



General Legal Council

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

February 22nd , 2025

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

Dear Madam Registrar,

Re: Complaint 5 of 2024- Bobbie Cain v Norman Rodriguez- Sanction Decision

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 5 of 2024- Bobbie Cain v Norman Rodriguez.

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

GENERAL LEGAL COUNCIL

IN THE MATTER OF THE LEGAL PROFESSION ACT

Complaint No. 5 of 2024

BETWEEN:

BOBBIE CAIN

COMPLAINANT

and

NORMAN RODRIGUEZ

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

Date of Hearing: February
2025

Appearances

Norman Rodriguez, the Attorney-at-Law (Written Submission dated 31st January 2025)

DECISION

Introduction

1. This is the General Legal Council's (**Council's**) decision on the sanctions to be levied against Attorney-at-law, Norman Rodriguez (**Mr. Rodriguez**) for professional misconduct. The facts leading to the Council's findings against Mr. Rodriguez are fully set out in the Council's decision of the 29th of November, 2024.
2. The Council held that Mr. Rodriguez had breached rules 28 and 69 of the Legal Profession (Code of Conduct) Rules (**Rules**).
3. In keeping with Section 16 of the Legal Profession Act (**LPA**), the Council gave Mr. Rodriguez an opportunity to address it before it deliberated over the sanctions to be imposed in this matter.
4. Before addressing the Council's sanctions, setting out the applicable statutory framework and case law is helpful.

Statutory Framework

5. The Council is empowered under Section 16(2) of the LPA to:
 - a. remove an attorney's name from the Roll of Attorneys;
 - b. remove an attorney from practice on conditions;
 - c. fine an attorney;
 - d. reprimand an attorney;
 - e. make an order for restitution against an attorney;
 - f. order the payment of costs; and
 - g. make other orders as the Council deems fit.
6. The Council is further guided by section 85 of the Rules. That section makes plain that a breach of the Rules is a derogation from the high standards of conduct expected from an attorney and a matter that may lead to findings of professional misconduct. Indeed, the breach of Rules 28 and 69 aided this Council's deliberation.

The Purpose of Sanctions

7. It is worth mentioning that the Council is not precluded from issuing a combination of sanctions or from issuing no sanctions at all.
8. In issuing sanctions, the Council is guided by Lord Bingham's now universally known guidance in **Bolton v Law Society [1994] 1 WLR 512**. It is helpful that practitioners in this jurisdiction become familiar with the following guidance:

'...lawyers practising in this country....should discharge their professional duties with integrity, probity and complete trustworthiness....'

*'Any...[Attorney]...who is shown to have discharged his professional duties with anything less than complete integrity, probity and trustworthiness must expect severe sanctions to be imposed upon him by the...[General Legal Council]. Lapses from the required high standard may, of course, take different forms and be of varying degrees. The most serious involves proven dishonesty, whether or not leading to criminal proceedings and criminal penalties. In such cases the Tribunal has almost invariably, no matter how strong the mitigation advanced for the...[Attorney]...[should]...order... that he be struck off the Roll. If an...[Attorney]...is not shown to have acted dishonestly, but is shown to have fallen below the required standards of integrity, probity and trustworthiness, his lapse is less serious but it remains very serious indeed in a member of a profession whose **reputation depends upon trust**. A striking off order will not necessarily follow in such a case, but it may well. The decision whether to strike off or to suspend will often involve a fine and difficult exercise of judgment, to be made by the tribunal as an informed and expert body on all the facts of the case. Only in a very unusual and venial case of this kind would the tribunal be likely to regard as appropriate any order less severe than one of suspension.'*¹

9. Lord Bingham also offers guidance as to the Council's objectives in issuing sanctions for professional misconduct:

"It is important that there should be full understanding of the reasons why tribunal[s] make orders which might otherwise seem harsh. There is....a punitive element: a penalty may be visited on an...[Attorney]who has fallen below the standards required of his profession in order to punish him for what he has done and to deter any other...[Attorney]... tempted to behave in the same way. Those are traditional objects of punishment. But often the order is not punitive in intention. In most cases the order of the tribunal will be primarily directed to one or other or both of two other purposes.'

'One is to be sure that the offender does not have the opportunity to repeat the offence. This purpose is achieved for a limited period by an order of suspension; plainly it is hoped that experience of suspension will make the offender meticulous in his future compliance with the required standards. The purpose is achieved for a longer period, and quite possibly indefinitely, by an order of striking off.'

*'The second purpose is the **most fundamental of all**: to maintain the reputation of the...profession as one in which every member, of whatever standing, **may be trusted to the ends of the earth**. To maintain this reputation and sustain public confidence in the integrity of the profession it is **often necessary that those guilty of serious lapses are not only expelled** but denied re-admission. A member of the public... is ordinarily entitled to expect that the...[Attorney]...will be a person whose trustworthiness is not, and never has been, seriously in question. **Otherwise, the whole profession, and the public as a whole, is injured. A profession's most valuable asset is its collective reputation and the confidence which that inspires.**'*² (emphasis added)

¹ At paragraphs 13 – 14

² At paragraph 15

10. Lord Bingham went on to say that an Attorney's personal circumstances play a limited role in sanctions on account of the preceding. He explained that:

*'Because orders made by the...[General Legal Council]....are not primarily punitive, it follows that considerations which would ordinarily weigh in mitigation of punishment **have less effect on the exercise of this jurisdiction** than on the ordinary run of sentences imposed in criminal cases. It often happens that an...[Attorney]... appearing before the tribunal can adduce a wealth of glowing tributes from his professional brethren. He can often show that for him and his family the consequences of striking off or suspension would be little short of tragic. Often he will say, convincingly, that he has learned his lesson and will not offend again. On applying for restoration after striking off, all these points may be made, and the former...[Attorney]... may also be able to point to real efforts made to re-establish himself and redeem his reputation. All these matters are relevant and should be considered. But none of them touches the essential issue, which is the need to maintain among members of the public a well-founded confidence that any...[Attorney]...whom they instruct will be a person of unquestionable integrity, probity and trustworthiness. **Thus it can never be an objection to an order of suspension in an appropriate case that the...[Attorney]... may be unable to re-establish his practice when the period of suspension is past.**'*
*'If that proves, or appears likely, to be so the consequence for the individual and his family may be deeply unfortunate and unintended. But it does not make suspension the wrong order if it is otherwise right. **The reputation of the profession is more important than the fortunes of any individual member. Membership of a profession brings many benefits, but that is a part of the price**'.*³

11. The Council decided to set out long extracts of the *Bolton* so that Attorneys and the public understand the matters that weighed upon the Council's consideration in Mr. Rodriguez's case.

The Facts in Brief

12. A brief recitation of the facts is necessary.
13. Ms. Bobbie Cain's complaint against Mr. Rodriguez was that he behaved in a manner unbecoming of a person in his profession and was guilty of delay in performing certain legal work, namely the filing of a civil claim in the High Court against a contractor for breach of contract and for refusing to refund monies paid to him.
14. The Council found that Mr. Rodriguez took more than 48 months to file Ms. Cain's claim and that this protracted delay was inexcusable and deplorable and must be condemned in the strongest terms.

³ At paragraph 16

15. This Council invited Mr. Rodriguez to show cause why sanctions pursuant to the LPA should not be levied against him, and he sent in a written submission on January 31, 2025.

Submission by Mr. Rodriguez

16. Mr. Rodriguez submitted a written submission to the Council, stating that the Council lacked jurisdiction to hear Ms. Cain's complaint since the form she submitted contained a "*request*" and was not in the nature of a "*complaint*." At the hearing of the evidence of Ms. Cain, she was asked what was the nature of her matter, and in addition to her written complaint, she amplified in great detail the nature of the complaint that she had filed. Mr. Rodriguez took no objection at the hearing as to the written form of the complaint nor the evidence marshaled by Ms. Cain, including her oral evidence as well as the evidence tendered by her. The Council finds that this objection should have been made during the hearing and cannot be made now.
17. Mr. Rodriguez's second ground in his written submission is that the Council violated his constitutional right to a fair trial and natural justice. Mr. Rodriguez complained that the Council members who questioned Ms. Cain and Mr. Rodriguez acted as prosecutors in their "*cross-examination*" and that the evidence given at the hearing was inadmissible. With respect, these are matters that Mr. Rodriguez could take up in a claim seeking constitutional redress or on appeal of this matter, as they offer nothing in mitigation for this Council to consider in coming to a decision regarding sanctions.

Selection of Sanctions

18. In deciding upon the sanction, the Council will first consider the seriousness of the misconduct.
19. The Council finds Mr. Rodriguez's protracted delay of more than 48 months to file a claim to be inexcusable. Mr. Rodriguez's misconduct is aggravated by the fact that Ms. Cain tried on numerous occasions via Whatsapp to obtain status updates on her matter, and for months, her texts were left unanswered. Despite Mr. Rodriguez's dilatory conduct in the first two years, Ms. Cain gave him a second chance to do right by her. She withdrew an earlier request made to Mr. Rodriguez for a refund of her retainer due to his delay in filing her claim. Despite the withdrawal of the request, Mr. Rodriguez continued to ignore her Whatsapp texts and did not proceed with the expected alacrity after being given a second chance, prejudicing her ability to have her claim filed in a timely manner to seek to recover the money paid to the contractor.

20. The Council has also considered Mr. Rodriguez's submission, which showed no remorse for his professional misconduct.
21. The Council finds that Mr. Rodriguez's conduct, though not dishonest, has fallen below the required standards of integrity, trustworthiness, and promptitude expected of this profession. Mr. Rodriguez's behaviour is concerning, considering that he had an opportunity to express remorse, and he communicated none in his written submission for his protracted delay in preparing Ms. Cain's claim.
22. The Council has considered all the evidence and submissions before making the above determination.

Selecting the Sanction

23. The Council considers Bolton's guidance and the purpose it must achieve in sanctioning Mr. Rodriguez.
24. Mr. Rodriguez's misconduct and culpability are sufficient to preclude the Council from making no order.
25. Mr. Rodriguez's conduct is consequential and, in fact, did cause prejudice to Ms. Cain in obtaining timely redress before the High Court. The Council considers that the gravity of the misconduct is on the high end and that a fine would be due to Mr. Rodriguez's misconduct.
26. The Council also considers that protecting the public and the reputation of the legal profession requires a greater sanction than a reprimand and that a fine and an order for restitution of funds paid by way of a retainer would be in order given Mr. Rodriguez's failure to respond and to act in a timely manner despite Ms. Cain giving him a second chance and despite her numerous attempts to obtain an update status on her matter was simply inexcusable and demonstrates a total lack of respect for the profession and his duty to his client to act with promptitude.
27. In its deliberations, the Council reviewed sanctions previously issued in *Complaint No. 12 of 2023 Dozie v Elrington* and *Complaint No. 10 of 2023 Young v Neal*. The Council also considered decisions emanating from Jamaica and guidance issued by the Solicitors Disciplinary Tribunal in considering this fine.
28. The Council considers that a fine of \$10,000.00 is apt in the circumstances.
29. The orders are sufficient to punish Mr. Rodriguez and deter others from following in his footsteps. The orders also serve to vindicate the legal profession's reputation.

Orders

30. Considering all the material placed before this Council, the Council unanimously, makes the following orders:

- a. Mr. Rodriguez is fined the sum of \$10,000.00 payable to the Registrar and the Registrar is directed to pay a portion of this fine, namely \$5,000.00 to Ms. Bobbie Cain.
- b. Mr. Rodriguez is also to fully refund all monies, namely \$3,000.00, paid by Ms. Cain to him to institute her claim for breach of contract against Mr. A. Jones without any deductions. Such sum should also be paid to the Registrar to be thereafter paid to Ms. Cain together with the portion of the fine payable to her.
- c. The fine and refund must be paid on or before 21st day of March 2025.
- d. In the event that the fine of \$10,000.00, or the refund of \$3,000.00 is not paid on the due date as directed, Mr. Rodriguez will, from the date on which he has failed to make payment, be suspended from practicing law until such time as the payment is made in full and confirmed to this Council by the Registrar.

Dated the 21st day of February 2025

By the General Legal Council