

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

Complaint No. 235/2005

IN THE MATTER of the
Disciplinary Committee of the
General Legal Council

A N D

IN THE MATTER of Llewellyn
Clarke vs R.A. (Bill) Salmon

Panel: Mrs. Pamela Benka-Coker, Q.C.
Mr. Charles Piper
Mr. David Batts

1. This complaint was filed on the 15th June, 2004. On the 22nd January, 2005 it was determined that the matter should be set down for trial. It was first fixed for hearing on the 21st January, 2006 on which date Mr. R.A. Salmon (hereinafter referred to as the attorney) against whom the complaint was made requested an adjournment to seek legal representation. The next sitting was the 1st April, 2006 and the attorney was absent due to illness. The matter was further adjourned to the 1st July, 2006 on which date the Complainant was present and the attorney absent without explanation. On the 7th October, 2006 the panel broke down due to the absence of one of its members and the matter was therefore fixed for the 13th January, 2007.

2. On the 13th January, 2007 the Complainant was present. The attorney was absent but sent under cover of a letter dated 12th January, 2007 which requested an adjournment, a medical report from Dr. Phillip Henry dated 8th January, 2007 which stated,

“This certifies that I have examined R.A. Bill Salmon (Esq.) and found him to be physically unfit for work/duties at court for twenty-one (21) days – 8/1/07 – 20/1/07 inclusive.”

3. The Committee satisfied itself that the attorney had been properly served with Notice of the hearing. It was decided to commence the hearing of the matter. The evidence in chief of the Complainant was taken and the matter adjourned to the 31st March, 2007. The typed notes of evidence and notice of the adjourned date were then duly served upon the attorney.
4. On the 31st March, 2007 the attorney attended. He was represented by Mr. Terrence Ballantyne. The Complainant was also present. A joint application to adjourn was made as the attorney offered to apply for a possessory title on the Complainant's behalf. On the 7th July, 2007 it was again adjourned for similar reasons, the attorney and the Complainant being present. On the 17th November, 2007 the attorney was absent and a message was relayed that he was ill. The Complainant was present, the matter was further adjourned.
5. On the 13th December, 2007 the Complainant attended and the attorney was again absent. Notice of the date having been properly served the Committee decided to complete the matter. The Complainant's case was closed. There being no answer when the attorney was called we adjourned to consider our decision.
6. The Complainant's unchallenged evidence is that he is a farmer from Newton, St. Elizabeth. In 1972 Mr. Bill Salmon first started working for him. He had an office in Santa Cruz. Mr. Salmon acted for him in the purchase of land. He paid

Mr. Salmon in full. Although the purchase took place in 1972 and he has paid in full and occupies the land he has not received his title.

7. The Complainant explains that he had been out of the country having lived and worked in England from 1960 until 1997. The explanation Mr. Salmon gave to him for not giving title is that he (Mr. Salmon) has moved offices. The complainant has since built a house on the land and now lives there. An unsigned copy of the agreement for sale was tendered as Exhibit 1. The Complainant and his wife had signed an original copy of the sale agreement and left it with Mr. Salmon. The vendor Mr. Wright died about 15 years after the agreement.
8. This Committee in considering this evidence reminds itself that the burden of proof in this matter is such that this Committee must be sure beyond a reasonable doubt as to the guilt of the attorney. Even in the absence of the attorney and any challenge to the evidence of the Complainant we need still to examine the Complainant's evidence with this burden of proof in mind. We have done so and find the Complainant Mr. Llewellyn Clarke to be a witness of truth who gave evidence honestly.
9. We find as a fact that:
 - The complainant retained Mr. Bill Salmon in 1972 to act in the purchase of land.
 - The complainant has paid all that was required of him to complete the purchase
 - The complainant was put in possession of and has since built on and now occupies the land.
 - The complainant has received no documentary title for the land
 - The complainant notwithstanding several approaches to the attorney has never received a satisfactory explanation for not having received title.

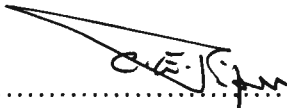
10. It is therefore the conclusion of this Committee that the attorney, Mr. R. (Bill) Salmon is in breach of Canon iv (s) of the *Canons of Professional Ethics (Rules)*, in that he has acted with inexcusable and/or deplorable negligence and neglect. 35 years is too long. The fact that Mr. Salmon failed to provide this Committee with any reasonable explanation is also a matter we take into account.

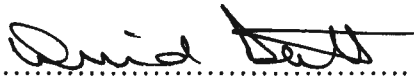
11. This Committee therefore imposes the following sanction on Mr. Bill Salmon:-

- (a) That he be fined \$250,000 of which \$200,000 is to go to the complainant *PETC* by way of partial compensation for him being kept out of his title. *The remaining \$50,000 is to be paid to the GENERAL LEGAL COUNCIL.*
- (b) That the attorney be suspended from practice for a period of 6 months.

Dated the 28th day of February, 2009


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Pamela Benka-Coker, Q.C.


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Charles Piper


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David Batts