

**DECISION OF THE DISCIPLINARY COMMITTEE OF THE GENERAL LEGAL COUNCIL**

Complaint No. 06 of 2021

In the matter of B. ST. MICHAEL  
HYLTON K.C.

AND

In the matter of HANNAH HARRIS-  
BARRINGTON an Attorney-at-Law

AND

In the matter of the Legal  
Professions Act, 1971

PANEL: Peter Champagnie, K.C. – Chairman  
Gloria Langrin  
Katherine Francis

Appearances: The Complainant Mr. B. St. Michael Hylton, K.C.,  
represented by Mrs. Symone Mayhew, K.C. (on Zoom)  
The Respondent, Mrs. Hannah Harris-Barrington (on Zoom)

Hearings: 5<sup>th</sup> June 2021, 3<sup>rd</sup> July 2021, 25<sup>th</sup> September 2021, 30<sup>th</sup>  
October 2021, 24<sup>th</sup> November 2021, 28<sup>th</sup> February 2022, 24<sup>th</sup>  
May 2022, 29<sup>th</sup> June 2022, 8<sup>th</sup> September 2022, 6<sup>th</sup> October  
2022, 3<sup>rd</sup> November 2022, 23<sup>rd</sup> November 2022, 7<sup>th</sup>  
December 2022

This is the rendering of judgment in respect of complaint number 6 of 2021, B.  
St. Michael Hylton vs Hannah Harris Barrington.

In this matter the Complainant commenced his complaint by his evidence on the 3rd July 2021. On that occasion the Respondent was not in attendance but had counsel Mr. Mikael Lorne attending albeit briefly on her behalf prior to the commencement of the Complainant's evidence. The Committee received evidence from Dr. Christopher Munroe, a Medical Practitioner. Dr. Munroe spoke to the contents of two Medical Certificates that he had written in relation to the Respondent's health. Dr. Munroe was not able to speak beyond any timeline that both medical reports spoke to concerning the health of the Respondent. At the material time of Dr. Munroe giving evidence before this Panel the two Medical Certificates had expired. The panel having been faced with this and with no refreshed Medical Certificate nor any further words from the Respondent who knew of this date determines unanimously that the hearing would proceed. In these circumstances, the evidence of the Complainant was taken. This was on the understanding that future date would be set for cross-examination.

The Complainant testified that he was an Attorney-at-law and that he had filed a complaint against the Respondent. The essence of his complaint was contained in two Affidavits. The first sworn to on the 25<sup>th</sup> January 2021 and the second on the 31<sup>st</sup> March 2022. These Affidavits were tendered into evidence as exhibit 1 and 2 respectively. Accompanying these two exhibits was a bundle with a list of documents that had been filed on the 21<sup>st</sup> May 2021. These

lists of documents contained in the bundle were tendered into evidence as exhibit 3. Exhibit 4 became the Complainants Form of Application dated the 26<sup>th</sup> January 2021. The Complainant based on his evidence and the exhibits thereto asserted that the Respondent breached Canons 1b, 5a, 5c and 8b. This was the sum total of the evidence in chief of the Complainant.

On the 30<sup>th</sup> October 2021, the cross-examination of the Complainant commenced by the Respondent representing herself. During the cross-examination, the Respondent received by her questions a history of the association of the Complainant with the GLC as distinct from the history or lack thereof with the Disciplinary Committee of the General Legal Council. The Complainant said that he knew some members of the Disciplinary Committee and that as part of a larger Committee the Regional Judicial Legal Services Commission he being one who would along with others recommend the appointment of judges. The Complainant said that he had been practicing as an Attorney-at-law for 45 years and that he had never worked as a Disciplinary Committee panel member of the Committee. The thrust of the cross-examination of the Complainant then shifted to whether in his opinion a person could be held accountable for the statement made in another person's Affidavit. The Complainant said that such a person could be held accountable. The Complainant testified that an Attorney can breach a Canon by filing the personal opinion of their client. This question and response

undoubtedly came from the Affidavit of Michael Record which had been filed by the Respondent in a matter on the 13<sup>th</sup> November 2020. Reference was made to same.

The Complainant asserted that some of the contents of Mr. Record's Affidavit were disparaging of the court, wrongfully so and that the said Affidavit had been filed by the Respondent. It was suggested to the Complainant that his complaint was based on a malicious action, he disagreed with this suggestion. The Respondent then sought to obtain answers containing specific issues that arose in the Supreme Court concerning clients that the Complainant represented, and the Respondent who appeared on the opposite side. The Complainant was then asked if he made suggestions for the appointment of judges, his answer to this was "yes in relation to some judges". This was followed soon thereafter by the suggestion that on the 14<sup>th</sup> December concerning said matter between the Respondent and the Complainant and their respective clients that the Complainant was angry because she the Respondent made certain comments about a judge that the Complainant knew and therefore it caused him to be angry, he did not agree with this suggestion. Questions were asked of the Complainant of whether he had prior knowledge of the fixture of that court date the 14<sup>th</sup> and he indicated he did by way of email which was the normal way. It was then boldly put to the Complainant that on the 14<sup>th</sup> December 2020 the matter concerning their respective clients (i.e.) the

Complainant and the Respondent was put before a judge that was chosen by the Complainant. The Complainant refuted this suggestion. It was asked of the Complainant whether he had friends on the panel and he indicated that he had panel members as his friends in the profession. It was then brought to the panel's attention by the Respondent that owing to religious beliefs she could not continue any more hearings on a Saturday. Consequently, the matter was adjourned for the 24th November 2021.

The cross-examination of the Complainant continued. He was reminded of his previous testimony and as to whether or not he had advanced notice of the court matter on December 2020. He was asked whether he would agree that he did not need any advanced checks to see if the matter was listed for the 14<sup>th</sup> December 2020 because he was aiding in some collusion with the judge to have some unlisted matter heard. He rejected the suggestion. The Complainant said he was made aware of the hearing on December 14, 2020, by email. It was suggested to the Complainant that he was lying on this accord. He disagreed. It was suggested to the Complainant that the judge was specifically solicited. The Complainant refuted this. The Complainant was then asked about the law in relation to squatters' rights to which he gave answers. The Complainant was then asked about other aspects of law including WEDNESBURY Rule. He was asked whether he had the right to appeal

to which he responded yes and also whether an attorney had a right to make a comment if he found an unreasonable judgment in unlisted matter. The Complainant agreed. It was suggested to the Complainant that his responses and position at the GLC as well as the Judicial Services Commission had led him to become drunk with abusive power. The Complainant disagreed. He was asked whether he had made any previous complaint on judge to which he responded no. It was suggested that because of the Complainant's connections to judges and the GLC, it allowed him to manipulate others for his purposes. It was put to him that there were several judges that owed him favours, he disagreed with this suggestion. The matter was then adjourned for the 28th February 2022. The cross-examination on that day commenced with the Panel directing the Respondent to proceed with the cross-examination. The Complainant was asked whether he was a Commissioner on the Caribbean Court of Justice and his response was yes. He gave an account as to how he was appointed to the position of Commissioner. He was asked about his status as a Queen's Counsel and whether he had assisted any of the Panel members to be elevated to the rank of Queen's Counsel. He indicated that he did not give any assistance. He was asked if any panel members owed him any favours. He said no.

Further questions were asked of the Complainant as to his association with other organizations to include whether he was a part of the Supreme Court

Rules Committee, and other organizations. It was put to the Complainant that any assertion of bad behaviour by her the Respondent could not be attributed to her where an Affidavit had been given by another person. It was put that she the Respondent could not be held accountable for the contents of an Affidavit of another person. In this regard the Complainant disagreed and said that the Respondent's questioned behaviour was about two things that she did.

1. That she wrote a letter
2. Filed an Affidavit. The contents of both of these documents amounted to a breach of the Canons.

Along the way in her cross-examination of the Complainant a number of suggestions and comments were made concerning the panel itself and its members. Suggestions in this regard were refuted by the Complainant. It was suggested to the Complainant that he had put himself as head of various organizations so that he could manipulate the system to his own advantage. This was flatly denied. It was suggested that the complaint was a bogus complaint. This again was flatly denied.

The Respondent suggested that as far as the connection to the General Legal Council was concerned, the Complainant was the "Mafia Boss".

The matter was then adjourned to the 31<sup>st</sup> March 2022.

What transpired thereafter was a missive of some kind with vague reference to the Respondent's health condition and disability claim in respect of work. This did not in any shape or form approximate or justify her absence from such proceedings. Despite several adjournments the Respondent failed to attend to further participate in the process. The Respondent also failed to satisfy the panel's request for the provision of a medical certificate that would or could have properly explained her absence. The panel notes that in all instances, due notices were given to the Respondent. This being the state of affairs it was determined that the matter would proceed and so the panel invited the Complainant's Counsel to submit as to why there was a prima face case for the Respondent to answer. A response was provided, and this matter was adjourned with the expectation that the Respondent would attend to indicate whether or not there was any concession to the Complainant's submission through his Counsel, or whether or not in the alternative there were any arguments to advance rebutting the Complainant's suggestion through his Counsel.

Having afforded a reasonable opportunity for the Respondent to resume participation in this regard, the Respondent did not make herself available. The panel then subsequently ruled that there was a case to answer. The matter was then adjourned for the Respondent to present her case. The panel having satisfied itself that due notice was given to the Respondent to present her case and not having been provided with any rational explanation for her absence



other than the medical document previously relied upon which the panel found to be inadequate, invited the Complainant's Attorney to make closing submissions. These submissions were made and written copies of same were presented on the 10<sup>th</sup> November 2022. Once again, reasonable time and notice was given to the Respondent to appear before the panel to re-engage in the process. The Respondent failed to so do. Other than communicating with the Committee through someone purporting to be her relative and asserting that she was not well there was no direct communication from the Respondent herself. More importantly there was no medical certificate to support the assertions made by the purported relative. As a consequence, the panel indicated that it would render judgement in the matter on 17<sup>th</sup> January 2023. Notice of this was given to the Respondent.

### **Burden of Proof**

The panel reminds itself that the burden of proof in these proceedings rests always on the Complainant. It is for the Complainant to establish by way of evidence that the allegations made are supported by his or her vivo voce testimony or otherwise.

### **Standard of Proof**

The panel reminds itself that before finding a Respondent guilty of professional misconduct, the standard of proof that is required is that of the criminal standard. That is to say beyond a reasonable doubt, nothing less will suffice.

### **Findings of Facts**

Before coming to any findings of facts, this panel sitting as constituted declare that although along the way, the Respondent made intemperate responses and personal accusations against the panel itself, the panel has paid no regard to these. The panel reminds itself that it must consider this complaint solely on the evidence germane to this issue and nothing else.

The panel is mindful of the fact that the Respondent had full opportunity to cross-examine the Complainant. The Complainant in total was cross-examined for five hours. Through separate hearings being the 25<sup>th</sup> September 2021, 30<sup>th</sup> October 2021, 24<sup>th</sup> November 2021 and 28<sup>th</sup> February 2022.

The panel comes to its findings based on the exhibits in this matter, the extensive cross-examination of the Complainant by the Respondent and the responses thereto. Integral to this is also was the suggestions that were put by the Respondent to the Complainant. Having regard to the totality of the evidence the panels finds as fact the following:

1. That the Complainant gave credible evidence and was not shaken in cross-examination.
2. That the exhibits taken as a whole were and are more than sufficient to ground the complaints alleged.
3. That even if the exhibits and the attachments thereto, particularly the letter by the Respondent and the Affidavit which she filed on behalf of another were puerile and innocuous, we find as a fact that the suggestions that were put to the Complainant had the most unusual

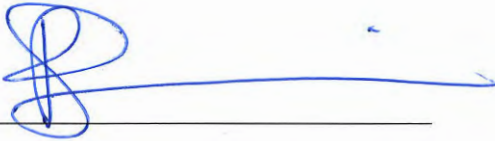
result of amplifying the gravamen of the complaint in favour of the Complainant's case.

4. At the highest, the cross-examination conducted by the Respondent was to suggest that she could not be held accountable for the contents of the Affidavit of Mr. Michael Reckord. We find, however, that the Affidavit was filed by the Respondent and that specific reference was made to information which Mr. Reckord in his own Affidavit said came from her, the Respondent. We find that this amounted to professional misconduct especially in light of the fact that Mr. Reckord was not privy to what transpired leading up to the matter in court.
5. We find that the Respondent's subsequent letter of 15<sup>th</sup> December 2020 and the contents thereof were written by the Respondent. We find further that the only interpretation to be given to the said letter was that the Complainant had colluded with the court staff in circumstances where there was a clear assertion of a Judge being selected by the Complainant who exercised her Judicial function not based on law but based on friendship between herself and the Complainant. Indeed, the suggestions that were put in cross-examinations by the Respondent evidenced the fact that the Respondent neither resiled from this position nor sought to qualify her letter. In this regard the cross-examination exacerbated this situation.

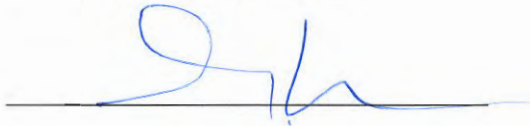
6. While there exists the right to freedom of expression, the panel is guided by ***Robert Histed and the Law Society of Manitoba and Gilles Dore' v The Tribunal of Professional Attorney General of Quebec***. It is noted that the judiciary and the justice system is not beyond criticism, but the criticism must be based on facts. Whimsical commentary or wild allegations which brings the profession into disrepute cannot be accepted.
7. In the premises we find the Respondent is in breach of Canons 1B, 5B, 5A, 5C and 8B and therefore guilty of professional misconduct.
8. We find the Complainant has discharged his burden and the same has been discharged without a reasonable doubt.

In keeping with the decision of ***Owen Clunie v the General Legal Council***, we now afford the respondent an opportunity to now mitigate and consequently set another date.

Dated January 17, 2023



PETER CHAMPAGNIE, K.C.



GLORIA LANGRIN



KATHERINE FRANCIS

