid-19 pandemic is under control, and people with a disability are not put at risk through travel.”
- [3] This hearing was commenced on November 18, 2019. The evidence was completed, and in the course of the Law Society’s closing submissions, the Law Society sought to adjourn in order to consider a situation. The Law Society brought an application to re-open its case. The application to re-open deals with two paragraphs of the Respondent’s Affidavit No. 2, in particular paragraph 13, which exhibits a webpage of the Wong Partnership (Exhibit “C”), and paragraph 15, which exhibits the results of a web search and showing pages of the Rajah & Tam LLP website (Exhibit “E”). The Law Society alleges that, to put it in its simplest form, Exhibits “C” and “E” are fabrications.
- [4] This is a very specific allegation regarding the print-outs of these webpages.
- [5] At no point has the Respondent stated what in his “files” would answer the allegation that Exhibit “C” and “E” are fabrications. In the absence of any specific information regarding the Respondent’s inability to respond to the allegations, the application to adjourn is dismissed, and the hearing will proceed on October 19 and 20, 2020 via video conference.