

**DECISION OF THE DISCIPLINARY
COMMITTEE OF THE GENERAL LEGAL COUNCIL**

COMPLAINT NO. 87/97

EMMA CHRISTIE V RICHARD WILLIAMS

PANEL: DOROTHY LIGHTBOURNE - CHAIRMAN

PAMELA BENKA-COKER Q.C.

MARGARET MACAULAY

HEARD: 20/2/99
27/3/99
24/4/99

Present on the 24th April 1999 were:-

Mrs. Emma Christie

These proceedings were conducted in response to a complaint by Mrs. Emma Christie against her Attorney-at-Law, Mr. Richard Williams as set out in her Affidavit sworn to on the 3rd day of October 1997, pursuant to the Legal Profession Act S. 12(1)(a).

In her Affidavit the complainant deponed that on the 17th day of April 1988, she engaged the services of Mr. Richard Williams, Attorney-at-Law to secure a Registered Title in the name of Lauristan Brady for premises located at 25 Grove Road, Linstead, in the Parish of Saint Catherine. That she paid him most of his legal fees and the only portion that he had not collected was the amount from Mr. Brady, the reason being that Mr. Williams informed her that this sum should be produced to him on delivery of title. That since 1988, she has been in contact with Mr. Williams and he kept telling her lies.

The charges against the Attorney are that:-

- (a) He has behaved in an unprofessional manner;
- (b) He is not truthful;
- © After nine (9) years he has failed to refund her money or documents, neither has he delivered the service for which he was engaged.

THE HEARING

The complaint came on for hearing on the 20th day of February 1999. The Attorney was absent. The panel was satisfied that the Notice of the date of hearing was served on the Attorney on the 8th day of January 1999 and noted the admission of service thereon.

MRS. EMMA CHRISTIE'S EVIDENCE

The complainant gave sworn evidence. She had business with Mr. Richard Williams, Attorney-at-Law, and it was her husband, Inspector Oscar Christie who engaged Mr. Williams to do the business. Mrs. Christie said herself and others owned a lot of land at No. 25 Grove Road, Linstead, in the Parish of Saint Catherine. That the land was sold to Mr. Lauristan Brady. The Land did not have a registered title and Mr. Williams was to apply for a registered title in the name of Mr. Brady. Mrs. Christie stated that she gave Mr. Williams this job in 1988. That her husband gave Mr. Williams some money. Mr. Williams was to have the lot surveyed and the survey was done. That in 1989 she received a letter from Mr. Brady to say that he was ill and could not proceed with the title, and asked her to put a stop on it as Mr. Brady did not have enough money. This letter dated the 17th November 1989 from Lauristan Brady to Mrs. Christie was admitted in evidence as "Exhibit 1". She told Mr. Williams to stop. That she paid Mr. Williams \$100.00.

That on the 2nd May 1995, she went to Mr. William's office in Kingston and told him that Mr. Brady was ready to proceed, and Mr. Williams requested a payment of \$1,000.00. that she paid the \$1,000.00 requested. Receipt No. 48 dated the 2nd day of May 1995 for the sum of \$1000.00 was admitted in evidence as "Exhibit 2".

That on the 6th day of May 1995, she returned to Mr. William's office and paid the sum of \$4,400.00, being her portion of the half costs fees. Receipt no. 49 dated the 6th day of May 1995 for the amount of \$4,400.00 on account of fees for Transfer and application to

register the estate of Isaac Emanuel Clarke was admitted in evidence as "Exhibit 3". Mrs. Christie stated that from that time until now she has been visiting Mr. William's office and on each occasion she was given a different excuse. Sometimes she was told she would get the title "next week". On other occasions she was told the title was ready and he would get it to her in Saint Thomas. Mrs. Christie stated that the documents for the application were prepared and signed, and all Mr. Williams had to do was to get the registered title. She stated that she paid Mr. Williams all the money that she was supposed to have paid and the only money outstanding was Mr. Brady's half costs, which she has in her possession.

ADJOURNED HEARING DATE ON 27/3/99

The matter was adjourned to the 27th March 1999 at the completion of Mrs. Christie's evidence, to give Mr. Williams an opportunity to cross examine Mrs. Christie if he so wished. The notes of evidence were made available to Mr. Williams. Mr. Williams attended on the 27th March 1999 and requested an adjournment on the grounds that he was not feeling well and also that he did not have his file with him. The matter was adjourned for continuation on the 24th April 1999 at 11:30 a.m. on which date Mr. Williams promised the Committee that he would bring his file with the documents.

ADJOURNED HEARING DATE OF THE 24TH APRIL 1999

Mr. Williams was not present, and the panel waited until 11:55 a.m. There was no message from Mr. Williams. The panel noted that the hearing date was set in the presence of and by agreement with Mr. Williams on the 27th March 1999. Further, that notice of the hearing date was hand delivered to Mr. Williams' office and note taken of the Affidavit of Service by Marvalyn Walker sworn to on the 22nd April 1999 and admission of service on the 1st April 1999 at 12:29 p.m. The decision of the panel was to proceed in the absence of Mr. Williams.

THE FINDINGS

The panel found:-

1. That Mrs. Emma Christie retained Attorney-at-Law, Mr. Richard Williams to obtain a registered title for a lot at 25 Grove Road, Linstead in the parish of Saint Catherine, in the year 1988.
2. That fees and costs in the sum of FIVE THOUSAND FOUR HUNDRED AND FORTY DOLLARS (\$5,440.00) were paid by Mrs. Emma Christie to Mr. Richard Williams.
3. That Mr. Williams failed to do the work he was retained to do.

Accordingly, the panel finds Attorney-at-Law, Mr. Richard Williams, guilty of misconduct in a professional respect, and in breach of Canon 1VR and 1VS of the Legal Profession (Canons of Professional Ethics) Rules 1978 in that the Attorney-at-Law, Mr. Richard Williams:-

- (a) Did not deal with his client's business with all due expedition and when reasonably required so to do did not provide his client with all information as to the progress of his client's business with due expedition.
- (b) He acted with inexcusable and deplorable negligence in the performance of his duties.

ORDER

The panel therefore makes the following orders under S.12(4) of the Legal Profession Act:-

1. The payment of the sum of \$5,400.00 by Attorney, Mr. Richard Williams, to Mrs. Emma Christie by way of restitution, with interest on the said sum at a rate of 6% per annum from the 1st day of May 1995 until payment.

2. Attorney, Mr. Richard Williams to pay a fine of FORTY THOUSAND DOLLARS (\$40,000.00) such sum to be paid to Mrs. Emma Christie to enable her to obtain the said registered title.

3. Attorney, Mr. Richard Williams to pay costs of the day of SEVEN HUNDRED AND FIFTY DOLLARS (\$750.00) to Mrs. Emma Christie.


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DOROTHY C. LIGHTBOURNE


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PAMELA E. BENKA-COKER Q.C.


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MARGARETTE MACAULAY

DATED THE 30th DAY OF April 1999