



Lawyers in the red

RECENTLY, I HEARD that the Barbados Bar Association had published a list of attorneys at law who did not pay their dues to the association as required by law.

At first I was a bit sceptical but all doubts were removed when I saw a story in the SATURDAY SUN of April 6 to that effect.

Surprisingly, the list appeared in my inbox: it contained the names of 75 lawyers. The whole affair piqued my interest so I set about to find out the reason for the omission of so many lawyers.

The reasons ranged from conscientious objection, no longer practising, inadvertence to just plain being cheap. I have examined the case for the conscientious objectors and, quite frankly, I believe that by not paying their dues, they have shown utter disrespect for the law that they are sworn to uphold.

My understanding is that some of them hold the view that compulsory membership of the Bar Association is unconstitutional and they should not be forced to pay Bar dues. I agree that no one should be forced to become a member of any organization. However, I cannot agree with the way that they have gone about registering their objection.

After all, they are lawyers and should be aware that they are required to obey all the laws until they have been struck down as unconstitutional or deemed ultra vires any particular piece of legislation by a court.

Section 11 (1) of the Legal Profession Act states: "A person who is registered on the roll and who desires to practise law in any year shall, in the month of January in that year, apply to the Registrar for a certificate, to be called a practising certificate, and the Registrar shall, on the payment of the annual registration fee, unless that person is exempt from such payment, but subject to Section 49, issue to him a practising certificate."

In addition, Section 45 (3) states: "A practising certificate issued to an attorney at law shall be of no effect until the

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SIR DAVID SEALE

annual subscription required by Section 44 has been paid."

For completeness, Section 44 makes it mandatory for an attorney at law who has been issued a practising certificate to pay annual subscriptions to the Bar Association.

It therefore appears to me that a person who does not pay his Bar dues is not entitled to practise law. If he does so, he is, in accordance with Section 12 of the Legal Profession Act, guilty of an offence and on summary conviction liable to a fine of \$5 000 or to imprisonment for one year or both.

The amazing thing is that some of these lawyers continue to appear in court, presumably because the presiding officer is unaware of their indiscretions.

To my mind, a magistrate or judge who knowingly continues to hear a defaulter in court would be guilty of aiding and abetting the lawyer in the commission of an offence. My advice is that the Bar Association should forward the list to the Chief Justice.

This situation is symptomatic of what's wrong in this society: people refuse to comply with the law if they do not like it. In this regard, practitioners of the law must be held to a higher standard. Also, it would be interesting to see how people on the list of defaulters who are scheduled to be elevated to the high office of Queen's Counsel will be treated.

Sounds like the Medes and the Persians to me.

● Sir David Seale is a Veteran business.