

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 10825-2011

BETWEEN:

SOLICITORS REGULATION AUTHORITY

Applicant

and

JENNY CHEN-YIU LIU

Respondent

Before:

Mr L. N. Gilford (in the chair)

Mr T. Smith

Mrs C. Valentine

Date of Decision: 5 February 2019

Appearances

The matter was dealt with on the papers and so there were no appearances.

**MEMORANDUM OF APPLICATION FOR NON-PARTY
DISCLOSURE**

1. Ms Liu was the Respondent to an application to the Tribunal which was heard on 8 March 2012. At the conclusion of the hearing she was suspended from practice for an indefinite period to commence on 8 March 2012.
2. An application for non-party disclosure was received dated 28 January 2019 from Mr Gary Brooks. He described the documents of which he sought disclosure as "References and testimonies." He gave as his reason for the request "Reviewing Remorse". In accordance with its Policy on the supply of documents to a Non-Party from Tribunal Records dated 10 July 2017, the Tribunal invited both the Applicant and the Respondent to make submissions upon the application. For the Applicant, Mr Inderjit Johal indicated that the Applicant had no comments to make upon the application. The Respondent, Ms Liu submitted a letter of objection.
3. The Respondent informed the Tribunal that Mr Brooks was not known to her and had no connections to her. She submitted that he had not revealed his reasons for accessing personal information relating to her. She further submitted that there was no public interest in the disclosure. The Respondent also objected on the basis that the information in the documents sought had been provided in confidence for use in her Tribunal case (and court proceedings). They had been provided on the basis that they would be used in mitigation in her cases only. The Respondent also believed that some of the documents contained personal information about the individuals giving the testimonials. She submitted that they would also need to give express permission for the documents to be disclosed.
4. The Tribunal had regard to the factors relevant to the application set out in its Policy referred to above. The Tribunal considered that the reasons given for the request were unclear and inadequate. As to the nature of the documents requested the Tribunal inferred that they comprised the "Bundle of references and testimonials" listed in the judgment of the Tribunal dated 13 April 2012. It was not clear to the Tribunal how those documents related to any remorse expressed by the Respondent. The judgment recorded that "she felt deep remorse for what she had done" and the Tribunal could not see how documents of the nature requested could take that further. No information had been submitted to establish whether the material had value in advancing the cause of open justice. The Respondent objected to the requested disclosure on several grounds including that the information contained in the documents was confidential. In circumstances where the reason given for the application was so unclear the Tribunal determined that it was not necessary for it to review the confidentiality of the documents sought or to seek representations from their authors. The Tribunal ordered as follows:
 - 4.1 The application for disclosure of non-party documents made by Mr Gary Brooks dated 28 January 2019 be refused.

Dated this 6th day of February 2019

On behalf of the Tribunal



L.N. Gilford
Chairman