

THE EASTERN CARIBBEAN SUPREME COURT

**IN THE HIGH COURT OF JUSTICE
CIVIL DIVISION**

SAINT LUCIA

CLAIM NO. SLUHCV2025/0206

IN THE MATTER of sections 23 & 24 of the Legal Profession Act, Cap. 2.04 of the Revised Laws of Saint Lucia.

-and-

IN THE MATTER of an Application by an Attorney at Law for the Grant of a Practising Certificate.

ALFRED ALCIDE

Applicant

Before the Honourable Mr. Justice Alvin S. Pariagsingh

Appearances: Mr. Alfred Alcide, the Applicant in person

2025: July 04 – Hearing
July 24 – Decision

JUDGMENT

**Application for the issuance of a practising certificate
Pursuant to sections 23 and 24 of the Legal Profession Act Cap. 2.04**

[1] **PARIAGSINGH, J:** - Before the Court is an application filed on 22nd May 2025, for the issuance of a practising certificate for the year 2025.

THE APPLICATION:

[2] The Applicant bases his desire to obtain a practising certificate on the fact that he was not struck off the roll of attorneys-at-law. He refers to one judgment entered against him (a matter currently being heard by this Court), which he states he intended to pay off by

the end of May 2025. That date has since passed and, although a significant sum was paid towards the judgment debt, it has not yet been fully liquidated.

EVIDENCE:

- [3] In support of the application, the Applicant has filed two affidavits. He deposes that he is an attorney-at-law with 21 years' practising experience in Saint Lucia. He was last granted a practising certificate in 2019. He applied for his practising certificate at the beginning of 2021 but was informed that it could not be issued as the court records revealed that orders of the Disciplinary Committee had not been complied with. He recently forwarded a Notice of Intention to apply for a practising certificate for the year 2023 (it is unclear whether he meant 2025).
- [4] He was not, and has never been, declared bankrupt, nor has he been diagnosed as being of unsound mind by any medical practitioner.
- [5] He refers to one judgment against him in the High Court, in the sum of \$56,000.00 plus interest, which he has been making payments towards. He intends to pay the balance of \$9,587.00 at the earliest opportunity and will make every effort to do so.
- [6] He prays that he may return to work and continue to discharge his duties to the best of his ability, stating that he has several clients awaiting his return to practice.

REPORT OF THE DISCIPLINARY COMMITTEE OF THE SAINT LUCIA BAR ASSOCIATION:

- [7] Upon this application being reviewed by the Court, a report was sought from the Committee on the Applicant. Once the report was received, it was made available to the Applicant together with the opportunity to make any response to same.
- [8] The report refers to nine active complaints maintained by the Committee, filed between 2019 and 2021, with six matters referred to the High Court for non-compliance, one matter awaiting a decision by the Committee, and two matters for report. All matters relate to the Applicant receiving funds from clients, whether as legal fees for

representation that did not materialise or only partly materialised, or as money paid to him for disbursement to clients which they have not received to date.

[9] The Court notes with grave concern that not one of these disciplinary matters was disclosed by the Applicant in his application. On 20th June 2025, the Court gave directions for, *inter alia*, the report to be filed on the e-litigation portal, and granted permission to the Applicant to file any additional evidence and/or submissions in support of his application. The Applicant only addresses these disciplinary matters in his written submissions, discussed below.

SUBMISSIONS OF APPLICANT:

[10] In his submissions, the Applicant states that he was last granted a practising certificate in 2018. He asserts that some complaints made to the Committee were justifiable, while others were without merit. The Court notes that, in six of these matters (those referred to the High Court for non-compliance), the Committee has heard and rendered decisions, including several orders for refunds to clients.

[11] The Court acknowledges that these matters have either been dealt with or are still being dealt with by the Committee. However, it is useful to discuss the complaints since the Applicant has provided explanations in his submissions. This exercise will assist the Court in making a determination in this matter.

[12] He further submits that what transpired with the monies paid to him by clients was beyond his control. He has not worked since 2019, having been denied a practising certificate. He has several matters before the Court of Appeal and criminal matters which he cannot attend because of the denial of his certificate.

Complaints with decisions rendered:

[13] In all of these complaints, the Committee made orders for the Applicant to refund the complainants. None of these refunds have been made in whole or in part to date.

[14] The first complaint relates to a private criminal matter the Applicant was retained to act in but did not fulfil. He was instructed, and consented, to reimburse the complainant the sum of \$2,000.00 by 31st March 2020. He asserts that he was instructed to file a private complaint, which he did, but the police subsequently filed the same matter. He advised the client to allow the police to continue with it, but states that he made several appearances to observe the police prosecution.

[15] The second complaint concerns a prescriptive title application. The complainant alleged that she was misled into paying for the application based on poor advice. The Applicant was ordered to pay \$1,000.00 and \$500.00 in costs by 30th April 2020. He asserts that proper advice was given, and that the complainant nonetheless instructed him to proceed. He denies any abuse of the client and claims to have attended the first disciplinary hearing but missed subsequent ones. He alleges he is unaware of the outcome.

[16] In the third matter, the Applicant received a cheque to pay a vendor for land but failed to do so. He also did not register the Deed of Title. He admits in submissions that he used the money to pay a fine for his son in London and intended to repay it, but COVID-19 interrupted this plan. The denial of his practising certificate in 2019, he claims, further prevented him from registering the deed. He makes no mention of any repayment made.

[17] The fourth complaint concerns \$1,700.00 and \$300.00 in costs owed to a complainant by 3rd December 2021. The Applicant alleges that the complainant refused to collect the money, despite several visits to his office.

[18] The fifth complaint involves failure to prepare a deed of sale. He was ordered to pay \$4,080.00 and \$500.00 in costs. He claims the deed was prepared and signed by both parties, but registration was interrupted by COVID-19 and his inability to practise thereafter.

[19] In the sixth matter, the Applicant received \$1,000.00 for legal services regarding a police report. He was ordered to repay this by 28th February 2025. He claims he attended the

station several times, lost contact with the client, and believed the police had taken over the matter.

Matter Awaiting Decision:

[20] This complaint was heard, and the decision is due on 24th July 2025. The Applicant received \$12,000.00 in cash to prepare documents for a property purchase. He alleges that he intends to repay the money, but his inability to practise has hindered this.

Matters for Report:

[21] In both cases, decisions have been submitted and are pending review. The hearings were scheduled for 10th July 2025.

[22] In the first of these, the Applicant received payment for a land transaction but failed to perform the required duties. This led to additional expenses for the client. He also borrowed \$1,500.00 from the complainant. He was ordered to repay \$8,253.50 by 31st May 2021. He claims he could not act until the vendor registered his deed, and once that was done, he was no longer able to practise.

[23] In the second case, the complainant paid \$1,000.00 for legal representation in a land dispute, which the Applicant failed to provide. The complainant has since died and attempts to contact her daughter have failed. The Applicant asserts he filed a defence, filed witness statements, and that the matter was progressing. No further funds were requested, and he attributes the failure to complete the matter to COVID-19 and the refusal of his practising certificate.

LAW:

[24] The issuance of a practising certificate is governed by the Legal Profession Act¹, (LPA). Section 23 provides that:

“(1) An attorney-at-law who desires to practise law shall apply to the Registrar for a certificate to be called a practising certificate.

¹ Cap. 2.04 of the Revised Laws of Saint Lucia

(2) On being satisfied that the attorney-at-law is not disqualified from obtaining a practising certificate, the Registrar shall issue a practising certificate.”

[25] Section 24 LPA sets out circumstances where the Registrar may not issue a practising certificate without the leave of the High Court. These include: failure to comply with disciplinary orders; outstanding judgment debts; bankruptcy; mental incapacity; and failure to hold a valid practising certificate for more than 12 months.

ANALYSIS:

[26] Having reviewed the evidence presented and the applicable provisions under section 24 of the Legal Profession Act, Cap. 2.04, I do not consider this to be an appropriate case in which the Court should exercise its discretion to order the issuance of a practising certificate.

[27] The statutory framework provides clear and deliberate safeguards to ensure that only those who meet minimum ethical and financial standards are permitted to practise law. Section 24(2) outlines specific disqualifying circumstances under which the Registrar must withhold the grant of a practising certificate unless the High Court orders otherwise.

[28] The Applicant falls squarely within several of these disqualifying categories: he has not held a valid practising certificate for more than 12 months (s. 24(2)(a)); he has failed to comply with numerous orders of the Disciplinary Committee, including directives to refund clients (s. 24(2)(f)); and he is subject to a subsisting unsatisfied judgment debt in the High Court (s. 24(2)(i)). This application, therefore, properly engages the supervisory jurisdiction of the Court, but the discretion conferred under section 24 is not unfettered, it must be exercised judicially, with reference to the public interest, the integrity of the profession, and the particular facts of the case.

[29] One of the more troubling aspects of the present application is the Applicant’s failure to disclose the existence of the ongoing disciplinary proceedings in his affidavits filed in support of the application. The obligation of full and frank disclosure is well established where an applicant seeks the Court’s indulgence. The omission of these matters is not

only material; it gives rise to concerns regarding candour and credibility. The fact that the Applicant only sought to address these issues after the Court issued specific directions suggests a reactive, rather than proactive, approach to compliance. Such conduct undermines the seriousness of the Court's supervisory role under section 24.

[30] The nature of the disciplinary complaints, as outlined in the Committee's report, is also of considerable concern. They do not relate to technical breaches or isolated lapses in professional etiquette. Instead, they disclose a pattern of sustained misconduct over a number of years, including: failure to perform work for which clients paid; retention of client funds without justification; and misapplication of funds entrusted for specific legal transactions. In one matter, the Applicant admits to using a client's money to pay a fine for his son in London. In another, he acknowledges receiving monies for the completion of a land transaction but failed to act, leaving the complainant without title to the property. In yet another, he failed to prepare or register a deed despite having been paid to do so. These matters, taken individually and collectively, point to a failure to uphold the core duties of competence, trustworthiness, and fidelity that lie at the heart of legal practice.

[31] It is of no small moment that the Applicant has made no meaningful effort to satisfy any of the financial obligations imposed upon him by the Disciplinary Committee. Although he has expressed an intention to repay sums owed and to make good on outstanding obligations, intention alone is not sufficient to ground the Court's discretion.

[32] The privilege of practising law is not restored by mere assurances. It is restored through demonstrable conduct that evidences rehabilitation, accountability, and a willingness to redress past wrongs. The Applicant has not provided a clear or credible plan for satisfying the judgment debt, nor has he complied with any of the orders directing him to reimburse clients. That inaction persists despite several years having elapsed.

[33] The Applicant's assertion that he has been unable to repay these sums because he has been denied a practising certificate must also be addressed. While there is undoubtedly some practical hardship associated with being barred from work, this argument amounts to a circular justification, that he must be permitted to practise in order to correct the very

wrongs that led to his disqualification. However, the regulatory regime is not constructed so as to permit a person to benefit from their own non-compliance.

[34] The Court must consider not merely the hardship to the individual applicant, but the broader implications of granting a practising certificate to someone who has not yet demonstrated that they can responsibly discharge the obligations of practice. As the Court affirmed in **Verneuil v Registrar of the High Court**², the discretion under section 24 may properly be exercised to refuse a practising certificate where there is evidence of professional misconduct, non-compliance with disciplinary sanctions, or unpaid court judgments.

[35] In **Rowan & Wheeler v Bryan Stephen**³, the Court similarly declined to grant a practising certificate to an attorney who had failed to comply with orders of the Disciplinary Committee, including orders to refund client monies. The Court in that matter emphasised the fundamental role that public confidence plays in the administration of justice and the need to protect the integrity of the profession. Where there is a risk that members of the public may continue to be harmed or misled by an attorney who has not yet accounted for previous misconduct, the Court is entitled, indeed, obliged, to exercise caution.

[36] That principle applies with equal force to the present matter. The Applicant has neither complied with the financial orders of the Disciplinary Committee, nor demonstrated any sustained effort to remedy the damage caused to former clients. Nor has he provided evidence of any recent rehabilitative or restorative steps taken to regain the trust of his peers, the public, or the legal system. Instead, the application is grounded primarily in personal hardship and the assertion that clients are awaiting his return to practice. Those circumstances, while not without sympathy, do not outweigh the Court's responsibility to uphold the honour and integrity of the legal profession in the public's interest.

² LC 2013 HC 16

³ LC 2010 HC 26

[37] The function of the Court under section 24 is not to create a pathway for return to practice based solely on economic necessity or passage of time. The privilege of practising law may only be restored when the applicant has first demonstrated a full commitment to compliance with disciplinary and judicial orders, and a reformed approach to the practice of law that respects the trust clients place in their legal representatives.

[38] In all the circumstances, I am not satisfied that this is an appropriate case for the Court to exercise its discretion in the Applicant's favour. The more prudent and responsible course is for the Applicant to first discharge his outstanding obligations, financial and disciplinary, and to demonstrate, through sustained and concrete steps, that he is once again fit to practise. Until then, the Court must prioritise the interests of the public and the profession over the personal interests of the Applicant.

SECTION 25 (SUSPENSION) CONSIDERATION:

[39] Having concluded that I am not inclined to exercise any discretion in the matter, I invited the Applicant to address me on section 25 of the Act, particularly as it is an undisputed fact that he falls squarely within the ambit of section 24(2)(f). He has several outstanding orders of the Committee that remain unsatisfied to date.

[40] The Applicant submitted that the Court nonetheless retains a discretion as to whether to impose a suspension. He made an emphatic plea, stating that his sole desire was to practise law and to honour his financial obligations.

[41] Section 25 of the Act provides as follows:

“25. Suspension of practising certificate

Where any of the provisions of section 24(2)(b), 24(2)(e), 24(2)(f) or 24(2)(g) apply to an attorney-at-law, he or she shall be suspended from practising law.”

[42] In my judgment, the language of the statute admits of no discretion. Parliament has clearly prescribed that in specific circumstances, including non-compliance with orders

of the Committee, an attorney-at-law **shall** be suspended. The use of mandatory language removes any latitude for judicial discretion.

[43] Even if I were wrong in that interpretation, and the Court does retain some discretion in determining whether to impose a suspension, I would not in any event be minded to exercise it in the Applicant's favour. The circumstances and conduct outlined above weigh heavily against such an indulgence.

[44] I also note that the Applicant has not held a practising certificate since 2019. Any prejudice occasioned by the imposition of a suspension is therefore not novel or newly arising.

[45] Accordingly, the Applicant is hereby suspended from practising law until such time as he satisfies the Court, inter alia, that section 24(2)(f) of the Act no longer applies to him.

ORDERS:

[46] For the reasons set out above, I make the following orders:

- 1) The application filed on 22nd May 2025 is dismissed with no order as to costs;
- 2) Pursuant to section 25 of the Legal Profession Act, Cap. 2.04, the Applicant, being a person who falls within section 24(2)(f), is suspended from practising law until such time as all outstanding orders from the Committee are complied with;
- 3) Pursuant to section 29(1)(a) of the Legal Profession Act, Cap. 2.04, the Registrar of the High Court shall make the appropriate alteration in the Roll and publish the corresponding notice in the Gazette to reflect the order at (2) above;

- 4) The Registrar is directed to forward a copy of this judgment to the Chairperson of the Disciplinary Committee for her attention.

Alvin S. Pariagsingh
Judge

By the Court,

Registrar