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Keith Hamilton

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What's New in this Update:

Reported and unreported decisions received by the author up to May 2018 have been included in this update. The following cases are of particular interest:

- *Kuny v. College of Registered Nurses of Manitoba* (Man. C.A.) — The duty of fairness at the investigation stage requires disclosure of the substance of individual allegations such that the member will be able to respond reasonably.
- *Ahmed v. College of Registered Nurses of Manitoba* (Man. C.A.) — The Discipline Committee erred when it assessed the credibility of the complainant and its decision was unreasonable. The committee found a dozen or more inconsistencies in the complainant's account of the incident to be immaterial, without considering whether all of them taken together demonstrated an absence of reliability of the complainant.

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- *Law Society of British Columbia v. Tungohan* (B.C.C.A.) — The lawyer's conduct in conducting the discipline hearing was not the only relevant consideration, as his ability to pay costs was also an important factor. Neither the hearing panel nor review board considered the lawyer's argument that the amount of costs was punitive because it was disproportionate to the \$3,000 penalty imposed, and was a financial burden on him as a sole practitioner.
- *R. v. Short* (Ont. C.A.) — When the trial judge required defence counsel to remain on the record, the accused was left to be defended on a first degree murder charge, not by counsel fully and unequivocally committed to his defence, but by counsel who had announced to the court that he could not, in good conscience, continue to act for the accused. The trial judge's ruling rendered the appearance of the trial unfair and resulted in a miscarriage of justice.