



THE MB&H CIRCULAR

News & Views from McKinney, Bancroft & Hughes

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The firm has once again received 'Band 1' rankings in Chambers and Partners High Net Worth Guide 2025. Five of our attorneys were also singled out for special mention.

MB&H Chambers Reviews

Take a look at what some of our clients had to say about our work.

MB&H Recent Promotions

The firm is proud to announce the promotions of three deserving attorneys.

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McKINNEY, BANCROFT & HUGHES MAINTAINS BAND 1 RANKING IN CHAMBERS AND PARTNERS HIGH NET WORTH GUIDE 2025

McKinney, Bancroft & Hughes is proud to announce that the firm has once again been recognised as a top tier firm in the 2025 edition of the Chambers and Partners High Net Worth (HNW) Guide.

The prestigious directory, which spans more than 100 jurisdictions, identifies the leading law firms and lawyers globally who specialise in international private wealth.

MB&H is honoured to be one of only four law firms in The Bahamas ranked in the leading 'Band 1' category for Offshore: Trusts. We are also pleased to share that five of our attorneys received individual distinctions in this year's guide for their exceptional work and expertise.

The directory bestowed 'Band 1' rankings on Senior Partner **John F. Wilson KC** and Partner **Sean N.C. Moree KC**.

Chambers and Partners also conferred 'Up and Coming' rankings on Partner **Michelle I. Deveaux** and Partner **Vanessa L. Smith**.

Partner **Erin M. Hill**, who was recently promoted from Senior Associate, also received an 'Associates to Watch' rating.

We commend our attorneys for this well-earned honour and remain proud of our continued contributions to the legal profession in our commitment to delivering exceptional service to our clients.



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BANCROFT
& HUGHES**
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Client Focused. World View.

MCKINNEY, BANCROFT & HUGHES is one of the largest and oldest firms in The Bahamas and conducts an extensive international and domestic practice from its offices in the cities of Nassau and Freeport.

NASSAU FREEPORT LYFORD CAY www.mckinney.com.bs

LexMundi
Member

Chambers
2025

"McKinney, Bancroft & Hughes has very experienced personnel who are very solutions-oriented."

MCKINNEY, BANCROFT & HUGHES
OFFSHORE: TRUSTS
BAHAMAS

Chambers
2025

"McKinney Bancroft is first in class. The team is proactive, responsive and completely attuned to the needs of its clients."

MCKINNEY, BANCROFT & HUGHES
OFFSHORE: TRUSTS
BAHAMAS

Chambers
2025

"John Wilson is very responsive to our needs."

JOHN F. WILSON KC
OFFSHORE: TRUSTS
BAHAMAS



Chambers
TOP RANKED
High
Net Worth
2025
John F. Wilson KC

John F. Wilson KC



Chambers
TOP RANKED
High
Net Worth
2025
Sean N. C. Moree KC

Sean N.C. Moree KC

Chambers
2025

"Sean Moree is a highly skilled litigator. He is one of the best in The Bahamas."

SEAN N. C. MOREE KC
OFFSHORE: TRUSTS
BAHAMAS

Chambers
2025

"Sean Moree is an absolutely stand out advocate. He wears his learning and intelligence with a very light touch. He is incredibly charming and easy to deal with."



Chambers
RANKED IN
High
Net Worth
2025
Michelle I. Deveaux

Michelle I. Deveaux

Chambers
2025

"Michelle Deveaux is always accessible and she has a strong grasp of the law. She is a great partner to our business."

MICHELLE I. DEVEAUX
OFFSHORE: TRUSTS
BAHAMAS

Chambers
2025

"Michelle Deveaux is excellent. She is experienced well above her years."

MICHELLE I. DEVEAUX
OFFSHORE: TRUSTS
BAHAMAS



Chambers
RANKED IN
High
Net Worth
2025
Vanessa L. Smith

Vanessa L. Smith

Chambers
2025

"They are the standout firm in the Bahamas in terms of availability for client demands and quality of work. The team has an extraordinary depth and breadth of practice in the offshore sphere."

MCKINNEY, BANCROFT & HUGHES
OFFSHORE: TRUSTS
BAHAMAS

Chambers
2025

"The McKinney team is very attentive, quick in turnaround and gives great advice."

MCKINNEY, BANCROFT & HUGHES
OFFSHORE: TRUSTS
BAHAMAS



Chambers
RANKED IN
High
Net Worth
2025
Erin M. Hill

Erin M. Hill

Chambers
2025

"Erin Hill is a rising star of the Bahamas Bar."

ERIN M. HILL
OFFSHORE: TRUSTS
BAHAMAS

Chambers
2025

"Erin is supremely talented. She is a very capable attorney with a bright future."

ERIN M. HILL
OFFSHORE: TRUSTS
BAHAMAS

McKinney, Bancroft & Hughes

PROMOTIONS



Erin M. Hill
Partner

We are delighted to announce that Mrs. **Erin M. Hill** has been appointed a Partner of the firm.

Erin joined the firm in 2015 with an impressive academic background. She is a member of the Private Client and the Litigation & Dispute Resolution practice groups of the Firm and has developed into one of the key leaders within the Firm in those practice groups. Erin specializes in trust and private client advisory and contentious matters and has become a trusted voice in the industry.

On her appointment, Erin commented: *"I am truly honoured to have been appointed a Partner at McKinney, Bancroft & Hughes, a firm committed to excellence, integrity, and exceptional client service. I am deeply grateful to the Partners and colleagues who have mentored and encouraged me along the way and I express my sincere thanks to my Supervising Partner, Mr. Sean N. C. Moree KC, for his consistent support, invaluable insight, and mentorship.*

Most importantly, I thank God for His grace and guidance, and my incredible family for their unwavering love, patience, and support. This milestone is as much theirs as it is mine. I look forward to contributing meaningfully to the Firm's continued success and embark on this next chapter with humility, gratitude and excitement."



Theominique D. Nottage
Senior Associate

It is with great pleasure that we also announce the promotion of Ms. **Theominique D. Nottage** to Senior Associate at McKinney, Bancroft & Hughes.

Theominique joined the firm in 2024 and specializes in Litigation, Arbitration & Dispute Resolution, as well as Trusts and Private Client matters.

On her promotion, Theominique shared: *"I am sincerely grateful to the firm's partnership for this opportunity. I especially wish to thank my supervising partner, Mr. John F. Wilson, KC, for his guidance and mentorship, which have been invaluable to me since joining the firm. I genuinely appreciate being part of the McKinney, Bancroft & Hughes family, and I look forward to continuing to build my professional practice in such a supportive environment."*



Berchel K.L. Wilson
Senior Associate

Finally, we are pleased to announce the promotion of Ms. **Berchel K.L. Wilson** on to Senior Associate at McKinney, Bancroft & Hughes.

Berchel joined the firm in 2017 and specializes in corporate and commercial litigation. Her practice areas also include trust litigation and asset management, banking and finance, family law and maritime law.

On her promotion, Berchel shared: *"I am truly honoured to be promoted to Senior Associate and deeply thankful to the firm's leadership for their trust and support. I'm especially grateful to Mr. John F. Wilson, KC, for his continued mentorship and encouragement throughout my journey. It is a privilege to work alongside such talented colleagues, and I look forward to contributing even more meaningfully to the firm's continued success."*



Client Focused. World View.

MB&H Celebrates Bahamas Independence

This year, The Bahamas marked 52 years of Independence. In celebration of our nation's vibrant spirit, rich culture, and enduring strength, the firm proudly donned patriotic colours on National Pride Day.

The firm also had the privilege of worshipping with Bahamas Harvest Church as they continued their powerful series, *"Bahamian Stories We Forgot Were Ours."* The sermon highlighted one of our firm's founders, Donald McKinney - a distinguished lawyer, politician, and quiet revolutionary who fought for equality in The Bahamas. We were especially honoured by the presence of his daughter, Doon McKinney, who shared heartfelt reflections on her father's enduring legacy.



A CHILD'S RIGHT TO BE SEEN AND HEARD

By Partner Justine A. Smith



Making Room for Young Voices: How the Law Listens to the Child

Most of us are familiar with the adage, “*children are to be seen and not heard.*” It seemed to go hand in hand with our parents and grandparents warning us to stay out of, “*grown folks’ business.*” We are slowly moving away from that traditional school of thought and now encourage our Children to use their words and express themselves, albeit respectfully.

The Child Protection Act, Chapter 132 (“the Act”) codifies the rights of Children in this jurisdiction and Section 3 (3) (a) of the Act requires the Court to have regard to the ascertainable wishes and feelings of the Child concerned in the light of his or her age and understanding.” Section 3 (3) (a) is to be considered (along with the other s.3 (3) factors) whenever the Court has to determine a matter which impacts the child’s upbringing or his/her property. This means the Court will need to speak with the Child where appropriate.



The Act codified that the guiding principle is that the child’s welfare is the paramount consideration. Therefore, the Court is directed to be laser focused on achieving and making an order which is in the best interest of the child. In carrying out this exercise, Section 3 (3) (a) is a useful tool, particularly when parents/guardians are unable to resolve issues with respect to custody & access or any other issue impacting the Child, for example, which school and or church the Child will attend.

The Act directs the Court to listen to and consider the Child's views and desires not simply to consider the arguments submitted on behalf of the Child's parents, therapist, social services etc.

Section 3 (3) (a) gives the Child a voice in court proceedings and by extension provides the Court with insight into different aspects of the Child's life through a private and unfiltered conversation, without the 'spin' crafted by the parents/guardians or even Counsel.

The meetings between the Child and the Family Court Judge are held in a private (without parents and counsel) child friendly and age-appropriate setting to make the Child feel at ease, and to encourage honest and open conversation.

It is incumbent on the Judge to assess and determine whether the Child is sufficiently mature to understand the issues and the reason for the meeting.

Very often these conversations will reveal information the Court could not readily access such as:- who the Child wishes to live with and why, if the Child's needs (physical, emotional and educational) are not being met, if the Child requires treatment for a learning disability or mental disorder, if the Child is being harmed or is at risk etc. Sadly, yet unsurprisingly these conversations can also reveal a significant level of "coaching" of the Child by one parent/guardian.

While the Family Court Judge will meet and listen to the Child in the appropriate circumstances, it is important to understand that at the end of the day, the Child's ascertainable wishes and feelings will not be considered in a vacuum. Rather, the Court will carry out a balancing exercise to achieve an arrangement which may not be the Child's preference but is in the Child's best interest.



EMPLOYEE ACCIDENTS IN THE WORKPLACE— IS THE EMPLOYER LIABLE?



By Partner Genell K. Sands

The fact that an injury is sustained by a person on the premises of another, even in the workplace, does not, without more, establish negligence. Contrary to popular belief, the fact that an employee suffers an accident while at work does not automatically render the employer liable for the accident and any injuries, damages, losses or expenses that may ensue. Knowledge of the duties of both the employer and the employee when it comes to safety in the workplace is essential.

The Employer

By statute, The Health and Safety at Work Act, 2002, it is the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all its employees. The employer's duty extends in particular to (i) the provision and maintenance of plant and systems of work that are safe and without risks to health, (ii) to ensuring the safe use, handling, storage and transport of articles and substances, (iii) to instruction, training and supervision, (iv) to the maintenance of a safe place of work and means of access to and from work, and (v) to the provision and maintenance of a safe working environment.

At common law, an employer owes its employees a duty of care to provide a competent staff, adequate plant and equipment, a safe system of work with effective supervision and a safe place of work.



It is important to note that the employer's duty of care is not a strict or absolute duty to prevent any and all injury or damage to its employees or to completely eliminate all dangers in the workplace. Rather, the employer's duty is to take reasonable steps to ensure the health and safety at work of its employees. The employer undertakes only to take reasonable precautions to protect the employee against accidents. The taking of reasonable precautions does not eliminate, but minimizes, the inherent risks which exist in the workplace. The test is whether the safety measures that were taken by the employer were reasonable.



WORK THAT IS INHERENTLY DANGEROUS

There are inherent dangers in certain workplaces and in engaging in certain types of work. An employee will be expected to show the degree of knowledge normally expected of a person holding that particular position and the employee takes upon itself the risks normally incidental to that position.

Where an employee undertakes to do work which is intrinsically dangerous, notwithstanding that reasonable care has been taken by the employer to render the work as least dangerous as possible, the employee voluntarily subjects himself to the risks inevitably accompanying the work.

Once the employer's duty has been fulfilled, if the employee suffers an accident, they cannot be permitted to complain that a wrong has been done to them by their employer.

THE EMPLOYEE

The Health and Safety at Work Act, 2002 also imposes a duty on every employee while at work to take reasonable care for their own health and safety and that of other persons who may be affected by their acts or omissions at work.



At common law, an employee also has a duty to take reasonable care for his own safety.



Every employee has to assume a measure of responsibility for its own safety and has to be alert to hazards which exist in the workplace.

CONCLUSION

It has to be recognized that notwithstanding reasonable care having been taken, accidents will occur in the workplace. The employer is not liable for all accidents that occur in the workplace; and in some instances, an accident is just that, an accident, for which no one is to blame.