

Publisher’s Note

An Update has Arrived in Your Library for:

Please circulate this notice to anyone in your office who may be interested in this publication. <i>Distribution List</i>
☐
☐
☐
☐

The Law of Privilege in Canada Robert W. Hubbard and Katie Doherty Release No. 4, September 2026

The Law of Privilege in Canada is a comprehensive guide to privilege and confidentiality. It includes chapters on each type of privilege with “key points”, case law and commentary as well as a table of cases, relevant legislation, and an index.

What’s New in this Update:

The authors have updated the commentary and case law in Chapters 1 (Introduction to Privilege) and 8 (Religious Communication Privilege).

Thomson Reuters®	Customer Support
	1-416-609-3800 (Toronto & International)
	1-800-387-5164 (Toll Free Canada & U.S.)
	E-mail CustomerSupport.LegalTaxCanada@TR.com

This publisher’s note may be scanned electronically and photocopied for the purpose of circulating copies within your organization.

Highlights

Religious Communication Privilege—Summary of Religious Communication Privilege—The protection of religious communications has been raised under several names, including priest and penitent privilege, Ecclesiastical privilege, sacerdotal privilege, and cleric-congregant privilege. In Canada, at common law there is no recognized class privilege for religious communications. *R. v. Fox*, 2026 SCC 4, 2026 CarswellSask 60 (S.C.C.).

Doctor-Patient Privilege and Confidentiality In Health Care—Summary of Doctor-Patient Privilege and Confidentiality in Health Care—While there is no recognized class privilege for doctor-patient communications in Canada, the protections available for doctor-patient communications and for health care information of every kind are broad in scope and expanding rapidly. Doctor-patient privilege can be argued on a case-by-case basis using a balancing of public and personal interests. *R. v. Fox*, 2026 SCC 4, 2026 CarswellSask 60 (S.C.C.).

Doctor-Patient Privilege and Confidentiality In Health Care—The Scope of Doctor-Patient Privilege—At law, it is important to distinguish between confidentiality and privilege. There is no class privilege for medical information or doctor-patient communications in Canada. *R. v. Fox*, 2026 SCC 4, 2026 CarswellSask 60 (S.C.C.).

IN MEMORY OF

Robert W. Hubbard
(1948–2022)

This book is but one of the many and varied contributions that Robert W. Hubbard made to Canadian law.

Bob dedicated his professional life to serving Canadians. His entire career was devoted to the pursuit of justice, to the fair and equitable administration of the criminal law, to the development of jurisprudence, and to the education and mentorship of generations of counsel.

Bob joined the Department of Justice, Ontario Regional Office, Prosecution Section in 1977. From 1986 onwards, he served as their Coordinator of Criminal Appeals. In 2006, Bob retired from the federal public service as Senior General Counsel and joined the Ministry of the Attorney General for Ontario, Crown Law Office — Criminal. In his more than 44 years of public service, Bob prosecuted all manner of cases on behalf of the federal and provincial Crown, before all levels of court — including numerous trials of large-scale frauds, appeals in the Court of Appeal for Ontario and appearances at the Supreme Court of Canada. In 2010, Bob was awarded the Law Society Medal for outstanding service within the profession. In 2020, Bob was awarded the Commitment to Justice Award by the Federal, Provincial and Territorial Heads of Prosecutions Committee, in recognition of his dedication to serving the Canadian public and furthering the ideals of justice through his prosecutorial career.

Bob also served as both an educator and an author. He was a long-time instructor of trial advocacy at the University of Toronto Faculty of Law, and frequently lectured to the judiciary, legal professionals and law enforcement across the country. He was recognized nation-wide as an expert in search and seizure, electronic surveillance, and the law of privilege, and authored articles and legal texts on these and other subjects.

But above all, Bob was a mentor. Multiple generations of lawyers, many of whom have since left the bar to join the bench, benefited greatly from Bob's unerring guidance, knowledge and good humour. Those of us who were lucky enough to come into his orbit depended

on receiving his advice, his musings, his mockery — all in equal measure. And Bob laughed at himself as much as he laughed at anyone else, which, all told, is an excellent philosophy.

Bob made more of his time than most people have or ever will. This does not make his passing less devastating for the family and friends who loved him. But for our time to have overlapped, for our paths to have intersected — this is a blessing that eludes textual description. Bob is deeply and sorely missed. But his good works, his memory and his legacy live on.

Mabel Lai & Katie Doherty, March 2022

This book is dedicated to the following:

Robert W. Hubbard

To Liz and our children, Jennifer, Daniel, Nick and Ashleigh.

Katie Doherty

To the other Dohs, Barbara and David, and to the good cop to my bad cop, Robert W. Hubbard.