

**Subject:** The Role of Staff of the Bar Association

**Date:** Sunday, May 29, 2011 at 6:19:02 AM Atlantic Standard Time

**From:** DavidW

**To:** lhaynes@caribsurf.com, pat@chaltonchambers.com.bb

**CC:** 'bar@caribsurf.com'

The Executive Committee  
The President  
Mr. Leslie Haynes, Q.C.

Dear QC Haynes,

I write with some concern with regard to the treatment meted out by the Secretary of your Bar Association as such relates to my recent complaint per malpractice by one of the members of the legal fraternity.

Some time in May, I came into your offices, after a hiatus of 3 years, and recommenced a complaint against Attorney at Law Peta Gay Lee Brace.

Your secretary Ms. Sealy discussed the matter with me and indicated that I would have to submit specific items as scheduled on two forms she supplied.

I took said forms, filled them out and returned to your BBA offices and submitted my complaint. I asked for two things while I was there (i) a receipt from the BBA as my record that I had submitted the forms (see email) and (ii) the date of the next BBA committee meeting.

Ms. Sealy said that no receipt was provided to a complainant and indicated that the next BBA Committee meeting would have been the 27<sup>th</sup> day of June 2011

Before I continue I should provide some background to this/my matter. I paid \$1500 for legal representation to a lawyer for legal representation that was not dispensed in accordance with the rules and practices of the legal fraternity.

I recently revisited your offices, having started this complaint in 2008. During my recent visit in 2011, I spoke to Mrs Sealy and told her that I had been interviewed by a bespectacled gentleman (whose name I could not recall) and that he had, in my layman's estimation, started the process.

Ms. Sealy searched the diaries on her desk and stated that she did not have any record of commencement of the matter in 2008. She also indicated that she was not on staff at that time and that those records would have been with a Mr. \*\*\*. She said that she would consult with the gentleman, (she called his name). She then said that I would have to recommence the said matter again.

I was somewhat disconcerted by this pronouncement of there not being a record of my matter for, while I might have had 3 heart attacks in the interim, (and consequently would have been unable to pursue said matter as vigorously during those years as the regular claimant) I did not feel that the said Bar Association would, in this day and age, be unable to retrieve a record of my visit.

During said encounter session with Ms. Sealy, I discussed my matter concerning the Attorney-at-Law in detail.

I was subsequently provided forms A 81.078 and 079 respectively which I filled out, had them signed by a Justice of the Peace and subsequently returned them to the BLA offices the following week and waited for the 27<sup>th</sup> to pass before contacting your offices again.

I called yesterday and spoke to Ms. Sealy by phone and enquired what had been the outcome of the meeting.

The responses accorded my call were of such a timbre that I was subsequently led to ask Ms. Sealy if the Bar Association “was really the representative of John Public seeking address accorded to him by law or if it was some personal privilege that she meted out!”

Ms. Sealy first said that “she had problems reconciling how I started the enquiry in 2008 and was now recommencing the matter in 2011”.

She also in her diatribe, not one which would have been went on to tell me that I had only started the enquiry in 2008 and that “she could not take my word that I had in face started an enquiry in 2008”

I indicated that this was a unilateral position for whereas I was to accept her/the BBA’s word that my documents were duly recorded and that my matter was en vogue, she/BBA was not prepared to accept that I had started the action in 2008.

I went on to say that it was for this exact reason that I had suggested the BBA issue each of its clients with a receipt showing that they had indeed submitted complaint forms as issued by your offices.

I went on to request such a receipt for my own documents and indicated that the reason that I was requesting said documents was because I had a matter in court on Thursday 7<sup>th</sup> 2011 upon which a record of this commencement of action would have been crucial

I asked Ms. Sealy if the BBA was prepared to provide me with such a receipt for my records as well as my pending case.

Ms. Sealy responded that she categorically was not going to give me any such document.

There are a couple of things which I believe that Ms. Sealy as a secretary of your association, conducting the business of the BBA seems to miss.

I do not think that she has the rights to ask me why three years have passed and to impute that my claim of a submission was a falsehood. You can correct me if I am wrong but irrespective of the client’s reasons, and my health issues should qualify for the hiatus, if a valid concern is submitted from the public, I am of the opinion that the Bar Association should

1. Accord the client every professional courtesy in handling that claim
2. Give the client a receipt by which he or she can show that they have indeed commenced an action
3. For your own internal uses, ascribe a priority date based on the date of receipt of a claim

4. Be able to speak unequivocally to any detractors claims that certain of your claims are given precedence for examination by your Committee over earlier submissions

As I have said in previous correspondence the role of the BBA is one that is enshrined in “Quis custodiat custodient? You are the last bastion of defense against scoundrels and charlatans that would seek to besmirch the legal profession in Barbados.

Then lest we may prevent....

Respectfully,

David Weekes  
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