

RULING OF THE DISCIPLINARY COMMITTEE OF THE GENERAL LEGAL  
COUNCIL

RE: COMPLAINT NO.33/99

IVY WILLIAMS VS DONALD BERNARD

HEARD IN THE NO. 3 COURT ROOM, SATURDAY 15<sup>TH</sup> JANUARY 2000

Before: Mr. Christopher Bovell-Chairman  
Mrs. Gloria Langrin  
Mr. Allan Wood

Present: Mr. Garth McBean- Attorney for the Complainant  
Ms. Ivy Williams- Complainant

Mr. Donald Bernard Jnr. -Absent

**HEARING DATE: 15<sup>TH</sup> JANUARY, 2000.**

In this matter before us the complainant Mrs. Ivy Williams made complaint dated 6<sup>th</sup> January, 1999 and supported by affidavit dated 30<sup>th</sup> December, 1998; the matter was set down before the Disciplinary Committee of the General Legal Council on the 24<sup>th</sup> April, 1999 which decided that it should be set for trial. It was set for trial on the 12<sup>th</sup> June 1999 and on that date Mr. Bernard did not attend, but Ms. Williams attended. Mr. Bernard was written to and advised that he must attend the next hearing that was October, 9, 1999. He was given notice but did not attend again. On that occasion Ms. Williams did not attend as apparently she did not receive the notice. It was adjourned sine die.

Mr. Bernard and Ms. Williams were written to. The matter was set for hearing today, that is 15<sup>th</sup> January 2000, Mr. Garth McBean appeared representing the complainant Ms. Williams. She gave evidence of investing monies with Mr. Bernard a Partner in the firm Donald Bernard & Company from 1987 and also investing sums for relatives of hers, altogether amounting to approximately 2.5 million dollars.

In 1997 Ms. Williams wished to purchase a house and requested one million dollars from Mr. Bernard to assist her in purchasing the house. She gave him the required 3 months notice but he failed to give her the one million dollars and gave her only \$300,000.00 on the 17<sup>th</sup> December, 1997. Since then Ms. Williams has made numerous requests to Mr. Bernard to pay her the funds which he has for her. She has written numerous letters including letters dated 2<sup>nd</sup> February, 1998 and 4<sup>th</sup> March, 1998, shown and marked as exhibits 1 and 2 respectively. In addition Ms. Williams gave the Committee a number of accounts from Donald Bernard & Company all dated August 25<sup>th</sup> 1999 showing various sums due to her and her relatives.

She gave evidence that she requested from Mr. Bernard both personally and in writing on many occasions to let her have her monies but he said that he would do so as soon as he was able to pay her some money. He is unable to do so at the present time. The last time she saw him was 14<sup>th</sup> January, 2000 at his office when she again requested that he pay her some of the money due to her.

We found that Mr. Donald Bernard Jnr. is in breach of Canon VII (b) 2 in that he has failed to account to his client for all monies in his hands and in fact his conduct in this matter in collecting money from her and failing to pay her over a long period of time, after many requests from her to pay, is also in breach of Canon 1(b) which stipulates that an "attorney shall at all times maintain the honour and dignity of the profession and shall abstain from behaviour which may tend to discredit the profession of which he is a member."

Mr. Bernard has behaved in a disgraceful manner and the complainant has been most patient in this matter. We therefore have no hesitation in ordering that Mr. Donald Bernard's name be struck off the roll of attorneys-at-law entitled to practice in the several courts of the island of Jamaica. We understand that steps are being taken to sue Mr. Bernard and to take criminal action against him.

Costs in the sum of \$5000.00 was awarded to Ms Ivy Williams to be paid by Donald Bernard Jnr.



Mr. Christopher Bovell- Chairman



Mr. Allan Wood



Mrs. Gloria Langrin