IN THE SUPREME COURT OF GRENADA
AND THE WEST INDIES ASSOCIATED STATES
GRENADA

HIGH COURT OF JUSTICE

CLAIM NO. GDAHCV 2013/0243

BETWEEN:

IN THE MATTER OF THE WEST INDIES ASSOCIATED STATES
SUPREME COURT (GRENADA) ACT CAP336 OF
THE 1990 REVISED LAWS OF GRENADA

AND

IN THE MATTER OF THE COUNCIL OF LEGAL EDUCATION ACT
CAP 71 OF THE 1990 REVISED LAWS OF GRENADA

AND

IN THE MATTER OF THE APPLICATION OF KENROY SAMUEL TO BE
ADMITTED TO PRACTISE AS AN ATTORNEY-AT-LAW OF THE
SUPREME COURT OF GRENADA AND THE WEST INDIES
ASSOICATED STATES

Appearances:
Mr. Jimmy Bristol and Ms. Kimba Guy-Renwick for the Applicant, the Grenada Bar Association

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2014: July 1,
September 23.

JUDGMENT

[1] MOHAMMED, J.: Mr. Kenroy Samuel ("the Respondent") is an Attorney-at-Law who was admitted to practice law in Grenada since 21st May 2013 when he obtained a Certificate of Enrolment ("the Certificate of Enrolment"). The Grenada

Bar Association ("the GBA") applied on the 3rd March 2014 ("the application") for an order to set aside the Court's decision to admit the Respondent to practice and for his name to be removed from the Roll of Attorneys-at-Law. There are three affidavits filed in support of the application namely an affidavit of the then Vice-President of the Grenada Bar Association, Mr. Lawrence Albert Joseph[1] ("the Joseph affidavit"), an affidavit of the then President of the Bar, Mr. James Bristol[2] ("the Bristol affidavit") and an affidavit by Attorney-at-Law Mr. Ian Sandy[3] ("the Sandy affidavit"). The Respondent filed one affidavit in opposition[4]. Neither party filed a notice objecting to any of the affidavits filed in this matter and both the GBA and the Respondent filed submissions in support of their respective positions.

[2] The grounds of the application are: The Respondent made an ex-parte application to be admitted to practice as an attorney-at-law; the affidavits in support failed to disclose that the Respondent had been disbarred and his name was stricken from the roll of attorneys and counselors-at-law in the State of New York in the United States of America ("the Disbarment Order"); disbarment speaks to the Respondent's character; the Respondent's character is a material matter to be considered by the Court on an application to be admitted to practice by virtue of section 17 of the Legal Profession Act[5] ("the Act"); and the Court has an inherent jurisdiction to set aside orders made ex-parte where there has been non-disclosure of a material fact.

[3] The Respondent has opposed the application on the basis that at the time of the filing of his application to be admitted, which was made by Fixed Date Claim[6] ("the FDC"), he was unaware of the Disbarment Order since he was not served with the proceedings leading up to it; he only became aware of it in October 2013, some

[1] Sworn to on 26th February, 2014 and filed on 3rd March, 2014
[2] Sworn to and filed on the 28th July, 2014
[3] Sworn to on 30th July, 2014 and filed on 31st July, 2014
[4] Sworn to and filed on 18th July 2014
[5] Act No 25 of 2011
[6] Filed on the 9th May 2013

five months after the Enrolment Order, when it was brought to his attention by Mr. James Bristol; and that he is pursuing vacating the Disbarment Order.

[4] The issues for determination are:

(a) Was the Respondent aware of the Disbarment Order before filing the FDC?

(b) What was the effect, if any, by the failure of the Respondent to disclose the Disbarment Order?

Was the Respondent aware of the Disbarment Order before filing the FDC?

[5] The determination of this issue is a question of fact. Neither party cross-examined any of the deponents who swore to affidavits in the application. The GBA's position is the Respondent was aware of the Disbarment Order before the filing of the FDC and he intentionally failed to disclose it. The Joseph affidavit states that on 28th May 2002 the Respondent was by order of the Supreme Court of New York struck off the roll of attorneys and counselors-at-law in the State of New York in the United States of America[7] and that he was informed by Mr. James Bristol, the President of the GBA, that in early January 2013 the Respondent attended his Chambers and admitted that he is the subject of the Disbarment Order and that the Disbarment order is current and in effect[8].

[6] In the Bristol affidavit Mr. James Bristol stated that he served as the President of the GBA from March 2013 to March 2014 and in late 2013 the Executive of the GBA became aware of the Disbarment Order. In or about December 2013 Mr. Cajeton Hood, the Attorney General of Grenada, Carriacou and Petite Martinique ("the AG") called him to the AG's Chambers and indicated that he was informed by Mr. Ian Sandy, Attorney-at-Law, of the existence of the Disbarment Order and he

[7] Paragraph 3 of the Joseph affidavit
[8] Paragraph 4 of the Joseph affidavit

had received a copy of it. The AG also indicated to Mr. Bristol that subsequent to receiving the said information he spoke with the Respondent and discussed the Disbarment Order with him. According to Mr. Bristol, the AG told the Respondent because the latter was working out of his former private Chambers, Justis Chambers, it would be better for the Respondent to speak with Mr. Bristol with a view to ascertaining the Respondent's intention in practicing in Grenada in light of the Disbarment Order and that the AG would arrange for the Respondent to attend Mr. Bristol's Chambers to discuss the matter[9].

[7] Mr. Bristol further stated that the AG told him that the Respondent was fully aware of the Disbarment Order before he suggested that the Respondent meet with him[10]. Mr. Bristol was also mandated by the GBA's Executive to address this matter[11]. The Respondent and Mr. Bristol met at the former's Chambers sometime in December 2013 ("the first meeting") where they discussed the matter. Mr. Bristol was of the view at that meeting that the Respondent expressed no surprise or concern about the existence of the Disbarment Order[12]. According to Mr. Bristol, the Respondent did not deny that he was disbarred from practicing in the State of New York. He informed the Respondent that the GBA treated this matter seriously and that he would discuss it with its Executive[13]. The Executive met in early 2014 and it was decided that some form of action must be taken[14]. The AG contacted Mr. Bristol for an update and they agreed that Mr. Bristol would meet with the Respondent again.

[8] This meeting took place in early 2014 ("the second meeting") when Mr. Bristol explained the gravity of the situation to the Respondent. According to Mr. Bristol, he explained to the Respondent that he ought to have disclosed the Disbarment Order in the FDC. The Respondent stated that he was never served with the

[9] Paragraph 6 (i)- (iii) of the Bristol affidavit
[10] Paragraph 6(iv) of the Bristol affidavit
[11] Paragraph 6(v) of the Bristol affidavit
[12] Paragraph 6(viii) of the Bristol affidavit
[13] Paragraph 6(x) of the Bristol affidavit
[14] Paragraph 6(xi) of the Bristol affidavit

disbarment proceedings and Mr. Bristol explained that it did not matter since until the Disbarment Order is set aside, it is still in effect. At that meeting the Respondent stated to Mr. Bristol that he never challenged the Disbarment Order since after leaving the USA; he never intended to return to practice so the Disbarment Order was of no consequence to him; he did not have money to pay lawyers to challenge the Disbarment Order; and it was spent under the laws of New York. Mr. Bristol asked the Respondent if he disclosed the Disbarment Order in his application to be admitted to practice as an attorney in Antigua and the Respondent stated that the Bar in Antigua assured him that he could be called to the Bar despite his suspension as set out in the Disbarment Order. Mr. Bristol reiterated that the Respondent should have disclosed the fact of the Disbarment Order in the FDC and that if he had a defence to the charges that resulted in it, he should challenge it. The Respondent repeated that he did not have sufficient finances to challenge the Disbarment Order. Mr. Bristol then indicated to the Respondent that the GBA would take steps to bring the Disbarment Order to the Court's attention and that he should do what was necessary to challenge the Disbarment Order as this was the only way to redeem his character.

[9] Mr. Ian Sandy[15] stated that in late 2013 he became aware of the Disbarment Order[16], although he does not state how the fact of the Disbarment Order is not in dispute. He also stated that since he was aware that the Respondent was at the time practicing out of the former private Chambers of the AG he thought it incumbent on him to bring the Disbarment Order to his attention[17]. As such he informed the AG and sent him an electronic copy on 4th December 2013[18].

[10] The Respondent's affidavit contained his version of the events. He stated that he was admitted to the New York State Bar on the 28th September 1998 where he practiced until 9th September 2001. On that day, he left New York with the firm

[15] Sworn to on 30th July 2014 and filed on 31st July 2014
[16] Paragraph 2 of the Sandy Affidavit
[17] Paragraph 3 of the Sandy Affidavit
[18] Paragraph 4 of the Sandy Affidavit

intention of relocating to Antigua. He did not resign from the New York State Bar and he was advised on the same day he left that he was in good standing. Prior to leaving New York he was offered a position by the Government of Antigua and Barbuda. However, before he could take up the position he applied in early 2001 to the Norman Manley Law School to be admitted to undertake the 6-months Legal Education Certificate Course ("the LEC"). He stated that to be accepted to the LEC programme he had applied and received a Letter of Good Standing from the New York State Bar Association in 2001. He did not state the date he did this but it is reasonable to infer that it coincided when he applied, which was early 2001. The Respondent also refers to other information at paragraphs 18-21 of the Respondent's affidavit, which in my view, are irrelevant to the application but may be appropriate in another forum in a challenge of the Disbarment Order.

[11] The Respondent stated that he worked in Antigua between May 2002 and 2004 and then in Columbia in October 2008. In February 2013, his colleague and long-standing friend Gerald Douglas offered him a position at Justis Chambers which he was managing because his law partner had left Chambers to become the AG. After he accepted the position he filed the FDC and he was admitted to practice in Grenada.

[12] According to the Respondent, in October 2013 he received a telephone call from his former boss, the AG, who informed him that he needed to speak with Mr. Bristol regarding an issue with his call to the bar. He met with Mr. Bristol at his Chambers, who indicated that the AG had brought a matter to his attention and that he wanted to discuss it in confidence. Although the Respondent proceeded at the meeting on the basis that the discussions were confidential, (which was denied in the Bristol affidavit), in my view the issue of confidentiality is irrelevant for the purpose of the application since there are no laws which prevent the contents of that conversation from now being disclosed.

[13] At the meeting the Respondent stated that Mr. Bristol showed him a document on his computer and told him that it was a disbarment order from New York that bore his name, and he enquired if the person named in the document was him. The Respondent stated that his legal name is Kenroy Emanuel Samuel but that he was unaware of any disbarment against him in New York. He explained to Mr. Bristol his circumstances before leaving New York and the latter advised him that he should contact the relevant authorities to rectify the situation.

[14] The Respondent stated he did so on the same day and he explained to the Law Clerk that he had read on the internet that there were proceedings commenced in October 2001 and concluded in May 2002 but that since he had relocated out of New York since 9th September 2001 he was never contacted or served with documents of any disciplinary proceedings which he was required to attend. He also stated that he was never served or notified of any decisions, judgments or orders regarding the disciplinary proceedings. He was given certain advice by the Law Clerk of the Appellate Division and he has since instructed the law firm of Douglas and Associates to file the appropriate application to vacate the Disbarment Order.

[15] It was common ground that the meeting between Mr. Bristol and the Respondent was orchestrated by the AG. There was at least one meeting which took place after the Respondent had obtained his Enrolment Order and the only matter which was discussed was the Disbarment Order. There was a relationship between the Respondent and the AG and the Respondent was working at the AG's former Chambers from February 2013 up until the time of a meeting between Mr. Bristol and the Respondent.

[16] The Court has noted with great concern that the AG played a significant role in the events which precipitated the application and, for reasons unknown to the Court, the AG has not filed any affidavit to place on record his account of his role. This

has deprived the Court of the benefit of his evidence in a matter which has far reaching consequences, not only for the Respondent but for the profession in Grenada. In my view such omission is unfortunate.

[17] From the different versions the parties departed on the number of meetings between Mr. Bristol and the Respondent, the times of the meetings and the details of the discussions in the meeting(s) all which are material in determining when the Respondent first became aware of the Disbarment Order.

[18] Having considered both versions I make the following findings. Firstly, the GBA only became aware of the Disbarment Order in late 2013 and not early 2013. Although the Joseph affidavit stated that in early 2013 the GBA became aware of the Disbarment Order, I accept that this could not be correct since the person who discovered the Disbarment Order, Mr. Ian Sandy, stated that he only became aware of it in late 2013.

[19] Secondly, the first meeting was in December 2013 and not October 2013. It was common ground that the meeting between the Respondent and Mr. Bristol was orchestrated by the AG. This meeting could only have been arranged after Mr. Sandy had brought the Disbarment Order to the AG's attention, which was in December 2013. There was no evidence that Mr. Sandy was aware of the Disbarment Order in October 2013.

[20] Thirdly, the Respondent was aware of the Disbarment Order before the first meeting. It was common ground that the AG who orchestrated the meeting was aware of it. It is therefore plausible to me that when the AG was orchestrating the meeting between the Respondent and Mr. Bristol he told the Respondent about the Disbarment Order since the latter was still working at the former's private Chambers.

[21] Fourthly, there were two meetings between the Respondent and Mr. Bristol. The fact of a first meeting was not in dispute, which I have determined was in December 2013. Although the Respondent has not alluded to a second meeting I accept Mr. Bristol's evidence that there was a second meeting in early 2014 for the following reasons:

(a) It took place after the GBA Executive meeting in early 2014 since Mr. Bristol was mandated by the GBA Executive to look into this matter and the GBA Executive decided to take some form of action after that meeting.

(b) The pattern of events before the first meeting was similar to that before the second meeting. Just like before the first meeting, the AG called Mr. Bristol for an update and they agreed that Mr. Bristol would meet with the Respondent.

(c) Some of the details discussed at the second meeting could not have been fabricated by Mr. Bristol. The reasons for the Respondent not taking action to have the Disbarment Order set aside were: he left the United States never intending to return to practice so the Disbarment Order was of no consequence to him; he did not have money to pay an attorney to challenge it, and it was spent under the laws of the State of New York. They were matters which were specific to the Respondent and not vague and general. Further, the information that the Respondent was assured by the Bar in Antigua that he could still be called to the Bar there despite being suspended from practice since 31st December 2001, the Disbarment Order could have only come from the Respondent since only he would have known about what transpired in Antigua.

[22] Having made the aforesaid findings of fact, I have concluded that the Respondent was aware of the Disbarment Order before the filing of the FDC for the following reasons.

[23] The Respondent has not denied or challenged the statement by Mr. Bristol that he admitted that in his application to be admitted to practice as an Attorney in Antigua he did not disclose the Disbarment Order since the Bar in Antigua assured him that he could be called to the Bar despite his suspension as set out in the Disbarment Order. According to the Respondent's affidavit[19] he was admitted to practice law in Antigua in May 2002. Clearly, since then he must have known about the existence of the Disbarment Order for him to have raised such matters with the Antigua Bar.

[24] The Respondent has failed to provide any documentary evidence, where possible, to support some of his contentions. In my view this has impugned the credibility of the Respondent's evidence. In paragraph 16 of the Respondent's affidavit he states that:

> "It is important to note that one of the prerequisites for my admissions into the six (6) months *Legal Education Certificate* (LEC) course of studies at Norman Manley Law School, was a *Letter of Good Standing*, which I applied for and received from the New York State Bar Association in 2001."

[25] No doubt the purpose of this statement is to persuade the Court that the Respondent was in Good Standing with the New York State Bar in 2001, which is the same year that the disbarment proceeding began. However, there was no attempt to retrieve a copy of the letter, or any information from an independent source such as the Norman Manley Law School or even the New York State Bar to support the Respondent's contention. In this matter where the timeline is critical, given all the evidence, the only reasonable conclusion the Court can draw is if any Letter of Good Standing was done it would have been in early 2001 before the disbarment proceedings. Further, even if the Respondent was informed in September 2001 that he was in good standing with the Bar in the State of New York, there was no statement from the Bar verifying this position.

[19] Paragraph 25

[26] Similarly, if the Court is to believe the Respondent's position that he was not served with the proceedings relating to the Disbarment Order and therefore he was unaware of it *before* he filed the FDC then surely, upon Mr. Bristol bringing it to his attention in December 2013 he should have taken immediate tangible steps to have his name cleared. The Respondent has stated that he has instructed the law firm of Douglas and Associates (whose principal he has admitted is his friend and colleague) to file the appropriate petition to vacate the Disbarment Order for lack of service. However, he has not stated when he did so and what is its present status. He has failed to annex any documents filed in support of his petition to substantiate his position. In the absence of any evidence to support this contention by the Respondent, the Court must conclude that nothing has been done by the Respondent. In my view such inaction by the Respondent raises doubt in the Court's mind about the credibility of the Respondent's position that he was unaware of the Disbarment Order and the proceedings relating to it even before the filing of the FDC for the reasons set out above.

[27] Further, the credibility of the Respondent in relation to the lack of knowledge of the Disbarment Order before the filing of the FDC is also impugned when one compares the information in the affidavits filed in support of the FDC and the Respondent's affidavit. In the Respondent's affidavit[20] ("the Respondent's May 2013 affidavit") he stated that he is a citizen of Antigua and Barbuda, he holds a Juris Doctor Degree from the Saint John's University School of Law since May 1997 and a LEC from the Norman Manley Law School since April 2002. He exhibited copies of both certificates. He also stated that he has practiced continuously since 2002, first as Legal Consultant in the Office of the Attorney General in the Ministry of Justice and Legal Affairs in Antigua, and subsequently, at his private law offices in Antigua. Notably absent from the Respondent's May 2013 affidavit is his admission to the Bar in the State of New York and his term of practice there. However, the details of his practice there are now presented in the

[20] Sworn to on the 19th April 2013 before a Notary Public in Brooklyn New York and filed on 9th May 2013

Respondent affidavit[21]. In my view such omission cannot now be construed as purely co-incidental. The motive behind the omission of this information in the Respondent's May 2013 affidavit could have only been to prevent the Registrar or the Court from raising questions about his practice there. The only person who had anything to gain from such omission, was the Respondent and such omission which has now been revealed, has failed to convince the Court that the Respondent's denial of knowledge of the Disbarment Order is truthful.

[28] The broad and general explanation of lack of knowledge of the Disbarment Order before the filing of the FDC due to lack of service of proceedings is weak. The Respondent submitted that he was unaware of the Disbarment Order due to lack of service since he was out of the State of New York since September 2001 and the Disbarment Order was with effect from December 2001. According to the Disbarment Order the proceedings were commenced by petition dated 5th October 2001. However, the Respondent is not a lay person. He was a practicing Attorney-at-Law in the New York State Supreme Court, Appellate Division, in the First Judicial Department and a member of the New York State Bar for many years and he ought to have been fully aware of the procedures used in dealing with complaints against attorneys, including the procedures for service. However, he has not stated what are the procedures governing disbarment proceedings in that jurisdiction and what are the rules governing service of the said proceedings. This is important if the Respondent submitted that in his view the Disbarment Order has fallen short in non-compliance with the said procedures. He has simply made a broad general statement that he was not served and has left it up to this Court to make the assumption that Disbarment Order was improperly obtained where the Petitioner which obtained the Order was the Grievance Committee for the Second and Eleventh Judicial Districts.

What was the effect, if any, by the failure of the Respondent to disclose the Disbarment Order?

[21] Paragraph's 13 and 14 of the Respondent's affidavit

[29] The GBA has contended that by the Respondent's failure to disclose the Disbarment Order, which he was well aware of before the filing of the FDC he has deprived the Court the opportunity to consider it in determining his right to the Enrolment Order. In its view such material non-disclosure was intentional and as such the Enrolment Order should be set aside since it speaks to the Respondent's character.

[30] Section 17 (1) of the Act sets out the factors the Court is to take into account in determining whether to admit a person to practice as an Attorney-at-Law in Grenada. It states:

> "(1) Subject to the provisions of this Act, a person who makes an application to the Supreme Court, and satisfies the Supreme Court that he:
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> (a) is of good character; and either
>
> (i) holds the qualifications prescribed by law; or
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> (ii) is a person in respect of when an Order has been made under section 18;
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> (b) has paid the prescribed fees under the provisions of the Stamp Act in respect of such admission;
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> (c) has filed in the office of the Registrar an affidavit of his identity, and stating that he has paid the prescribed fee; and
>
> (d) has deposited with the Registrar, for inspection by the Court, his certificate with respect to his qualifications prescribed by law;
>
> Shall be eligible to be admitted by the Court to practice as an attorney-at law in Grenada."

[31] The Act contemplates two limbs to be satisfied by a person who has applied to be admitted to practice as an Attorney-at-Law namely the academic qualification and "good character". The onus is on the applicant on a balance of probabilities to satisfy the Court of both limbs. It was not in dispute that the Respondent had met the limb concerning academic qualification and that the Respondent did not

disclose the Disbarment Order. The question is whether the Respondent would have satisfied the limb of "good character" if he had disclosed the Disbarment Order. In the leading UK authority on the test for character in pre-admission and post-admission **Bolton v The Law Society**[22] Sir Thomas Bingham MR succinctly described it as: "It is required of lawyers practising in this country that they should discharge their professional duties with integrity, probity and complete trustworthiness."[23]

[32] The reasons proferred by Bingham MR in **Bolton** for such a high test are to protect the public and the reputation of the profession since "A profession's most valuable asset is its collective reputation and the confidence which that inspires"[24]; and "the reputation of the profession is more important than the fortunes of any individual member. Membership brings many benefits but that is part of the price[25]".

[33] Indeed, the practice of law in any jurisdiction is a privilege which carries great responsibilities. It is privilege where all communications between a person and his Counsel are protected by law under attorney/client privilege. The attorney/client relationship is deemed a fiduciary one based on trust and to ensure that clients place their trust in persons who are worthy, the character of the attorney is integral in determining whether he should be allowed to practice in a jurisdiction, including Grenada.

[34] An application to be admitted to practice as an attorney-at-law although instituted by a Fixed Date Claim is not served on any respondent and is dealt with as an ex parte matter in this jurisdiction. In my view, given the duties of trust and fidelity bestowed on an Attorney-at-Law and his standing in society, nothing short of full candour and honesty is expected in such applications.

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[22] [1994] 1WLR 512
[23] Supra at page 518 A
[24] Supra at page 519 A
[25] Supra at page 519 E

[35] After the documents are filed the Registrar has a duty under section 17 (3) of the Act to "enquire whether the person has fulfilled all the conditions for admission laid down by law, and if the Registrar is satisfied that the person has done so she shall report accordingly to the Supreme Court." In this matter the Registrar's report was filed based on her enquiries of the information set out in the affidavits filed in support of the FDC.

[36] In determining whether the factors set out in section 17 (1) of the Act are met, the Court is limited to the information which is contained in the affidavits in support of the FDC. Exhibit "LJ1" of the Joseph affidavit sets out the documents which the Judge had to consider. In addition to the Respondent's affidavit, which I have already referred to above, there was also an affidavit by the Respondent's friend and colleague Mr. Gerald Douglas in support of the Respondent's FDC, which was sworn to on 3rd May 2013 which stated at paragraph (iii):

> "I have known the Applicant, Kenroy Emanuel Samuel (Mr. Samuel") both personally and professionally for over 20 years. He is a friend. Over the years we have worked closely on matters both legal and non-legal in nature and at all relevant times I have found him to be extremely professional and exceeding expectations. Mr. Samuel is a member of the bar of Antigua and Barbuda and had previously held the position as Legal Consultant in the Office of the Attorney General in the Ministry of Justice and Legal Affairs. He presently maintains an office as a Solo Practitioner in the Parish of St. John's, Antigua."

[37] In the instituting of the Disbarment Order, the petitioner of disciplinary proceedings was the Grievance Committee and the Respondent was "Kenroy E Samuel". It states that the Grievance Committee instituted the proceedings and that the Supreme Court, Appellate Division, Second Department, New York suspended the Respondent from the practice of law pursuant to 22 NYCRR 691(l)(1)(i) upon a

finding that "he constitutes an immediate threat to the public interest in that he has failed to submit an answer to 10 pending complaints of professional misconduct."

[38] The reason stated in the Disbarment Order of the Respondent was "he constitutes an immediate threat to the public interest in that he has failed to submit an answer to 10 pending complaints of professional misconduct."

[39] In my view, the information contained in the Disbarment Order was material to the Court's assessment of the Respondent's character. It speaks directly to one of the factors which the Court must consider in assessing good character which is protecting the public and indirectly to the protection of the collective reputation of the legal profession in Grenada, which is a small fraternity.

[40] The effect of material non-disclosure in an ex parte application was examined by the Court of Appeal in this jurisdiction in Sonya Young v Vynette Frederick and ors[26] which stated:

> "…The authorities that bind us indicate that even where there was an innocent non-disclosure, much less when there is a finding of materiality and that the non-disclosure was intentional, an applicant for a without notice order cannot in those circumstances retain the benefit obtained ex parte."

[41] It is this Court's opinion that if the information in the Disbarment Order was placed before the Court considering the FDC the results of the ex parte hearing would have been different. In the circumstances, the Respondent cannot now retain the benefit obtained where there was material non-disclosure. In the circumstances, the relief sought in the application is granted. The Court's decision on 21st May 2013 to admit the Respondent to practice as an Attorney-at-Law in Grenada is set aside and the Registrar of the Supreme Court is directed to remove his name from the Roll of Attorneys-at-Law.

[26] Unreported decision in SVGHCVAP2013/022,023,024,025 and 026 at paragraph 28

[42] I also order the Respondent to pay the GBA costs of the application which is assessed in the sum of $5,000.00.

[43] Finally, before I conclude, it would be remiss of me to leave this matter without making an observation and a recommendation. In other jurisdictions in the Commonwealth, and indeed in the Caribbean, applications by persons to be admitted to local Bar are served on the local Bar Associations. Where they are not served, the local Bar is notified of the proposed application. Given the events that transpired in this matter leading up to the application, in my view the profession and the interest of the public would best be served if a practice is instituted of serving the application for a person to be admitted to practice as an Attorney-at-Law on the Bar since it will at least put the GBA on notice of prospective applicants, given their mandate in section 4 the Act which includes representing and protecting the interest of the legal profession in Grenada and assisting the public in Grenada in all matters relating to law.

Margaret Y Mohammed
High Court Judge