

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

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**COMPLAINT NO. 176/2022**

In the Matter of TRICIA WRIGHT STEELE,  
AND STEVEN POWELL, an Attorney-at-  
Law.

AND

In the Matter of the Legal Profession Act,  
1971

Panel: Daniella Gentles-Silvera, KC - Chairman  
Ursula Khan  
Delrose Campbell

Appearances: The Complainant, Tricia Wright Steele, appeared in person.

The Respondent, Steven Powell, appeared and was represented by Davon Vassell. Michael Williams represented Steven Powell on the 11<sup>th</sup> January 2025 only.

Hearing: 11<sup>th</sup> January 2025 and 13<sup>th</sup> May 2025

**COMPLAINT**

1. On the 28 November 2024, we found Steven Powell (“the Attorney”), guilty of professional misconduct he having breached the following canons of the Legal Profession (Canons of Professional Ethic) Rules (“The Canons”):
  - a) Canon IV (s)-The Attorney has acted with inexcusable or deplorable negligence or neglect.
  - b) Canon IV (r)- The Attorney has not dealt with his client’s business with due expedition .

c) Canon I(b)- The Attorney has failed to “*maintain the honour and dignity of the profession and has not abstained from behaviour which may tend to discredit the profession of which she is a member.*”

2. A sanction hearing was held on the 11<sup>th</sup> January 2025. At the sanction hearing the attorney called four “character” witnesses, Diane Jobson, Dunstan Newman, Lorise Cadogan and Nicole Chambers. Ms. Jobson, an attorney, gave evidence of Mr. Powell’s honesty and efficiency and said that his representation of her in a civil matter was good. Mr. Newman, whom the Attorney personally represented in legal matters, and also his family members and friends, whom he referred to the Attorney, gave evidence of his integrity, and said that the quality of his work had been good. Mrs. Cadogan, who is also an attorney, gave evidence that she worked as a corporate Attorney in a real estate firm, which hired the attorney to deal with rental collections and conveyancing. She said he always kept in touch, and she had a positive experience with the Attorney. She said he looked after the needs of his client and was honest. The fourth witness, an attorney, Ms. Chambers, gave evidence that she works at the Child Protection and Family Services Agency (“CPFSA”). She knows the Attorney in a professional capacity as CPFSA has instructed the Attorney in matters. They have been referring matters to him for over the last ten to twelve years. She said his character was exemplary and specifically mentioned that he mentored the young, troubled boys.
3. Counsel for the attorney, Mr. Williams, in his submissions before, asked the Committee to take into account the benevolent nature of the Attorney as he was still representing the Complainant in the taxation of the bill of costs, notwithstanding the complaint. In the bill of cost, the Complainant is claiming \$3,500,000.00, of which \$700,000.00 would be fees for the Attorney, and the balance would be paid to the Complainant. Mr. Williams commended to us the complaint of Marcia Smith v Garth Lyttle-Complaint No. 44/2016 delivered on the 4<sup>th</sup> October 2023.
4. The Complainant also made submissions on sanctions. She submitted that the failure of the Attorney has caused her significant harm, financial loss, and stress which has affected

herself and her family. She spoke about how the conduct of Steven McDonald (the person who had sued her), had affected her emotionally and financially.

5. The Complainant said that the Attorney had all the evidence in his possession to file a counterclaim, and his failure was a grave lapse in judgement. The Attorney showed no remorse, nor did he do anything to alleviate the impact of his actions. She encouraged the panel to impose a sanction to reflect the severity of the harm so as to hold the Attorney accountable and maintain public trust. The sanction she said should emphasize the seriousness of his negligence.
  
6. In determining what sanction is appropriate we are guided by the case of **Fuglers LLP et al v Solicitors Regulate Authority [2014] EWHC 179** (applied by our Court of Appeal in **Minett Lawrence v GLC (Exp Kaon Northover [2022] JMCA Misc 1)**, which addressed the correct approach to sanctioning by The Solicitors Disciplinary Tribunal in the United Kingdom. The Court of Appeal in **Minett Lawrence** supra, referred extensively to the decision of Popplewell J in **Fuglers** supra at paragraphs 109-113. In **Fuglers**, the court said there are three stages in addressing sanctions which the Tribunal must consider:
  - a) assess the seriousness of the misconduct;
  - b) keep in mind the purpose for which sanctions are imposed;
  - c) choose the sanction that most appropriately fulfills that purpose for the seriousness of the offence.
  
7. With respect to the first stage, that is, assessing the seriousness of the misconduct, the most important factors to take into account are:
  - a) culpability for the misconduct;
  - b) harm caused by the misconduct, which is not measured wholly or even primarily by financial loss caused to any individual or entity. The impact of the misconduct upon the standing and reputation of the profession as a whole.
  - c) aggravating factors, for example, previous disciplinary matters; and

d) mitigating factors, for example, admission of guilt at an early stage or making good any loss.

8. With respect to the second stage (i.e purpose), Popplewell J in **Fuglers** supra said that:

*“[30] At the second stage, the Tribunal must have in mind that by far the most important purpose of imposing disciplinary sanctions is addressed to other members of the profession, the reputation of the profession as a whole, and the general public who uses the services of the profession, rather than the particular attorney-at-Law whose misconduct is being sanctioned”.*

9. The Court in **Minett Lawrence** supra summarised the purposes of sentencing established by Sir Thomas Bingham MR in **Bolton v Law Society [1994] 1 WLR 512** as follows:

- (a) punishment;
- (b) personal and general deterrence;
- (c) removal of the risk of re-offending;
- (d) maintaining the reputation of and public confidence and trust in the legal profession.

### **SERIOUSNESS OF MISCONDUCT**

10. The Attorney is a legal practitioner who has been in practice for a number of years. He was retained in 2016/2017 to represent the Complainant who had been sued for \$4.3 million dollars being a loan allegedly made to her. According to the Complainant, he had all the evidence and information to advise her to file a counterclaim and to file one, but it was never done. She said that the persons who had sued her, Steve McDonald and his wife, owed her money for renovation work she did on their house in 2014. The matter was tried in 2022, and judgment was given in favour of the Complainant, but she recovered nothing because the Attorney did not file a counterclaim on her behalf before the matter became statute barred in 2020. The failure to file the counterclaim can be laid at no one else's feet but the Attorney. Apart from depriving the Complainant of an opportunity to recover the

money she says was owed to her for the renovation work, the entire experience appears to have affected her emotionally.

11. This failure to adequately represent the Complainant in not filing a counterclaim to recover money owed to her can only serve to diminish the trust and confidence placed in the legal profession by members of the public who put their matters in the hands of attorneys expecting the attorneys to act in their best interest.
12. We have taken into account that this complaint does not involve dishonest misconduct and that this attorney does not appear to have had any previous disciplinary findings of professional misconduct. Further, the witnesses which the Attorney brought all gave evidence of his good work as an Attorney and his responsiveness, which we have taken into account. That said, we cannot help but note that the Attorney (as the Complainant highlighted), expressed no remorse, nor did he in our presence apologise to the Complainant and her family. In fact, throughout the matter he appeared to be resentful of the Complainant and having to appear before us, rather than carrying out some self-reflection. None of us are perfect, but the Attorney does not appear to have yet appreciated that in the relationship with a client, it was he who is the professional and has the obligation to advise the client of all of their rights and remedies available to them.
13. Given the facts of this case, we believe it would have been enured to the benefit of the Attorney had he perhaps pleaded guilty in the beginning to avoid the time spent on this matter by all concerned, or at the very least made attempts to negotiate some sort of settlement with the Complainant. We further observe that even after having being found guilty of professional misconduct in November 2024, and up to the date of the sanction hearing in January 2025, the Attorney took no steps to make good on any loss suffered by the Complainant.

#### **PURPOSE OF SANCTION**

14. As a Tribunal, we are aware of the purpose of sanctions being to:
  - a) punish the Attorney for his misconduct;

- b) act as a deterrent individually with respect to this Attorney and generally with regards to other members of the profession;
- c) remove the risk of offending; and
- d) maintain the reputation of public confidence and trust in the legal profession.

15. The Attorney was asked to represent the Complainant in a suit filed against her, but he was aware that the Complainant had a case against the very same people who had sued her, for which she could have filed a counterclaim. The Attorney failed to adequately represent the Complainant, his client, which has resulted in the Complainant not being able to make a claim for her fees for renovation works she carried out on the Claimants in the suit filed, house. The misconduct and consequences of same on the Complainant is serious and justifies a sanction which will send a clear message and assist this Attorney in appreciating the duties and responsibilities owed to a client whom he agrees to represent in a matter. The sanction should also serve to deter similar conduct by other attorneys in the future. Members of the public must feel confident that when they engage attorneys to represent them, they can rest assured that their interests will be protected and that those attorneys who fail in this regard will be punished so that they learn a lesson and other attorneys looking on appreciate that such acts and/or omissions have consequences.

#### **APPROPRIATE SANCTION**

16. In view of the conduct of the Attorney and the consequences to the Complainant, a reprimand alone would not be sufficient. We accept, however, that in light of the facts of this case, the protection of the public and the reputation of the legal profession does not justify a suspension or striking off, as the matters complained of do not involve any dishonesty or moral turpitude. We believe, however, that the circumstances justify the Attorney being fined with a direction that pursuant to section 12 (5) of the Legal Profession Act, the fine be paid to the Complainant in satisfaction of any damage that was caused to her as was done in Leonard Wellesley v Lynden Wellesley-Complaint No. 25/2009. In Marcia Smith v Garth Lyttle supra, the Disciplinary Committee reprimanded the Attorney and also fined him in the amount of \$100,000.00, he having been found guilty of professional misconduct. The facts giving rise to that complaint were that the respondent

attorney commenced legal proceedings on behalf of the complainant for damages for personal injuries sustained after a fall. The respondent attorney applied for default judgment in September 2008 but did nothing to follow up on the matter for four (4) years. The Committee found that the attorney had a duty to do what he could do expeditiously to obtain the default judgment. The facts of the complaint in the Garth Lyttle case is not as serious as the facts in this complaint, where the Complainant has lost her rights to recover fees owed to her for renovations she carried out.

17. In determining the amount of the fine, we have considered how much money the Complainant said the McDonalds owed to her for the renovation work. This figure we observed was however, a moving target. In her evidence, the Complainant said that the McDonalds owed her an additional \$6,000,000.00 for the work. Previously, she said in evidence that they paid her \$2,100,000.00 (\$1,600,000.00 million plus \$500,000.00), which was a 50% deposit for the work she was to do which would mean the entire fee was \$4,200,000.00. She later said at the sanction hearing that Steve McDonald was scamming her out of \$2,000,000.00 on the renovation work. Given all the different figures in evidence, and the fact that no corroborating documentary evidence was presented; for the purpose of determining an appropriate fine we start with a figure of \$2,000,000.00. We have reduced this amount by 50%, leaving \$1,000,000.00 given the different figures in evidence by the Claimant. We have further discounted the figure by 30% for contingencies of litigation, leaving \$700,000.00. The Attorney says he is taxing the Complainant's bill of costs in the amount of \$3,500,000.00 and out of that his fees are \$700,000.00 leaving \$2,800,000.00 , which is to be paid to the Complainant if the McDonalds pay it or the Attorney is able to collect the costs.
18. Given the breakdown in the relationship, we cannot expect the Attorney to continue to represent the Complainant and collect the costs taxed. There is therefore no guarantee that the Complainant will ever collect these costs and be able to pay the Attorney. Accordingly, we have decided to further reduce the \$700,000.00 and split it down the middle so that the Attorney may recover some of his fees.

19. Accordingly, the orders of the Disciplinary Committee are as follows:

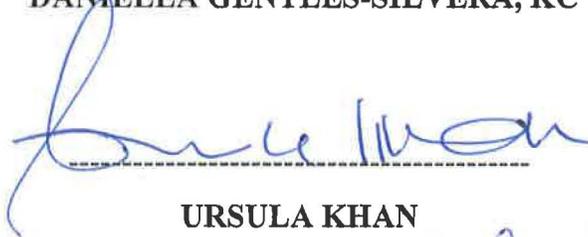
- a) The Attorney is hereby reprimanded;
- b) The Attorney is to pay a fine in the amount of \$350,000.00, which is to be paid to the Complainant in partial satisfaction of any loss she may have sustained due to the misconduct of the Attorney. This amount is to be paid on or before 13<sup>th</sup> August, 2025.

20. This decision is to be read and treated as one with our Decision given on the 28<sup>th</sup> November 2024.

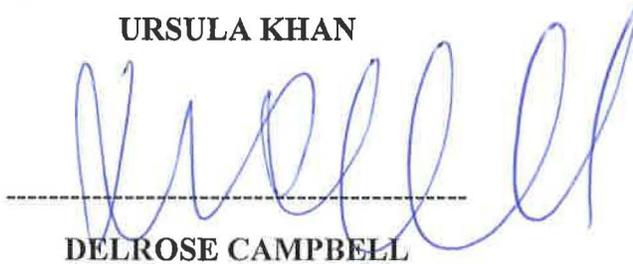
Dated the 13<sup>th</sup> day of May, 2025



**DANIELLA GENTLES-SILVERA, KC**



**URSULA KHAN**



**DELROSE CAMPBELL**