

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

Complaint No. 54/2010

BETWEEN	SUSAN WYNTER	COMPLAINANT
AND	MARIE CHAMBERS	RESPONDENT

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

Hearing Dates: January 15, 2011; March 5, 2011; March 26, 2011; July 23, 2011

COMPLAINT

1. The complaint against the Attorney-at-Law, Ms. Marie Chambers (hereinafter referred to as "The Respondent") is contained in the Form of Affidavit sworn to on the 3rd day of March 2010 by Mrs. Susan Wynter. The complaint is among other things, that the Respondent (who is also her niece) has failed to provide the Complainant with information as to the progress of the Complainant's business with due expedition and has acted with inexcusable and deplorable negligence.
2. Upon the panel being satisfied that the Respondent had been duly served with Notice of the hearing pursuant to Rules 5 and 21 of the Legal Profession (Disciplinary Proceedings) Rules set out under the 4th Schedule to the Legal Profession Act and in exercise of its discretion to

proceed with the hearing in the absence of the Attorney, which is provided for under Rule 8 of the Legal Profession (Disciplinary Proceedings) Rules, the Committee commenced the hearing of this matter on the 5th day of March 2011 with the evidence of the Complainant. Upon this being completed, the matter was adjourned to the 26th day of March 2011 to present the Respondent with an opportunity to cross examine the Complainant. On the 26th day of March 2011 the Respondent was absent but as the panel was concerned that the Respondent might not have been served notice the matter was further adjourned to 29th April 2011. The hearing on the 29th day of April 2011 was postponed and a new date set for July 23, 2011. The notes of the proceedings on March 4, 2011 and notice of adjourned hearing were duly served on the Respondent. The Attorney did not appear on July 23, 2011 and the panel having been satisfied that the Respondent had been duly served with notice of the adjourned hearing completed the hearing of this matter on July 23, 2011.

THE EVIDENCE

3. The evidence of the Complainant was that she first consulted the Respondent in 2004 to have her late husband's death noted on the title. The duplicate copy title was left with the Attorney in order for this task to be done. Since that time to the best of her knowledge the Attorney has failed to do what she was engaged to do. She has tried repeatedly to contact her the last time being in April 2008. She subsequently attended

on the Offices of Titles and was informed that the Certificate of Title was delivered to the Attorney who signed for it. The page of the register containing the Attorney's signature was tendered as Exhibit 2. The Complainant added that the arrangement with the Respondent was that she would be paid upon the completion at which time she would be informed of the legal fees.

4. The Complainant contends that the Respondent has in these circumstances:

- Not provided information as to the progress of her business with due expedition.
- Acted with inexcusable or deplorable negligence.

5. The following documents were tendered in evidence:

- Certificate of Title registered at Volume 805 Folio 23 (**Exhibit 1**)
- Abstract of page from Register Book (**Exhibit 2**)
- Complaint dated March 3, 2010 (**Exhibit 3**)
- Affidavit sworn on March 3, 2010 (**Exhibit 3A**).

6. The Committee is bound to evaluate the evidence led applying to it the legal standard of proof of "beyond reasonable doubt". Having seen and heard the Complainant the panel finds her to be a witness of truth. She was frank, unrestrained and not given to overstating her case. The panel for these reasons accepts her evidence.

FINDINGS

7. The panel finds that the following proved beyond a reasonable doubt **(Winston Campbell v. David Hamlet (as Executrix of Simon Alexander) Privy Council Appeal No 73 Of 2001)** and makes the following findings as it is bound to do by virtue of the provisions of section 15 of the Legal Profession Act:
- i) The panel finds all the facts stated in Exhibit 3A namely the Affidavit of Susan Wynter to be proved beyond a reasonable doubt.
 - ii) The panel finds that the Respondent failed to deal with the Complainant's business with due expedition.
 - iii) The panel finds that the Respondent has acted with inexcusable and deplorable negligence in the performance of her duties.
8. The Respondent has not dealt with the Complainant's business in a professional manner. She has failed to act with due expedition and having reasonably been required by the Complainant to provide all information as to the progress of her business has refused so to do, contrary to Canon IV (r) of the Legal Profession (Canons of Professional Ethics) Rules). The Respondent was retained seven (7) years ago to undertake certain business and 7 years later according to the evidence which we accept, she has failed to perform that business. She has compounded this failure by refusing to provide an explanation or by returning the Complainant's documents despite repeated requests. We

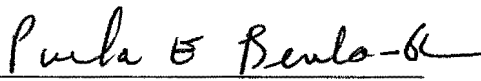
also find that by so acting that Respondent has acted with inexcusable negligence in the performance of her duties contrary to Canon IV (s). The panel also deprecates the fact that the Attorney never responded to the complaint and at no time attended the hearings despite being served with notice to do so. This in itself may amount to professional misconduct *per* the **Legal Profession (Canons of Professional Ethics) (Amendment) Rules, 1983, s. 2 (e) and (f)**.

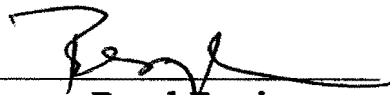
9. The Respondent's conduct is discreditable to her profession in breach of Canon 1(b).
10. In these circumstances, we find the Respondent is guilty of professional misconduct as per Canon VIII of the Legal Profession (Canons of Professional Ethics) Rules) in that she has breached Canon 1(b), Canon iv (r) and Canon iv (s) and accordingly it is the decision of the Committee that pursuant to Section 12 (4) and 5 of the Legal Profession Act:
 - i. The Attorney, Marie Chambers, be fined the sum of Two Hundred Thousand Dollars (\$200,000.00) to be paid immediately.
 - ii. The said fine shall be paid over to the Complainant in partial satisfaction of any damage she may have suffered as a result of the Attorney, Marie Chambers' professional misconduct.
 - iii. The Attorney, Marie Chambers, is to deliver all the documents including Certificate of Title registered at Volume 805 Folio 23 for the subject property forthwith. In the event that the Attorney,

Marie Chambers, fails to do so, she will be suspended from practice for a period of six (6) months commencing on the May 28th 2012.

- iv. The Attorney, Marie Chambers, must pay the cost of these proceedings in the amount of \$50,000.00 to the Complainant.

Dated the ¹28 day of April 2012


Pamela Benka-Coker, QC


Beryl Ennis


Christopher Kelman