

DECISION OF THE DISCIPLINARY COMMITTEE OF THE  
GENERAL LEGAL COUNCIL  
MADE ON COMPLAINT NO. 205/2007  
GEORGE SOUTAR VS HUMPHREY MCPHERSON

Panel: Mrs. Pamela Benka-Coker, Q.C.  
Miss Beryl Ennis  
Mr. Christopher Kelman

Present: Mr. Humphrey McPherson

Decision Delivered 5<sup>th</sup> June, 2010

By notice of Affidavit dated 30 November 2007 and Form of Complaint attached, Mr. George Soutar, member of the General Legal Council alleges under paragraph 5 that the attorney Humphrey McPherson failed to deliver to the Secretary of the Council Accounting Reports in respect of the financial years, 2002, 2003, 2004, 2005 and 2006 contrary to Regulation 16 (1) of the Legal Profession (Accounts and Records) Regulation, 1999.

The form of complaint dated 30<sup>th</sup> November, 2007 was tendered as exhibit 1, the Affidavit in Support is exhibit 1A and Affidavit of Althea Richards exhibit 2. The Declarations of Humphrey McPherson dated 24<sup>th</sup> September, 2007 exhibit 3. At the hearing of the complaint on the 20<sup>th</sup> February, 2010 and on the 29<sup>th</sup> May, 2010 the Attorney attended as well as Mr. George Soutar and it was adjourned to the 5<sup>th</sup> June 2010 for completion. On the 29<sup>th</sup> May, 2010 the Attorney indicated that he did not wish to cross-examine Mr. George Soutar or Miss Althea Richards.

1. Today the Respondent Attorney admitted that he has filed the Accountants Report in relation to the subject years, 2002 – 2006 late, in acknowledging that these reports were filed on the 31<sup>st</sup> May 2010.
2. Mr. McPherson submitted to the Panel that he is not guilty of professional misconduct based on his interpretation of Regulation 16 and on the fact that he had failed declarations on the 24<sup>th</sup> December, 2007.
3. The Panel does not agree with his legal submission and finds in view of his admission that he is guilty of professional misconduct contrary to Regulations 16 (1) and 17 of the Legal Profession (Accounts and Records) Regulations, 1999.

4. The Panel finds that the Attorney failed to file Accountant's Report for the years 2002, 2003, 2004, 2005, and 2006 in the time required and as a consequence is subjected to the sanction provided for by section 12 of the Legal Profession Act.
5. The Panel imposes a fine of \$10,000.00 for each year of the breach and \$10,000.00 costs to be paid by the Attorney Mr. Humphrey McPherson a total of \$60,000.00 to be paid on or before 2<sup>nd</sup> July, 2010.

Dated 5<sup>th</sup> June, 2010

  
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Pamela Benka-Coker, Q.C.

  
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Miss Beryl Ennis

  
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Mr. Christopher Kelman