

**DECISION OF THE DISCIPLINARY COMMITTEE
OF THE GENERAL LEGAL COUNCIL
COMPLAINT NO. 131/2007**

IN THE MATTER of CLIFTON WILLIAMS
VS ANTONNETTE HAUGHTON-CARDENAS-
ATTORNEY-AT-LAW

AND

IN THE MATTER OF THE LEGAL
PROFESSION ACT 1971

PANEL: MR. CRAFTON MILLER
MR. ALLAN WOOD, Q.C.
MISS BERYL ENNIS

HEARING: MAY, 22nd 2010

On the 12th May, 2001 the Complainant suffered severe injuries in a motor vehicle accident. Shortly after the accident, the Attorney Mrs. Antonnette Haughton-Cardenas was retained to pursue action on his behalf, against the driver and owner of the motor vehicle. Further the Panel finds that a police report dated 31st March, 2003 was provided by the Complainant to the Attorney which disclosed the identity of the owner and driver of the vehicle, the place of accident and the injuries suffered by the Complainant, namely a broken left foot and injury to his back.

The police report provided sufficient details for the attorney to have filed action. She failed to do so and by letter dated 19th April, 2007 she wrote to the Complainant stating that a claim could not be submitted "unless you provide the abovementioned documents." The documents that the Complainant was to provide were not identified in the letter. However, the Complainant had not able to obtain a formal medical report detailing his injuries.

On the eve of the matter becoming statute barred there is a handwritten note appearing on a copy of the letter dated 19th April, 2007 signed by the Complainant that he had collected his file on the 11th May, 2007; i.e. two days before the action became statute barred.

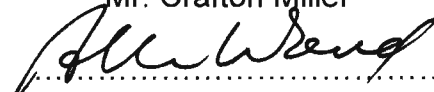
The Complainant in evidence stated that he in fact collected his file after the 13th May 2007 and that the date inserted on a copy of the letter is in fact backdated. However, irrespective of whether the Complainant's file was returned on the 11th May, 2007 (two days before the action was statute barred) or after 13 May, 2007, we find that from 2003 the Complainant had provided sufficient material to the Attorney in the form of the police report dated 31st March, 2003 to enable her to file suit and her failure to do so for four (4) years amounts to inexcusable and deplorable negligence or neglect in breach of Canon IV(s) of the Legal Profession (Canons Professional Ethics) Rules.

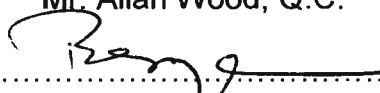
In turning to consider the appropriate order, the Complainant's evidence was that he had suffered severe injuries which made it impossible to pursue his career as an entertainer and further in addition to loss of income he had incurred medical expenses in excess of \$200,000.00. The Complainant was not able to produce medical receipts to support the figure of \$200,000.00; rather the receipts produced amounted to \$15, 389.70. We do accept that the Complainant's actual expenses exceeded that figure.

The Panel is not in a position to assess damages that would include compensation for personal injury, loss of income and expenses including medical expenses. In all the circumstances we are of the view that it is appropriate to order that the attorney Antonnette Haughton-Cardenas pay a fine of \$800,000.00. We direct that the fine when collected by the General Legal Council be paid to the Complainant. Further, the Attorney is to pay costs to the Complainant in the sum of \$50,000.00.

Dated 22nd May, 2010


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Mr. Craffon Miller


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Mr. Allan Wood, Q.C.


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Miss Beryl Ennis