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**CASE SUMMARY: A LAW SOCIETY MEMBER IS
REQUIRED TO COOPERATE WITH THE LAW
SOCIETY AND PROVIDE DOCUMENT
PRODUCTION AT THE INVESTIGATIVE STAGE**

**Administrative law – Decisions reviewed – Law Societies – Judicial review –
Investigations – Barristers and solicitors – Professional misconduct**

Cusack v. Law Society of Ontario, [2019] O.J. No. 4467, 2019 ONSC 5015, Ontario Superior Court of Justice, September 4, 2019, N.L. Backhouse, M.L. Edwards and L.G. Favreau JJ.

The appellant was a sole practitioner lawyer. His paralegal made a complaint to the Law Society regarding aspects of the appellant's practice.

The Law Society requested the appellant produce documents to the Law Society as part of their investigation. The appellant refused. He argued the Law Society's requests were a fishing expedition and the Law Society was required to make disclosure to him before he was required to cooperate and provide document production.

The Divisional Court determined the appellant conflated disclosure obligations at the discipline hearing stage with disclosure obligations at the investigation stage. The appellant was obliged to cooperate with the Law Society's investigation. The Law Society was not required to make disclosure to the appellant as part of its investigative process. To require that would impair the timeliness of investigations, cause delay, and harm the ability to protect the public.

This case was digested by [Joel A. Morris](#), and first published in the LexisNexis® Harper Grey Administrative Law Netletter and the Harper Grey Administrative Law Newsletter. If you would like to discuss this case further, please contact Joel A. Morris at jmorris@harpergrey.com.