

**JUDGEMENT OF THE DISCIPLINARY COMMITTEE**

**COMPLAINT NO. 141/2017**

**BETWEEN ALLAN WOOD Q.C.**

**COMPLAINANT**

**AND IAN ROBINS**

**RESPONDENT**

**PANEL**

**PAMELA BENKA-COKER Q.C.**

**DELROSE CAMPBELL**

**PETER CHAMPAGNIE**

**PERSONS PRESENT**

**ALLAN WOOD Q.C.**

**CANDICE WILLIAMS – COUNSEL FOR THE COMPLAINANT**

**ALTHEA RICHARDS- SECRETARY OF THE GENERAL LEGAL COUNCIL**

**JEANNIE MCLEOD - RECORDING SECRETARY**

Hearing date -3<sup>rd</sup> February 2018

This complaint was called at 12 p.m. There was no response from the attorney and no explanation for his absence. The panel examined the records as to the service of the Notice of Hearing on the Attorney. The panel was satisfied that the attorney had been properly served in keeping with the requirements of regulations 5 and 21 of the Fourth Schedule to the Legal Profession Act.

The panel therefore decided to proceed to hear the complaint in the absence of attorney as it is entitled to do pursuant to regulation 8 of the said Fourth Schedule. The panel also made the decision to rely on affidavit and oral evidence in the hearing of this complaint. The panel is authorized to do this by regulation 10 of the Fourth Schedule to the Act.

**THE COMPLAINT:** By Form of Complaint dated the 19<sup>th</sup> July 2017 and affidavit in support of the same date Allan Wood Q.C. ( hereafter referred to as the complainant) initiated this complaint against (Ian Robins hereinafter referred to as the respondent) The

complainant is a member of the General Legal Council and authorized to make this complaint:

**THE EVIDENCE.** The complainant Allan Wood was sworn and gave evidence. The complainant identified his Form of Complaint and affidavit in support dated the 19<sup>th</sup> July 2017. **The Form of Complaint was admitted in evidence as exhibit 1 and the affidavit in support as exhibit 1A.** .

The complainant confirmed the contents of his affidavit, The complainant stated in his affidavit that the respondent has not filed Accountant's Reports for the years 2000, and 2005-2016. That the respondent for the years 2001,2002 and 2003, was compliant with the Regulations, as over that period, the respondent was employed to Tenn- Ho- Sang and that firm filed Accountant's Reports on his behalf.

Since that time the respondent has filed no Accountant's Reports, and has been in breach of Regulations 16 and 17 for 13 years.

**THE EVIDENCE OF ALTHEA RICHARDS:** This witness was sworn and gave evidence. The witness identified herself as the Secretary of the General Legal Council who was responsible for receiving reports or declarations from attorneys-at-law under the Accounts and Records Regulations.

She identified her affidavit filed in these proceedings dated the 20<sup>th</sup> July 2017. **This affidavit was admitted in evidence as exhibit 2.** The witness confirmed the contents thereof.

In this affidavit the witness corroborates the evidence of the complainant in all material particulars that the respondent attorney had indeed breached the Accounts Regulations for the years 2000 and 2005-2016.

Having heard the evidence, the panel formed the opinion that the respondent attorney is guilty of the alleged breaches and reserved judgment in order to put its reasons in writing

**THE BURDEN OF PROOF:** The burden of proof is on the complainant to prove the allegations contained in the Form of Complaint and Affidavit in support to the required standard of proof.

**THE STANDARD OF PROOF:** the standard of proof in these disciplinary proceedings is that of "beyond reasonable doubt" The complainant is obliged in law to adduce evidence in support of the alleged complaint that rises to this standard before any adverse findings may be made against the respondent

**EVALUATION OF THE EVIDENCE :** As already stated in similar complaints, the issues raised evidentially are not complex. Further there is no challenge from the respondent as to the accuracy of the allegations as he failed to attend at the hearing of the complaint.

The panel is obliged in law to assess the evidence in relation to the substantive law as it relates to the provisions of the Legal Profession( Accounts and Records) Regulations and apply it to the salient facts and also ensure that the facts rise to a standard of proof of “beyond reasonable doubt”.

**THE LAW:** Regulation 16(1) states” Every attorney, not later than six months after the commencement of any financial year ( unless he or she files a declaration in the Form of the First Schedule which satisfied the Council that owing to the circumstances of his her case, it is unnecessary or impractical for him or her to do so)deliver to the Secretary of the Council an accountant’s report in respect of the financial year next preceding that year”

Regulation 17 reads “Failure by any attorney to comply with the provisions of these regulations shall constitute misconduct for the purposes of the principal Act”

**FINDINGS:**

- 1 The complainant is a member of the General Legal Council and authorised in law to make this complaint..
- 2 The respondent is an attorney –at-law in private practice with offices at 13 White Street, Spanish Town, in the parish of St.Catherine
- 3 The respondent attorney has failed to file accountant’s reports or declarations with the Secretary of the General Legal Council for the years 2000 and 2005 – 2016 inclusive.
- 4 The failure of the respondent attorney Ian Robins to file accountant’s reports or declarations for the years 2000 and 2005-2016 is in breach of regulation 16(1) of the Legal Profession ( Accounts and Records) Regulations .
- 5 The attorney Ian Robins is guilty of professional misconduct contrary to regulation 17 of the said Accounts Regulations and the Legal Profession Act.

**CONCLUSIONS:** The panel re-states its understanding of the object of the Legal Profession( Account s and Records) Regulations 1999. They are there to protect clients and third parties who conduct business with attorneys –at-law. The legal Profession is one which demands the highest integrity of its members.

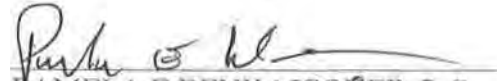
Attorneys-at-law cannot ignore the provisions of the law, flout them, and then be permitted to continue to practice without accounting for their infractions.


The respondent attorney-at-law Ian Robins is guilty of prolonged and inexcusable breaches of these Regulations and has not sought to regularize his position.

In light of the above findings it is now the duty of the panel to impose the appropriate sanctions on the respondent attorney.. The panel will now give the attorney Ian Robins the opportunity to address it on the issue of sanctions,.

The panel adjourns the hearing of this complaint to permit the presentation of submissions in mitigation of sanctions. .

Dated the 14<sup>th</sup> the day of April 2018

  
PAMELA E. BENKA-CORER O.C.

  
DELROSE CAMPBELL

  
PETER CHAMPAGNIE