

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

COMPLAINT NO. 7/2018

In the Matter of LILLIAN BARROWS and
KENNETH BECKER and HOPE M.
RAMSAY-STEWART, an Attorney-at-Law.

AND

In the Matter of the Legal Profession Act,
1971

Panel: Daniella Gentles-Silvera - Chairman
Nadine Guy
Jeffrey Daley

Appearances: The Complainants, Mrs. Lillian Barrows and Mr. Kenneth Becker (on
Skype).

The Respondent, Hope M. Ramsay-Stewart, represented by Garth
McBean, Q.C.

Hearing: 29th April, 2020, 8th May, 2020

1. On the 7th March, 2020 we delivered our decision that the Respondent, Hope. M. Ramsay-Stewart, had breached Canons VII (b) (ii) and 1 (b) of the Legal Profession (Canons of Professional Ethics) Rules and was therefore guilty of professional misconduct. Before imposing a sanction, we gave the parties an opportunity to be heard in mitigation.

SUBMISSIONS

2. The Complainants have filed submissions in which they are inviting the Committee to make an order for restitution for the Respondent to repay the sum of US\$26,760.00 together with interest compounded monthly both to be payable within 30 to 45 days from

the date we give our sanction. They have also sought an order that the Respondent reimburse them for the sum of US\$5,464.35 being legal fees they paid to an attorney with respect to the suit filed in the Supreme Court which they subsequently decided to discontinue. In oral submissions Mr. Becker stated that they had to hire a lawyer because of the direct actions of the Respondent.

3. Mr. Garth McBean Q.C on behalf of the Respondent also filed submissions in which he stated after setting out the antecedents of the Respondent that given our findings with respect to our first decision on professional misconduct we should not order striking off or suspension or a fine but instead make an order for restitution. If we decide to order the Respondent to pay interest it should be simple interest as the Respondent was not found guilty of any fraud nor did she retain any funds improperly.
4. Subsequent to the filing of their submissions the Complainant, Kenneth Becker, and Mr. McBean Q.C made additional oral submissions. Mr. McBean Q.C asked that we take into account inter alia the fact that the Respondent's insurers was also involved and therefore the Respondent's ability to negotiate with the Complainants to arrive at an amicable settlement of the matter should be viewed in light of the fact that the insurers were involved. He also asked the panel to take into account that in a civil suit the issue of contributory negligence on the part of the Complainants could have affected any quantum which a court may have ordered the Respondent to pay.

SANCTION

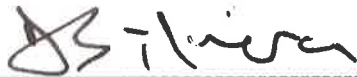
5. The Complainants monies were taken by cyber criminals in 2017; this complaint was filed in 2018 and our decision on the complaint with respect to professional misconduct was given in 2019. It is now 2020. The Complainants have been kept out of their money for a little over three years which could have been avoided had the Respondent dealt with

the matter differently. It is somewhat surprising that the Respondent did not appreciate that even though the monies was not lost through any dishonesty on her part, as an attorney-at-law she nonetheless owed a duty to ensure that money held on behalf of her clients is returned to them. Had she appreciated her duty one would have expected her to try to negotiate some compromise with her clients rather than seek to blame them for the loss of the money leaving them with no alternative but to report the matter to the Disciplinary Committee of the General Legal Council after they had filed suit and discontinued same consequent upon which the incurred expense and was kept out of their money for a longer period than was necessary. The evidence of the Respondent was that she had reported the matter to her insurance company but she gave no evidence as to what their position was or that they may have objected to any attempts by her to negotiate a resolution of the matter with the Complainants which Mr. McBean nonetheless seems to have been implying in his submissions on sanction.

6. We wish to assure the parties that although we have not addressed specifically each point they made in their respective submissions on sanctions we have considered them all and hereby make the following orders:
 - a. By way of restitution the Respondent, Hope M. Ramsay-Stewart, do pay the Complainants the sum of US\$26,760.00 together with interest at a rate of 1% per annum for the period 22nd March 2017 to the date of payment.
 - b. The Respondent, Hope M. Ramsay-Stewart, shall pay the Complainants costs in the sum of J\$150,000.00 and costs to the General Legal Council in the amount of J\$80,000.00

c. All amounts referred to in paragraphs a and b above shall be paid within 45 days of the date hereof.

DATED the 8th day of May 2020



DANIELLA GENTLES-SILVERA



NADINE GUY



JEFFREY DALEY