

## NOTICE TO THE PROFESSION

Re: Applications under ***The Mental Health Act***.

An application under ***The Mental Health Act*** should not include a copy of the last will and testament of the respondent/person alleged to be incapacitated, as it may breach the respondent's right to privacy and, if obtained from a solicitor, may breach the solicitor-client privilege. If a will is attached to an affidavit filed with the court, counsel may be requested to submit a new affidavit removing the will. The court may, in appropriate circumstances, ask for disclosure of the will if there is some significant and pressing reason why that information should be disclosed, and if the other concerns mentioned above can be adequately addressed.

Chief Justice M. Monnin  
Court of Queen's Bench of Manitoba

September 2003