

DECISION ON SANCTION

THE DISCIPLINARY COMMITTEE OF THE GENERAL LEGAL COUNCIL

Complaint No. 93/2015

BETWEEN	DESMOND FRANCIS	COMPLAINANT
A N D	ANTHONY PEARSON	RESPONDENT

PANEL: **MR. MICHAEL THOMAS – CHAIRMAN**
 MS. LILIETH DEACON
 MS. ANNALIESA LINDSAY

Hearing Dates: April 7, 2022

Persons Present:

The Respondent/Attorney was unrepresented.

The Complainant as of the 22nd September, 2018 represented by Mr. Patrick Bailey, Attorney-at-Law.

1. On the 28th February, 2022 the decision of the Panel of the Disciplinary Committee was delivered in the presence of the Respondent. The 7th April, 2022 at 2:00 p.m. was fixed for a sanction hearing.
2. On the 7th April when called upon to state his argument(s) in mitigation of any proposed sanction to be imposed by the Panel the respondent stated that “having read the judgement I have chosen not to further any material in mitigation”.
3. The Panel fixed the 20th April, 2022 as the date for delivery of the Sanction.

BACKGROUND

4. By its decision dated 28th February, 2022 the Disciplinary Committee mace the following findings:-
 - 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 times.
- d) The Attorney did provide information to the Claimant 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 August, 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 whom the judgement was initially ordered.

5. The Panel finds it regrettable that the Respondent 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, 2020.

His act has placed the Claimant at a serious disadvantage in hoping to recover his badly needed compensation if ever at all.

6. The Panel takes note of the Respondent's stance of making no plea in mitigation.

7. It is therefore only left to deliver the sanction which in our considered view are appropriate in the circumstances.
8. (a) The Respondent is ordered to pay a fine of **Six Hundred Thousand Dollars (\$600,000.00)** to the General Legal Council;
- (b) Pursuant to the Legal Profession Act S.12 (5) it is directed that the said 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.
- (c) The Respondent 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.
- (d) The sums awarded at sub-paragraphs a) and b) are to be paid within ninety (90) days of this Order.

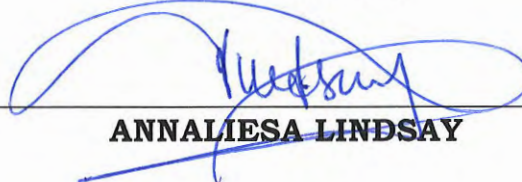
Dated this 20th day of APRIL 2022



MICHAEL THOMAS



LILIETH DEACON



ANNALIESA LINDSAY

