



**FORMAL ORDER
OF THE DISCIPLINARY COMMITTEE OF THE GENERAL LEGAL COUNCIL**

COMPLAINT NO: 14/2015

**IN THE MATTER OF EDMUND WILSON VS SEAN
CLARKE**

AND

**IN THE MATTER OF THE LEGAL PROFESSION ACT
1971**

**PANEL: MR. TREVOR HO-LYN
MS. KATHERINE FRANCIS
MS. MARJORIE SHAW**

DECISION DELIVERED 26TH JANUARY, 2019

UPON THE APPLICATION made under section 12 (1) (a) of the Legal Profession Act and dated the 14TH November 2014 coming on for hearing before the Disciplinary Committee on the 16th June, 2018 and 6th October, 2018, and 10th November, 2018

AND UPON the Respondent Attorney-at-law Sean Clarke not appearing

AND UPON the Complainant Edmund Wilson appearing and having given evidence on oath

AND UPON DUE CONSIDERATION of the sworn evidence of the Complainant Edmund Wilson

AND UPON the Committee having found the Attorney-at-law Sean Clarke guilty of professional misconduct on the 10th November, 2018

AND UPON Attorney having been given the opportunity to make submissions in mitigation of sanction on the 26th January, 2019 without avail

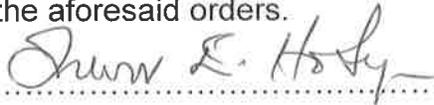
THE COMMITTEE FINDS THAT:

Attorney Sean Clarke is guilty of professional misconduct in that the Attorney having been retained by the Complainant to act for him to probate the Will in the estate of the Complainant father. Having received from the Complainant monies to probate the Will the Attorney has failed to do so. In the circumstances the Attorney has breached Canons I (b), IV (r) and IV(s) and VII (ii) of the Legal Profession (Canons of Professional Ethics) Rules 1978.

**PURSUANT TO THE FOREGOING FINDINGS THE COMMITTEE UNANIMOUSLY
HEREBY ORDERS THAT: -**

Pursuant to section 12 (5) (a) of the Legal Profession Act as amended:

1. The Attorney Sean Clarke shall make restitution to the Complainant in the sum of \$162,830.00 together with interest on the said sum at the rate of 3% on or before the 29th of March, 2019.
2. The Attorney Sean Clarke shall pay costs of \$60,000 to the General Legal Council
3. The Attorney shall to return all the documents and titles given to him by the Complainant on or before the 29th of March, 2019.
4. All Orders for costs are to be complied with on or before the 29th March, 2019.
5. Unless all orders are complied with the Attorney will be suspended from practice of law until he complies with the aforesaid orders.


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CHAIRMAN OF PANEL

Dated 4th February, 2019