

HAZEL HANSON V HOWARD LETTMAN – SANCTIONS DECISION

Complaint No. 36/2009

Panel: **Walter Scott QC**
Charles Piper QC
Michael Thomas

On the 12th December, 2017 there were no parties present at the Sanctions hearing. The complainant had been excused from attending. Again, the Respondent failed to attend.

1. The Panel was satisfied that the Respondent was duly served with the Notice of Hearing for the 12th December, 2017. The Panel took note of the Affidavit of Mr. Wayon Henry sworn to on the 11th December, 2017 where he stated that on the 8th November, 2017 he posted by registered mail the Notice of Hearing to the Respondent at Office 2, Grove Court Complex, P.O. Box 176, Park Crescent, Mandeville P.O.

This was evidenced by the Certificate of Posting bearing registration number 3412.

2. The Panel had regard to the previous orders made against the Respondent which numbered six, between the years 2005 and 2015, the most recent being the 25th November, 2017.
3. The Panel also noted that the Respondent has failed to demonstrate any interest in addressing the reasons for having incurred some of the previous penalties which arose from similar circumstances. Those penalties demonstrate that the Respondent has persistently been delinquent in carrying out his instructions and, as appears from the list of sanctions he may only have responded to the complaints upon or after being sanctioned by suspension in the conditional manner

adopted by some of the other panels. Panelist Piper is of the view that a suspension should not be conditional. It should be imposed as a part of a definitive sanction which may also require that other sanctions such as a fine and/or costs may be imposed. Panelist Piper is of the view that a suspension should not be qualified so as to indicate that it will not operate as a sanction if a condition is satisfied. Nevertheless, it will be seen that this does not affect the determination of this complaint.

4. In the instant complaint the Panel noted that after a period of twenty-one (21) years the Respondent had not provided the Complainant with a Registered Title which he had been paid to do, nor offered any explanation.
5. The Panel found this conduct to be particularly egregious having regard to the previous conduct, the failure to demonstrate any intention to correct the breach of ethics and the failure to respond in any manner whatsoever to the complaint. An attorney's duty, when retained and paid to perform services for a client, is to perform such services in a timely manner. It can never be acceptable that the attorney is entitled to remain silent when asked for information about the progress of the work, neglect or refuse to answer the complaint or demonstrate that he or she has taken steps to carry out the instructions. Such conduct cannot be endorsed by those who are charged with the responsibility of protecting the public in relation to the conduct of attorneys-at-Law. But in this case, there has been complete disregard by the Respondent for the needs and wishes of the Complainant, to the extent that he has also disregarded the wishes of the Disciplinary Committee to have him explain his conduct.
6. Taken together with the Respondent's lengthy antecedents, the most recent of which is suspension for 6 months, ordered in December 2017, the Panel is of the view that, in the circumstances, the appropriate sanction is that:

- (i) the Respondent Attorney's name be struck from the record of Attorneys-at-Law entitled to practice;
- (ii) the Respondent Attorney pay costs in the sum of \$250,000.00 of which \$200,000.00 is to be for the Complainant and \$50,000.00 to the General Legal Council.

It is so ordered.

DATED THE 5TH DAY OF FEBRUARY 2018






