

**DECISION OF THE DISCIPLINARY COMMITTEE
OF THE GENERAL LEGAL COUNCIL
COMPLAINT NO: 113/201**

IN THE MATTER OF **MISS LINETTE SHEPHERD AND GRACEANN CAMERON**
an Attorney-at-Law

AND

IN THE MATTER OF THE LEGAL PROFESSION ACT, 1971

BETWEEN LINETTE SHEPHERD COMPLAINANT

AND GRACEANN CAMERON RESPONDENT

Panel:

Mr. Richard Donaldson - Chairman
Mrs. Jeanne Robinson-Foster
Mrs. Tana'ania Small Davis

Appearances:

Miss Linette Shepherd

No appearance by the Attorney Graceann Cameron, nor did anyone appear on her behalf.

Hearing dates:

5 March 2016, 23 July 2016

COMPLAINT

1 Before the Panel is a complaint against Attorney-at-Law, Graceann Cameron, (hereinafter called "the Attorney") laid by Miss Linette Shepherd (hereinafter called "the Complainant"). The Complaint is that:

- (a) "She has not accounted to me for all monies in her hands for my account or credit, although I have reasonably required her to do so;
- (b) She acted with inexcusable or deplorable negligence in the performance of her duties;
- (c) She is in breach of Canon I (b) which states that 'An Attorney shall at all times maintain the honour and dignity of the profession and shall abstain from behaviour which may tend to discredit the

profession of which she is a member.'

2. Upon the Committee being satisfied that the Attorney had been duly served with notice of the hearing pursuant to **Rules 5 and 21 of the Legal Profession (Disciplinary Proceedings) Rules** set out under the **4th schedule to the Legal Profession Act** by registered post on 4 February 2016 and, in exercise of its discretion to proceed with the hearing in the absence of the Attorney, which is provided for under **Rule 8 of the Legal Profession (Disciplinary Proceedings) Rules**, the Committee commenced the hearing of this matter on 5 March 2015 with the taking of evidence of the Complainant.
3. The matter was thereafter adjourned to 7 May 2016 for mention, to receive the Attorney's response to the Committee's notification of her right to cross examine the Complainant. Notes of the Evidence was sent to the Attorney under cover of letter dated 8 April 2016 and also emailed to her. The Attorney did not attend this hearing nor was she represented. The matter was adjourned to 23 July 2016.
4. At the hearing on 23rd July 2016 there was no appearance by the Attorney nor was she represented and therefore having been satisfied that the Attorney had been duly served with notice of the adjourned hearing, there being no further evidence the Committee concluded the hearing of this matter on that day.

EVIDENCE

5. The Complainant is an unemployed middle aged lady residing in Grange Hill, Westmoreland.
6. The evidence given by the Complainant was that in October 2009 she was involved in a motor vehicle accident in which she sustained multiple injuries, including a fractured right hip, a fractured knee and lacerations above her eye. While receiving treatment at the Cornwall Regional Hospital, she was approached by a lady who identified herself as Ms. Jennifer Small who recommended that she retain Ms. Graceann Cameron Attorney-at-law, to represent the Complainant in seeking compensation for injuries received in the motor vehicle accident Ms. Small told the Complainant that she worked for the Attorney by going out and booking clients for her.

7. The Complainant said she met with Ms. Small and gave her a statement about her injuries, as well as receipts for medical treatment, copies of her TRN, her identification and medical report.
8. The Complainant said she got a contingency fee agreement to sign, which was explained to her by Ms. Small.
9. Ms. Small subsequently brought her an envelope which contained a document from the insurance company which proposed a settlement of \$3,000,000.00. The Complainant accepted the settlement and signed and gave the document to Ms. Small. The Complainant said that Ms. Small returned with the document and she had to re-sign because "her name did not write good."
10. The Complainant said that she received a telephone call from the Attorney in April 2014 who informed her that she had collected the money from the insurance company and that the Complainant would receive \$2,000,000.00 with the Attorney's fee being \$1,000,000.00. The Complainant called the Attorney and told her to transfer her money to a Credit Union in Westmoreland. The Attorney told her that she did not do transactions through a Credit Union. The Complainant asked the Attorney to send her a cheque but she declined to do so. The Complainant then said she would come into the office to collect it but the Attorney told her that was not necessary and that she would send the money to her.
11. The Complainant said that after a time she received a call from the Attorney, who told her that she would send the money to her Credit Union. The Complainant gave her the account number at the Credit Union in Grange Hill, Westmoreland.
12. The Complainant checked her account two weeks later and no money had been deposited. She called the Attorney's office and was told that she was away on family business. She heard nothing more until August 2014 she received a call from the Attorney's secretary who informed her that the Attorney was sending her two cheques for \$1,000,000.00 each and that she should collect it at the post office.
13. The Complainant received the letter with the two cheques enclosed and lodged them to her bank account. She was told it would take two weeks for the cheques to clear. When the Complainant returned to the bank two weeks later, she was told that the cheques were dishonoured. She was

required to pay \$4,000 in bank charges for the dishonoured cheques that the Attorney had given her.

14. The Application dated 19 May 2015 and Form of Affidavit were admitted into evidence as **Exhibit 1**. National Commercial Bank cheque number 4173127 dated 29 July 2014 issued on account of Graceann Cameron T/A Law Office of Graceann Cameron in the sum of \$1,000,000.00 payable to Linette Shepherd admitted as **Exhibit 2A** and bank advice of NCB dated 26 August 2014 admitted as **Exhibit 2B**. National Commercial Bank cheque number 4173128 dated 29 July 2014 issued on account of Graceann Cameron T/A Law Office of Graceann Cameron in the sum of \$1,000,000.00 payable to Linette Shepherd admitted as **Exhibit 3A** and bank advice of NCB dated 26 August 2014 admitted as **Exhibit 3B**. C&WJ Co-Operative Credit Union receipt for payment of \$4,000 admitted as **Exhibit 4**.
15. The Complainant said she has made numerous efforts at contacting the Attorney but she is never at her office. The Complainant says she has also contacted Ms. Small in the hope of getting through to the Attorney but that she has never heard from the Attorney since August 2014.
16. The Attorney has to date not accounted to the Complainant for the proceeds of the insurance payment of Two Million Dollars (\$2,000,000.00).

FINDINGS OF FACT

17. Having seen the Complainant and heard her evidence and having reviewed the exhibits we accept the evidence of the Complainant as a witness of truth and find that the following has been established beyond reasonable doubt:
 - a. The Attorney represented the Complainant in seeking compensation for injuries she sustained in a motor vehicle accident.
 - b. The Attorney received proceeds of settlement on behalf of the Complainant. The Complainant was to receive \$2,000,000 and the Attorney's fees were \$1,000,000.00 pursuant to a contingency fee arrangement.
 - c. The Attorney sent two cheques totaling \$2,000,000.00 to the Complainant however the cheques were dishonoured when presented to the bank. The Complainant incurred bank charges of \$4,000.

- d. Despite her efforts, the Complainant has not been able to speak to the Attorney since the cheques have been dishonoured.
- e. The Attorney has not accounted for nor paid to the Complainant the proceeds of the negotiated settlement of the Complainant's claim in the sum of Two Million Dollars (\$2,000,000.00).
- f. The Attorney misappropriated the Complainant's money which ought to have been paid over to her.
- g. The Attorney has acted dishonestly and thereby failed to maintain the honour and dignity of the profession and her behaviour has discredited the profession of which she is a member in breach of Canon I (b) of the **Legal Profession (Canons of Professional Ethics) Rules**.

CANONS

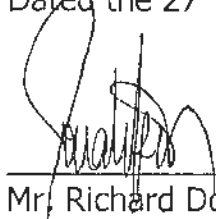
18. We find that the Attorney is guilty of professional misconduct as per Canon VIII (d) in that she has breached **Canons I (b) and VII (b) of the Legal Profession (Canons of Professional Ethics) Rules**: the Attorney received the proceeds of negotiated settlement and kept it and failed to account to the Complainant for these monies. The Attorney gave the Complainant two cheques in payment of her share of the settlement (less the sum retained by the Attorney for her fees). The cheques have been dishonoured by the Attorney's bank. The Complainant has not been able to locate the Attorney. In the circumstances, it is reasonable to infer that the Attorney has misappropriated the monies paid to her being the proceeds of settlement of her claim.
19. The relevant canons are set out below.
Canon I (b) provides:
"An Attorney shall at all times maintain the honour and dignity of the profession and shall abstain from behaviour which may tend to discredit the profession of which he is a member."

Canon VII (b) provides:
"An Attorney shall-
 - i. ...
 - ii. account to his client for all monies in the hands of the Attorney for the account or credit of the client, whenever reasonably required to do so; and he shall for these purposes keep the said accounts in conformity with the regulations which may from time to time be prescribed by the General

Legal Council.”

20. The Complainant placed all her trust and confidence in the Attorney in retaining her to look after her interest in seeking compensation for the injuries she sustained in the motor vehicle accident. The Attorney betrayed that trust and confidence when she collected the Complainant’s settlement proceeds and failed to turn same over to the Complainant.
21. Following the guidance of the Court of Appeal in Owen Clunie v. GLC, CA 3/2013 delivered on the 22nd of September, 2014, this Panel directs that a date be set to give the Attorney an opportunity to be heard in mitigation before a sanction is imposed.

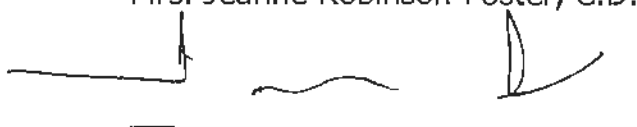
Dated the 27th day of May 2017.



Mr. Richard Donaldson - Chairman



Mrs. Jeanne Robinson-Foster, C.D.



Mrs. Tana'ania Small Davis