

DECISION OF THE DISCIPLINARY COMMITTEE
OF THE GENERAL LEGAL COUNCIL

Complaint #216/2001

IN THE MATTER of the Complaint by
ARNOLD BAKER against the attorney
MICHAEL WILLIAMS

A N D

IN THE MATTER of the Legal Profession
Act

Panel:

Ms. Norma Linton, Q.C.
Mrs. Leila Parker-Robinson
Mr. David Batts


1. This complaint was filed on the 9th April, 2003. The hearing commenced on the 9th April, 2005. On that date the attorney did not appear. The Committee satisfied itself that the Notice of Hearing had been duly issued to the attorney. The evidence was taken and then the matter adjourned to the 1st November, 2005. The notes of evidence were sent to the attorney along with Notice of the adjourned date. On the 1st November, 2005 the attorney was not present nor was he represented. The Committee satisfied itself that a Notice had been duly issued and adjourned to consider its decision.
2. Mr. Arnold Baker's evidence was to the effect that Mr. Michael Williams was his attorney for sometime. In or about 1997 he had a dispute or altercation with one Justine Williams. It resulted in Mr. Arnold Baker and the husband of Justine Williams having a physical tussle. Mr. Baker was charged for a breach of the Offences Against the Person Act at Half Way Tree and was represented by Mr. Williams. The result was that the court "threw it out". He thereafter instructed Mr. Williams to sue for:-
 - a) Malicious destruction of property; and
 - b) Trespass related to a boundary problem

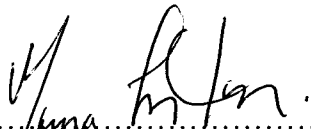
The complainant avers that Justine Williams had moved his boundary in 1994 and destroyed his trees in 1998.


3. He says he instructed Mr. Williams to sue in 2001. He had paid Mr. Williams nothing for the suing case “as yet”. He had gotten the place surveyed and given it to Mr. Williams. Surveyor charged him \$5,000.00. He had demanded the return of his documents from Mr. Williams but they were not returned to him.
4. In complaints of professional misconduct the burden of proof is on a complainant who must satisfy this Committee beyond a reasonable doubt that is so that we are sure.
5. Having considered the evidence and notwithstanding that the complainant was at times confused about dates we found as a fact the following:-
 - a) Mr. Michael Williams represented the complainant successfully in charges brought by a neighbour with whom he had a boundary dispute.
 - b) Subsequently the complainant instructed Mr. Michael Williams to commence legal action for trespass to land and damage to property. This instruction was given in the year 2001.
 - c) The complainant did not pay a retainer but delivered to Mr. Williams a surveyors report.
 - d) Mr. Williams agreed to act in the matter but failed to do so.
 - e) The complainant has been aware that no action was taken and demanded the return of his documents but they were not returned by Mr. Williams.
 - f) The trespass alleged is in relation to 3 feet of land and is in relation to the alleged shifting of a boundary fence.
 - g) The alleged claims for boundary agreement and/or trespass are now statute barred Sections 3 and 45 Limitation of Actions Act.
6. The Committee therefore finds that the attorney Mr. Michael Williams is guilty of inexcusable and/or deplorable negligence and neglect. Nothing has been done by the attorney in relation to the civil action for trespass and there seems to be no excuse or explanation.
7. The Committee therefore orders pursuant to Section 12 of the Legal Profession Act that:-
 - a) Unless, Mr. Michael Williams within 21 days of the date this Order is served on him, return to the complainant all relevant documents including

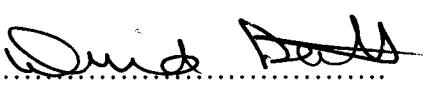
but not limited to the surveyor's diagram, the attorney be and is to be suspended from practice for a period of six (6) months.

- b) The Attorney, Mr. Michael Williams do pay a fine of \$20,000.00, the said fine to be paid to the complainant in part satisfaction of damages.
- c) Costs to the complainant of \$10,000.00 to be paid by the attorney, Mr. Michael Williams.

Dated the 29th day of September 2007 


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Norma Linton


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Leila Parker-Robinson


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David Batts