

FORMAL ORDER OF THE DISCIPLINARY COMMITTEE OF
THE GENERAL LEGAL COUNCIL MADE ON COMPLAINT
NO. 266/2018



SU2023 CV 00115

IN THE MATTER OF SHERENE PASCOE VS CALVIN
ROSE, AN ATTORNEY-AT-LAW

AND

IN THE MATTER OF THE LEGAL PROFESSION
ACT 1971

PANEL: MRS. DANIELLA GENTLES-SILVERA - CHAIRMAN
MRS. GLORIA LANGRIN
MR. SUNDIATA GIBBS

DECISION DELIVERED ON THE 04th JANUARY 2023.

UPON THE APPLICATION made under section 12 (1) (a) of the Legal Profession Act and dated the 19th November, 2018 along with supporting Affidavit sworn to on the 19th November, 2018 and coming on for hearing before the Disciplinary Committee on the 6th February, 2021, 31st March, 2021, 27th April, 2021, 10th June, 2021, 8th July, 2021, 7th September, 2021, 30th July, 2022, 13th September 2022 and 4th January 2023,

AND UPON the Complainant Sherene Pascoe, (hereinafter called "the Complainant") appearing with Counsel Tamiko Smith and having given evidence on oath,

AND UPON the Attorney-at-law Calvin Rose (hereinafter called "the Attorney") appearing with Counsel Moneaque McLeod, and having given evidence on oath,

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

AND UPON DUE CONSIDERATION of the sworn evidence of the Complainant, the Complainant's witnesses and the Attorney, coupled with documentary evidence and written submissions submitted by Counsel for the Attorney and Complainant respectively,

AND UPON the Committee finding the Attorney guilty of professional misconduct pursuant to section 12(1) (a) of the Legal Profession Act on 30th July, 2022,

AND UPON the Attorney having been given the opportunity to file submissions and/or affidavit evidence in mitigation of sanction,

THE COMMITTEE FINDS THAT:

1. Upon discovering that under a Will dated 24th April 2017, made by Olive Pascoe ("the 2017 Will"), she appointed the Attorney her sole executor and made him a beneficiary under the said Will and gifted him real estate in circumstances where he had represented her in a legal capacity, the Attorney failed to tell the Testator , Olive Pascoe, prior to her death to get independent legal advice and he did not advise her or Oswald Nicholson that he was not accepting the gift.
2. After the death of Olive Pascoe, a Death Certificate was issued on which the Attorney was named as the informant and he was described as Olive Pascoe's son which is not true. This Death Certificate with the inaccurate information was used by the Attorney to apply for the grant of probate of the 2017 Will on the 16th November 2018.
3. The Attorney breached section 7(1) (a) and (b) of the Perjury Act in stating his relationship with Olive Pascoe on the Death Certificate as her son, knowing that not to be true and using the Death Certificate for the application for a Grant of Probate of her Will of Olive Pascoe.
4. The Panel finds that the Attorney is guilty of professional misconduct, in that he has breached Canon 1(b) of the Legal Profession (Canons of Professional Ethics) Rules and has acted in a manner in which his professional duties and personal interest conflicted.

THE COMMITTEE UNANIMOUSLY HEREBY ORDERS THAT: -

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

1. The Attorney Calvin Rose is hereby suspended from practice with immediate effect for one (1) year ending on the 4th January, 2024;
2. The Attorney Calvin Rose is hereby fined in the amount of Five Hundred Thousand (\$500,000.00) which is payable to the General Legal Council within sixty (60) days of the date hereof; and
3. The Attorney is to immediately pay costs in the amount of Two Hundred Thousand Dollars (\$200,000.00), of which One Hundred Thousand Dollars (\$100,000.00) is to be paid to the Complainant and the balance of One Hundred Dollars (\$100,000.00) is to be paid to the General Legal Council.

A handwritten signature in blue ink, appearing to read 'D. J. Rose', is written above a horizontal line.

CHAIRMAN OF PANEL

Dated the 4th January, 2023