IN THE EASTERN CARIBBEAN SUPREME COURT:

IN THE HIGH COURT OF JUSTICE
CIVIL DIVISION

SAINT LUCIA

[1] Claim No. SLUHDP2025/1002
BETWEEN:

THE DISCIPLINARY COMMITTEE OF THE BAR ASSOCIATION

The Committee

-and-

DANNY D. FRANCIS

Respondent

-and-

MARJORIE POLEON

Complainant

[2] Claim No. SLUHDP2025/1003
BETWEEN:

THE DISCIPLINARY COMMITTEE OF THE BAR ASSOCIATION

The Committee

-and-

DANNY D. FRANCIS

Respondent

-and-

YASMINA GARIB

Complainant

Before the Honourable Mr. Justice Alvin S. Pariagsingh

Appearances: Mrs. E. Petra Nelson, KC for the Committee.
No appearance for the Respondent.
No appearance for the Complainant.

2026: February 13

REASONS

Referral to the High Court for suspension or disbarment of Attorney-at-Law

INTRODUCTION:

[1] **PARIAGSINGH, J**: - On 13 February 2026 I made an order that the Respondent, Danny D. Francis is struck off the Roll of attorneys-at-law of Saint Lucia and is disbarred from practising law in Saint Lucia. These are the reasons for my decision.

[2] These proceedings arise from two complaints referred to this Court by the Disciplinary Committee pursuant to **section 39(3) of the Legal Profession Act** ("the Act")[1]. The Committee determined that the misconduct established in both matters warranted a sanction more severe than it is empowered to impose and that the question of suspension from practice or removal from the Roll should be determined by the High Court.

[3] The Court's task is therefore to determine the appropriate sanction having regard to the facts found, the statutory framework governing professional discipline, and the overarching objectives of protecting the public, protecting the honour and integrity of the legal profession, maintaining confidence in the legal profession, and upholding the administration of justice.

STATUTORY FRAMEWORK:

[4] The Legal Profession Act regulates the admission, practice, conduct, and discipline of attorneys-at-law in Saint Lucia.

[5] The Act establishes the Disciplinary Committee to deal with complaints against attorneys and confers jurisdiction upon it to discipline practitioners on the Roll.

[6] A client or aggrieved person may bring a complaint alleging professional misconduct.

[7] Upon hearing a complaint, the Committee may dismiss the complaint, impose a fine, reprimand the attorney, order costs, and order compensation or reimbursement.

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[1] Cap. 2.04 of the Revised Laws of Saint Lucia 2023.

[8] Where the Committee considers that a matter warrants a more severe sanction, such as suspension from practice or removal from the Roll, it must refer the matter to the High Court.

[9] The High Court retains full disciplinary authority and may remove an attorney from the Roll, suspend the attorney from practice, make costs orders, and grant such further orders as the circumstances require.

[10] Where an attorney's name is removed from the Roll, the Registrar must record the removal and publish notice, and any practising certificate ceases to be valid.

PROFESSIONAL DUTIES UNDER THE ACT:

[11] The Act gives binding force to the **Code of Ethics**[2], which regulates professional conduct and discipline. Breaches may constitute professional misconduct.

[12] The Code requires attorneys to maintain integrity, act honestly and competently, protect the interests of clients, and avoid conduct that discredits the profession.

[13] The Act also imposes accountability obligations where attorneys receive money from or on behalf of clients. Attorneys must provide statements showing amounts received and how funds have been applied.

[14] Judicial intervention is expressly contemplated where improper conduct occurs in relation to client money.

<u>Complaint 1: Marjorie Poleon</u>

BACKGROUND:

[15] Between January and February 2009, the complainant became aware that Ms. Tessa Bailey was selling a two-storey, three-bedroom house with land. She viewed the property and obtained a letter from Ms. Bailey to present to her bank for financing. The agreed purchase price was EC$147,000.00.

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[2] Schedule 3 to the Legal Profession Act.

[16] She retained the Respondent to act on her behalf in the purchase and provided him with the land register and valuation report.

[17] Following negotiations with her bankers, she signed a loan agreement dated 19 June 2009 with RBTT Bank Limited.

[18] The complainant paid EC$16,500.00 directly to the vendor. On 30 June 2009, the Respondent telephoned the complainant informing her that he had received the bank cheque and would deliver EC$78,000.00 to the vendor.

[19] The following day, the Respondent delivered a Bank of Saint Lucia cheque for EC$78,000.00 and provided three invoices indicating payments of:

1) EC$54,000.00 to First National Bank, and
2) EC$78,000.00 to Tessa Bailey.

[20] Shortly thereafter, Ms. Bailey informed the complainant that First National Bank had not received any payment of EC$54,000.00.

[21] The complainant made repeated attempts to contact the Respondent. He did not respond, save for a text message stating that he intended to sell ten acres of land and would pay the bank when he got through.

[22] Exhibited documents included bank correspondence, invoices and receipts from the Respondent, a manager's cheque payable to "Danny Francis Chambers" in the sum of EC$132,000.00, a draft deed of sale, the land register extract, and a receipt from the vendor.

COMMITTEE PROCEEDINGS:

[23] The complaint was filed on 16 December 2009. Notices were issued repeatedly between January 2010 and June 2011. The Respondent was served on multiple occasions.

[24] The matter was heard on 29 July 2011. The Committee determined that a sanction beyond its powers was warranted and referred the matter to the High Court.

Complaint 2: Yasmina Garib

[25] The second complaint was filed on 31 December 2009. On 6 May 2009, the complainant was purchasing land from a client of the Respondent. The Respondent acted for both parties and was retained to prepare the deed of sale and mortgage.

[26] The complainant paid EC$3,525.80 for legal fees and government taxes. The Respondent failed to complete the work, forcing the complainant to retain another attorney.

[27] Despite repeated efforts, she was unable to locate the Respondent and has received no refund. Documentary evidence included an invoice and a bank receipt showing payment to the Respondent for transfer of land and hypothec.

[28] The Committee heard the complaint on 29 July 2011 and referred it to the High Court pursuant to section 39(3) of the Legal Profession Act.

[29] Notices of hearing were published in the Gazette. The Respondent did not participate in the proceedings before the Committee or before this Court.

[30] The Court has also been informed that the Respondent has not held a practising certificate in Saint Lucia for more than a decade.

ANALYSIS:

Nature and seriousness of the misconduct:

[31] These complaints reveal a pattern of professional misconduct involving:

1) failure to apply client funds as represented;
2) apparent misrepresentation regarding payment of EC$54,000.00;
3) failure to account for entrusted monies;

4) abandonment of clients;
5) failure to complete retained legal work;
6) failure to refund funds; and
7) evasion of communication and disciplinary processes.

[32] The handling of client funds and completion monies is among the most serious responsibilities entrusted to an attorney. The failure to account and the representation that funds were paid when they were not strike at the heart of fiduciary duty and professional integrity.

[33] The statutory obligation to account for client funds reinforces the seriousness of this breach.

Ethical and statutory breaches:

[34] The Respondent's conduct violates the Code of Ethics obligations under Part A of the Code of Ethics to act honestly, protect client interests, and uphold the honour of the profession.

[35] While breach of provisions under Part A do not automatically amount to professional misconduct, it is a derogation from the high standards of conduct expected of an attorney-at-law and may, depending on the circumstances of the case, amount to such misconduct or form a material ingredient to it[3].

[36] The Respondent's conduct as it relates to misrepresentation and failure to account for entrusted funds violates the provisions contained under Part B of the Code of Ethics.

[37] More specifically, an attorney-at-law shall not retain money he or she received for his or her client for longer than is absolutely necessary[4], shall never mingle funds of others with his or her own and shall at times be able to refund money he or she holds for others[5]

[3] Part A, Rule 54 of the Code of Ethics.
[4] Part B, Rule 17 of the Code of Ethics.
[5] Part B, Rule 34 of the Code of Ethics.

and shall keep such accounts as clearly and accurately distinguish the financial position between himself and herself and his or her client as and when required[6].

[38] Breach of provisions contained under Part B of the Code of Ethics constitute professional misconduct and an attorney-at-law in breach is liable to any of the penalties this Court is empowered to impose[7].

Pattern of misconduct:

[39] The misconduct is not isolated. Two clients in the same period experienced similar failures involving entrusted funds and incomplete conveyancing work.

[40] In both matters there was evidence of appropriating client funds and no offer or attempt to repay client's funds over a prolonged period of time.

Failure to engage with disciplinary process:

[41] The Respondent failed to respond meaningfully despite repeated notices and service attempts. This absence of explanation or remediation is an aggravating factor.

Public protection and professional integrity:

[42] The disciplinary jurisdiction exists to protect the public and the honour and integrity of the legal profession and to maintain confidence in the legal profession. The Court must determine whether the Respondent remains fit to practise law.

Proportionality of Sanction:

[43] The Court has considered the full range of available sanctions, including reprimand, fine, suspension, and removal from the Roll.

[44] Mitigation is minimal. The fact that the Respondent has not held a practising certificate for many years does not diminish the seriousness of the misconduct nor the need for formal removal from the Roll.

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[6] Part B, Rule 35 of the Code of Ethics.
[7] Part B, Rule 41 of the Code of Ethics.

[45] The aggravating factors, particularly the handling of entrusted funds and apparent misrepresentation, weigh heavily in favour of the most serious sanction.

[46] Conduct involving client monies and dishonesty risks undermining public confidence in the legal profession and the administration of justice.

[47] In these circumstances, suspension would be inadequate to protect the public or maintain the honour and integrity of the legal profession.

[48] The principles governing professional discipline in this jurisdiction were clearly articulated in **Bryan Stephen v The Disciplinary Committee**[8] where the Court emphasized that disciplinary proceedings are not punitive but are intended to protect the public, preserve confidence in the legal profession and the administration of justice, and uphold the honour and integrity of the legal profession. The Court further observed that where an attorney mishandles client funds, fails to account, or demonstrates dishonesty or lack of integrity, the central question becomes whether the attorney remains a fit and proper person to practise law.

[49] Attorneys hold a position of trust at the core of the justice system. When entrusted funds are mishandled, and clients are abandoned without explanation or accounting, the integrity of the profession is placed at risk.

[50] Removal from the Roll is necessary to protect the public, preserve confidence in the legal profession, and uphold the administration of justice.

[51] I note the representation of King's Counsel for the Committee that the Committee is not seeking to recover its costs of this referral.

[8] Complainant No. 5 of 2006 per Wilkinson J

ORDER:

[52] For the reasons above, I make the following orders:

1) The Respondent, Danny D. Francis is struck off the Roll of attorneys-at-law of Saint Lucia and is disbarred from practising law in Saint Lucia.

2) The Respondent shall:

   i. refund EC$3,525.80 to Yasmina Garib; and

   ii. provide a full accounting of all funds received in the Poleon transaction, including the sum represented as payable to First National Bank, and pay any outstanding sums due.

3) The Registrar shall publish notice of this order in the Gazette and notify all courts in Saint Lucia of this Order.

4) There be no order as to costs.

Alvin S. Pariagsingh
High Court Judge

By the Court,

Registrar of the High Court.