IN THE EASTERN CARIBBEAN SUPREME COURT:

IN THE HIGH COURT OF JUSTICE
CIVIL DIVISION

SAINT LUCIA

Claim No. SLUHDP2025/1004

BETWEEN:

THE DISCIPLINARY COMMITTEE OF THE BAR ASSOCIATION

The Committee

-and-

EVA ST. HELENE

Respondent

-and-

KIRSTI M. JAMES

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, Eva St. Helene is suspended and prohibited from practising law in Saint Lucia subject to conditions. These are the reasons for my decision.

[2] This matter comes before the Court following a reference from the Disciplinary Committee after the Respondent failed to comply with an order directing payment of compensation and costs to the complainant.

[3] The complaint arises out of the Respondent's retainer in a property transaction involving mortgage financing and the subsequent failure to complete registration steps and provide the complainant with documentary proof of title. The complainant remained liable for mortgage payments while lacking evidence of legal ownership.

[4] The issue for determination is the appropriate sanction, considering this complaint alone.

PROCEDURAL HISTORY:

[5] The complaint was filed on 17 March 2010. Numerous notices were issued and service effected. The matter was heard by the Disciplinary Committee on 27 October 2011. The Respondent attended the hearing.

[6] The Committee ordered that the Respondent:

1) pay compensation to the complainant in the sum of $6,000; and
2) pay costs in the sum of $1,000;
3) on or before 23 November 2011.

[7] The Respondent failed to comply with that order. The matter was referred to the High Court on 24 November 2011.

FACTUAL BACKGROUND

[8] The documentary material establishes that the Respondent was retained to act for the Complainant and her husband in relation to the purchase of a parcel of land and a mortgage.

[9] Scotiabank transmitted funds in the sum of $48,000 to the Respondent's chambers in connection with the transaction.

[10] By letter dated 11 July 2007, the Respondent provided a written professional undertaking to the bank to register the hypothec securing the loan; supply a notarial copy duly registered at the Land Registry; and provide the relevant certificate evidencing registration.

[11] This undertaking formed part of the lender's security process and was relied upon in advancing funds.

[12] The complainant did not receive title documents and was unable to obtain proof of ownership. She remained obligated to service the mortgage without documentary confirmation of legal title.

[13] After the transaction advanced and payment was made, the complainant was unable to contact the Respondent or obtain clear information regarding the status of the registration.

[14] Subsequent correspondence from the Respondent suggested that the transaction had departed from the usual course and asserted that she could not be held liable under the undertaking. The Respondent also alleged irregularities involving documents and personnel at the Land Registry and raised concerns regarding procedural fairness.

[15] The Respondent's complaints concerning the Registry relate to the handling of documents and interactions with Registry personnel. There is no indication that these concerns went to the validity of the transaction, the enforceability of the hypothec, or the substance of the Respondent's professional undertaking.

[16] In my view none of the letters written by the Respondent relieved her from professional obligations. An attorney remains responsible for:

1) keeping the client fully informed;
2) taking reasonable steps to resolve administrative obstacles;
3) safeguarding the client's legal position;
4) documenting efforts to perfect registration; and
5) ensuring that the client is not left exposed to legal or financial risk.

[17] Whatever difficulties may have been encountered, the complainant was left servicing a mortgage without documentary proof of ownership and without meaningful communication from the Respondent. The Registry issues therefore do not materially mitigate the Respondent's failure to protect the client's interests.

[18] This complaint engages several core professional obligations.

Duty to honour a professional undertaking

[19] A professional undertaking to a lending institution is a solemn professional commitment upon which financial institutions rely when advancing funds. Failure to honour such an undertaking undermines trust in the conveyancing system.

Duty of diligence and competence

[20] An attorney retained to complete conveyancing and mortgage registration must ensure that the client receives proper title documentation, and that the lender's security is perfected.

Duty to communicate and protect the client's interests

[21] The Respondent's unavailability left the complainant without essential information or documentation. An attorney must keep a client informed and safeguard the client's legal position.

Duty to comply with disciplinary orders

[22] Compliance with orders of the Disciplinary Committee is fundamental to professional accountability.

[23] This was not a mere administrative delay. The misconduct resulted in: the complainant carrying mortgage liability without proof of ownership; uncertainty as to title and legal security; inability to obtain documents necessary to protect her property rights; escalation to disciplinary proceedings; non-compliance with a regulatory order.

[24] The breach of undertaking elevates the seriousness of the misconduct. Financial institutions rely on undertakings as a substitute for immediate registration. If undertakings cannot be relied upon, the conveyancing system is undermined.

[25] The complainant suffered real and continuing harm including exposure to financial liability without documentary security and the cost and delay associated with pursuing her complaint.

[26] The Respondent attended the hearing and was aware of the order directing compensation and costs. Her failure to comply demonstrates; lack of remediation, disregard for professional accountability, absence of insight into the seriousness of the misconduct.

[27] Non-compliance with a disciplinary order is a significant aggravating factor.

[28] The Court has taken into account that the Respondent has not held a practising certificate for over a decade and is not presently engaged in legal practice. This reduces the immediate risk to the public.

[29] However, it does not eliminate the Court's responsibility to determine fitness to practise or to protect the integrity of the Roll. If the Respondent's name remains on the Roll, she may apply to resume practice. The Court must therefore consider whether that would be consistent with public protection. This factor provides limited mitigation but does not excuse the misconduct.

[30] In determining sanction, the Court considers the seriousness of the misconduct, harm caused, the need to protect the public and the honour and integrity of the legal profession, and the possibility of rehabilitation.

[31] By way of mitigation, I note that there is no clear evidence of misappropriation of funds. The Respondent attended the disciplinary hearing. Further her long absence from practice reduces immediate public risk.

[32] I note the following aggravating factors, breach of professional undertaking, failure to complete essential registration steps, client left financially exposed, failure to communicate, failure to remedy the situation and failure to comply with the Committee's order.

[33] The misconduct is grave and strikes at the reliability of professional undertakings and the protection of clients in property transactions. However, in the absence of proven dishonesty or misappropriation, and having regard to the Respondent's attendance at

the hearing and the possibility of administrative complications, the Court is not satisfied that the Respondent's conduct demonstrates irremediable unfitness.

[34] The objectives of public protection and professional integrity can be achieved by a substantial suspension combined with strict conditions.

[35] Professional undertakings are the backbone of conveyancing practice. When such undertakings are not honoured and clients are left exposed, confidence in the profession is undermined.

[36] The Court is guided by the principles articulated in **Bryan Stephen v The Disciplinary Committee**[1], where Wilkinson J emphasized that the disciplinary jurisdiction of the Court is exercised not to punish the attorney but to protect the honour and integrity of the profession and to ensure that officers of the Court do not act contrary to their duties. The Court stressed that the preservation of public confidence in the legal profession is paramount and that conduct which undermines that confidence must be treated with appropriate seriousness.

[37] In the present matter, the Respondent's failure to complete the registration process, honour her professional undertaking, and safeguard the client's legal position, coupled with her failure to comply with the Committee's order, engages these principles directly and requires the Court to impose a sanction that protects both the public and the integrity of the profession.

[38] In my view a substantial suspension, coupled with compliance requirements, protects the public while preserving the possibility of rehabilitation.

[39] I note that King's Counsel for the Committee has not sought the costs of this referral.

[1] Complainant No. 5 of 2006.

ORDER:

[40] For these reasons I make the following orders:

1) The Respondent is suspended from practice for a period of eighteen (18) months.

2) The suspension shall continue thereafter until the Respondent has:

   i. Paid the compensation of $6,000 and costs of $1,000 ordered by the Disciplinary Committee.

   ii. Provided satisfactory evidence that the complainant's legal position has been regularised and that all relevant documents have been delivered.

   iii. Provided a full accounting of the transaction.

   iv. Makes an application to be issued a practicing certificate.

3) There be no order as to costs.

4) The Registrar of the High Court shall take steps to publish notice of this order on the Gazette and inform all courts in Saint Lucia accordingly.

Alvin S. Pariagsingh
High Court Judge

By the Court,

Registrar of the High Court.