



**General Legal Council**

**General Legal Council office  
High Court of Belize  
Regent Street,  
Belize City  
Belize C.A**

February 22<sup>nd</sup> , 2025

Miss Trienia Young  
Registrar  
High Court of Belize  
Treasury Lane  
Belize City  
Belize

Dear Madam Registrar,

**Re: Complaint 3 of 2024- Lorena Chilin v Dale Cayetano**

We write in relation to the captioned matter.

In accordance with section 17 (2) of the Legal Profession Act Cap 320 Revised Edition 2020, the General Legal Council hereby submits the enclosed decision issued in Complaint 3 of 2024- Lorena Chilin v Dale Cayetano.  
Thank you for your kind attention to this matter.

Yours faithfully,

A handwritten signature in blue ink, appearing to read "Wallace", is written over a horizontal line.

Kimberly Wallace  
Secretary  
General Legal Council

Enc: Decision

**Contact us: Tel: (501) 227-0818/614-5157; Email: [secretarybelizeglc@gmail.com](mailto:secretarybelizeglc@gmail.com)**

GENERAL LEGAL COUNCIL

IN THE MATTER OF THE LEGAL PROFESSION ACT, CHAPTER 320

COMPLAINT NO. 3 OF 2024

BETWEEN

LORENA CHILIN

COMPLAINANT

AND

DALE CAYETANO

ATTORNEY-AT-LAW

---

PANEL

Mr. Justice Rajiv Goonetilleke (Chair)

Mrs. Magali Marin-Young SC

Mrs. Cheryl-Lynn Vidal SC

Ms. Samantha Matute

Mr. Adler Waight

Dates of Hearing

7<sup>th</sup> June 2024 and 21<sup>st</sup> June 2024

---

Appearances

Lorena Chilin, in person

Mr. Andrew Bennett, attorney-at-law, for Dale Cayetano

---

DECISION

---

## **The application**

1. This is an application by Lorena Chilin, brought pursuant to section 15(1) of the Legal Profession Act<sup>1</sup> and Rule 87 of the Legal Profession (Code of Conduct) Rules<sup>2</sup> to require attorney-at-law Dale Cayetano to answer to allegations that he has engaged in conduct unbecoming of his profession.
2. The application is dated 8<sup>th</sup> March 2024 and is supported by an affidavit sworn on the 13<sup>th</sup> of March 2024. Further information was provided, at the request of the Council in accordance with Rule 88 of the Rules, on the 8<sup>th</sup> of April 2024. Mr. Cayetano did not provide any evidence to the Council prior to the hearing.
3. The application was heard by the Council on the 7<sup>th</sup> and the 21<sup>st</sup> days of June 2024. The parties were given until the 28<sup>th</sup> of June 2024 to file written submissions, and the Council reserved its decision. The applicant provided her submissions on the 9<sup>th</sup> of July 2024 and Counsel for the attorney-at-law on the 1<sup>st</sup> of July 2024.
4. Upon request, the parties were provided with the transcript of the hearing and were given an opportunity to provide further submissions. Those were provided by the applicant on the 15<sup>th</sup> of July 2024 and by the attorney-at-law, on the 29<sup>th</sup> of July 2024.
5. This is the decision of the Council.

## **The Allegation**

6. The applicant alleges that on the 11<sup>th</sup> of January 2024, she and Mr. Cayetano engaged in a conversation regarding a case which she had before the Family Court, during which she discussed matters pertinent to the case and Mr. Cayetano did not disclose to her, until the

---

<sup>11</sup> Chapter 320 of the Substantive Laws of Belize (Revised Edition) 2020

<sup>2</sup> Chapter 320 of the Subsidiary Laws of Belize (Revised Edition) 2020

end of that conversation, that he was appearing on behalf of the other party to the proceedings, Mr. Bouloy. She also alleges that Mr. Cayetano sat along with the presiding Magistrate in the same matter, on one occasion, during his tenure as Director of the Family Court. Her position is that, because of these facts, there is a conflict of interest.

7. Mr. Cayetano denies the allegations and his position is further, that there is no conflict of interest, since he did not preside over any of the previous hearings between the parties, and at no time was the complainant his client.

### **The evidence**

8. The applicant relied on her affidavit evidence and testified under oath. In her written submissions she has referred to matters which were not ventilated during the course of the proceedings – these were not taken into account.
9. The applicant's evidence was that proceedings began in the Family Court in Belize City on the 2<sup>nd</sup> of February 2022 between her and Mr. Bouloy. It was an application on the latter's part for access to their then 10-month-old child. An interim order was made in his favour and the matter was adjourned for 3 months. The applicant was dissatisfied with the course of the proceedings and the outcome, and made certain remarks on social media about the same. She thereafter received a summons to attend Court within a few days. According to her, the summons did not indicate the nature of the proceedings.
10. On the date that the parties returned to Court, she was represented by attorney-at-law Mr. Estevan Perera and Mr. Bouloy was represented by Ms. Erin Quiroz. She stated that Mr. Perera informed her that he had spoken to Mr. Cayetano and had learnt that she had been summoned for contempt of court proceedings. According to the applicant, on that day, the magistrate who was presiding over the application for access sat along with Mr. Cayetano. He was introduced as the Director of the Family Court, sat for the duration of the proceedings, and while he did not address the parties, he appeared to her to be "*directing*"



the presiding Magistrate. The applicant was ultimately not found in contempt of Court. The substantive matter continued.

11. The parties were also thereafter engaged in an application for maintenance. On the 11<sup>th</sup> of January 2024, they were to appear before the magistrate presiding over that application for her decision. While outside of the Courtroom waiting for the matter to be called, the applicant says that she saw Mr. Cayetano, and the two engaged in a conversation. This conversation, according to her evidence, lasted about an hour and a half. They discussed details of her case, the previous contempt hearing, they spoke on family matters generally, and he even gave her his business card at her request. She testified that in the middle of the conversation, Mr. Cayetano told her that he had hesitated to give her his business card as he *“may be on the other side at some point”*. In the context of their conversation, she thought that he meant that he may take the side of a male applicant before the Court, and the conversation continued along that path, with a discussion on bias. It was not until the *end* of the conversation, that he clarified that he had been called the evening before by Mr. Bouloy and that he was there to represent him. According to her, he thereafter informed her that he was seeking an adjournment, that he was certain it would be granted, and that if she needed to leave, she could do so, and he would explain it to the Court on her behalf.
12. The applicant remained. The decision was given on the maintenance application. The original application for access, was still before the Court, and also came up for hearing on that date. The applicant stated that she objected to Mr. Cayetano appearing in that matter due to his previous involvement in the related contempt hearing and the conversation that they had just had outside of Court. The hearing was ultimately adjourned.
13. The applicant testified that during the course of the conversation she had found Mr. Cayetano to be friendly and that because of responses that he had given to her on certain issues, she had felt *“safe”*, that *“he was on [her] side”* and that he had *“validated the feelings that [she] had for two years about the Court”*. In contrast, after having been told by him that he was now representing Mr. Bouloy, she stated in examination-in-chief, *“...so*

*I felt so silly when he told [me] who he was representing*". She stated further, in cross-examination, that if he had clearly stated that he was representing Mr. Bouloy, "*the conversation would not have gone beyond any pleasantries*".

14. Mr. Cayetano disputes the account given by the applicant. He testified that he was the Director of the Family Court from the 1<sup>st</sup> of April 2015 to the end of August 2022. He said that it had come to his attention, "*through the grapevine*", that someone had complained about being undefended and that he "*wanted to see whether the person was defended or undefended*". He went into the Court and sat at the *side* of the Bench, not *beside* the presiding magistrate. When he noted that both parties came in with attorneys, he introduced himself and he left the courtroom. According to him, he was in the Court for less than 5 minutes, and only in his capacity as the Director, responsible for administration of the Court. He denied having spoken to Mr. Perera prior to the hearing.

15. As to the conversation of the 11<sup>th</sup> of January 2024, he said that there were no pleasantries exchanged, the applicant went to where he was and starting speaking to him about her case. He claimed that he was not paying attention to her and that he was not interested in carrying on a conversation with her. He testified that he told her that she should not go into her case because he may be representing the other side, and he walked away. He claims that she asked him if he would represent her, and he told her that he did not think so, as he may be on the other side. The conversation, according to him, lasted for some 10 to 15 minutes at the most and he *did not* discuss the case before the Court. He also denied telling her that the matter would be adjourned and that she could have left if she wished. He denied, in fact, having made any application for an adjournment and said that he had been sent to the Court by Mr. Moralez, the 'owner' of the firm where he works, who had spoken to Mr. Bouloy, and he had only been there to receive the decision of the Court.

16. The Council, pursuant to section 16(4) of the Legal Profession Act<sup>3</sup>, summoned Mr. Estevan Perera and Ms. Erin Quiroz to testify before the Council.

---

<sup>3</sup> Chapter 320 of the Substantive Laws of Belize (Revised Edition) 2020



17. Mr. Perera testified that he had learnt of the applicant's situation through his wife and offered to appear in Court to assist her. His recollection was that they were aware that she had been summoned for contempt of court proceedings and that they had discussed the matter before attending Court. He did not recall speaking with Mr. Cayetano prior to the hearing, nor Mr. Cayetano being at the hearing itself. The hearing was not long, submissions were made, and the applicant was not found in contempt.
18. Ms. Quiroz testified that she appeared at the contempt hearing and was present for the entire proceeding. Mr. Cayetano was in Court along with the presiding magistrate for the duration of the proceedings, which lasted less than an hour, but perhaps about half of an hour. He was introduced, and the parties were told that he was there to "*oversee*" the proceedings, but she could not recall if he spoke thereafter. She did not regard the hearing to be a formal hearing, but the parties were allowed to speak. She was not aware of the nature of the proceedings until she arrived in Court, although based on the information in her possession, she had assumed what it would have been in reference to.

#### **The evidence accepted by the Tribunal**

19. We accept the evidence of the applicant. We observed her demeanor in both her examination-in-chief and her cross-examination and considered the content of her testimony. Her evidence is also supported, on critical points, by the evidence of Ms. Quiroz, who we found to be both credible and reliable.
20. We found the evidence of Mr. Perera, to be, at best, entirely unhelpful.
21. We accept that Mr. Cayetano sat at the contempt hearing for its entire duration, along with the presiding magistrate, as testified to by both the applicant and Ms. Quiroz. We accept that Mr. Cayetano engaged in a lengthy conversation with the applicant in which matters

were discussed which touched and concerned the proceedings before the Family Court. We also accept that he did not definitively disclose to her that he would have been representing Mr. Bouloy until the end of that conversation.

### **The issue for determination and the Rules engaged**

22. The Council's task is to determine whether, on the accepted facts, there is evidence that Mr. Cayetano engaged in professional misconduct. The two prongs of the applicant's complaint, as set out above, are that Mr. Cayetano now seeks to represent Mr. Bouloy after having participated in part of the proceedings alongside the presiding magistrate, and that he improperly engaged her in conversation about the same matter, before disclosing that he was there to appear on behalf of Mr. Bouloy. In fact, her view is that Mr. Cayetano "*acted in bad faith*" and "*purposely did not immediately identify himself as opposing Counsel to elicit information from [her] to give him and his client an unfair advantage*".
23. The applicant, a lay person, has couched her complaint in terms of *conflict of interest*. Rule 62 addresses the issue of conflict of interest. It is in PART VII of the Act which carries the rubric "Mandatory Provisions and Specific Prohibitions". It states,

*"62.-(1) Except with the specific approval of his client given after full disclosure, an attorney shall not act in any manner in which his professional duties and his personal interest conflict or are likely to conflict.*

*(2) An attorney shall not accept or continue his retainer or employment on behalf of two or more clients if their interests are likely to conflict or if his independent professional judgment is likely to be impaired."*



24. We agree with the submissions of Counsel for Mr. Cayetano that this Rule does not apply in the instant circumstances. The applicant is not and was not at any time, according to the evidence, a client of Mr. Cayetano.

25. This is not however, the only Rule that addresses the issue of a conflict of interest. We have considered, in light of the *substance* of the applicant's complaint, the applicability of Rule 73. On the 10<sup>th</sup> of December 2024 the Council invited further submissions on the applicability of Rule 73. The applicant submitted those on the 31<sup>st</sup> of December 2024. Mr. Cayetano did not avail himself of the opportunity afforded to do so.

26. Rule 73, which is also in PART VII, states,

*"73. An attorney shall not accept private employment in a matter upon the merits of which he previously acted in a judicial capacity or for which he had any responsibility while he was in public employment."*

27. It is clear from the evidence that Mr. Cayetano did not act in a judicial capacity, on the merits, in the application for access that commenced on the 2<sup>nd</sup> of February 2022, and for which he has now placed himself on record for Mr. Bouloy.

28. The Rule however, also prohibits an attorney from accepting private employment in a matter in which he had *any* responsibility while he was in public employment. Mr. Cayetano's evidence was that, as Director of the Family Court, he had administrative responsibilities and exercised those when he learnt of the case. In his evidence-in-chief, he testified,

*"Mr. Cayetano: ....[The] matter came to me through the grapevine on some posting on Facebook about someone who was undefended, and she felt she was not given a fair opportunity by that time the magistrate was Magistrate Grant."*

*Mr Bennett: What did you do as a result of that information?*

*Mr. Cayetano: As a result, I took it upon myself, I tried to investigate what was the matter. Date it was adjourn for and I went into that Magistrate's Court at that date and said time and took a seat by the Magistrate. The magistrate sits about here, I'm sitting on this side as we all know in Family Court, two Magistrates can't sit together and that time it doesn't provide for two seats, so I sit on this side.*

*Mr. Bennett: What was the purpose of being seated there?"*

*Mr. Cayetano: Administration of course.*

*Mr. Bennett: What do you mean administration purpose?*

*Mr. Cayetano: Here is someone complaining about being undefended. So I wanted to see [whether] that person was defended or undefended. I [waited] until the parties came. They both came in with their attorneys."*

29. The Council accepts that Mr. Cayetano was responsible for the administration of the Family Court and that this included supervision of the magistrates of the Court and ultimate management of the cases before the Court.

30. On the evidence, Mr. Cayetano became aware of the matter, the Facebook posts having been brought to his attention, and he took the step, by way of discharge of his administrative functions, to join the presiding magistrate in the Court when the parties were summoned, because of the issues raised. In our view, this meant that he had responsibility, in his capacity as Director, for the case in which he is now seeking to appear on behalf of Mr. Bouloy.

31. This is in breach of Rule 73.

32. As to the second prong of the applicant's complaint, we have considered Rule 4(2). This Rule states,

*“(2) An attorney shall maintain his integrity and the honour and dignity of the legal profession and of his own standing as a member of it and shall encourage other attorneys to act similarly both in the practice of his profession and in his private life and shall refrain from conduct which is detrimental to the profession, or which may tend to discredit it,*

*provided that the Council will not normally be concerned with the purely private or extra-professional activities of an attorney which do not bring his professional integrity or competence into question.”*

33. We considered whether engaging in a conversation with the applicant, which included issues relating to the ongoing case before the Court, without disclosing, explicitly, until the end of the conversation, that he was representing the other side, had implications for Mr. Cayetano's integrity and standing and the honour and dignity of the legal profession.

34. Counsel for Mr. Cayetano has submitted, among other things, that

*“...[the applicant] engaged in a conversation with an attorney without properly establishing whom the attorney represented. In other words, the Applicant failed to safeguard the information from being disseminated to the wrong recipient.”* and that

*“the complainant ought to have exercised care with the information she wanted to protect. Instead, she made her case public through social media, and she shared the information about her life with the Defendant without taking steps to verify whether he was there to represent Mr. Zach Bouloy. The Complainant knew the Defendant*



*was there was an attorney and ought to have known or be cautious enough to assume that he was there for Mr. Bouloy's matter (sic)."*

35. The Council does not accept this argument, which places the onus on the applicant. The concern is whether Mr. Cayetano, knowing his purpose at the Family Court on that day, acted properly in engaging the applicant in conversation. We find that this conduct was entirely improper and in breach of Rule 4.

36. Attorneys are bound by Rule 3(3) which clearly states,

*"(3) Where in any particular matter explicit ethical guidance does not exist, an attorney shall determine his conduct by acting in a manner that promotes public confidence in the integrity and efficiency of the legal system and the legal profession."*

37. Even if there were no specific Rule relating to this conduct, since we regard it as unarguable that it was improper for Mr. Cayetano to have engaged in a conversation of this nature with an unrepresented person before the Court, without disclosing that he would be appearing for the other side, we have also concluded that Mr. Cayetano did not act in a manner that promotes public confidence in the integrity of the legal profession.

## **Conclusion**

38. Rule 85, which is part of PART VII, states,

*"(1) A breach by an attorney of any of the Rules of this Part may constitute professional misconduct or grave professional misconduct and an attorney who commits such a breach shall be liable to any of the penalties which the General Legal Council recommends and which the Chief Justice is empowered to impose."*

39. This Council finds that Mr. Cayetano is in breach of Rules 4(2) and 73 and that the conduct alleged against him constitutes professional misconduct.

40. We therefore, pursuant to Section 16(2) of the Legal Profession Act, summon him to appear on Friday the 7<sup>th</sup> day of March 2025, to show cause why sanctions should not be imposed upon him.

Dated the 21 day of February 2025.

By the General Legal Council

Mr. Justice Rajiv Goonetilleke  
Chairman

Mrs. Magali Marin-Young SC  
Member

Mrs. Cheryl-Lynn Vidal SC  
Member

Ms. Samantha Matute  
Member

### **Dissenting Decision**

41. I dissent from the decision pronounced by the majority in this matter, and from the decision which the majority of this Council think proper to render in this case.
42. Having reviewed the complaint and observing the thrust of the applicant's oral evidence and presentation, I apprehended that the complaint centered upon the applicant's interaction with Mr. Cayetano in the precincts of the Family Court. In my view, the applicant was not able to establish clearly what the conversation entailed and whether any confidential information was shared or obtained by Mr. Cayetano.
43. It is for an applicant to prove her/his complaint and, to my mind, the applicant failed to do so. I would have dismissed this complaint against Mr. Cayetano.

---

**Adler Waight**  
**Member**