

# GENERAL LEGAL COUNCIL

## ANNUAL REPORT

APRIL 1, 2016 – MARCH 31, 2017

### 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 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 Council. Practising Certificates are issued annually on satisfying certain requirements, including the payment of an annual fee.

The 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, the Disciplinary Committee which adjudicates on complaints of misconduct by attorneys in any professional respect.

The 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 Council and the Disciplinary Committee during the twelve months ending on March 31, 2017.

## GENERAL LEGAL COUNCIL

### 1. MEMBERSHIP

Mr. Allan Wood, Q.C. - Chairman	
Mr. Richard Ayoub	Mrs. Denise Kitson, Q.C.
Mrs. Pamela Benka-Coker, Q.C.	Ms. Annaliesa Lindsay
Hon Mr. Justice Patrick Brooks, C.D.	Mr. N. Patrick McDonald
Miss Saverna Chambers	Mr. Lowel Morgan
Mr. Adley George Duncan, Snr.	Mrs. Janet Morrison
Mrs. Nicole Foster-Pusey, Q.C.	Miss Hilary Reid
Mr. Linton P. Gordon	Mr. Walter Scott, Q.C.
The Hon. B. St. Michael Hylton, O.J. Q.C.	Mrs. Donna Scott-Mottley

Mr. Ransford Braham resigned from the Council on July 29, 2016 and Ms. Annaliesa Lindsay was elected in October 2016.

### 2. MEETINGS

During the period April 1, 2016 to March 31, 2017, a total of eleven (11) regular monthly meetings were held as follows:-

2016: April 27, May 25, June 22, July 27, September 28, October 25, November 23 and December 14

2017: January 25, February 22 and March 22

The Council also held a planning retreat on July 9, 2016.

#### ATTENDANCE OF MEMBERS AT MEETINGS:

<b>NAMES</b>	<b>Times Possible</b>	<b>Times Present</b>	<b>Times Absent</b>	<b>Apologies Tendered</b>
Mr. Allan Wood, Q.C.	11	11	0	0
Mr. Richard Ayoub	11	6	5	5
Mrs. Pamela Benka-Coker, Q.C.	11	2	9	9
Mr. Ransford Braham, Q.C.	4	0	4	1
The Hon. Mr. Justice Patrick Brooks, C.D.	11	11	0	0

Ms. Saverna Chambers	11	5	6	6
Mr. A. George Duncan	11	3	8	6
Mrs. Nicole Foster-Pusey, Q.C.	11	4	7	7
Mr. Linton Gordon	11	6	5	5
The Hon. B. St. Michael Hylton, O.J., Q.C.	11	7	4	4
Mrs. Denise Kitson, Q.C.	11	9	2	2
Ms. Annaliesa Lindsay	5	2	3	3
Mr. N. Patrick McDonald	11	8	3	3
Mr. Lowel Morgan	11	11	0	0
Mrs. Janet Morrison	11	6	5	5
Ms. Hilary Reid	11	9	2	2
Mrs. Donna Scott-Mottley	11	5	6	6
Mr. Walter Scott, Q.C	11	9	2	2

### 3. STAFF

The staff complement was a total of seventeen (17) persons. The following adjustments have been effected:

Ms. Arlene Chevannes resigned effective July 22, 2016 and Ms. Natalie Creary, resigned effective January 5, 2017.

### 4. SALARIES

There was no salary increase during this period.

### 5. DEBIT/CREDIT CARD PAYMENT SYSTEM

The card payment and on-line PayPal payment systems which were implemented to facilitate the payment of practising certificate and CLPD seminar fees by attorneys-at-law have been well utilized and the Council has been moving towards a completely cashless system for security related reasons.

### 6. APPEALS FROM DECISIONS OF THE DISCIPLINARY COMMITTEE

During the reporting period three appeals were filed in the Court of Appeal by Norman Samuels, Harold Brady and Gregory Lopez against disciplinary decisions made against them.

## 7. OTHER COMMITTEES

The tenure of the Council expired on February 24, 2016 and the life of the Committees listed below which were established by the Council also expired. Chairpersons were subsequently appointed as follows:

COMMITTEE	CHAIR PERSON
Accounting Reports	Hilary Reid
Accreditation	Denise Kitson
Advertising Regulatory	Daniella Gentles-Silvera
CLPD	Justice C. Dennis Morrison
Compensation Fund	John Bassie
Finance and Accounting	Lowel Morgan
Information Technology	Denise Kitson
Proceeds of Crime Act	Allan Wood
Protection of Client's Assets	Annaliesa Lindsay
Regulatory Reform	Lowel Morgan

## 8. CONTINUING LEGAL PROFESSIONAL DEVELOPMENT (CLPD)

The CLPD Committee of the General Legal Council was established in 2013 and was chaired by Dr. Lloyd Barnett during the period February 2013 to May 2015. He was succeeded as Chairman by the Hon. Mr. Justice C. Dennis Morrison.

1. The scope of the Committee's work is:
  - i) To design and present courses for the purpose of the continuing legal professional development of Attorneys-at-law;

- ii) To arrange programmes for the delivery of CLPD seminars on an island wide basis.
  - iii) To ensure that there are adequate offerings in ethical papers
2. In carrying out its functions, the CLPD Committee encourages the conduct of research in the preparation of papers on a variety of legal subjects. In the relevant period the Committee presented papers on such topics as administration of estates, advocacy, bankruptcy, civil practice and procedure, commercial law, conveyancing, criminal law, cross-border transactions, dispute resolution, employment law, environmental law, evidence, human rights law, taxation and telecommunications. Regarding the mandatory requirements for presentations in Ethics and Client Welfare, Business Management and Finance, the Committee ensures that there are adequate seminars in these subjects.
3. In fulfilling its mandate to ensure that seminars are accessible island wide, the Committee regularly holds seminars in Kingston, Mandeville, Montego Bay, Ocho Rios. Albeit less frequently, seminars have also been held in Black River, Portland and Westmoreland.
4. A total of 93 seminars were held during the period April 1, 2016 – March 31, 2017, broken down as follows:
- Mandeville (7);
  - Ocho Rios (12),
  - Montego Bay (4);
  - Westmoreland (4);
  - Kingston (32);
  - Portland (2);
  - St. Elizabeth (3)
  - St. Maarten (29)

The topics, number of presentations and number of attorneys who attended these seminars are presented in Appendix A.

#### Caribbean Regional Seminar

5. In May 2016 the Committee held its second annual weekend Conference in Kingston. In October 2016, in collaboration with the Caribbean Academy for Law and Court Administration (CALCA), the Committee presented a conference in St Maarten, under the theme, “Law at the Cross-Roads: Reappraising the Role of Common Law and Civil Law Practitioners in Transnational Development”. The conference was a success, with a total of --- Jamaican attorneys in attendance.

#### Regional Seminars within Jamaica

6. A regional seminar refers to a cluster of seminars held over a 1-2 day period outside of Kingston. The aim of holding regional seminars is:
  - To provide accessible CLPD opportunities for attorneys who reside or practice in different areas of Jamaica;
  - To provide attorneys with the opportunity to complete as many of their CLPD credits as possible during a single weekend;
  - To present specific legal topics that may be associated with particular regions;
  - To reduce administrative expenses;
  - To facilitate the attorneys’ compliance with their CLPD obligations.
7. Three regional seminars were held in the relevant period:
  - i) July 2016 in Black River, St. Elizabeth
  - ii) February 25- 26. 2017 in Whitehouse, Westmoreland
  - iii) December 2-4, 2016 in Ocho Rios, St. Ann

## Future Developments

### Utilization of Electronic Technology:

8. In continued pursuit of the objective to establish an online CLPD facility, the Committee is preparing to deliver its first online seminar in September 2017. Relevant considerations for the delivery of an online programme include:
  - a. Retaining a reliable platform for the broadcast of the seminars
  - b. Determining whether the content should be broadcast by streaming a live seminar or whether participants should watch a pre-recorded presenter delivering their paper
  - c. Measuring participation and feedback
  - d. Financial cost of implementation of the programme
  - e. Financial impact of implementing an online programme on revenues from the traditional seminars
  - f. Determining whether there should be price discrimination between online seminars as against traditional seminars.
  - g. Whether there should be price discrimination between junior and senior attorneys who participate in online seminars
  
9. As part of its mandate to increase efficiency in communication, the Committee has implemented electronic processing of Certificates of Participation which are sent via email and are automatically generated through the GLC's database. Soft copies of seminar papers are also distributed by email to the attendees.

## Financial Considerations

10. The CLPD Committee continues to generate revenue far in excess of its expenditure. Over the relevant period the net contribution of the Committee to the Council's coffers was therefore approximately \$26.6 million.

11. The relatively low costs of delivering 93 seminars over the relevant period is accounted for by the following:

- Members of the CLPD Committee donate their time to the Council in planning a schedule of seminars for the year
- Presenters donate their time in the research, preparation and presentation of the seminar papers
- Staff at the Council undertake the responsibility of advertising the seminars through email

12. The major costs associated with the programme concern the rental of venues, provision of refreshments, accommodation of presenters and staff members for seminars held out of town, and the photocopying of seminar papers.

13. Notwithstanding the quite favourable income to expenditure ratio, the Committee has explored possible cost containment measures which target the only expenses associated with the programme. These include:

- i) Identifying less costly alternative venues;
- ii) Designing seminars to attract both legal and non-legal attendees e.g. accounting professionals, real estate practitioners etc.
- iii) Reducing the assortment of refreshments,
- iv) Rationalizing the selection of venues outside of Kingston and/or arranging them in clusters
- v) Sending seminar papers to participants electronically

14. In 2016 the Committee commenced using the Jambar Holdings facilities at 78 Harbour Street as part of its cost containment initiative. Over the relevant period eleven (11) seminars were held at these conference facilities. The Committee continues to explore alternative venues outside of Kingston. The Committee has also arranged regional seminars to reduce the cost of multiple



trips outside of Kingston and the attendant accommodation costs. The Committee has commenced sending seminar papers to participants electronically in advance of seminars.

15. In response to a directive from Council the Committee has ceased distributing seminar papers to participants. While the Committee fully understands the financial constraints of Council, the majority of members are strongly of the view that the non-delivery of seminar papers to attorneys who request them is an unnecessarily stringent measure which cannot be justified in the light of current CLPD revenue and expenditure. It is also a major irritant to attorneys who already complain about the cost of attendance at CLPD seminars. The Committee calls on Council to engage the Committee in exploring alternative proposals which have been suggested by the Committee, such as to offer a discount to all persons who opt to receive seminar papers electronically.

16. The Committee continues to express its gratitude to the GLC's administrative staff who have assisted with the successful delivery of the CLPD programme over the year under review.

### **APPENDIX A**

<b>SEMINARS</b>	<b>NUMBER OF PRESENTATIONS</b>	<b>ATTENDEES</b>
CL304 Civil Malicious Prosecution and Abuse of Process: A New Lease on Life	2	174
CL306 Estate Planning	5	565
CL312 The Right to Bail? A Comparative Perspective	3	199
EC1017 Conduct in Court /Interacting with the Court	3	161
CL311 The New Insolvency Proceedings Rules: Legal Update	3	358
EC1018 Ethical Considerations in the Practice of Conveyancing: Part 1 Pre Contract Realtors	2	270

CL316 Dispute Resolution... A Caribbean Context	1	76
CL315 New Wine in Old Wine Skins Some Recent Developments in The Common Law of Evidence	2	396
CL317 Guilt by Association	1	130
AMF2012 Governance and Your Law Practice	1	190
EC1019 Attracting Clients: Part 11 Ethics Touting Referrals Statements to the Media and Fee Sharing	1	344
CL318 Session 4 Weekend Law Conference 2016	1	231
EC1021 Defining the Nexus Between Policy and Legislation the Attorney's Role	2	439
AMF209 The Challenges of Entrepreneurship/Governance and your Law Practice	1	39
EC1016 Contemporary Ethical Issues in Criminal Law Practice	1	66
CL314 Interpreting Tax Legislation	2	381
CL319 Legal and Procedural Aspects of Subdivisions Vesting under Section 155 of the RTA and Destruction of Strata Plans	2	304
CL320 The Appropriate Technology Under the Civil Procedure Rules	3	593
AMF2012 Dealing with Change Management in Your Law Practice	2	594
EMF2011 Making Yourself Compliant with the Legal Profession Accounts and Records Regulations 1999	5	587
EC1010 Legal Aid - The Role of Counsel - Ethics & Procedure	1	124
AMF2013 Business Management	1	67
CL309 Labour Law Ganja Liberalization and Its Impact On Contractual Rights And Obligations	2	262
EC1020 Court Protocol	3	527
The New <i>Lex Mercatoria</i> : An	1	58

Emerging Challenge to Legal Systems in Cross-Border Transactions		
CL324 Tax Avoidance Schemes and the Corporate Veil After the Panama Papers	2	248
The Trust as the Modern Vehicle for Investment and Estate Planning	1	31
Drafting Commercial Contracts in an Evolving Environment	1	21
Litigation Over Climate Change and Sea Level Rise	1	5
An Overview of the OHADAC Project: The Harmonization of Business-related Law in the Caribbean	1	12
Rights of Indigenous Peoples	1	4
Arbitration Is Court Litigation for Commercial Disputes an Endangered Species	1	43
Litigating Investment Treaties	1	19
OHADAC Arbitration	1	7
Caribbean Public Policy as a defence to enforcement of Foreign Arbitral Awards	1	15
Hard Law and Human Rights: Asymmetrical Contributions to Development?	1	50
Don't Throw Out the Baby with the Panama Papers	1	33
Interaction Between Bench and Bar	1	28
Cross-border Insolvency	1	15
CL322 Redefining Marriage: - The US Supreme Court Decision and Related LGBTI Issues	2	103
Legal Aspects of Doing Business with Cuba	1	14

Engendering Justice: Contemporary Caribbean Developments	1	9
OHADAC Principles on International Commercial Contracts: Promoting Economic Integration in the Caribbean	1	9
Dispute Resolution in Economic Integration Arrangements	1	18
The Cariforum/EU Economic Partnership Agreement (EPA): Opportunities for Legal Services and Implications of Brexit	1	21
Financial Services Opportunities and Challenges of Economic Integration Including the Caribbean Banking Sector: Legal Perspectives	1	38
EC1023 The Honest Attorney: A Contradiction in Terms	1	55
Access to Justice Modern Civil Procedure Rules	1	15
Advocacy and Practice Before a Final Appellate Court	1	6
Written Advocacy: Is the Pen Mightier than the Spoken Word?	1	19
Virtual Justice: Videoconferencing Technology, E filing, and Other Electronic Platforms	1	13
How to Secure Rights and Interests in Transnational Contracts	1	11
Deconstructing the Proceeds of Crime Act (POCA)	1	31
CL310 The Road Traffic Act Proposed Changes to Come	1	252

CL321 Telecommunications Policy and Regulations in an Emerging Economy	1	233
EMF2012 Regulatory Changes Advertising Guidelines and Contingency Fees and Compensation Fund	3	730
EC102 Referral and Engagement- Legal Aid - Dock Briefs	1	101
CL323 Horizontal Application of Charter of Human Rights	1	92
AMF2014 A Practical Implementation of Your Change Management and Strategic Plan	1	195
EC1022 The Ethical Lawyer: Burnishing The Brand	1	221
CL325 Recovery of Property or Money paid under an Illegal Contract	2	389
EC1024 Ethical Considerations Under the Contingency Fee Regime	2	167

## 9. ACCREDITATION COMMITTEE

Mrs. Donna Scott-Mottley resigned from the Chairmanship of the Accreditation Committee when the life of that Council ended in February 2016 and Mrs. Denise Kitson was subsequently appointed to the position of Chairman.

1. During the period January - December 2016, the Committee received eighty (80) applications from institutions, for accreditation of courses to be presented by them and one hundred (100) applications from individuals for accreditation of activities in which they had participated or which they proposed to present.

2. The data also discloses that during that period, of a total number of 2,054 attorneys, eight hundred and thirty (830) are compliant in their participation in CLPD programmes. One thousand one hundred and eight (1,108) are outstanding. As is indicated on the schedule attached they have until November 2017 to become fully compliant. Sixty (60) attorneys have received exemptions; thirty six (36) received extensions and twenty (20) are within their extended period for compliance.
3. Submitted for Council's consideration is a draft of a proposed policy to treat with retired attorneys at law who wish to continue having the designation.
4. As stated last year in the report for 2015, the number of applications for accreditation continues to increase exponentially and the members of the Accreditation Committee ask that Council considers, as a matter of urgency, the attached proposal for the implementation of a policy to grant provider status to certain institutions which have a proven track record in the delivery of credible seminars, such as the CLPD Committee of the GLC, the JBA and the Universities. The Committee will otherwise be overwhelmed and this will result in resignations of members who find themselves unable to cope with the volume.

## 10. ADVERTISING COMMITTEE

A statutory committee was established as required by the Canons which has as its main function the reviewing of specific proposed advertisements by individual practitioners and law firms, as to their suitability and compliance with the Advertising Rules. There were no submissions to the Committee during the period.

## 11. ADVERTISING REGULATORY COMMITTEE

During the period under consideration the Advertising Regulatory Committee met ten (10) times and did the following:

- i. Wrote seventeen (17) letters to Attorneys-at-Law advising them that their websites, advertisements in the Yellow Pages of the telephone directory, Instagram and Facebook and/or their letterheads were in breach of the Canons of the Legal Profession (Canons of Ethics) Rules and they should take steps to rectify these breaches. Most of the breaches related to claims by Attorneys to be specialists and experts in certain areas of practice in the absence of a certificate of accreditation from the General Legal Council, and situations where the Attorney is practicing as a sole practitioner but misleading the public by naming their practices as themselves and company or themselves and associates. Some Attorneys have incorporated their law practices and were practicing as companies which is not permissible under the law.
- ii. Reviewed the Legal Profession (Canons of Professional Ethics) Amendment Rules, 1998 and proposal for amendments to same and comments by the General Legal Council and Jamaican Bar Association on the proposed amendments. These amendments were gazetted on the 16<sup>th</sup> December, 2016.
- iii. Responded to five (5) Attorneys who wrote to the Committee asking for guidance on their advertisements.
- iv. Examined the pros and cons of Incorporation of legal services.
- v. Presented three (3) seminars on the amendments to the Canons of Professional Ethics Rules on advertising.

The members of the Committee for the period were:

1. Delrose Campbell;
2. Daniella Gentles-Silvera;
3. Anna Gracie;
4. Mikhail Jackson;
5. Adam Jones;
6. Debra McDonald;
7. Carleen McFarlane;
8. Julianne Mais Cox;
9. Stacey Mitchell; and
10. Janet Morrison.

## **12. INFORMATION TECHNOLOGY COMMITTEE**

1. 1. The Information Technology (IT) Committee has had little need to interface with the staff of the General Legal Council or the IT Consultant, as the issues which were of concern in 2016 have been addressed to the

satisfaction of the staff. The technological processes are therefore functioning efficiently.

2. The website continues to provide immediate and reliable information to all visitors. During this period there were 151,500 views by 138 countries, including Jamaica.

### **13. ACTION TO PROTECT CLIENTS' PROPERTY COMMITTEE**

The following comprise the matters that have been addressed or are being addressed by the committee:

a. Estate Roylan Barrett

This ongoing matter that the NHT wrote about has been resolved and the mortgage funds were paid by them. The NHT confirmed this by letter dated June 23, 2016 and letter dated July 20, 2016 from Brown-Chattoo & Co.. The Committee has therefore removed this matter from its agenda items.

b. Estate Carol Vassell

With respect to the estate of the late Ms. Carol Vassell, Ballantyne Beswick & Co. has provided an update to the Committee and the Committee requested some clarification in relation to two clients' accounts and await their response. In the interim, the application that was filed by the GLC to intervene has been adjourned for hearing on June 28, 2017 at 12:00pm. It is hoped that some resolution will be had with Ballantyne, Beswick & Co before then.

c. Damion Masters

The committee, through Mr. **Jackson, was able to communicate with Mr. Masters'** father. His father has confirmed that he is in possession of filing cabinets that contain files of clients of Damion Masters. Mr. Masters has not practiced since 2013 and it appears that mentally he is unable to do so now. The Committee hopes to come to some arrangement to identify a suitable attorney to assist in the smooth collation of the files so that we may intervene if necessary.

d. Estate Earle DeLisser

The committee is satisfied that proper arrangements have been made in relation to **clients' files as set out in the letter dated April 5, 2016 from Hamilton & Bennett,** attorneys-at-law. Ms. Kay Bennett-Sherman is to provide the committee with an interim report on their efforts.



e. Barrington Frankson

The committee had earlier come to the conclusion that proper arrangements were in place and being carried out by Mr. Earl Witter, Mr. Hugh Thompson and Mrs. Jacqueline Cummings as set out in letter dated September 14, 2016 from Archer, Cummings & Company. Mrs. Cummings is to give us a final report as she had **indicated that they were fast advanced in closing out Mr. Frankson's practice, given his failing health.**

f. Estate Carlton Campbell

The Committee has advertised for the former clients of Mr. Campbell to retrieve their files which were forwarded to the offices of the General Legal Council. To date, only four (4) former clients have retrieved their files. The remaining files remain at the GLC and further efforts are in train to contact clients, in particular those for whom original documents are now in our possession.

g. Akin Adaramaja

Mr. Adaramaja was convicted and sentenced in the Half Way Tree Parish Court to nine (9) months imprisonment. A follow up letter is to be sent to Mr. Rudolph Francis to confirm what, if any, arrangements have been made for his former clients.

h. Humphrey McPherson

The Committee continues to make efforts to ascertain the current location for Mr. McPherson so that contact may be made with him to ascertain what, if any, arrangements have been made for his former clients. Mr. McPherson or the location **of his former clients' files will be needed in order for the GLC to pursue intervention.**

i. Leymon Strachan

Mr. Clive Munroe confirmed that the Supreme Court made the order pursuant to the Mental Health Act in favour of Mr. Ryan Strachan for the affairs of Mr. Leymon Strachan. The Committee will be writing for a copy of the formal order and **confirmation of what, if any clients' files remain to be returned or re-directed.**

j. Estate Mr. Gayle Nelson

The committee has been receiving communication between Mr. Everton Dewar and Miss Annalisa Chapman with respect to one particular matter that Mr. Nelson had primary conduct of. We have encouraged the parties to resolve that matter amicably. However, we have also received communication from a former client and the committee has communicated with his daughter to ascertain the personal **representative for her father's estate. A recommendation may have to be made to intervene on behalf of his former clients.**

## 14. ACCOUNTING REPORTS COMMITTEE

During the year under review the Committee did the following:

- a. Completed its initial review of the Accounting Reports Regulations and recommended changes to the Regulations, including the preparation of an amended Regulation for the consideration of Council;
- b. Considered several policy issues raised by attorneys and reviewed the Accounting Reports Regulation in order to provide guidance to management regarding the interpretation of the Regulations or the policy of the GLC towards the issue raised
- c. Prepared standard form responses for Management regarding reminders to attorneys re filing of Accounting Reports and requests for extensions
- d. Reviewed compliance with the Accounting Reports regulations and recommended next steps

During the period April 1, 2016 to March 31, 2017 there were 3,427 attorneys on the roll and there were 2,276 Practising Certificates issued.

Accountant Reports or Declarations are generally due by June 30 each year for the preceding calendar year (unless an attorney has a different 12 month period as his/her financial year). The average percentage compliance for the years 2000-2015 is currently at 91.72%. As at March 31, 2017, compliance in respect of the year 2016 stood at 21.21%, however, we continue to receive accountant reports and declarations in respect of this year, and anticipate the usual deluge of declarations and accounting reports by June 30, 2017, when most become due.

The compliance level from 2000-2016 as at March 31, 2017 stood as follows:

Fee Year	No. Attorneys in Practice	No. Attorneys with Submissions	No. Attorneys Outstanding	Percentage Compliance	Percentage NON-Compliance
<b>2000</b>	928	823	105	88.69%	11.31%
<b>2001</b>	948	852	96	89.87%	10.13%
<b>2002</b>	934	854	80	91.43%	8.57%
<b>2003</b>	971	888	83	91.45%	8.55%
<b>2004</b>	1011	931	80	92.09%	7.91%

<b>2005</b>	1067	992	75	92.97%	7.03%
<b>2006</b>	1120	1045	75	93.30%	6.70%
<b>2007</b>	1159	1086	73	93.70%	6.30%
<b>2008</b>	1181	1124	57	95.17%	4.83%
<b>2009</b>	1263	1203	60	95.25%	4.75%
<b>2010</b>	1333	1276	57	95.72%	4.28%
<b>2011</b>	1404	1335	69	95.09%	4.91%
<b>2012</b>	1501	1412	89	94.07%	5.93%
<b>2013</b>	1634	1527	107	93.45%	6.55%
<b>2014</b>	1792	1605	187	89.56%	10.44%
<b>2015</b>	1878	1420	458	75.61%	24.39%
<b>2016</b>	2056	436	1620	21.21%	78.79%

## 15. COMPENSATION FUND COMMITTEE

The Compensation Fund Committee (the Committee) has had a very active year since the last report tabled in May 2016.

As outlined in our previous report, the Fund has been established to compensate persons for losses suffered as a result of any act or omission by attorneys and Regulations were to be promulgated that would make provision for the funding and facilitate operation of the fund.

The Committee had been mandated to make recommendations to facilitate the transitioning of the Committee pursuant to the Act to a functioning Administrative Executive Committee (hereinafter referred to as “the Executive”). The Committee was also directed to consider and make recommendations for regulations and policies with respect to the funding and operation of the Fund.

The Committee membership has not changed and hence the following members remain on the Committee:-

John Bassie – Chairman  
Ransford Braham Q.C.  
Symone Mayhew

## Saverna Chambers

The Committee had identified several areas that needed to be considered and for the necessary recommendations to be made for the transitioning of the Committee to a functioning operating Executive by enacting the regulations and policies of Section 42 of the Act.

At a presentation of the Rules at the General Legal Council's at the retreat in May 2016 where critique and commentary from Council was requested, a lively discussion ensued and a comprehensive review of the Rules and schedule followed. As a result a recommendations were made.

The Committee through the Chair met with the Chairman of the GLC and the past Chair of the GLC on a number of occasions over the year with a view to incorporating suggestions and fine-tuning the Rules. The Rules were also sent to the Jamaican Bar Association for review and commentary and a comprehensive review was conducted by the Jamaican Bar Association wherein they listed general and specific areas of concerns, along with some recommendations. The concerns and recommendations were reviewed and discussed and both present and past Chair of the GLC were integrally involved with the comprehensive response. It should be noted that a number of the Jamaican Bar Association's recommendations have been incorporated in the revised Rules.

The Compensation Fund Committee has also been involved in several CLPD presentations where power point presentations were given. These presentations were aimed at introducing the Compensation Fund to the Attorneys and promoted discussion, encouraged feedback and constructive criticism. The presentations were given in Ocho Rios; Mandeville and on two occasions in Kingston. We understand that it is quite likely that the presentation will be given in Montego Bay and St. Elizabeth.

As can be appreciated further substantive work has to be done within the Executive committee to be formed, that will nail down and iron out the mechanisms needed to run the fund on a daily basis.

We do believe that we are now in possession of the final Rules and Procedures that will govern the Compensation Fund and are ready for the final step.

The Committee thanks Council through the present and past Chair for their invaluable support and guidance in achieving our mandate.

### 16. FINANCE AND ACCOUNTING COMMITTEE

During the period April 1, 2016 – March 31, 2017, the Finance and Accounting Committee continued to offer support and guidance to both the Council and the Chief Executive Officer to ensure that the Council's financial and accounting operations were prudently managed.

The Committee met on five occasions during the year and provided proper and adequate supervision and direction, specifically with regards to expense containment, while continuing to provide sound financial advice regarding appropriate investment opportunities.

In addition, the committee also actively participated in the recruitment and engagement of a Chartered Accountant who has been charged with the responsibility of ensuring the accuracy and timeliness of the monthly financial reports, as well as to suitably prepare for the annual audit exercise.

Among the other significant contributions made by the Committee during the period under review, was to assist the Chief Executive Officer with the preparation of the Council's annual revenue and expense budget. The Committee also periodically monitored all financial inflows and outflows as stated in the budget, therefore ensuring that the Council's finances were efficiently and carefully administered.

The Committee also maintained a close working relationship with the external auditor to ensure that satisfactory operational and reporting standards continued to be maintained with the internal accounting, financial and administrative procedures.

Approaching the end of the current financial year, the Finance and Accounting Committee participated in the Chief Executive Officer's annual performance review and participated in establishing and agreeing his performance targets for the upcoming financial year.

The Committee Members during the 2016/2017 financial year were Messrs. Lowel Morgan (Chairman), Richard Ayoub, Stuart Stimpson, Stephen Shelton QC, and a Chartered Accountant, Ms. Paula Turner.

17. PRACTISING CERTIFICATE FEES

The following fee structure came into effect in May 2016:

Less than five years' standing	-	\$12,000.00
Five years' standing but less than fifteen	-	\$24,000.00
Fifteen years standing and over	-	\$36,000.00
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

- \$6,000.00

It is estimated that there are Three Thousand, Four Hundred and Twenty-Seven (3,427) attorneys on the roll. In 2016/2017 Two Thousand and Two Hundred and Seventy-Six (2,276) attorneys held practising certificates. The Council has published on its website, a list of attorneys who are entitled to practise by virtue of their having paid their practising certificate fees. The Council also continues to work 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.

#### 18. APPLICATIONS FOR ENROLMENT

Applications for qualifying certificates were received from 217 persons and approved as set out in Appendix I.

## 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.

### 19. MEMBERSHIP OF THE DISCIPLINARY COMMITTEE

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

#### DISCIPLINARY COMMITTEE MEMBERS

Mr. Walter Scott, Q.C. – Chairman	Mr. John Graham
Mr. Trevor Ho-Lyn	Mr. Christopher Kelman
Mrs. Pamela Benka-Coker, Q.C.	Mrs. Ursula Khan
Mr. Peter Champagnie	Mrs. Gloria Langrin
Mrs. Judith Cooper-Batchelor	Mr. Jerome Lee
Miss Lilieth Deacon	Mrs. Margarete Macaulay
Mr. Richard Donaldson	Mr. Dane Marsh
Mr. Winston Douglas	Mrs. Debra McDonald
Dr. Adolph Edwards	Mr. Charles Piper, Q.C.
Mr. Patrick Foster, Q.C.	Mrs. Jeanne Robinson-Foster, C.D.
Ms. Katherine Francis	Mrs. Tana'ania Small-Davis
Mrs. Daniella Gentles-Silvera	Mr. Michael Thomas

#### MEETINGS

During the period April 1, 2016 to March 31, 2017 ten (10) meetings were held.

2016: April 23, May 28, June 25, July 23, September 24, October 22 and November 26

2017: January 28 and February 25 and March 25.

ATTENDANCE BY MEMBERS AT MONTHLY MEETING 2015 -2016

<b>NAMES</b>	<b>TIMES POSSIBLE</b>	<b>TIMES PRESENT</b>	<b>TIMES EXCUSED</b>
Mr. Walter Scott, Q.C.	10	9	1
Mrs. Pamela Benka-Coker, Q.C.	10	3	7
Mr. Peter Champagnie	10	9	1
Mrs. Judith Cooper-Batchelor	10	8	-
Miss Lilieth Deacon	10	3	5
Mr. Richard Donaldson	10	2	1
Mr. Winston Douglas	10	-	-
Dr. Adolph Edwards	10	-	-
Mr. Patrick Foster, Q.C.	10	-	2
Ms. Katherine Francis	10	6	3
Mrs. Daniella Gentles-Silvera	10	9	-
Mr. John Graham	10	6	1
Mr. Trevor Ho-Lyn	10	9	1
Mr. Christopher Kelman	10	6	3
Mrs. Ursula Khan	10	8	2
Mrs. Gloria Langrin	10	7	1
Mr. Jerome Lee	10	9	-
Mrs. Margarette Macaulay	10	4	6
Mr. Dane Marsh	10	6	1
Mrs. Debra McDonald	10	8	1
Mr. Charles Piper, Q.C.	10	4	4
Mrs. Jeanne Robinson-Foster, C.D.	10	3	6
Small-Davis, Tania'ana (Mrs.)	10	8	2
Thomas, Michael (Mr.)	10	7	3
Williams, Randolph Dr.	3	-	1

During the year under review, Dr. Williams resigned.



## ATTENDANCE BY MEMBERS AT HEARINGS

<b>NAMES</b>	<b>TIMES POSSIBLE</b>	<b>TIMES PRESENT</b>	<b>TIMES EXCUSED</b>
Mr. Walter Scott, Q.C.	42	38	4
Mrs. Pamela Benka-Coker, Q.C.	12	6	6
Mr. Peter Champagnie	22	19	3
Mrs. Judith Cooper-Batchelor	14	13	1
Miss Lilieth Deacon	23	18	5
Mr. Richard Donaldson	11	10	1
Mr. Winston Douglas	5	4	1
Dr. Adolph Edwards	21	19	2
Mr. Patrick Foster, Q.C.	18	11	7
Ms. Katherine Francis	27	23	4
Mrs. Daniella Gentles-Silvera	28	26	2
Mr. John Graham	25	21	4
Mr. Trevor Ho-Lyn	22	20	2
Mr. Christopher Kelman	19	15	4
Mrs. Ursula Khan	20	19	1
Mrs. Gloria Langrin	25	22	2
Mr. Jerome Lee	17	17	-
Mrs. Margarette Macaulay	10	9	1
Mr. Dane Marsh	24	22	2
Mrs. Debra McDonald	23	22	1
Mr. Charles Piper, Q.C.	27	23	4
Mrs. Jeanne Robinson-Foster, C.D.	14	11	3
Small-Davis, Tania'ana (Mrs.)	21	18	3
Thomas, Michael (Mr.)	33	30	3

Mrs. Pamela Benka-Coker, Q.C. has taken a temporary leave of absence to complete outstanding judgments. As a result of this, she sits on part-heard matters only.

Mr. Winston Douglas is on leave of absence and is presently completing his part-heard matters.

## 20. ORDERS MADE AGAINST ATTORNEYS

**CARLTON CAMPBELL (deceased)** was found guilty of professional misconduct for his failure to complete a transaction in the purchase of land by the complainant and his mother and to deliver registered title for the property within a reasonable time to the complainants. The attorney had in fact assured the complainant that it would be done within one year. The attorney failed or neglected to probate the will or properly investigate the title of the vendor whom the attorney also acted for. The attorney prepared Agreement for sale containing no conditions as to securing probate in the estate of the deceased and received the full purchase price and the purchaser's half costs from the complainant. The attorney advised the complainant that he could commence construction of a dwelling house on the land prior to securing registered title. This conveyed to the Complainant that his interest in the land was adequately protected and he would suffer no loss as a consequence of following that course. The attorney failed or neglected to protect the complainant's interest in the property. The attorney failed or neglected to account to the Complainant for any sums paid to him and failed or neglected to provide the complainant with information as to the progress of his business. The attorney negligence has caused the complainant to suffer loss, inconvenience and damage, in that he has had to pay sums over and above what he was obliged to pay under the contract, and he has lost the land and the residence that he has constructed thereon.

The Panel found the attorney guilty of professional misconduct. On the 2<sup>nd</sup> April, 2016 when the Judgment was to be delivered, the Panel was informed that the Attorney was deceased.

**NORMAN GODFREY** was found guilty of professional misconduct contrary to section 12(1) (a) of the Legal Profession (Accounts and Records) Regulations 1999 for failure to deliver Accountant Report to the Secretary of the General Legal Council for the years 2009, 2010, 2011, 2012 and 2013 contrary to sections 16(1) and 17 of the said Regulations.

The Committee ordered that the Attorney-at-Law pay a fine of Ten Thousand Dollars (\$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 amounting to a sum of \$60,000.00 to the General Legal Council on or before 10<sup>th</sup> June, 2016

**The order was made on 4<sup>th</sup> June, 2016**

**ARLENE BECKFORD** was found guilty of professional misconduct. The Respondent was retained by the Complainant to file an action on his behalf to recover damages for negligence arising out of a motor vehicle accident. A Writ of Summons and Statement of Claim were filed in the Supreme Court on 3<sup>rd</sup> May 2002. Notice of Proceedings was served on the underwriters on 3<sup>rd</sup> May, 2002. A defence was filed on 13<sup>th</sup> January, 2003. When the Respondent wrote to the Registrar of the Supreme Court on 30<sup>th</sup> April, 2004 to secure a date for the Case Management Conference, the deadline for doing so had already passed since part 73 of the Civil Procedure Rules 2002 required her to do this by 31<sup>st</sup> December, 2003. The action was struck out pursuant to Rule 73.4 (7). The

Respondent filed an application to restore the matter to the list which was dismissed. The Committee found that the Complainant has therefore been denied an opportunity of having his Claim for damages adjudged by the Supreme Court. The Complainant lost the opportunity of having his case adjudged by the Court by virtue of the gross inexcusable and deplorable negligence of the Respondent.

The Committee imposed a fine of \$2,832,929.90 on the Attorney. The Attorney was ordered to pay costs in the amount of \$400,000.00 Pursuant to Section 12(5) of the Legal Profession Act. The Committee directed that the sum of \$2,832,929.90 be paid to Mr. Wayne Johnson as compensation to him for the damage caused to him by the inexcusable and deplorable negligence of the attorney plus costs of \$250,000.00.

**The Order was delivered on 18<sup>th</sup> June, 2016**

**DAMIAN MASTERS** was found guilty of professional misconduct for his failure to effect transfer of land comprised in Registered Title from the Complainant's uncle to the Complainant after receiving \$110,000.00 together with the Duplicate Certificate of Title at Volume 1277 Folio 905. The Complainant has not been able to contact the attorney to ascertain the status of the matter. The Attorney removed his office from the location where he first met with the Complainant without giving the Complainant notice of his new location. As far as the Complainant is aware, the transfer has not been effected however, neither the Duplicate Certificate of Title nor the money paid to the Attorney in connection with the transaction has been returned to the Complainant.

The Panel having found the attorney guilty of professional misconduct will give the attorney the opportunity to address the panel on the issue of sanction that the panel should impose on him.

**The decision was delivered on the 23<sup>rd</sup> July, 2016 and adjourned to the 13<sup>th</sup> May, 2017 for Sanction hearing.**

**DAIMIAN MASTERS** was found guilty of professional misconduct for his failure to complete transaction in the purchase of land in Knockpatrick, Manchester on behalf of the complainants after he was retained to do so in September, 2013. The Attorney has provided no information as to the progress of the Complainants' business and to date the business for which the Attorney was retained has not been carried out. The Attorney has also proffered no explanation for the delay. The Attorney has to date failed to repay the sum of \$950,000.00 paid to him by the Complainants.

The Panel having found the attorney guilty of professional misconduct gave the attorney the opportunity to address the panel on the issue of sanction that the panel should impose on him.

**The decision was delivered on the 23<sup>rd</sup> July, 2016 and the matter was adjourned for Sanction to 24<sup>th</sup> June, 2017**

**NORMAN SAMUELS** was found guilty of professional misconduct for his failure to apply for case management conference on behalf of the Complainant thereby allowing the matter to be struck out. The panel found that the attorney was retained by the Complainants to file suit arising out of a motor vehicle accident involving the Complainant in July, 1986 in which he sustained injuries and suffered loss and damage.

The Attorney filed suit and attended court on several occasions but through no fault of his own the matters were adjourned sine die. The attorney never went back to court on this matter after 13<sup>th</sup> February, 2013 when the court file could not be found and the matter was adjourned. The Complainant sought to find out about the status of his matter on more than one occasion. After paying the Complainant Fifty Thousand Dollars (\$50,000.00) the attorney never spoke to the Complainant again.

The Panel having found the attorney guilty of professional misconduct gave the attorney the opportunity to address the panel on the issue of sanction that the panel should impose on him.

**The decision was delivered on the 16<sup>th</sup> July, 2016 and sanction was handed down on the 2<sup>nd</sup> August, 2016.**

The Attorney **Norman Samuels was Reprimanded** and was ordered to pay by way of restitution a fine to the Complainant in the amount of \$800,000.00 on or before the 30<sup>th</sup> November, 2016. The Attorney was also ordered to pay costs in the amount of \$60,000.00 of which \$40,000.00 is to be paid to the General Legal Council.

**The matter is being appealed.**

**AINSWORTH CAMPBELL** was found guilty of professional misconduct contrary to section 12(1) (a) of the Legal Profession (Accounts and Records) Regulations 1999 for failure to deliver Accountant Report to the Secretary of the General Legal Council for the years 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013 contrary to section 16(1) and 17 of the said Regulations.

The Committee ordered that the Attorney-at-law 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 Fifty Thousand Dollars (\$50,000.00) amounting to a sum of Two Hundred Thousand Dollars (\$200,000.00) to the General Legal Council on or before 28<sup>th</sup> July, 2017.

**The order was made on 8<sup>th</sup> October, 2016**

**AKIN ADARMAJA** was found guilty of professional misconduct. The Committee found that the Complainant had a signed contingency agreement between himself and Nadine O'Brien and Hubert Johnson conclusively establishing the relationship of attorney/client between the parties for the sole purpose of settling a personal injury matter and the retainer could only be satisfied by the attorney receiving the agreed share of the settlement proceeds. The Complainant completed the first requirements of his retainer by ensuring that Miss O'Brien had the legal status to complete the matter by having her declared the spouse of Hubert Johnson then deceased. Mr. Thomas successfully negotiated a settlement sum with JIIC the insurance company in the case pursuant to the retainer. He was prevented from completing the matter and being paid his fees by Nadine O'Brien. Mr. Adaramaja knew of the retainer of Mr. Thomas and took no steps to comply with the requirements of the relevant Canons. Mr. Adaramaja admitted that Mr. Thomas had tried to speak to him about his intervention in the matter and he took the decision that this was not necessary. Mr. Adaramaja despite this knowledge completed the matter and failed to ensure that Mr. Thomas was paid any fees.

**On the 29<sup>th</sup> October, 2016** the Committee found that Mr. Adaramaja is therefore in breach of each of the Canons as claimed in the complaint (as amended).

**The matter was adjourned to 26<sup>th</sup> November, 2016 to give the Respondent an opportunity to make a plea in mitigation in regards to Sanction. The Defendant was absent on the 26<sup>th</sup> November, 2016 and the matter was adjourned to 25<sup>th</sup> February, 2017.**

**Sanction hearing postponed as the Respondent is incarcerated.**

**TIMOTHY NICHOLAS WILSON** 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 1999,2002,2003,2004 2006, 2007, 2008,2010,2011,2012 and 2013 contrary to section 16 (1) and 17 of the said Regulations. The attorney was ordered to pay a fine of \$7, 500.00 for each year that he was found to be in breach of the Legal Profession (Accounts and Records) Regulations 1999 plus costs of \$20,000.00 amounting to a sum of \$102,500.00 to the General Legal Council. The cost and fine were ordered to be paid on or before the 31<sup>st</sup> December, 2016

**The order was made on the 12<sup>th</sup> November, 2016**

**EARL WITTER** 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 Counsel for the years 1999,2001,2002,2003,2004 and 2005 contrary to section 16 (1) and 17 of the said Regulations. The attorney was ordered to pay a fine of \$5,000.00 for each year that he was found to be in breach of the Legal Profession (Accounts and Records) Regulations 1999 plus costs of \$20,000.00 amounting to a sum of \$50,000.00 to the General Legal Council. The cost and fine were ordered to be paid on or before the 15<sup>th</sup> December, 2016

**The order was made on the 12<sup>th</sup> November, 2016**

**HOWARD LETTMAN** was found guilty of professional misconduct for her failure to have the Complainant's name endorsed on title for a parcel of land in St. Mary in the year 1998. The Attorney advised the Complainant to pay fees of Thirty Thousand Dollars (\$30,000.00) the sum was paid by the complainant in full by installments to the Attorney. The Complainant did not hear from the attorney neither by phone nor post and he had to travel to Mandeville or called him by phone to obtain information. The attorney provided different dates to the Complainant however, nothing had been accomplished on those dates. Eighteen years later the Complainant had not received the title in his name.

The Panel having found the attorney guilty of professional misconduct will give the attorney the opportunity to address the panel on the issue of sanction that the panel should impose on him.

**The decision was delivered on the 26<sup>th</sup> November, 2016 and adjourned for a date to be set for Sanction hearing.**

**MICHAEL LORNE** was found guilty of professional misconduct for his failure to pay over to the Complainant her share of the balance of proceeds of sale of 10 Fairbourne Avenue to which she is entitled. In the Affidavit of the Complainant she states that “My brother Howard Wilson employed Mr. Michael Lorne to sell the property at 10 Fairbourne Road, Kingston 2 and to distribute the proceeds between Howard Wilson and myself. Mr. Lorne told me that the property had been sold and that he sent a portion of the money to my brother. I did not receive any portion and Mr. Lorne refuses to answer or contact me.” The panel found that the attorney has failed to account to the Complainant in the sum of \$2,240,112.40 when reasonably required to do so.

The Panel having found the attorney guilty of professional misconduct will give the attorney the opportunity to address the panel on the issue of sanction that the panel should impose on him.

**The decision was delivered on the 2<sup>nd</sup> March, 2017 and adjourned to the 11 April, 2017 for Sanction hearing.**

**GRACEANN MARIE CAMERON** was found guilty of professional misconduct for her failure to deliver Registered Title to the Complainant in the purchase of a parcel of land for the Complainant in which she had carriage of sale. The Complainant did not have an attorney for himself and so Miss Graceann Marie Cameron acted for both the Vendor and the Purchaser. The complainant paid the purchase price in full together with his share of costs. In fact, he had overpaid the amount due and was refused the excess. The land in question was unregistered and the Complainant paid the costs of the application for registration in full. Up to the time of laying the complaint the Complainant has not received a Registered Title and the Attorney could not be found.

The Panel having found the attorney guilty of professional misconduct will give the attorney the opportunity to address the panel on the issue of sanction that the panel should impose on him.

**The decision was delivered on the 2<sup>nd</sup> March, 2017 and adjourned to the 1<sup>st</sup> July, 2017 for Sanction hearing.**

**HAROLD BRADY** was found guilty of professional misconduct for his failure to pay over the net proceeds of the sale to the Complainant Factories Corporation. the Disciplinary Committee found that Harold Brady represented the Complainant in the sale of property for a sale price of One Hundred and Forty Million Dollars (140,000,000.00) The entire purchase price and costs were paid over to the Attorney by the Purchaser. The attorney failed to pay over the net proceeds of the sale to the Complainant save for Seventy Million Dollars (\$70,000,000) notwithstanding that he sent the Complainant a Statement of Account setting out the balance due and owing to the Complainant with interest and they requested the payment of said sum. The attorney misappropriated the Complainant’s money which ought to have been paid over.

The Attorney **Harold Brady name was struck off the Roll** of Attorneys-at-law entitled to practice in the several courts of the Island of Jamaica.

The Attorney was ordered to pay by way of restitution the sum of \$111,380,364.62 with interest on the sum of \$102,302,061.56 at the rate of 14% per annum from the 1<sup>st</sup> October, 2016 until payment.

The Attorney was also ordered to pay costs of these proceedings in the amount of \$80,000.00 as to which \$50,000.00 is to be paid to the Complainant and \$30,000.00 to the General Legal Council.

**The Order was made on the 25<sup>th</sup> February, 2017 and 4<sup>th</sup> March, 2017.**

**The matter is being appealed**

**MANLEY NICHOLSON** was found guilty of professional misconduct for his failure to Attend Court on 19<sup>th</sup> June, 2012 on behalf of the Complainant. The panel made their findings pursuant to Section 15 (1) of the Legal Profession Act. The facts stated in the Affidavit in support of the Complainant were proved beyond a reasonable doubt; that the Attorney failed to deal with the Complainant's business with all due expedition and that the Attorney has failed to maintain the honour and dignity of the profession and to abstain from behavior which may tend to discredit the profession of which he is a member.

The **Attorney Manley Nicholson was Reprimanded** and ordered to pay costs on the Amount of \$50,000.00 to the Complainant to be paid on or before the 31<sup>st</sup> March, 2017.

**The Order was made on the 23<sup>rd</sup> March, 2017**

**NORMAN SAMUELS** was found guilty of professional misconduct. The Complainant's written Submissions highlighted that she went to see the Attorney shortly after an accident. She contended that she was accompanied by a Mr. Demetrius. This was supported in the evidence given by a witness Ms. Hardy. However, the Attorney argued that the Complainant did not make contact with him in relation to the accident until five years after the accident i.e. sometime in 2001. His argument was buttressed by the Medical Report from Dr. Clement Officer dated 1<sup>st</sup> Ma, 2001, as the first letter received so that the Writ of Summons could be drafted. The Attorney after having sight of two letters dated November 1996, agreed that the Complainant visited his office on or around October 1996 in relation to the matter but that the instructions did not enable him to prepare a Writ of Summons and Statement of Claim until August 2001. The date concerning when the Attorney was retained is not considered as germane to the issues before the Panel. The Complainant also contends that the Attorney should have followed up with Dr. Officer in relation to the Medical Report which was requested by letter dated 28<sup>th</sup> November, 1996. There was no other evidence to suggest that the Attorney did so for five years. The Attorney submitted that he acted on the instructions of the Complainant in issuing Notice of Proceedings against the respective insurance companies and as such was not negligent in his handling of the matter.

In all the circumstances of the case the Panel find that the Complainant has established that the Attorney is guilty of inexcusable or deplorable negligence.

**The decision was delivered 26<sup>th</sup> November, 2016 and adjourned for sanction 20<sup>th</sup> May, 2017**

**GREGORY LOPEZ** was found guilty of professional misconduct in that the Attorney represented the Complainant in the sale of Property at a sale price of One Million Six Hundred and Fifty Thousand Dollars (\$1,650,000.00). The sale was completed in January 2014 with a balance of One Million Five Hundred and Four Thousand Dollars (\$1,504,000.00) owed to the Complainant by the Attorney who received full payment for the property. The Attorney made repeated promises to the Complainant to pay over the said sums being the net proceeds of the sale of the property to him but failed to do so. At the time when this complaint was lodged the net proceeds of sale outstanding and owed by the Attorney to the Complainant was Six Hundred and Fifty Thousand Dollars (\$654,000.00).

The Committee ordered that the Attorney Gregory M.D. Lopez be struck from the Roll of Attorneys-at-law entitled to practise in the several courts of the Island of Jamaica. The Attorney was ordered to pay costs of Fifty Thousand Dollars (\$50,000.00), Thirty Thousand Dollars (\$30,000.00) to the Complainant and Twenty Thousand (\$20,000.00) to the General Legal Council.

**The Order was made on 25<sup>th</sup> March, 2017. This matter is being appealed**

### **Summary of Complaints 1<sup>st</sup> April, 2015 - 31<sup>st</sup> March, 2016**

Number of Complaints pending at the Commencement of the year	500	
Number of Complaints filed in the current year	<b>220</b>	<u>220</u>
		<b>720</b>
 <b>Number of Complaints considered at the general meetings of the Disciplinary Committee, as at March 31, 2017</b>		
	<b>217</b>	
Number of Complaints with prima facie case found	149	
Number of Complaints with no prima facie case	62	
Number of complaints withdrawn	06	
 <b>Complaints dealt with at the hearings:</b>		
Number of complaints withdrawn	29	
Number of complaints dismissed/struck out	26	
Number of complaints upheld	<u>17</u>	
 Number of complaints disposed of		 <b><u>(140)</u></b>
Number of complaints pending at the end of the year		<b>580</b>
 <b>Number of Complaints appealed</b>	 <b>3</b>	



## 21. INCOME AND EXPENDITURE

A statement of the Council's Income and Expenditure for the period 1<sup>st</sup> April, 2016 to 31<sup>st</sup> March, 2017 which is extracted from its audited Financial Statement is set out below:

<b><u>INCOME</u></b>	<b><u>\$</u></b>
Practising Certificate Fees	48,125,585
CLPD	23,404,469
Interest on Fixed Deposit	725,377
Fines	35,000
Other	<u>1,854,738</u>
	74,145,169
Administrative and General	<u>(68,163,966)</u>
Total Comprehensive Income for the year	<u><b>5,981,203</b></u>
 <b><u>EXPENDITURE:</u></b>	
Advertising	479,518
Audit and accounting fees	2,012,200
Bank charges	1,507,283
Depreciation	2,341,829
Donation	498,537
Electricity	2,107,869
Insurance	161,209
Irrecoverable CALCA	1,564,316
Irrecoverable GCT	2,352,789
Legal and professional fees	2,803,544
Meeting expenses	363,589
Office expenses	685,610
Office Rent	4,009,267
Printing, stationery and postage	2,896,733
Repairs and maintenance	2,522,810
Salaries, wages and related costs	37,370,553
Security	1,414,814
Seminar expenses	-
Staff welfare	241,137
Staff training	-
Telephone	1,500,089
Travel and accommodation	1,118,352
Uniforms	<u>211,918</u>
	<u><b>68,163,966</b></u>

**APPENDIX I**

Applicants who received qualifying certificates:

	<b>1. ALLEN, DAYNIA LINDSAY</b>
<b>2. ALLISON, NICOLA</b>	<b>3. ANDERSON, JERMAINE FABIAN</b>
<b>4. ANDERSON, KAYON</b>	<b>5. ANDERSON, ROSEMARIE</b>
<b>6. ANDERSON, SACIA ANGILIQUE</b>	<b>7. ASHLEY, CHERIDAH GRACE-ANTOINETTE</b>
<b>8. ATKINSON, KAYON CAMILLE</b>	<b>9. BAILEY, SARAH SIMONE</b>
<b>10. BAILEY, TYRONE ANTHONY</b>	<b>11. BARRETT, VICTOR EVERTON</b>
<b>12. BELNAVIS, JOSEMAR ANTONIO</b>	<b>13. BENAIN, MARISA LATOYA</b>
<b>14. BENBOW, CHARLES ALEXANDER</b>	<b>15. BESWICK, WENDY</b>
<b>16. BINNS, THAMAR</b>	<b>17. BLACK, CECILE ALECIA</b>
<b>18. BOOTH, SYMONE SUE-ANN</b>	<b>19. BOWEN, CARLEEN ARVIL ALICIA</b>
<b>20. BROMFIELD, PETER-GAYE NOELLE</b>	<b>21. BROOKS, CAMETA SHERLENE</b>
<b>22. BROOKS, KIMBERLEY ANNA-KAY</b>	<b>23. BROWN, ANGELIQUE ALOISE</b>
<b>24. BROWN, CRISTAL JENICE</b>	<b>25. BROWN, DABIELLE TIFFANY ODONNA</b>
<b>26. BROWN, HUGH AUTHOR</b>	<b>27. BROWN, MAKENE SAINT CHRISTOPHER</b>
<b>28. BROWN, RISHILLE ANN-MARIE</b>	<b>29. BROWN, SHARIE KASHEBA</b>
<b>30. BRUCE, KERESE SHANTE</b>	<b>31. BRYAN, CHANTAL SHAMEIKA</b>
<b>32. BRYDSON, INEKA INDIANA</b>	<b>33. BRYDSON, KIMANI ODEAN</b>
<b>34. BUCKNOR-MCFARLANE, CATHAY-ANN</b>	<b>35. BURRELL, JERMAINE ANDRADI</b>
<b>36. BYFIELD, SHADAE SAMANTHA</b>	<b>37. CAMPBELL, JERMAINE EARL</b>

<b>38. CAMPBELL, MICHELLE TIYONA</b>	<b>39. CAMPBELL, ROWANA-KAY ALTHEA GILLIAN</b>
<b>40. CAMPBELL, SHELLDON RICARDO</b>	<b>41. CAMPBELL, TIFFANY NYASHA</b>
<b>42. CAMPBELL, VANESSA ANN</b>	<b>43. CARR, JANELLE CAMILLE</b>
<b>44. CARTY, KRISTINA ROSE</b>	<b>45. CASADO DESULME, NATALIA DIANA</b>
<b>46. CHAMBERS, DANIELA</b>	<b>47. CHIN, PETA-KAYE</b>
<b>48. CHRISTIE, LEONARDO</b>	<b>49. CHUCK-SMITH, KRISTINA</b>
<b>50. CHUNG, LIANE MARIE ELENA</b>	<b>51. CLARKE, JEVAUGHNIA SASHAGAY</b>
<b>52. CLARKE, SHELDON CLEMENT GEORGE</b>	<b>53. COLE, KRISTA-LEIGH</b>
<b>54. COLLINS, JUSTINE ANN</b>	<b>55. CORRIE, ALEXANDER RICARDO GEORGE</b>
<b>56. COWAN, JUDITH LEONIE</b>	<b>57. D'OYLEY, CHEREE PATRICE ANTOINETTE</b>
<b>58. DAWKINS, KIMBERLEY CAMILLE</b>	<b>59. DAWKINS, WINSTON LLOYD</b>
<b>60. DENNIS, SASHANAGAYE</b>	<b>61. DERBY, FRANCINE</b>
<b>62. DESLANDES, DEVON</b>	<b>63. DIXON, ANDREW ANTHONY</b>
<b>64. EDWARDS, GERJEAN AUDRELINE</b>	<b>65. ELLIS, DAVID KYLE</b>
<b>66. ELVIE, SHAWNTELL DANILLE</b>	<b>67. ENGLISH, SHANTAL MAHALIA</b>
<b>68. FACEY, TANEISHA CAMILA</b>	<b>69. FERGUSON, NICKOY</b>
<b>70. FFRENCH, ROXANNE, OLIVIA</b>	<b>71. FORREST, IAN O'NEIL</b>
<b>72. FORREST-HARRIOTT, TARYN IMANI</b>	<b>73. FRANCIS, CARLA MONIQUE</b>
<b>74. FRANCIS, KELLY-ANN ALICIA</b>	<b>75. FRANCIS, SHANTEL MONIQUE</b>
<b>76. FRANCIS, SHERENE STEPHANIE</b>	<b>77. FRANCIS, TONIANN OLIVIA</b>
<b>78. GABBIDON, YANNICA MIA</b>	<b>79. GARDNER, GIOVANNI ST. PATRICK</b>
<b>80. GLEGG, PETER ONEAL</b>	<b>81. GORDON, HAZEL ANN-MARIE</b>

<b>82. GORDON, RHOENA ROCHELLE</b>	<b>83. GORDON, RYAN</b>
<b>84. GOUGH, KAREN</b>	<b>85. GRAHAM, ROYDINE KEISHA</b>
<b>86. GRAHAM, ROYDINE KEISHA</b>	<b>87. GRAHAM, SEDIANN SHANA-KAY</b>
<b>88. GRAHAM, STEPHANIE</b>	<b>89. GRANT, ELIZABETH ALEXANDRIA</b>
<b>90. GRANT, TAMIKA FINDICKA</b>	<b>91. GRAY, KARESSIANN AQUE</b>
<b>92. GREEN, KIMBERLY ANNA-KAYE</b>	<b>93. GRIFFITHS, TANESHIA HEATHER</b>
<b>94. GRIFFITHS-ASHTON, CECILE PATRICIA</b>	<b>95. HALL, YANIQUE DANIELLE</b>
<b>96. HART, CHRISTINA DEVONA</b>	<b>97. HARTY, GENEIEVE ELAINE</b>
<b>98. HAWKINS, TABIA SUBIRA</b>	<b>99. HAYNES, NIGEL KIRK ST. JACQUES</b>
<b>100. HENRY, ALANA AEISHA</b>	<b>101. HENRY, KAWAYNE ELISE</b>
<b>102. HENRY, KIMMON GREG</b>	<b>103. HESLOP, DAMIAN BERNALD</b>
<b>104. HICKSON, LITROW DARCEL</b>	<b>105. HOWE, TRUDY ANN</b>
<b>106. HUTCHINSON, SASHA-LEE SANDRENE</b>	<b>107. JACKSON, LAURIE-ANN SHERIE</b>
<b>108. JACKSON, SHERNEIKA OLIVEEN ALICIA</b>	<b>109. JACKSON, STEVEN OMARLEO</b>
<b>110. JAMES, ANDRENE SAMANTHA</b>	<b>111. JAMES, NATALIE ELEANOR</b>
<b>112. JENKINS, MARK ANTONY</b>	<b>113. JENKINS, NICOLE</b>
<b>114. JERRY, KRISTEN VALISA-ANN</b>	<b>115. JOHNSON, ROCHELLE ALLEYNE</b>
<b>116. JONES, GILLIAN PATRICIA</b>	<b>117. JULY, APRYLE SARA-LOU</b>
<b>118. JUST, ALVIN JOHNATHAN JAMES</b>	<b>119. KELLY, ANNA-KAY ALECIA</b>
<b>120. KERR, ODEANIE F.</b>	<b>121. LALASINGH, VANESSA DIANA</b>
<b>122. LAWRENCE, MAURICIA</b>	<b>123. LEON, SHANIQUE ISHAL</b>
<b>124. LEWIS, KIMBERLY J.</b>	<b>125. LEWIS, SHERYLL ANN-MARIE</b>

126. LIU, HELEN ANN	127. LODGE, RACHAEL CHRISTINA ASHLEIGH
128. LYNCH, RICHARD NATHANIEL	129. MADDAN, RICARDO GAVASKA MARADONNA
130. MAJOR, KEITH ODELL JR.	131. MARTIN, DOMONIQUE AMANDA
132. MARTIN, DONAHUE ST. CLAVER	133. MATTHEWS, STEFAN ORVILLE
134. McCOOK, SEAN ALEXANDER	135. McDERMOTT, MELONIE WOSILA
136. McDONALD, ALEXIA MELECIA	137. McDONALD, LOVERN LORETTA
138. McINTYRE, KEREKA KENEKA	139. McKAY, CLAUDIA SHANICE
140. McKNIGHT, FRANCOIS ALWAYNE	141. McKNIGHT, PETE-SEMAJ AURELIO VALENTINE
142. McLEAN, KAYDENE	143. McLEOD, MIKHAIL
144. MENDES, KAYLA NICOLE	145. MILLER, KENNETH ALGERNON
146. MITTO, KAMISHA LATOYA	147. MONTAGUE, AMANDA CARLA
148. MORGAN, KAMARA LAMOY	149. MORRELL STEPHANIE ALICIA
150. MORRISON, CARLENE ANTOINETTE	151. MORRISON, KIMBERLY JHEANELLE
152. MORRISON, STEPHAN GREGORY	
153. MUIRHEAD, KAYOLA D.C.	154. MUNOZ,GABRIELLE ELYSIA
155. MYRIE, KIMBERLEY KRYSTAL-ANN	156. NELSON, JOEL RADCLIFFE
157. NEMBHARD PICKERSGILL, MICHELE ANGELLA	158. O'CONNOR,DESREEN DAWN
159. OSBOURNE, SEAN	160. PALMER, RASHA RANGE
161. PECK, VANESSA ELIZABETH	162. PITTER, OPAL ALETHIA
163. PRIESTLEY, ANNA PATRICE	164. REID, ROACHELLE TIFFANI
165. REID, SHELDON ERROL JEREMY	166. RHODEN, MIRIAM AMANDAKAY
167. RICKETTS, ALAYNA CHELSEY-ANN	168. ROBB, DANIELLE JHANEI

169. ROBB, MARIELLE DANEELE	170. ROBINSON, SHELDON TYRONE
171. ROBINSON, TAMIKA SHARI	172. RUSSELL, CHENEE ALYSSA
173. SALMON, KARLENE ALICIA	174. SAWYERS, DAYNIA ANN
175. SCOTT, SARA-LEE RENE	176. SHACKLETON, FABIAN MAURICE
177. SHANN, JASON OLIVER LEE	178. SHAW, STEPHEN ALEXANDER
179. SHECKLEFORD, ANDRE	180. SHIRLEY, SHANA KAY SHERIFA
181. SIMPSON, JAMEILA NASTASIA	182. SKEEL, SHAVELL SHAMONA
183. SMITH, GAY XAINA	184. SMITH, KATHY ANTOINETTE
185. SMITH, TONI-ANN STEPHANIE	186. SMYTHE, YANIQUE MARIAH
187. SPENCE, ANIKA NKECHI	188. SPENCE, ROSHEIDE GEODFREY
189. STEWART, CLAUDEEN CANDICE	190. STEWART, LATONA JORDIANN
191. STEWART, LENROY LYNVAL GEORGE	192. STEWART, RUSSELL ALWAYNE
193. STEWART, SONYA LORAY	194. SUTTON, SHANIKA A.
195. TAPPER-BANDOO, KEDESHIA STEINA	196. TAYLOR, YANIQUE NATASIA
197. THOMAS, ALECIA ANGELICA	198. THOMAS, DANAE ANNESE
199. THOMAS, MICHELLE MARIE	200. THOMAS, MONIQUE NOVELETTE
201. THOMPSON, SHELLY-ANN	202. THOMPSON, TABIA ONIDA
203. TRAIL, YSSENIA SONYA SIDONIA	204. TUCKER, CAMILLE

## **CHAIRMAN'S MESSAGE:**

The year 2016 was a challenging year in which the General Legal Council consolidated its operations at 78 Harbour Street and implemented measures to reduce costs and thereby to arrest the trend of running operating losses. This has been a moderate success but there are unforeseen eventualities and expenses over which the Council has no control.

Council has seen an increase in the number of situations where steps have had to be taken to intervene to protect clients' property in instances where attorneys have died, become incapacitated or have been struck off.

Sole practitioners are urged to give careful consideration to having an arrangement with another attorney to deal with their practice in the event of incapacity or death. Attorneys are urged to put in place arrangements with another practitioner for such eventuality and to notify the General Legal Council in writing of their nomination.

In the coming year many members of the profession will be required to come to grips with anti-money laundering regulations. In this regard, the Full Court has delivered judgment affirming the constitutionality of the Proceeds of Crime Act and the Regulations thereunder. This Regime is applicable to attorneys who engage in certain specified activities. Notwithstanding any appeal from the decision of the Full Court, attorneys are required to become proactive in complying with these requirements and the General Legal Council will assist in that regard by resuming seminars and re-activating its hotline where attorneys can consult with the Investigations Manager who is a qualified attorney.

Attorneys are also urged to pay particular attention to compliance with the Legal Profession (Accounts and Records) Regulations. This is a matter of continuing concern. As stated in a recent decision of the Disciplinary Committee, accounts should not be kept in an exercise book. This is unacceptable and non-compliant attorneys can expect measures to be taken to ensure compliance. Further amendments will also be made to the Regulations to strengthen same, particularly with respect to the exempting provisions.

I would like to thank the members and staff of the General Legal Council, the Disciplinary Committee and all sub-committees for their continued dedication, support and hard work.

**CHAIRMAN:**

**SECRETARY:**

**DATE:**