

Lawyer Denied Anonymization in Traffic Ticket Appeal (*R. v. Slogoski*)

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Lawyers, physicians, accountants and other professionals who depend heavily on their reputations may understandably wish to keep their names from being reported in court decisions in which they are involved. The open court principle, however, does not generally allow for anonymization simply because a party has a professional reputation to protect.

A recent decision of the Supreme Court of British Columbia confirms that a litigant's profession, on its own, will not justify an order shielding their identity, even where the other parties do not object: *R. v. Slogoski*, 2026 BCSC 2059.

The applicant in the case was a lawyer who appealed a conviction for a speeding ticket issued in Surrey, British Columbia. The ticket had been deemed to be not disputed after the lawyer attended her traffic court hearing by telephone and was refused an adjournment. The only jeopardy she faced was a \$138 fine.

The court dismissed the lawyer's appeal on the basis that it was barred by subsection 16(6) of the *Offence Act*, RSBC 1996, c. 338, leaving her to pursue other remedies such as a further hearing under subsection 16(2) or a judicial review.

In connection with the appeal, the lawyer also applied to anonymize her name in the court documents relating to the case because of her profession as a lawyer who practiced criminal law.

The applicable test for anonymization was set out by the Supreme Court of Canada in *Sherman Estate v. Donovan*, 2021 SCC 25. A party seeking to limit court openness must establish that (1) court openness poses a serious risk to an important public interest; (2) the order sought is necessary to prevent that risk because reasonably alternative measures will not prevent it; and (3) as a matter of proportionality, the benefits of the order outweigh its negative effects. All three prerequisites must be met before any discretionary limit on openness, including a sealing order, publication ban or redaction order, can be granted.

At the first stage, the lawyer argued that she faced two risks, particularly as a criminal law practitioner. The first was a heightened concern about her privacy, especially regarding the availability of her contact information, given her work with accused persons and complainants. The second was the proceeding's potential impact on her career and employment opportunities, by affecting her reputation or her ability to attract clients. She relied on *A Lawyer v. Law Society of British Columbia*, 2021 BCCA 284, in which the Court of Appeal for British Columbia commented on the importance of reputational interests for a lawyer who was facing unproven allegations of dishonesty.

For the second stage, the lawyer argued that an anonymization order was necessary because reasonable alternatives would not sufficiently address the risk, and that the Crown would not be prejudiced.

At the third stage, she argued that the impact of anonymization on the open court principle would be relatively small compared to the potential impact on her. Relying on *A.B. v. Bragg Communications Inc.*, 2012 SCC 46, she emphasized the distinction between protecting a person's identity and suppressing information about a proceeding more broadly, and proposed that the substance of the matter would remain publicly available.

Notably, the Crown did not oppose the anonymization request or the imposition of a publication ban, and did not consider the public interest in knowing the identities of the persons involved to be high. The Crown did, however, distinguish the case from matters involving allegations of unethical or improper conduct, which raise broader concerns about the livelihoods of firm employees.

The application judge held that the lawyer had not met the *Sherman Estate* test. Most significantly, the application failed at the first stage, as court openness in this case did not pose a serious risk to an important public interest. The application judge relied on *Pyper v. Schuetze*, 2023 BCCA 343, which affirmed that not all privacy interests qualify as an important public interest. Privacy will be at risk in many court proceedings, and what is required is a risk to privacy that imperils the dignity of the person, which arises only in limited circumstances. In this regard, the Supreme Court of Canada stated in *Sherman Estate* at paragraph 63 that “[n]either the sensibilities of individuals nor the fact that openness is disadvantageous, embarrassing or distressing to certain individuals will generally on their own warrant interference with court openness”.

Applying those principles, the application judge concluded that “protecting the identity of a lawyer in these circumstances is not a sufficiently important public interest at risk.” The information in the case was not distinctly personal or sensitive. The matter was not related to any criminal allegations or disciplinary proceedings, and was therefore unlike cases in which information about complainants or employees was raised. The application judge did not see how court openness could affect the lawyer’s livelihood, legal practice or ability to attract or find clients, nor how it could compromise her safety or privacy in any appreciable way or cause any prejudice to her clients.

While the orders sought were less restrictive than alternatives such as sealing orders, the application judge concluded that it was unnecessary to consider lesser alternatives. In any event, the benefits of shielding the lawyer’s identity did not outweigh the negative effects on court openness.

The anonymization application was therefore **dismissed**.

The takeaway from the decision is that anonymization requests will not be lightly granted, even in cases where the application is unopposed. The *Sherman Estate* test must be met, and generalized concerns about reputation will not suffice. Concerns about career prospects or client development are unlikely to constitute a serious risk to an important public interest, and the privacy interest must rise to the level of a threat to the person’s dignity. The subject matter of the proceeding is likely to be the key factor, as anonymization arguments are more likely to succeed in cases involving sensitive personal information, allegations of misconduct, disciplinary proceedings or the interests of third parties such as clients, complainants or employees. This case, involving a routine dispute over a speeding ticket, did not fall into that category. Being a lawyer, or any other professional, is not in itself a basis to litigate anonymously.

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