JAMAICA

IN THE COURT OF APPEAL

MISCELLANEOUS APPEAL NO COA2023MS00001

APPLICATION NO COA2023APP00079

BETWEEN	**DWIGHT REECE**	**1ST APPLICANT**
AND	**MELANIE POWELL-REECE**	**2ND APPLICANT**
AND	**GENERAL LEGAL COUNCIL (Ex Parte Diana Watson)**	**RESPONDENT**

Ravil Golding instructed by Lyn-Cook, Golding & Company for the applicants

Ms Kathryn Williams and Ms Shawn Steadman instructed by Livingston, Alexander & Levy for the respondent

9, 10, 25 May and 7 June 2023

Application for stay of execution of a judgment of the General Legal Council ('GLC') – Jurisdiction of the court to grant a stay of the GLC's order – Whether a stay could be granted when the GLC's formal order had already been filed – What are the prospects of success on appeal – What is the risk of irremediable harm to the parties

IN CHAMBERS

P WILLIAMS JA

[1] This is an application by Dwight Reece ('Mr Reece') and Melanie Powell-Reece ('Mrs Powell-Reece') ('the applicants') seeking the following orders:

> "(1) That the applicants be granted an order to quash/vary the decision of [the] Disciplinary Committee of the General Legal Council in the Complaint made by the Respondent DIANA WATSON.
>
> (2) That the Honourable Court grants an order of PROHIBITION to prevent the DISCIPLINARY COMMITTEE

of the GENERAL LEGAL COUNCIL giving effect to the part of the order suspending the applicants."

[2] The application was made on the following grounds:

> "a. That the applicants through their counsel had applied to the Disciplinary Committee of the General Legal Council for a stay but the Council took the view that it had no such power to grant a stay.
>
> b. The Disciplinary Committee of the General Legal Council under Section 12A of the Legal Profession Act has the power to suspend the filing of an order with the Registrar of the Supreme Court. Hence the ruling by the Panel was incorrect.
>
> c. If the order is not stayed, irreparable harm will be done to the applicants."

[3] Over several days commencing 18 June 2016, the Disciplinary Committee ('the Committee') of the General Legal Council ('the GLC') heard a complaint made against the applicants by a former client, Mrs Diana Watson ('Mrs Watson'). On 14 December 2019, the Committee gave their decision in which they found the applicants guilty of professional misconduct. On 4 April 2023, the Committee, by a majority, imposed the following sanctions on the applicants:

> "1. Each Attorney is suspended from practice for a period of three (3) months.
>
> 2. The Attorney Mr Dwight St George Reece's suspension shall take effect from the date of this Order for the said period.
>
> 3. The Attorney Mrs Melanie Powell-Reece's suspension is to take effect one day following the expiration of the date of expiration of that of Mr Dwight St. George Reece's suspension.
>
> 4. The Attorneys are to pay costs to the General Legal Council of Two Hundred Thousand Dollars ($200,000.00)

5. Each Attorney shall pay costs to [Mrs Watson] of One Hundred Thousand Dollars ($100,000.00).

6. All costs are to be paid four weeks from the date hereof."

[4] On 12 April 2023, the applicants filed their notice and grounds of appeal challenging the sanctions that were imposed. The following day, on 13 April 2023, the applicants filed and served the notice of application seeking the orders set out at para. [1] above. They also filed an affidavit of urgency in which they stated that they were seeking a stay of execution of the decision pending the determination of the appeal primarily due to the fact that, in the absence of a stay, their practice would suffer great prejudice and irreparable harm. It is noted that at para. 16 of that affidavit, the applicants stated that what was sought was "a stay of the decision of the Court of Appeal", but it is safely assumed that what they, in fact, meant was that they were seeking a stay of the decision of the Committee. The application and accompanying affidavit were served on the GLC on 13 April 2023 at 2:25 pm.

[5] On 13 April 2023, a single judge of this court considered the application and granted an interim stay of execution for 28 days and directed that the application should be fixed for an *inter partes* hearing. The *inter partes* hearing was set for 9 May 2023. On 14 April 2023 at 1:56 pm, the attorney-at-law on record for the GLC, Ms Kathryn Williams ('Ms Williams'), was advised by email of that decision and the date for the *inter partes* hearing. Ms Dahlia Davis ('Ms Davis'), the secretary of the Committee, in an affidavit filed 5 May 2023, stated that the GLC had already filed the formal order dated 4 April 2023, in the Supreme Court, as the GLC was unaware that a stay had been granted in the matter. A copy of the formal order indicating that it was filed on 14 April 2023 was exhibited to Ms Davis' affidavit.

Preliminary point

[6] After hearing the submissions of counsel, the first issue that detained me was whether I had the jurisdiction to grant the orders sought. There are two aspects to this consideration.

[7] Firstly, I recognise that the orders sought ought to fall within those which can be made by a single judge pursuant to rule 2.10(1) of the Jamaica Court of Appeal Rules 2002, which provides:

> "A single judge may make orders –
>
> (a) for the giving of security for any costs occasioned by an appeal;
>
> (b) for a stay of execution of any judgment or order against which an appeal has been made pending the determination of the appeal;
>
> (c) for an injunction restraining any party from dealing, disposing or parting with possession of the subject matter of an appeal pending the determination of the appeal;
>
> (d) as to the documents to be included in the record in the event that rule 1.7(9) applies; and
>
> (e) any other procedural application including an application for extension of time to file skeleton submissions and records of appeal."

[8] The first order being sought by the applicants to quash/vary the decision of the Committee did not, to my mind, readily fall within the powers of a single judge, since it was not immediately clear which decision the applicants were seeking to quash/vary and whether, as a single judge, I could quash or vary any decision of the Committee. The second order seeking an order of prohibition also did not seem to fall clearly within the ambit provided by the rule. However, from the grounds on which the notice of application for the orders was being made, coupled with the submissions advanced in support of the application, it became apparent that the applicants were seeking to address the Committee's refusal to grant a stay of execution of the sanctions that had been imposed, especially as it related to the suspension of the applicants.

[9] Pursuant to section 15(2) of the Legal Profession Act ('the Act'), the Committee, having made its findings and the subsequent orders, is obliged to cause a copy of the order to be filed with the Registrar of the Supreme Court ('the Registrar'). As soon as it

is filed, the order shall be acted upon by the Registrar, and thereafter becomes enforceable in the same manner as a judgment or order and all directions of the Supreme Court (see section 15(3) of the Act). The time within which to file the findings and order of the Committee is set out at rule 13 of the Legal Profession (Disciplinary Proceedings) (Amendment) Rules, 2014, which provides that:

> "The secretary [of the Committee] shall promptly file the finding, direction or order (as the case may be) of the Committee with the Registrar and, within fourteen days after the date of such finding, direction or order (as the case may be), send a copy thereof to the applicant, the attorney and to any other person specified by the Committee."

[10] The Act further provides that upon the filing of the order, the Registrar shall cause a notice stating the effect of the operative part of the order or directions to be published in the Gazette (see section 15(4)(a) of the Act).

[11] It is settled that this court may impose a stay of filing of the formal orders with the Registrar, which amounts to a stay of the execution of the orders of the Committee (see **Paulette Warren-Smith v The General Legal Council** [2014] JMCA App 22). It is equally settled that the single judge has the power to grant a stay of execution of the judgment of the Committee (see **Arlean Beckford v Disciplinary Committee of the General Legal Council** [2014] JMCA App 27 ('**Arlean Beckford**')). Accordingly, I will proceed to consider this application on the basis that the applicants are seeking a stay of execution of the orders of the Committee.

[12] It is noted that the Act also provides that upon the filing of the order, the Committee may, in such manner as it thinks fit, publish a notice of the operative part of any order suspending an attorney from practice (section 15(4)(b)(i) of the Act). This may well be viewed as the only other act required from the Committee, other than causing the copy of the order to be filed with the Registrar, which can be seen as what the applicants describe as the Committee "giving effect to the part of the order suspending the applicants". However, this act flows from filing the order with the Registrar. So, the

granting of a stay of the filing of that order would sufficiently address the Committee exercising its discretion to publish the operative part of the order and, therefore, renders seeking an order of prohibition outside of my remit.

[13] The second issue for consideration is whether there can be a stay of the order suspending the applicants, where the formal order has been filed with the Registrar. In the written submissions on behalf of the applicants, dated 8 May 2023, it is acknowledged that once the orders are filed and thereby become enforceable, such orders could not be made subject to a stay. At the time of filing of that affidavit, the applicants asserted that there was no evidence that the formal order had been filed. The GLC was served with the notice of application on 13 April 2023 at 2:25 pm, and the application was placed before a single judge of this court for guidance, as evidenced by an email sent to the single judge on 13 April 2023 at 4:25 pm. On 14 April 2023, at 9:56 am, counsel for the GLC sent an email to the Deputy Registrar of the Court of Appeal with an attached letter indicating that the application was being opposed and that they wished to obtain an opportunity to be heard on the application. They were advised by an email sent at 10:53 am that their letter had been forwarded to the single judge. The learned single judge was advised of this request at 10:50 am and responded at 11:17 am, indicating that he had considered and granted an interim stay for 28 days the previous day. The email notifying the attorneys for both sides of the judge's decision was sent on 14 April 2023 at 1:55 pm. Ms Davis, in her affidavit in opposition to the notice of application, asserted that by the time this email was received, the GLC had already filed the formal order, as it was unaware that a stay had been granted. It is to be noted that she acknowledged that the GLC had been served with the applicant's notice of application on 13 April 2023, and was aware that the GLC's attorneys had written to the Registrar on 14 April 2023. The filed formal order bears a date stamp from the Supreme Court of 14 April 2023, but there is no indication of the time it was filed, nor did the Secretary provide that information in her affidavit.

[14] I will readily admit to a sense of discomfort that the records indicate that the formal order was filed after the GLC was made aware that the applicants had taken steps

to have the filing of the formal order stayed and after an interim stay had been granted. I am well aware, however, that the GLC was under no legal obligation to stay the filing even though aware of the applicants' application. It is also clear from the records that the GLC had not been advised of the single judge's decision until 14 April 2023, although it had been granted on 13 April 2023. In the absence of any reason to doubt the words of Ms Davis, I feel obliged to accept that, at the time of filing of formal order, the GLC was unaware of the imposition of the stay.

[15] The question for me then becomes whether there was any impact on the filing which had taken place after the stay had been granted. I am grateful to Ms Williams for the efforts she made to assist me in determining the question by sharing two cases which addressed a similar question, namely: **Sivappa v Pampanna and Others** AIR 1961 Kant 83; AIR 1961 Mys 83; ILR 1960 KAR 959 ('**Sivappa**'); and **Ram Raj and Others v The State and Others** AIR 1963 All 588; 1963 CriLJ 597 ('**Ram Raj**'). The former is from the Karnataka High Court, and the latter is from the Allahabad High Court, both in India. It is noted that both cases made reference to various laws and rules of that jurisdiction which governed their decisions, and any assistance to be gained from the decisions must be circumscribed by that fact. The common issue which was determined in the decisions was whether an act done by a lower court after a stay had been granted, at a time when that court was unaware of the stay, was wrong in law and void, or whether that court had any jurisdiction to deal with the issue after the stay had been granted. Ms Williams urged that the principle that emerged from these decisions was worthy of consideration.

[16] In **Sivappa**, the court held that what was significant was the nature of the order for the stay that had been made and, if it was a prohibitory order, it had to be communicated before it could be given effect. Further, it was held that if anything is done by the court below before the order is communicated, such action, on its part, would not be a nullity. In **Ram Raj**, it was held that the order which had been passed under the relevant law could not have the effect of ousting the jurisdiction of the lower court, in the

case pending before it, so far as to make all orders passed by it in ignorance of the stay order null and void.

[17] Ultimately, it seems to me entirely logical that a party has to be made aware that there is a stay in place preventing them from doing an act that they are required by law to do. I am aware that there are some orders which take effect at the time they are made, but an order of this nature, seeking to put a pause on the normal flow of events, ought indeed to be communicated with the party entitled to act before the stay can become effective. Hence, the fact that the filing took place after an interim stay had been granted, but at a time when GLC was unaware of it, cannot affect the legitimacy of the filing.

[18] The circumstances of the filing, however, compelled me to consider the requirement of the Act that a notice stating the effect of the operative part of the order or directions be published in the Gazette, by the Registrar and by the Committee, in a manner it thinks fit. It seems to me that the process of executing the formal order would only be completed when everything which is required by the Act to be done was done. Thus, I am satisfied that the power to stay the execution could still be engaged to stay the publication of the effect of the operative part of the order and thus stay the enforceability and execution of the order which was made suspending the applicants.

The notice of application

[19] The grounds on which the applicants rely in their notice of application will now be considered. The main thrust of their complaint is that the Committee was wrong in concluding that they did not have the power to grant a stay, which was sought immediately upon the pronouncement of the majority decision as to the sanction. In the submissions on behalf of the applicants, Mr Ravil Golding ('Mr Golding') contended that the Committee had the power, by virtue of section 12A of the Act, to stay the filing of the order and failing to appreciate this power meant that the Committee had erred.

[20] In response, Ms Williams urged that the Committee was entirely correct since the Act empowers the Committee to suspend the filing of the order. She contended that the Committee was not empowered to grant a stay in the manner that counsel appearing for the applicants had sought.

[21] At the sanction hearing, after the dissenting and the majority decision of the Committee had been read, the notes of proceedings reveal that the following exchange took place between the panel and counsel for the applicants, Mr Chukwuemeka Cameron ('Mr Cameron'):

> "Panel: Is there anything else anyone wishes to say at this point?
>
> Cameron: May it so please the tribunal may we be granted a stay of execution for 30 days?
>
> Matter breaks.
>
> Matter resumes.
>
> Panel: Mr Cameron, we have considered your application and we do not think we have the power to order a stay of execution.
>
> Cameron: Obliged sir."

[22] Section 12A of the Act provides:

> "(1) The Committee shall have power, upon the application of a party against or with respect to whom it has made an order, to suspend the filing thereof with the Registrar.
>
> (2) The filing of an order may be suspended under this section for a period ending not later than –
>
> (a) the period prescribed for the filing of an appeal against the order; or
>
> (b) where such an appeal is filed, the date on which the appeal is determined.

…"

[23] The period prescribed for filing the appeal is within 28 days from the date of the pronouncement of the order, findings, or decision appealed against (see rule 5(1) of the Disciplinary Committee (Appeal Rules) 1972).

[24] The exchange between the Committee and Mr Cameron shows that, in asking for them to grant a stay of execution for 30 days, counsel was not asking for the relief stated in the Act, that is, a suspension of the filing of the order. The Committee was, therefore, correct that they did not have the power to order a stay of execution as requested.

[25] However, the applicants, having failed to make the proper request and thus failing to have the filing suspended, still have the right to apply to this court for a stay. In **Arlean Beckford**, Phillips JA had this to say at para. [40]

> "[40] ... I am also of the view, that the fact that the Act gives the Committee the power to suspend the filing of the order until the appeal is filed, or if the appeal has been filed, until the appeal has been determined, and that the order will therefore not take effect until thereafter filed, does not negatively affect the power the single judge of appeal to hear the application for stay, even though the application to suspend the order has not been made. In my opinion, failure to utilise the protection of the section, is not a deterrent to the hearing of the application for a stay…"

[26] In the circumstances of this application, I would add to this opinion expressed by Phillips JA that the failure to apply for the protection properly is similarly not a deterrent to such a hearing. The question of whether a stay should be granted will now be considered.

The law governing a stay of execution

[27] There are several decisions from this court which have discussed the applicable law governing a stay of execution, and the principles are well settled. Those laid out in **Combi (Singapore) Pte Limited v Ramnath Sriram and another** [1997] EWCA 2164 ('**Combi**') and **Hammond Suddard Solicitors v Agrichem International**

Holdings Ltd [2001] EWCA Civ 2065, have guided the approach the court ought to take when considering whether a stay should be granted.

[28] The proper approach, according to Phillips LJ in **Combi**, is for the court to make the order which best accords with the interests of justice once the court is satisfied that there may be some merit in the appeal. Therefore, the primary questions to be considered are:

1. whether the appeal has some prospect of success; and
2. where lies the greater risk of injustice if the court grants or refuses the application.

Prospects of success

[29] The grounds of appeal are as follows:

> "a. That the order that the [applicants] are hereby suspended from practice in the Courts of Jamaica for a period of three (3) months is manifestly excessive and harsh. [Mrs Watson] was already compensated in the sum of Seven Million Dollars ($7000000.00) which she may or may not have received if her matter for damages for personal injuries had been filed and tried; in the Court.
>
> b. The Complaint was not one of dishonesty and or moral turpitude and the [applicants] have not benefited financially.
>
> c. That the imposition of the fines was sufficient punishment."

[30] The background to the complaint being made against the applicants can be briefly stated. Mr Reece was initially approached by Mrs Watson in a matter concerning damages for personal injuries suffered in 2000. Mr Reece subsequently referred the matter to Mrs Powell-Reece. After the applicants had had consultations with Mrs Watson and received from her the requisite documents to pursue the matter on her behalf, the applicants failed to do so. Although advising her that a settlement was being awaited, none was ever obtained. The applicants ultimately failed to file a claim within the time for so doing, and

the matter became statute barred. Mrs Watson sued the applicants in the Supreme Court for negligence, and a consent order was arrived at whereby they agreed to pay her $7,000,000.00. In their affidavit of urgency filed in support of their application for a stay of execution, the applicants indicate that they "take full responsibility as [they] did not act promptly and prudently".

The submissions

[31] In the submissions filed on behalf of the applicants, it was noted that the Committee was divided 2:1, with the member who dissented indicating that he would have made an order for the applicants to pay costs to Mrs Watson and the GLC. The submissions continue, "[for] the reasons contained in the dissenting judgment the applicants adopt same". Further, it was also noted that the majority of the Committee, in imposing the sanctions, opined that Mr Reece "did not learn any lessons from the previous hearing" in **Dwight Reece v General Legal Council (Ex parte Lolita Henry)** [2021] JMCA Misc 1 ('**Lolita Henry**'). It was submitted that this matter was prior to **Lolita Henry**, and the majority of the Committee took into consideration a factor which they should not have.

[32] Mr Golding, in his submissions on behalf of the applicants, expounded on the issue of the reliance the majority of the Committee seemed to have placed on **Lolita Henry**, and urged that such a reliance was prejudicial. He submitted that the use of this factor resulted in the sanction imposed being excessive, harsh, and materially incorrect.

[33] Mr Golding opined that the majority of the Committee seemed to have penalised Mrs Powell-Reece mainly for the fact that she had failed to attend on several hearing dates and that her conduct had been viewed as indifferent until a medical had been belatedly tendered to account for her absence. Further, Mr Golding questioned the majority of the Committee, commenting that Mr Reece had taken no steps to satisfy them as to the reasons for the persistent absence of Mrs Powell-Reece in circumstances where they both had been represented by counsel. He contended that Mr Reece was apparently

being unfairly burdened with a responsibility to account for Mrs Powell-Reece's absence, and his failure to do so was weighed against him.

[34] Mr Golding noted that the majority of the Committee had referred to the applicants displaying a casual approach that they should not be sanctioned, and he posited that this was unfair to the applicants. This, he maintained, was another factor which was improperly taken into consideration leading to the imposition of a sanction that was excessive. Mr Golding pointed to what he referred to as the "well-reasoned dissenting judgment", which demonstrates that the applicants were justified in maintaining that the sanction of suspending them from practising for three months, was manifestly excessive and harsh.

[35] In response, Ms Williams submitted that the general principle where a sanction imposed by a disciplinary tribunal is being challenged is that courts of appeal should be loath to interfere with sanctions of disciplinary tribunals and that the courts have given great deference to the Committee. She relied on **Loleta Henry**; **Chandra Soares v The General Legal Council** [2013] JMCA Civ 8; **The Law Society v Brendan John Salsbury** [2008] EWCA Civ 1285 and **Minett Lawrence v General Legal Council (Ex parte Kaon Northover)** [2022] JMCA Misc 1 ('**Minette Lawrence'**), in support of this submission. She submitted that there was no error of law committed by the majority of the Committee, and none of the sanctions imposed are plainly wrong or clearly inappropriate. Accordingly, she contended that this court ought not to lightly interfere with the decision.

[36] Ms Williams submitted that, in determining the appropriate sanction, the starting point is the case of **Bolton v Law Society** [1994] 2 All ER 486 ('**Bolton**') and, in particular, the judgment of Sir Thomas Bingham MR. She pointed to The Sanctions Guidance: Breaches of the BSB Handbook, Version 5, 15 October 2019, produced by the Bar Tribunal and Adjudication Service, the Council of the Inns of Court in the United Kingdom, as being useful in considering what the appropriate sanction should be.

[37] Ms Williams submitted that the Committee had found that the applicants had acted with inexcusable and deplorable negligence in the performance of their duties, having failed to deal with Mrs Watson's business, and to provide her with information as to the progress of her business with due expedition. The majority of the Committee had weighed all the factors in the balance and exercised its discretion to suspend the applicants, which is a sanction that should not be disturbed by this court. The fact that the applicants had paid Mrs Watson $7,000,000.00 was among the factors properly taken into consideration, but the majority of the Committee was of the view that this was not a sufficient factor in mitigating the ethical duties of the applicants. This view, Ms Williams maintained, cannot be regarded as plainly wrong.

[38] Ms Williams noted that in relation to the previously decided matter involving Mr Reece, which involved a similar complaint, the majority of the Committee found that that case "did not provide any basis for any suggestion that the sanctions in that case and in the present case should be different in respect of either [applicant]". She highlighted the fact that it was counsel for the applicants, Mrs Carolyn Reid-Cameron, who had brought that decision to the attention of the Committee in her submissions during the sanction hearing and, therefore, it cannot be faulted for having taken the decision into consideration.

[39] Ms Williams noted that, in any event, in **Loleta Henry**, this court had found that the suspension of an attorney from practice is not a sanction reserved only for those complaints which involve dishonesty or moral turpitude, but may also be imposed in any case of professional misconduct including one in which an attorney has been found guilty of inexcusable and deplorable negligence.

[40] Ms Williams concluded that the majority of the Committee was, therefore, correct in suspending the applicants, given the range of sanctions available to the Committee and given the seriousness of the applicants' conduct. She urged that it must always be borne in mind that, in considering the issue of whether the sanctions imposed were excessive, the court ought not to disturb the sanction solely on the basis that it would

have exercised its discretion differently, but must satisfy itself that there was an error of law committed by the Committee or that the sanctions imposed are clearly inappropriate. She submitted that neither had been established in the instant case.

[41] In responding directly to issues raised by Mr Golding about the majority of the Committee taking into consideration matters they should not have, Ms Williams noted that those issues were not relied on in the grounds of appeal filed, and thus the applicants could not rely on them in the appeal. It was noted that, although Mr Golding pointed to a statement in the notice of appeal that it was the intention of the applicants to file supplementary grounds when the notes of evidence were available, the issues that the applicants were now seeking to raise had been taken from the decision on the sanction which was available to the applicants at the time the notice was filed.

Discussion

[42] Ms Williams is correct that in considering the prospect of success in an appeal against the sanction imposed, I am obliged to bear in mind the basis on which an appellate court will interfere, as has been clearly established in several decisions, including those she relied on. In **Minnett Lawrence**, McDonald-Bishop JA modified and adopted the relevant principles as follows at para. [104]:

> "(1) The appellate court should only interfere if there is an error of law, a failure to take account of relevant evidence, or a failure to provide proper reasons (see [**Solicitors Regulation Authority v**] **Anderson** [2013] EWHC 4021 (Admin)] at para. [60], per Treacy LJ).
>
> (2) The disciplinary tribunal, as an experienced body of attorneys-at-law, is best placed to weigh the seriousness of the professional misconduct and the effect that their findings and sanctions will have in promoting and maintaining the standards to be observed by individual members of the profession in the future, and the reputation and standing of the profession as a whole (see **Bolton** at page 516, per Sir Thomas Bingham MR).

> (3) Accordingly, the appellate court must pay considerable respect to the sentencing decisions of the disciplinary tribunal and in the absence of legal error will not interfere unless the sentencing decision was clearly inappropriate (see **Salsbury** [**v Law Society** [2009] 1 WLR 1286 (‘**Salsbury**')] at para. 30, per Jackson LJ; and **Anderson** at para [64], per Treacy LJ). Although it is an overstatement to say that a strong case is required before the court will interfere (see **Salsbury** at para. [30] per Jackson LJ), nevertheless, the test is a high hurdle (see **Anderson** at para [66], per Treacy.”

[43] The applicants have, in effect, adopted the reasons given in the dissenting decision of the Committee to form the basis of their appeal. They, however, to my mind, cannot rely on the existence of this dissenting decision to strengthen their prospect of successfully appealing the decision of the majority, without more. It seems to me that the factors that were used to buttress the finding in the dissenting decision that no useful purpose would be served by a suspension of the applicants with a recommendation that each applicant should pay costs to the GLC at $100,000.00 and pay costs to Mrs Watson of $100,000.00 were basically the same factors used by the majority to arrive at the position that the suspension was appropriate along with the other monetary sanctions, albeit more succinctly. The applicants are unable to demonstrate that the majority failed to take account of relevant evidence or failed to provide proper reasons.

[44] The applicants have failed to indicate any error in law on the part of the majority. The fact that there was a difference in the conclusion arrived at by the Committee does not demonstrate any error on the part of the majority of the Committee. I agree with Ms Williams that the majority of the Committee cannot be faulted for their finding that the previous decision involving Mr Reece “did not provide any basis for any suggestion that the sanctions in that case and in the present case should be different in respect of either [applicant]”. Further, as Ms Williams correctly pointed out, this court in **Loleta Henry** recognised that a sanction of suspension is not by its nature disproportionate when imposed as a result of breaches which do not involve deceit or moral turpitude. I cannot

say that the applicants have demonstrated that they have a real prospect of success on the grounds stated in their notice of appeal.

Likelihood of prejudice to the parties

[45] On the issue of the likelihood of prejudice, injustice or irremediable harm to the parties, it is acknowledged that the applicants, being suspended from the practice of law, will cause them irremediable harm. It is noted that it was in recognition of the harm that would be caused that the Committee ordered that Mrs Powell-Reece should commence her period of suspension after Mr Reece completed his. I am also acutely aware that the applicants may complete serving their periods of suspension before the appeal can be heard. However, having concluded that there is no prospect of success of this appeal, I am not able to say that there will be a risk of injustice to the applicants if the stay is not granted. I would recommend that there be an expedited hearing of this appeal.

Conclusion

[46] Accordingly, I make the following orders:

1. The orders sought in the notice of application filed on 13 April 2023 are refused.
2. The applicants' application for a stay of execution of the orders of the decision of the Committee handed down on 4 April 2023 is refused.
3. The Registrar shall endeavour to set a date for the expedited hearing of this appeal.
4. Costs of this application to the GLC to be taxed if not agreed.