

S4 2022 CW 02393



**FORMAL ORDER OF THE DISCIPLINARY COMMITTEE OF  
THE GENERAL LEGAL COUNCIL MADE ON COMPLAINT  
NO. 59 OF 2013**

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**IN THE MATTER OF MICHAEL MARK ANTHONY IRVING  
VS OLIVER LLEWELLYN, AN ATTORNEY-AT-LAW**

**AND**

**IN THE MATTER OF THE LEGAL PROFESSION  
ACT 1971**

**PANEL: MR. WALTER SCOTT, Q.C. - CHAIRMAN  
MR. MICHAEL THOMAS  
MR. PETER CHAMPAGNIE, Q.C.**

**DECISION DELIVERED ON THE 30<sup>TH</sup> JUNE 2022.**

**UPON THE APPLICATION** made under section 12 (1) (a) of the Legal Profession Act and dated the 28<sup>th</sup> March, 2013 along with supporting Affidavit sworn to on the 12<sup>th</sup> April 2013 and coming on for hearing before the Disciplinary Committee on the 29<sup>th</sup> November 2014, 21<sup>st</sup> March 2015, 22<sup>nd</sup> July 2015, 10<sup>th</sup> October 2015, 12<sup>th</sup> March 2016, 9<sup>th</sup> July 2016, 21<sup>st</sup> January 2017, 29<sup>th</sup> July 2017, 11<sup>th</sup> February 2019, 15<sup>th</sup> April 2019, 5<sup>th</sup> December 2020 and 14<sup>th</sup> January 2021.

**AND UPON** the Complainant Michael Mark Anthony Irving, (herein-after called "the Complainant") appearing and having given evidence on oath,

**AND UPON** the Attorney-at-law Oliver Llewellyn, (herein-after called "the Attorney") appearing with Counsel Ian Wilkinson, Q.C. and Lenroy Stewart and having given evidence on oath,

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

**AND UPON DUE CONSIDERATION** of the sworn evidence of the Complainant, the Attorney and the 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 5<sup>th</sup> December 2020,

**AND UPON** the Attorney making submissions to the Panel in mitigation,

## THE COMMITTEE FINDS THAT:

- a). The attorney agreed to represent the Complainant in a divorce matter.
- b). The attorney filed two petitions for divorce on behalf of the Complainant. The first petition was discontinued after the ex-wife filed an Answer and Cross Petition challenging the date of separation.
- c). The second petition was discontinued following the case management conference on the 10<sup>th</sup> July 2010.
- d). It is agreed by all parties that the relationship between the Complainant and the attorney soured after the case management conference.
- e). The fees paid by the Complainant were returned to him.
- f). At the time of engagement, the attorney was informed that there was a child of the marriage and property to be determined. Miss Bent inquired about the details of the child in email correspondence dated 17<sup>th</sup> December 2008.
- g). None of the petitions filed by the attorney dealt with the issue of the child or the property.
- h). The Complainant's ex-wife filed her Answer and Cross Petition on the 13<sup>th</sup> July 2011 and divorce was granted on that petition. The Complainant was represented by another attorney in these proceedings.
- i). The Attorney did not formally inform the Complainant that he was going to discontinue his Petition, and the Attorney had no written instructions to do so.
- j). The Attorney failed to file for the Decree Nisi in a timely manner because of the non-payment of his fees.

The finding of guilt that the Attorney has acted with inexcusable and deplorable negligence is the underpinning of the Panels finding that the Attorney has acted improperly and dishonorable in his dealings with the Complainant. The Panel therefore find that there has been a breach of Canon 1(b) by the Attorney.

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

1. The Attorney, Oliver Llewellyn, is fined the sum of One Hundred Thousand Dollars (\$100,000.00), to be paid to the General Legal Council.
2. The Attorney, Oliver Llewellyn, is to pay costs in the sum of Two Hundred Thousand (\$200,000.00) of which One Hundred Thousand (\$100,000.00) is to be paid to the General Legal Council.
3. All sums (fines & costs) to be paid on or before 29<sup>th</sup> July 2022.



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**CHAIRMAN OF PANEL**

Dated 30<sup>th</sup> June 2022