

GENERAL LEGAL COUNCIL**ANNUAL REPORT****1ST APRIL, 2010 - 31ST MARCH, 2011**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, 2011.

GENERAL LEGAL COUNCIL

1. **MEMBERSHIP**

Dr. The Hon. Lloyd Barnett - Chairman

The Hon. B.St. Michael Hylton, Q.C.

Mrs. Pamela Benka-Coker, Q.C.

Mr. John Bassie

Dr. Eileen Boxill, Q.C.

Mr. Ransford Braham

Dr. Adolph Edwards

Mr. John Leiba

Mr. Douglas Leys

Mrs. Denise Kitson

Ms. Carlene McFarlane

Mr. Crafton Miller

The Hon. Justice C.D. Morrison

Mrs. Donna Scott-Mottley

Mrs. Jeanne Robinson-Foster

Mr. George Soutar, O.D.

Mr. Allan Wood, Q.C.

On December 14, 2010, B. St. Michael Hylton, Q.C. was elected Chairman of the Council.

2. **MEETINGS**

During the period April 1, 2010 to March 31, 2011, a total of eleven (11) meetings were held as follows:-

2010: 3rd June, 23rd June, 28th July, 22nd September, 27th October, 9th November, 24th November and 14th December

2011: 26th January, 23rd February & 30th March

ATTENDANCE OF MEMBERS AT MONTHLY MEETINGS

NAMES	TIMES POSSIBLE	TIMES PRESENT	TIMES EXCUSED
Dr. The Hon. Lloyd Barnett, O.J.	11	8	2
Mr. Michael Hylton, Q.C.	11	9	2
Mrs. P. Benka-Coker, Q.C.	11	11	-
Mr. John Bassie	11	9	1
Dr. Eileen Boxill, Q.C.	11	5	4
Mr. Ransford Braham	11	9	-
The Hon. Mr. Justice C. D. Morrison	11	9	-
Dr. Adolph Edwards	11	7	2
Mr. Douglas Leys	11	1	5
Mrs. Denise Kitson	11	10	-
Ms. Carleen McFarlane	11	7	2
Mr. Crafton Miller	11	7	3
Mrs. Donna Scott-Mottley	11	7	2
Mrs. Jeanne Robinson-Foster	11	6	4
Mr. George Soutar, O.D.	11	4	3
Mr. Allan Wood, Q.C.	11	9	1

3. STAFF

As at April 1, 2010 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 Angella Moses	Office Attendant/Bearer
Miss Eulalee Steele	Office Help

4. 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.

5. COMPLIANCE WITH ACCOUNTING REGULATIONS

A subcommittee comprised of Mr. Michael Hylton, Q.C., Mr. Ransford Braham, Mrs. Denise Kitson and Mr. John Bassie was selected to ascertain the attorneys who were in breach of the regulations so that the Council could decide what breaches should be the subject of complaints.

6. APPEALS FROM DECISIONS OF THE DISCIPLINARY COMMITTEE OF THE GENERAL LEGAL COUNCIL

Appeals have been filed by Messrs. Jermaine Simms, Oswald James, A. Earl Melhado Mrs. Chandra Soares and Mrs. Janice Causewell. Attorneys-at-law are representing the Council/Disciplinary Committee in these appeals.

7. 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.

8. 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 continuing professional development and intervention in an attorney's practice be provided for in the Legal Profession Act.

9. ACCOUNTS OF THE GENERAL LEGAL COUNCIL

The Council's accounts have now been audited up to the financial year 2009-2010.

10. 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.

11. COMPUTERIZATION OF GENERAL LEGAL COUNCIL'S OPERATIONS

A subcommittee comprised of Mr. Michael Hylton, Q.C., Mrs. Denise Kitson, Mr. John Leiba and Mrs. Donna Scott-Mottley was selected to review and advise on the computerization the Council's operations. The computer system of the Council is being upgraded for greater efficiency. Miss Bertina Macaulay has been hired to implement the computerization and to maintain the Council's website.

12. 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, and lists of attorneys who have been disbarred and who have current practicing certificates.

13. 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.

14. INVESTIGATION OF ATTORNEYS' ACCOUNTS

The accountants conducting investigations of attorneys' accounts were not allowed to investigate the books of Georgette Scott, Trevor Ruddock and Howard Lettman.

The accountants have also been asked to investigate the accounts of Miss Arlene Gaynor and Messrs. Earl Melhado and Oswald James. To date they have not been allowed to do so and it was determined that complaints should be filed against those attorneys.

Notices of default have been sent to all attorneys who have been practising and have never submitted accountant's reports or declarations.

Appropriate disciplinary proceedings are being initiated by the General Legal Council.

15. PRACTISING CERTIFICATE FEES

The following fee structure came into effect on 1st January, 2011:

0 - 2 years	\$ 5,000.00
3 -5 years	\$ 8,000.00
6 -10 years	\$12,000.00
11 - 14 years	\$15,000.00
15 years & over	\$20,000.00

16. NON-PAYMENT OF PRACTISING CERTIFICATE FEES

The Council has published a list of attorneys on its website, who are entitled to practise by virtue of their having paid their practising certificate fees.

17. APPLICATIONS FOR ENROLMENT

Applications were received from the following persons and were approved:

Colin Loverson Alcott
Alvan D. Babb
Shanti Badaloo

Maxine Faith Johnson
Marc Spencer Jones
Kaysian Kemmey Kennedy

Diahann Bernard	Marie L. Blackman Lake
Janet Elaine Blackwood	Treveen E.K.A. Little
Krystle Diana Blackwood	Marsha Alison Locke
Claudine A. Blake	Tiffany Lofters
Geraldine R. Bradford	Peta-Gaye Monique Manderson
Rhona Camille Brown	Aniket Mandevia
Samantha Z'Andra Burke	Roxann Cornelia Mars
Dana Jenielle Campbell	Keiva Danae Marshall
Janetta Ester Campbell	Keresa McKenzie
Melissa Carpenter	Nicholas A. McNeil-Manley
Maxanne Noelle Clark	Rachael Farida Medley
Marcia J. Clarke	Janelle Ann Kameka Miller
Sarahope Constantine Cochrane	Kashina Kamala Moore
Christine Alicia Collam	Henry Yushaine Antonio Morgan
Lisa Ann Cowan	Marc Anthony Morgan
Asha Jilleen Crawford	Rhona Janette Morgan
Sabrina Jermain Cross	Julian Nekeisha Mowatt
Karen Erika Dabdoub	Tamara Muhammad
Fay Gilda Daley	Shani Nembhard
Tomica Georgia Daley	Paula Denise Otley
Kedia Kimesha Delahaye	Miguel Chadwick Palmer
Kemberley Dell-Williams	Gillian Cheree Pottinger
Sheryl Antoinette Dennis	Sharon May Powell
Krishna J.M. Desai	Roumelia L. Pryce
Kellie-Ann Nicole Durant	Annick Gillian Reifer
Stacy A. Earl	Chrishina Tashani Richards
Trudy Ann Nicole Edwards	Safiya Leah Roberts
David A. Fleming	Jenielle A. Rose
Courtney Nicole Foster	Marjorie E. Rose-Parkes
Nneka Sharifa Francis	Yana Rochelle Samuels
Renee Freemantle	Janis Karla Amoy Senior
Kimberley Renae Frith	Bernard Shepard
Rachelle Gayle	O'neil St. Auby Simpson
Chivone Gerald	Gennetta Sylvian Smikle
Kerri-Ann Gillies	Lauri Gayle Smikle
Tanya Danielle Golaub	Adrian Smith
Faith Hall	Garnett Layton Spencer
Jodian Latoya Hammitt	Shanna Georgia Stephenson
Sharian Melissa Hanson	Gavin St. Patrick Stewart
Gary C.E. Harris	Jerusha M. Stupart
Kerry-Ann M. Heavens	Mary J. Thwaites
Richard Jeraud Hemmings	Sacha Vacciana
Shereika Na Shara Hemmings	Shannon Nicole Vassel-Hendricks
Peta-Gaye Camille Hewitt	Sharon Walker
Keron Hicks	Sasha Watson
Susan Hill	Joan Elizabeth Webley

Kimberly Melissa Hosue	Jahanne Camille Williams
Michael George Howell	Marc Ian Williams
Dionne Lorraine Jackson-Miller	Miguel Delano Antonio Williams
Zuleika Amadie Jess	Patichia Tracey-Ann Wint
Kameisha Jacqueline Johnson	

18. 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.

19. MEMBERSHIP OF THE DISCIPLINARY COMMITTEE

During the year under review, the following persons served on the Disciplinary Committee:

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

20. MEETINGS

During the period April 1, 2010 to March 31, 2011, a total of ten (10) general meetings were held as follows:-

2010: 24th April, 22nd May, 26th June, 24th July, 25th September, 23rd October and 27th November

2011: 22nd January, 26th February & 26th March

21. 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	-
Mr. David Batts	10	10	-
Mr. Christopher Bovell	10	-	5
Miss Lilieth Deacon	10	5	1
Mr. Richard Donaldson	10	2	-
Mr. Winston Douglas	10	8	2
Mr. Lincoln Eatmon	10	-	-
Dr. Adolph Edwards	10	-	-
Miss Beryl Ennis	10	5	1
Miss Daniella Gentles	10	7	1
Mr. John Graham	10	6	2
Mr. Trevor Ho-Lyn	10	8	2
Mr. Christopher Kelman	10	8	1
Mrs. Ursula Khan	10	6	2
Mrs. Gloria Langrin	10	9	1
Mr. Jerome Lee	10	2	-
Miss Norma Linton, Q.C.	10	2	-
Mrs. Margaret Macaulay	10	4	5
Mr. Crafton Miller	10	2	-
Mr. Charles Piper	10	7	2
Mrs. Jeanne Robinson-Foster	10	1	1
Mr. Walter Scott	10	5	5
Mr. Stephen Shelton	10	8	2
Dr. Randolph Williams	10	7	1
Mr. Allan Wood	10	8	2

22. ORDERS MADE AGAINST ATTORNEYS

Anthony Pearson was found guilty of professional misconduct for his failure to deliver Certificate of Title to the Complainants 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 Canons 1 (b), IV(r) and 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 within 45 days of the 10th April, 2010, which has not been paid. The attorney was also ordered to pay the costs of these proceedings in the amount of \$30,000.00, which has not been paid. 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. (Complainant - Omar Wilson)
The order was made on the 10th April, 2010.

Arthur Kitchin was found guilty of professional misconduct for his failure to pursue action for nuisance and slander against Lloyd Brooks in the Supreme Court on behalf of the complainant. The attorney was found to be in breach of Canons IV (r) and (s) of the Legal Profession Canons of Professional Ethics Rules. The attorney was also found to be in breach of Canon 1(b). Pursuant to section 12 (4) of the Legal Profession Act, the attorney was ordered to pay to the Complainant by way of restitution the sum of \$30,000.00 with interest thereon at the rate of 6 per cent from the 17th July, 2010 until payment. The attorney was also ordered to pay a fine of \$20,000.00 which was to be paid over to the Complainant by the General Legal Council when collected. Costs of \$20,000.00 were to be paid by the Attorney for the hearing on the 17th July, 2010 bringing the total costs payable to the Complainant of \$46,000.00. Fine and costs have not been paid to date.

The Attorney Arthur Kitchin was also suspended from practice for a period of one year commencing on the 1st day of August, 2010. (Complainant - Hyacinth Davis)

The order was made on the 17th July, 2010.

Brian Wallace was found guilty of professional misconduct for his failure to complete sale of property at Lot 52 Chantilly in the Parish of Westmoreland from Stanley Simpson to Osra Brown. Pursuant to Section 12(4) of the Legal Profession Act a fine was imposed on the attorney in the sum of \$500,000.00 which fine was to be paid by the Attorney within 90 days of the date of the 4th December, 2010. It was ordered that upon payment of the fine \$250,000.00 was to be paid to the Complainant in satisfaction of any damage or expense caused by the attorney's default. The fine has not been paid to date. (Complainant - Stanley Simpson)

The order was made on the 4th December, 2010

Courtney Ewart Betty 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 Accountant's Reports to the Secretary of the General Legal Council for the years 2000-2005, 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. The cost and fine were to be paid on or before the 15th November, 2010 and have been paid. (Complainant – Dr. Lloyd Barnett)

The order was made on the 30th October, 2010

Joseph Allen was found guilty of professional misconduct for his failure to settle accident claim received on behalf of the Complainant after he was paid a retainer fee on the 30th April, 2009. A settlement was negotiated by the Respondent with Advantage General Insurance Company in the sum of \$497,500.01. This sum was collected by the Respondent on the 23rd October, 2009 and the Respondent issued a receipt confirming that he had received same. The respondent had failed to pay over the said sum of \$497,500.01 or any part thereof to the Complainant. Pursuant to section 12(4) of the Legal Profession Act the Panel found that the Respondent had failed to maintain the honour and dignity of the Legal Profession and his behavior has discredited the profession of which he is a member in breach of Canon 1(b). The attorney was struck from the Roll of Attorneys-at-law entitled to practice in Jamaica. The attorney was ordered to pay by way of restitution the sum of \$497,500.01 together with interest therein at the rate of 8 per cent per annum computed from the 23rd October, 2009 to the date of payment, which has not been paid. He was further ordered to pay costs in the amount of \$20,000.00 to the Complainant, which has not been paid. (Complainant – Dennis White)

The order was made on the 14th October, 2010.

Howard Lettman was found guilty of professional misconduct for his failure to complete agreement to purchase land by the complainant from Evadne Clayton. Mr. Howard Lettman of Lettman Murray & Associate had carriage of sale. A deposit of \$312,500.00 was paid to Mr. Lettman on the 6th May, 2005. Pursuant to section 12(4) the attorney was found to be in breach of Canon IV(s) and was ordered to pay a fine of \$150,000.00 of which \$100,000.00 was to be paid to the Complainant in part satisfaction plus costs of \$25,000.00 to the Complainant. Fine and costs have been paid. (Complainant – Sheila Balfour)

The order was made on the 28th September, 2010

Glen Cruickshank 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 Accountant's Reports to the Secretary of the General Legal Council for the years 2002-2005, Contrary to sections 16 (1) and 17 of the said Regulations.

The attorney was ordered to pay a fine of \$5,000.00 for each year that he was found to be in breach of the Legal Profession (Accounts and Records) Regulations 1999 to the General Legal Council by 31st July, 2010, which has been paid. (Complainant – Dr. Lloyd Barnett)

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

Helen McLean 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 2003-2005, Contrary to sections 16 (1) and 17 of the said Regulations. The attorney was ordered to pay a fine of \$5,000.00 for each year that she was found to be in breach of the Legal Profession (Accounts and Records) Regulations 1999 plus costs of \$5,000.00 to the General Legal Council within 30 days of the date of the order, which have been paid. (Complainant – Dr. Lloyd Barnett)

The order was made on the 12th June, 2010

Humphrey McPherson 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 Accountant's Reports to the Secretary of the General Legal Council for the years 2002-2006, 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, making a total of \$60,000.00 to the General Legal Council. The costs and fine were to be paid on or before the 2nd July, 2010, which have not been paid. (Complainant – George Soutar)

Antoinette Haughton-Cardenas was found guilty of professional misconduct for her failure to pursue accident claim on behalf of the Complainant after being retained by the Complainant, who sustained severe injuries in a motor vehicle accident. A police report was provided to the attorney on behalf of the Complainant. The police report provided sufficient details to enable the attorney to file action. The attorney failed to do so and the action became statute barred on 13th May, 2007. The attorney was found to be in breach of Canon IV (s) of the Legal Profession (Canons of Professional Ethics) Rules. The attorney was ordered to pay a fine of Eight Hundred Thousand (\$800,000.00) to the Complainant plus costs of Fifty Thousand Dollars (\$50, 000.00), which have not been paid. (Complainant – Clifton Williams)

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

David Morales was found guilty of professional misconduct for his failure to complete Agreement for Sale on behalf of the Complainant after being paid \$190,000.00 on account. Mr. Morales had carriage of sale but failed to have the

Agreement for Sale stamped and the sum was returned to the Complainant without interest in October, 2006. Under the Legal Profession Accounts & Records Regulations 1999, Regulation 4 the money ought to have been held in a trust account and pursuant to Regulation 8 the attorney ought to have accounted for interest thereon. He failed to establish that the money was held in a trust account and that he has accounted for interest in keeping with the regulation.

The attorney was ordered to pay to the Complainant by way of restitution the sum of \$19,975.91 plus costs of \$5000.00, which have been paid. (Complainant – Edna Thorpe)

The order was made on the 15th May, 2010.

Judy-Ann Bradshaw 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 1999-2004, contrary to sections 16 (1) and 17 of the said Regulations. Finding that such breaches by the attorney amounted to professional misconduct the attorney was reprimanded. (Complainant – Dr. Eileen Boxill)

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

Elsie Taylor was found guilty of professional misconduct for her failure to account to the Purchasers or their attorney-at-law and the Complainant for the sum of \$150,000.000 which was paid to her by the Complainant as a deposit under an Agreement for Sale. Having endorsed the cheque for \$150,000.00 representing the deposit, the Respondent knew of the terms of the Agreement for Sale both in terms of the consideration thereof and its remaining provisions and though provided with every opportunity to do so the Respondent has not advanced any explanation for her conduct. The respondent was ordered to pay the sum of \$151,500.00 with interest thereon at the rate of 15% per annum from May 7, 1992 to the date of payment, which has not been paid. **The Respondent was also suspended from practice as an Attorney-at-law entitled to practice in the Courts of Jamaica for a period of one (1) year** from the date of the 30th October, 2010. (Complainant – Patrick Brooks)

The order was made on the 30th October, 2010. (This decision is being appealed)

Antoinette Haughton-Cardenas was found guilty of professional misconduct for her failure to account to the Complainant for the sums of \$1,255,000.00 in breach of Canon VII (b) of the Legal Profession (Canons of Professional Ethics) Rules. The attorney was ordered to pay to the Complainant the sum of \$1,255,000.00 together with interest thereon at the rate of 8 percent per annum to be computed from the 1st day of October, 2008 until the date of payment, which has not been paid. The attorney was also ordered to pay costs in the sum of \$20,000.00 to the Complainant, which has not been paid. (Complainant – Novelette Batson)

The order was made on the 5th June, 2010

Antoinette Haughton-Cardenas was found guilty of professional misconduct for her failure to account to the Complainant for money in her hand for the account of the Complainant in a claim against the ODPEM in which she acted. Judgment was entered successfully in the sum of \$2,314,760.00 in settlement of the judgment debt. \$2,920,450.47 was paid over to the attorney by cheque dated 3rd March, 2009. The attorney failed to pay over the proceeds of the cheque to the Complainant and gave excuses that someone had broken into her office. To date nothing has been paid to the Complainant in breach of Canon VII (b). The attorney was ordered to pay to the Complainant the sum of \$1,946,966.98 together with interest at the rate of 8 percent from the 1st April, 2009 to date of payment, which has not been paid. The attorney was also ordered to pay costs to the Complainant in the sum of \$10,000.00, which has not been paid. (Complainant – Albert White)

The order was made on the 18th September, 2010

Antoinette Haughton Cardenas 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 1999-2000, Contrary to sections 16 (1) and 17 of the said Regulations. The Panel was guided by previous decisions of the Disciplinary Committee of the General Legal in the complaints of Michael Hylton Q.C. vs. Cynthia Levy Brown and Dr. Lloyd Barnett vs. Michael Williams delivered on the 12th December, 2009 and in light of the above stated that if the respondent attorney-at-law, Antoinette Haughton Cardenas, had not already been struck from the Roll of Attorneys-at-law entitled to practice in Jamaica, the Panel would have ordered that she be struck from the Roll of Attorneys-at-law entitled to practise in Jamaica because of the gravity of the breaches. The Panel also recommended that the attorney-at-law Antoinette Haughton Cardenas be struck from the Roll of attorneys-at-law and if it is at any time being considered that she be restored to the Roll of Attorneys-at-law entitled to practise in Jamaica, that such sanction be imposed to run consecutively to the original order striking her off the said Roll. (Complainant – Michael Hylton, Q.C.)

The order was made on the 25th September, 2010

Antoinette Haughton-Cardenas was found guilty of professional misconduct for her failure to file action on behalf of the Complainant in a claim concerning dispute with regard to a title. A total sum of \$92,700 was paid to the Respondent of which a total sum of \$29,500.00 was paid to the claimant by the attorney on behalf of the Complainant. The dispute was not resolved and the Attorney should have pursued action for a declaration that the equitable interest in the property was vested solely in the Complainant. There was no evidence to

suggest that the attorney had pursued filing such action on the Complainant's behalf. The Respondent was found to be in breach of the Legal Profession Canons of Professional Ethics (Amendment) Rules 1983 2 (e) and (f) in breach of IV (r). By way of restitution the Attorney was ordered to pay to the complainant the sum of \$70,000.00 together with interest thereon at the rate of 6% from February 2008 until payment, which has not been paid. The Attorney was also ordered to pay costs of \$10,000.00, which has not been paid. (Complainant – Jean Cleopatra Kerr)

The order was made on the 29th January, 2011

Antoinette Haughton-Cárdenas was found guilty of professional misconduct for her failure to pursue claims relating to the death of one child and the injuries suffered by other children of the Complainant. The Panel found that the attorney did not provide the Complainant with all or sufficient information as to the progress of her business, although she was reasonably required to do so on several occasions. In addition the Panel also found that she acted with inexcusable and deplorable negligence and therefore the attorney could be struck off, however because the Attorney had been previously struck off the Panel could not make a similar order. Had she not been struck off the Panel would have made such an order striking her off the Roll as she is clearly guilty of professional misconduct in breach of Canons IV (r) and IV (s) of the Legal Profession (Canon of Professional Ethics) Rules. (Complainant – Ismore Gordon)

The order was made on the 5th February, 2011.

Howard Lettman was found guilty of professional misconduct for his failure to transfer title from Henry Loftman to Roderick Morrison after he was retained to do so. The Panel found that the attorney has not provided the Complainant with all information as to the progress of his business, he has not dealt with the Complainant's business with all due expedition and that he has acted with inexcusable and deplorable negligence. Pursuant to section 12(4) of the Legal Profession Act the attorney was ordered to pay a fine of \$125,000.00 of which \$25,000.00 was to be paid to Mr. Roderick Morrison and costs of \$25,000.00 to the General Legal Council. Both fine and costs were to be paid to the General Legal Council on or before the 25th March, 2011. Fine and costs have not been paid. (Complainant – Roderick Morrison)

The order was made on the 12th February, 2011.

Howard Lettman was found guilty of professional misconduct for his failure to transfer title to Benjamin Lewis after he was retained to do so. The Panel found that the Complainant has proved his case in that the attorney Howard Lettman has not provided him with all information as to the progress of his business, he has not dealt with the complainant's business with all due expedition and that he has acted with inexcusable and deplorable negligence. Pursuant to section 12(4) of the Legal Profession Act the attorney was ordered to pay a fine of

\$150,000.00 of which \$50,000.00 is to be paid to Mr. Benjamin Lewis and costs of \$25,000.00 to the General Legal Council. Both fine and costs were to be paid to the General Legal Council on or before the 25th March, 2011. Fine and costs have not been paid. (Complainant – Benjamin Lewis)

The order was made on the 12th February, 2011

Audley Earl Melhado 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 Accountant's Reports to the Secretary of the General Legal Council for the years 2002-2005, Contrary to sections 16 (1) and 17 of the said Regulations. **The attorney was struck from the Roll of Attorneys-at-law entitled to practice in the several courts of the Island of Jamaica** and was ordered to pay a sum of \$50,000.00 in costs to the General Legal Council, which has not been paid. (Complainant – C. Dennis Morrison, Q.C.)

The order was made on the 12th February, 2011 (This decision is being appealed)

Chandra Soares was found guilty of professional misconduct for her failure to account to her client with regard to an agreement for sale. The attorney knowingly and wrongfully computed the costs payable to the sale on a purchase price of \$25,500,000.00 instead \$35,500,000.00. The Complainant did not agree to lend the sum of \$7,985,424.76 to the attorney and the attorney knowingly converted the sum to her own use and benefit and/or to the use and benefit of persons other than the Complainant without consent. Pursuant to section 12 (4) of the Legal Profession Act **it was ordered that the attorney be struck from the Roll of attorneys-at-law entitled to practice in Jamaica.**

The order was made on the 12th February, 2011. (This decision is being appealed.) (Complainant – Kenneth Roy Chung)

Antoinette Haughton-Cardenas was found guilty of professional misconduct for her failure to account to the Complainant for money in her hand for the account of the Complainant in an accident claim against the insurance company which she acted. Under the contingency agreement of 33 1/3 % and the amount received from the insurance of \$1, 250,000.00 the sum on contingency would be \$416,666.66 and balance to the Complainant would be \$833,333.37. The attorney was ordered to pay the sum of \$833,333.37 to the Complainant plus costs of \$25,000.00 and interest at the rate of 6 percent from the date of the complaint 23rd March, 2009 until payment, which sums have not been paid. **Attorney was struck from the Roll of Attorneys-at-law entitled to practice in the several courts of the Island of Jamaica.** (Complainant – Edna M. Polean Henry)

The order was made on the 5th February, 2011

Jermaine Simms was found guilty of professional misconduct for his failure to honor his professional undertaking given to the Dabdoub & Dabdoub to pay the firm a sum of US\$32,500.00 on the 30th September, 2008 in respect of use and occupation of the Complainant's premises. The Panel ordered that pursuant to section 12 (4) (a) of the Legal Profession Act **the name of Jermaine Ryan Simms be struck off the Roll of Attorneys-at-law entitled to practice in Jamaica.** By way of restitution the attorney was ordered to pay the sum of US\$32,500.00 together with interest thereon at the rate of 6 percent per annum computed from 30th September, 2008 to date of payment. The attorney was also ordered to pay costs in the sum of \$100,000.00 to the Complainant. These sums have not been paid. (Complainant – Marine Wildlife (Jalil Dabdoub)
The order was made on the 19th February, 2011 (This decision is being appealed)

Seymour George Stewart 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 Accountant's Reports to the Secretary of the General Legal Council for the years 2003, 2004 and 2005, Contrary to sections 16 (1) and 17 of the said Regulations. The attorney was ordered to pay a fine of \$15,000.00 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 by 31st March, 2011, which have not been paid. (Complainant – Dr. Lloyd Barnett)
The order was made on the 26th February, 2011.

Leighton Miller 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 Accountant's Reports to the Secretary of the General Legal Council for the years 2002-2003, and 2005 Contrary to sections 16 (1) and 17 of the said Regulations. The attorney was ordered to pay a fine of \$15,000.00 for each year that he was found to be in breach of the Legal Profession (Accounts and Records) Regulations 1999 plus costs of \$15,000.00 to the General Legal Council on or before 28th February, 2011, which have not been paid. (Complainant – Dr. Lloyd Barnett)
The order was made on the 12th February, 2011.

Harold Brady 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 Accountant's Reports to the Secretary of the General Legal Council for the years 2001-2009, Contrary to sections 16 (1) and 17 of the said Regulations. The attorney was ordered to pay a fine of \$15,000.00 for each year that he was found to be in breach of the Legal Profession (Accounts and Records) Regulations

1999 plus costs of \$15,000.00 to the General Legal Council by the 25th March, 2011, which have been paid. (Complainant – Dr. Lloyd Barnett)
The order was made on the 19th March, 2011.

Matters Appealed for Period 1st April, 2010-31 March, 2011

Earl Melhado vs. General Legal Council (ex-parte C. Dennis Morrison, Q.C.)

Jermaine Simms vs. General Legal Council (ex-parte Marine Wildlife
 Publication per Jalil Dabdoub)

Chandra Soares vs. General Legal Council (ex-parte Kenneth Roy Chung)

Elsie Taylor vs. General Legal Council (ex-parte Patrick Brooks)

Summary of Complaints 1st April, 2010-31st March, 2011

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)		363
Number of new complaints filed in the current year		<u>196</u>
		559
Complaints considered at the general meetings Of the Disciplinary Committee as at 31, March 2011:		
Number of complaints with prima facie case found	130	
Number of complaints with no prima facie case	46	
Number of complaints withdrawn	<u>01</u>	
		(47)
Complaints dealt with at the hearings:		
Number of complaints withdrawn	51	
Number of complaints dismissed	21	
Number of complaints struck out for want of prosecution	08	
Number of complaints upheld	27	
		(107)
Number of complaints disposed of		(154)
Number of complaints pending at the end of the year		<u>405</u>

Note: There was an increase of 53 in the new complaints over the previous year.

22. INCOME AND EXPENDITURE

An unaudited statement of the Council's Income and Expenditure for the period 1st April, 2010 to 31st March, 2011 is set out below:

INCOME:

	\$
Practising Certificate Fee	21,437,714.50
Interest on Fixed Deposit	2,493,067.96
Miscellaneous	<u>716,857.00</u>
	24,647,639.46
Administrative and General	<u>18,126,222.09</u>
Surplus from operations	<u>6,521,417.37</u>

EXPENDITURE:

Advertising	351,561.00
Audit and accounting fees	461,840.00
Supreme Court Library	25,000.00
Utilities	1,072,276.22
Insurance	53,525.09
Legal and professional fees & expenses	871,710.00
Meeting expenses/workshop	61,509.60
Office expenses	263,076.63
Office Rent & Maintenance	1,687,270.00
Printing, stationery and postage	1,215,242.56
Repairs and maintenance	161,876.81
Salaries, wages and related costs	10,764,928.36
Security	158,633.39
Staff welfare	420,688.76
Travel and accommodation	-
Uniform	179,278.00
Miscellaneous	155,497.83
Bank Charges	<u>222,307.84</u>
	<u>\$18,126,222.09</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****JUNE 30, 2011**