

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

COMPLAINT NO. 167/04

BETWEEN DAISYNELL VERNON COMPLAINANT
AND MICHAEL WILLIAMS THE ATTORNEY
PANEL: MRS. HILARY PHILLIPS, Q.C.
MR. ALLAN WOOD
MISS BERYL ENNIS

JUDGMENT DELIVERED 7TH APRIL, 2006

Hearing date 11th February, 2006

Panel refers to Affidavit of Service sworn to on the 6th April, 2006 by Mervalyn Walker deponing to service by registered post of notice of today's hearing. There being no answer from Michael Williams, the Panel proceeds with hearing pursuant to the Legal Profession Act 4th Schedule of 8.

The Complainant's evidence was completed at the last hearing on the 11th February, 2006.

On the evidence of the Complainant the Panel is satisfied beyond reasonable doubt that :

1. The Attorney Mr. Michael Williams acted for the Complainant in the sale to her of 10A Wild Street, Kingston.
2. During the period 21st May, 1996 to 19th October, 1997 the Attorney collected from the Complainant the entire purchase price of \$60,000.00 together with a further \$2,500.00. Of the purchase price collected, the Attorney paid \$30,000.00 to the vendor and retained \$30,000.00.
3. Despite having commenced acting in the sale for both vendor and purchaser the Attorney has failed without explanation to complete the transaction despite the lapse of more than 9 years.
4. In breach of Canon IV (r) of the Legal Profession (Canons of Professional Ethics) Rules the Attorney has not dealt with his client's business with all due expedition and has failed to provide his client, the Complainant with all information as to her business with due expedition.
5. The Attorney has also breached canon IV(s) in that in the performance of his duties as an attorney, he has acted with inexcusable neglect.
6. The Attorney's conduct has tended to discredit the profession of which he is a member in breach of Canon I(b) of the Legal Profession(Canon of Professional Ethics) Rules.

We note that the Complainant pursued this complaint in order to have the Attorney complete the transaction. The Panel does not have power to grant that relief. However, we think that it is appropriate that an order of restitution be made requiring the attorney to refund all sums paid by the Complainant. This applies even in respect of the sum which she says was paid over by the Attorney to the vendor as it may not be possible for the Complainant to recover that sum in all the circumstances.

The Complainant has undoubtedly suffered loss by reason of the Attorney's conduct for the reason that in addition to the loss of her money, she has not had the use of the premises. In these circumstances we believe that the Complainant should have an order for restitution of the sum of \$62, 500.00 together with interest thereon at the rate of 12 per cent per annum from the 19th October, 1997 until payment.


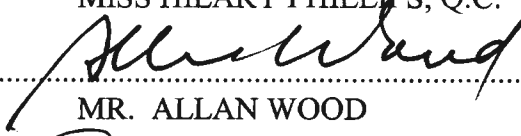
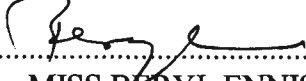
The Attorney's conduct has been particularly reprehensible in that despite the lapse of so many years the Attorney has made no attempt whatsoever to respond to the complaint or otherwise to explain his conduct of the transaction. In the circumstances bearing in mind the Attorney's complete disregard for these proceedings, the unreasonable period of delay in completing the Complainant's business, and his failure to account for the money entrusted to him by the Complainant for completion of the sale, we are of the view that a suspension from practice for the period of 3 months is warranted.

This period of suspension is to commence from 21st April, 2006 in order to afford the Attorney time to make arrangements for alternate representation of his other clients.

It is accordingly ordered:-

1. Pursuant to S. 12(4)(c) of the Legal Profession Act, the Attorney Michael Williams is to pay by way of restitution the sum of \$62, 500.00 to the Complainant Daisynell Vernon together with interest thereon at the rate of 12% per annum from 9th October, 1997 to the date of payment.
2. Pursuant to S. 12 (4)(a) of the Legal Profession Act the Attorney Michael Williams is suspended from practice with effect from 21st April, 2006 to the 21st July, 2006.
3. The Attorney Michael Williams is to pay costs to the Complainant in the sum of \$10,000.00

Dated ^{7/10} April, 2006


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MISS HILARY PHILLIPS, Q.C.

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MR. ALLAN WOOD

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MISS BERYL ENNIS