

**IN THE MATTER OF A HEARING OF THE HEARING TRIBUNAL  
OF THE COLLEGE OF CHIROPRACTORS OF ALBERTA (FORMERLY KNOWN AS  
THE ALBERTA COLLEGE AND ASSOCIATION OF CHIROPRACTORS) (THE  
“COLLEGE”) INTO THE CONDUCT OF DR. CURTIS WALL, A REGULATED  
MEMBER OF THE COLLEGE**

**Pursuant to *THE HEALTH PROFESSIONS ACT*,**

**R.S.A. 2000 c.P-14 being Chapter H-7 of the Revised Statutes of Alberta**

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**SUPPLEMENTAL SUBMISSIONS OF DR. CURTIS WALL IN RESPONSE TO  
THE CHARGES AGAINST HIM**

**August 4, 2022**

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**Blair E. Maxston, Q.C.**  
**Stillman LLP**  
Counsel for the Complaints Director  
College of Chiropractors of Alberta  
100, 17420 Stony Plain Road  
Edmonton, AB T5S 1K6

**James S.M. Kitchen**  
**Barrister & Solicitor**  
Counsel for Dr. Curtis Wall  
203-304 Main St S  
Suite 224  
Airdrie, AB T4B 3C3

1. These brief submissions were invited by the Tribunal in response to the Court of Appeal of Alberta case of *Alberta Health Services v. Pawlowski*, released on July 22, 2022, after closing arguments in this case.
2. One of the charges against Dr. Wall is that he committed unprofessional conduct by **not** telling his patients that not wearing a mask would increase their risk of COVID being transmitted to them. Penalizing someone for **not** saying something is a form of unlawful compelled speech; it is legally equivalent to telling someone they must say a certain thing and, if they do not, they will be disciplined or penalized.
3. The significance of *Alberta Health Services v. Pawlowski* is that it affirms the unlawfulness of “being compelled to express a particular message” ***in the context of COVID and speech that promotes the government narrative regarding COVID.***<sup>1</sup> Constitutional rights remain paramount, even in the midst of a purported pandemic.<sup>2</sup> The “qualified speech provisions” referred to by the Court of Appeal in paragraphs 31 and 33 of *Alberta Health Services v. Pawlowski* required Mr. Pawlowski to utter statements about COVID and the government’s narrative that he disagreed with. That is the same scenario in this case; Dr. Wall is being required by the College to, by means of penalization if he does not, utter statements about the efficacy of masks that he disagrees with.
4. The unlawfulness of compelled speech even in the context of COVID is so obvious that even Alberta Health Services did not oppose or contest the Court of Appeal overturning the Court of Queen’s Bench regarding the “qualified speech provisions”.<sup>3</sup>

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<sup>1</sup> *Alberta Health Services v. Pawlowski*, 2022 ABCA 254 at para. 33.

<sup>2</sup> The Court of Appeal ruled the compelled speech “offend[ed] the *Charter of Rights and Freedoms*” (see paragraph 31).

<sup>3</sup> *Alberta Health Services v. Pawlowski*, at paras. 31 and 33.

5. The Court of Appeal makes it clear that Charge 3(a) must fail because it is a form of compelled speech—it compels Dr. Wall to express a particular message regarding masks against his will.

ALL OF WHICH IS RESPECTFULLY SUBMITTED THIS 4<sup>th</sup> DAY OF AUGUST 2022



**James S.M. Kitchen**  
Barrister & Solicitor  
Counsel for Dr. Wall

## LIST OF AUTHORITIES

1. [\*Alberta Health Services v. Pawlowski\*, 2022 ABCA 254.](#)