DECISION OF THE DISCIPLINARY COMMITTEE
OF THE GENERA LEGAL COUNCIL
COMPLAINT NO. 158/99

CLIFTON BAILEY **COMPLAINANT**

AND

JOHN SINCLAIR **RESPONDENT**

PANEL: **PAMELA E. BENKA-COKER Q.C. - CHAIRMAN**
MR. JEROME LEE
MR. ALLAN WOOD

ALL PARTIES PRESENT

HEARING HELD ON THE 9TH JUNE, 2001

PANEL: Having heard the evidence in the complaint of Clifton Bailey against John Sinclair and having evaluated the evidence, the panel makes the following findings of fact:

1. The firm of Silvera & Silvera was retained by Clifton Bailey in 1998-1999 to conduct divorce proceedings on his behalf.

2. The file was handed to Mr. John Sinclair the Respondent Attorney and Partner in the firm of Silvera & Silvera to pursue divorce proceedings on behalf of the complainant. Documents were prepared by Mr. Sinclair the attorney in an effort to secure this divorce.

3. Mr. Bailey made several efforts to contact Mr. Sinclair to find out what was happening in relation to his file but had no success. Mr. Bailey secured the return of his file by paying a tariff of $1500.00 to a clerk at the firm of Silvera & Silvera Mr. Bailey had also deposited a sum of $10,000 to Silvera & Silvera in relation to the divorce proceedings. Neither Mr. Sinclair nor Mr. Bailey has been able to produce any record of the file to the panel. The Original File was taken by Mr. Bailey and it is not therefore possible in the absence of production of that file for this panel to access whether the work which was done by Mr. Silvera was commensurate in value to the sum paid by Mr. Bailey.

4. In the light of the above the Panel conclude that:

   (a) The attorney did not provide Mr. Bailey with information as to the progress of his business when reasonably required to do so.
   The Attorney is therefore in breach of Canon 4 (r) of the Legal Profession (Canon of Professional Ethics) Rules 1978.

   (b) The other charges against the attorney are dismissed. In the circumstances of this case the panel is of the view that an appropriate sanction is that the attorney John Sinclair be reprimand and costs of $5000.00 be paid to Mr. Bailey the complainant.

Date 1st Day of June, 2001

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MRS. PAMELA BENKA -COKER, Q.C.

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MR. ALLAN WOOD

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MR. JEROME LEE