

**FORMAL ORDER OF THE DISCIPLINARY COMMITTEE OF THE GENERAL
LEGAL COUNCIL MADE ON COMPLAINT NO. 17/2001**

**IN THE MATTER OF JENNIFER STEWART
VS NANCY TULLOCH-DARBY**

AND

**IN THE MATTER OF THE LEGAL
PROFESSION ACT.**

**PANEL: MR. ALLAN WOOD
MRS. JEANNE ROBINSON-FOSTER
MISS BERYL ENNIS**

DECISION DELIVERED 7th MAY, 2005

UPON THE APPLICATION dated 3rd August, 2001 made under section 12 (1) (a) of the Legal Profession Act coming on for hearing before the Disciplinary Committee on the 7th May, 2005

AND UPON the complainant Jennifer Stewart appearing and having given evidence on oath

AND UPON the attorney-at-law Nancy Tulloch-Darby not appearing

AND UPON DUE CONSIDERATION of the evidence of Miss Jennifer Stewart

THE COMMITTEE FINDS beyond reasonable doubt that the complainant retained the attorney-at-law Nancy Tulloch-Darby to file action arising from the death of her husband Lascelles Stewart who died in a motor vehicle accident on July 22, 1991. The Committee found that the respondent has acted in breach of the Legal Profession (Canon of Professional Ethics) Rules. The attorney failed to file action in breach of her retainer and has thereby acted with inexcusable and deplorable neglect and in breach of Canon IV(s) of the Canon of Professional Ethics Rules.

**PURSUANT TO THE FOREGOING FINDINGS , THE COMMITTEE UNANIMOUSLY
HEREBY ORDERED THAT:-**

By way of restitution the attorney, Nancy Tulloch Darby, is to pay to the complainant the sum of \$200,000

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

Dated 5th September, 2005


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CHAIRMAN OF PANEL