

GENERAL LEGAL COUNCIL

ANNUAL REPORT

1ST APRIL, 2009 - 31ST MARCH, 2010

INTRODUCTION

The General Legal Council was established in January 1972 by the Legal Profession Act. Its statutory function is concerned with the legal profession and in particular the organization of legal education and the upholding of standards of professional conduct. By virtue of the Legal Education Act the General Legal Council's function as the Legal Education Authority is vested in the Council of Legal Education which is established by Agreement among several Commonwealth Caribbean countries.

Apart from Law Officers of the Crown and legal officers of Government who are ex officio entitled to practise as such, no person can lawfully practise as an attorney who does not hold a practising certificate issued by the General Legal Council. Practising Certificates are issued annually on payment of an annual fee.

The General Legal Council is required to appoint from among its members or former members, Judges or retired Judges and attorneys of not less than 10 years standing to the Disciplinary Committee which adjudicates on complaints of misconduct by attorneys in any professional respect.

The General Legal Council is authorized to make rules prescribing the standards of professional etiquette and professional conduct for attorneys and to direct that any specified breaches of such rules constitute misconduct in a professional respect.

The following is a report on the activities of the General Legal Council and the Disciplinary Committee during the twelve months ended on March 31, 2010.

GENERAL LEGAL COUNCIL

1. **MEMBERSHIP**

Dr. Lloyd Barnett - Chairman

Senator Dorothy Lightbourne, Q.C.

Mr. Justice Lloyd Hibbert

Miss Hilary Phillips, Q.C.

Mrs. Pamela Benka-Coker, Q.C.

Miss Norma Linton, Q.C.

Dr. Eileen Boxill, Q.C.

Mr. Richard Donaldson

Mr. Allan Wood

Mr. Crafton Miller

Mr. Ransford Braham

Mrs. Donna Scott-Mottley

Dr. Adolph Edwards

Mrs. Kay Reuben

Mr. George Soutar

Miss Hilary Phillips, Q.C. demitted office in July, 2009, upon her appointment as Judge of the Court of Appeal.

The term of office of the members of the General Legal Council ended on February 15, 2010.

2. **MEETINGS**

During the period April 1, 2009 to March 31, 2010, a total of nine (9) meetings were held as follows:-

2009: 22nd April, 27th May, 24th June, 22nd July, 23rd September, 28th October, 25th November, & 14th December

2010: 27th January,

ATTENDANCE OF MEMBERS AT MONTHLY MEETINGS

NAMES	TIMES POSSIBLE	TIMES PRESENT	TIMES EXCUSED
Dr. The Hon. Lloyd Barnett, O.J.	9	7	2
Sen. The Hon. D. Lightbourne, Q.C.	9	-	1
Mrs. P. Benka-Coker, Q.C.	9	8	1
Miss Hilary Phillips, Q.C.	4	1	1
Dr. Eileen Boxill, Q.C.	9	4	4
Miss Norma Linton, Q.C.	9	8	-
Mr. Justice Lloyd Hibbert	9	3	6
Miss Donna Scott-Mottley	9	7	2
Mr. Richard Donaldson	9	6	3
Mr. Allan Wood	9	9	-
Dr. Adolph Edwards	9	8	-
Mr. Crafton Miller	9	4	5
Mr. Ransford Braham	9	6	2
Ms. Kay Reuben	9	6	3
Mr. George Soutar	9	5	4

3. STAFF

As at April 1, 2009 the employees of the Council were:

Miss Althea Richards	Secretary
Mrs. Jeanne Barnes	Attorney-at-law (Part-time)
Miss Dahlia Davis	Administrative Officer
Miss Jeanie McLeod	Records Clerk/Typist
Mrs. Janet Francis-Wright	Filing Clerk/Typist
Miss Fay Williams	Receptionist/Typist
Miss Cecile Johnson	Receptionist/Typist
Miss Tanya Ferril	Clerk/Typist
Miss Donette McLean	Receptionist
Miss Eulalee Steele	Office Help

4. COMPLIANCE WITH ACCOUNTING REGULATIONS

The Privy Council handed down its decision in the matter General Legal Council vs Antonnette Haughton-Cardenas on 12th May, 2009 holding that the Legal Profession Accounts & Records Regulations, 1999 were intra vires.

The Council granted a six-months moratorium to October 31, 2009 in order for Accountant's Reports or Declarations to be filed for years 2007 and 2008.

5. APPEALS FROM DECISION OF THE DISCIPLINARY COMMITTEE OF THE GENERAL LEGAL COUNCIL

Two appeals were filed by Mr. James and Mr. Rowe respectively against orders made against them. Myers, Fletcher & Gordon has entered an appearance on behalf of the Council in both matters. (See pages 14 and 19)

6. CONTINUING LEGAL EDUCATION

The Council continued to partner the Bar Council in the arranging of CLE Seminars. Four (4) seminars were held during the year under review.

7. REFORM OF THE LEGAL PROFESSION ACT AND CANONS

The Council's comments on the draft Bill were sent to the Minister of Justice in March 2008 and a request made for a revised Bill to be done.

The Council continued to make representations to the Ministry regarding its proposal that compulsory Continuing Legal Education be provided for in the Legal Profession Act.

8. ACCOUNTS OF THE GENERAL LEGAL COUNCIL

The Council's accounts have now been audited up to the financial year 2008-2009.

9. COMPENSATION FUND

By reason of the seriousness of the complaints received, and the losses sustained by clients of attorneys as a result of the latter's defaults, representations have been made to the Minister that the Council be granted the power to establish a compensation fund and to regulate and administer it to assist complainants who have been defrauded by attorneys.

10. WEBSITE

The Council has now established its own website www.generallegalcouncil.org.

Visitors to the site can access the Legal Profession Act, the Regulations, judgments and information about the Council and the Disciplinary Committee.

11. JUDICIAL APPOINTMENT

The Chief Justice was requested to provide the Council with lists of persons applying for judicial appointments in the same way as they are sent to the Bar Council.

12. INVESTIGATION OF ATTORNEYS' ACCOUNTS

Mr. Dalma James, Ms. Ethel Mae Crooks, Ms. Michelle Chevannes and Mr. Carlton Hibbert have been approved to be a part of the panel of Accountants to investigate Attorneys' accounting records at the request of the General Legal Council.

To date the Accountants have not been able to secure the cooperation of the four attorneys to whom they were assigned. The four attorneys are:

Mr. Trevor Ruddock

Miss Georgette Scott

Lettman & Murray

Mrs. Anntonette Haughton-Cardenas

As a result, the investigations have not been conducted.

13. PRACTISING CERTIFICATE FEES

The following fee structure remained in effect on January 1, 2009:

0 - 2 years	\$ 3,000.00
3 -5 years	\$ 5,000.00
6 -10 years	\$ 9,000.00
11 - 14 years	\$12,500.00
15 years & over	\$17,000.00

14. NON-PAYMENT OF PRACTISING CERTIFICATE FEES

Hundreds of practicing attorneys-at-law are delinquent in paying practising certificate fees.

The Council is seeking to address it.

15. APPLICATIONS FOR ENROLMENT

The following applications were received and approved:

Camille D. Lee	Aleathia N. Afflick
Candice Charlotte Castillo	Cadeen Latoya Barnett
Althea Belinda Anderson	Cheryl-Lee Alicia Bolton
Hannah Harris Barrington-Chin	Karen Bhoorasingh
Christopher A. Levers	Keinya Nadia Black
Christian Tavares-Finson	Tassiea S. Bryan
Deidre N. Williams	Stacy Aleen Bushay
Karen Rosalee Cunningham	Otarah Shante Byfield
Denzil G. Latty	Annell Shelly-ann Coote
Kimone Akellia Tenant	Danielle Alana Chai
Scheree A. Miller	Peta-Gaye Chin
Carolyn Diana Chuck	Fernell Vanessa Campbell
Maxine Dennis-McPherson	Lori-Ann E.R. Cole

Melody Domville
Natiesha Fairclough
Eileen Felix
Nigel Balford Gayle
Nicole Celecia Gordon
Kashka Mathesa Hemans
Stacy-Ann Josephs
Janene Anelee Laing
Lenster Lewis-Meade
Judith Markes
Jody-Ann Marie Maxwell
Nicole Shelven Mowatt
Harrington Ackroy McDermott
David Dwayne McLennon
Romona M. Nelson
Desrine N. Pearson
Steven C. Ranglin
Marcia C. Robinson
Nicola A. Rowe
Tamiko Nicole Smith
Trecia Smith
Vannessia K. Stewart
Kecia Janelle Samuels Taylor
Kahie Kadeanne Watson
Rayan John Wrobel
Nardia Patricia Andrews
Claudia H. Bennett
Natoya Simone Boyd
Kadian Latoya Birch
Nicole-Ann Brown-Pinnock
Carla Shannon Brydson
De-andra Franscire Butler

Errol A. Chattoo
Stacie-Ann N. Christmas
Carissa Gabriella Delisser
Keisha Taryn Diego-Grey
Kristina Gabrielle Alexis Exell
Norma Fearon
Yanique Gardener
Kelly Michelle Greenway
Tiffany A.C. Hamilton
Patrice Hickson
Garcia Kirt Kelly
Janett Carline Leonie Levy
Natallie St. Dorothy Elaine Malcolm
Vonique Romaine Mason
Kelly-Ann Michelle -Reid
Clive A.G. Munroe
Stacyan A. McLean
Janna-Joe McLeod
Aaron H. Parke
Deidre Melanie Pinnock
Mark Christopher Reynolds
Mayrisha Ann Robinson
Shanique Tatyanan Scott
Sidia T. Smith
Tamika Kahlilah Spencer
Kerry-Ann Nicole Swaby
Jeneel Thompson
Alethia Whyte
Nadia K. Westcar Drayton
Nicholas Daniel Marc Edmond
Tamara Malcolm

16. SALARIES

Increases in salaries as well as an increase to the special allowance for members of staff who are required to attend hearings of the Disciplinary Committee on Saturdays were approved.

With the enactment of the new tax laws wherein allowances are taxed, the staff was granted an additional increase so as to maintain their net salaries.

THE DISCIPLINARY COMMITTEE

The Disciplinary Committee of the General Legal Council has specific responsibility for the maintenance and enforcement of discipline in the legal profession by the examining and hearing of complaints laid against attorneys-at-law.

17. MEMBERSHIP OF THE DISCIPLINARY COMMITTEE

During the year under review, the following persons were appointed to serve on the Disciplinary Committee for 3 years, ending 31st March 2011:

Mrs. P. Benka-Coker, Q.C. – Chairman	Mrs. Margarett Macaulay
Miss Hilary Phillips, Q.C.	Miss Daniella Gentles
Miss Norma Linton, Q.C.	Mr. Crafton Miller
Dr. Adolph Edwards	Miss Lilieth Deacon
Mr. Christopher Bovell	Mr. Charles Piper
Mr. Richard Donaldson	Mrs. Jeanne Robinson-Foster
Mr. Lincoln Eatmon	Mr. David Batts
Mrs. Gloria Langrin	Mr. Allan Wood
Miss Beryl Ennis	Mr. Stephen Shelton
Mr. Jerome Lee	Mr. Christopher Kelman
Dr. Randolph Williams	Mr. Walter Scott
Mrs. Ursula Khan	Mr. Winston Douglas
Mr. Trevor Ho-Lyn	Mr. John Graham

18. MEETINGS

During the period April 1, 2009 to March 31, 2010, a total of ten (10) meetings were held as follows:-

2009: 25th April, 30th May, 27th June, 25th July, 26th September, 24th October and 3rd December

2010: 23rd January, 27th February & 27th March

19. ATTENDANCE BY MEMBERS AT MONTHLY MEETINGS

	<u>TIMES POSSIBLE</u>	<u>TIMES PRESENT</u>	<u>TIMES EXCUSED</u>
Mrs. P. Benka-Coker, Q.C.	10	10	-
Miss Hilary Phillips, Q.C.	4	3	-
Miss Norma Linton, Q.C.	10	3	1
Dr. Adolph Ewards	10	-	1
Mr. Christopher Bovell	10	3	2
Mr. Richard Donaldson	10	1	1
Mr. Lincoln Eatmon	10	-	2
Mrs. Gloria Langrin	10	3	3
Miss Berly Ennis	10	6	3
Mr. Jerome Lee	10	1	1
Dr. Randolph Williams	10	7	2
Mrs. Ursula Khan	10	8	1
Mr. Trevor Ho-Lyn	6	4	2
Mr. John Graham	6	2	4
Mrs. Margarett Macaulay	10	5	4
Miss Daniella Gentles	10	8	1
Mr. Crafton Miller	10	5	3
Miss Lilieth Deacon	10	7	1
Mr. Charles Piper	10	8	1
Mrs. Jeanne Robinso-Foster	10	1	-
Mr. David Batts	10	10	-
Mr. Allan Wood	10	8	2

Mr. Stephen Shelton	10	4	6
Mr. Christopher Kelman	10	8	2
Mr. Walter Scott	6	2	4
Mr. Winston Douglas	6	4	2

Members of the Committee also sat at hearings of the Disciplinary Committee throughout the year.

20. SEMINARS

During the year under review a seminar was held by the Disciplinary Committee of the General Legal Council at the offices of the General Legal Council on 5th December, 2009, primarily in order to orientate the new members.

21. **Summary of complaints made and dealt with April 1, 2009- March 31, 2010**

Number of complaints pending at the commencement of the year (complaints scheduled to be considered at the general meetings and those scheduled to be set for hearing			374
Number of complaints filed in the current year			<u>143</u>
			517
Complaints considered at the general meetings Of the Disciplinary Committee as at March 31, 2010			
Number of complaints where prima facie case found	108		
Number of complaint with no prima facie case		36	
Number of complaint withdrawn		<u>00</u>	
			(36)
Complaints dealt with at hearings:			
Number of complaints withdrawn		51	
Number of complaints dismissed		26	
Number of complaint struck out for want of prosecution		06	
Number of Complaints upheld		35	
			(118)
Number of attorneys on whom sanctions imposed	35		
Number of decisions appealed to the court	02		
Number of complaints disposed of			<u>(154)</u>
Number of complaints pending at the end of the year			<u>363</u>

22. ORDERS MADE AGAINST ATTORNEYS

Mr. Charles Sinclair was found guilty of professional misconduct for his failure to obtain Certificate of Title under the Registration of Titles Act for lands the Complainant owned in the Parish of Westmoreland. He was retained about 8-9 years ago and was paid \$40,000.00. The attorney had also ignored or refused to respond to the complaint filed by Albert Rose. He had also neglected or refused to attend any hearing. The attorney was found to be in breach of Canon IV(r) and Canon IV(s) of the Legal Profession (Canons of Professional Ethics) Rules. Pursuant to section 12 (4) (c) of the Legal Profession Act, the attorney was ordered to make restitution in the sum of (Forty Thousand Dollars \$40,000.00) with interest thereon at the rate of 10 per centum per annum computed from the 20th September, 2000 to the date of payment. The Attorney was also ordered to pay a fine of Three Hundred Thousand Dollars (\$300,000.00) of which Two Hundred and Fifty Thousand (\$250,000.00) was to be paid to the complainant and the sum of Fifty Thousand (\$50,000.00) to be paid to the General Legal Council. The fine was ordered to be paid forthwith.

The order was made on the 9th May, 2009

Antoinette Haughton-Cardenas was found guilty of professional misconduct for her failure to hand over proceeds of sale to her client, Avis Smith, in the amount of \$2,221,325.00 in the sale of property known as 3 Lynford Avenue, Kingston 10 in which she had carriage of sale. The attorney was found to be in breach of Canon 1 (b) (e) (f), Canon IV (r) and (s) of the Legal Profession (Canon of Professional Ethics) Rules. Pursuant to Section 12 (4) of the Legal Profession Act. **The Attorney Antoinette Haughton-Cardenas was struck from the Roll of attorneys-at-law with immediate effect.**

The attorney was ordered to pay to the Complainant the sum of \$2, 221,325.00 with interest at the rate of 22.3% per annum (being the average borrowing rate over the period) from the 15th September, 2006 to the date of judgment, and the rate of 6% per annum thereafter until paid. The attorney was also ordered to pay costs in the sum of \$120,000.00 to be apportioned as to \$80,000.00 for the Complainant and \$40,000.00 to the General Legal Council.

The order was made on the 31st July, 2009.

Mr. Trevor Ruddock was found guilty of professional misconduct for his failure to hand over proceeds of sale to his client, Joan Burkett Powell, for sale of property 117 Great George Street in the parish of Westmoreland for which he had carriage of sale. The attorney was found to be in breach of Canon IV (r), VII (b) (ii), Canon 1 (b) of the Legal Profession (Canon of Professional Ethics) Rules). Pursuant to section 12 (4) and (5) of the Legal Profession Act, Mr. Trevor Ruddock was ordered to pay interest on the sum of \$2, 500,000.00 at the rate of 12% from the 1st August 2002 to the 29th April 2008 when this sum was paid over to the attorneys-at-law for the complainant. The attorney was also ordered to make restitution to the complainant of the sum of \$6,880,159.00 with interest at the rate of 12% from the 1st August 2002 to the date of repayment.

The attorney was also ordered to pay the sum of \$100,000.00 as costs to the Complainant.

**The attorney Trevor Ruddock was struck from the Roll of attorneys-at-law entitled to practise in Jamaica with immediate effect.
The order was made on the 13th February 2010.**

Mr. Earl Melhado was found guilty of professional misconduct for his failure to act in the winding up of Hygrow Company Limited after he was paid a retainer of \$25,000.00. The attorney was found to be in breach of Canon IV (r) and Canon IV (s) of the Legal Profession (Canon of Professional Ethics) Rules. Pursuant to section 12 (4) and (5) of the Legal Profession Act, the attorney Earl Melhado was ordered to grant full restitution of the fees paid in the amount of \$25,000.00. The attorney was also ordered to pay a fine of \$50,000.00 on or before the 28th February, 2010. The attorney was ordered pursuant to section 12 (5) to pay \$25,000.00 of the fine of \$50,000.00 to the complainant as compensation for the loss of interest and inconvenience caused by the attorney's delay, the remainder of such fine to be paid into the funds of the General Legal Council. The attorney was also ordered to pay costs of \$10,000.00 to the General Legal Council.

The order was made on the 23rd January, 2010.

Laleta Davis Mattis was found guilty of professional misconduct contrary to section 12 (1) (a) of the Legal Profession Act, for having committed breaches of the Legal Profession (Accounts and Records) Regulations 1999 for her failure to deliver Accountant's Reports to the Secretary of the General Legal Council for the years 2000-2004, contrary to sections 16 (1) and 17 of the said Regulations. The attorney was ordered to pay a fine of \$10,000.00 for each year that she was found to be in breach of the Legal Profession (Accounts and Records) Regulations 1999. The fine was to be paid on or before the 30th April, 2010.

The order was made on the 30th January, 2010.

Donna McIntosh-Brice was found guilty of professional misconduct contrary to section 12 (1) (a) of the Legal Profession Act, for having committed breaches of the Legal Profession (Accounts and Records) Regulations 1999 for her failure to deliver accountant's report to the Secretary of the General Legal Council for the years 2002-2005, contrary to sections 16 (1) and 17. The attorney was ordered to pay a fine of \$10,000.00 for each year she was found to be in breach of the Legal Profession (Accounts and Records) Regulations 1999. The attorney was also ordered to pay costs of \$10,000.00 to the General Legal Council. Of the total sum of \$50,000.00 ordered to be paid by the attorney, \$25,000.00 was to be paid on or before the 31st March, 2010 and the balance of \$25,000.00 to be paid on or before the 30th April, 2010.

The order was made on the 6th February, 2010

Sydney Vincent was found guilty of professional misconduct contrary to section 12(1) (a) of the Legal Profession Act, for having committed breaches of the Legal Profession (Accounts and Records) Regulations 1999 for his failure to deliver

declarations/ reports to the Secretary of the General Legal Council for the years 1999, 2000 and 2001, contrary to sections 16 (1) and 17. The attorney was reprimanded and ordered to pay costs of \$10,000.00 to the General Legal Council to be paid on or before the 26th March, 2010.

The order was made on the 20th March, 2010.

Wayne St. John McCook was found guilty of professional misconduct contrary to section 12(1) (a) of the Legal Profession Act, for having committed breaches of the Legal Profession (Accounts and Records) Regulations 1999 for his failure to deliver up declarations / reports to the Secretary of the General Legal Council for years 2002 and 2004, contrary to sections 16 (1) and 17 of the said Regulations. The attorney was ordered to pay a fine of \$10,000.00 for each year he was found to be in breach to the General Legal Council by the 30th March, 2010.

The order was made on 27th March, 2010.

Sean Kinghorn was found guilty of professional misconduct for his failure to attend the hearing of the complaint made by Earl Biggs and failing to provide information to the Disciplinary Committee concerning same. The attorney was found to be in breach of Canons 1 (e) and 1 (f) as he acted in a manner that was not merely discourteous but which was unbecoming of the profession of which he is a member. Had the attorney complied with his duty under Canons 1(e) and 1 (f) to provide information with respect to the complaint as requested and to attend the hearing, the Panel would have been assisted in its task.

The attorney was ordered to pay costs of \$20,000.00, pursuant to section 12 (4c) and (b) of the Legal Profession Act.

The order was made on the 26th September, 2009

H.G. Bartholomew was found guilty of professional misconduct for his failure to account to Marjorie Moore for all the money in his hand for her account and credit although she had reasonably requested him to do so. The money represented part payment for a property which was being sold by Miss Moore and her sisters. The attorney was found to be in breach of Canon IV(s) Canon VII (b) (II) of the Legal Profession (Canons of Professional Ethics) Rules.

Pursuant to section 12 (4) of the Legal Profession Act, the attorney was reprimanded for failure to exercise reasonable care and skill in the conveyancing transaction. The attorney was ordered to pay the sum of \$490,270.68 plus interest at 10.45% from the 1st October, 1998 until 30th July, 2009 and thereafter at 6% until payment. Costs of \$300,000.00 was to be paid by the Respondent of which \$150,000.00 was to be apportioned to the General Legal Council and \$150,000.00 to the Complainant.

The order was made on the 31st July, 2009.

Malcolm Rowe was found guilty of professional misconduct for his failure to account to Ms. Clarice Rattigan for the amount of \$3,600,000.00 for part proceeds of the sale of her sister's property, Ms. Rattigan having Power of Attorney to act on behalf of her sister. The attorney was found to be in breach of

Canon IV(r) and Canon VII b(ii) of the Legal Profession (Canons of Professional Ethics) Rules. Pursuant to section 12 (4) of the Legal Profession Act the attorney was ordered to pay by way of restitution the sum of Two Million Two Hundred and Sixty Three Thousand, Seven Hundred and Sixty Five Dollars (\$2,263,765.00) to Ms Rattigan with interest at the rate of 12% from the 12th January, 2007 (completion date) to the date of payment. The attorney was ordered to pay costs of Thirty Thousand (\$30,000.00) to the Complainant and Thirty Thousand (\$30,000.00) to the General Legal Council. The attorney Malcolm Rowe was also **struck from the Roll of Attorneys-at-law.**
The order was made on the 24th October, 2009

Sasha Shillingford was found guilty of professional misconduct contrary to section 12(1) (a) of the Legal Profession Act, for having committed breaches of the Legal Profession (Accounts and Records) Regulations 1999 for her failure to deliver up accountant's reports to the Secretary of the General Legal Council for years 2003 to 2005 contrary to sections 16 (1) and 17 of the said Regulations. The attorney was ordered to pay a fine of \$10,000.00 to the General Legal Council for each year that she was found to be in breach of the Legal Profession (Accounts and Records) Regulations 1999 and costs of \$10,000.00 to the General Legal Council within thirty days of the 16th January, 2010.
The order was made on the 16th January, 2010

Earl P. Delisser was found guilty of professional misconduct contrary to section 12(1) (a) of the Legal Profession Act, for having committed breaches of the Legal Profession (Accounts and Records) Regulations 1999 for his failure to deliver up accountant's reports to the Secretary of the General Legal Council for years 2002 to 2005 contrary to sections 16 (1) and 17 of the said Regulations. The attorney was ordered to pay a fine of \$5,000.00 to the General Legal Council for each year that he was found to be in breach of the Legal Profession (Accounts and Records) Regulations 1999 and costs of \$5,000.00.
The order was made on the 7th November, 2009.

Nadine Skyers was found guilty of professional misconduct contrary to section 12(1) (a) of the Legal Profession Act, for having committed breaches of the Legal Profession (Accounts and Records) Regulations 1999 for her failure to deliver up accountant's reports to the Secretary of the General Legal Council for years 2002 to 2005 contrary to sections 16 (1) and 17 of the said Regulations. The attorney was ordered to pay a fine of \$10,000.00 to the General Legal Council for each year that she was found to be in breach of the Legal Profession (Accounts and Records) Regulations 1999 plus costs of \$10,000.00.
The order was made on the 31st October, 2009

Christopher Townsend was found guilty of professional misconduct contrary to section 12(1) (a) of the Legal Profession Act, for having committed breaches of the Legal Profession (Accounts and Records) Regulations 1999 for his failure to deliver up accountant's reports to the Secretary of the General Legal Council for

years 2002 to 2005 contrary to sections 16 (1) and 17 of the said Regulations. The attorney was ordered to pay a fine of \$10,000.00 to the General Legal Council for each year that he was found to be in breach of the Legal Profession (Accounts and Records) Regulations 1999 plus costs of \$10,000.00.

The order was made on the 16th January, 2010

Julie Ann Thompson was found guilty of professional misconduct contrary to section 12(1) (a) of the Legal Profession Act, for having committed breaches of the Legal Profession (Accounts and Records) Regulations 1999 for her failure to deliver up accountant's reports to the Secretary of the General Legal Council for years 2002 and 2003 contrary to sections 16 (1) and 17 of the said Regulations. The attorney was reprimanded and ordered to pay costs of \$5,000.00 to the General Legal Council.

The order was made on the 16th January, 2010.

Hugh Thompson was found guilty of professional misconduct contrary to section 12(1) (a) of the Legal Profession Act, for having committed breaches of the Legal Profession (Accounts and Records) Regulations 1999 for his failure to deliver up Accountant's Reports to the Secretary of the General Legal Council for years 2002 to 2005 contrary to sections 16 (1) and 17 of the said Regulations. The attorney was ordered to pay a fine of \$10,000.00 to the General Legal Council for each year that he was found to be in breach of the Legal Profession (Accounts and Records) Regulations 1999 plus costs of \$10,000.00 to the General Legal Council.

The order was made on the 21st November, 2009.

Damia Dawes-Monthrope was found guilty of professional misconduct contrary to section 12(1) (a) of the Legal Profession Act, for having committed breaches of the Legal Profession (Accounts and Records) Regulations 1999 for her failure to deliver up Accountant's Reports to the Secretary of the General Legal Council for years 2003 to 2005 contrary to Sections 16 (1) and 17 of the said Regulations. The attorney was ordered to pay a fine of \$10,000.00 to the General Legal Council for each year that she was found to be in breach of the Legal Profession (Accounts and Records) Regulations 1999 plus costs of \$10,000.00.

The order was made on the 21st November, 2009.

Nerine A. Small was found guilty of professional misconduct contrary to section 12(1) (a) of the Legal Profession Act, for having committed breaches of the Legal Profession (Accounts and Records) Regulations 1999 for her failure to deliver up Accountant's Reports to the Secretary of the General Legal Council for years 2002 to 2005 contrary to sections 16 (1) and 17 of the said Regulations. The attorney was ordered to pay a fine of \$10,000.00 for each year that she was found to be in breach of the Legal Profession (Accounts and Records) Regulations 1999 plus costs of \$10,000.00 to the General Legal Council on or before the 11 December, 2009.

The order was made on the 21st November, 2009.

Florence Darby was found guilty of professional misconduct contrary to section 12(1) (a) of the Legal Profession Act, for having committed breaches of the Legal Profession (Accounts and Records) Regulations 1999 for her failure to deliver up Accountant's Reports to the Secretary of the General Legal Council for years 2002 to 2005 contrary to sections 16 (1) and 17 of the said Regulations. The attorney was ordered to pay a fine of \$10,000.00 for each year that she was found to be in breach of the Legal Profession (Accounts and Records) Regulations 1999 plus costs of \$10,000.00 to the General Legal Council on or before the 13th November, 2009.

The order was made on the 7th November, 2009.

Ingrid Lee-Clarke-Bennett was found guilty of professional misconduct contrary to Section 12(1) (a) of the Legal Profession Act, for having committed breaches of the Legal Profession (Accounts and Records) Regulations 1999 for her failure to deliver up Accountant's Reports to the Secretary of the General Legal Council for years 2002 to 2005 contrary to Sections 16 (1) and 17 of the said Regulations. The attorney was ordered to pay a fine of \$10,000.00 for each year that she was found to be in breach of the Legal Profession (Accounts and Records) Regulations 1999 plus costs of \$10,000.00 to the General Legal Council on or before 13th November, 2009.

The order was made on the 7th November, 2009.

Lorraine Earle was found guilty of professional misconduct for her failure to represent her client, Grace Peart. The attorney was found to be in breach of Canons IV(r) and (s), VII (b) (ii) contrary to section 12 of the Legal Profession (Canon of Professional Ethics) Rules. **The attorney was struck off the roll of Attorneys-at-law entitled to practise in the several courts of the island of Jamaica.**

Pursuant to section 12 (4) (c) of the Legal Profession Act the attorney was ordered to make restitution to the complainant in the sum of \$262,500.00 being the sum of \$212, 500.00 paid by the Complainant to the Attorney for work which was not performed by the attorney at all and \$50,000.00 for reimbursement of the cheque that was drawn on the closed account. The Attorney was also ordered to pay interest on \$262,500.00 from February, 21, 2003 to the date of payment. Cost of \$20,000.00 is to be paid by the Attorney to the Complainant.

The order was made on the 4th April, 2009

Anthony Pearson was found guilty of professional misconduct for his failure to deliver Certificate of Title to Mr. and Mrs. Omar Wilson, after he was retained to act on their behalf in the purchase of land in Bonner District, Point Hill St. Catherine. The attorney was found to be in breach of Canon 1 (b), IV(r) Canon IV (s) of the Legal Profession (Canons of Professional Ethics) Rules. Pursuant to section 12 (4) of the Legal Profession Act, the attorney was ordered to pay a fine of \$150,000.00 to be paid within 45 days of the 10th April, 2010. The attorney was also ordered to pay the costs of these proceedings in the amount of

\$30,000.00. The attorney was also ordered to deliver all documents including the condition for subdivision approval, duly executed and stamped, transfer and copy of duly executed and stamped Agreement for Sale on or before the 10th day of May, 2010 to the offices of the General Legal Council, 78 Harbour Street, Kingston.

The order was made on the 10th April, 2010.

Diedre English was found guilty of professional misconduct contrary to Section 12(1) (a) of the Legal Profession Act, for having committed breaches of the Legal Profession (Accounts and Records) Regulations 1999 for her failure to deliver up Declarations / Accountant's reports to the Secretary of the General Legal Council for years 2002 to 2005 contrary to Sections 16 (1) and 17 of the said Regulations. The attorney was reprimanded and ordered to pay costs of \$10,000.00 to the General Legal Council on or before the 13th November, 2009.

The order was made on the 7th November, 2009.

Ronald Thwaites - Rosemary Nemeč alleged that Mr. Thwaites failed to secure transfer of the land into the Complainant's name thus hindering her from securing loans after she had purchased property in Robin's River, Westmoreland. The complaint had not gone to trial but an amicable settlement was reached in the amount of \$250,000.00; of this sum \$175,000.00 was to be paid to the Complainant and \$75,000.00 to the General Legal Council.

The order was made on the 24th October, 2009

Frank O. Williams was found guilty of professional misconduct contrary to Section 12(1) (a) of the Legal Profession Act, for having committed breaches of the Legal Profession (Accounts and Records) Regulations 1999 for his failure to deliver up Accountant's Reports/ Declarations to the Secretary of the General Legal Council for years 2002, 2003, 2004 and 2005 contrary to Sections 16 (1) and 17 of the said Regulations. The attorney was ordered to pay a fine of \$10,000.00 for each year that he was found to be in breach of the Legal Profession (Accounts and Records) Regulations 1999 plus costs of \$10,000.00 to the General Legal Council on or before 29th March, 2010.

The order was made on the 27th March, 2010

Shaun Reynolds was found guilty of professional misconduct contrary to Section 12(1) (a) of the Legal Profession Act, for having committed breaches of the Legal Profession (Accounts and Records) Regulations 1999 for his failure to deliver up Accountant's Reports to the Secretary of the General Legal Council for years 1999 to 2003 contrary to Sections 16 (1) and 17 of the said Regulations. The attorney was ordered to pay a fine of \$10,000.00 for each year that he was found to be in breach of the Legal Profession (Accounts and Records) Regulations 1999 plus costs of \$10,000.00 to the General Legal Council on or before 30th September 2010.

The order was made on the 20th March, 2010

R.A. (Bill) Salmon was found guilty of professional misconduct for his failure to secure transfer of land into the Complainant's name after receiving \$325,990.00 representing transfer tax in the amount of \$187,500.00 and stamp duty in the amount of \$137,490.00. After 3 years he had not secured the transfer. The attorney issued a cheque in the amount of \$50,000.00 in order to liquidate the initial sum of \$325,999.00 owed to the Complainant, Llewelyn Clarke. The cheque was dishonored. The attorney was ordered to pay costs in the amount of \$100,000 to be apportioned as follows, the sum of \$50,000.00 to the Complainant and \$50,000.00 to the General Legal Council. **The attorney was struck from the roll of attorneys at law entitled to practice in Jamaica. The order was made on the 12th December, 2009**

Oswald James was found guilty of professional misconduct for having misled the Complainant, Raphael Douglas, and his attorney-at-law in relation to the amount of money paid by Mr. Paul Afflick to D.B & G resulting in \$2.5 million being lost, for having knowingly made a false statement of fact in breach of Canon V(o) of the Canons of Professional Ethics; and /or knowingly assisted Mr. Paul Afflick to break the law and facilitated his disobedience of the order of the Court by providing inaccurate information concerning the net proceeds of sale from the sale of land in Portmore, St. Catherine, registered at Volume 1203 Folio 87 of the Register Book of Titles in breach of Canon III(f) of the said Canons. **The attorney was suspended from practicing as an Attorney-at-law for a period of one (1) year from the date of the Order dated 20th February, 2010.** The attorney was also ordered to pay to the Complainant costs in the sum of \$150,000.00 and costs to the General Legal Council in the sum of \$50,000.00. **The Order was made on the 20th February, 2010.**

Antonnette Haughton –Cardenas was found guilty of professional misconduct for her failure to defend a civil matter on behalf of the Complainant, Austin Robinson, in Claim CL2002/T-111 after she was retained and paid the sum of \$34,000.00 to do so. She was found guilty of not appearing to represent her client at the pre trial review on 2nd October, 2007; for not communicating with him prior to the trial set for 20th March, 2008; for attempting to mislead her client as to the outcome of the case and judgment at the pretrial review and for attempting to obtain US\$2000.00 from her client in spite of not attending to his matter in a professional manner. The attorney was ordered to pay a sum of \$150,000.00 by way of restitution being a reasonable estimate of expenses he was likely to incur to set aside the judgment.

The order was made on the 22nd January, 2010.

Michael Williams was found guilty of professional misconduct for his failure to pay practicing Certificate fees for thirteen (13) years from 1986-1996 and 2005 and 2006. The attorney has also failed to supply the General Legal Council with Accountant's Report for the years 1999-2005 as required by Rule 16 (1) and 17 of the Legal Profession (Accounts and Records) Regulations 1999. The attorney was found to be in breach of Canon 11(j) and V(s) in that he practiced as

attorney without having paid the prescribed fees required by section 5(20) of the Legal Profession Act. The attorney acted contrary to Canon 11(f) which states that “an attorney shall not act contrary to the laws of the land.” A fine of \$50,000.00 was imposed on the attorney for breaches of the Canons. The attorney was also ordered to pay costs of \$50,000.00 to the General Legal Council. **The attorney was struck from the roll of attorneys-at-law entitled to practice in the several Courts of the island of Jamaica. The order was made on the 12th December, 2009.**

J. Vernon Ricketts was found guilty of professional misconduct for his failure to hand over proceeds of claim to the Complainant, Augustus Joseph, arising from a fatal accident in which the Complainant’s mother died. Mr. Ricketts entered into negotiations with United General Insurance that resulted in a settlement of the claim in the sum of \$719,900.00. The settlement sum was paid to the attorney by cheque dated 28th July, 2006. The attorney failed to pay over to the Complainant the aforesaid sum. The attorney was found to be in breach of Canons VIII (b) of the Legal Profession (Canons of Professional Ethics) Rules 1978 in that he has failed to account to his client when reasonably required to do so and of such failed to maintain the honour and dignity of the profession and has failed to abstain from behaviour which may tend to discredit the profession of which he is a member. The attorney was ordered to pay to the complainant the sum of \$719,900.00 together with interest thereon computed at the rate of 6% per annum from the 28th July 2006. The attorney was further ordered to pay costs to the complainant in the sum of \$30,000.00. Prior to this finding, this attorney had been previously struck from the roll of attorneys entitled to practice in Jamaica.

The Order was made on the 20th February, 2010

Carlton Campbell was found guilty of professional misconduct for his failure to obtain a registered certificate of title on behalf of the Complainant, Millicent Forrest, in 1996. The attorney was ordered to return the Will left with him by the Complainant and to compensate the Complainant with a payment of One Hundred Thousand Dollars (\$100,000.00) with interest at the rate of 10% from September 1997 to date of payment. The attorney was further ordered to pay Fifteen Thousand (\$15,000.00) costs to the Complainant and Twenty Thousand Dollars (\$20,000.00) costs to the General Legal Council.

The order was made on the 20th March, 2010

Ingrid A.O. Cole was found guilty of professional misconduct contrary to section 12(1) (a) of the Legal Profession Act, for having committed breaches of the Legal Profession (Accounts and Records) Regulations 1999 for her failure to deliver up accountant’s reports to the Secretary of the General Legal Council for the year 2000 contrary to sections 16 (1) and 17 of the said Regulations The attorney was ordered to pay a fine of \$500.00 for the year that she was found to be in breach of the Legal Profession (Accounts and Records)

The order was made on the 7th November, 2009

22. INCOME AND EXPENDITURE

An audited statement of the Council's Income and Expenditure for the period 1st April, 2009 to 31st March, 2010 is set out below:

INCOME:

Practising Certificate Fee	17,004,225.00
Interest on Fixed Deposit	3,593,872.00
Miscellaneous	<u>773,700.00</u>
	21,371,797.00
Administrative and General	<u>(18,575,250.00)</u>
Surplus from operations	<u>2,796,547.00</u>

EXPENDITURE:

Advertising	358,576.00
Audit and accounting fees	515,600.00
Supreme Court Library	25,000.00
Utilities	923,089.00
Insurance	39,704.00
Legal and professional fees & expenses	3,683,136.00
Meeting expenses/workshop	311,708.00
Office expenses	252,507.00
Office Rent	694,500.00
Printing, stationery and postage	950,658.00
Repairs and maintenance	1,177,800.00
Salaries, wages and related costs	8,939,200.00
Security	160,387.00
Staff welfare	38,257.00
Travel and accommodation	42,530.00
Uniform	178,646.00
Bank Charges	<u>283,952.00</u>
	<u>18,575,250.00</u>

CONCLUSION

The General Legal Council by the promulgation of the Accounting Rules established an essential mechanism for monitoring the treatment by attorneys of their clients' money as well as providing a means by which attorneys can uniformly comply with proper standards in the exercise of their fiduciary responsibilities. However, the decision of the Court of Appeal in the **Haughton-Cardenas vs G.L.C.** case compelled the suspension of the enforcement of provisions requiring the filing of accountant's reports certifying that attorneys are properly maintaining their clients' trust accounts. While the Privy Council's decision was being awaited, all pending complaints regarding this regulation were suspended. Since the decision of the Privy Council those complaints have been reinstated. The challenges which now face the General Legal Council and the Disciplinary Committee are to expedite the actual processes of dealing with complaints, commence the actual checking of the manner in which clients' accounts are being kept and extend the offerings for continued professional development.

CHAIRMAN**SECRETARY****DATE**

