

GENERAL LEGAL COUNCIL

ANNUAL REPORT

APRIL 1, 2012 – MARCH 31, 2013

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 ten (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 Council maintains a website at <http://www.generallegalcouncil.org/>.

The following is a report on the activities of the General Legal Council and the Disciplinary Committee during the twelve months ending on March 31, 2013.

GENERAL LEGAL COUNCIL

1. **MEMBERSHIP**

The Hon. B. St. Michael Hylton, O.J. Q.C. - Chairman

The Hon. Patrick Atkinson, Q.C. (from January, 2012)

Mr. Maurice Bailey

Dr. the Hon. Lloyd Barnett

Mr. John Bassie

Mrs. Pamela Benka-Coker, Q.C.

Mr. Ransford Braham, Q.C.

Dr. Adolph Edwards

Mrs. Denise Kitson, Q.C.

Mr. John Leiba

Mr. Douglas Leys, Q.C.

Ms. Carlene McFarlane

Mr. Crafton Miller

The Hon. Justice C.D. Morrison

Mrs. Donna Scott-Mottley

Mrs. Jeanne Robinson-Foster, C.D.

Mr. George Soutar, O.D., Q.C.

Mr. Allan Wood, Q.C.

2. **MEETINGS**

During the period April 1, 2012 to March 31, 2013, a total of ten (11) regular monthly meetings were held as follows:-

2012: 25th April, 16th May, 27th June, 25th July, 26th September, 30th October, 28 November and 12th December

2013: 23rd January, 27th February & 27th March

There was a special meeting on 5th December, 2012.

The Council also held a weekend retreat on June 11, 2012.

ATTENDANCE OF MEMBERS AT MEETINGS:

	TIMES	TIMES	TIMES
NAMES	POSSIBLE	PRESENT	EXCUSED
The Hon. Michael Hylton, O.J. Q.C.	11	10	1
The Hon. Patrick Atkinson, Q.C.	6	-	-
Mr. Richard Ayoub	2	2	
Mr. Maurice Bailey	11	4	5
The Hon. Lloyd Barnett, O.J.	11	8	2
Mrs. P. Benka-Coker, Q.C.	11	9	1
Mr. John Bassie	9	7	1
Mr. Ransford Braham, Q.C.	2	2	-
Dr. Kelly-Ann Brown		1	
Ms. Saverna Chambers	2	1	-
Mrs. Michele Champagnie	3	3	-
Dr. Adolph Edwards	9	9	-
Mrs. Nicole Foster-Pusey	5	4	-
Mrs. Denise Kitson, Q.C.	11	9	1
Mr. Douglas Leys, Q.C.		-	-
Ms. Carleen McFarlane	11	9	1
Mr. Crafton Miller	11	5	4
Mr. Lowel Morgan	2	2	-
The Hon. Mr. Justice C.D. Morrison	11	10	1
Mrs. Donna Scott-Mottley	11	9	2
Ms. Hilary Reid	2	2	-
Mrs. Jeanne Robinson-Foster, C.D.	11	6	3
Mr. George Soutar, O.D., Q.C.	11	5	4
Mr. Allan Wood, Q.C.	11	11	-

3. MANAGEMENT COUNSULTANT

The Council has undertaken a restructuring of its operations based on the report which was received from PricewaterhouseCoopers for a more efficient performance of its functions.

4. SALARIES

In 2012, the Council approved a 12% increase in salaries and increased the base figure of the allowance paid to members of staff for work done on Saturdays to \$3,000.00.

5. GENERAL LEGAL COUNCIL'S STAFF TRAINING

The staff was trained in the use of the following Microsoft applications: MS Word 2007, MS Excel 2007, MS Outlook 2007 and MS PowerPoint 2007.

6. SECURITY AT GENERAL LEGAL COUNCIL OFFICES

Consequent on an incident of theft which occurred in November 2012, the Council contracted with Quest Security Services Ltd. for the service of an unarmed guard at its offices.

7. DEBIT/CREDIT CARD PAYMENT SYSTEM

A card payment system has been implemented to facilitate the payment of practising certificate and CLPD seminars fees by attorneys-at-law. It was agreed that the Council would defray the associated costs at this time.

8. APPEALS FROM DECISIONS OF THE DISCIPLINARY COMMITTEE

Appeals have been filed by Eileen Crosbie Salmon, Oswald James, Ernest Davis, Joseph Allen and Sheldon Codner against disciplinary decisions made against them. Fifteen appeals are pending to date.

9. OTHER COMMITTEES

In addition to the Disciplinary Committee (which was created by the Act) the Council has established the following committees to assist in carrying out its functions. The committees include persons who are not members of the Council, but all are chaired by a member of the Council, as indicated in the table below:

COMMITTEE	CHAIR PERSON
Accounting Reports	Hilary Reid
Accreditation	Donna Scott-Mottley
Advertising Regulatory	Carleen McFarlane
CLPD	Lloyd Barnett
Compensation Fund	John Bassie
Finance and Accounting	Lowel Morgan
Information Technology	Denise Kitson
Proceeds of Crime Act	Allan Wood
Protection of Client's Assets	Ransford Braham
Regulatory Reform	Maurice Bailey

10. CONTINUING LEGAL PROFESSIONAL DEVELOPMENT (CLPD)

The Legal Profession (Continuing Legal Professional Development) Regulations, 2013 were enacted on January 29, 2013. The Council established a CLPD department in January 2013 and employed Ms. Venessa McLean on January 7, 2013 as its Director.

The CLPD Committee (chaired by Dr Lloyd Barnett) has summarized in lay terms what is required of attorneys and this has been published on the Council's website and communicated by email to all practising attorneys.

In February 2013, the Council started a series of CLPD seminars. Four seminars were held in Kingston. These seminars were attended by 1,100 attorneys. The seminars continued in March, when one was held in Kingston, two were held in Mandeville; one in Ocho Rios and two in Montego Bay. A total of 400 persons

attended the seminars in March. The schedule of seminars was published on the Council's website and in the newspapers.

11. ACCREDITATION COMMITTEE

The Continuing Legal Professional Development Accreditation Committee is a statutory body which came into effect February 1, 2013. It devises the criteria and requirements for the accreditation of courses and other activities; accredits courses and other activities comprising a CLPD programme and assesses the hours to be credited for participation in any CLPD programme.

Mrs. Donna Scott-Mottley was appointed as chairman of this Committee.

As at March 31, 2013, one application for accreditation has been approved and two applications refused

12. REFORM OF THE LEGAL PROFESSION ACT

There were a number of changes re the persons holding the positions of Minister of Justice and Attorney General during the year under review. Council met with and briefed each incoming Minister/AG in relation to the Bill to amend the Legal Profession Act. There were also continued consultation with and representations by the Bar.

The amending act was finally enacted and brought into force in December 2012. In addition to establishing a requirement that all practising attorneys take part in CLPD, the amendments also empower the Council to take action to protect clients' files and assets in specified cases. Those include cases where an attorney has died, been struck off the roll or has left the country without making adequate arrangements to protect their clients' files or property.

The amendments also establish a compensation fund and authorize the Council to regulate and administer it. The Council has started preparations for this task.

13. PROCEEDS OF CRIME ACT

The draft cabinet submission indicated that the Council's recommendations have been adopted that the Council should be the competent authority to regulate the

profession and that the profession should be regulated separately from other sectors.

The General Legal Council has been actively engaged in the past year in considering the regulatory regime which will be created to regulate attorneys under the Proceeds of Crime Act. The General Legal Council created a sub-committee of persons with expertise in this field to make recommendations in that regard and these recommendations were considered and approved by Council in May 2012 and forwarded to the relevant Government agency having responsibility for carriage of the matter.

In the reporting period, representative of the Council also met with the CFATF Mission Team on 11th September, 2012, who indicated approval of the Council's policy and particularly agreed that to be effective, the regulatory regime will need to be enforced by a mix of disciplinary/administrative sanctions as the experience of other jurisdictions has taught that reliance on criminal sanctions will simply clog the criminal justice system and prove ineffective in the long term.

Representatives of the Council also met with the responsible Ministers and their team on 22nd October 2012 and thereafter moved apace in giving its comments on the Draft Cabinet Submissions and the Draft Bill to amend the relevant legislation.

The Council is on target to have its regulatory regime implemented by the Government's target date.

14. INFORMATION TECHNOLOGY

The Information Technology Committee continues on its exercise to rationalize the Council's database of attorneys to obtain current and accurate information in relation to practising attorneys. It is intended that the revised data will be accessible on the website as upgrade of the website continues.

15. ACTION TO PROTECT CLIENTS' PROPERTY

This Committee is investigating the cases of two attorneys' offices in Montego Bay which have been locked up with clients' files.

16. LEGAL AID COUNCIL

Mrs. Michelle Champagnie was appointed to represent the Council.

17. ACCOUNTING REPORTS

For the year under review, 1,130 attorneys filed either the First Schedule or the Second Schedule under the Legal Profession (Accounts & Records) Regulations, 1999 as follows:

- 433 attorneys filed the First Schedule;
- 697 filed the Second Schedule.

It was noted that some attorneys have filed the First Schedule indicating that they do not hold clients' funds when there are in fact indications that they do.

18. ACCOUNTS OF THE GENERAL LEGAL COUNCIL

The Council's accounts have now been audited up to the financial year 2012 - 2013.

19. PRACTISING CERTIFICATE FEES

The following fee structure was in effect on 1st January, 2013:

Less than five years' standing	-	\$10,000.00
Five years' standing but less than fifteen	-	\$20,000.00
Fifteen years standing and over	-	\$30,000.00
Attorney-at-law who has retired from practice	-	\$10,000.00
Attorney-at-law in the first year of practice who applies for a practising certificate after September 1 in that year	-	\$5,000.00

It is estimated that there are more than 3,000 attorneys on the roll. In 2012/2013 1,535 attorneys held practising certificates. The Council has published on its website and in the newspaper, a list of attorneys who are entitled to practise by virtue of their having paid their practising certificate fees. The Council is also working with the Chief Justice, the Registrar of Titles and other relevant departments to ensure that persons who are not entitled to practice are not allowed to do so.

21. APPLICATIONS FOR ENROLMENT

Applications for qualifying certificates were received from the following 127 persons and approved:

Nicholas Gordon	Diron Ruddy
Andrew George Cowan	Dialo Andre Sterling
Sandra Smith	Wendy Angela Bell
Veroneque Annette Blake	Nichole Ann Chambers
Sasha-Kay Gilzean	Lamar Rena Harris
Dainele Rochelle Lewin	Gillian Elizabeth Richards
Seidia Roach Bernard	Matondo Mukul
Deniece Melissa Aiken	Peter Lenworth McHugh
Andrew Arthur Antonio	Melissa Simone McLeod
Donnamarie Patricia Ashton	Tamara Merchant
Errol Elatan Bacchas	Heatha Mavarie Miller
Kenisha Alethia Baker	Sasha Taleta Miller
Kadia Sasha-Kay Baugh	Horace Leigh Mitchell
Janice Capheann Behari	Karlene Althea Mitchell
Venise Blackstock-Murray	Georgia Monnah
Dayle Orland Blair	Lorraine Juliet Moore
Kalima Akiba Bobb-Semple	Samantha Peta-Gaye Moore
Kimberly Kerry-Ann Bowen	Angela Janet Muir
Devon O. Brooks	Joanna E. Muirhead Thomas
Venice Salome Brown	Clinvern Delroy Murray
Yvette Angella Brown	Morriesha Makeda Muschette
Kadene Dhaina Campbell	Subrian Colleen Myrie
Kamesha Latoya Campbell	Symone Natalie Neil
Lexine Campbell	Vanessa Alexia Nesbeth

Michelle Patricia Campbell
 Samantha Doreen Campbell
 Christine Angela Campbell-Swabey
 Tiffany Millicent Akheela Castello
 Truanna Chin
 Hadrian Robert Christie
 Juliet Marcia Christie
 John Clarke
 Maria Elaine Clark-Prout
 Tracian Condappa-Anderson
 Sharlene Shackerah Crawford
 Valrie Annie Curtis
 Damien Roosevelt Dacosta
 Wensley Archibald Dias
 Dwayne Anthony Dixon
 Tameka Kema Dunbar
 Fayola ann Maureen Evans Roberts
 Kellye-Rae Fisher
 Michelle Marie Angela Fitz-Henley
 Stephanie Elsie Dawn-Ann Forte
 Colleen Franklin
 Tammara Vanessa Glaves
 Viv-Laal Golaub
 Shereene S. Golding Campbell
 Georgette Patrica Grant
 Keisha Makeda Grant
 Andrea Ann Marie Graveney
 Venessa Monique Hall
 Natasha Natiesha Hendricks
 Excene Ivorene Henry
 Marlene Elizabeth Henry
 Vincent George Henry
 Nadine Shelly-Ann Henry-Freckleton
 Ansord Earl Hewitt
 Mark Anthony Devere Hope
 Jayson Walter Houslin
 Cerlin Mae Hudson
 Mikhail Andrew Christopher Jackson
 Cheryl Allison Johnson
 Ruth-Ann Elizabeth Jones

Love Ndidi Odih
 Channa Ann Marie Ormsby
 Anna-Kaye Michelle Osborne
 Michelle Theresa Phillips
 Shakira Ayana Pickersgill
 Steven George Powell
 Suzimae Velonie Pryce
 Kareem Ellicia Reid
 Tyeesh Allia Reid
 Alicia Rose-Marie Rhoden
 Cheryl Angela Richards
 Natasha Rene Rickards
 Tracy-Ann Lisa Robinson
 Marlene Elaine Roper
 Sophia Elizabeth Rowe
 Taniesha Rowe
 Kamau Ruddock Brown
 Tirshatha Kirkpatrick Russell
 Trudy-Ann Russell
 Debby-Ann Alicia Salmon
 Stacy-Ann Nicole Salmon
 Sadeera Anastasia Shaw
 Dwight Anthony Sibbles
 Andrea Fayne Silvera Martin
 Georgette Erica Simon
 Clifford Smith
 Germaine McDermoth Smith
 Marvalyn Smith
 Sheree Olisia Smith
 Stephen George Smith
 Betty-Ann Marie Smith-Waite
 Rudeine Chin Speid
 Terry-Joy Camille Stephenson
 Karla-Gae Allison Sterling
 Cheanette Apolone Stobbs
 Michael Leon Thomas-Shorter
 Peter Andrew Townsend
 Kimberly Ruthlyn Villers
 Prince Netro Waite
 Dawn Marie Walker

Nicole Cornel Kellier
 Leofric Livingstone Lambert
 Charlene Elizabeth Laughton
 Raoul Lindo
 Natalee Ann-Marie Lindsay
 Marissa Francine Longworth
 Tamara Nicole Lovelace
 Renee Maharaj
 Donovan Oconor Malcolm
 Karina Colette Marsh
 Elesa Natasha Marsh-Archer
 Lesley Ann McCalla
 Caprice Avril McFarlane
 Deanna Marie Clare McFarlane
 Paul Wayne Gentles
 Ishia Adaneeki Robinson
 Julia Meada Wedderburn
 Sharlene Kerisse Barker
 Joanne Sinclair
 David Wayne Clarke

Kelli-Ann Nicole Walker
 Melisha Walters Gordon
 Steve Walters
 Wesley Garth Watson
 Yanique Geraldine Watson
 Garland Boblen Waugh
 Basil Reginald WilliamsSabita
 Lisa Marie Williams
 Shane Andre Williams
 Stacy-Ann Sementa Willimas
 Harold Washington Wilson
 Kerry-Ann Cheree
 Amelia Cherie Ziadie
 Kimberly Tamera Facey
 Cedric Andrean Brown
 Diane Thompson Clarke
 Sara Camile Brown
 Jacqueline Douce
 Jebby Nicola Campbell
 Kerri Nicole Edwards

In 2012-2013 the Council approved 127 applications. It is envisaged that there will be more than 170 in 2013-2014.

THE DISCIPLINARY COMMITTEE OF THE GENERAL LEGAL COUNCIL

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.

22. 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 30st September 2014:

Mrs. P. Benka-Coker, Q.C. - Chairman

Mr. David Batts

Miss Lilieth Deacon

Mr. Richard Donaldson

Mr. Winston Douglas

Mr. Lincoln Eatmon

Dr. Adolph Edwards

Miss Beryl Ennis

Mr. John Graham

Mr. Trevor Ho-Lyn

Mr. Christopher Kelman

Mrs. Ursula Khan

Mrs. Gloria Langrin

Mr. Jerome Lee

Mrs. Margarette Macaulay

Ms. Debra McDonald

Mr. Charles Piper

Mrs. Jeanne Robinson-Foster

Mr. Walter Scott

Dr. Randolph Williams

Mr. Allan Wood, Q.C.

Messrs. Patrick Foster, Q.C., Peter Champagnie, and Michael Thomas and Mrs. Judith Cooper-Batchelor were appointed in March 2012. Their tenure also ends on September 30, 2014.

During the year under review Mr. Stephen Shelton and Ms. Daniella Gentles resigned.

23. MEETINGS

During the period April 1, 2012 to March 31, 2013, a total of nine (9) meetings were held as follows:-

2012: 28th April, 26th May, 23rd June, 28th July, 22nd September, 3rd November & 24th November

2013: 26th January & 23rd March

ATTENDANCE BY MEMBERS AT MONTHLY MEETINGS

	<u>TIMES POSSIBLE</u>	<u>TIMES PRESENT</u>	<u>TIMES EXCUSED</u>
Mrs. Pamela Benka-Coker	9	9	-
Mr. Peter Champagnie	9	5	1
Mrs. Judith Cooper-Batchelor	9	4	-
Miss Lilieth Deacon	9	5	2

Mr. Richard Donaldson	9	2	
Mr. Winston Douglas	9	6	3
Mr. Lincoln Eatmon	9	-	2
Dr. Adolph Edwards	9	-	-
Miss Beryl Ennis	9	4	
Mr. Patrick Foster, Q.C.	9	5	2
Mr. John Graham	9	5	-
Mr. Trevor Ho-Lyn	9	7	2
Mr. Christopher Kelman	9	5	2
Mrs. Ursula Khan	9	8	-
Mrs. Gloria Langrin	9	5	1
Mr. Jerome Lee	9	5	-
Mrs. Margarette Macaulay	9	3	5
Ms. Debra McDonald	9	4	2
Mr. Charles Piper	9	5	1
Mrs. Jeanne Robinson-Foster, C.D.	9	5	1
Mr. Walter Scott, Q.C.	9	4	4
Mr. Michael Thomas	9	4	1
Dr. Randolph Williams	9	3	-
Mr. Allan Wood, Q.C.	9	4	2

24. ATTENDANCE BY MEMBERS AT WEEKLY SITTINGS

Names	Times Possible	Times present	Times Excused
Benka-Coker, Pamela Q.C. (Mrs.)	34	33	1
Batts, David Q.C. (Mr.)	21	19	2
Bovell, Christopher (Mr.)	9	8	1
Champagnie, Peter (Mr.)	14	13	1
Cooper-Batchelor, Judith (Mrs.)	10	10	
Deacon, Lilieth (Miss)	18	15	3
Donaldson, Richard (Mr.)	9	8	1
Douglas, Winston (Mr.)	18	14	4
Eatmon, Lincoln (Mr.)	5	3	2
Edwards, Adolph (Dr.)	17	14	3
Ennis, Beryl (Miss)	27	24	3
Foster, Patrick Q. C. (Mr.)	5	5	

Gentles, Daniella (Ms.)	10	9	1
Graham, John (Mr.)	12	8	4
Ho-Lyn, Trevor (Mr.)	22	19	3
Kelman, Christopher (Mr.)	21	19	2
Khan, Ursula (Mrs.)	21	19	2
Langrin, Gloria (Mrs)	15	15	
Lee, Jerome (Mr.)	22	21	1
Linton, Norma Q.C.(Miss)	2	1	1
Macaulay, Margarett (Mrs.)	17	14	3
McDonald, Debra (Mrs.)	18	16	2
Piper, Charles	25	25	
Robinson-Foster, Jeanne (Mrs.)	12	9	3
Scott, Walter Q.C. (Mr.)	19	19	
Shelton, Stephen (Mr.)	8	7	1
Thomas, Michael (Mr.)	14	14	
Williams, Randolph (Dr.)	17	16	1
Wood, Allan, Q.C. (Mr.)	24	21	3

25. SEMINARS

One seminar was held during the year under review, on January 28, 2013.

26. ORDERS MADE AGAINST ATTORNEYS

Chrystine Bernard was found guilty of professional misconduct for her failure to account to the Complainant for money she received from him with regard to the purchase of a property for the complainant. The attorney has failed to account to the Complainant for the amount of \$913, 807.50 paid to her by the complainant as the relevant deposit, for the necessary stamping as well as on account of legal fees. The attorney did not stamp the agreement or register the transfer on the title nor take any adequate steps to see to the completion of the transaction. The Attorney was **struck from the Roll** of Attorneys-at-law entitled to practise in Jamaica. She was ordered to pay to the Complainant by way of

restitution the amount of \$1,182,761.40 being \$913,807.50 with interest thereon at the rate of 10% per annum from the 10th March, 2010 to 11th March, 2012) the attorney was further ordered to pay costs to the General Legal Council in the sum of \$50,000.00, which amounts have not been paid. **The order was made on the 14th April, 2012.**

Lynden Wellesley was found guilty of professional misconduct for his conduct in the handling of a personal injury matter for the complainant. The Panel found that the attorney did not deal with his client's business with all due expedition and that the attorney has acted with inexcusable and deplorable negligence or neglect in the performance of his duty to his client and that he has failed to provide the complainant with all information as to the progress of his business. The Panel ordered the attorney to pay a fine of \$2,000,000.00 to the General Legal Council of which \$500,000.00 is to be paid on or before the 1st July, 2012 and the balance of \$1,500,000.00 to be paid on or before 1st October, 2012. The Panel also directed that the fine be paid to the Complainant when collected by the General Legal Council in full satisfaction of any damages caused to him by the Respondent's misconduct. The attorney was also ordered to pay costs to the complainant in the sum of \$60,000.00 on or before the 1st July, 2012. **The order was made on the 28th April, 2012. An amount of \$1,460,000.00 has been paid.**

Roger Davis was found guilty of professional misconduct under section 12 (1) (a) 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, 2004, 2005, 2006, 2007, 2008, 2009 contrary to section 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. The costs and fine were ordered to be paid on or before the 15th July, 2012 but they have not been paid. **The order was made on the 19th May, 2012**

Marie Chambers was found guilty of professional misconduct for her failure to have the Complainant's late husband's death noted on the title. The attorney was fined the sum of Two Hundred Thousand Dollars (\$200,000.00) to be paid to the complainant in partial satisfaction of any damages she may have suffered as a result of the Attorney's professional misconduct. The Attorney was also ordered to deliver all the documents including the Certificate of Title for the subject property forthwith. In the event the Attorney, Marie Chambers failed to do so, she would have been suspended from practice for a period of six (6) months

commencing on the 28th May, 2012. The Attorney was also ordered to pay costs of the proceedings in the amount of \$50,000.00 to the complainant, which has been paid. **The order was made on the 28th April, 2012**

Eileen Crosbie Salmon was found guilty of professional misconduct contrary to section 12 (1) (a) 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 2001, 2003, 2004, contrary to section 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 said Regulations, a total of \$25,000.00, to be paid to the General Legal Council on or before the 25th May, 2012, which has not been paid. **The order was made on the 12th May, 2012. The Decision is being appealed.**

Lounette A. Fisher Lynch was found guilty of professional misconduct contrary to section 12 (1) (a) 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, 2004, 2005, 2006, 2007, 2008, 2009 contrary to section 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 making a total cost of \$80,000.00 to be paid on or before 30th April, 2012, which has been paid. **The order was made on the 25th February, 2013**

Arthur Kitchin was found guilty of professional misconduct for his failure to complete a real estate transaction on behalf of the Complainant. The attorney was **struck from the Roll** of attorneys-at-law entitled to practise in Jamaica. The attorney was also ordered to pay by way of restitution to the complainant the sum of \$601,500.22 being the balance due to the complainant plus accrued interest of \$141,020.42. The attorney was also ordered to pay interest at the rate of 6% per annum on the said sum of \$601,500.22 from the date ordered until the date of payment. The amounts have not been paid. **The order was made on the 23rd June, 2012**

Judith Pantry was found guilty of professional misconduct contrary to section 12 (1) (a) 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 2002, 2003, 2004, and 2005, contrary to section 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. The costs and fine were ordered to be paid on or before the 7th August, 2012 and have not been paid. **The Order was made on 21st July, 2012**

Oswald James was found guilty of professional misconduct for his failure to account to the complainant for the sum of US\$337,500.00 which was sent to the Attorney by the complainant for the acquisition of a property. The complainant asked for the return of the money and the attorney was unable to refund same. The attorney wrote a letter to the complainant undertaking to refund the balance of money on or before the 30th July, 2008. The attorney failed to honour the undertaking. The attorney repaid only US\$100,000.00 of the US\$337,500.00 held to the complainant's account.

The attorney was **struck from the Roll** of Attorneys entitled to practise in the several Courts of Jamaica. The attorney was ordered to grant restitution to the Complainant in the sum of US\$237,500.00 with interest there on at the rate of 3% per annum from the 15th April, 2008 until payment. The attorney was ordered to pay cost to the complainant in the sum of \$100,000.00. The amounts have not been paid. **The order was made on the 11th September, 2012. This matter is being appealed.**

Ernest Davis was found guilty of professional misconduct for his failure to investigate the Will of Iris Berry and Protect the interest of Israel Berry's in the property at Norwich and to get information of the deceased's bank account. The attorney was fined the sum of \$150,000.00 to be paid within 45 days of the 28th April, 2012. The fine was to be paid to the complainant in satisfaction of any damages that she may have suffered as a result of the Attorney's misconduct. The attorney was also ordered to pay for costs of the proceedings in the amount of \$20,000.00. The fine and costs have not been paid. **The order was made on the 28th April, 2012. This matter is being appealed.**

Rosalea P. Hamilton was found guilty of professional misconduct contrary to section 12 (1) (a) 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, 2001, 2002, and 2002, 2003, 2004, 2004, 2006, 2007, 2008 and 2009 contrary to section 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 said Regulations; to be paid on or

before the 25th October, 2012, which has been paid. **The order was made on the 6th October, 2012.**

Antoinette Haughton-Cardenas was found guilty of professional misconduct for her failure to prosecute a fatal accident claim on behalf of the Complainant. The Attorney was retained in September, 1993 and was provided with the necessary information pertaining to the identity of the owners and driver of the vehicle. The attorney commenced action correctly naming the driver but incorrectly naming the owner. The attorney failed to commence action against the owner and the driver of the other vehicles involved in the accident. The attorney was fined a sum of \$500,000.00 and directed that the entire fine be applied towards compensation of the Complainant in her capacity as representative of the estate of Robert White (deceased). The attorney was ordered to pay a fine of \$50,000.00 to the General Legal Council. The fines have not been paid. **The order was made on the 8th December, 2012.**

Ethlyn Norton Coke was found guilty of professional misconduct for her failure to complete and transfer the correct title to the complainant. The attorney was ordered to pay a fine to the Complainant in the sum of \$100,000.00 to enable another attorney to complete the matter, if she had not completed the transfer of the correct title to the complainant by the date of the order. **In addition, the attorney was ordered to pay costs previously ordered in this matter amounting to (i) £240.00 plus J\$350.00 1st March 1997. (see condition at paragraph 2 of the judgment), ii)\$37,000 (J) -20th November, 2000; iii) \$1,000 .00 (J)- 30th September, 2000.; iv) 5th June 2010 less any amount that she has paid already. The amounts have not been paid. The order was made on the 29th January, 2013**

Sheldon Codner was found guilty of professional misconduct for his failure to complete a transaction on behalf of the complainants in a sales transaction of land. The purchase price for the land was \$27,000,000.00 and the complainants in pursuance of the Agreement for Sale paid over a total sum of \$25,197,000.00 to the attorney and the attorney admitted receiving all these sums from the complainants. The attorney paid over the sums of \$4,050,000.00 and \$47,000.00 to Samuda and Johnson.

The attorney did not pay over the sums of \$18,500,000.00 and \$62,600,000.00 to Samuda & Johnson although he was obliged in law to do so, nor did he refund the amounts of \$18,500,000.00 and \$2,600,000.00 to the Complainants when they demanded that he do so. The Panel ordered that the name of the Attorney

Sheldon Codner be struck from the Roll of Attorneys-at-law entitled to practise in Jamaica and that the Attorney should make immediate restitution of the sum of \$12,100,000.00 to the Complainant with interest at the rate of 6% per annum for the 20th April, 2011 until payment. The attorney was also ordered to pay interest at the rate of 6% per annum on the sum of \$9,000,000.00 from the 20th April 2011 until 31 July, 2011. The Attorney was ordered to pay costs of \$50,000.00 to the General Legal Council. The amounts have not been paid. **The order was made on the 19th May, 2012. A rehearing of this complaint has been requested by the attorney.**

Conrad Powell was found guilty of professional misconduct for his failure to account to the Complainant for all monies entrusted to him on behalf of the complainant in the amount of \$11,433,622.00 in which he acted for both the vendor and purchaser in the sale of a property. The Complainant is in possession of the property the subject of the sale. The Attorney gave an unsigned Agreement for Sale to the Complainant which agreement was not executed either by the Vendor or the Purchaser. There is no evidence that Instrument of Transfer was prepared by the Attorney and there is no evidence that the Complainant's name has been endorsed on the Certificate of Title and the attorney has not refunded any of the sums paid to him by the Complainant. The Attorney was ordered to pay a fine of \$500,000.00 to the General Legal Council plus costs of \$30,000.00 to the Complainant, which have not been paid. **The Order was made on the 29th May, 2012**

Sean Kinghorn was found guilty of professional misconduct for his failure to bring action on behalf of the complainant arising out of injuries he suffered in a motor vehicle accident. The complainant provided the attorney with medical report and a police report which contained particulars of the intended Defendants. The attorney did file a Claim on the 29th January, 2004 which was served on the Defendant with the aid of the Police. The Complainant unsuccessfully attempted to get information from his attorney as to the progress of his case. In 2008 the attorney told him he was unable to locate the Defendants for service. The complainant retrieved his papers from the attorney in 2008. The attorney was ordered to pay a fine of \$600,000.00; \$500,000.00 of which was to be paid to the Complainant in part satisfaction of any damages caused pursuant to Section 12(5) of the Legal Profession Act. The attorney was also ordered to pay costs to the Complainant in the amount of \$6,000.00. These amounts have not been paid.

The panel also reminded the attorney that the Legal Profession (Canons of Professional Ethics) Amendment Rules (1983) requires a response to all complaints and the attendance of the Attorney at the Disciplinary hearings. The Attorney was cautioned that failure to abide by this Canon could be the subject of a separate complaint. However, this section of the Canon was not taken into consideration in giving judgment in the matter. **The order was made on the 12th January, 2013**

Keisha McDonald was found guilty of professional misconduct for her failure to account accurately to her clients for moneys held by her on their behalf and she has misled her clients as to the status of their transaction. Miss McDonald acted as the Vendors' attorney in the sale of a property Townhouse # 15 Waterloo Road, Kingston 10, having title registered at Volume 1127 Folio 104. Miss McDonald was ordered to pay a fine of Eighty Thousand Dollars (\$80,000.00) plus a sum of Three Hundred and Forty Two Thousand Dollars (\$342,000.00) to the complainants by way of restitution, which amounts have not been paid. **The Order was made on the 23rd March, 2013**

Norman Manley was found guilty of professional misconduct for his failure to pursue a case of unlawful shooting that had occurred on the 6th September, 2007 to the Complainant when the Police entered his house and shot him. The Complainant paid a retainer of US\$400.00 to the Attorney as evidenced by his receipt dated 7th September, 2007. Notwithstanding that the Complainant had identified the police officer responsible for entering his house and shooting him the attorney failed to pursue the filing of a case. By letter dated 2st December, 2009 the Complainant wrote the General Legal Council complaining about the conduct of the Attorney. Consequently the attorney refunded the retainer fee by payment of J\$35,000.00 on June 11, 2010. The attorney has given no explanation for withdrawing and terminating the retainer. The panel found that the attorney was in breach of the Canon IV (r) of the Legal Profession Canon of Professional Ethics Rules and further that he attorney acted with inexcusable and deplorable neglect in the performance of his duties to the complainant and ordered that the Attorney Norman Manley be reprimanded and that the Attorney pays costs to the complainant inclusive of previous costs ordered in the sum of \$40,000.00, which has not been paid. **The order was made on the 29th January, 2013**

Arthur Kitchin was found guilty of professional misconduct for his failure to pursue a criminal appeal for the Complainant's brother. The Complainant paid the Attorney \$165,932.00. Mr. Kitchin did not pursue the appeal and promised to

refund the money. The attorney has failed to do so. The attorney was struck from the Roll in an unrelated matter. The Attorney was ordered to pay to the Complainant the sum of \$165,932.00 together with interest thereon at the rate of 6% per annum from 30th May, 2011 to the date of payment, which has not yet been paid **The order was made on the 29th January, 2013.**

Ronald Boswick was found guilty of professional misconduct contrary to section 12 (1) (a) 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, 2002, 2003, and 2004, contrary to section 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 said Regulations plus costs of \$15,000.00 to the General Legal Council. The costs and fine which were ordered to be paid on or before the 28th February, 2013 have not yet been paid. **The order was made on the 26th January, 2013**

27. SUMMARY OF COMPLAINTS - 1st April, 2012 – 31 March, 2013

Number of Complaints pending at the commencement of the year: (with hearing dates):		200
Complaints scheduled to be considered at the general meeting:		161
Those scheduled to be set for hearing:		<u>75</u>
		436
Number of Complaints filed in the current year		<u>214</u>
		650
Number of Complaints considered at the general meetings of the Disciplinary Committee as at 31 March 2013:		
Number of complaints with <i>prima facie</i> case found	129	
Number of complaints with no <i>prima facie</i> case	64	
Number of complaints withdrawn	<u>00</u>	
	(65)	
Complaints dealt with at the hearings:		
Number of complaints withdrawn	30	
Number of complaints dismissed	40	
Number of complaints struck out for want of prosecution	04	
Number of complaints upheld	<u>20</u>	
Number of complaints Appealed	04	
	(94)	
Number of complaints disposed of		(157)
Number of complaints pending at the end of the year		<u>493</u>

There was decrease of 1% in the new complaints over the previous year.

28. INCOME AND EXPENDITURE

An audited statement of the Council's Income and Expenditure for the period 1st April, 2012 to 31st March, 2013 is set out below:

INCOME:

	\$
Practising Certificate Fees	35,898,197
CLPD	3,392,697
Interest on Fixed Deposit	1,472,943
Miscellaneous	<u>305,000</u>
	41,068,837
Administrative and General	<u>(27,140,243)</u>
Surplus from operations	<u><u>13,928,594</u></u>

EXPENDITURE:

Advertising	695,612
Audit and accounting fees	593,166
Supreme Court Library	-
Utilities	1,439,038
Insurance	75,078
Legal and professional fees & expenses	2,329,340
Meeting expenses/workshop	192,707
Office expenses	331,516
Office Rent	1,372,740
Printing, stationery and postage	1,122,851
Repairs and maintenance	1,770,706
Salaries, wages and related costs	15,202,458
Security	410,621
Seminar expenses	831,516
Staff welfare	94,684
Travel and accommodation	31,970
Uniforms	21,183
Bank Charges	132,605
Depreciation	<u>492,452</u>
	<u><u>27,140,243</u></u>

CONCLUSION

The General Legal Council faces various challenges. These include ensuring greater compliance with the Act and the Regulations, including the requirements that attorneys file annual accounting reports and hold current practising certificates. The Council is also seeking to improve the efficiency of its operations, and in particular, to expedite the processes of dealing with complaints.

2013-2014 will be the first full year of the application of the amendments to the Legal Profession Act which authorized the Council to take action to protect clients' files and property, established a compensation fund and provided for mandatory continuing legal professional development. There will also be another significant increase in the number of new attorneys. The Council is preparing to deal with these additional responsibilities, and may make further representations to the Ministry and Parliament for changes to the legislation.

CHAIRMAN:

SECRETARY:

DATE: