

Applicant 10

Written submissions on application for non-disclosure: March 13 and 20, 2017

Panel: Gregory Petrisor, Chair, William Everett, QC and Thelma Siglos

Decision issued: August 1, 2017 (2017 LSBC 28)

Counsel: Jean P. Whittow, QC for the Law Society; Applicant 10 on his own behalf

BACKGROUND

Applicant 10 seeks an order that evidence and submissions relating to medical reports and related correspondence be sealed and prohibited from disclosure or publication. Much of the information was created as a consequence of an application for enrolment, which Applicant 10 knew would be used by the Law Society, but the applicant opposes the further publication or distribution of that information.

Applicant 10, the Law Society and a review board or appellate court have a legitimate need to access a hearing panel's entire record of proceedings and written reasons. On the other hand, members of the profession and the public do not have the same need for all of the details contained in the exhibits, the transcript of proceedings or the written reasons.

DECISION

The hearing panel ordered that:

- the reports and correspondence listed and contained in the book of "Medical Documents and Correspondence" marked as an exhibit in this proceeding must not be disclosed;
- the portions of the transcript of this proceeding that pertain to medical reports and related correspondence, including testimony of expert witnesses and related submissions by either party, must not be disclosed; and
- to give effect to the terms of this order, 28 specified paragraphs of the panel's written decision in this proceeding must not be disclosed in any publication or distribution of the decision.