



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

COMPLAINT NO: 29/2017

**IN THE MATTER OF MARGARET SIMMONDS VS LASSEN
HARVEY**

AND

IN THE MATTER OF THE LEGAL PROFESSION ACT 1971

**PANEL: MRS. JUDITH COOPER-BATCHELOR
MRS. TANA'ANIA SMALL DAVIS
MR. JEFFREY DALEY**

DECISION DELIVERED 27TH JUNE 2019

UPON THE APPLICATION made under section 12 (1) (a) of the Legal Profession Act and dated the 16th November, 2016 and sworn to on the 16th November, 2016 and coming on for hearing before the Disciplinary Committee on the 22nd September 2018, 3rd November 2018, 13th December 2018, 9th March 2019 6th April 2019, 25th May 2019 and 27th June, 2019

AND UPON the Respondent Attorney-at-law Mr. Lassen Harvey appearing with Counsel Ms. Olive Gardner on the 9th March, 2019

AND UPON the Complainant Margaret Simmonds appearing with Counsel Mrs. Vivienne Washington and having given evidence on oath

AND UPON DUE CONSIDERATION of the sworn evidence of Margaret Simmonds coupled with submissions by Counsel Mrs. Vivienne Washington for and on her behalf

AND UPON the Committee having found the Attorney-at-law Lassen Harvey guilty of professional misconduct

AND UPON the Attorney having been given the opportunity to make submissions in mitigation on sanction on the 27th June, 2019 to no avail

THE COMMITTEE FINDS THAT:

Attorney Lassen Harvey is guilty of professional misconduct in that he has breached Canon 1(b), IV(r) and IV(s) of the Legal Profession (Canons of Professional Ethics) Rules 1978.

The Attorney was retained by the Complainant's aunt Mrs. Edith Rose Powell in or around 1979 to probate the estate of her late husband Mr. Stafford Powell. The Panel has seen communication from the Attorney to the Complainant and her aunt. The last letter was received in 1980. The Complainant has detailed all her efforts to contact the Attorney Mr. Lassen Harvey, including, visiting the Attorney's office, telephone calls and securing the services of another Attorney-at-law who was unsuccessful in contacting Mr. Harvey.

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 shall deliver all documents in connection with the Complainant's business to the Secretary of the Disciplinary Committee of the General Legal Council on or before the 30th day of July, 2019
2. In the event the Attorney fails to deliver all documents in compliance with paragraph one (1) then the Attorney shall be suspended from practice for six (6) months commencing the 1st day of August, 2019.
3. The Attorney is fined the sum of Two Hundred and Fifty Thousand Dollars (\$250,000.00) to be paid to the General Legal Council on or before the 30th day of August 2019;
4. The Attorney shall pay:
 - (a) The sum of Four Hundred Thousand Dollars (\$400,000.00) to the Complainant in compensation for the legal costs or administrative expenses to administer the estate;
 - (b) Costs in the sum of One Hundred and Fifty Thousand Dollars (\$150,000.00) to the Complainant and One Hundred and Fifty Thousand (150,000.00) to the General Legal Council. Such costs are to be paid on or before the 30th day of August 2019;
5. Interest on any sum to be paid by the Attorney shall accrue at a rate of six percent (6%) per annum from the 31st day of August to the date of payment



CHAIRMAN OF PANEL

Dated 9th July 2019