

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

COMPLAINT NO. 164/2023

**IN THE MATTER OF Annette Sterling v
Maisha Wilson-Campbell**

AND

**IN THE MATTER OF the Legal
Profession Act 1971**

**Panel: Mr. Peter Champagne, KC (Chairman)
Miss Sidia Smith
Mr. Kevin Powell**

Hearing dates: 10th February, 23rd March, 11th May, 8th June, 22nd June, 19th July &
26th July 2024

This Panel is governed by the Legal Profession Act and as it relates to this process, section 12 (4) of the Legal profession Act. We are cognisant of the fact that at our disposal there are various sanctions that we can apply. In some instances, a combination. We know that the ultimate sanction that we can apply in terms of severity is a striking off. We can also suspend, fine, reprimand, order costs and also order restitution.

The task of imposing the sanction by a tribunal is the most difficult. We think it is important to highlight what was said to this hearing concerning Ms. Archer's representation of her client's position regarding the unwillingness of any character witness to attend out of fear of the Chairman. The comments surrounding this statement have already been made by Ms. Archer, by myself on behalf of the Panel members and by Mr. Eccleston, so we need not go into all of that. Let it be understood, this Panel and in particular its Chairman places no weight in the way of any form of prejudice in what was said concerning the unwillingness of any character witness to attend and the reason given. Counsel has indicated that this was the instruction given to her.

We go now to the mitigating factors, as been noted by counsel for the Respondent, the first factor is that her client didn't seek to contest the allegations and that has to be a major factor at the outset. This was not a belated position. At the outset when these proceedings were to commence, this was the position that counsel represented on behalf of her client, so much so that the Chairman alerted Ms. Archer to ensure her instructions were in writing.

The second mitigating factor is that there is no evidence in this matter that Mrs. Campbell profited financially from this enterprise, so we take that into account.

The third mitigating factor is that this Panel is not aware of any previous infraction where any Panel before now has found Ms. Archer's client guilty of professional misconduct as an attorney of 7 years standing.

The fourth mitigating factor is that there is the avenue for civil action against the Respondent Attorney. It is open to the complainant, Ms. Sterling.

We now go to the aggravating features of this matter. One, there was in fact a transfer of property, second is that the Respondent Attorney indicated that during these proceedings she wanted to speak and that option was given to her through her counsel to speak or give evidence. The latter was selected. However, in giving evidence, Mrs. Campbell created the impression that she was contesting the allegations because she was insisting that the Complainant had spoken to her before the transfer of the property and ratified it. This aggravated the position.

The Panel has to take into account notwithstanding this seemingly aggravating feature that analogous to the criminal law, we have to take into account the case of the Queen v Perlina Wright and something analogous to a Newton hearing. That is, we have to give the best interpretation to what it is that the Respondent is saying in circumstances where there is an admission of culpability by her. So we are constrained to not place too much weight on this in terms of an aggravating feature of any magnitude. We therefore act accordingly in those circumstances and interpret the facts most favourable to the Respondent Attorney upon an admission of guilt.

We also refer to the authorities that was cited by counsel in particular the case of Michael Lorne v GLC (2021). The Appellant in that case challenged the allegations, that's a distinction. This is a different case

where Mrs. Campbell had admitted culpability. In that case, on appeal, instead of affirming the striking off order, the Court of Appeal substituted a penalty of suspension of 5 years. This is where we are in terms of all of the circumstances. There was professional negligence, yes there was professional misconduct, yes Mrs. Campbell acted in a way that brought the profession into disrepute but as a mitigating factor which was not said before, it can be argued, that this was a case of familial relations and the Respondent in those circumstances acted less than the ordinary diligence that would be applied.

Another aggravated feature, in giving evidence, Mrs. Campbell spoke about a conspiracy in her office with individuals and that certain persons were responsible. There was no evidence or any basis for this.

However, we must revert to the two cases cited above and give the best interpretation on the Respondent's case. Mrs. Campbell is an attorney of 7 years and the Panel made the inquiry whether she had any children. To this we were told that she was a mother of a 14 year old student, who is the grandchild of the complainant.

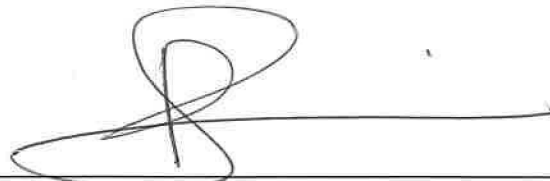
It is the unanimous position of this Panel that having regard to all of the factors highlighted that the application of the most severe sanction of a striking off would not be fair. What remains therefore is the issue concerning the other powers bestowed upon us in terms of sanctions. Equally it would not be fair to have a reprimand in these circumstances. That would send the wrong signal, it would be inconsistent with the principles in terms of the sanction hearing and what governs that process. Therefore, we are left with the issue of a fine or restitution or suspension. In terms of what sanction to be applied, we start from what is the least and not the highest point in

terms of severity. A Cost order or a reprimand is not appropriate in these circumstances. We are left with the issue of suspension.

We bear in mind counsel's reference to the case of Michael Lorne. The distinction is that case is that Lorne went through a trial and also Lorne's case concerns a complainant who has no familiar relation with him. It was an arm's length transaction. Lorne compared to Mrs. Campbell was a seasoned attorney. Miss Campbell is only seven years at the bar. In all the circumstances we impose a suspension and the sanction in total is as follows:

1. The Attorney, Mrs. Maisha Campbell is suspended from practice for 14 months. That will take effect a month from today. Effective August 30, 2024.
2. The Attorney is to undertake four credits in CLPD courses in Ethics & Client Welfare before the expiration of the suspension period.
3. The Attorney is to pay costs to the Complainant of \$350,000.00 and costs of \$100,000.00 to the General Legal Council
4. All costs are to be paid on or before August 30, 2024.

Dated 26th day of July 2024



MR. PETER CHAMPAGNIE, KC



MISS SIDIA SMITH



MR. KEVIN POWELL