

The Eastern Caribbean Supreme Court
In The High Court of Justice
ST. LUCIA

CLAIM NO. 209 OF 2006

BETWEEN:

THE HONOURABLE ATTORNEY GENERAL
THE BAR ASSOCIATION

Claimants

AND

LEONARD OGILVY

Defendant

BEFORE: The Hon. Justice Albert Redhead [Ag]

Appearances:

Mrs. Georgis Taylor-Alexander, with Ms. Jan Drysdale &
Ms. Dara Modeste for the claimant

Mr. Dexter Theodore and Mr. Thaddeus Antoine for the Bar
Association

Mr. Horace Fraser – for the Defendant

2006: May 15; 16

JUDGMENT

- [1] The Honourable Attorney General, one of the Claimant's in this matter on the 16th March 2006 filed in the High Court of St. Lucia a Fixed Date Claim Form seeking an order that the defendant be struck off from the roll. The Bar Association later joined in the action.
- [2] In support of this application, the Honourable Attorney General deposed to and filed an Affidavit on the 16th of March 2006.
- [3] Mr. Fraser learned Counsel for the defendant, argued that there is no cause of action in law known as striking off from the roll which has a unique feature about it, in that it is draconian.
- [4] Mr. Fraser argued that hearing of such action, by invoking Civil Proceedings in the High Court, is irregular and misconceived.
- [5] Counsel made reference to Rule 8 (1) 5 of the Civil Procedure Rules 2004 which states - : "(2) Fixed Date Claim Form must be used:
- (a) In claims arising out of hire purchase or credit sales agreement;
 - (b) In proceedings for possession of land;
 - (c) Wherever it is required by rule or practice direction, and
 - (d) Where by any enactment proceedings are required to be commenced by originating summons or motion".
- [6] Mr. Fraser contended that the above list is exhaustive until the Chief Justice makes rules. Counsel concluded that striking off the roll is not one of the matters mentioned.
- [7] Learned Counsel then referred to Hansraj Matatadial and John Baliss Frederick¹. At paragraph 8 of the judgment the learned Chief Justice Sir Dennis Byron said:

¹ Civil Appeal No. 23 of 2001 St.Vincent and the Grenadines

"In this case the status of Mr. Frederick is that of a person aggrieved by the conduct of the barrister complained against. Rule 4 of the Barristers Rules permitted him to initiate the complaint in that capacity. But these are not legal proceedings, they are disciplinary proceedings. They are neither a civil suit nor a criminal complaint. Mr. Frederick is neither a plaintiff nor a prosecutor. He is not a litigant. Lodging an appeal with him as the only respondent was misconceived".

- [8] Mr. Fraser referred to the Legal Profession Act No. 31 of 2000 (L.P.A) with special reference to Sections 36 to 40 and the 4th Schedule to the act. These sections fall under the heading **Disciplinary Committee on Proceedings**. The 4th Schedule to the act speaks to, among other things, the Constitution, Powers and Proceedings at meeting of the committee.
- [9] Learned Counsel argued that the inherent jurisdiction of the court must be sparingly used because Parliament has set out by the fifth schedule a procedure which should be used in disciplining an Attorney – At - Law.
- [10] Learned Counsel pointed to section. 37 (1) of the L.P.A. and contended that the court's jurisdiction to take contempt proceedings must be in respect of only matters that appear in the face of the court.
- [11] I understand learned counsel's submission to be, that the court's inherent jurisdiction to enquire into the misconduct of an Attorney – At – Law is restricted to "indiscipline" committed in the face of the court. In all other matters of discipline, the conduct of the Attorney – At – Law must be referred to the Disciplinary Committee set up under the L.P.A. (Section 36(1))

[12] Learned Counsel finds support for this contention in section.39 (3) which, inter alia, states:

“Where the committee is of the opinion that a case has been made out, which justifies punishment more severe that may be imposed by it under this section, such as suspension from practice and removal from the Roll, the committee should refer the matter to the High Court for determination by a single judge in chambers”

[13] This section, and to put it more broadly, the act does not oust the jurisdiction of the high court to punish an Attorney – At - Law for disciplinary matters brought against him. In other words, to punish him for misconduct. And to put it positively section. 37 (3) preserves that jurisdiction.

[14] I must now make a determination as to whether that jurisdiction resides in the court to punish only for discipline in the face of the court, as contended by Learned Counsel for the defendant, or whether it encompasses other matters of discipline as contended by the Learned Solicitor General.

[15] Section 37 (3), no doubt, mandates the court to refer matters of allegation of professional misconduct or criminal offence to the committee. I am of the view that this is for investigative purposes only. Where, for instance, the court is not seized of sufficient material to proceed. I am fortified in this view having regard to section 39 (3) of the LPA which states:

“Where the committee is of the opinion that a case has been made out which justifies a punishment more severe than may be imposed by it under this section such as suspension from practice or removal from the Roll, the committee may refer the matter to the High Court for determination by a single judge in chambers”.

- [16] I therefore cannot agree with learned counsel for the defendant when he contends that section. 37 (3) is a clear indication that it is only matters which occur in the face of the court that the court can deal with.
- [17] On reading of the section it does not say what is contended for by Mr. Fraser. In fact, in my opinion, the subsection says the opposite. As the subsection clearly says –“in any matter or hearing before any court, where the court considers any professional misconduct or any criminal offence.....”
- [18] The first question one should ask is how would any matter get before the court? The obvious answer to my mind is, that apart from professional misconduct occurring in the face of the court, by the matter being referred to the court.
- [19] It should also be noted that the subsection goes on to say “the court may refer the matter to the committee.”
- [20] I now encapsulate the other submissions made by learned counsel for the defendant. Mr. Fraser stated that the other problem with this proceeding is that it takes away the right of the defendant to appeal under section 40 of the L.P.A.
- [21] It is quite clear to me that section 36 to 40 deal with Discipline Proceedings under the Disciplinary Committee. Section 40 deals with decisions taken by the Committee.
- [22] Mr. Fraser further argued that both the Bar Association and the Attorney General have abdicated their statutory duties under the L.P.A.
- [23] Again, as I see it the Statutory Duties which are vested in the Bar Association and the Attorney General by virtue of Section 40 (2) of the L.P.A., is to appoint members of the Appeals Commission to deal with appeals arising from decisions

of the Appeal Committee. By virtue of section 40 (2) the Bar Association is empowered to nominate an arbiter to the Appeals Commission.

[24] Finally learned counsel argued that neither the Attorney General nor the Bar Association has any locus standi because of the serious duties imposed on them by the LPA.

[25] Learned Counsel submitted that moreover by bring this action the Attorney General and Bar Association have made themselves complainants in this matter. They cannot now apply to the committee under section 37 to require the defendant to answer allegations.

[26] In effect learned counsel contended that no action could be taken against the defendant because the High Court has no jurisdiction to act and the Bar Association and the Attorney General have compromised their position under the LP.A. and as such they were incapable of acting.

[27] The Learned Solicitor General argued strenuously against that contention by saying that Mr. Fraser was in error when he categorized the actions as civil or criminal.

[28] The Solicitor General submitted that section 31 L.P.A. preserves the right at Common Law. The power granted to the High Court under section 29 is not to adjudicate between two parties. But rather that evidence be presented to the court in order that the court should satisfy itself of the complaint that the Attorney-At - Law should be struck out from the Roll.

[29] It is the Solicitor General's contention that in order for the court to exercise its inherent jurisdiction or statutory power it can do so either of its own volition or from information coming to it or by a complaint brought to it by the Attorney General.

- [30] The Solicitor General referred to the Matadial Case (supra). At page 8, the Chief Justice Sir Dennis Byron said:
- “The regulations under the Act provide that proceedings to suspend or strike a barrister or Solicitor off the roll shall be commenced by an application to a judge in chambers for a rule to issue to the Barrister or Solicitor named, to show cause why he should not be suspended or struck off the role; and that such an application may be made by the Attorney General or by the person aggrieved by the action of the barrister or solicitor complained against.
- [31] The Chief Justice referred to Attorney General of Gambia v N' JIE². In that case the Privy Council in 1961 considered similar regulations as contained in the regulations under the St. Vincent Act.
- [32] In N'Jie Lord Denning at page 509 said; inter alia:
- “When the judges exercise the power to suspend or expel they do not decide a suit between parties. There is no prosecutor as in a criminal case, nor any plaintiff as in a Civil Suit. The judges usually act on the own initiative, ex mero matu on information that has come to their notice of one or other of them in the course of their duties -.... But sometimes they have acted on the complaint of the Attorney General of the colony”.
- [33] As observed by Sir Dennis, Chief Justice in Matadial at paragraph 3:
- “Historically the judges in England had the right at common law to determine who should be admitted to practice as barristers and solicitors; and as incidental thereto, the judges have the right to suspend or prohibit from practice. In England this practice has been delegated so far as barristers are concerned to the Inns of Court and so far as solicitors are concerned to the Law Society. In the British Colonies, there are no inns of courts as an essential requirement of the Administration of Justice the judges retained the same powers in their own hands.”

² (1961) 2 AU ER 504 at 509

[34] I entertain no doubt that the judges in St. Lucia and the rest of the Eastern Caribbean States had the power at common law to punish barristers by way of suspension from practice and removal from the roll of barristers who were found guilty of misconduct. Indeed the power which resided in the judges was not confined to misconduct which occurred in the face of the court.

[35] What is the present position in St. Lucia?

In November 2002, the Parliament in St. Lucia enacted the Legal Profession Act No. 31 of 2000. The Long title to the Act is an Act to provide for the reorganization and regulation of the Legal Profession, for the qualifications, enrolment and discipline of its members and for related matters.

[36] The Solicitor General in arguing that this court has jurisdiction rigged her sails to section 29 and urged most forcefully that that section gives the court jurisdiction.

“Section 29 (1) The Registrar shall make the appropriate alteration in the Roll and publish the appropriate notice in the gazette when –

(a) The High Court orders the name of the Attorney - At - Law to be removed from the Roll or that the Attorney – At – Law to be suspended from practicing law.”

(b) By virtue of any law, the named attorney – at – law is removed from the Roll or an Attorney – At – Law is suspended from practicing law”

[37] I have looked very closely at section 29 (1) and have come to the conclusion that section 41 is the appropriate section.

“Section 41 (1) without prejudice to any other rule of practice whereby the High Court is empowered to take disciplinary action against a person admitted to practice as an attorney – at – law, the High Court has power to take disciplinary action in accordance with rules of court made for the purpose under section 17 of the Supreme Court Order 1967 No. 223 with respect to the professional conduct against an attorney – at – law and in particular the High Court may make any of the following orders -

(a) An order removing from the Roll the name of the Attorney - At - Law against whom disciplinary proceedings have been instituted.

(b) An order suspending the attorney - at - law from practice for such time as the High Court deems fit.

(c) Such order as to costs as regards both the proceedings before it and the proceedings before the committee as the High Court deems fit

(d) Such further or other order as the circumstances of the case may require

(2) The Attorney - At - Law whose professional conduct is the subject of any disciplinary proceedings before the High Court is entitled as of right to appeal to the Court of Appeal from any decision or other determination of the High Court in such proceedings."

[38] Having decided that section 41 is the appropriate section, I recognize that no rules of court were made for the purpose under section 17 of the Supreme Court Order 1967.

[39] Can that action proceed, in the absence of rules or should the action flounder on the rocks? I have no doubt that it can.

[40] Section 20 is called into to give life to these proceedings.

[41] **PROCEDURE IN CASES NOT PROVIDED FOR**

"In all cases not provided for by code of Civil Procedure or any rules of court or otherwise, the procedure or practice of the High Court shall be such as the judge of the High Court may direct or approve, the judge of the High Court may in any cause or matter make an order as to the procedure to be followed which he or she considers necessary for doing justice in the cause or matter whether such order has been expressly asked for by the party entitled to the benefit thereof or not".

[42] I had made a preliminary ruling that at the time I was of the view that section 20 was applicable. This was in order to facilitate the hearing of the action. I then said that if I found in favor of Mr. Fraser's submission I would not consider submissions by the Solicitor General, but if overruled, then I would go on to consider the submissions.

[43] In light of the foregoing, the submissions of Mr. Fraser are overruled. I hold that this court has jurisdiction to try this case. I now consider the case as advanced by the Solicitor General against the defendant.

[44] The case as presented against Mr. Ogilvy was, that he was not a person qualified to be admitted to practice as an Attorney – At – Law in St. Lucia.

Section 16 (3) L.P.A. "A person who is eligible to practice law under subsection (1) may make an application to the High Court to be admitted to practice law in St. Lucia and the High Court shall, if satisfied that:

- (a) The person has the qualifications prescribed by law
 - (b) The person is of good character
 - (c) The person does not have a criminal record except if it is for a minor traffic offence
 - (d) Is not declared to be a bankrupt
 - (e) The person has paid the prescribed fee
- admit the person to practice law in St. Lucia."

[45] Mrs. Taylor- Alexander went on to argue that except for (e) above Mr. Ogilvy at the time of the admission to St. Lucia Bar Mr. Ogilvy did not possess the requirements.

[46] In his petition filed to the court on 18th September 2001 to be admitted to practice as an Attorney – At – Law, it stated among other things" your petitioner was awarded the Practising Certificate for the year 2000 – 2001 from the Law Society of Break

Spear Road, Lemmington-Spar England on 1st November 2000, to practice as a solicitor”

- [47] Exhibited with this document is what is purported to be a Practicing Certificate for the year 2000 – 2001 under the Solicitor’s Act 1974. The document was purportedly signed by Janet Paraskara, Chief Executive.
- [48] Also exhibited is Certificate of Practice which was purportedly issued by the Faculty of Advocates and says it is issued under the Court and Legal Services Act 1970 and purportedly signed by the Registrar Faculty of Advocates dated 11th November 2002.
- [49] The Attorney General filled an affidavit in support of the application. In paragraph 4 of that affidavit the Attorney General deposed that the crown, subsequent to the defendant’s admission to practice as an Attorney - At –Law has been informed by the Law Society and Faculty of Advocates that the defendant did not have the requisite qualifications for admittance to practice as an Attorney – At – Law as he was neither a Scottish Advocate, nor a Solicitor of England and Wales as alleged by the defendant.
- [50] By paragraph 6 of the said affidavit the Attorney General deposed that by letter dated 7th December 2005 from the Faculty of Advocates he was informed that the defendant is not and has never been a member of the Faculty of Advocates in Scotland and that no Practicing Certificate has ever been issued to the defendant.
- [51] By paragraph 7 the Attorney General deposed that by letters dated 16th and 19th of December 2005 that the defendant was not admitted on the Roll in England and Wales and that no Practicing Certificate has ever been issued to the defendant.

[52] Copies of the letters referred to have been exhibited with the affidavit of the Attorney General. I refer to these letters.

A letter from one Scott Brownridge Faculty of Advocates letterhead dated 7th December 2005 and addressed to Lynsey Murning states inter alia:

[53] "I can confirm having checked the Faculty records, that Mr. Ogilvy is not now, and has never been a Practicing member of Advocates in Scotland. I can also confirm that from the Certificate you have faxed, that this is not authentic and would not have come from the Faculty of Advocates".

[54] Another letter from Heather Geldar Assistant Fraud Intelligence Officer, Fraud Intelligence Unit, addressed to Lynsey Murning, dated 16th December 2005 says inter alia "I can confirm that an order under section 43 (2) of the Solicitor's Act 1974 was made on 20th December 2005 against Leonard Ogilvy (D.O.B. 01.03.68)"

[55] "... This order has the effect that no solicitor shall employ or remunerate the individual concerned in connection with his practice as a solicitor, without the prior permission of the Law Society.

[56] Furthermore I can confirm that I believe the copy of the Practicing Certificate purportedly issued by the Law Society records indicate that no one by the name Leonard Ogilvy has been admitted to the Roll in this jurisdiction".

[57] Finally on this issue I refer to a letter from Mrs. Rebecca Donohoe, Administration Assistant dated 19th December 2000, to the Solicitor General of St. Lucia, Mrs. Georges Taylor-Alexander states, inter alia:

"..... I can confirm I have checked the records of section 43, Solicitor's Act 1974 that are held by the society. On 20th December 2000 the Solicitor's Disciplinary Tribunal ordered that Leonard Ogilvy should not be employed in a solicitor's office without the consent of the Law Society

- [58] I can confirm that this individual is not and has never been a solicitor in England and Wales. He has also never held a Practising Certificate. The copy you have enclosed appears to be false". I have also forwarded all your correspondence to our Fraud Intelligence Unit"
- [59] The defendant did not put in any defence or swore any affidavit in answer. The reason he states is that he is facing criminal charges and anything he uses in his defence in this action may prejudice him in his criminal trial.
- [60] Mr. Fraser challenged the authenticity of these documents by saying that he did not know who the signatories to these documents were.
He questioned the evidential value of these documents and requested that the signatories to these documents be brought to the court to be cross examined. I shall return to this issue later in this judgment.
- [61] On 21st March 2006 the first named claimant swore and filed a further affidavit. I refer to paragraphs 4 and 5 of that affidavit.
"4 In 1999 the respondent /defendant through the Ministry of Justice made an application for the position of magistrate in the state of Saint Lucia. In support of his application the respondent/defendant submitted his curriculum vitae, in which he stated that he had completed the Legal Practitioner's Course at Thames Valley University with distinction.
- [62] "5 The crown has had cause to undertake further investigations into the respondent's /defendant's qualifications and made contact with the conferment's and Archives Department of Thames Valley University who confirmed that the defendant was unsuccessful in his assessment and therefore failed the Legal Practitioner's Course at the institution"

- [63] A faxed copy of a letter from Mrs. Jackie Thomas conferment's/Archives dated 21st March 2006 to Jan Drysdale of Attorney General Chambers, St. Lucia, reads:
- [64] **"Re Leonard Ogilvy**
Further to our telephone conversation and your fax, I can confirm that our records show that Leonard Ogilvy was unsuccessful in his assessments and therefore failed the legal Practice Course at Thomas Valley University....."
- [65] On 11th May 2006 the Attorney General in support of the application, at paragraph 3 of the affidavit said that the crown has received further information from the Law Society of England extracts from its records in the form of an affidavit of Peter Anthony Jones Deputy Head of the Fraud intelligence of the Law Society of England and Wales sworn on 23rd March 2006.
- [66] Attached to the affidavit is a witness statement of Peter Anthony Jones together with documents exhibited PAT 1-10 Which form part of the records held by the Law Society of England and Wales. Copies of the documents have been collectively marked as Ag. 9 and have been annexed.
- [67] "5 In his witness statement, Peter Anthony Jones refers to and provides documentary evidence of all cases, courts and names of the parties to these cases. The defendant is an individual with previous criminal convictions. The convictions referred to by Peter Anthony Jones, were all considered by the professional Regulation Case-Work Sub-Committee of the Law Society of England. In making the section 43 order, against him prohibiting him from attempting to work in any solicitor's office in England and Wales.
- [68] I refer to PAT 1 which is the witness statement of Peter Anthony Jones. In that statement he said, among other things, that he is employed as the Deputy Head of Fraud Intelligence Unit of the Law Society of England and Wales. He has access to all records retained by the Law Society both manual and computerized.

- [69] He states that part of his responsibilities involves the investigation into allegation of person holding out as a solicitor when not qualified to do so.
Peter Anthony Jones says he can confirm among other things from records that Leonard Ogilvy failed the Legal Practice Course. He was not qualified as a solicitor or been admitted to the Roll of Solicitors in England and Wales.
- [70] In the witness statement Peter Anthony Jones also said that he examined a faxed copy of a document purporting to be a Practising Certificate for the year 2000 – 2001 bearing the Roll number 135573 issued by the Law Society of England and Wales.
- [71] And says that he can confirm that no Practising Certificate for the year 2000 – 2001 was issued in the name of Leonard Ogilvy and that the Roll number quoted on the document does not relate to Leonard Ogilvy.
- [72] Peter Anthony Jones said in his witness statement that the convictions considered by the committee in imposing the order (the section 43 order) July 1990 theft 2 months custodial sentence, 5th March 1992 theft 2 years custodial sentence, Forgery 1 year custodial sentence.
- [73] In addition to the convictions mentioned above, Peter Anthony Jones stated that in 1998 the defendant was found guilty on a contempt motion and fined £ 500.
- [74] On 22nd March 1999 he was again found guilty on a contempt motion for knowingly breaching an undertaking and sentenced to two months imprisonment by a High Court Judge. On appeal the sentence was reduced to seven days imprisonment.

- [75] Exhibit Pat 5 is a transcript in the 1998 contempt proceedings in the matter of R v Secretary of State for the Home Department, ex parter Eli Mouto Ibehi. In the matter of an application by the Secretary of State for the Home Department against Leonard Ogilvy also known as Oleisegun Adedejn, Aderemi Adusi.
- [76] The first named claimant has exhibited computer print out from the Individual Insolvency Register. The name Leonard Ogilvy appears on that document and shows that on 2nd October 2002 the person bearing that name was declared a bankrupt.
- [77] The defendant filed his petition to be admitted to practice at the local bar on 18th September 2001 but was not admitted until 9th August 2004.
Was the defendant declared bankrupt on 2nd October 2002? The name seems to be referable to the defendant.
- [78] I would say that it is possible that he was declared bankrupt. I cannot be absolutely sure that the Leonard Ogilvy referred to in the document is the defendant. Of course there are ways of establishing beyond a doubt that it is the defendant. But on the documentation which is before me I cannot, beyond a reasonable doubt say that it is the defendant.
- [79] On the issue on the criminal convictions Mr. Fraser contended that the three convictions referred to were for short periods, the longest being for two years. He argued that the conviction was spent.
- [80] In support he referred to the Rehabilitation of Offenders Act 1974 (U.K.) which States:
"The Rehabilitation of Offenders Act enables some criminal offences to become spent, or ignored after a rehabilitation period.

[81] A rehabilitation period is a set length of time from the date of conviction after this period, with certain exceptions; an ex-offender is not normally obliged to mention the conviction when applying for a job or obtaining insurance or when involved in criminal or civil proceedings.

[82] **Rehabilitation Periods**

The length of the rehabilitation period depends on the sentence given – not the offence committed. For a custodial sentence, the length of time actually served is irrelevant. Custodial Sentences for more than 2¹/₂ years can never be spent.

[83] The following sentence for the purpose of this case, prison sentence of more than 6 months to 2 ¹/₂ years, the Rehabilitation Period is 10 years.

Mr. Ogilvy was given sentences of 2 years and 1 year to run concurrently on 5th March 1992. According to the Act the time actually served is irrelevant.

[84] The rehabilitation period is decided by the original sentence. Mr. Ogilvy could be regarded as being given a three year sentence which under the Act can never be spent.

[85] In any event even, if it could be successfully argued that he only received a two year sentence, on 5th March 1992. When Mr. Ogilvy filed his motion on 18th September 2001, his conviction would not have been spent as 10 years had not elapsed.

[86] Mr. Fraser submitted that all of the documents, particularly those emanating from England, are hearsay document and are inadmissible.

[87] Learned Counsel relied on section 48 of the Evidence Act 2002 in support of his submission.

- [88] Section 48 deals with exclusion of hearsay evidence. In my judgment section 55 (1) (a) and section 55 (2) (ii) are relevant and applicable to the issue at hand.
- [89] "55 (1) A statement in a document is admissible in any proceedings as evidence of any fact stated therein of which direct oral evidence could be admissible if –
(a) the document is or forms part of a record compiled by a person acting under a duty from information supplied by another person, whether the other person was acting under a duty or not, who had, or reasonably supposed to have had, personal knowledge of the matters dealt with in this information.

(ii) is outside St. Lucia and it is not reasonable practicable to secure his or her attendance.
- [90] The information supplied by Peter Anthony Jones about the defendant that he not having passed the legal Practice Course and has not been admitted to the Roll of Solicitors for England is relevant and admissible under the above provisions of the Evidence Act.
- [91] Mr. Peter Anthony Jones on oath swore that he is Deputy Head of Fraud Intelligence of the Law Society of England and Wales. He has access to all records retained by the Law Society both manual and computerized.
- [92] The extracts from court records which are exhibited are also admissible. These extracts speak to the defendant's criminal record.
- [93] The documents from the Law Society (Exn.Ag.4) written to Mrs. V.G. Taylor Alexander, Solicitor General and from the Faculty of Advocates (Exn. Ag.3) – I have seen the original of these documents and all these documents are relevant and admissible.

[94] Copies of the Practicing Certificate (Exl Ag 1) and the Certificate of Practice and (Exl Ag 1) were admitted in evidence. Learned Counsel Mr. Fraser commented that they were copies and the original of these documents were not produced. Obviously the originals would be with the defendant (if in fact they were originals). A copy of the call certificate (Ag 2) was also exhibited. The original of that document, too, would be the defendant.

[95] The documents which I have referred to in this judgment (there are others to which I have not referred). Show clearly that this defendant with lies deception and false documents was able to get his name on the Roll and to be admitted to practice and take an oath as Barrister- At- Law of the Eastern Caribbean Supreme Court (St. Lucia (circuit) when he was not entitled to do so by virtue of his bad character, his lack of qualification and because of his criminal record. Thereby sullyng the name and image of a noble profession.

(1) In the curriculum vitae which he submitted for that post of magistrate. He stated that he had completed the LPC passed all subjects with distinction. Whereas in fact he had failed the course.

[96] I am forced to make these comments. I have never yet encountered a defendant as brazen as the defendant. In 1999 the defendant made an application for the position of magistrate in St. Lucia. When this application was turned down he took the matter to the highest court knowing that he was unqualified for the post and knowing that in 1992 he was sentenced to 2 years imprisonment for theft. In my view this action of the defendant speaks volumes as to his character.

[97] I find beyond reasonable doubt that the defendant:

- (a) Has not the qualification prescribed by law,
- (b) He is a person of bad character. So much so that he was not permitted to work in a solicitor's office unless that solicitor got permission from the Law Society.
- (c) He has criminal records

Order

[98] It is hereby ordered that the Registrar of High Court remove forthwith the name of the defendant, Leonard Ogilvy, from the Roll and publish the appropriate notice in the Gazette.

[99] There will be no order as to costs.

.....

Albert J. Redhead
High Court Judge (Ag)