

SU2024CUO4553



**FORMAL ORDER OF THE DISCIPLINARY COMMITTEE OF
THE GENERAL LEGAL COUNCIL MADE ON COMPLAINT
NO. 86**

**IN THE MATTER OF KAREL DONALDSON VS DEBBY-
ANN SAMUELS
AND**

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

**PANEL: MR. JEROME LEE
MS. ANNALIESA LINDSAY
MRS. ROSE BENNETT COOPER**

DECISION DELIVERED ON THE 29TH OCTOBER 2024

UPON THE APPLICATION made under section 12 (1) (a) of the Legal Profession Act dated the 18th April 2023 along with Affidavit of the Complainant sworn to on the 18th April 2023 coming on for hearing before the Disciplinary Committee on the 8th February, 2024, 15th April 2024 and 26th September 2024,

AND UPON the Complainant Karel Donaldson ("the Complainant") appearing and having given sworn evidence on oath,

AND UPON the Attorney-at-law Debby-Ann Samuels ("the Respondent") appearing and having given sworn evidence on oath,

AND UPON DUE CONSIDERATION of the sworn evidence of the Complainant and the Attorney coupled with documentary evidence,

AND UPON the Committee finding the Respondent guilty of professional misconduct on the 26th September 2024,

AND UPON the Attorney having been given the opportunity to make submissions in mitigation of sanction on the 29th October, 2024,

THE COMMITTEE FINDS THAT:

- a. The Complainant retained the Respondent sometime in 2017 to have her name added to a title that was already registered in her cousin's name.
- b. At the time of the retainer, which was not in writing, the parties agreed that the fees to be charged for the services to be provided was \$80,000.00.
- c. Between the years of 2017 and 2021, the Complainant paid to the Respondent the total sum of \$183,300.00, being \$104,000.00 for fees and \$79,300.00 for the taxes payable on the transaction.

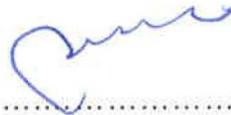
- d. The sum of \$104,000.00 as fees is an overpayment of the sum agreed for the work to be done.
- e. The Respondent made attempts to in fact increase the fees payable by the Complainant for the transaction, which attempts were rebuffed by the Complainant. Although rebuffed however, the Complainant did pay to the Respondent, sums over and beyond that which was agreed when she the Respondent was retained.
- f. Although approximately 7 years have elapsed, the Complainant's name has not been registered on the title and the Complainant has not received confirmation of same from the Respondent.
- g. To the extent that the Respondent did not challenge the Complainant on the 6-month timeline stated for the transaction to be completed, that the Respondent did indicate a timeline of approximately 6 months for the transaction to be completed.
- h. We find as a fact also that although not obligated to prove anything, the testimony of the Respondent did not provide any information that would create any doubt on the veracity of the Complainant's evidence, and we accept the Complainant as a witness of truth.
- i. To her credit, the Respondent also confirmed the parameters of the retainer as outlined by the Complainant. The Respondent's only complaint in the matter is that she had to do more work than she originally anticipated, and she wanted to be paid more as a result of this.
- j. However, it was open to the Complainant to agree to an increase in the fees or not. On the evidence, the Complainant agreed to the extent that excess amounts were paid and disagreed when further attempts were made to collect more money from her, which is her right not to agree.
- k. On her own admission, the Respondent deliberately delayed action on the Complainant's transaction because the payments she wanted were not forthcoming, among other factors for example the pandemic.
- l. However, given the stated timeline of 6 months for the completion of the transaction, the period of approximately 7 years is inordinate and inexcusable in the circumstances.

The Panel found the Attorney guilty of professional misconduct in that she has breached Canons IV(r), IV(s) and I(b) of the Legal Profession (Canons of Professional Ethics) Rules (1978).

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

Pursuant to Section 12 (4) of the Legal Profession Act:

1. The Respondent, Debby-Ann Samuels is to pay a fine of \$300,000.00 to the General Legal Council.
2. The Respondent is to pay costs in the sum of \$100,000.00 of which \$75,000.00 is to be paid to the Complainant and \$25,000.00 to the General Legal Council.
3. The fine is to be paid on or before 31st January 2025 and the costs are to be paid on or before 30th November 2024.



.....
CHAIRMAN OF PANEL

Dated 29th October 2024