

SU2022C01511
FORMAL ORDER OF THE DISCIPLINARY COMMITTEE OF
THE GENERAL LEGAL COUNCIL MADE ON COMPLAINT
NO. 93 of 2015

IN THE MATTER OF DESMOND FRANCIS VS W.
ANTHONY PEARSON

AND

IN THE MATTER OF THE LEGAL PROFESSION
ACT 1971

PANEL: MR. MICHAEL THOMAS - CHAIRMAN
MISS LILIETH DEACON
MISS ANNALIESA LINDSAY



DECISION DELIVERED ON THE 20TH APRIL 2022

UPON THE APPLICATION made under section 12 (1) (a) of the Legal Profession Act and dated the 22nd February, 2015 along with supporting Affidavit sworn to on the 23rd February 2015 and coming on for hearing before the Disciplinary Committee on the 1st July 2017, 2nd December 2017, 5th May 2018, 11th May 2018, 6th June 2018, 21st June 2018, 22nd September 2018, 24th November 2018, 18th June 2020, 3rd July 2020, 15th July 2020, 28th February 2022, and 7th April 2022,

AND UPON the Complainant Desmond Francis, (herein-after called "the Complainant") appearing with Counsel Patrick Bailey and having given evidence on oath,

AND UPON the Attorney-at-law W. Anthony Pearson, (herein-after called "the Attorney") appearing and having given evidence on oath,

AND UPON the Complainant's witness appearing and having given evidence on oath,

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

AND UPON the Committee finding the Attorney guilty of professional misconduct pursuant to section 12(1) (a) of the Legal Profession Act on 28th February 2022,

THE COMMITTEE FINDS THAT:

- a) At all material times the Complainant was represented by the Attorney in so far as the actions taken to enforce the judgement obtained by the Complainant in the Supreme Court in 1991 against Joseph Wong Ken et al.
- b) No fees were requested by the Attorney of the Complainant, and none were paid.

- c) The Complainant attended Court with the Attorney about three to five time.
- d) The Attorney did provide information to the Complainant including:
 - I. Advice that Mr. Wong Ken died.
 - II. That in order to collect the judgement Mr. Wong Ken would have to be replaced by Joe Watt.
 - III. That in order to collect from Mr. Watt, the executor, he would have to seek to have Mr. Watt sent to prison.
 - IV. An offer was made by Mr. Garth McBean to pay US \$7,500.00 over 24 months, and the offer was not accepted.
 - V. Registrar of Supreme Court was written to by the Attorney on 23 April 2013 advising that the case file at the Court Registry could not be found.
 - VI. That proceedings against Joe Watt for contempt of court were initiated because he had breached the order of the court by paying out money from the estate of Wong Ken and transferring assets.
 - VII. That the Attorney advised the Complainant that Joe Watt died, and steps would have to be taken against his Executor in order to get at Joseph Wong Ken against who the judgement was initially ordered.

The Panel finds it regrettable that the Attorney having come thus far in seeking compensation for the Complainant arising from his injuries suffered in the motor vehicle accident, then dropped the proverbial ball after learning of Joe Watt's death in May 2010.

The Attorney's act has placed the Complainant at a serious disadvantage in hoping to recover his badly needed compensation if ever at all.

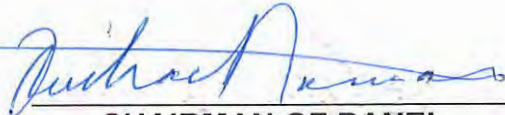
The Panel finds that the Attorney is guilty of professional misconduct as per Canon VIII (d) of the Legal Profession (Canons of Professional Ethics) Rules in that he has breached Canon IV(r) of the Legal Profession Act (Canons of Professional Ethics) Rules.

THE COMMITTEE UNANIMOUSLY HEREBY ORDERS THAT: -

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

1. The Attorney W. Anthony Pearson is ordered to pay fine of Six Hundred Thousand Dollars (\$600,000.00) to the General Legal Council.
2. Pursuant to Section 12 (5) of The Legal Profession Act, it is directed that the aforesaid fine shall be paid to the Complainant when collected by the General Legal Council in partial satisfaction of any damage caused to him by the Attorney's misconduct.

3. The Attorney W. Anthony Pearson is ordered to pay costs in the sum of Two Hundred and Fifty Thousand Dollars (\$250,000.00) of which Two Hundred Thousand Dollars (\$200,000.00) is to be paid to the General Legal Council and Fifty Thousand Dollars (\$50,000.00) to the complainant.
4. The sums awarded above are to be paid within ninety (90) days of this order.

A handwritten signature in blue ink, appearing to read "Michael Pearson", is written over a horizontal line.

CHAIRMAN OF PANEL

Dated 20th April, 2022