

Supreme Court
(Legal Profession Disciplinary Procedure) Rules

SAINT LUCIA

—
No. 17 of 2014

ARRANGEMENT OF RULES

Rule

PART 1

Preliminary

1. Citation and commencement
2. Interpretation
3. Application

PART 2

Administration

4. Jurisdiction
5. Appointment of Investigating Counsel

PART 3

Complaints and investigations

6. Report of professional misconduct
7. Complainant
8. Commencement of disciplinary proceedings
9. Service of complaint
10. Answer
11. Notice and service
12. Investigation
13. Continuation of investigation

PART 4

Case management and diversion program

14. Case management
15. Offer of diversion
16. Refusal of offer of diversion
17. Diversion agreement
18. Effect of diversion program
19. Breach of diversion agreement

Supreme Court
(Legal Profession Disciplinary Procedure) Rules

PART 5
Disciplinary hearing

20. Notice of disciplinary hearing
21. Disclosure
22. Disciplinary Hearing
23. Mental or physical condition of respondent
24. Conditional admission
25. Conviction of an offence
26. Discipline imposed by foreign jurisdiction

PART 6
Disciplinary Orders

27. Disciplinary Orders of the High Court
28. Private admonition
29. Public censure
30. Probation
31. Conditions of probation
32. Breach of probation Order
33. Revocation of probation Order
34. Completion of probation period
35. Immediate suspension of practising certificate
36. Effect of suspension or disbarment
37. Required action after Order of suspension or disbarment
38. Affidavit of pending matters
39. Records of steps taken
40. Readmission after disbarment
41. Publication notice of Order
42. Notice of Order to courts

PART 7
Miscellaneous

43. Appeal
44. Issue of summons
45. Contempt of court
46. Number of copies filed
47. Costs
48. Pending litigation
49. Protective appointment of attorney-at-law
50. Limitation period
51. Expunction of records
52. Right to inspect
53. Practice directions

SCHEDULE

Supreme Court
(Legal Profession Disciplinary Procedure) Rules

SAINT LUCIA

STATUTORY INSTRUMENT, 2014, No. 17

[10th February, 2014]

In exercise of the powers conferred pursuant to section 17 of the Eastern Caribbean Supreme Court Order, Cap. 2.01, the Chief Justice and two other Judges of the Supreme Court make these Rules:

PART 1 PRELIMINARY

Citation

1. These Rules may be cited as the Supreme Court (Legal Profession Disciplinary Procedure) Rules, 2014.

Interpretation

2. In these Rules-

“**Act**” means the Legal Profession Act Cap. 2.04;

“**complainant**”-

(a) means any person making a complaint under these Rules; and

(b) includes a person referred to in rule 7;

“**Court**” means the Magistrate’s Court, High Court and Court of Appeal as the case may be;

“**date of the disciplinary hearing**” means the date set for the first hearing of a complaint in disciplinary proceedings under these Rules;

“**disbarment**” means removal of the name of an attorney-at-law from the Roll;

“**Disciplinary Committee**” means the Disciplinary Committee established under section 36(1) of the Act;

“**disciplinary hearing**” means a hearing on a complaint seeking disciplinary action against a respondent;

*Supreme Court
(Legal Profession Disciplinary Procedure) Rules*

- “**disciplinary proceedings**” means proceedings under these Rules after a complaint with respect to an attorney-at-law’s professional conduct is made;
- “**electronic means**” includes the communication of information by wireless, video, teleconferencing, e-mail and posting on a website;
- “**Investigating Counsel**” means the person appointed under rule 5;
- “**Judge**” means a Judge of the Supreme Court and includes a person appointed to act in that office;
- “**Master**” means a Master of the Supreme Court and includes a person appointed to act in that office;
- “**parties**” include the complainant, the respondent, and the Investigating Counsel;
- “**private admonition**” means unpublished caution or reprimand of a respondent by a Judge;
- “**professional misconduct**” has the same meaning assigned to it in shedule 3 of the Legal Profession Act, Cap. 2.04;
- “**public censure**” means a published caution or reprimand of a respondent by a Judge;
- “**respondent**” means the attorney-at-law against whom disciplinary proceedings has commenced;
- “**Roll**” has the meaning assigned to it in the Act;
- “**Supreme Court**” means the Eastern Caribbean Supreme Court established under the West Indies Associated States Supreme Court Order;
- “**suspension**” means the suspension of the practising certificate of the respondent for such time as the Court considers necessary.

Application

3. These Rules do not affect the authority of the Disciplinary Committee under the Act.

Supreme Court
(Legal Profession Disciplinary Procedure) Rules

PART 2
ADMINISTRATION

Jurisdiction

4.—(1) Subject to rule 3, an attorney-at-law shall be subject to disciplinary proceedings by the Supreme Court, in accordance with these Rules, in the exercise of his or her professional responsibilities.

(2) The functions of the Supreme Court under these Rules shall be exercised by a Judge.

(3) In giving effect to these Rules, the Judge shall be guided by the Code of Ethics and the Mandatory Provisions and Specific Prohibitions set out in Schedule 3 of the Act.

Appointment of Investigating Counsel

5.—(1) For the purposes of these Rules, the Solicitor General shall serve as Investigating Counsel or the Chief Justice may, subject to subrule (2), appoint an attorney-at-law as the Investigating Counsel.

(2) Where the Investigating Counsel is an attorney-at-law he or she shall be an attorney-at-law with at least ten years experience in the practice of law and shall be appointed under such terms and conditions as the Chief Justice determines.

(3) The Investigating Counsel shall serve as the complainant in disciplinary proceedings arising from a report made under rule 6 and shall perform such other duties as the Chief Justice may direct.

PART 3
COMPLAINTS AND INVESTIGATIONS

Report of professional misconduct

6.—(1) A Judge, Master, Magistrate, the Chief Registrar or the Registrar of the High Court shall report to the Chief Justice professional misconduct by an attorney-at-law in relation to or arising in the course of legal proceedings before the Court.

Supreme Court
(Legal Profession Disciplinary Procedure) Rules

(2) The Chief Justice shall refer a report of professional misconduct received pursuant to subrule (1), to the Investigating Counsel.

- (3) A report made under subrule (1) -
- (a) shall not limit the power of a court to cite an attorney-at-law for contempt; and
 - (b) shall not be in lieu of contempt.

Complainant

7. Disciplinary proceedings may be commenced in the High Court against an attorney-at-law by -

- (a) any person aggrieved by the alleged professional misconduct of an attorney-at-law;
- (b) the Investigating Counsel, on a report of professional misconduct made pursuant to rule 6(1);
- (c) the Attorney General, where the Attorney General has reasonable grounds to believe that the attorney-at-law has committed an act of professional misconduct; or
- (d) the Disciplinary Committee pursuant to sections 39(3) and 43(2) of the Act.

Commencement of disciplinary proceedings

8. – (1) Disciplinary proceedings shall commence in the High Court on the filing of a complaint in writing and under oath.

- (2) The complaint shall set out concisely-
- (a) the grounds for seeking discipline against the respondent;
 - (b) the facts complained of, supported by an affidavit of a person having knowledge of the facts therein alleged and shall be accompanied by copies of such documents as may substantiate the facts.

Supreme Court
(Legal Profession Disciplinary Procedure) Rules

(3) A complaint filed under subrule (1) shall be in the form specified in Form 1 of the Schedule and the affidavit in support shall conform with the form specified in Form 1A of the Schedule.

(4) The complaint and supporting affidavit and any other required document shall be filed in triplicate.

Service of complaint

9. – (1) The High Court shall, within 14 days of the filing of a complaint or such longer period as the High Court may by Order specify, serve notice of the complaint together with a copy of the complaint on the respondent in the form specified in Form 2 of the Schedule requiring the respondent to file an answer to the complaint within 28 days from the date of service.

(2) An affidavit of service shall be in the form specified in Form 3 of the Schedule and shall be filed upon service on the respondent.

Answer

10. – (1) The respondent shall file and serve an answer, in the form specified in Form 4 of the Schedule, within 28 days of service on him or her of a complaint.

(2) The High Court may extend the period referred to in subrule (1) on the application of the respondent.

Notice and service

11. Except as otherwise provided by these Rules or by Order of the High Court, notice shall be in writing, and service of any notice, complaint, answer or other document requiring service under these Rules may be effected by-

- (a) serving the notice, complaint, answer or other document-
 - (i) on the person to be served; or
 - (ii) at the place of business of the person to be served;

Supreme Court
(Legal Profession Disciplinary Procedure) Rules

- (b) publication of the notice in two consecutive copies of the *Gazette* and of a newspaper with weekly circulation in Saint Lucia; or
- (c) electronic means.

Investigation

12.—(1) A complaint may be referred by the Registrar of the High Court to the Investigating Counsel for investigation -

- (a) on receipt of the complaint and answer in accordance with these Rules; or
- (b) if the respondent fails to answer.

(2) The respondent shall be given a full opportunity to be consulted during the investigation conducted by the Investigating Counsel.

(3) The investigation shall proceed *ex parte* if the respondent-

- (a) fails to provide an answer, in accordance with rule 10; or
- (b) fails to appear upon notice being provided in accordance with rule 11.

(4) The Investigating Counsel shall submit a report to the High Court containing his or her findings of fact and conclusions.

(5) The report of the Investigating Counsel shall be served on the parties to the proceedings at least 2 weeks before the case management referred to in rule 14.

(6) The Investigating Counsel shall appear at the case management to present his or her report.

Continuation of investigation

13. An investigation commenced under these Rules shall not be interrupted or terminated by reason of the discontinuance, settlement, compromise, restitution, withdrawal of the complaint, or failure of the person aggrieved to prosecute the complaint.

Supreme Court
(Legal Profession Disciplinary Procedure) Rules

PART 4

CASE MANAGEMENT AND DIVERSION PROGRAM

Case management

14. – (1) Part 26 of the Civil Procedure Rules 2000 shall apply to a case management conference undertaken under these Rules.

(2) Where an answer is filed pursuant to rule 10, the High Court shall immediately fix a date for a case management conference and give notice of the case management conference to the parties unless the complainant makes a request in writing that the complaint is not to continue.

(3) A notice under subrule (1) shall designate the date, place, and time of the case management conference and shall advise the respondent that he or she is entitled to be represented by an attorney-at-law at the case management conference.

(4) A case management conference under this rule may be conducted by a Judge or Master.

(5) The High Court shall at the case management conference determine whether -

- (a) there is an allegation made against the respondent which, if proved, would constitute grounds for discipline;
- (b) to proceed to disciplinary hearing;
- (c) to dismiss the allegations and furnish the complainant with a written explanation of the determination;
- (d) as an alternative to discipline, the respondent should be offered and agree to a diversion in accordance with rule 15; or
- (e) to impose private admonition except where a case management conference is conducted by a Master, paragraphs (d) and (e) shall not apply and such a determination shall not be made by a Master.

*Supreme Court
(Legal Profession Disciplinary Procedure) Rules*

(6) In making a determination under sub-rule (5), the High Court may make an inquiry regarding the underlying facts and shall consider the following -

- (a) whether it is reasonable to believe that the professional misconduct warranted disciplinary proceedings;
- (b) any material or evidence relevant to the complaint;
- (c) the level of injury;
- (d) whether the respondent has previously been disciplined; and
- (e) whether the conduct in question is generally considered to warrant the commencement of disciplinary proceedings because it involves misrepresentation, conversion or commingling of funds, acts of violence, or criminal or other professional misconduct that ordinarily would result in public censure, suspension or disbarment.

(7) The High Court may at a case management conference give directions as to disclosure and inspection, service of expert reports, service of witness statements, preparation of agreed statements of facts, issues or area of law, and shall serve an Order containing any directions made on the parties.

Offer of diversion

15. – (1) For the purposes of these Rules, a diversion program may include, but is not limited to-

- (a) mediation;
- (b) arbitration;
- (c) law office management assistance;
- (d) evaluation and treatment for substance abuse;
- (e) psychological evaluation and treatment;
- (f) medical evaluation and treatment;
- (g) monitoring of the respondent's practice or accounting procedures;
- (h) continuing legal education; or
- (i) any other program authorized by the High Court.

*Supreme Court
(Legal Profession Disciplinary Procedure) Rules*

(2) The Judge may offer a respondent a diversion through a diversion program as an alternative to discipline where-

- (a) he or she is satisfied that it is not likely that the respondent will harm the public during the period of participation;
- (b) the High Court can adequately supervise the conditions of diversion; and
- (c) participation in the diversion program is likely to benefit the respondent and accomplish the goals of the diversion program.

(3) The Judge may not offer a respondent a diversion where-

- (a) the presumptive form of discipline in the matter is likely to be greater than public censure;
- (b) the professional misconduct involves-
 - (i) misappropriation of funds or property of a client or a third party;
 - (ii) domestic violence under the Domestic Violence (Summary Proceedings) Act, Cap. 4.04;
 - (iii) dishonesty, deceit, fraud or misrepresentation; or
 - (iv) any other criminal offence;
- (c) the professional misconduct resulted in or is likely to result in actual injury, loss of money, legal rights, or valuable property rights to a client or other person, unless restitution is a condition of diversion;
- (d) the respondent has been disciplined in the last three years;
- (e) the matter is of the same nature as professional misconduct for which the respondent has been disciplined in the last five years; or
- (f) the professional misconduct is part of a pattern of similar misconduct.

Supreme Court
(Legal Profession Disciplinary Procedure) Rules

Refusal of offer of diversion

16. If a respondent refuses an offer for a diversion, the Judge may proceed to a disciplinary hearing.

Diversion agreement

17. – (1) If a respondent agrees to an offer of diversion under rule 15(2), the terms of the diversion shall be specified in a diversion agreement.

(2) A diversion agreement shall specify-

- (a) the diversion program to which the respondent shall be diverted;
- (b) the general purpose of the diversion program;
- (c) the manner in which compliance is to be monitored; and
- (d) any requirement for payment of restitution or costs.

(3) When the diversion agreement is made, the respondent shall enter into the diversion program and complete the requirements of the diversion program.

Effect of diversion program

18. – (1) Diversion shall not constitute a form of discipline.

(2) Upon the respondent's entry into the diversion program, the underlying matter shall be placed in abeyance.

(3) If a diversion program is successfully completed in a matter that was determined to warrant investigation or disciplinary proceedings pursuant to these Rules, the matter shall be expunged.

(4) Information of professional misconduct admitted by the respondent to a treatment provider or a monitor while in a diversion program is confidential if the professional misconduct occurred before the respondent's entry into a diversion program.

(5) Subject to rule 17(2)(d), the respondent shall pay all the costs incurred in connection with participation in any diversion program.

Supreme Court
(Legal Profession Disciplinary Procedure) Rules

(6) The files and records resulting from a diversion shall not be made public except by Order of a High Court Judge.

Breach of diversion agreement

19. If the High Court has reason to believe that a respondent has breached a diversion agreement, the Judge may, after the respondent has had an opportunity to respond -

- (a) if no breach of the diversion agreement is established, proceed in accordance with the terms of the diversion agreement;
- (b) elect to modify the diversion agreement if a breach of a diversion agreement is established but determined not to be material or to be with justification; or
- (c) terminate the diversion agreement and proceed to disciplinary hearing where a breach of a diversion agreement is established and determined to be material or to be without justification.

PART 5
DISCIPLINARY HEARING

Notice of disciplinary hearing

20. – (1) The High Court shall give notice of the disciplinary hearing to the parties.

(2) A notice under subrule (1) shall designate the date, place and time of the disciplinary hearing and shall advise the respondent that he or she is entitled to be represented by an attorney-at-law at the disciplinary hearing.

Disclosure

21. – (1) Unless otherwise directed by the High Court pursuant to rule 14(7), the parties to a disciplinary proceeding under these Rules must hold a meeting no later than 14 days after notice of the date of a disciplinary hearing is served under rule 20, to confer with each other about the nature and basis of the claims and defences and discuss the matters to be disclosed.

*Supreme Court
(Legal Profession Disciplinary Procedure) Rules*

(2) No later than 14 days after service of a notice of the date of a disciplinary hearing, the parties shall disclose-

- (a) the name and, if known, the address and telephone number of each individual likely to have information relevant to disputed facts alleged in the pleadings, identifying who the person is and the subject of the information;
- (b) a listing, together with a copy of, or a description of, all documents, data compilations, and tangible things in the possession, custody, or control of the parties that are relevant to the disputed facts in the pleadings; and
- (c) a statement of whether the parties anticipate use of expert witnesses, identifying the subject areas of the proposed experts.

(3) Upon the request of one of the parties or upon Order of the Judge, no later than 14 days prior to the date of the disciplinary hearing, each party shall disclose to the other party and file a case management Order containing the following matters in the following order-

- (a) a listing of the claims and defences remaining for disciplinary hearing;
- (b) any claims or defences specified in the pleadings which will not be at issue at disciplinary hearing which shall be designated as "withdrawn";
- (c) a plain, concise statement of all facts which the Judge shall accept as undisputed;
- (d) a list of applications, if any, which are anticipated to be filed before trial as well as applications, if any, which are pending before the Judge;
- (e) a deadline for the filing of such applications which shall be no later than 14 days prior to the date set for the disciplinary hearing;
- (f) a list of legal issues that are in dispute, including appropriate citation of statutory, case or other authority;

*Supreme Court
(Legal Profession Disciplinary Procedure) Rules*

(g) an indication as whether briefs for the disciplinary hearing will be filed, including a schedule for their filing.

(4) Each party shall attach to the case management Order a list of the name, address and telephone number of each person who the party will call and any person who the party may call as an expert witness at the disciplinary hearing, indicating-

(a) the anticipated length of testimony, including cross-examination;

(b) whether the opposing party accepts or challenges the qualifications of a witness to testify as an expert as to the opinions expressed;

and if there is a challenge, the list shall be accompanied by a resume specifying the basis for the expertise of the challenged witness.

(5) Briefs for the disciplinary hearing together with expert reports shall be filed by the parties no later than 7 days before the commencement of the disciplinary hearing.

(6) Each party shall provide the following information in their briefs for the disciplinary hearing-

(a) a list containing the name, address, and telephone number of any person whom the party will call and of any person whom the party may call as a witness at the disciplinary hearing;

(b) a list describing any physical or documentary evidence which the party intends to introduce at the disciplinary hearing.

(7) The complainant shall assign a number and the respondent shall assign a letter designation for each exhibit in the brief for the disciplinary hearing.

(8) If any party wishes to object to the authenticity or admissibility of any exhibit in the brief for the disciplinary hearing, the objection shall be noted, together with the grounds for the objection.

Supreme Court
(Legal Profession Disciplinary Procedure) Rules

Disciplinary hearing

22. – (1) All disciplinary hearings shall be conducted by a Judge in private and shall be confidential except where the High Court orders otherwise.

(2) A complete record by electronic means or other means shall be made of all depositions and of all testimony taken at a disciplinary hearing before the Judge.

(3) The Judge may give an *ex tempore* decision at the conclusion of the hearing however, where the Judge reserves his or her decision, the decision shall be in writing and rendered within sixty days after the conclusion of the disciplinary hearing.

(4) In preparing his or her decision, the Judge shall take into consideration the respondent's prior disciplinary record, if any.

(5) When the Judge renders his or her decision, the Judge may-

- (a) determine that the complaint is not proved and make an Order dismissing the complaint;
- (b) make an Order conditional upon the agreement of the respondent diverting the respondent to a diversion program in accordance with rule 15; or
- (c) make an Order imposing private admonition, public censure, a definite period of suspension or disbarment pursuant to Part 6;
- (d) make any other appropriate Orders including, without limitation, probation, and Orders requiring the respondent to do one or more of the following-
 - (i) pay the costs of the disciplinary proceeding;
 - (ii) make restitution; or
 - (iii) refund money paid to the respondent.

(6) The time for filing notice of appeal in accordance with rule 43 shall commence from the date of the Judge's decision.

Supreme Court
(Legal Profession Disciplinary Procedure) Rules

Mental or physical condition of respondent

23.—(1) Where the mental or physical condition of the respondent becomes an issue in disciplinary proceedings, the Judge, upon a determination that reasonable cause exists and after notice to the respondent, may order the respondent to submit to-

- (a) a mental examination by a psychiatrist; or
- (b) a physical examination by a registered medical practitioner.

(2) If the respondent referred to in subrule (1) is confined in a psychiatric or medical facility in Saint Lucia or elsewhere, a certificate or a report of the examination establishing his or her mental or physical condition signed by a psychiatrist or registered medical practitioner of the psychiatric or medical facility, as the case may be, shall be produced.

(3) The respondent will be provided the opportunity to respond to an Order made under subrule (1) and the respondent may request a hearing before the Judge.

(4) If a request is made under subrule (3), the hearing shall be held within 28 days of the date of the respondent's request and shall be limited to the issue of whether reasonable cause exists for such an Order.

(5) If the certificate or the report of an examination referred to in subrule (2) indicates that the respondent has a mental disorder or physical condition and as a result is incapable of managing his or her affairs as it relates to his or her legal practice and is dangerous to himself, herself or to others, the Judge may make an Order for the appointment of a curator to the respondent and his or her legal practice.

(6) If the report of an examination referred to in subrule (2) indicates that the respondent-

- (a) is suffering from a mental disorder or physical condition;
- (b) is incapable of managing his or her affairs as it relates to his or her legal practice, and that he or she is capable of managing himself or herself; and
- (c) is not dangerous to himself, herself or to others;

Supreme Court
(Legal Profession Disciplinary Procedure) Rules

the Judge may make such Orders as he or she thinks fit for the appointment of an attorney-at-law as a curator to take an inventory of the files of the respondent and to take any steps necessary to protect the interest of the respondent's client, and it shall not be necessary, unless in the discretion of the Judge it appears proper to do so, to make any Order as to the custody or curatorship of the respondent.

(7) All acts done by the respondent subsequent to the making of an Order under subrule (1) are void.

(8) Acts done by the respondent prior to the making of an Order under subrule (1) may be set aside, if the Judge is satisfied that the mental disorder existed at the time when the acts were done.

(9) The Judge, if satisfied by a report of a psychiatrist or registered medical practitioner, or any other evidence, that a respondent who was certified by a psychiatrist or registered medical practitioner as having a mental disorder or physical condition, as the case may be, is cured and capable of managing his or her affairs, may make an Order putting an end to the curatorship, and the respondent shall resume the exercise of his or her rights.

(10) An Order under this rule may be made on such terms and conditions as the Judge thinks fit.

(11) Notice of an Order under this rule shall be given immediately to the curator.

(12) In this rule "mental disorder"-

(a) means-

(i) a substantial disorder of thought, mood, volition, perception, orientation or memory which seriously impairs the behaviour, judgment or capacity of a person to recognize reality or his or her ability to meet the demands of life;

(ii) mental retardation, where such a condition is associated with abnormally aggressive or seriously irresponsible behaviour; and

(b) includes a deficiency of intellect and a substance abuse disorder.

Supreme Court
(Legal Profession Disciplinary Procedure) Rules

Conditional admission

24. – (1) Where disciplinary proceedings are pending pursuant to these Rules, the respondent may with the approval of the complainant, at any point prior to final determination by the Judge, tender a conditional admission of professional misconduct constituting grounds for discipline in lieu of a recommended form of discipline.

(2) A conditional admission of professional misconduct shall be in the form of an affidavit, submitted by the respondent, and shall contain-

- (a) an admission of professional misconduct which constitutes grounds for discipline;
- (b) an acknowledgment of the proceedings pending against the respondent; and
- (c) a statement that the admission is freely and voluntarily made, that it is not the product of coercion or duress and that the respondent is fully aware of the implications of his or her admission.

(3) The conditional admission under subrule (1) shall be filed in the High Court for review by the Judge.

(4) Disciplinary proceedings conducted pursuant to these Rules that are pending before the Judge at the time a conditional admission is tendered may be stayed by Order of the Judge.

(5) Within 14 days of the date a conditional admission is filed, the respondent may request a hearing before the Judge.

(6) If a hearing is requested under subrule (5), the High Court shall set a date for the hearing.

(7) Not less than 14 days before the date set for the hearing requested under subrule (5), the High Court shall serve notice of the hearing on the respondent and the complainant.

(8) A notice under subrule (7) shall-

- (a) designate the date, place and time of the hearing;

Supreme Court
(Legal Profession Disciplinary Procedure) Rules

- (b) advise the respondent that he or she is entitled to be represented by an attorney-at-law at the hearing and to present an argument regarding the form of discipline to be ordered; and
- (c) advise the complainant that the he or she is entitled to be represented by an attorney-at-law and has a right to be present at the hearing and to make a statement, orally or in writing, to the Judge regarding the form of discipline.

(9) The Judge shall, after conducting a hearing as provided in this Rule, if one is requested, either reject the conditional admission and Order that disciplinary proceedings continue in accordance with these Rules, or approve the conditional admission and enter an appropriate Order.

(10) The imposition of discipline pursuant to a conditional admission of professional misconduct shall terminate all disciplinary proceedings conducted pursuant to these Rules and pending against the respondent in connection with that professional misconduct.

(11) Subject to subrule (1), if a conditional admission is tendered before the commencement of a disciplinary hearing it shall remain confidential if the form of discipline stipulated is a private admonition and its contents shall not be publicly disclosed or made available for use in any proceedings outside these Rules, except as otherwise provided in these Rules or by an Order of the High Court.

(12) If the conditional admission of professional misconduct is rejected and the matter is returned for further disciplinary proceedings consistent with these Rules, the contents of the conditional admission shall not be used against the respondent.

Conviction of an offence

25. – (1) Except as otherwise provided by these Rules, a certified copy of the extract of conviction from the clerk of any court of criminal jurisdiction in Saint Lucia indicating that an attorney-at-law has been convicted of an offence in that court shall conclusively establish the existence of such conviction for

*Supreme Court**(Legal Profession Disciplinary Procedure) Rules*

purposes of disciplinary proceedings and shall be proof of the commission of that offence by the attorney-at-law.

(2) The clerk of any court, a Magistrate or a Judge, shall notify the Registrar of the High Court in writing of the conviction of an attorney-at-law of an offence, except for a minor traffic offence, within 14 days after the date of the conviction.

(3) Upon receipt of a notice under subrule (2), the Registrar of the High Court shall-

- (a) obtain the record of conviction of the attorney-at-law; and
- (b) report the conviction of the attorney-at-law to the Investigating Counsel.

(4) Upon receipt of a report under subrule (3), the Investigating Counsel shall prepare and file a complaint against the attorney-at-law in accordance with rule 8.

(5) Upon receipt of a complaint under subrule (4), the Judge may-

- (a) direct the convicted attorney-at-law to show cause why that attorney-at-law's practising certificate should not be immediately suspended pursuant to rule 35; and
- (b) on full consideration of the matter-
 - (i) Order the immediate suspension of the practising certificate for a definite or indefinite period; or
 - (ii) discharge the requirement to show cause.

(6) The fact that a convicted attorney-at-law is seeking appellate review of the conviction does not limit the power of the Judge to order the immediate suspension of his or her practising certificate.

(7) A practising certificate that has been immediately suspended under rule 35 shall be reinstated immediately upon the attorney-at-law filing an Order under the seal of the court stating that the conviction has been reversed.

(8) The reinstatement of the practising certificate shall not affect any disciplinary proceedings pending against the respondent.

Supreme Court
(Legal Profession Disciplinary Procedure) Rules

(9) If a complaint is filed against a respondent pursuant to subrule (4), the Investigating Counsel shall present proof of the criminal conviction and may present any other evidence relevant to the offence for which the respondent was convicted and which the Investigating Counsel deems appropriate.

(10) Where the respondent's criminal conviction is either proved or admitted, the respondent shall have the right to be heard by the Judge only on matters of rebuttal of any evidence presented by the Investigating Counsel other than proof of the conviction.

(11) Rules 9, 10, 11 and 12 and Part 4 shall not apply to a complaint filed under this rule.

Discipline imposed by foreign jurisdiction

26. – (1) Except as otherwise provided by these Rules, and subject to Part 72 of the Civil Procedure Rules 2000 and the Enforcement of Foreign Judgements Act, Cap. 2:09, a final decision of a court or a duly constituted disciplinary committee in a foreign jurisdiction, of professional misconduct constituting grounds for discipline of an attorney-at-law shall, for the purposes of proceedings pursuant to these Rules, conclusively establish such professional misconduct.

(2) An attorney-at-law who is subject to these Rules and against whom any form of discipline has been imposed by a competent authority of a foreign jurisdiction, or who voluntarily surrenders his or her practising certificate in connection with disciplinary proceedings in a foreign jurisdiction, shall notify the Registrar of the High Court of such action in writing within 14 days of the imposition of discipline or voluntary surrender and the Registrar of the High Court shall report the matter to the Investigating Counsel.

(3) Upon receiving a report under sub-rule (2) or otherwise, that an attorney-at-law subject to these Rules has been disciplined or has voluntarily surrendered his or her licence to practise law in a foreign jurisdiction, the Investigating Counsel shall obtain a copy of the Order for discipline and prepare and file a complaint against the attorney-at-law in accordance with rule 8.

Supreme Court
(Legal Profession Disciplinary Procedure) Rules

(4) If the Investigating Counsel intends either to claim that substantially different discipline is warranted or to present additional evidence, notice of that intent shall be given in the complaint.

(5) If a respondent intends to challenge the validity of the Order entered against him or her in the foreign jurisdiction, the respondent must file with the High Court an answer and a full copy of the record of the disciplinary proceedings which resulted in the imposition of that disciplinary Order.

(6) At the conclusion of proceedings brought under this rule, the Judge may issue such Order as he or she considers appropriate.

(7) For the purposes of this rule "foreign jurisdiction" means a State or Territory outside of Saint Lucia.

PART 6
DISCIPLINARY ORDERS

Disciplinary Orders of the High Court

27. Where grounds for discipline have been established in disciplinary proceedings under these Rules the High Court may make one or more of the following Orders-

- (a) a disbarment Order removing from the Roll the name of the attorney-at-law against whom grounds for discipline have been established;
- (b) a suspension Order suspending the practising certificate of the attorney-at-law against whom grounds for discipline have been established, for such time as the High Court considers necessary;
- (c) such Order as to costs, with regard to the disciplinary proceeding before it as the High Court considers necessary;
- (d) such further or other Order as the circumstances of the case may require including-
 - (i) private admonition;
 - (ii) public censure; or
 - (iii) probation.

Supreme Court
(Legal Profession Disciplinary Procedure) Rules

Private admonition

28. A private admonition may be by letter served on the respondent and the complainant or personally read to the respondent in the presence of the complainant.

Public censure

29. If the Judge considers that a respondent has contravened a requirement imposed on him or her by or under these Rules, the Judge may Order a public censure which may be a statement to that effect published in the *Gazette* and in a newspaper with weekly circulation in Saint Lucia.

Probation

30.—(1) A respondent may by Order of the Judge be placed on probation, where the respondent has satisfied the Court that he or she-

- (a) is unlikely to harm the public during the period of probation and can be adequately supervised;
- (b) is able to perform legal services and is able to practise law without causing the courts or legal profession to fall into disrepute; and
- (c) has not committed an act warranting disbarment.

(2) Probation shall be imposed for a specified period of time, which may be stayed in whole or in part and which shall not exceed 3 years unless an extension is granted upon application by either party.

(3) An application for an extension must be filed prior to the conclusion of the period originally specified in the Order.

Conditions of probation

31.—(1) The Order placing a respondent on probation shall specify the conditions of probation.

(2) The conditions of probation shall take into consideration the nature and circumstances of the respondent's professional misconduct, history, character and health status.

*Supreme Court
(Legal Profession Disciplinary Procedure) Rules*

- (3) The conditions of probation may include -
- (a) making periodic reports to the High Court;
 - (b) monitoring the respondent's practice or accounting procedures;
 - (c) establishing a relationship with a mentor, and regular reporting with respect to the development of that relationship;
 - (d) satisfactory completion of a course of study;
 - (e) refund or restitution;
 - (f) medical evaluation or treatment;
 - (g) mental health evaluation or treatment;
 - (h) evaluation or treatment in a program that specializes in treating disorders related to sexual misconduct;
 - (i) evaluation or treatment in a program that specializes in treating matters relating to domestic violence, including domestic partner, elder and child abuse;
 - (j) substance abuse evaluation or treatment;
 - (k) abstinence from alcohol and drugs; and
 - (l) no further violations of the Code of Ethics under the Act.

(4) The High Court shall monitor the respondent's compliance with the conditions of probation imposed under these Rules.

Breach of probation Order

32.—(1) A respondent shall be responsible for all costs of evaluation, treatment and supervision incurred pursuant to rule 31(3) and failure to pay the costs prior to termination of probation shall constitute a breach of probation.

(2) If during the period which the respondent is on probation the High Court receives information that any condition of the probation Order may have been breached, the Judge may-

- (a) make an Order requiring the respondent to show cause why another Order under rule 27 should not be made;
or
- (b) make such other Order as he or she considers necessary.

Supreme Court
(Legal Profession Disciplinary Procedure) Rules

Revocation of probation Order

33. – (1) A hearing for the revocation of a probation Order shall be held upon application of either party before the Judge.

(2) At the hearing for the revocation of a probation Order, the complainant has the burden of establishing by a preponderance of the evidence, the breach of a condition of the probation Order.

(3) When, in a hearing for revocation of a probation Order, the alleged breach of a condition is the respondent's failure to pay restitution or costs, the evidence of the failure to pay shall constitute *prima facie* evidence of a breach.

(4) At the conclusion of a hearing for the revocation of a probation Order, the Judge may-

- (a) make an Order to revoke the probation Order;
- (b) make a consequential Order as he or she considers fit;
- or
- (c) dismiss the application.

Completion of probation period

34. – (1) Except as otherwise provided for in the probation Order, within 28 days prior to the expiration of the period of probation, the respondent shall-

- (a) file an affidavit in the High Court stating that he or she has complied with all terms of the probation; and
- (b) file an application for an Order showing successful completion of the period of probation.

(2) Upon receipt of an application under subrule (1) and in the absence of an objection, the Judge shall issue an Order showing that the period of probation and the conditions if any, were successfully completed.

(3) An Order made pursuant to subrule (2) shall become effective upon the expiration of the period of probation.

Immediate suspension of practising certificate

35. – (1) The High Court may, on application by the complainant, order the immediate suspension of a respondent's practising certificate for a period of time while disciplinary proceedings are pending against the respondent, where-

Supreme Court
(Legal Profession Disciplinary Procedure) Rules

- (a) there is reasonable cause to believe that the respondent is causing or has caused immediate and substantial public or private harm because the respondent has been convicted of an offence;
- (b) the respondent has converted property or funds; or
- (c) the respondent has engaged in conduct which poses an immediate threat to the effective administration of justice.

(2) Where an Order is made pursuant to sub rule (1) the matter shall proceed without delay as provided under these Rules.

(3) The respondent may file an appeal in the Court of Appeal against the immediate suspension Order, within twenty one days of the issue of that Order.

Effect of suspension or disbarment

36.—(1) An Order imposing disbarment or suspension becomes effective twenty eight days after the date of entry of the decision or Order, or at such earlier or later time as the Judge may order.

(2) After the entry of an Order of suspension or disbarment, the respondent shall not accept any new retainer or employment as an attorney-at-law in any new case or legal matter except that during any period between the date of entry of an Order and its effective date the respondent may, with the consent in writing of the client after full disclosure, wind up or complete any matter of the client which is pending on the date of entry of the Order.

Required action after Order of suspension or disbarment

37.—(1) A respondent against whom an Order of suspension or disbarment has been entered shall -

- (a) promptly notify in writing by registered mail each client whom the respondent represents in a matter still pending of the Order entered against the respondent and of the respondent's consequent inability to act as

Supreme Court
(Legal Profession Disciplinary Procedure) Rules

an attorney-at-law after the effective date of such Order and advise the clients to seek legal services elsewhere;

- (b) deliver to each client all papers and property to which the client is entitled.

(2) A respondent against whom an Order of suspension or disbarment is entered and who represents a client in a matter involving litigation or proceedings before an administrative body shall-

- (a) notify that client as required under subrule (1) and shall recommend that the client promptly obtain a substitute attorney-at-law;
- (b) notify in writing by certified mail the opposing attorney-at-law of the Order entered against the respondent and of the respondent's consequent inability to act as an attorney-at-law after the effective date of the Order.

(3) The notice to the opposing attorney-at-law under subrule (2)(b), shall state the address and contact information of the client of the respondent against whom the Order was entered.

(4) A respondent who has been suspended need not comply with the requirements of rule 36(2) and rule 37 if the respondent has sought reinstatement and reasonably believes that reinstatement will occur within fourteen days of the date of the Order of suspension but if the respondent is not reinstated within those fourteen days, the respondent must comply with this rule.

(5) Where a client of the respondent against whom an Order was entered does not obtain a substitute attorney-at-law before the effective date of that Order, the respondent must appear before the court or administrative body in which the proceeding is pending and make an application for leave to withdraw.

Affidavit of pending matters

38.—(1) Within fourteen days after the effective date of the Order of suspension or disbarment or within such additional time as allowed by the Judge, the respondent shall file in the High Court an affidavit stating-

*Supreme Court
(Legal Profession Disciplinary Procedure) Rules*

- (a) a list of all pending matters in which the respondent served as attorney-at-law;
- (b) that the respondent has fully complied with the provisions of the Order and of this Rule;
- (c) that the respondent has filed in the High Court, a list of the clients notified pursuant to rule 37 and a copy of each notice provided;
- (d) that the respondent has notified every other jurisdiction before which the respondent is admitted to practise law of the Order entered against respondent;
- (e) that the respondent has filed the affidavit in the High Court and on the complainant; and
- (f) the address of the respondent to which communications may thereafter be directed.

(2) The respondent shall continue to file an annual statement in the High Court for a period of at least five years following the effective date of the Order for disbarment or suspension listing the respondent's residence or other address where communications may thereafter be directed to the respondent.

Record of steps taken

39.—(1) A respondent who has been disbarred or suspended shall keep and maintain a record of any steps taken by the respondent pursuant to rules 37 and 38 as proof of compliance with this rule and with the Order entered against the respondent.

(2) Failure to comply with this rule without good cause shown shall constitute contempt of court.

(3) Proof of compliance with this rule is a condition precedent to any application for reinstatement or readmission.

Readmission after disbarment

40.—(1) A respondent who has been disbarred may not apply for readmission until at least five years after the effective date of the Order of disbarment.

Supreme Court
(Legal Profession Disciplinary Procedure) Rules

(2) To be eligible for readmission the respondent must demonstrate his or her professional competence and fitness to practise law.

(3) The respondent must file a written application for readmission with the High Court in accordance with section 31 and 32 of the Act.

(4) Rules 9, 10 and 11 shall apply to an application made under this rule with such modifications as are necessary.

(5) An application under subrule (3) shall be heard in procedures identical to those outlined by these Rules governing disciplinary hearings of complaints, except that it is the respondent who must demonstrate by clear and convincing evidence his or her rehabilitation and full compliance with all applicable Orders and with all provisions of these Rules.

(6) The Judge shall consider every application for readmission and shall enter an Order granting or denying readmission.

Publication of notice of Order

41. Subject to section 29 of the Act, the Registrar of the High Court shall by notice published in the *Gazette* and in at least two newspapers in general and at least weekly circulation in Saint Lucia give notice of an Order for suspension or disbarment of an attorney-at-law.

Notice of Order to courts

42. The Registrar of the High Court shall transmit notice in writing of the suspension or disbarment of an attorney-at-law to all courts in Saint Lucia.

Supreme Court
(Legal Profession Disciplinary Procedure) Rules

PART 7
MISCELLANEOUS

Appeal

43. – (1) An appeal shall lie to the Court of Appeal against any decision of-

- (a) the Judge; and
 - (b) the Appeals (Professional Misconduct) Commission established under the Act;
- within 42 days of the decision being made.

(2) Part 62 of the Civil Procedure Rules 2000 shall apply to an appeal made under these Rules and pursuant to the Act.

Issue of summons

44. At a disciplinary hearing, the High Court may issue summons to compel-

- (a) the attendance of a witness,
- (b) the attendance of respondent; or
- (c) the production of pertinent books, papers, documents, or other evidence.

Contempt of court

45. A person may be cited for contempt of court if the person-

- (a) fails or refuses to comply with a summons issued pursuant to these Rules;
- (b) obstructs the Judge in the performance of his or her duties; or
- (c) having been duly sworn to testify refuses to answer any question.

Number of copies filed

46. Unless otherwise provided in these Rules, in all cases before the High Court where a party files a document, an original and three copies of the document must be filed.

Supreme Court
(Legal Profession Disciplinary Procedure) Rules

Costs

47.—(1) The Judge may assess costs in connection with any disciplinary proceedings.

(2) A respondent who applies for reinstatement of his or her practising certificate after a suspension or readmission after disbarment must bear the costs of the proceedings for such reinstatement or readmission.

Pending litigation

48.—(1) A disciplinary proceeding which involve complaints with material allegations substantially similar to the material allegations of a criminal prosecution pending against the respondent may, in the discretion of the Judge, be deferred until the conclusion of the prosecution.

(2) Disciplinary proceedings involving complaints with material allegations which are substantially similar to those made against the respondent in pending civil litigation may, in the discretion of the Judge, be deferred until the conclusion of the litigation.

(3) Notwithstanding subrule (1) and (2), the acquittal of a respondent on criminal charges or a verdict or judgment in the respondent's favour in civil litigation involving substantially similar material allegations shall not without more justify the termination of disciplinary proceedings pending against the respondent upon the same material allegations.

Protective appointment of attorney-at-law

49.—(1) The Registrar of the High Court, on prior consultation with the President of the Bar Association, shall appoint an attorney-at-law to take an inventory of the files of the respondent and to take any steps necessary to protect the interests of the respondent's clients, where-

- (a) the practising certificate of the respondent has been suspended or the respondent has been disbarred and there is evidence that the respondent has not complied with rule 37 or 38; or

*Supreme Court
(Legal Profession Disciplinary Procedure) Rules*

(b) a respondent has disappeared or died, and no partner, executor, or other responsible party capable of conducting the respondent's affairs is known to exist.

(2) An attorney-at-law appointed pursuant to this Rule shall not disclose any information contained in the files from which the inventory was taken without the consent of the client to whom such files relate.

Limitation period

50.—(1) Subject to sub-rule (2), a complaint against an attorney-at-law shall be filed within 6 years of the time that the complainant discovers or reasonably should have discovered the professional misconduct.

(2) There shall be no limitation period for professional misconduct on grounds of fraud, conviction of a serious crime, or for professional misconduct the discovery of which has been prevented by concealment by the respondent.

Expunction of records

51.—(1) Except for records relating to disciplinary proceedings that have become public, all records relating to disciplinary proceedings that are dismissed, shall be expunged from the files of the High Court after the time provided for an appeal under these Rules or an extension of the time has expired.

(2) Upon either general or specific inquiry concerning the existence of disciplinary proceedings which have been expunged, the Registrar of the High Court shall respond by stating that no proceedings exist.

(3) For the purposes of this rule, "expunge" means the destruction of all records or other evidence of any type.

Right to inspect

52.—(1) Subject to rule 51, and any other provision in these Rules to the contrary, on payment of a fee of \$20, any party, or his or her attorney-at-law or legal representative is entitled on application during office hours, to search for, inspect and take a copy of any document filed in the High Court under these Rules.

Supreme Court
(Legal Profession Disciplinary Procedure) Rules

(2) A document filed in or in the custody of a court office under these Rules shall not be taken out of the Court office without the leave of the Court unless the document is to be sent to another court office or to a Magistrate's Court.

Practice directions

53. The Chief Justice may, by notice in the *Gazette* in Saint Lucia, where there is no express provision in these Rules for a practice or procedure, give directions as to the procedure and practice to be followed.

Supreme Court
(Legal Profession Disciplinary Procedure) Rules

SCHEDULE

(Rule 8(3))

Form 1

IN THE EASTERN CARIBBEAN SUPREME COURT

SAINT LUCIA

IN THE HIGH COURT

IN THE MATTER of a complaint
against an attorney at law for
alleged professional misconduct

AND IN THE MATTER OF the
Supreme Court Order, Cap. 2:01,
and the Supreme Court (Legal
Profession Disciplinary Procedure)
Rules

The Complainant (Full name)

The Respondent (Full name)

COMPLAINT NO- SLUHDP20[]/

COMPLAINT AGAINST AN ATTORNEY-AT-LAW

I, the undersignedhereby make a complaint

(Name of Complainant)

thatof

(Name of Respondent)

(Address)

..... attorney-at-law, may be required to answer the allegations contained
hereunder, namely that-- (concisely state the complaint or complaints.

I make this application on the grounds that the matters of fact alleged herein constitute professional
misconduct by an attorney-at-law.

An affidavit/ affidavits in support accompany this complaint

Sworn at

this

day of, 20[]

Before me-

.....

Signature of Deponent

.....

Justice of the Peace/Notary Royal

*Supreme Court
(Legal Profession Disciplinary Procedure) Rules*

NB- Where the Complainant cannot read or write or understand or speaks only Creole the following certificate must be completed and signed by the person who assists the Complainant in preparing this application by crossing out the words in the certificate that are not relevant to the Complainant's situation.

CERTIFICATE

The Complainant having declared his/her inability to read and write or speak and understand English, the above was read over to the Complainant in Creole or in English who appeared fully to understand the same.

.....

Name and Signature of person who
assisted the Complainant in
completing this form

.....

Date of signing

The Court Office is at the Supreme Court Building, Peynier Street, Castries, telephone number [758] 453-1916, facsimile number [758] 453-2071. The office is open between 9-00 a.m. to 2-00 p.m. Mondays to Thursdays and 9-00 a.m. to 3-00 p.m. on Fridays except public holidays. This office can also be contacted via email at stlhco@candw.lc

*Supreme Court
(Legal Profession Disciplinary Procedure) Rules*

(Rule 8(3))

Form 1A

IN THE EASTERN CARIBBEAN SUPREME COURT

SAINT LUCIA

IN THE HIGH COURT

IN THE MATTER of a complaint
against an attorney at law for
alleged professional misconduct of
the attorney- at-law

AND IN THE MATTER OF the
Supreme Court Order, Cap. 2:01,
and the Supreme Court (Legal
Profession Disciplinary Procedure)
Rules

COMPLAINT No. SLUHDP20[]

The Complainant (Full name)

The Respondent (Full name)

AFFIDAVIT IN SUPPORT OF COMPLAINT

I, make oath and say as follows-

(Name of Complainant)

(1) I reside at..... In the State

(Place of Residence)

of

(2) My occupation is and my postal address
is.....

(3) That

(Name of Attorney-at-law)

(Here state set out facts complained of giving dates where possible and the grounds of complaint-

.....
.....
.....
.....
.....
.....

*Supreme Court
(Legal Profession Disciplinary Procedure) Rules*

CERTIFICATE

¹The Deponent having declared his/her inability to read and write or speak and understand English, the above was read over to the Deponent in Creole or in English who appeared fully to understand the same.

.....
Signature of Justice of the Peace

Sworn at
this
day of , 20[]

Before me-

.....
Signature of Deponent

.....
Justice of the Peace/ Notary Royal

The Court Office is at the Supreme Court Building, Peynier Street, Castries, telephone number [758] 453-1916, facsimile number [758] 453-2071. The office is open between 9-00 a.m. to 2-00 p.m. Mondays to Thursdays and 9-00 a.m. to 3-00 p.m. on Fridays except public holidays. This office can also be contacted via email at stlhco@candw.lc

¹ This certificate to be completed by crossing out the words that are not relevant to the Deponent's/ situation in the certificate. The Justice of the Peace may cross out the certificate completely where the Deponent is literate and understands English.

*Supreme Court
(Legal Profession Disciplinary Procedure) Rules*

(Rule 9(1))

Form 2

IN THE EASTERN CARIBBEAN SUPREME COURT

SAINT LUCIA

IN THE HIGH COURT

IN THE MATTER of a complainant against an attorney at law for alleged professional misconduct of the attorney- at-law

AND IN THE MATTER OF the Supreme Court Order, Cap. 2:01, and the Supreme Court (Legal Profession Disciplinary Procedure) Rules

COMPLAINT No. SLUHDP20[]/

The Complainant (Full name)

The Respondent (Full name)

NOTICE OF THE COMPLAINT

NOTICE TO THE RESPONDENT

You are hereby given notice of the attached complainant against you.

NB. See the notes below served with this notice of complainant.

This notice of complaint has no validity if it is not served within 14 days of the date below unless it is accompanied by an Order of the High Court extending that time.

Dated

[SEAL]

The complainant's address for service is-

This notice of complaint is important. When you get it you should consider getting legal advice.

Action to be taken on receipt of this notice of complaint-

The complainant has filed a complaint against you. If you do nothing the complaint will proceed to be heard in your absence. This means that the complainant may be entitled to take steps to enforce disciplinary action against you and you will have no right to be heard except as to the form of discipline to be imposed

Supreme Court
(Legal Profession Disciplinary Procedure) Rules

WHAT YOU CAN DO

You can-

A. Answer the complaint

If you would like to do this you must-

Complete the form of answer and return it to the court office so that it received by the court office within 28 days of the date on which you received this notice of complaint

REMEMBER THAT IF YOU DO NOTHING, THE COMPLAINT MAY PROCEED IN YOUR ABSENCE, AND WITHOUT ANY FURTHER WARNING.

The Court Office is at the Supreme Court Building, Peynier Street, Castries, telephone number [758] 453-1916, facsimile number [758] 453-2071. The office is open between 9-00 a.m. to 2-00 p.m. Mondays to Thursdays and 9-00 a.m. to 3-00 p.m. on Fridays except public holidays. This office can also be contacted via email at stlhco@candw.lc

Supreme Court
(Legal Profession Disciplinary Procedure) Rules

(Rule 9(2))

Form 3

IN THE EASTERN CARIBBEAN SUPREME COURT

SAINT LUCIA

IN THE HIGH COURT

IN THE MATTER of a complaint
against an attorney at law for
alleged professional misconduct of
the attorney- at-law

AND IN THE MATTER OF the
Supreme Court Order, Cap. 2.01,
and the Supreme Court (Legal
Profession Disciplinary Procedure)
Rules

COMPLAINT No. SLUHDP20[]/

The Complainant (Full name)

The Respondent (Full name)

AFFIDAVIT OF SERVICE ON RESPONDENT/ATTORNEY-AT-LAW

Iof

(Name of person serving documents)

Make oath and say as follows-

That I did on the..... day of 2[] serve on the Respondent
/Attorney-at-law Mr/Ms.....by delivering to him or her personally or by
leaving with.....at the attorney-at-law's place of business/at
the attorney-at-law's place of abode or by posting it to the attorney- at-law's place of business
/place of abode* at.....a copy of the following
documents-

(1) Complaint alleging professional misconduct by the attorney-sat-law dated

(2) Affidavit in support of complaint made by.....

(Name of Deponent/s)

Dated

.....

.....

documents

Signature of person who served

Supreme Court
(Legal Profession Disciplinary Procedure) Rules

Sworn at.....thisday of
.....20[]

Before me-

.....
Justice of the Peace/ Notary Royal

* Delete as appropriate.

The Court Office is at the Supreme Court Building, Peynier Street, Castries, telephone number [758] 453-1916, facsimile number [758] 453-2071. The office is open between 9-00 a.m. to 2-00 p.m. Mondays to Thursdays and 9-00 a.m. to 3-00 p.m. on Fridays except public holidays. This office can also be contacted via email at stuhco@candw.lc.

Supreme Court
(Legal Profession Disciplinary Procedure) Rules

(Rule 10 (1))

Form 4

IN THE EASTERN CARIBBEAN SUPREME COURT

SAINT LUCIA

IN THE HIGH COURT

IN THE MATTER of a
complainant against an attorney at
law for alleged professional
misconduct of the attorney- at-law

AND IN THE MATTER OF the
Supreme Court Order, Cap. 2:01,
and the Supreme Court (Legal
Profession Disciplinary Procedure)
Rules

COMPLAINT No. SLUHDP20[]/

The Complainant (Full name)

The Respondent (Full name)

ANSWER

I dispute the complaint on the following grounds-

(Continue on separate sheet where necessary)

I certify that all the facts set out in my answer are true to the best of my knowledge
information and belief.

Dated.....

Signed [Respondent in person]

My address for service is

Telephone no.

My address for service is

Telephone no.

Signed (Attorney-at-law for the Respondent)

My address for service is

Telephone no.

The Court Office is at the Supreme Court Building, Peynier Street, Castries, telephone number [758] 453-1916, facsimile number [758] 453-2071. The office is open between 9-00 a.m. to 2-00 p.m. Mondays to Thursdays and 9-00 a.m. to 3-00 p.m. on Fridays except public holidays. This office can also be contacted via email at sluhco@candw.lc

Supreme Court
(Legal Profession Disciplinary Procedure) Rules

Notes-

- (a) the respondent must-
- state which allegations in the complaint are admitted;
 - which allegations are denied;
 - which allegations are neither admitted or denied because the respondent does not know whether they are true;
 - identify any documents considered necessary to the respondent's case.
- (b) The respondent must give reasons for denying any allegations made by the complainant.
- (c) The respondent must set out clearly all the facts on which the respondent relies to dispute the complaint and must set out any different version of events on which the respondent relies.
- (d) The respondent may not be allowed to give evidence about any fact which is not set out in the Answer.
- (e) If the respondent is represented by an attorney-at-law, the respondent must also sign the form and give the respondent's address for service.

Made this 28th day of January, 2014.

DAME JANICE M PERIERA
Chief Justice

DAVIDSON KELVIN BAPTISTE
Justice of Appeal

FRANCIS BELLE
High Court Judge