

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

COMPLAINT No. 104/99

BETWEEN      JACQUELINE REID-HENDERSON                      COMPLAINANT

AND              RAPHAEL BISHOP                                                      RESPONDENT

PANEL           MRS. MARGARETTE MACAULAY - CHAIRMAN  
                     MRS. MERLIN BASSIE  
                     MR. ALLAN S. WOOD

PRESENT       MRS. JACQUELINE REID-HENDERSON

This complaint was heard on the 19<sup>th</sup> May 2001 when evidence was taken from Mrs. Jacqueline Reid-Henderson. The account given by the Complainant is a strange one, for according to her, consequent on the death of her father Mr. John Reid in a fatal accident approximately 22 years ago, she was advised by her mother Icylin Reid that a fatal accident claim was entrusted to the Attorney Mr. Raphael Bishop.

From time to time her mother would send her to the office of Mr. Bishop and he would provide her with money for her mother and at Christmas time he would provide her with sums ranging from \$1,500.00 to \$5,000.00. The Complainant's mother died in 1999 and since that time, the Complainant has been unable to get any information from Mr. Bishop as to the progress of the fatal accident claim which he ought to have been pursuing arising from the death of her father. The Complainant testified that since the death of her mother she has been to Mr. Bishop's office on a number of occasions to enquire about the progress of that claim but has not been successful in seeing Mr. Bishop. However, on one occasion after the death of her mother, the Complainant met Mr. Bishop on the road and requested him to assist with her mother's burial expenses. At that time he advised her that he had not yet collected anything from the insurance company with respect to the fatal accident claim brought as a consequence of her father's death. On that occasion, the attorney, Mr. Bishop referred the Complainant to his secretary and upon the Complainant attending his office, she received an envelope with the sum of \$20,000.00. She utilized this money to go to another attorney, Ms. Antoinette Haughton, who wrote to Mr. Bishop giving him two weeks to reply as to the status of the claim. Mr. Bishop never replied.

Consequently, this Complaint was instituted on the 23<sup>rd</sup> September, 1999 and Mr. Bishop has never responded to the Complaint nor has he attended at the hearing or at the previous mention dates. The hearing on the 19<sup>th</sup> May, 2001 was adjourned to 31<sup>st</sup> May, 2001 to permit Mr. Bishop the opportunity to attend to cross-examine the Complainant and to answer the complaint. Notice of this hearing was served by registered mail, posted on 31<sup>st</sup> May 2001 as confirmed by an Affidavit of Eulalee Steele.

There is an element of the Complainant's evidence which constitutes hearsay and which this Panel has consequently disregarded. However, her account of her dealings with Mr. Bishop and Mr. Bishop's conduct in providing her with money and his statement to her that the insurance company had not paid out anything with respect to the claim made


consequent on her father's death constitute evidence from which the inference is to be drawn that Mr. Bishop undertook to pursue such a claim and the Panel so finds. Arising from that finding, this Panel finds that in breach of Canon IV (r) of the Legal Profession (Canons of Professional Ethics) Rules, the attorney Mr. Raphael Bishop has not dealt with his client's business with all due expedition and that he has not provided her with information as to the progress of that business when he was reasonably required to do so and with all due expedition. Indeed he has not provided any information at all to the Complainant or to this Panel.

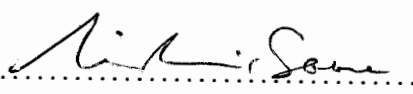
It is hereby ordered as follows:-

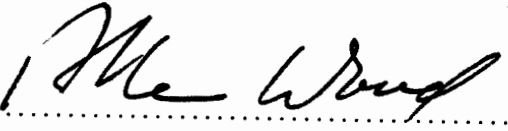
1. Pursuant to section 12 (4)(a) of the Legal Profession Act the Attorney Raphael Bishop shall pay a fine in the sum of \$150,000.000 and it is further directed that pursuant to section 12 (5) of the Act the sum of \$100,000.00 is to be paid to the Complainant Jacqueline Reid-Henderson and \$50,000.000 is to be retained by the General Legal Council on collection.
2. It is further directed that the General Legal Council should cause an investigation to be made into the books, records, files and document of the Attorney, Raphael Bishop for the purpose of ascertaining and reporting whether the Legal Profession (Accounts and Rules) Regulations 1999 have been complied with by the Attorney and the costs of such investigation to be borne by the Attorney, Raphael Bishop.
3. In addition to any previous order for costs made in favour of the Complainant, the Attorney Raphael Bishop is to pay the Complainant costs in the sum of \$30,000.00.

This Order is made under section 12 (4) of the Legal Profession Act.

Dated the 30<sup>th</sup> day of June, 2001

  
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Mrs. Margarett MaCaulay

  
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Mrs. Merlin Bassie

  
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Mr. Allan S. Wood