

DECISION OF THE DISCIPLINARY COMMITTEE
OF THE GENERAL LEGAL COUNCIL

Complaint No. 44/2006

IN THE MATTER of a Complaint by
Carl Leadbeater against **Berriston Bryan,**
Attorney-at-law

AND

IN THE MATTER of the Legal Profession
Act

PANEL: Mr. Crafton Miller
Mr. Allan Wood
Miss Daniella Gentles

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This is a complaint laid on 28th November 2005 in which the complainant Mr. Carl Leadbeater complained that his attorney Mr. Berriston Bryan had neglected his responsibilities to him.

The Complaint came up on 16th February, 2008 when Mr. Bryan was not present. He was ordered to pay costs to the Complainant of \$1000.00 which he has failed to do. On the Complaint again coming up for hearing on 17th May 2008, Mr. Bryan was not present.

The Panel referred to an Affidavit of Service of Eric Riley sworn on 15th May, 2008 which confirmed service of the notice of hearing on 1st April, 2008. Accordingly, the Panel exercised its discretion to proceed with the hearing in the absence of Mr. Bryan in accordance with the Legal Profession Act Schedule 4r. 8. The Panel heard testimony from the Complainant and was satisfied that he is a witness of truth.

The Complaint arises out of an incident in which the Complainant was callously shot by one Michael Kerr on 23rd May 2003. Mr. Kerr was charged with shooting with intent and illegal possession of firearm.

There was little progress with the case and the Complainant was introduced to Mr. Bryan. Mr. Bert Samuels acted for the accused. It appears that with some understanding that the accused would compensate the Complainant within 8 weeks of conclusion of the criminal case, the accused pleaded guilty to the charges and was fined. The promised compensation has not been forthcoming. By agreement in writing dated 9th February 2004, the Complainant entered into a contingency fee arrangement of one third authorizing Mr. Bryan and Mr. Sylvester Morris, attorneys-at-law to negotiate compensation. The Complainant stated and we accept that he has never met Mr. Sylvester Morris. Mr. Bryan advised the complainant that the sum of \$14 million would be reasonable compensation and an offer of \$3 million was refused.

Since February 2004, no further steps have been taken and no action has been filed.

Fortunately the Complainant's right of action is not yet statute barred.

Following the laying of the Complaint, the Complainant stated that Mr. Bryan has refused to see him or take his calls. There has been no explanation from Mr. Bryan as to the delay. On the preceding evidence, we are satisfied beyond reasonable doubt that in breach of Canon IV(r) of the Legal Profession (Canons of Professional Ethics) Rules, Mr. Berriston Bryan has not dealt with the Complainant's business with all due expedition. Further in breach of Canon IV(s) the Attorney Mr. Berriston Bryan has acted with inexcusable neglect.

In all the circumstances of this matter and particularly in light of the fact that the Complainant's action is not yet statute barred, a fine of \$50,000.00 is the appropriate sanction for the Attorney's acts of professional misconduct.

Further, pursuant to Section 12(5) of the Legal Profession Act, we direct that upon collection of the said fine from Mr. Berriston Bryan, the General Legal Council is to pay a part thereto in the sum of \$40,000.00 to the Complainant. Mr. Bryan is also to pay costs to the Complainant in the sum of \$5000.00.

The said fine and all costs are to be paid by Mr. Bryan on or before 17th July, 2008

Dated the 17th day of June 2008

L. S. Miles

Anna Wood

[Signature]