

Bar  
Council



Bahamas Bar Association

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27th January, 2011

Sen. Hon. John F.K. Delaney  
Attorney General and Minister of Legal Affairs  
Office of the Attorney General  
Post Office Building  
East Hill Street  
Nassau, Bahamas

Dear Mr. Attorney:

Re: Application for Call to The Bahamas Bar - Ms. Vinette Graham Allen

Further to the Hearing of this matter on the 20th December, 2010, please be advised that the Bar Council has approved the application for call of Ms. Vinette Graham Allen. Attached hereto is a copy of the Ruling dated the 24th January, 2011.

Please be advised that the original of the same will be provided once we have secured the signature of Mrs. Jeanine Weech-Gomez who unfortunately is unable to provide us with her signature as a result of her recent personal tragedy.

Respectfully yours,  
BAHAMAS BAR COUNCIL

A handwritten signature in black ink, appearing to be 'Rachel L. Culmer', written over the printed name.

Rachel L. Culmer  
Honorary Secretary

cc: ✓ Mr. Fred Mitchell, M.P.  
Chilcott Chambers  
Messrs. Rolle & Rolle  
Mr. Elsworth Johnson

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**Application for Admission to the Bar of Vinette Graham Allen**

On or about 1<sup>st</sup> September, 2010 Mr. Franklyn Williams attended the Bar office to present an application in respect of Mrs. Vinette Graham Allen. He was advised that the application was not in order and he left to have the same redone. At that point the chairman asked that the application be put on the Council's agenda for 7<sup>th</sup> September, 2010. The undated application was received by the Bar office on 7<sup>th</sup> September, 2010.

The Bar Council considered the application and reverted to Mrs. Graham Allen on 21<sup>st</sup> September, 2010 informing her that the application was not in proper form. It was noted by Council that the application was made under the wrong section of the Legal Profession Act, the petition was defective, the affidavit was deficient and wrongly executed, the wrong size paper was used, the documents were executed and filed prior to approval, incomplete references and no fee had been paid. In light of the foregoing, Mrs. Culmer, the Honourary Secretary, personally attended upon Mr. Williams to advise him of the difficulties and how to overcome them.

On 20<sup>th</sup> October, 2010 Mrs. Graham Allen submitted a new application for call (corrected application). Regrettably, an email had been sent to the Director of Legal Affairs and not directly to Mrs. Graham Allen to advise her of the Council's findings on the re-submission. By letter dated 24<sup>th</sup> November, 2010 Mrs. Graham Allen was advised that her application was approved subject to the following:

1. Re-executed Affidavits as those provided were incorrectly signed on the line provided and have Mr. Sumner sign above the words "Notary Public",
2. A recent Police Certificate from your last place of residence, Jamaica.
3. No objections from the local Bar

By letter dated 9<sup>th</sup> December, 2010 Mrs. Graham Allen complied with items 1 and 2 by submitting the re-executed Affidavits.

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In the interim the Bar circulated the usual Notice to the general Bar advising of the applications for Call. In response to the Notice three persons and a firm (having all its members sign) objected to the call of Mrs. Graham Allen.

The Council advised the Attorney General (as employer) and the objectors of the hearing of the application. The hearing was held on 20<sup>th</sup> December, 2010. The Attorney General and the Director of Legal Affairs appeared on behalf of Mrs. Graham Allen and Messrs. Fred Mitchell and Elsworth Johnson appeared as objectors. The Council members sitting were, Mrs. Rachel Culmer, Mrs. Jeanine Weech Gomez, Mr. Nicholas Mosko, Mr. Dwayne Gibson and the Chairman. Having heard the parties the Council deliberated and adjourned to 11<sup>th</sup> January, 2011 to consider the matter.

The Council is mindful of its responsibility as per Section 5 (2) of the Legal Profession Act to maintain the honour and independence of the Bar and the defence of the Bar in its relations with the executive and the judiciary. The Council is also mindful that it must and should protect the public right of access to the courts and encourage the improvement of the administration of justice.

With respect to the application the Council had to consider the provisions of sections 10, 11 and 12 of the Legal Profession Act. Mrs. Graham Allen is qualified as lawyer and as prescribed by section 10. Mrs. Graham Allen is a legal public officer in the Office of the Attorney General and it is in the general public interest and in the interest of justice that she be admitted to practice (section 11). In accordance with section 12 the requisite application (inclusive of affidavits and certificates) has been made to the Bar Council.

The objections raised are predicated on the current Judicial Review proceedings "related" to the present application and to which the Attorney General raised strong objection and maintained its irrelevance. Having considered the incidence of the Judicial Review proceedings and the subsequent cases cited the Council was not satisfied that the objections so framed fell to oust the jurisdiction of those relevant sections of the LPA.

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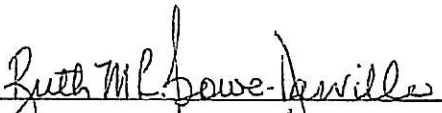



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Neither objector presented any argument that could assist the Bar Council in determining that the applicant was not a fit and proper person for call. No issues of character were raised. The objections were not legally based and were purely conjecture.

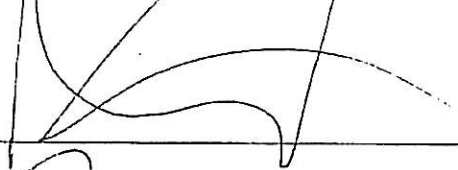
On further consideration the Council, while approving the application for call, does so on the condition that such call to the Bahamas Bar is solely for the purposes of Mrs. Graham Allen's contractual engagement with The Bahamas government and for that period of employment only.

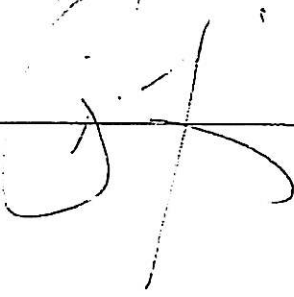
Dated this 24<sup>th</sup> day of January, 2011

  
\_\_\_\_\_  
Ruth M.L. Bowe-Darville – Chairman

  
\_\_\_\_\_  
Rachel Culmer – Honourary Secretary

  
\_\_\_\_\_  
Jeanine Weech- Gomez

  
\_\_\_\_\_  
Dwayne Gibson

  
\_\_\_\_\_  
Nicholas Mosko