## DECISION OF THE DISCIPLINARY COMMITTEE OF THE GENERAL LEGAL COUNCIL COMPLAINT NO.167/04

BETWEEN

G.LC. (C.D. MORRISON, Q.C.) THE COMPLAINANT

**AND** 

LANCELOT COWAN

THE ATTORNEY

**PANEL:** 

MRS PAMELA BENKA- COKER, Q.C.

MR. ALLAN WOOD MR. CHARLES PIPER

## JUDGMENT DELIVERED 4<sup>TH</sup> MARCH, 2006

Hearing dates 15<sup>th</sup> January, 2005, 3<sup>RD</sup> February, 2005, 4<sup>th</sup> November, 2005, 14<sup>th</sup> January, 2006, 4<sup>th</sup> March, 2006

The complaint was laid against Mr. Cowan in relation to the years, 1999, 2000, 2001, 2002, 2003. The complaint alleged breaches of the Legal Profession Accounts & Records Regulations 1999 in that he failed to deliver to the Secretary of the General Legal Council a financial report in respect of the years named.

On the 15<sup>th</sup> January, 2005 the hearing of the complaint commenced and Dennis Morrison, Q.C. gave evidence in relation to the complaint. The matter was then adjourned to allow Mr. Cowan to be present despite the fact that he was properly served with the notice of the date for hearing on the 15<sup>th</sup> January, 2005 in keeping with the 4<sup>th</sup> Schedule of the Legal Profession Act.

The Panel noted that Mr. Cowan was properly served with the notice of today's hearing.

On the 3<sup>rd</sup> February, 2005 the Respondent Attorney attended and admitted the breaches complained of for the said years. Based on his admission the Panel found that the Attorney was guilty of Professional Misconduct as he was in breach of Rules 16 & 17 of the Legal Profession (Accounts and Records) Regulations 1999

However, Sentence was suspended until 25<sup>th</sup> May, 2005. This was done to enable the Attorney to comply with the Regulations. Over the next 9 months this Panel has afforded time to the Attorney to put his house in order. This time was necessary because the Attorney had also failed to keep his client's trust funds in a bank as presently required by the Regulations.

We are of the view that the Attorney could properly have been suspended from practice pending fulfilment of the requirements of the Regulations. Taking all that we have said into consideration and the fact that there is no record of any previous findings of professional misconduct against the attorney, we impose a fine pursuant to Section 12(4)(a) of the Legal Profession Act of \$15,000.00 for each year of failure to comply with the Regulations making a total fine of \$75,000.00 and costs of \$15,000.00

These sums are to be paid on or before the 31st March, 2006.

Dated 76 August 2006

PAMELA BENKA-COKER, Q.

MR. ALLAN WOOD

MR. CHARLES PIPER