

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 TO RECONSIDER APPLICATION FOR
ADJOURNMENT**

Written submissions: October 14 and 15, 2020

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

Discipline Counsel: Kathleen Bradley
Appearing on his own behalf: Aengus Richard Martyn Fogarty

- [1] In our decision of September 17, 2020, we dismissed the Respondent's application to adjourn the continuation of this hearing *sine die*.
- [2] The Respondent now brings an application seeking that we reconsider our earlier decision.
- [3] The Respondent has not provided any additional material that would justify a reconsideration. The Respondent again raises the issue regarding his inability to travel from the Czech Republic to Ireland to access his files. He does not state what materials he is seeking access to and how those materials would be relevant to

the Law Society's application to reopen. This is a case in which all of the evidence at the hearing has been submitted and the only remaining evidentiary issue to be addressed is the admissibility of the additional evidence that the Law Society wishes to introduce by way of the application to reopen.

[4] At page 1 of the Respondent's current application, he states:

The Respondent would have evidence to counter these assertions and thus would be able to disprove them only if he can have access to his file. However, the Respondent cannot do so at this time because he does not have access to his files due to the pandemic including the original documents which are definitely relevant to the facts of this case.

Notwithstanding the fact that the Respondent cannot gain access to his file, he is nonetheless [sic] able to disprove much of the legal argument and erroneous facts relied upon by the law society in their quest to re-open this matter.

[5] The Respondent takes the position that he needs access to materials, which he does not specify, and then states he does not need access to these materials to rebut the Law Society's argument to reopen.

[6] No additional materials have been provided to cause us to reconsider our earlier decision to dismiss the Respondent's application to adjourn. The Respondent's application for reconsideration is dismissed.