

2026 LSBC 19
Hearing File No.: HE20250012
Decision Issued: October 15, 2026
Citation Issued: October 3, 2025
Citation amended: August 10, 2026

THE LAW SOCIETY OF BRITISH COLUMBIA TRIBUNAL
HEARING DIVISION

BETWEEN:

THE LAW SOCIETY OF BRITISH COLUMBIA

AND:

ZACHARY CHUN NG

RESPONDENT

**DECISION OF THE MOTIONS ADJUDICATOR
ON AN APPLICATION FOR DISCLOSURE**

Hearing date: September 17, 2026

Motions Adjudicator: Kimberly Henders Miller, KC

Discipline Counsel: William B. Smart, KC
Susan J. Humphrey

Appearing on his own behalf: Zachary Chun Ng

Nature of the Application

[1] This is an application by the Respondent for an order pursuant to Rule 5-5.1(8)(b) of the Law Society Rules, for disclosure of documents relating to other Law Society of British Columbia (“Law Society”) investigative and citation files. The issue on this application is the scope of the Law Society’s disclosure obligations to the Respondent.

[2] For the reasons following, I am dismissing the Respondent's application.

Facts

[3] The citation against the Respondent, issued October 3, 2025 and amended August 10, 2026, contains seven allegations of professional misconduct, largely relating to his representation of two clients, AA and BB who were involved in collection and lending transactions (the "Citation").

[4] There have been regular prehearing conferences in the matter, starting on March 5, 2026. At that time, the Respondent had received the bulk of disclosure from the Law Society, but receipt of the remainder was delayed until June, due to challenges with the international transfer of data. On May 21, 2026, I directed the Respondent to begin reviewing the disclosure that he had received to date. On July 23, 2026, I ordered the Respondent to make any necessary disclosure requests, and a hearing on facts and determination was scheduled for 18 days, commencing on November 2, 2026.

[5] On July 30, 2026 and August 20, 2026, the Respondent made disclosure demands to the Law Society, including those that are the focus of this application. In summary, subject to valid claims of privilege, the Respondent seeks:

- a. The complete files as held by the Law Society relating to Lawyer XX's involvement with AA and BB as well as any and all other such similarly described documents, correspondence and communications in or outside of an investigative file.
- b. The complete files as held by the Law Society relating to Lawyer YY's involvement with AA and BB as well as any and all other such similarly described documents, correspondence and communications in or outside of an investigative file.

[6] The Respondent had a previous professional relationship with Lawyer XX, where he first encountered AA and BB. When AA later contacted him for representation, he understood it was on referral by Lawyer XX. Both Lawyer XX and Lawyer YY had concurrent involvement with AA and/or BB during the Citation period, and documents on the Respondent's files sometimes originated from their practices. In one matter, Lawyer XX briefly replaced the Respondent as counsel for AA.

[7] In response to the disclosure demands of July 30, 2026 and August 20, 2026, the Law Society advised the Respondent that it was unlikely that the complete files would be disclosed, but that a review of the files would be undertaken with a view to providing the Respondent with "any exculpatory evidence that is logically relevant to the allegations against [him] and any other evidence that may reasonably assist [him] in advancing a defence that is plausibly open to [him]." As for materials outside of the investigative file,

the Law Society advised the Respondent that he had failed to demonstrate how these materials meet the test for disclosure as set out in *Law Society of BC. v. Wang*, 2024 LSBC 42. Further, the Law Society advised the Respondent that they had conducted a review of a list of lawyers who had been investigated as a result of their involvement with AA and BB and who were “involved in any of the matters at issue in the Citation during the relevant time period.” Only Lawyers XX and YY had been identified as meeting these criteria.

[8] On September 10, 2026, the Respondent successfully applied to adjourn the scheduled facts and determination hearing date. In addition to his Notice of Motion to adjourn, he filed his Notice of Motion on this matter, which was heard one week later.

[9] At the time of the hearing of this application, the Law Society was close to completing its examination of the two identified investigative files relating to Lawyers XX and YY to determine what would be disclosed in accordance with the disclosure obligations set out in *Wang*.

[10] Just prior to the hearing of this matter, the Law Society review identified an additional citation file relating to Lawyer YY. The materials within the citation file and associated investigative file were described as “voluminous” and consist of both hard copy materials as well as digital materials. The investigative file is estimated to be in the tens of thousands of pages, and the citation file consists of electronic evidence in addition to 18 boxes of hard copy documents. While AA and BB were not named in the citation and do not appear in a review of indexed disclosure materials, because they are known to be long time clients of Lawyer YY, there is a possibility that there may be materials relating to them contained within the files that were not disclosed at the time of the citation.

Law

[11] The Law Society’s disclosure obligations are found, in part, in Rule 5-4.6. In addition to evidence or summaries of evidence that the Law Society intends to introduce at the hearing, the Law Society must also provide:

5-4.6 (2) ... (d) a summary of any other relevant evidence in Law Society counsel’s possession or in a Society file available to counsel, whether or not counsel intends to introduce that evidence at the hearing.

[12] The review board in *Wang* endorsed this Rule, but expanded the disclosure obligation to ensure an appropriate level of procedural fairness:

[133] ... Subject to claims of privilege, the Law Society should proactively disclose the evidence it has relied upon in preparing its case, all exculpatory

evidence that is logically relevant to the allegations against the respondent, and, to the extent that it is not captured in the preceding categories, any other evidence that may reasonably assist the respondent in advancing a defence that is plausibly open to them.

[13] The original disclosure demand made in *Wang* included materials from two investigative files involving other lawyers. In response, the Law Society disclosed portions of the investigative files that were determined to be relevant to the citation. In finding that the panel was correct in dismissing the respondent's further demand for the entire investigative files due to inadequate disclosure, the review board found that the scope of relevance is determined by the citation, and that the Law Society had clearly turned its mind to what evidence in the investigative files was relevant to specific allegations.

[14] *Wang* establishes that the Law Society, as part of its disclosure obligations, is tasked with the determination of what information in its possession must be disclosed under Rule 5-4.6 and the expanded obligations (paras. 133, 137).

[15] Further, the review board in *Wang* made it clear that where a respondent is asserting that disclosure has been inadequate, that respondent must establish a basis for their assertion (paras. 138 to 141).

Analysis

[16] The disclosure sought by the Respondent in this matter cannot all be relevant. The demand is clearly over-broad. The Respondent's submission that his demand for "the complete file means the complete responsive record" is difficult to assess in terms of the legal test for relevance.

[17] The Respondent says that the disclosure sought is required because the materials will provide broader context about the true nature of AA and BB's businesses, perhaps by establishing similarities to their dealings with Lawyers XX and YY. This ignores that the allegations in the Citation relate not to the conduct or knowledge of others, but to the information that was before him at the time he undertook certain actions. It is difficult to envision, as the Respondent suggests, that facts relating to transactions, documents, conversations, and relationships outside of his knowledge could be relevant to a panel's assessment of the allegations. However, if there are materials in the investigative files that are relevant to this assessment, it will be incumbent on the Law Society to disclose them, subject to claims of privilege.

[18] The Respondent's assertion is that the Law Society has failed to meet its disclosure obligations by applying too-narrow an assessment of relevance. This assertion is premature and without foundation. At the time of the hearing of this application, the Law

Society had not yet provided what it says are relevant materials from the investigative files in response to the Respondent's demand.

[19] In submissions, the Law Society advised that it was reviewing materials in its possession for the purpose of disclosure in accordance with the expanded obligations established in *Wang* and "committed to erring on the side of disclosure." In addition, the Law Society now has had the benefit of hearing submissions regarding the Respondent's articulation of the relevance of the materials sought to his defence. At this time, it is not necessary for me to make any further directions regarding the conduct or scope of the Law Society's review of the materials.

[20] With regard to the Lawyer YY citation file, the Law Society made the submission that because there is no connection between that matter and this Citation, combined with the challenges and resources required to review the type and volume of materials contained in the files, it would be appropriate not to conduct a review. I am making no decision in relation to this submission at this time. The Law Society is to make the initial determination of what materials they are obligated to disclose in accordance with the expanded obligations set out in *Wang*.

Decision

[21] The Respondent's application for an order requiring the Law Society to produce the complete files relating to Lawyer XX's and YY's involvement with AA and BB as well as any and all other such similarly described documents, correspondence and communications in or outside of an investigative file is dismissed with leave to bring a further application following the production of documents