

JUDGMENT OF THE DISCIPLINARY COMMITTEE

COMPLAINT NO. 128/2019

In the matter of ALLAN S. WOOD, a member of
the General Legal Council of 78 Harbour Street,
Kingston AND MICHAEL LLOYD WILSON, an
Attorney-at-Law

AND

In the matter of the Legal Profession Act

BEFORE: MRS URSULA KHAN, CHAIRMAN
 JEFFREY DALEY
 MISS CARLENE LARMOND

Appearances:

Allan S. Wood, Q.C. and Miss Shana Kay Shirley for the Complainant

Mrs Carolyn Reid-Cameron and Mr Chukwuemeka Cameron for the Respondent

Recording Secretaries: Ms. Dahlia Davis and Ms. Tanya Grant

Hearing Dates: 9 November 2019, 25 January 2020, 4 and 29 February 2020

BACKGROUND

1. By Form of Application Against An Attorney-at-Law dated 25 July 2019 and Affidavit sworn by the Applicant on the same date, the Complainant initiated this complaint against the Respondent. The Complainant is a member of the General Legal Council and authorized to make this complaint. The Respondent was admitted to practice as a solicitor in the United Kingdom on 17 January 2003 and as an attorney-at-law in Jamaica on 23 July 2015. Since his admission in Jamaica he obtained practising certificates for each year inclusive of 2019 when this complaint was commenced.

2. The Form of Application states that the matters of fact stated in the accompanying affidavit constitute conduct unbecoming of his profession on the part of the Respondent Attorney.

3. The Form of Affidavit states that on 31 October 2017 the Respondent was struck from the Roll of Solicitors in the United Kingdom consequent upon him being convicted on 25 April 2016 at the Central Criminal Crown Court London of the offence of possessing criminal property contrary to s 329(1)(A) of the Proceeds of Crime Act 2002 [UK] and on 22 June 2016 he was sentenced to a terms of 3 years imprisonment and disqualified for 7 years from acting as a director of any company under section 2 of the Company Directors Disqualification Act 1986 (UK). Specifically, the grounds of the complaint contained the Form of Affidavit are that the Respondent attorney is in breach of:
 - i. Canon III(k) in that the Respondent has committed a criminal offence which is of a nature likely to bring the profession into disrepute and has been convicted by a court of competent jurisdiction;
 - ii. Canon I(b) in that the Respondent has failed to maintain the honour and dignity of the profession and has engaged in behavior which may tend to discredit the profession of which he is a member.
4. On 19 September 2019, the Respondent delivered a response to the Application by Affidavit of Respondent Michael Lloyd Wilson sworn on 19 September 2019. In that Affidavit, the Respondent stated he was struck from the Roll of Solicitors consequent upon the conviction as alleged in the Form of Affidavit and was sentenced and disqualified as also alleged in the Form of Affidavit.
5. The matter was set for hearing on 9 November 2019 and the parties informed by notice dated 11th October 2019.

THE HEARING

6. The hearing took place over 4 days on 9 November 2019, 25 January 2020 and 4 and 29 February 2020. The Panel finds it necessary to set out a summary of the proceedings, having received extensive submissions on three of the four hearing dates, including two applications by the Respondent on which the Panel had to rule prior to this ultimate disposition.

Day 1 - 9 November 2019

7. When the matter was called up the Respondent appeared in person. He informed the Panel that the attorney-at-law he retained two days before (on Thursday) was not available to attend but that another attorney would be attending to seek an adjournment for more time to prepare.
8. The Panel took the view that the Respondent had sufficient notice of the hearing and enough time to prepare himself; and further that based on the Affidavits exchanged the fact of his conviction was not in dispute. The Panel ruled the proceeding would start and the Complainant's evidence taken.
9. The Complainant was sworn. In the course of his evidence, the Form of Affidavit and Form of Complaint admitted to evidence as **Exhibit 1** and **Exhibit 2**, respectively. The Respondent cross-examined the Complainant. The Complainant's evidence having been taken, the Panel indicated it will adjourn the matter, and asked the Respondent how much time he would need.
10. The Respondent indicated he would be happy to plead now, and after queries by the Panel as to whether he wanted to do so, confirmed that he wished to plead. The Complainant closed his case. The Respondent informed the Panel that, he concedes Canon III(k); but takes issue with Canon I(b). The Panel set Canon I(b) for trial.
11. Mr Chukwuemeka Cameron and Ms Carolyn Chuck then arrived. Mr Cameron took issue with the refusal of the adjournment, and the commencement of the proceedings in the absence of the Respondent's attorneys-at-law. He communicated to the Panel his client's instructions that he (the client) indicated from the outset that he was on his back foot and ill-prepared to proceed but was impelled to do so. The Panel outlined the basis on which it took the decision to start the proceedings to take the Complainant's evidence and the Respondent's decision to plea even though he was afforded the opportunity of an adjourned after the Complainant's cross-examination. The Panel adjourned the matter to 25 January 2020 being the date proposed by Ms Chuck as convenient to Queen's Counsel, Mrs Reid-Cameron.

Day 2 - 25 January 2020

12. On 25 January 2020 lead counsel for the Respondent, Mrs Reid-Cameron QC, indicated they wished to make submissions to the Panel which are points they would have made had the

Respondent been afforded the opportunity to have his counsel present at the start of the matter. No prior notice was given of this intention. Mrs Reid-Cameron indicated, in response to the Panel, that the nature of the submissions surrounds the Panel's jurisdiction to hear the matter and the *locus standi* of the Complainant in the matter.

13. After hearing from the Respondent's and Complainant's attorneys as to whether the Respondent's attorneys should be permitted to make the submissions the Panel ruled that, in the interests of justice and because counsel was not present on the last occasion, it would be giving Mrs Reid-Cameron the opportunity to make the submissions. The Panel ruled the Complainant's counsel is to respond in writing by the following Tuesday, if she does not respond at that sitting. The Panel further indicated it would give its decision at the next hearing.
14. Mrs Reid-Cameron, in detailed submissions, applied to the Panel to dismiss the complaint. Learned Queen's Counsel reminded the Panel that the Disciplinary Committee being a creature of statute, its powers are circumscribed, and that the jurisdiction is derived from the proper commencement of a complaint under of the Legal Profession Act (LPA). Mrs Reid-Cameron submitted that the Complainant is not clothed with authority to file the complaint because the provisions of Section 12 are not satisfied, in that, the Complainant's affidavit:
 - a. has not alleged misconduct of the Respondent in his professional capacity as an attorney-at-law but rather as a director of the company in which funds were invested and from which some investors did not receive wine and had lost money;
 - b. has not alleged that the attorney committed any of the 16 criminal offences set out in the Legal Profession (Prescribed Offences) Rules 1998.
15. It was Mrs Reid-Cameron's contention that the affidavit having failed to satisfy Section 12 (1) (a) and (b) of the LPA, the Complainant has no *locus standi* to bring the complaint and the Disciplinary Committee has no jurisdiction to hear the complaint which ought properly to be dismissed.
16. At the close of Mrs Reid-Cameron's submissions, the Complainant indicated that he would wish to respond and having spoken with his attorney, he may do so. Mrs Reid-Cameron

initially objected, and the Panel urged the Complainant to set the response out in writing through his counsel. Mrs Reid-Cameron, however, withdrew her objection.

17. Mr Wood, QC submitted that on a proper interpretation of Section 12 of the LPA coupled with the relevant rules and regulations, the complaint was properly before the Committee. He submitted that Section 12(1)(a) and (b) are distinct limbs, that this complaint is premised on Section 12(1)(a). A breach of Canon III(k) can be properly pursued pursuant to Section 12(1)(a), the canon being one of the rules prescribed by Council under Section 12(7) of the LPA. Canon III(k) covers instances where the Attorney commits a criminal offence which in the opinion of the Disciplinary Committee is of a nature that is likely to bring the profession into disrepute and is convicted a foreign court for such an offence, as in the present case.
18. A charge under Canon III(k) is in an entirely different category from one under the 1998 Regulations which is brought under Section 12(1)(b). The prescribed offences are all offences under local jurisdiction and the Disciplinary Committee has no discretion once one of the offence have occurred since that is *ipso facto* deemed to be professional misconduct, whereas under Canon III(k), it is for the Committee to determine whether the offence is of such a nature as to bring the profession into disrepute.
19. The Panel took time to consider and ruled as follows:
 - i. The application to dismiss the complaint is refused;
 - ii. There is no merit in the submissions made by the Respondent;
 - iii. The complaint is adjourned to 4 February 2020 at 10:00 a.m. for continuation.
20. The Panel had particular regard to the fact that the 1998 Prescribed Offences Rules made under the LPA are not relevant to the complaint before the Committee. Given their application to offences under Jamaican legislation, they would not be the basis for a complaint of this nature which alleges a conviction in a foreign court for a criminal offence. The Complainant is one of the persons designated under Section 12 to bring a complaint and has *locus standi*, given the provisions of Canon III(k) and Canon I(b), to bring this type of complaint alleging conviction by a court in the United Kingdom for a criminal offence under the Proceeds of Crime Act in that jurisdiction. UK. The Disciplinary Committee has jurisdiction,

the complaint having been properly commenced under Section 12(1)(a) and may embark upon proceedings to determine whether there has been misconduct by the Respondent in any professional respect.

Day 3 – 4 February 2020

21. At the commencement of the proceedings Mr Wood indicated to the Panel that based on how the matter is unfolding he is now appearing with Miss Shirley. Mrs Reid-Cameron informed the Panel that the Respondent wished to make an application to withdraw the plea he made on 9 November 2019 when he conceded Canon III(k).
22. Neither the Panel nor the Complainant had notice of this application. The Panel nevertheless decided to hear the application which was framed on four grounds as articulated by Mr Cameron:
 - i. The plea was made in the absence of counsel;
 - ii. The plea was made in the absence of legal advice;
 - iii. The Respondent was rushed into making the plea, the Tribunal being aware that he had retained the services of counsel; and
 - iv. The evidence demonstrates that he was unaware of the process.
23. Mr Wood responded, in summary that:
 - i. The Respondent willingly proceeded after the Complainant's evidence was completed on 9 November 2019 even though the Panel would have acceded to the adjournment if he wished to take that course and give him time;
 - ii. The Respondent was a solicitor in the United Kingdom of some years standing. He has undergone the criminal process in that jurisdiction and the disciplinary process where he represented himself. He is familiar with disciplinary proceedings and filed an affidavit in response to the proceedings.
 - iii. It was inaccurate to say he was rushed into making a plea and there was no coercion;
 - iv. Normally legal advice is something to which one claims privilege, but if the Respondent wishes to open up correspondence it is a matter for them.
24. The Panel refused the application to withdraw the plea and found:

- i. The Panel accepts that it has a discretion as to whether a plea can be withdrawn or not. The fact that a person who has legal representation pleads in the absence of his attorney is not of itself a basis to permit a withdrawal of the plea and must be viewed in light of all the circumstances.
 - ii. The plea by the Respondent was neither rushed nor coerced as he was given an opportunity to have the matter adjourned after the Complainant had given his evidence.
 - iii. The Respondent cannot claim to be ignorant of the process when he represented himself in a similar disciplinary process in the United Kingdom.
 - iv. The Panel is unable to make any finding as to whether the plea was made in the absence of legal advice not being privy to the confidential relations between attorney and client.
25. The Panel adjourned the hearing to 29 February 2020 at 10:00 a.m. for 1 day. The Panel further ordered that in the event the Respondent wishes to call witnesses, affidavits by them should be filed and served by 24 February 2020.

Day 4 - 29 February 2020

26. At the commencement of the proceedings, the Respondent's attorneys asked to be permitted to see the original exhibits tendered in the matter, and were shown the original Form of Application and Form of Affidavit. Mrs Reid-Cameron then informed the Panel of the Respondent's intention to advance a submission of no case to answer.
27. Mr Wood raised the issue as to whether the Respondent should be put to election, and Mrs Reid-Cameron's position was that the Respondent cannot be put to election at that point of the proceedings.
28. By majority ruling (Miss Larmond dissenting) the Respondent was not permitted to make a no case submission on both Canon III(k) and Canon I(b) having already conceded the charge under Canon III(k). In delivering the ruling the Chairman expressed that the no case submission cannot address Canon III(k) and should be limited to Canon I(b) the Panel having already refused the application to withdraw the admission to Canon III(k), and that the Respondent would have to give evidence on Canon I(b) before a submission is made.

29. Mrs Reid-Cameron then informed the Panel that the Respondent rests his case and would not be giving evidence. The Complainant asked for leave to withdraw Canon I(b) and this was granted. Mrs Reid-Cameron invited the Panel to examine Sections 25 and 27 of the Evidence Act along with Exhibits 1 and 2 and consider if they confirm to the requirements of the law.
30. The defence having rested Mr Wood advanced closing submissions on Canon III(k), after which the Panel permitted the Respondent, through Mr Cameron, to respond to those submissions. The respective submissions of Mr Wood and Mr Cameron are summarized below.

Complainant's Closing Submissions

31. Mr Wood's submissions may be summarized as follows:
- i. The Respondent has filed a sworn affidavit in response after being served with the complaint. The Panel directed to the Privy Council decision of General Legal Council ex parte Whitter v Frankson [2006] UKPC 42 where Lord Hoffman held that the affidavit at that stage is in the form of a pleading.
 - ii. The purpose of a pleading is for the parties to be aware of what matters are admitted so that strict proof is not required on matters that have been admitted. There are plain admissions in the Respondent's affidavit that he had been convicted of an offence under the Proceeds of Crime Act UK and he also admitted that subsequent to that he was struck from the Roll of Solicitors in the UK.
 - iii. Under Canon III(k) the Panel has the discretion to determine whether the offence for which the Respondent was convicted constitutes misconduct in a professional respect. Mr Wood brought to the Panel's attention that there was an amendment in 2017 to the Legal Profession (Prescribed Offences) Rules to include offences under Part V of the Proceeds of Crime Act which offences include possession of criminal property. Had the Respondent been convicted in Jamaica of the same offence it would automatically be misconduct in a professional respect.

- iv. On the totality of the undisputed evidence and the plea by the Respondent on 9 November 2019, Canon III(k) has been established.

Respondent's Closing Submissions

32. Mr Cameron's submissions are summarized at paragraphs 33 to 38 below.

Elements of Canon III(k)

33. Mr Cameron submitted Canon III(k) requires the Panel to determine two things. First, whether or not there was any evidence or proof beyond a reasonable doubt on the prosecution's case that there was a criminal conviction by a foreign court of competent jurisdiction. Second, whether in the Panel's opinion the criminal offence is of such a nature likely to bring the profession into disrepute.
34. The Panel does not have proof of a conviction, in that the Judgment of the Solicitors Disciplinary Tribunal, exhibited as AW 1 to **Exhibit 1** (Form of Affidavit), does not bear a seal or stamp in conformity with Section 25 of the Evidence Act.
35. Even if the Tribunal were to rely upon the unauthenticated ruling of the Solicitor's Disciplinary Tribunal, it is not sufficient to establish the fact of a conviction in the absence of a certified copy of the conviction as is required by Section 27 of the Evidence Act. The practice of the General Legal Council is to rely upon certified copies of the actual conviction. In support of this, counsel cited Complaint 124/2001 – General Legal Council v Carol Churchill and Complaint 87/1999 – General Legal Council v Myrtle Johnson.

Discretion in Panel to accept or reject Respondent's plea to Canon III(k)

36. Mr Cameron submitted that notwithstanding the Tribunal's ruling on the previous occasion of the Respondent's application to withdraw his plea, the Tribunal nonetheless has a discretion and decision to make as to whether it will accept the guilty pleas in the face of the evidence or the lack thereof.
37. The plea, Mr Cameron contends, is not safe because it is equivocal. Mr Cameron submitted that the Respondent cannot have pleaded guilty to doing an act which brings the profession into disrepute under Canon III(k), while in the same breath saying he is not guilty of breaching

Canon I(b) which requires him to abstain from behavior which may tend to discredit the profession of which he is a member.

38. In support of this Mr Cameron relied on William Baker, (1912) CAR 217 and Regina v Blandford Justices, ex parte G (An Infant). The cases, which involve the exercise of the courts' criminal jurisdiction, are authority for the position that where the circumstances in which a plea is made disclose that there is doubt as to the defendant's ability to decide if he is guilty or not, or that the defendant understands the charge, the court should defer final acceptance of the plea and not enter a conviction.

Complainant's Submissions in Reply to authorities

39. Mr Wood emphasized the language in Section 27 of the Evidence Act "**Whenever, in any proceeding whatever, it may be necessary to prove the trial and conviction or acquittal of any person...**" and submitted that it was not necessary to prove the conviction in view of the admissions in the Respondent's affidavit to the conviction and to the decision of the Solicitor's Tribunal. Mr Wood submitted these proceedings are not criminal proceedings, but are regulatory in nature and the purpose is not penal. The fact that the standard is beyond a reasonable doubt does not make the proceedings criminal.
40. In GLC v Churchill and GLC v Johnson, the convictions had to be proven because neither party appeared or filed an affidavit. There was no admission and the convictions therefore had to be strictly proven in accordance with Section 27.
41. In response to Blandford, Mr Wood submitted it turned on whether the person making the plea has a doubt as to the nature of what they are pleading and where the person is making it clear that one element of the charge is not admitted. There was no doubt, in Mr Wood's submission, on the Respondent's part as to what he was pleading and relied on the distinction made by the Respondent on 9 November 2019 between the charges under Canon III(k) and Canon I(b).
42. In response to William Baker and Terry Michael Inns, Mr Wood submitted there was no equivocal plea by the Respondent, and that the Respondent had the opportunity to give evidence that could have informed the Panel of his understanding or lack of it but he opted

not to give evidence and the information comes instead through his counsel by inference which is not sustainable.

STANDARD OF PROOF AND BURDEN OF PROOF

43. The Panel reminds itself that in law the standard of proof in cases of professional misconduct is that of beyond a reasonable doubt. This is the standard that must be applied by the Panel in evaluating the evidence adduced before it. The Panel recognizes that the burden of proof is on the Complainant to prove his complaint to the standard required in law. This remains whether the Respondent has opted to give evidence or not.

DISCUSSION AND FINDINGS

44. The Panel has identified two issues for its determination in these proceedings:
- i. Whether the Respondent was convicted by a court of competent jurisdiction; and
 - ii. Whether the criminal offence committed by the Respondent is of a nature likely to bring the profession into disrepute

Issue (i) - Whether the Respondent was convicted by a court of competent jurisdiction?

45. The Panel accepts that in exercising its duties under Canon III(k), it must make a finding as to whether the Respondent was convicted by a competent court of foreign jurisdiction.
46. The Panel does not accept that, in the circumstances of this case, it is necessary for the Complainant to prove the Respondent's conviction of an indictable offence in the United Kingdom by presenting a Certificate of Conviction under Section 27 of the Evidence Act.
47. The Respondent's Affidavit in response to the complaint is, in the Panel's opinion, a pleading in response to the Complainant's Affidavit under Section 12 of the LPA. The Panel is fortified in this view by the observations of Lord Hoffman in delivering the judgment of their Lordships in **General Legal Council ex parte Whitter v Frankson** [2006] UKPC 42 that the affidavit under Section 12 of the LPA is in the nature of a pleading.

48. The Panel does not agree with Mr Cameron's submission that the purpose of the pleadings in disciplinary matters is for a determination to be made by the Committee as to whether the matter should proceed to a hearing. This is far too restrictive an interpretation. The pleadings also serve the purpose of defining the issues in dispute before a Panel at a hearing and, in some cases, narrowing the issues to be disposed of at a hearing.
49. Where there is a formal admission on the pleadings as has taken place in this matter, it is not necessary to prove the fact that has been admitted and is undisputed. At paragraph 19 of the Affidavit in the Respondent, he admits in essentially verbatim terms the assertions of paragraph 5 of the Form of Affidavit by the Complainant.
50. Complaint 87/99 – **General Legal Council (Dr Lloyd Barnett) v Myrtle Johnson** and Complaint 124/2001 – **Lloyd Barnett v Carol Lena Winston Churchill** on which the Respondent relies are distinguishable from the current proceedings. In neither case was there an admission by the Respondent. None of those Respondents responded to the complaints and none of them attended the disciplinary hearing. It would therefore have been necessary for the Complainant to prove the conviction by way of certified Certificate of Conviction.

Findings on Issue (i)

51. There is an admission on the pleadings before this Panel, and the Panel finds that the Respondent was:
- i. convicted on 25 April 2016 at the Central Criminal Crown Court London of the offence of possessing criminal property contrary to s.329(1)(A) of the Proceedings of Crime Act 2002;
 - ii. sentenced to a term of 3 years imprisonments and disqualified for 7 years from acting as a director of any company under section 2 of the Company Directors Disqualification Act 1986 (UK) on 22 June 2016; and
 - iii. struck from the Roll of Solicitors in the United Kingdom on 31 October 2017 consequent on being convicted.

Issue (ii) - Whether the criminal offence committed by the Respondent is of a nature likely to bring the profession into disrepute

52. The Panel will first respond to Mr Cameron's submissions on Canon III(k) urging the Panel not to accept the plea made by the Respondent on the basis that it is equivocal.

53. The Panel does not consider the case law relating to criminal proceedings cited by Mr Cameron helpful to the determination of the issues before it. Disciplinary proceedings are *sui generis* and are not juridicially defined as civil or criminal proceedings. While the Respondent's attorney was not present when he pleaded, the Panel has not entered any conviction against the Respondent, as would have occurred in criminal proceedings. The Panel, in full recognition of:

- a. its statutory mandate to form an opinion as to whether the criminal offence is of a nature likely to bring the profession into disrepute; and
- b. the fact that such an opinion grounds a finding as to whether the Respondent is guilty of professional misconduct

requested of and received from the Respondent's counsel extensive submissions on Canon III(k).

54. It is useful at this juncture to set out the language of Canon III(k):

(k) Where an Attorney commits any criminal offence which in the opinion of the Disciplinary Committee is of a nature likely to bring the profession into disrepute, such commission of the offence shall constitute misconduct in a professional respect if –

- (i) he has been convicted by any court (including a foreign court of competent jurisdiction) for such offence; or**
- (ii) although he has not been prosecuted the Committee is satisfied of the facts constituting such criminal offence; or**
- (iii) he has been prosecuted and has been acquitted by reason of a technical defence or he has been convicted but such conviction is quashed by reason of some technical defence. [Emphasis supplied]**

55. The Panel is of the considered opinion that on a proper construction of Canon III(k)(i), while a Respondent may admit that he has been convicted by a court of competent jurisdiction for a criminal offence, any finding that the commission of that offence constitutes professional misconduct turns on whether the Committee forms an opinion that the criminal offence in question is of a nature likely to bring the profession into disrepute and not solely on the Respondent's admission.
56. Accordingly, the Panel finds it unnecessary to determine whether the plea should be accepted for lack of the Respondent's understanding of the charge, as would obtain in criminal proceedings. On a proper construction of Canon III(k) and the facts before us that issue does not arise. The discharge of the Panel's statutory mandate to determine whether the commission of the offence constitutes professional misconduct is not dependent on any consideration as to whether the Respondent understood Canon III(k) when he pleaded, but rather on the Panel's opinion as to whether that offence is of such a nature that it is likely to bring the profession into disrepute.
57. Having regard to the Panel's interpretation of Canon III(k), it is unnecessary for us to consider submissions as to what would have been operating on the Respondent's mind at the time he conceded Canon III(k). In any event, the Respondent opted not to give evidence. Even if what was operating on his mind is a consideration that ought to be taken into account, the Panel has not been afforded that information by his decision not to give evidence.
58. The Panel now turns to whether, on the evidence before it, it can make a finding that the Respondent's conviction in the United Kingdom is likely to bring the profession in Jamaica into disrepute. The evidence before the Panel is contained in **Exhibit 2** the Form of Affidavit of the Applicant.
59. The Panel does not accept that it is precluded by Section 25 of the Evidence Act from accepting the judgment of the Solicitors Disciplinary Tribunal dated 31 October 2017. The section provides that **"...judgments, decrees, orders and judicial proceedings of any court of justice of an Foreign State, or in any Commonwealth Country... may be proved before any court of justice, or before any person having by law, or by consent of the**

parties, authority to hear receive and examine evidence either by examined copies or by copies authenticated as hereinafter mentioned;...” The Solicitors Disciplinary Tribunal of the United Kingdom is not a court of justice.

60. Further and in any event during cross-examination of the Complainant, the Respondent took issue with the accuracy of the Complainant’s evidence at Paragraph 6 of his affidavit where he deponed “*the investors did not receive any wine*”. The Respondent challenged the Complainant on the accuracy of that statement, on the basis that some investors did not receive the wine. The Complainant qualified the statement by reading from paragraph 10.3 of the Judgment of the Solicitors Disciplinary Tribunal which said “*However, in most cases investors did not receive any wine at all and instead lost their money*”. The Respondent stated that he was fine with the qualification. On the evidence, the basis of the Respondent’s conviction is as contained in Paragraph 6 of the Complainant’s Affidavit, as qualified by his reference to the Judgment of the Solicitors Disciplinary Tribunal.

Findings on Issue (ii)

61. The Panel therefore finds:
- i. The Respondent was a director or a company called Global Wines Investments Limited through which members of the public paid money to purchase expensive vintage wines as an investment; that in most cases investors did not receive any wine at all and instead lost their money and that the total losses which the Respondent has taken in the form of cash withdrawals, transfers and other payments amounted to £100,000.00.
 - ii. The criminal offence for which the Respondent was convicted and sentenced to 3 years imprisonment and disqualification from acting as a director of any company for 7 years was the offence of possessing criminal property contrary to the Proceeds of Crime Act.
 - iii. The Respondent has been convicted of a criminal offence the basis of which involves an element of deception and dishonesty, in particular the unauthorized use of significant amounts of money invested with and entrusted to Global Wines

Investments Limited, a company for which he was a director and which said funds he withdrew for his own purposes.

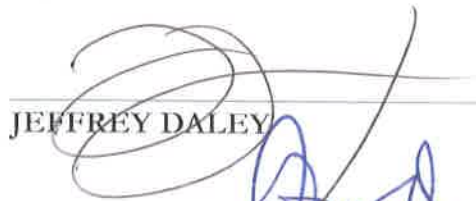
iv. The criminal offence of which the Respondent was convicted is of a nature likely to bring the profession into disrepute. The Respondent is in breach of Canon III(k) of the Legal Profession (Canons of Professional Ethics) Rules.

62. The matter is adjourned for a sanctions hearing to be fixed and the parties are to be duly notified of such hearing date.

DATED THE 31st DAY October, 2020



MRS URSULA KHAN, CHAIRMAN



JEFFREY DALEY



MISS CARLENE LARMOND