



General Legal Council

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

22nd February 2024

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

Dear Madam Registrar,

Re: Complaint 2 of 2020- Rae English Et Al v Michel Chebat SC-Sanction

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 2 of 2020- Rea English et al v Michel Chebat SC.

Thank you for your kind attention to this matter.

Yours faithfully,

A handwritten signature in blue ink, appearing to read "Wallace".

Kimberly Wallace
Secretary
General Legal Council

Encl: Show Decision of Complaint 2 of 2020

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. 2 of 2020

BETWEEN:

RAE ENGLISH

1st COMPLAINANT

STANLEY D. COOK

2nd COMPLAINANT

and

MICHEL H. CHEBAT

ATTORNEY-AT-LAW

PANEL:

Mr. Justice Rajiv Goonetilleke (Chair)

Mrs. Cheryl-Lynn Vidal SC

Mrs. Ashanti Arthurs Martin

Ms. Samantha Matute

Mr. Adler Waight

DECISION ON SANCTIONS

Introduction

1. This is the decision on sanctions by the General Legal Council (hereinafter referred to as the “**GLC**” or “**Council**”) levied against Attorney-at-law, Michel H. Chebat (**Mr. Chebat**) for professional misconduct. By its decision dated 27th September, 2024, the GLC found Mr. Chebat guilty of professional misconduct and gave Mr. Chebat an opportunity to ‘show cause’ why sanctions should not be imposed on him. The facts leading to the findings against Mr. Chebat were fully set out in the GLC’s decision of 27th September, 2024.
2. The GLC held that Mr. Chebat breached **Rule 28(1)** of the Legal Profession (Code of Conduct) Rules (**Rules**).
3. In keeping with Section 16 of the Legal Profession Act (**LPA**), the GLC gave Mr. Chebat an opportunity to address it before sanctions are imposed in this matter. Mr. Chebat submitted a written response dated 24th October, 2024 to ‘show cause’ why sanctions should not be imposed against him.
4. Before addressing the sanctions, it is helpful to set out the applicable statutory framework and case law.

Statutory Framework

5. The GLC 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.

The GLC 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.

The Purpose of Sanctions

6. It is worth mentioning that the GLC is not precluded from issuing a combination of sanctions.

The Council may also issue no sanction at all.

7. In issuing sanctions, the GLC is guided by the now universally known guidance issued by Lord Bingham 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 (emphasis added)

8. Lord Bingham also offers guidance as to the 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)*

9. Lord Bingham went on to say that an Attorney's personal circumstances play a limited role when considering the sanctions to be imposed upon him (or her). 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***

¹ At paragraphs 13 – 14

² At paragraph 15

*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 (emphasis added)

10. The long extracts of **Bolton** have been cited above so that Attorneys and the public understand the matters that weighed upon the Council when considering the sanctions in Mr. Chebat's case.

The Facts in Outline

11. A brief recitation of the relevant facts is necessary.
12. In or about 2015 the complainants engaged the services of MH Chebat & Co. to recover \$20,000.00 owed to them by Wasani Zuniga.

³ At paragraph 16

13. On 19th May, 2015 Ms. Nazira Myles, then an attorney at the firm, obtained judgment against Mr. Zuniga on behalf of the Complainants, which was to be paid by monthly instalments. Mr. Zuniga defaulted and Ms. Myles, at the Complainant's request, applied for a Writ of Execution to have Mr. Zuniga's goods (including a boat) marked, including a boat.
14. Ms. Myles left M.H. Chebat & Co. in 2018, and following her departure, the Complainants made several attempts to reach Mr. Chebat by phone and via email, to no avail. Despite having the boat and other goods of Mr. Zuniga marked, they had not been removed and sold, and no further steps were taken by their attorneys.
15. Out of frustration, the Complainants engaged the services of a lay person, Gene Lopez, to assist with having the boat and other marked goods removed and sold.
16. Following the removal of the goods, Mr. Zuniga applied to the Court to vary the terms of the Judgment Order. The Complainants did not attend the hearing where the judge varied the terms of the Judgment Order, released the boat to Mr. Zuniga, and ordered costs against the Complainants in the sum of \$1,000.00.
17. Mr. Chebat left active practice in January 2020 to pursue his political career. However, he was candid during the hearing and acknowledged that, as the principal of the firm, it was his responsibility to leave systems in place to meet the needs of his clients, and that he is liable for the actions and default of his staff and associates.

Mitigation by Mr. Chebat

18. Mr. Chebat submitted a written statement to the Council to 'show cause' why sanctions should not be imposed against him. At the very first paragraph of his statement, Mr. Chebat expressly his sincere apology and regret of the events and omissions which founded the Complaint.

19. Mr. Chebat invited the Council to revisit its finding of fact that the letter of 6th February, 2018 did not terminate the firm's engagement. Mr. Chebat also pointed out that the Complainants had resorted to "self-help" and hired a lay person, which led to the 2019 variation of the Judgment Order and order of that the Complainants pay \$1,000.00 in costs.
20. Mr. Chebat requests that no sanction be imposed against him.

Considerations – Seriousness of the Misconduct

21. In deciding upon the sanction, the GLC will firstly consider the seriousness of the misconduct.
22. The Council has also considered Mr. Chebat's plea and explanation and finds that Mr. Chebat was contrite. However, in keeping with the decision of *Bolton*, cited above the weightage attached to such personal plea has to be considered in light of the greater general interest of the reputation of the legal profession.
23. The Council finds that Mr. Chebat was never directly involved in the Complainant's case, and at all material times prior to her departure in 2018, the case had been supervised by Ms. Myles. The Council accepts that the email address, mchebat@mhchebat.com was managed by the office staff, and not by Mr. Chebat directly. As such, emails sent to that address by the Complainants were responded to by members of staff, not Mr. Chebat. Furthermore, Mr. Chebat left his firm in January 2020, and so was not actively engaged in the day to day operations of his firm after that time. The Council therefore finds that the lack of responsiveness by Mr. Chebat was not intentional, but resulted from his failure to put proper systems in place at his office.
24. The GLC finds that Mr. Chebat's conduct, though not intentional, has fallen below the required standards, albeit on the lower end of the scale of misconduct. In reaching the above determination, the Council considered all the evidence and submissions placed before it.

The Sanction

25. The Council bears in mind the guidance given in *Bolton* and the purpose that the appropriate sanction must achieve.
26. The Council notes that aside from the costs of \$1,000.00, the Complainants suffered no other financial loss. The Complainants still have the benefit of a judgment against Mr. Zuniga, and by the 2019 variation of the Judgment Order, Mr. Zuniga was ordered to make payments directly to the Court.
27. The Council considers that the costs of \$1,000 had been incurred as a result of the Complainants' decision to employ a lay person to assist with the seizure and sale of marked goods, instead of engaging another attorney.
28. Accordingly, the Council does not think this is a fit case in which the GLC should impose a financial sanction, and will instead issue a reprimand.

Orders

29. Having considered all the material placed before it, the GLC hereby reprimands Mr. Chebat for failing to put in place at his firm appropriate systems to ensure that the Complainants' case was progressed and their inquiries were addressed in a timely manner. While Mr. Chebat did not intentionally fail to respond to the Complainants' inquiries, he is the principal of M.H. Chebat & Co., and so is liable for the default and omissions of his staff. It is incumbent on practitioners to ensure that they have adequate systems in place to address their client's concerns within a reasonable time, whether the attorney is actively engaged in practice or not.

Dated the 21st of February 2025

By the General Legal Council

