

SU2021CV03131

FORMAL ORDER OF THE DISCIPLINARY COMMITTEE OF
THE GENERAL LEGAL COUNCIL MADE ON COMPLAINT
NO. 18

2018



IN THE MATTER OF DENZIL WILLIAMS VS ANTHONY
PEARSON

AND

IN THE MATTER OF THE LEGAL PROFESSION
ACT 1971

PANEL: MRS. URSULA KHAN
MRS. TANA'ANIA SMALL DAVIS Q.C.
MR. KEVIN POWELL

DECISION DELIVERED ON THE 4TH JUNE 2021

UPON THE APPLICATION made under section 12 (1) (a) of the Legal Profession Act and dated the 12TH January, 2018 along with supporting Affidavit sworn to on the 12th January, 2018 and coming on for hearing before the Disciplinary Committee on 16th & 21st March 21, 2019, 10th and 27th July 2019, 24th September 2019, 25th January 2020, 20th July 2020, 12th September 2020, 14th November 2020, 12th December 2020, 27th February 2021, 24th April 2021 and 28th May 2021

AND UPON the Complainant Denzil Williams along with Racquel Williams appearing and having given sworn evidence on oath

AND UPON the Attorney Anthony Pearson appearing and having given sworn evidence on oath

AND UPON DUE CONSIDERATION of the sworn evidence of the Complainant, his witness and the Attorney coupled with documentary evidence

AND UPON the Committee finding the Attorney Anthony Pearson guilty of professional misconduct pursuant to Section 12(1)(a) of the Lega Profession Act on the 24th April 2021

AND UPON the Attorney having been given the opportunity to file submissions in mitigation of sanction to no avail. However, at the sanction hearing the Attorney advanced oral submissions urging the Panel to consider that he acted in the transaction the subject of the complaint on behalf of an in-law and the relationship had broken down.

THE COMMITTEE FINDS THAT:

1. The Complainant entered into an agreement with Patrick Drake to purchase property registered at Volume 1009 Folio 151. However, after paying the deposit the vendor refused to complete the sale. This led to the Complainant commencing court proceedings for specific performance of the contract.
2. The Complainant did not retain the Respondent and the Respondent did not act as the attorney for the Complainant in either the agreement to purchase the property or the court proceedings for specific performance of that agreement. In relation to both matters, the Complainant was represented by another attorney ("the Complainant's attorney") who passed away prior to the filing of the complaint.
3. The court proceedings were brought against Mr. Drake and the Respondent in his capacity as Executor of the Estate of Ronald Hope Hanson the registered proprietor. Mr. Drake is the Respondent's brother -in-law.
4. The Respondent acted for Mr. Drake in the transaction and had carriage of sale.
5. The court proceedings were determined when the Complainant and the defendant entered into a Consent Order on November 18, 1998 (the Consent Order"). The Consent Order granted specific performance of the agreement for the purchase of the property and provided for the Complainant to pay the balance purchase price in return for the registered Certificate of Title and registrable transfer.
6. The Complainant paid the balance purchase price in December 1999. The Respondent handed over the cheque representing the balance purchase price to Mr. Drake but the title to the property has not been transferred to the Complainant.
7. The Respondent was in possession of the title to the property after the Consent Order was made. The Respondent has failed to account for the title. The Respondent asserts that he sent the title to the Complainant's Attorney and relies on a letter dated October 27, 2000.
8. In a letter written by the Complainant to the General Legal Council dated 6th March 2017, the Complainant said that his attorney had sent the title back to the Respondent so that his name could be put on the title. He further stated that he contacted the Respondent to find out whether his name had been put on the title and the Respondent told him that he gave the title back to Mr. Drake.
9. The Panel takes notice of the fact that the Respondent is a senior attorney and should be aware of the steps that would be required before he could, in any event, have parted with possession of the title. As the Executor of the Estate of the deceased proprietor and a party to court proceedings, he was ordered to deliver a registrable transfer along with the title.

The panel finds that the Attorney is in breach of Canon IV (s) and Canon 1(b)

**PURSUANT TO THE FOREGOING FINDINGS THE COMMITTEE UNANIMOUSLY
HEREBY ORDERS THAT: -**

Pursuant to Section 12 (4) of the Legal Profession Act:

- a. The Respondent, Attorney Anthony Pearson, shall pay a fine in the sum of \$500,000.00 which fine shall be payable to Raquel Williams in her capacity as personal representative for the estate of the Complainant.
- b. The Respondent shall pay costs of \$290,000 of which \$200,000.0 is payable to the General Legal Council, and \$90,000 is payable to Raquel Williams in her capacity as personal representative for the estate of the Complainant
- c. All sums ordered to be paid shall be paid no later than August 31, 2021.


CHAIRMAN OF PANEL

Dated 4th June, 2021 2021