

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

COMPLAINT NO. 35/2024

IN THE MATTER OF MARIA SILVERA and DEBBIE-ANN SAMUELS,
an Attorney-at-Law.

AND

IN THE MATTER OF the Legal Profession Act, 1971

PANEL:

**DANIELLA GENTLES-SILVERA, KC - CHAIRMAN
MARJORIE SHAW
JEFFREY DALEY**

APPEARANCES:

The Complainant, **MARIA SILVERA.**
The Respondent, **DEBBY-ANN SAMUELS**, appeared in person.

Hearing: May 7, May 14 2025 and December ~~18~~¹², 2025 *AS, LW*

COMPLAINT

1. On the 14th April, 2025, we found Debbie Ann Samuels ("the Attorney"), guilty of professional misconduct she having breached the following canons of the Legal Profession (Canons of Professional Ethic) Rules ("The Canons"):

- a) In breach of Canon IV (f) the Attorney has charged fees that are not fair and reasonable.
 - b) In breach of Canon IV (s) the attorney has "In the performance of her duties as an Attorney for the complainant acted with inexcusable or deplorable negligence or neglect."
 - c) In breach of Canon IV (r), the Attorney has not dealt with her client's business with due expedition and has failed to provide the complainant with all the information as to the progress of his business with due expedition when reasonably required to do so.
 - d) In breach of 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."
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2. Sanction hearings were held on the 7th and 14th of May 2025. The Attorney urged the Committee to have leniency and to take into account that she had worked

hard and tirelessly in respect of the matter. In addressing the instructions given to her by Maria Silvera ("the Complainant"), the Respondent indicated that she supported the Complainant during her illness in clear demonstration that she was a caring and compassionate Attorney who meant no ill-will.

3. The Attorney also pointed out that the regrettable circumstances resulting in the loss of the titles were outside of her control and not intentional. She maintained that she also suffered personal and sentimental loss because of the theft of the motor vehicle.
4. By foregoing fees (which the Attorney persistently maintained she was entitled to), by preparing applications to replace the lost titles and later by purportedly paying the full cost of the fees charged by the Complainant's new Attorneys to make the application to replace the lost titles, the Attorney asked the Panel to consider her efforts to mitigate the losses suffered by the complainant.
5. The Attorney also stated that she would have corrected the error in the sale documents to reflect the name of the Complainant upon transmission.
6. Confronted with names of persons who had initiated previous complaints against her, the Attorney eventually admitted to being found guilty of professional misconduct on nine (9) previous occasions, although initially when asked if she had ever been found guilty of professional misconduct before she said she could not remember .
7. The Attorney called Miss Nanetta Jarrett to provide character evidence for her.
8. An affidavit of Nanetta Jarrett was filed on May 7, 2025, which the Complainant confirmed that she had read.
9. Miss Nanetta Jarrett's evidence as to the Attorney's reputation as a laudable student leader was based on what she heard from relatives, but she gave evidence that the Respondent Attorney currently represents her for labour and divorce matters.
10. During cross-examination, the Complainant Miss Silvera focused on establishing

the insincerity of the Attorney's assertion that she appropriately, or innocently, filed the application for the Grant of Probate in the Parish Court's jurisdiction. She also pointed out that the documents subsequently prepared by the Attorney, for execution by her or her family members were also inaccurate and incorrect. Furthermore, Miss Silvera asserted that the Attorney was resistant to paying the entire fees for the replacement of the lost titles.

11. In determining what sanction is appropriate we rely on the case of **Fuglers LLP et al v Solicitors Regulate Authority [2014] EWHC 179** (adopted by our Court of Appeal in **Minett Lawrence v GLC (Exp Kaon Northover [2022] JMCA Misc 1** which outlines the three stages of the consideration to be applied in determining the appropriate sanctions to be imposed, namely:-

- a) An assessment of the seriousness of the misconduct;
- b) the purpose for which sanctions are imposed;
- c) choose the sanction that most appropriately fulfills that purpose for the seriousness of the offence.

THE SERIOUSNESS OF THE MISCONDUCT.

12. 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.
- c) The impact of misconduct upon the standing and reputation of the profession as a whole.
- d) aggravating factors, for example, previous disciplinary matters; and
- e) mitigating factors, for example, admission of guilt at an early stage or making good any loss.

13. The Attorney has been in practice for approximately twenty-five (25) years.

14. She was retained by the Complainant in 2023 to secure the Grant of Probate in respect of the Complainant's mother's estate and to thereafter dispose of two of

the properties in which the deceased had an interest. Elderly relatives of the complainant also held an interest in one of the properties to be sold.

15. As a result of the Respondent's inactivity and negligence, the anticipated application for the Grant of Probate was never properly made and to date has not been issued, sale transactions were frustrated due to prematurity and very important documents lost, including duplicate certificates of title. It is important to note that the Respondent did not advise the Complainant that the titles were contained in a motor vehicle which was stolen. Indeed, the first time that the Complainant was made aware of this was during this hearing.
16. The absence of even reasonable levels of communication, the challenges in identifying a settled place of practice for the Respondent and the Complainant's need to account to her aged relatives heightened the Complainant's anxiety, and trauma, which remained evident during the hearing.
17. This complaint mirrors similar charges in other matters in which the Attorney has previously been found guilty of misconduct.
18. The Attorney has demonstrated a lack of remorse for the effect of her actions and repeated professional incompetence and has trivialized her contribution to the circumstances resulting in the loss of the Titles and other documents belonging to the Complainant and her relatives. The nature of the Respondent's responsibility, and duty, to protect her clients' documents and belongings has clearly eluded her understanding.
19. In addition to the loss to this Complainant, the Attorney's conduct, which involves inexcusable and deplorable negligence including placing, and leaving, important documents belonging to a client, such as titles, in a motor vehicle and preparing legal documents which could not effect the intended purpose such as the sale and transfer of property to purchasers can only diminish the trust and confidence placed in the profession and serves to lower the reputation of the legal profession by members of the public.

20. It is accepted however that, albeit with undesirable delay and additional expense, the lost documents, fortunately, are replaceable.
21. The panel also recognizes that the complaint does not include any suggestion of inappropriate fiscal gain on the part of the Respondent as there is no challenge that the funds collected from the prospective purchasers were returned. However, the Attorney's intentional skewing, and manipulation of figures with respect to the value of the estate in order to justify the grant of probate in the Parish Court , to benefit her client, and which would be to the detriment of the government's coffers, is extremely troubling and reprehensible.

THE PURPOSE OF THE SANCTION

22. With respect to the second stage (i.e purpose), Popplewell J **Fuglers** 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".
23. The Court in **Minett Lawrence** supra summarized the purposes of sentencing established by Sir Thomas Bingham MR in **Bolton v Law Society [1994] 1 WLR 512**. This panel adopts this guidance in determining the appropriate sanction as follows:
 - a) To punish the Attorney for his misconduct;
 - b) To act as a deterrent individually with respect to this Attorney and generally with regards to other members of the profession;
 - c) To remove the risk of re-offending;
 - d) To maintain the reputation of public confidence and trust in the legal profession.

APPROPRIATE SANCTION

24. In view of the serious misconduct of the Attorney and the consequences to the Complainant, a reprimand would not be sufficient and neither will a fine as the public needs protection from attorneys, like the Respondent, who have repeatedly committed acts of professional misconduct for which she has been found guilty.
25. Further she has lost important documents for this Complainant and prepared legal documents which could not have resulted in the desired outcome due to the inaccuracies contained in the documents.
26. Finally, the Respondent did not obtain the Grant of Probate for which she was engaged to do over two years ago.
27. We maintain, that in light of the facts of this case, the impact both emotional and financial on the Complainant and her family, the plurality of prior similar complaints in which the Respondent was found guilty of professional misconduct from which she appears not to have learnt any lessons, the fact that we must ensure that the sanction imposed should deter not only this Attorney but others and the protection of the public and the reputation of the legal profession . justifies the making of the orders below.
28. In light of the overall conduct of the Attorney in particular her failure to advise the Complainant of the theft of her motor car in which the titles were placed and the waste of time and resources suffered by f the Complainant in that since engaging the Attorney nothing has been achieved resulting in the Complainant having to engage other attorneys who will have to o carry out the original and additional tasks, it is our view that the Respondent should make a reasonable contribution towards the Complainant's costs.
29. We also rely on our reasoning above which formed the basis of the Committee's decision to suspend the Respondent Attorney.

30. , Further because the Complainant was forced to bring this complaint as she could not hear from the Respondent the General Legal Council incurred administrative costs in the complaint being set down and heard over days.

31. Accordingly, we hereby order that:

- a. The Attorney is suspended from practicing law for a period of six (6) months commencing on the 1st January 2026;
- b. During this period of suspension, the Attorney must pursue a course of training in appropriate conveyancing and estate practices.
- c. The Attorney shall pay, to the Complainant, costs in the sum of ONE HUNDRED THOUSAND DOLLARS (\$100,000.00);
- d. The Attorney shall pay costs in the sum of EIGHTY THOUSAND DOLLARS (\$80,000.00 to the General Legal Council.
- e. Payment of the costs ordered in paragraphs © and (d) above shall be made within thirty (30) days from the date herein.

32. This decision is to be read and treated as one with our Decision given on the 14th April, 2025.

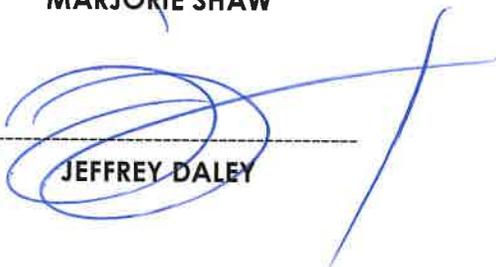
Dated the 12 day of December, 2025.



DANIELLA GENTLES-SILVERA, KC



MARJORIE SHAW



JEFFREY DALEY