

# GENERAL LEGAL COUNCIL

## ANNUAL REPORT

APRIL 1, 2017 – MARCH 31, 2018

### 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, 2018.

## 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
Lt. Col. Linton P. Gordon	Mr. Walter Scott, Q.C.
The Hon. B. St. Michael Hylton, O.J. Q.C.	Mrs. Donna Scott-Mottley

### 2. MEETINGS

During the period April 1, 2017 to March 31, 2018, a total of ten (10) regular monthly meetings were held as follows:-

2017: April 26, June 28, July 26, September 27, October 25, November 22 and December 12

2018: January 24, February 28 and March 28

The Council also held a planning retreat on June 17, 2017.

#### 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.	10	10	0	0
Mr. Richard Ayoub	10	8	2	2
Mrs. Pamela Benka-Coker, Q.C.	10	4	6	6
The Hon. Mr. Justice Patrick Brooks, C.D.	10	5	5	5
Ms. Saverna Chambers	10	7	3	1
Mr. A. George Duncan	10	4	6	4
Mrs. Nicole Foster-Pusey, Q.C.	10	6	4	4
Lt. Col. Linton Gordon	10	3	7	5
The Hon. B. St. Michael Hylton, O.J., Q.C.	10	8	2	2

Mrs. Denise Kitson, Q.C.	10	9	1	1
Ms. Annaliesa Lindsay	10	7	3	3
Mr. N. Patrick McDonald	10	5	5	5
Mr. Lowel Morgan	10	9	1	1
Mrs. Janet Morrison	10	6	4	4
Ms. Hilary Reid	10	9	1	1
Mrs. Donna Scott-Mottley	10	4	6	4
Mr. Walter Scott, Q.C	10	6	4	4

### 3. STAFF

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

The Director of the CLPD program left the employ of the Council effective August 2, 2017 and an accountant Ms. Arlene Chevannes was employed effective January 2, 2018.

### 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 Committees of the Council are 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. ACCREDITATION COMMITTEE

1. During the period, January - December 2017, the Committee received a total of 450 new applications and 20 applications for renewal of accreditation. There were 200 applications for exemptions, 100 applications<sup>1</sup> from institutions, for accreditation of courses to be presented by them and 150 applications<sup>2</sup> from individuals for accreditation of activities in which they had participated or which they proposed to present. Of the total new applications, 263 applications were successfully addressed, 7 were refused, and 180 were deferred<sup>3</sup>.

<sup>1</sup> This represents a 25% increase in applications in that category over 2016 figures and a 50% increase over 2015 figures

<sup>2</sup> This represents a 50% increase in applications in that category over 2016 figures and a 94 % increase over 2015 figures

<sup>3</sup> See attached report providing raw data.

2. The data also discloses that during that period, of a total number of 2,265<sup>4</sup> attorneys, 686<sup>5</sup> are fully compliant in their participation in CLPD programmes and 1,406 are partially compliant<sup>6</sup>. As is indicated on the compliance schedule attached, they have until November 2018 to become fully compliant. Twenty (20) attorneys have received exemptions; 111 received extensions and 42 are within their extended period for compliance.
  
3. As is evident from the above data, the number of applications for accreditation continues to increase exponentially and as agreed the amendments to the legislation (attached) have now been completed with the kind assistance of Mike Hylton QC which will ensure the implementation of provider status, initially, to those institutions which have a proven track record in the delivery of creditable seminars. Also attached is a copy of the draft Accreditation Policy and a proposed Policy for Retired Attorneys for review by Council.

**REPORT ON ACCREDITATION COMMITTEE FROM JANUARY – DECEMBER 2017**

**Total Number of Applications considered for the year 2017 = 450**

**Number of Applications for Accreditation and Credits**

Number of Applications for Accreditation from Institutions	Number of Applications for Credits from Individuals
100	150

**Number of Applications for Exemptions and Upgrade of Accreditation**

Number of Applications for	Number of Applications for
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<sup>4</sup> An increase of approximately 10.5% over the previous year's complement

<sup>5</sup> A decrease of 21%

<sup>6</sup> An increase of 27%

Exemptions from CLPD requirements	Renewal of Accreditation
200	20

**Total number of Applications, number of Successful Applications, Applications Refused and number of Applications Deferred**

Total number of Applications	Number of Applications Successful	Number of Applications Refused	Number of Applications Deferred
450	263	7	180

9. ADVERTISING REGULATORY COMMITTEE

During the period under consideration the Advertising Regulatory Committee met eight (8) times.

The members of the Committee are:

1. Daniella Gentles-Silvera;
2. Delrose Campbell
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.

During the period, the Committee:

1. wrote over ten (10) letters to Attorneys-at-Law advising them that their websites, advertisements on Television Jamaica, internet social media platforms; and sponsorship of products were in breach of the Canons of the Legal Profession (Canons of Professional Ethics) Rules (“the Canons”). We also responded to requests for approval to advertise.

2. prepared a paper on the Subjudice Rule and Contempt of Court which was presented at three (3) General Legal Council seminars.
3. communicated with the General Legal Council on certain attorneys who have refused to comply with our letters advising them of breaches of the Canons and asking them to desist in the future. Of particular note was the law firm Bignall Law.

10. CONTINUING LEGAL PROFESSIONAL DEVELOPMENT (CLPD)

INTRODUCTION

1. The CLPD Committee of the General Legal Council was established in 2013 and since May 2015 has been chaired by the Hon. Mr. Justice C. Dennis Morrison. The Committee aims to meet at least once per month during term time and has from time to time met more frequently as the need has arisen. The full membership of the Committee is shown in Appendix A.

FUNCTIONS

2. 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 Ethics and Client Welfare, Business Management and Finance.
3. 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 topics such as advocacy, banking law, civil practice and procedure, commercial law, conveyancing, criminal law and evidence, dispute resolution, human rights law, employment law, real estate development, statutory interpretation, taxation and telecommunications. Regarding the mandatory requirements for presentations in Ethics and Client Welfare, Business Management and Finance, the

Committee has also sought to ensure that there have been adequate offerings in these subjects.

4. In fulfilling its mandate to ensure that seminars are accessible island wide, the Committee holds seminars in Kingston, Mandeville in Manchester, Montego Bay in St. James, Ocho Rios in St. Ann, Whitehouse in Westmoreland and in Black River, St Elizabeth.
5. A total of 61 seminars were held during the period April 1, 2017 – March 31, 2018, broken down as follows:
  - Mandeville (2);
  - Ocho Rios (7),
  - Montego Bay (2);
  - Whitehouse (6);
  - Kingston and St. Andrew (41);
  - Black River (3)
6. The topics, number of presentations and number of attorneys who attended these seminars are presented in Appendix B. There has been a total of 8,961 registrations by attorneys for these seminars.
7. It should be noted that the CLPD Committee has responded to the requests of Seventh Day Adventists and has tried to accommodate more seminars on Sundays when possible.

#### REGIONAL SEMINARS

8. A regional seminar refers to a cluster of seminars held over a 1-2 day period. 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.

9. Regional seminars were held in the relevant period in the following locations:

- i) May 21 -22, 2017, Kingston
- ii) July 29, 2017, Black River, St. Elizabeth
- iii) February 24- 25, 2018, Whitehouse, Westmoreland
- iv) December 1-3, 2017, Ocho Rios, St. Ann
- v) December 9-10, 2017, Kingston

### 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 J\$14.4 million

11. The relatively low cost of delivering 56 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
- Members of the CLPD Committee assist in the selection of topics and presenters
- Members of the CLPD Committee prepare and present papers
- Members of the CLPD Committee donate their time to review papers to ensure that they meet the required standards
- Presenters donate their time without a fee in the research, preparation and presentation of the seminar papers
- Staff at the Council undertake the responsibility of advertising the seminars through email and other means
- The majority of the seminars take place at the JAMBAR Conference Hall which has been leased on a long term basis by the GLC.

12. The major costs associated with the programme relate to 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) Rationalising the selection of venues outside of Kingston and/or arranging them in clusters
- v) Sending seminar papers to participants electronically

14. Although for the year under review, the income, number of seminars and attorneys attending seminars are all marginally down, the net contribution of the programme to the General Legal Council was the highest since the programme started. This is undoubtedly the result of the cost containment measures undertaken by the Council.

15. Nevertheless the Committee is cautious in its expectation for continued or increased contributions from the programme. It is anticipated that there will be increased competition from other providers. In order to remain competitive, the CLPD Committee must produce seminars which engage the interests of the attorneys while adding value to their practice.

Utilisation of Electronic Technology:

16. In continued pursuit of the objective to establish an online CLPD facility, the Committee is preparing to deliver its first online seminar in September 2018. Over the relevant

period the Committee evaluated several online platforms in order to determine which would best enable the delivery of seminars which satisfy the Regulations. GoTo Training was selected by the committee as the platform which most closely meets the criteria. Two successful (2) closed tests of the platform were conducted by a Sub-Committee of the Committee and it is expected that there will be at least two (2) more before the implementation date arrives. Relevant considerations for the delivery of an online programme include:

- Retaining a reliable platform for the broadcast of the seminars
- Determining whether the content should be broadcast by streaming a live seminar or whether participants should watch a pre-recorded presenter delivering his or her paper
- Measuring participation and feedback
- Financial cost of implementation and maintenance of the programme
- Financial impact of an online programme on revenues from the traditional seminars
- Determining whether there should be price discrimination between online seminars as against traditional seminars.
- Whether there should be price discrimination between junior and senior attorneys who participate in online seminars

17. These are all matters on which the committee will need to make final recommendations to Council within the next couple months and we would welcome any input by way of comments or suggestions at this stage.

18. 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.

19. In November 2017 the Committee received a proposal from Douglas and Associates for a presentation on Managing Work-Life Balance. The proposal was tabled at the meeting in January 2018. The proposal was discussed by the Committee. In that discussion the meaning of the words Continuing Legal Professional Development was debated. It was agreed that the term means something different than continuing legal education but that any seminar which was presented by the Committee would have to improve the competence and skills of the participating attorneys.

## CONCLUSION

20. 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.

21. The Committee is particularly grateful to (i) Miss Tanya Ferril, who admirably stepped into the gap created by the departure of Miss Venessa McLean, the former CLPD Director, close to the outset of the relevant period; and (ii) Mr Ian Jackson, the GLC's CEO, who provided crucial management support over the entire period.

22. As the Committee looks ahead it will need to consider the expansion and diversification of subject areas in order to maintain attorneys' interest and encourage greater participation. This will also involve exploring the need to engage experts from related disciplines and the question of the costs which may be associated with the engagement of such persons.

## APPENDIX A

### COMMITTEE MEMBERS

Mr. Justice C.D. Morrison  
Dr. the Hon. Lloyd Barnett, O.J.  
Ms. Carol Aina  
Ms. Nancy Anderson  
Mr. John Bassie  
Ms. Gillian Burgess

Ms. Jeromha Crossbourne  
 Dr. Adolph Edwards  
 Mr. B. St. Michael Hylton Q.C.  
 Ms. Tracey Long  
 Mr. N. Patrick McDonald  
 Mr. Adrian Nelson  
 Mr. Robert Fletcher  
 Ms. Sidia Smith  
 Mr. Sundiata Gibbs

**APPENDIX B**

**April 2017 – March 2018**

<b>SEMINARS</b>	<b>NUMBER OF PRESENTATIONS</b>	<b>ATTENDEES</b>	<b>PARISHES</b>
CL312 The Right to Bail? A Comparative Perspective	2	134	Kingston
EC1024 Ethical Considerations Under the Contingency Fee Regime	3	215	Kingston, Mandeville, and Montego Bay
EMF2012 Regulatory Changes: Advertising Guidelines and Contingency Fees and Compensation Fund	3	658	Kingston and Mandeville
CL319 Legal and Procedural Aspects of Subdivisions - Vesting under Section 155 of the RTA and Destruction of Strata Plans	2	546	Kingston
EC1021 Defining the Nexus Between Policy and Legislation: the Attorney's Role	1	153	Kingston
CL317 Guilt By Association or is Proof of Intent Essential in the Proof of Secondary Liability?	2	175	Kingston
CL325 Recovery of Property or	2	287	Kingston

Money paid under an Illegal Contract			
CL326 A New Look at Trials of Criminal Charges	2	407	Kingston and St. Elizabeth
CL321 Telecommunications Policy and Regulation in an Emerging Economy	1	329	Kingston
CL327 Unjustifiable or Unfair Dismissal- What's in a Name?	2	472	Kingston
EC1022 The Ethical Lawyer - Burnishing The Brand	1	403	Kingston
EC1010 Legal Aid - The Role of Counsel - Ethics & Procedure	1	52	Kingston
CL328 Termination of Bank Accounts - Fast Forward from Olint v NCB	1	60	Kingston
CL329 Access to Justice Modern Civil Procedure Rules	2	183	Kingston
CL320 The Appropriate Technology Under the Civil Procedure Rules	1	11	Kingston
EMF2015 Revisiting the General Legal Council's AML Guidance for the Legal Profession Part One (POCA)	5	639	Kingston, Mandeville, Montego Bay and St. Ann
EC1026 The Sub-Judice Rule and Contempt of Court	3	222	Mandeville and Kingston
CL331 The Application to Register Land: The Attorneys' Dream or Nightmare"	2	187	St. Elizabeth and Kingston
CL333 The DNA Evidence Act	1	38	Kingston
CL337 Fraud and Crime in Real Estate Development	1	103	Kingston

CL338 Legal and Ethical Issues Relating to Land Transactions and Real Estate Development	1	89	Kingston
EMF2016 Revisiting the General Legal Council's AML Guidance for the Legal Profession Part Two (POCA)	2	200	Kingston and Montego Bay
EC1025 Lessons from the Small Screen-Fictional Lawyers, Real Ethical Dilemmas	2	259	Kingston
CL336 Plea Bargaining	1	57	Kingston
EC1031 Professional Undertakings in Commercial and Conveyancing Matters	2	269	Kingston
CL339 Praedial Larceny and the Law - Legislation Enforcement Role of Stakeholders	1	253	St. Ann
CL340 Part 1 and Part 2 Land Ahoy Conveyancing and the Jamaican Attorney - A Practical Approach to the Registration of Land in Jamaica	2	461	St. Ann and Westmoreland
CL341 The Interpretation of Documents Statutory or Commercial Construction or Reconstruction	2	332	St. Ann and Kingston
EC1028 21st Century Digital Law Challenges Cloud Computing for Lawyers is its use ethical.	1	288	St. Ann
EC1029 Ethical Considerations Plea Bargaining	1	276	St. Ann
EC1030 Ethical Aspects of the Decision to Prosecute and the	1	272	St. Ann

Persecution of Criminal Cases			
CL342 Caution Statements and Editing	1	92	Kingston
CL343 The Law Reform Fraudulent Transactions Special Provisions Act 2013	1	70	Kingston
EC1020 Court Protocol	1	207	Kingston
EC106 Conflicts of Interests 2018	1	132	Kingston
EC1012 Attorneys Professional Undertakings in the Courts and in Contracts	1	119	Kingston
EC103 Diligence in Handling Clients' Business - Standard of Care - Duty to continue to act - Repugnant/Unpopular Clients	1	131	Kingston
EMF2017 Critical Thinking and Management of Your Client's Case at the Criminal Bar	1	177	Westmoreland
CL346 Small Island Big Data NIDS the Data Protection Bill and the Scope for Privacy	1	166	Westmoreland
CL345 Appeals in Parish Court Proceedings Part One (Civil Proceeding)	1	202	Westmoreland
EC1032 Attorneys' Preparation for Mediation and Ethical Considerations	1	213	Westmoreland
EMF2018 Management of the Law Firm, Ethical Considerations, Compliance and Accounts/Finance	2	343	Kingston and Westmoreland



	Apr 2013 – Mar 2014	Apr 2014 – Mar 2015	Apr 2015 - Mar 2016	Apr 2016 – Mar 2017	Apr 2017 – Mar 2018
Income	J\$17.4m	J\$23.3m	J\$22.8m	J\$24.1	J\$22.5m
Expenses	J\$8.9m	J\$9.4m	J\$12.7m	J\$12.4m	J\$8.1m
Net Contribution	J\$8.5m	J\$13.9m	J\$10.1m	J\$11.7	J\$14.4m
Number of Seminars	42	47	38	64	61
Attendees	5,667	6,995	7,530	9,565	8,961

#### 11. INFORMATION TECHNOLOGY COMMITTEE

During the year April 1, 2017 – March 31, 2018, the General Legal Council continued to contract the services of Ms. Bertina Macaulay and Mr. Sean Williams to handle all Information Technology requirements.

Ms. Macaulay administered the following software issues:

- i) maintenance of the Council’s website;
- ii) management of the database;
- iii) management and maintenance of internet and email connectivity;
- iv) providing statistical and analytical data;
- v) securing licences for the operating systems;
- vi) sourcing and installing software upgrades;

Mr. Williams’ responsibilities covered hardware and networking concerns:

- i) supply, installation and maintenance of servers, computers and other IT related equipment;
- ii) maintenance and upgrading of the internal IT network;
- iii) installation of anti-virus software
- iv) liaising with third-party providers e.g. FLOW, QUICKBOOKS etc.

- v) providing substantial IT support to resolve the multiplicity of accounting errors that were made during the year.

During the year, the Council's websites received visits as indicated below:

<b>Territory</b>	<b>Number of website visits</b>
Jamaica	57,437
North America	11,795
Europe	5,109
Other Caribbean Territories	2,108
Asia & South Pacific	613
Africa	220
Central & South America	55

These website visits concentrated on the following areas:

<b>Area of Interest</b>	<b>Number of hits</b>
General Administration Issues	25,947
Attorneys Profiles	25,115
Disciplinary Committee	11,042
CLPD	8,334
Regulations	6,420
Proceeds of Crime Act	479

There was little need for the Information Technology (IT) Committee to interface with either the staff of the General Legal Council, or any of the IT Consultants during the year, since all the issues which required the consultants' intervention were satisfactorily addressed.

Consequently, the technological processes continued to function efficiently.

## 12. PROTECTION OF CLIENTS' PROPERTY COMMITTEE

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

### a. Estate Carol Vassall

A Consent Order was obtained from the Supreme Court on the 28th day of July 2017 for the GLC to intervene. As a consequence of this Order, files were handed over to the GLC from Ballantyne, Beswick & Co. and by the executor of Miss Vassall's estate to the GLC. In addition, Notices were issued to Jamaica National and the Bank of Nova Scotia for funds being held to the credit of former clients to be transferred to the GLC and the funds were subsequently transferred. Several advertisements were placed in the media for former clients

of Miss Vassall to retrieve their files and for them to contact the GLS office, in particular clients whose funds were transferred.

To date the responses are:

- (a) Three (3) former clients have retrieved files;
- (b) None of the clients whose funds we received have responded to date;
- (c) Approximately two hundred and eighty-four (284) files remain in the possession of the GLC.

Individual calls will be made to clients, and in the event that there are no positive responses, it is proposed that an application be made to the Court for directions, in particular for the storing of the files at the Government Archives and perhaps paying out the moneys received to the estate of Carol Vassell or to the Accountant General of Jamaica.

**b. 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 has received two (2) queries in the last year in relation to matters once handled by Mr. Masters:

1. Former client requesting GLC's assistance in receiving a refund of a retainer paid to Mr. Masters for divorce proceedings.
2. Former client requesting the return of a client file and original documents.

The committee therefore recommends that GLC intervenes and have his files delivered to the GLC for return to his former clients, as there does not appear to be any arrangements for such.

**c. 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. After there were few responses to print advertisements for the relevant clients to contact the GLC, to date, only six (6) former clients have retrieved their files. The remaining files remain at the GLC and it is

proposed that an application be made to the Supreme Court for these files to be stored at the Government Archives. In addition, eleven (11) original duplicate certificates of titles that were found amongst the files were returned to the office of the National Land Agency. The Registration of Titles Act does not provide for the return of duplicate certificates of titles in these circumstances however the Registrar acknowledged receipt and retained them for safe keeping.

**d. Attorneys removed from the Committee's consideration**

Matters in relation to the following attorneys have been removed from the Committee's consideration:

- (a) **Mr. Earle DeLisser** – the Committee concluded that satisfactory arrangements were in place;
- (b) **Mr. Barrington Frankson** – the Committee concluded that satisfactory arrangements were in place;
- (c) **Mr. Akin Adaramaja** – no queries had been received in relation to his former clients and attempts to ascertain what, if any arrangements he had made consequent on being struck off the Roll have been unsuccessful;
- (d) **Mr. Leymon Strachan** – a Formal Order under the Mental Health Act was obtained by his son, Mr. Ryan Strachan and no queries have been received by any of Mr. Leymon Strachan's former clients;
- (e) **Mr. Gayle Nelson** – All attempts to ascertain information in relation to his estate have been futile. In any event, the GLC has received no queries from former clients of Mr. Nelson, save for one, Mr. Bentley Rose, whose issue can be resolved without the intervention of this Committee of the GLC; and
- (f) **Mrs. Joan Parris-Woodstock** – the Committee concluded that satisfactory arrangements were in place.

**e. Mr. Richard Bonner**

All attempts to have Mr. Bonner inform the Committee of the arrangements that he has made for the continuation of his clients' business subsequent to his being struck off the Roll have

been futile. However, the Committee has not received any queries from his former clients to date.

In addition, plans are afoot to prepare a presentation for the Continuing Legal Professional Development with relation to the importance for attorneys to put the requisite arrangements in place for their clients in the event of death, incapacity and/or striking off the role.

This presentation is proposed to be done by Ms. Annaliesa Lindsay and Mrs. Symone Mayhew. In January 2018, our member Ms. Michelle Champagnie resigned from the committee. Prior to her resignation, the committee welcomed Mrs. Symone Mayhew and Ms. Carlene Larmond as new members.

### 13. 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%

14. COMPENSATION FUND COMMITTEE

The Compensation Fund Committee had a very active year. The General Legal Council established the Compensation Fund Committee to consider the implementation, administration

and regulatory procedures that will be required. This included consideration of the regulations required, and how similar funds operate in other jurisdictions. Regulations are to be promulgated that will make provision for the funding and operation of the fund.

The Committee was mandated to make such recommendations to facilitate the transitioning of the Compensation Fund pursuant to the Act to a functioning administrative executive. The Committee was also directed to consider and make recommendations of regulations and policies with respect to the funding and operation of the Fund.

The Committee was reconvened and reconstituted with the following members having agreed to serve on the Committee:-

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

The Committee identified and considered several areas and made necessary recommendations for the transition of enacting the regulations and policies of Section 42 of the Act into a functioning operating Administrative Executive Committee.

The initial broad areas that were presented before the Committee, on Saturday June 17, 2017 at the General Legal Council Retreat, for primary consideration were as follows:-

1. Rules and Procedures governing the establishment of the Compensation Fund Committee – Administrative Executive;
2. Establishment of the Compensation Fund;
3. Establishment of Separate Bank Accounts;
4. Application to access funds – Rules governing and guiding access;
5. Investment of Funds – (A possible Sub-committee within Administrative Executive);
6. Accounts of the Compensation Fund – Reporting
7. Auditing Committee of the Fund – Reporting structure and guidelines.

There were also a number of areas that were to be considered, the main ones that were before the committee for consideration were:

- Accounts of the Fund
- Levy to meet the liabilities

- Claims Mechanism – within the confines of the Act and Regulations
- Attorneys Contributions – Levy and/or Private Insurance contributions
- Insurance of Funds
- Operation of Fund in the United Kingdom, Canada and Trinidad and Tobago

The above items (1 through 7) and the areas that are still under consideration will be dealt with in the next report to Council. It should also be noted that although it was stated in the last report that the committee was seeking to co-opt a banker, an actuary and an accountant onto the committee, it was felt best to hold strain until the regulations were finalized.

The Committee made four (4) presentations at CLPD conferences throughout the jurisdiction and at these events colleagues responses and recommendations were noted; some of these were brought to the attention of Council at the Retreat.

The Committee welcomed the fulsome discussion and guidance from Council. The recommended revisions and amendments have been researched and the amendments are being made. These amendments/additions were subsequently incorporated in CLPD presentations. It is anticipated that a final version of the Regulations, including all recommendations, additions and amendments, will be tabled for Council's review.

#### 15. FINANCE AND ACCOUNTING COMMITTEE

The Finance and Accounting Committee continued to guide, support and strengthen the Council's financial activities during the period April 1, 2017 – March 31, 2018.

To ensure that the Council's financial and accounting operations continued to be appropriately managed, the committee provided proper, adequate and rigorous supervision and direction, specifically in matters concerning expense containment and prudent investment opportunities.

The committee unequivocally supported the management's decision to terminate the contract of the Accounting Consultant in August 2017, and subsequently actively participated in the recruitment and engagement of an in-house Accountant who is responsible for ensuring the accuracy and timeliness of the monthly financial reports, as well as the meticulous preparation required 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 to prepare the Council's annual revenue and



expense budget. The Committee also periodically monitored all financial inflows and outflows in accordance with the budgeted provisions, therefore ensuring that the Council's finances were carefully administered.

The Committee maintained a close working relationship with the external auditor to ensure that the Council's operational and reporting standards continued to be in line with the established accounting, financial and administrative procedures.

The members of the GLC's Finance & Accounting Committee 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.

#### 16. PRACTISING CERTIFICATE FEES

The following fee structure came into effect in January 1, 2018:

Less than five years' standing	-	\$14,400.00
Five years' standing but less than fifteen	-	\$28,800.00
Fifteen years standing and over	-	\$43,200.00
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	-	\$7,200.00

It is estimated that there are Three Thousand, Six Hundred and Eight (3,608) attorneys on the roll. In 2017/2018 Two Thousand and One Hundred and Sixty-One (2,161) 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.

#### 17. APPLICATIONS FOR ENROLMENT

Applications for qualifying certificates were received from 186 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.

### 18. MEMBERSHIP OF THE DISCIPLINARY COMMITTEE

The following persons were members of the Disciplinary Committee:

Mr. Walter Scott, Q.C. -  
(Chairman) to 30/09/17

Mr. Christopher Kelman

Mrs. Pamela Benka-Coker, Q.C.

Mrs. Ursula Khan

Miss Delrose Campbell from 01/10/17

Mrs. Gloria Langrin

Mr. Peter Champagnie

Mr. Jerome Lee

Mrs. Judith Cooper-Batchelor

Mrs. Margarete Macaulay

Mr. Jeffrey Daley from 01/10/17

Miss Annaliesa Lindsay from 01/10/17

Miss Lilieth Deacon

Mr. Dane Marsh

Mr. Richard Donaldson

Mrs. Debra McDonald

Dr. Adolph Edwards to 30/09/17

Mr. Charles Piper, Q.C.

Mr. Patrick Foster, Q.C. to 30/09/17

Mr. Kevin Powell from 01/10/17

Ms. Katherine Francis

Mrs. Jeanne Robinson-Foster, C.D. to 30/09/17

Mrs. Daniella Gentles-Silvera (Chairman)  
from 01/10/17

Mr. Pierre Rogers from 02/03/18

Miss Anna Gracie from 01/10/17

Mrs. Marjorie Shaw-Currie from 01/10/17

Miss Nadine Guy from 02/03/18

Mrs. Tana'ania Small-Davis

Mr. John Graham to 30/09/17

Mr. Michael Thomas

Mr. Trevor Ho-Lyn

On the 30<sup>th</sup> September, 2017 the term of the members of the Disciplinary Committee ended. Five(5) persons did not come back as members for the new term which commenced on the 1<sup>st</sup>

October, 2017. As of the 1<sup>st</sup> October, 2017 Mrs. Daniella Gentles-Silvera took over as Chairman from Mr. Walker Scott, Q.C. six (6) new members were appointed as at the 1<sup>st</sup> October, 2017 and two (2) as at 2<sup>nd</sup> March 2018. There are presently twenty-six (26) members of the Disciplinary Committee.

## 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 2017 - 2018

<b>Attendance by Members at Monthly General Meetings</b>			
<b>Names</b>	<b>Times Possible</b>	<b>Times Present</b>	<b>Times Excused</b>
Mr. Walter Scott, Q.C. – <b>Chairman to 30/09/17</b>	<b>5</b>	<b>3</b>	<b>2</b>
Mrs. Pamela Benka-Coker, Q.C.	<b>10</b>	<b>7</b>	<b>2</b>
Miss Delrose Campbell	<b>5</b>	<b>4</b>	
Mr. Peter Champagnie	<b>10</b>	<b>7</b>	<b>3</b>
Mrs. Judith Cooper-Batchelor	<b>10</b>	<b>6</b>	<b>2</b>
Mr. Jeffrey Daley	<b>5</b>	<b>5</b>	
Miss Lilieth Deacon	<b>10</b>	<b>3</b>	<b>6</b>
Mr. Richard Donaldson	<b>10</b>	<b>5</b>	<b>1</b>
Dr. Adolph Edwards	<b>5</b>		
Mr. Patrick Foster, Q.C.	<b>5</b>		<b>1</b>
Ms. Katherine Francis	<b>10</b>	<b>4</b>	<b>4</b>
Mrs. Daniella Gentles-Silvera <b>Chairman from 01/10/17</b>	<b>10</b>	<b>9</b>	
Miss Anna Gracie	<b>5</b>	<b>4</b>	<b>1</b>
Mr. John Graham	<b>5</b>	<b>-</b>	<b>3</b>
Mr. Trevor Ho-Lyn	<b>10</b>	<b>8</b>	<b>2</b>
Mr. Christopher Kelman	<b>10</b>	<b>4</b>	<b>6</b>

Mrs. Ursula Khan	<b>10</b>	<b>7</b>	<b>2</b>
Mrs. Gloria Langrin	<b>10</b>	<b>8</b>	<b>-</b>
Mr. Jerome Lee	<b>10</b>	<b>8</b>	<b>2</b>
Miss Annaliesa Lindsay	<b>5</b>	<b>3</b>	<b>-</b>
Mrs. Margarett Macaulay	<b>10</b>	<b>3</b>	<b>7</b>
Mr. Dane Marsh	<b>10</b>	<b>9</b>	<b>-</b>
Mrs. Debra McDonald	<b>10</b>	<b>8</b>	<b>2</b>
Mr. Charles Piper, Q.C.	<b>10</b>	<b>4</b>	<b>3</b>
Mr. Kevin Powell	<b>5</b>	<b>2</b>	<b>3</b>
Mrs. Jeanne Robinson-Foster, C.D.	<b>5</b>	<b>-</b>	<b>3</b>
Mrs. Marjorie Shaw-Currie	<b>5</b>	<b>4</b>	<b>1</b>
Mrs. Tana'ania Small-Davis	<b>10</b>	<b>6</b>	<b>3</b>
Mr. Michael Thomas	<b>10</b>	<b>7</b>	<b>3</b>

<b>Attendance by Members at Hearing</b>			
<b>NAMES</b>	<b>TIMES POSSIBLE</b>	<b>TIMES PRESENT</b>	<b>TIMES EXCUSED</b>
Benka-Coker ,Q.C,Pamela (Mrs.)	14	12	2
Campbell, Delrose (Miss)	10	8	2
Champagnie,Peter (Mr.)	31	28	3
Cooper-Batchelor,Judith (Mrs.)	19	17	2
Deacon,Lilieth (Miss)	28	26	2
Daley, Jeffrey (Mr.)	8	8	0
Donaldson, Richard (Mr.)	17	17	0
Edwards, Adolph (Dr.)	33	29	4
Foster Q.C,Patrick (Mr.)	31	23	8
Francis, Katherine (Miss)	32	28	4
Gentles-Silvera, Daniella (Mrs.)	24	23	1
Graham, John (Mr.)	12	10	2
Gracie, Anna (Miss)	10	10	0
Ho- Lyn, Trevor (Mr.)	23	21	1
Kelman, Christopher (Mr.)	29	28	1
Khan, C.D, Ursula (Mrs.)	30	29	1
Langrin, Gloria (Mrs.)	35	34	1
Lee, Jerome (Mr.)	29	29	0
Lindsay, Annaliesa (Miss)	9	9	0
Macaulay, Margarett (Mrs.)	12	10	2
Marsh,Dane (Mr.)	24	22	2
McDonald, Debra (Mrs.)	29	27	2
Piper,Q.C, Charles (Mr.)	32	30	2
Powell, Kevin (Mr.)	9	8	1
Robinson-Foster, Jeanne (Mrs.)	14	11	3
Scott,Q.C, Walter (Mr.)	36	33	3
Shaw, Marjorie (Ms.)	9	8	1
Small-Davis, Tania'ana (Mrs.)	27	25	2
Thomas, Michael (Mr.)	29	27	2

## **Summary of Complaints 1<sup>st</sup> April, 2017 to 31<sup>st</sup> March, 2018**

* Complaints pending as at the 1 <sup>st</sup> January, 2017 -	<b>661</b>
* Complaints filed in 2017 -	<b>243</b>
* Complaints filed between 1 <sup>st</sup> April, 2017 to 31 <sup>st</sup> December, 2017 -	<b>178</b>
* Complaints pending as at the 1 <sup>st</sup> January, 2018 -	<b>758</b>
* Complaints filed between the 1 <sup>st</sup> January, 2018 and 31 <sup>st</sup> March, 2018 -	<b>41</b>

Number of complaints considered at general meetings during the period under review (1<sup>st</sup> April, 2017 to 31<sup>st</sup> March, 2018) -

(a) Complaints where no prima facie case found -	<b>59</b>
(b) Complaints where prima facie case found and matter sent to hearing -	<b>189</b>
(c) Complaint where Application for withdrawal granted	<b>2</b>

Complaints dealt with at Hearings:

(a) Number of complaints withdrawn -	<b>49</b>
(b) Number of complaints dismissed -	<b>41</b>
(c) Number of complaints upheld -	<b>14</b>
TOTAL complaints dealt with -	<b>104</b>

Number of complaints disposed of between 1<sup>st</sup> April, 2017 to 31<sup>st</sup> March, 2018 - **165**

* Total number of complaints pending as at the 1 <sup>st</sup> April, 2018 -	<b>634</b>
* Outstanding judgments as at the 31 <sup>st</sup> March, 2018 -	<b>60</b>

Part heard matters as at the 31<sup>st</sup> March, 2018 - **89**

**NB:** In April, 2018 the Disciplinary Committee implemented a computerised database called Curia Suite Apex (Advance Performance Exponents Inc) Case Management System (Apex Curia-Case Management System) which is a group of case management and automation solutions, specifically designed and built to automate case management activities and provide timely and accurate performance reports to improve efficiency and productivity. The system was

introduced to us by the Right Honourable Sir Dennis Byron, President of the Caribbean Court of Justice, to assist the Disciplinary Committee to tackle our backlog/outstanding matters. Discussions started in December, 2017 between Sir Dennis Byron and Allan Wood, Q.C., Chairman of the General Legal Council. On the 19<sup>th</sup> January, 2018 Sir Dennis Byron came to Jamaica and put on a case management workshop for the members of the Disciplinary Committee focused on the elimination of our backlog in eighteen (18) months, case management conference flow management techniques. The Honourable Mr. Justice Adrian Saunders also made a presentation by way of Skype to the Disciplinary Committee members on the delivery of judgment techniques. Additionally, the Registrar of the Caribbean Court of Appeal came to Jamaica on the 7<sup>th</sup> May, 2018 and stayed for a week where she did hands on training with the members of the Disciplinary Committee and the staff.

As at the 31<sup>st</sup> May, 2018, 639 files have been scanned and uploaded on to this database. There are a balance of 90 files to be scanned and uploaded. With respect to the 90 remaining files, some of the names of the Complainants have already been inputted unto the system and therefore form part of the 639 complaints.

As a result of all complaints being uploaded it appears that our figures under the heading “Summary of Complaints” contained in the Disciplinary Committee Reports to the General Legal Council in previous years and for this period under review were inaccurate and should be viewed as estimates. Moving forward it is believed that our figures will be much more accurate and we will be better able to get more reliable statistics.

Hand in hand with the introduction of the Curia System all members of the Disciplinary Committee and some members of staff were given notebooks by the General Legal Council. Consequently we have ceased copying documents for the monthly general meetings for members and for some hearings.

There has been a noticeable increase in hearings by the use of Skype and therefore the Disciplinary Committee will need further equipment to facilitate these hearings.

### **Attorneys who have been Struck Off/Suspended**

Between the 1<sup>st</sup> April, 2017 to 31<sup>st</sup> March, 2018 the following Attorneys were suspended from practice and/or struck off the Roll.

	<b>Suspension</b>	<b>Struck Off</b>
Daimian Master		24 <sup>th</sup> June 2017 (twice, same day)
Howard Lettman	1.12.17 for six months	
Howard Lettman		12 <sup>th</sup> December 2017
Gregory Lopez		18 <sup>th</sup> April, 2017
Richard Bonner		5 <sup>th</sup> June, 2017
Michael Lorne		24 <sup>th</sup> June 2017

### **Costs Orders**

Costs Imposed by the Disciplinary Committee to be paid to the General Legal Council	\$375,000.00
Costs Collected by the Disciplinary Committee	\$100,000.00
Costs outstanding	\$275,000.00
Fines Imposed by the Disciplinary Committee	No fines were imposed for period under review
Fines Collected by the Disciplinary Committee	N/A
Fines outstanding	N/A

19. Between the period 1<sup>st</sup> April, 2017 to 31<sup>st</sup> March, 2018 the following Appeals were filed and/or dealt with:

### **Appeals**

Oswest Senior-Smith v The General Legal Council This is an appeal against the general meeting's decision that there was no prima facie case for the Attorney to meet. The appeal was heard and the matter adjourned for Judgment. Michael Hylton, Q.C. represents the General Legal Council.

Richard D. Bonner v The General Legal This appeal was filed on the 12<sup>th</sup> October,



<p>Council - MA No. 97/2017 (Exp. Dr. Opal Gibson-Corbin)</p>	<p>2017 against the decision of the Disciplinary Committee to strike off Mr. Bonner off the Roll of Attorneys. A date has not yet been fixed for the appeal. Sandra Minott-Phillips, Q.C. represents the General Legal Council.</p>
<p>Gregory Lopez v The Disciplinary Committee of the General Legal Council (Paul Black) - Misc. Appeal No. 27 of 2017</p>	<p>The Attorney filed a Notice of Appeal on the 18<sup>th</sup> April, 2017 and Application for a stay of the decision striking him off the Roll. No date has been fixed as yet for the application. The Attorney has not prosecuted the matter. Sandra Minott-Phillips, Q.C. represents the General Legal Council.</p>
<p>Arlean Beckford v The General Legal Council (Exp. Loretta Henry Grant)</p>	<p>An application was filed for extension of time within which to file an appeal. When it came on for hearing on the 27<sup>th</sup> June, 2016 Ms. Beckford's Attorney applied for an adjournment to allow him time to review the file. The Registrar of the Court of Appeal by letter dated the 14<sup>th</sup> August, 2017 to Ms. Beckford's Attorney requested that he relist the notice of application for a new date to be inserted. To date Sandra Minott-Phillips, Q.C. who represents the General Legal Council has not been advised of a new date.</p>
<p>A. Earl Melhado v The General Legal Council - Misc. Appeal No. 3 of 2015</p>	<p>This appeal was dismissed with costs awarded to the General Legal Council. The costs have been taxed in the amount of \$339,864.79 and the General Legal Council's Attorney is taking steps to recover same. Sandra Minott-Phillips, Q.C. represents the General Legal Council.</p>
<p>Norman Samuels v The General Legal Council - MA 5/2016 (formerly 85/2016)</p>	<p>This appeal was heard during the week of the 13<sup>th</sup> April, 2018 and judgment has been reserved. Sandra Minott Phillips represented the General Legal Council.</p>
<p>Harold Brady v The General Legal Council -</p>	<p>This appeal came up for hearing on the 11<sup>th</sup></p>

Civil Appeal No. MA 01/2017 (Exp. Factories Corporation)

October, 2017. The Court ordered that the Appellant file a Notice of Application to admit fresh evidence in relation to allegations of bias and also ordered that all of the deponents of the affidavits including the Chairman of the Disciplinary Committee Panel, Daniella Gentles-Silvera, should attend Court to be cross examined to enable the Court to determine if the Appellant's application for fresh evidence should be allowed. The matter was adjourned to the week of the 12<sup>th</sup> March, 2018 and on that day again adjourned due to the limited number of Judges who can hear this matter. No date has been fixed for the appeal. Denise Kitson, Q.C. represents the General Legal Council.

Claim No. 2017 HCV 01211 - Abe Dabdoub and Raymond Clough v The Disciplinary Committee of the General Legal Council (exp. Dirk Harrison Contractor General of Jamaica)

This claim is against the decision of the Disciplinary Committee of the General Legal Council that there is a prima facie case. The matter was heard on the 6<sup>th</sup> March, 2018 and judgment reserved. Carlene Larmond represented the General Legal Council

Humphrey McPherson v Disciplinary Committee of The General Legal Council SCR No. 2 of 2016 (Application No. 120/17)

This matter involves an appeal from a decision of the Disciplinary Committee of The General Legal Council delivered on the 30<sup>th</sup> November, 2016 striking off the Attorney from the Roll. The appeal was in fact struck out on the 9<sup>th</sup> June, 2017 on the basis that the notice of appeal was filed out of time. Mr. McPherson subsequently filed an application for a number of orders including that a procedural appeal be heard. This appeal arising out of the same disciplinary hearing was filed in 2013 (MA No. 2 of 2012) against certain rulings by a Panel of the Disciplinary Committee made during the hearing on the 18<sup>th</sup> April, 2013. The Attorney is requesting in the application that the rulings should be

overturned or alternatively that his name be restored to the Roll as an Attorney. Mr. McPherson did not pursue the procedural appeal and is now seeking to resurrect it and have it incorporated in the 2016 appeal which has been struck out. The attorney is also seeking an order that the Order of the Court of Appeal striking out the appeal, made on the 9<sup>th</sup> June, 2017 be set aside. The matter was fixed for the week commencing the 12<sup>th</sup> March, 2018 but was adjourned. Sandra Minott Phillips, Q. C. represents the General Legal Council.

The Disciplinary Committee of The General Legal Council (Exp. Elizabeth Hartley) v Janice Causwell - JCPC 2017/0037

The Privy Council granted the General Legal Council permission to appeal the Court of Appeal's decision on the 15<sup>th</sup> November, 2017. A date has been fixed for hearing in September, 2018. This appeal is to be heard by video link. Michael Hylton, Q.C. and Carlene Larmond represent the General Legal Council.

Michael Lorne v The General Legal Council - Misc. Appeal No. 3 of 2017

This is an appeal filed by Michael Lorne against a decision striking him off the Roll. On 22<sup>nd</sup> May, 2018 he was granted an extension of time to file further grounds of appeal. Sandra Minott-Phillips, Q.C. represents the General Legal Council.

Lloyd Sheckleford v Eileen Boxill and The General Legal Council - Civil Appeal No. 116 of 2012

Appeal was dismissed and application for leave to appeal to the Privy Council was withdrawn.

Don Foote v The Disciplinary Committee of The General Legal Council - Claim No. 2017 HCV 01468

Application filed in the Supreme Court for inter alia declaration that the Panel was wrong to set down the matter for a sanction hearing and for an injunction to prevent them from delivering their decision on sanction having found him guilty of professional misconduct.

The Application was refused on the 23<sup>rd</sup> February, 2018 and the Panel proceeded to hand down the sanction which included a fine of \$1,000,000.00 to be paid on or before the 24<sup>th</sup> May, 2018 failing which he was to be suspended from practice for one (1) year. The General Legal Council is represented by Sandra Minott-Phillips, Q.C.

Howard Lettman v The Disciplinary Committee of The General Legal Council (Rudolph Campbell) - Appeal No. 1 of 2018

Appeal filed against an Order given on the 1<sup>st</sup> December, 2017 suspending the Attorney from practice. We are awaiting a Case Management Conference date. Carlene Larmond represents the General Legal Council in the appeal.

## 20. INCOME AND EXPENDITURE

A statement of the Council's Income and Expenditure for the period 1<sup>st</sup> April, 2017 to 31<sup>st</sup> March, 2018 which is extracted from its audited Financial Statement is set out below:

<b><u>INCOME</u></b>	<b><u>§</u></b>
Practising Certificate Fees	67,558,593
CLPD	18,870,810
Interest on Fixed Deposit	575,886
Fines	-
Other	<u>228,494</u>
	87,233,783
Administrative and General	<u>(86,222,645)</u>
Total Comprehensive Income for the year	<b><u>1,011,138</u></b>
 <b><u>EXPENDITURE:</u></b>	
Advertising	778,809
Audit and accounting fees	2,196,500
Bank charges	1,277,734
Depreciation	2,528,272
Donation	227,420
Electricity	2,352,367
Foreign exchange loss	1,629,240
Insurance	130,966
Irrecoverable GCT	3,329,317
Legal and professional fees	6,466,277
Meeting expenses	943,578
Office expenses	739,097
Office Rent	6,138,236
Printing, stationery and postage	2,865,931
Repairs and maintenance	2,594,943
Salaries, wages and related costs	47,046,741
Security	1,239,275
Staff welfare	1,540,132
Staff training	129,000
Telephone	1,324,419
Travel and accommodation	381,286
Uniforms	<u>363,105</u>
	<b><u>86,222,645</u></b>

## APPENDIX I

Applicants who received qualifying certificates:

1. Adams, Monique DeLisa
2. Akinladejo, Ebunoluwa Motunrayo
3. Allen, Alyssa Antionette Anna-Kay
4. Anderson, Kelly Elizabeth
5. Bailey, Lacy-Ann Shanika
6. Bailey, Paul Anthony
7. Bailey, Roxanne Annieka
8. Barrett, Jovell Carol
9. Barrett, Tiffany Ashley Sade
10. Bartley, Samiesha Francene
11. Batchelor, Steve Rickardo St. Elmo
12. Beckford, Kristeina Amoy
13. Beckford, Stewart Lloyd
14. Bellinfantie, Aril Ohemma
15. Benain, Travis Anthony
16. Benjamin-George, Beverly
17. Bennett, Ava-Gaye
18. Bennett-Robinson, Karyll Aimee
19. Bernard-Morrison, Amoy Latoya
20. Binns, Kayla Olivia
21. Blackwood, Francine Melanie
22. Bohardsingh, Nettecia Nerene
23. Bourne, Khrystina Alyssa
24. Bowman, Simone
25. Brady, Maria hope
26. Braidy, Samantha Josephine
27. Brissett, Leslie
28. Brown, Anna-Kay Elizabeth
29. Brown, Tobi-Ann Niki-Jade
30. Brown, Topazia Ashley
31. Brown, Yanique Sherine
32. Buchanan, Isat Aquaba
33. Bullock, Frances Ashley
34. Burnett, Sheree
35. Calder, Valeen Peta-Gaye
36. Cammock, Nassoma Monifa
37. Campbell, Rushane Ray-Anthony
38. Castle, Sean-Christopher Anthony
39. Chang, Gina Abigail
40. Chisholm, Sharo-Ann Toni Jenel
41. Chue, Chevaughn Mitsue-Ann
42. Clark, Jordan Wade
43. Clarke, Shayann Chirshawna
44. Corrington, Stephen Wayne
45. Curtis, Sara Victoria Demetra
46. Diedrick, Kimberley Anna-Kaye
47. Downer, Hermine Marcia
48. Duncan, Rochelle Juanita
49. Dunn, Chantell Sidone
50. Dunn, Jodie-Ann Olivia

51. Duquesnay, Alexis Brooke Lemercier
52. Edwards, Lisa-Ann Iris
53. Ellis, Debbie Antoinette
54. Ellis, Diana Maria
55. Ellis, Kimberley Peta-Gay
56. Facey, Naketa Carlesha
57. Fairclough, Sashakay
58. Farquharson, Toni-Ann Patrice
59. Fletcher, Channice Candace Marisa
60. Fletcher, Kayodii Sudjae
61. Forbes, Dionne Camille
62. Forrester, Cara-Lee Emoya
63. Forrester, Shanna-Kaye Kadene
64. Francis, Kavel Lisa
65. Francis, Sheniel Melissa
66. Francis, Tara Javeena
67. Francis -Taylor, Petrina Acktavina
68. Fuller, Jr. Steadman Alvin Ridout
69. Gallimore, Kim Marie
70. Garrison, Camille Monique
71. Godfrey, Ivan Stanford
72. Gordon, Christine Melosa
73. Gordon, Faith Alicia
74. Graham, Karl Antonio
75. Grannum, Tashaunna Antionette  
Kimberly
76. Gregory, Marlon Zefano George
77. Hamilton, Ryan Jon-Paul Noel Earl
78. Harper, Christopher Eric
79. Hay, Manfas Ya-Wadada
80. Hinds, Shanelle Duvena
81. Hines, Tafina Afia
82. Holness, Cristal Karesa
83. Howe, Nadia Noelle
84. Irwin-Carby, Natalie Michelle
85. Jackson, Steven Neil Antonio
86. James, Monique Nickesha
87. Johns, SuJay Sa-Shaun
88. Johnson, Kristian Russell Geron
89. Johnson, Renee Monique
90. Johnson, Schana Nicole
91. Johnson, Shannon Atali
92. Keaveny, Stephen Thomas
93. Kerr-Alleyne, Norma Lorine
94. King, Karleen Andrea Shantal
95. King, Shanice Hyacinth
96. Kitson-Walters, Daniel Giovanni
97. Knowles, Vanessa Natasha
98. Langley, Melissa Althea
99. Larmond, Denniel Jenika
100. Lawrence, Alicia Chris-Ann
101. Lawrence, Nicole Tracy-Ann
102. Lawson-Handal, Renee Nicole
103. Lee, Rachel Lillian
104. Leon, Jevaughn St. Juste
105. Lewis, Alaie Lloyd
106. Lindsay, Jhade Archibald
107. Linton, Shernett
108. March, Sheldon Michael Samuel
109. Marston, Odane
110. Martin, Paula Patrice
111. Mayne, Kerri-Anne Junelle

112. McAnuff-Jones, Ashleigh Amanda
113. Mccallum, Jardon Bancroft
114. Mccallum, Karlene Cerena
115. Mcintouch, Navoya Monnette
116. McIntyre, Thompson Tamesha  
Tamoy
117. Mckenzie, Yaniqueca Petrona
118. McNeil, Ranaldo Oshane
119. Mcneil, Rechelle Jhenealle
120. Mcpherson, Denise Latoya
121. Messam, Makiedah
122. Mignott, Gillian Elizabeth
123. Miller, Joni-Ann Janielle
124. Miller, Kalisia Beth-Ann
125. Mitchell, Deannia Janene Shauna-  
Kay
126. Mitchell, Jason Christopher-Jay
127. Morgan, Ramona Georget
128. Morgan, Rashema Nicola Gordon
129. Morgan, Renelle Delrio
130. Morris, Kimberly Melissa
131. Neisbeth, Shanice Nickolia Brooke
132. Neita, Jonathan Andre
133. Oliphant, Omar Zaheer Dwayne
134. Patrick, Gardner Deborah Lovern
135. Patterson, Courtnay Marissa
136. Phillips, De Anndra Ann-Marie
137. Phuran, Clayton
138. Rattray, Narda Crystal-Gali
139. Reid, Julian Elether
140. Reid, Javia Nioka
141. Reid, Samara Samantha Sadekie
142. Rhule, Latoya Nordia
143. Richards, Nicola Shana-Kay
144. Roberts, Loren-Kay Orlana
145. Robinson, Renae Roxanne
146. Rodgers, Andrew Orrett Daniel
147. Rodney, Jordia Kaygen
148. Rose, Vivian Winston Vincent
149. Sajabi, Twitty-Ann Tamara
150. Samuels, Dionne Ariane McGann
151. Samuels, Lauri-Ann Miche
152. Silburn, Andrae Shawn
153. Simon-Walker, Keesha
154. Sinclair, Tiffany Caroline-Ann
155. Spencer, Aston Alexander
156. Spencer, Susan Pamela
157. St. Juste, Rashida Elissa
158. Stewart, Lesley-Ann Lorraine
159. Taylor, Donnette Rose-Marie
160. Taylor, Jaavonne Zoe
161. Taylor, Petulia Elizabeth
162. Tennant, Jared Marvin Xavier
163. Thomas, Candacia Keli-Kay
164. Thomas, Latoya Yolanda
165. Thomas, Melissa Josephine
166. Thompson, Allyandra Vivia
167. Townsend, Anika Renee
168. Tracey, Kadie-Jo Tanique
169. Vincent, Ramone Odane
170. Walker, Shelby-Maye Rachel
171. Watson, Rishell-Ann Toni



172. Watson, Tawanna Alysha  
173. White, Melissa Josette  
174. Williams, Chantal Vanessa  
175. Williams, Paulio Jessey  
176. Williams, Petrina Toni-Ann  
177. Williams, Phylcia Dawn Elizabeth  
178. Williams-Martin, Jezeel Anthony  
179. Wilson, Jutina Ashleigh

180. Wilson, Kareen Georgea  
181. Wood, Samantha Melissa  
182. Wright, Carolyn Angeline  
183. Wright, Chemell Rando  
184. Wright, Kadia Rene  
185. Young, Ann-Lee Roberta  
186. Walters, Kara Kadene

## CHAIRMAN'S MESSAGE:

In the Financial Year ending March 2018, there have been several important developments to which all attorneys-at-law and the public should be made aware.

The Full Court delivered its decision on 29<sup>th</sup> April 2017 in the action brought by Jamaican Bar Association dismissing the action challenging the application of Part V of the Proceeds of Crime Act to attorneys. An appeal was brought by the Jamaican Bar Association and the decision of the Court of Appeal remains pending. On 25<sup>th</sup> January 2018 the Court of Appeal reinstated a limited injunction, the effect of which is to prevent the Council, as competent authority, from monitoring AML compliance by attorneys who are Designated Non-Financial Institutions (DNFIs).

However, the Court of Appeal did not stay the requirements for the filing of an annual declaration of activities by attorneys pursuant to section 5(3C) of the Legal Profession Act. To date 1,298 attorneys have declared themselves to be DNFIs. Attorneys who are DNFIs are required to comply with AML obligations under the Proceeds of Crime Regulations which include compliance with customer identification and verification requirements, employee training and monitoring and the monitoring of transactions to prevent money laundering.

The Legal Profession (Accounts and Records) Regulations have been amended to remove provisions which enable attorneys practicing in Jamaica to claim exemption on the basis that they do not handle trust funds. Under the Amended Regulations all attorneys claiming that they do not receive trust funds must now file a declaration giving details in the form set out in the First Schedule to the Regulations.

Attorneys are notified that client trust funds include money advanced to an attorney on account of fees for services to be rendered and for clarity the Regulations were also amended to stipulate that an attorney cannot by agreement with a client exclude the operation of the Regulations. The Regulations take effect as law and supersede any contrary arrangements made by the attorney with a client or prospective client.

The amendment to the Legal Profession (Accounts and Records) Regulations have been accompanied by active measures to enforce the Regulations by members of Council laying complaint against attorneys who are in default. As a consequence, attorneys who are in default are liable to be struck off or otherwise sanctioned by suspension and substantial fines. Attorneys who fail to comply with the Regulations place their status as attorneys in jeopardy and the Council will continue its effort to ensure compliance with these Regulations.

The work of the CLPD Committee continues from strength to strength and in the coming year the Council is hopeful that a webinar system will be implemented. Such a system will greatly assist attorneys who do not reside in Jamaica to meet the requirements for continuing legal professional development.

In addition, the Council has approved amendments to the Legal Profession (Continuing Professional Development) Regulations to enable the accreditation of providers. Accredited Providers will not need to submit papers to the Accreditation Committee. This measure will alleviate, if not eliminate, the delays experienced in the accreditation of seminars and the amendments will take effect in the coming year.

Further, I am pleased to report that the Disciplinary Committee has implemented the Curia Case Management system which is similar to the case management system utilized by the Caribbean Court of Justice. This was implemented with the kind assistance of the President of the Caribbean Court of Justice. The President and his staff have also assisted with the training of the members and staff of the Disciplinary Committee. This system enhances the efficiencies of the Disciplinary Committee in dealing with its backlog of complaints. The implementation of the system has also been accompanied by aggressive efforts on the part of the Disciplinary Committee to clear the backlog of complaints.

The Council pays tribute to the Right Hon. Sir Charles Michael Dennis Byron as he retires as President of the Caribbean Court of Justice. We salute his vision for Caribbean jurisprudence and the industry with which he has promoted that vision. We are deeply appreciative of the efforts he has made to modernize the processes of the Disciplinary Committee and to enhance its overall efficiency for the benefit of the public. Sir Dennis Byron's service to the Disciplinary Committee

has been unique and unmatched in the history of the Disciplinary Committee. The Council wishes him a rewarding well-earned retirement.

I end this Report by extending thanks and appreciation to all Council and Committee Members and to the Council's hard working dedicated staff who continue to serve the interests of the profession loyally and well.

**CHAIRMAN:**

**SECRETARY:**

**DATE:**

**THE GENERAL LEGAL COUNCIL**  
**Financial Statements**  
**Year ended 31 March 2018**

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**VINTORIA BERNARD**

**Chartered Accountant**

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C.S.O. Kingston

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## **Independent Auditor's Report**

To the Members of  
The General Legal Council

### **Report on the Audit of the Financial Statements**

I have audited the financial statements of The General Legal Council set out on pages 4 to 22, which comprise the statement of financial position as at 31 March 2018, and the statement of comprehensive income, statement of changes in equity and cash flows statement for the year then ended, and a summary of significant accounting policies and other explanatory information.

In my opinion, the accompanying financial statements give a true and fair view of the financial position of the Council as at 31 March 2018, and of its financial performance and cash flows for the year then ended in accordance with International Financial Reporting Standards (IFRS).

### **Basis for Opinion**

I conducted my audit in accordance with International Standards on Auditing (ISAs). My responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Statements* section of my report. I am independent of the Council in accordance with the International Ethics Standards Board for Accountants Code of Ethics for Professional Accountants (IESBA Code) and I have fulfilled my other ethical responsibilities in accordance with the IESBA Code. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

### **Management's Responsibility for the Financial Statements**

Management is responsible for the preparation of financial statements that give a true and fair view in accordance with IFRS and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

## **Independent Auditor's Report (cont'd)**

To the Members of  
The General Legal Council

### **Management's Responsibility for the Financial Statements (cont'd)**

In preparing the financial statements, management is responsible for assessing the Council's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the Council or to cease operation, or has no realistic alternative but to do so.

The management is responsible for overseeing the Council's financial reporting process.

### **Auditor's Responsibilities for Audit of the Financial Statements**

My objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with ISAs, I exercise professional judgement and maintain professional skepticism throughout the audit. I also:

- Identify and assess the risks of material misstatements of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
  
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Council's internal control.

**PARTNER: Vintoria Bernard, FCA, FCCA BSc.**

## **Independent Auditor's Report (cont'd)**

To the Members of  
The General Legal Council

### **Auditor's Responsibilities for Audit of the Financial Statements (cont'd)**

- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the company's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my auditor's report. However, future events or conditions may cause the Council to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that presents a true and fair view.

### **Report on additional matters**

I have obtained all the information and explanations which, to the best of my knowledge and belief, were necessary for the purposes of my audit. In my opinion, proper accounting records have been maintained, so far as appears from my examination of those records, and the financial statements, which are in agreement therewith, give the information required.

*Vintoria Bernard*  
**CHARTERED ACCOUNTANT**

21 June 2018



**THE GENERAL LEGAL COUNCIL**  
**Statement of Comprehensive Income**  
**Year ended 31 March 2018**

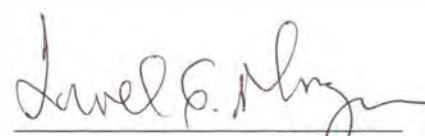
	<u>Note</u>	<u>2018</u>	<u>2017</u>
		\$	\$
<b><u>Revenue</u></b>			
Practising certificate fees		67,558,593	48,125,585
CLPD	9	18,870,810	23,404,469
Interest		575,886	725,377
Fines		-	35,000
Other		<u>228,494</u>	<u>1,854,738</u>
		87,233,783	74,145,169
Administrative and general	8	<u>(86,222,645)</u>	<u>(68,163,966)</u>
<b>Total Comprehensive Income for the year</b>		<u>1,011,138</u>	<u>5,981,203</u>

**THE GENERAL LEGAL COUNCIL**  
Statement of Financial Position  
 As at 31 March 2018

	<u>Note</u>	<u>2018</u> \$	<u>2017</u> \$
<b><u>ASSETS</u></b>			
<b>Non-current assets</b>			
Furniture and equipment	4	6,164,292	6,105,342
Investment	11	2,750,114	2,750,114
		<u>8,914,406</u>	<u>8,855,456</u>
<b>Current assets</b>			
Receivables	6	6,476,124	2,777,607
Cash and cash equivalents	5	61,607,853	56,080,345
		<u>68,083,977</u>	<u>58,857,952</u>
<b>TOTAL ASSETS</b>		<u>76,998,383</u>	<u>67,713,408</u>
<b><u>RESERVES AND LIABILITIES</u></b>			
<b>Reserves</b>			
Capital fund		62,934,045	61,922,907
		<u>62,934,045</u>	<u>61,922,907</u>
<b>Current liabilities</b>			
Bank overdraft	5	2,777,514	615,637
Payables and accruals	7	11,286,824	5,174,864
		<u>14,064,338</u>	<u>5,790,501</u>
<b>TOTAL RESERVES AND LIABILITIES</b>		<u>76,998,383</u>	<u>67,713,408</u>

Approved and authorised for issue by the Council on 21 June 2018 and signed on its behalf  
 by:

  
 Chairman

  
 Council Member

**THE GENERAL LEGAL COUNCIL**  
Statement of Changes in Reserves  
Year ended 31 March 2018

	Capital Fund \$	Total \$
<b>Balance at 31 March 2016</b>	55,941,704	55,941,704
<b>Changes in reserves for 2017</b>		
Surplus for the year	5,981,203	5,981,203
Total comprehensive income for the year	5,981,203	5,981,203
<b>Balance at 31 March 2017</b>	61,922,907	61,922,907
<b>Changes in reserves for 2018</b>		
Surplus for the year	1,011,138	1,011,138
Total comprehensive income for the year	1,011,138	1,011,138
<b>Balance at 31 March 2018</b>	62,934,045	62,934,045

**THE GENERAL LEGAL COUNCIL**  
Statement of Cash Flows  
Year ended 31 March 2018

	<u>Note</u>	<u>2018</u> \$	<u>2017</u> \$
<b>Cash Flows from Operating Activities</b>			
Surplus for the year		1,011,138	5,981,203
Adjustments for:			
Depreciation	4	2,528,272	2,341,829
Interest income		<u>(575,886)</u>	<u>(725,377)</u>
		2,963,524	7,597,655
Changes in operating assets and liabilities:			
Receivables		(3,698,518)	5,338,107
Payables and accruals		<u>6,111,961</u>	<u>2,732,077</u>
Cash provided by operating activities		<u>5,376,967</u>	<u>15,667,839</u>
<b>Cash Flows from Investing Activities</b>			
Purchase of fixed assets	4	(2,587,222)	(3,239,738)
Interest received		<u>575,886</u>	<u>725,377</u>
Cash used in investing activities		<u>(2,011,336)</u>	<u>(2,514,361)</u>
Increase in net cash and cash equivalents		3,365,631	13,153,478
Cash and cash equivalents at beginning of year		<u>55,464,708</u>	<u>42,311,230</u>
<b>CASH AND CASH EQUIVALENTS AT END OF YEAR</b>	5	<u>58,830,339</u>	<u>55,464,708</u>

**THE GENERAL LEGAL COUNCIL**  
**Notes to the Financial Statements**  
**Year ended 31 March 2018**

1. **Identification**

The Council is incorporated under the Legal Profession Act. The main activity comprises the upholding of standards of professional conduct within the legal profession.

2. **Summary of Significant Accounting Policies**

The significant accounting policies applied in the preparation of these financial statements are set out below. These policies have been consistently applied to all the years presented unless otherwise stated.

a) **Statement of Compliance and Measurement Basis**

These financial statements are prepared in accordance with International Financial Reporting Standards (IFRS) and their interpretations, issued by the International Accounting Standards Board (IASB).

The financial statements are prepared using the measurement bases specified by IFRS for each type of asset, liability, income and expense. The measurement bases are more fully described in the accounting policies below.

Except where otherwise stated, the financial statements are presented in Jamaican Dollars.

b) **New and Amended Standards and Interpretations**

The council has adopted all relevant new and revised standards, interpretations and amendments effective for accounting periods beginning on or after 1 April 2017, which are immediately relevant to its operations.

- **Amendment to IAS 1 – ‘Presentation of Financial Statements: Disclosure Initiative’** (effective for accounting periods beginning on or after 1 January 2016). These amendments clarify the existing requirements of IAS 1 and provide additional assistance to apply judgement when meeting the presentation and disclosure requirements in IFRS. The amendment does not affect recognition and measurement and is not expected to have a significant impact on the financial statements.

**THE GENERAL LEGAL COUNCIL****Notes to the Financial Statements****Year ended 31 March 2018****2. Summary of Significant Accounting Policies (cont'd)****b) New standards, amendments and interpretations not yet effective and not early adopted by the Council**

The following new standards, interpretations and amendments which have not been applied in these financial statements, may have an effect on the Council's future financial statements:

- **Amendments to IAS 7 – ‘Statement of Cash Flows’** (effective for accounting periods beginning on or after 1 January 2017) requires an entity to provide disclosures that enable users of financial statements to evaluate changes in liabilities arising from financing activities, including both changes arising from cash flows and non-cash flows.
- **Amendments to IAS 12 – ‘Income Taxes’** (effective for accounting periods beginning on or after January 2017). The amendment clarifies the accounting for deferred tax where an asset is measured at fair value and that fair value is below the asset's tax base. The amendments confirm that a temporary difference exists whenever the carrying amount of an asset is less than its tax base at the end of the reporting period, an entity can assume that it will recover an amount higher than the carrying amount of an asset to estimate its future taxable profit, where the tax law restricts the source of taxable profits against which particular types of deferred tax assets can be recovered, the recoverability of the deferred tax assets can only be assessed in combination with other deferred tax assets of the same type and that tax deductions resulting from the reversal of deferred tax assets are excluded from the estimated future taxable profit that is used to evaluate the recoverability of those assets.
- **IFRS 9 – ‘Financial Instruments’** (effective for annual periods beginning on or after 1 January 2018), replaces the existing guidance in IAS 39, Financial Instruments: Recognition and Measurement. IFRS 9 includes revised guidance on the classification and measurement of financial assets and liabilities, including a new expected credit loss model for calculating impairment of financial assets and the new general hedge accounting requirements. It also carries forward the guidance on recognition and de-recognition of financial instruments from IAS 39. Although the permissible measurement bases for financial assets – amortised cost, fair value through other comprehensive income and fair value through profit and loss, are similar to IAS 39, the criteria for classification into the appropriate

**THE GENERAL LEGAL COUNCIL****Notes to the Financial Statements****Year ended 31 March 2018****2. Summary of Significant Accounting Policies (cont'd)****b) New standards, amendments and interpretations not yet adopted by the Council (cont'd)**

- **IFRS 9 – ‘Financial Instruments’ (cont'd)** - measurement categories are significantly different. IFRS 9 replaces the ‘incurred loss’ model in IAS 39 with an ‘expected credit loss’ model, which means that a loss event will no longer need to occur before an impairment allowance is recognized.
- **IFRS 15 ‘Revenue from Contracts with Customers’** – (effective for annual periods beginning on or after January 1, 2018) deals with revenue recognition and establishes principles for reporting useful information to users of financial statements about the nature, amount, timing and uncertainty of revenue and cash flows arising from an entity’s contracts with customers. Revenue is recognised when a customer obtains control of a good or service and thus has the ability to direct the use and obtain the benefits from the good or service. The standard replaces IAS 18 ‘Revenue’ and IAS 11 ‘Construction Contracts’ and related interpretations.

The Council is assessing the impact that these amendments will have on its 2018 financial statements.

**c) Critical judgements and sources of estimation uncertainty**

The preparation of financial statements in accordance with IFRS requires management to make estimates and assumptions that affect the amounts and related disclosures reported in the financial statements. These estimates are based on historical experience and management’s best knowledge of current events and actions. Actual results may differ from those estimates and assumptions.

There were no critical judgements, apart from those involving estimation, that management has made in the process of applying the Council’s accounting policies that have a significant effect on the amounts recognised in the financial statements.

The estimates and assumptions which have the most significant risk of causing a material adjustment to the carrying amounts of assets and liabilities are discussed below.

**THE GENERAL LEGAL COUNCIL**

Notes to the Financial Statements

Year ended 31 March 2018

2. **Summary of Significant Accounting Policies (cont'd)**

c) Critical judgements and sources of estimation uncertainty (cont'd)

i) Useful lives of plant and equipment

Depreciation is provided so as to write down the respective assets to their estimated residual values over their expected useful lives and as such, the selection of the expected useful lives and the estimated residual values of the assets require the use of estimates and judgements. Details of the estimated useful lives are shown in note 2c.

d) Plant and equipment

Plant and equipment are stated at historical cost, less accumulated depreciation. Historical cost includes expenditure that is directly attributable to the acquisition of items.

Depreciation is calculated on the straight line basis at such rates as will write off the carrying value of the assets over the period of their estimated useful lives. The expected useful lives are as follows:

Furniture and fixtures	10%
Computer equipment and software	20%
Website development	20%
Leasehold improvements	20%

The assets' residual values and useful lives are reviewed, and adjusted if appropriate, at each statement of financial position date.

Repairs and maintenance expenditure is written off during the financial period in which they are incurred.



**THE GENERAL LEGAL COUNCIL****Notes to the Financial Statements****Year ended 31 March 2018****2. Summary of Significant Accounting Policies (cont'd)****e) Revenue Recognition**

The council recognises revenue when the amount of revenue can be reliably measured.

**Fees**

Fees are accounted for on an accrual basis.

**Interest**

Interest is recognised in the statement of comprehensive income on an accrual basis.

**f) Foreign Currencies**

Transactions in foreign currencies have been converted to Jamaican dollars at the rates of exchange ruling at the date of those transactions. Assets and liabilities denominated in foreign currencies are translated to Jamaican dollars at exchange rates current at statement of financial position date. Gains and losses arising from fluctuations in exchange rates are recognised in the statement of comprehensive income.

**g) Financial Instruments**

A financial instrument is any contract that gives rise to a financial asset in one entity and a financial liability or equity instrument in another entity. Financial assets and financial liabilities are recognised in the council's statement of financial position when it becomes a party to the contractual provisions of the instruments.

A financial asset is derecognised when the contractual rights to the cash flows from the financial asset expire, or when the financial asset and all substantial risks and rewards are transferred.

A financial liability is derecognised when it is extinguished, discharged, cancelled, or expires.

**THE GENERAL LEGAL COUNCIL**  
**Notes to the Financial Statements**  
**Year ended 31 March 2018**

2. **Summary of Significant Accounting Policies (cont'd)**

g) **Financial Instruments (cont'd)**

The financial instruments carried in the statement of financial position are:

Financial assets: - Receivables and cash and cash equivalents

Financial liabilities: - Payables and accruals

The particular recognition methods adopted are disclosed in the respective accounting policies associated with each item.

h) **Cash and Cash Equivalents**

Cash and cash equivalents consist of cash in hand, current and savings account balances and short term deposits with maturity dates of twelve (12) months or less.

i) **Taxation**

Income tax on the results for the year comprises current tax.

The Council being a public body created by the Legal Profession Act qualifies for exemption from Income Tax (*under section 12 (h) of the Income Tax Act*). No provision has therefore been made in these financial statements for Income Tax.

j) **Receivables**

Receivables are initially recognised at original amount which represent fair value and subsequently measured at net realisable value which is the lesser of the carrying and recoverable amount. Recoverable amounts are based on the council's best estimates, having regards to economic conditions, historical experience and age of debt, as well as, post-statement of financial position collections.

k) **Payables and Accruals**

Payables and accruals are stated at cost.

**THE GENERAL LEGAL COUNCIL****Notes to the Financial Statements****Year ended 31 March 2018****2. Summary of Significant Accounting Policies (cont'd)****l) Borrowings**

Borrowings are classified as financial liabilities measured at amortised cost and are recognised initially at the proceeds received, net of transaction costs incurred. Borrowings are subsequently stated at amortised cost using the effective yield method. Any difference between proceeds (net of transaction cost) and the redemption value is recognised in the statement of comprehensive income over the period of the borrowings.

**m) Provisions**

Provisions are recognised when there is a present legal or constructive obligation as a result of past events, it is probable that an out-flow of resources will be required to settle the obligation and a reliable estimate of the amount can be made.

**n) Pension**

The Council operates a defined-contribution pension plan for its employees (note 11). Contributions to the scheme are charged to the statement of comprehensive income in the period to which they relate.

**o) Capital Fund**

The surplus or deficit on the statement of comprehensive income is transferred to the Capital Fund.

**p) Impairment**

The carrying amounts of the Council's assets are reviewed at each statement of financial position date to determine whether there is any indication of impairment. If any such indication exists, an impairment loss is recognised based on the asset's estimated recoverable amount.

If, in subsequent period, the amount of impairment loss decreases and the decrease can be linked objectively to an event occurring after the write-down, the write-down is reversed through the statement of comprehensive income.

**THE GENERAL LEGAL COUNCIL****Notes to the Financial Statements****Year ended 31 March 2018****3. Financial Assets and Liabilities by Categories****i) Financial assets by categories**

The categories of financial assets included in the statement of financial position are as follows:

	<u>2018</u>	<u>2017</u>
	\$	\$
Current assets		
Receivables (excluding prepayments)	6,154,856	2,470,418
Cash and cash equivalents	<u>61,607,853</u>	<u>56,080,345</u>
<b>Total</b>	<u><u>67,762,709</u></u>	<u><u>58,550,763</u></u>

**ii) Financial liabilities by categories**

	<u>2018</u>	<u>2017</u>
	\$	\$
Current liabilities		
Bank overdraft	2,777,514	615,637
Payables	<u>11,286,824</u>	<u>5,174,864</u>
	<u><u>14,064,338</u></u>	<u><u>5,790,501</u></u>

**THE GENERAL LEGAL COUNCIL**  
**Notes to the Financial Statements**  
**Year ended 31 March 2018**

4. **Fixed Assets**

	Furniture & Fixtures \$	Computer Equipment & Software \$	Website Development \$	Leasehold Improvement \$	Total \$
At Cost:-					
1 April 2017	8,090,029	6,095,846	986,193	1,135,862	16,307,930
Additions	1,020,643	1,442,123	-	124,455	2,587,221
31 March 2018	9,110,672	7,537,969	986,193	1,260,317	18,895,151
Depreciation:-					
1 April 2017	3,827,949	4,934,102	986,193	454,344	10,202,588
Charge for the year	918,905	1,357,303	-	252,064	2,528,272
31 March 2018	4,746,854	6,291,405	986,193	706,408	12,730,860
Net Book Value:-					
31 March 2018	4,363,818	1,246,564	-	553,909	6,164,291
31 March 2017	4,262,080	1,161,744	-	681,518	6,105,342

5. **Cash and Cash Equivalents**

	<u>2018</u> \$	<u>2017</u> \$
Short term deposits	26,629,834	32,928,922
Savings account	34,936,019	21,112,706
Cash in hand	42,000	2,038,717
	<u>61,607,853</u>	<u>56,080,345</u>

**THE GENERAL LEGAL COUNCIL**  
Notes to the Financial Statements  
Year ended 31 March 2018

5. **Cash and Cash Equivalents (cont'd)**

For the purpose of the cash flows statement, cash and cash equivalents comprise the following:

	<u>2018</u>	<u>2017</u>
	\$	\$
Cash and cash equivalents	61,607,853	56,080,345
Bank overdraft	<u>(2,777,514)</u>	<u>(615,637)</u>
	<u>58,830,339</u>	<u>55,464,708</u>

6. **Receivables**

	<u>2018</u>	<u>2017</u>
	\$	\$
Other	<u>6,154,856</u>	<u>2,470,418</u>
	6,154,856	2,470,418
Prepayment	<u>321,268</u>	<u>307,189</u>
	<u>6,476,124</u>	<u>2,777,607</u>

7. **Payables and Accruals**

	<u>2018</u>	<u>2017</u>
	\$	\$
Trade payables	2,014,912	3,529,874
Audit fees	550,000	550,000
Clients' accounts	7,998,329	-
Other	<u>723,584</u>	<u>1,094,990</u>
	<u>11,286,825</u>	<u>5,174,864</u>

**THE GENERAL LEGAL COUNCIL**  
Notes to the Financial Statements  
Year ended 31 March 2018

8. **Expenses by Nature**

	<u>2018</u>	<u>2017</u>
	\$	\$
Depreciation	2,528,272	2,341,829
Advertising	778,809	479,518
Legal and professional fees	6,765,612	2,803,544
Employee benefits (note 12)	48,949,978	37,823,606
Other expenses	<u>27,449,289</u>	<u>24,715,469</u>
	<u>86,471,960</u>	<u>68,163,966</u>

9. **CLPD Operating Account**

	<u>2018</u>	<u>2017</u>
	\$	\$
<b>Fees</b>	<u>27,599,797</u>	<u>36,089,771</u>
<b><u>Expenses</u></b>		
Accommodation and meals	3,727,202	4,578,754
Catering	-	1,252,583
Contract labour	52,420	199,503
Meeting expenses	46,156	35,442
Printing and stationery	-	50,565
Professional fees	-	93,100
Rental	4,001,712	5,698,574
Seminar expense	322,557	224,402
Telephone and internet	2,550	39,050
Travelling	<u>576,390</u>	<u>513,329</u>
	<u>8,728,987</u>	<u>12,685,302</u>
<b>Net Surplus</b>	<u>18,870,810</u>	<u>23,404,469</u>

**THE GENERAL LEGAL COUNCIL****Notes to the Financial Statements****Year ended 31 March 2018****10. Surplus for the Year**

Surplus for the year is stated after charging:

	<u>2018</u>	<u>2017</u>
	\$	\$
Auditor's remuneration	<u>550,000</u>	<u>550,000</u>

**11. Investment**

	<u>2018</u>	<u>2017</u>
	\$	\$
Unquoted security	<u>2,750,114</u>	<u>2,750,114</u>

This represents 12,851 share in Jambar Holdings at cost.

**12. Employee Benefits**

	<u>2018</u>	<u>2017</u>
	\$	\$
Salaries	42,645,712	33,709,664
Pension (note 13)	2,946,194	2,570,761
Health insurance	1,454,835	1,090,128
Uniform and other benefits	<u>1,903,237</u>	<u>453,053</u>
	<u>48,949,978</u>	<u>37,823,606</u>

The number of employees at year end was nineteen (19) (2017 – seventeen (17)).

**13. Pension**

The Council participated in a Defined Contribution Pension Plan for its employees, which is administered by Sagicor Life of Jamaica Limited. It is funded by contributions from employees and employer. The Council contributes at a rate of ten percent (10%) of pensionable salaries, while the employees contribute at a mandatory rate of five percent (5%) but may make voluntary contributions not exceeding a further five percent (5%).



**THE GENERAL LEGAL COUNCIL****Notes to the Financial Statements****Year ended 31 March 2018****13. Pension (cont'd)**

Pension benefits are based on contributions plus accumulated interest. Accordingly, the Council's liability is restricted to its contributions.

The Council's contribution to the above plan during the year ended 31 March 2018 amounted to \$2,946,194 (2017 - \$2,570,761)

**14. Financial Risk Management**

The Council's activities expose it to a variety of financial risks: market risk (currency risk, interest rate and other price risk), credit risk and liquidity risk. The Council seeks to manage these risks by close monitoring of each class of its financial instruments as follows:

**a) Market Risk****i) Currency risk**

Currency risk is the risk that the fair value of future cash flows of a financial instrument will fluctuate because of changes in foreign exchange rates.

The Council is not exposed to currency risk arising from various currency exposures. At the statement of financial position date, the Council had no foreign currency assets or liabilities.

**ii) Interest rate risk**

Interest rate risk is the risk that the value of future cash flows of a financial instrument will fluctuate because of changes in market interest rates.

The Council's cash and cash equivalents are subject to interest rate risk. However, the Council attempts to manage this risk by monitoring its interest-bearing instruments closely and procuring the most advantageous rates under contracts with interest rates that are fixed for the life of the contract, where possible.

The Council invests excess cash in short-term deposits and maintains interest-earning bank accounts with licensed financial institutions. Short-term deposits are invested for periods of twelve (12) months or less at fixed interest rates and are not affected by fluctuations in market interest rates up to the date of maturity. Interest rates on interest-

**THE GENERAL LEGAL COUNCIL****Notes to the Financial Statements****Year ended 31 March 2018****14. Financial Risk Management (cont'd)****a) Market Risk (cont'd)****ii) Interest rate risk (cont'd)**

earning bank accounts are not fixed but are subject to fluctuations based on prevailing market rates.

**Interest rate sensitivity**

Due to the fact that interest rates on the Council's short-term deposits are fixed up to maturity and interest earned from interest-bearing bank accounts is immaterial, there would be no material impact on the results of the Council's operations as a result of fluctuations in interest rates.

**iii) Other price risk**

Other price risk is the risk that the value of a financial instrument fluctuates as a result of changes in market prices, whether those changes are caused by factors specific to the individual instruments or its issuer or factors affecting all instruments traded in the market. The Council's exposure to changes in market prices is limited.

**b) Credit Risk**

Credit risk is the risk that one party to a financial instrument will fail to discharge an obligation and cause the other party to incur a financial loss.

The Council faces credit risk in respect of its receivables, cash and cash equivalents and short-term deposits held with financial institutions.

The Council limits its exposure to credit risk by maintaining these balances with licensed financial institutions that are considered to be stable. The maximum credit risk exposure faced by the Council is the total of the balances reflected in the financial statements, summarised as follows:

**THE GENERAL LEGAL COUNCIL**  
Notes to the Financial Statements  
Year ended 31 March 2018

14. **Financial Risk Management (cont'd)**

b) **Credit Risk (cont'd)**

	<u>2018</u>	<u>2017</u>
	\$	\$
Receivables	6,154,855	2,470,418
Cash and cash equivalents	<u>61,607,853</u>	<u>56,080,345</u>
	<u>67,762,708</u>	<u>58,550,763</u>

c) **Liquidity Risk**

Liquidity risk is the risk that the Council will encounter difficulty in raising funds to meet its commitment associated with financial instruments.

The Council manages its liquidity risk by maintaining appropriate level of resources in liquid or near liquid form. The Council maintains cash and short-term deposits for up to 12 months to meet its liquidity requirements.

The Council's financial liabilities comprise bank overdraft and payables and accruals. These amounts are due as follows:

	<u>Within 3</u>	<u>3 to 12</u>	<u>1 to 5</u>	<u>Total</u>
	Months	Months	Years	Total
	\$	\$	\$	\$
<b>As at 31 March 2018</b>				
Bank overdraft	2,777,514	-	-	2,777,514
Payables and accruals	3,288,496	7,998,328	-	11,286,824
	<u>6,066,010</u>	<u>7,998,328</u>	<u>-</u>	<u>14,064,338</u>
<hr/>				
	<u>Within 3</u>	<u>3 to 12</u>	<u>1 to 5</u>	<u>Total</u>
	Months	Months	Years	Total
	\$	\$	\$	\$
<b>As at 31 March 2017</b>				
Bank overdraft	615,637	-	-	615,637
Payables and accruals	3,104,918	2,069,946	-	5,174,864
	<u>3,720,555</u>	<u>2,069,946</u>	<u>-</u>	<u>5,790,501</u>

**THE GENERAL LEGAL COUNCIL****Additional Information – Schedule of Expenses****Year ended 31 March 2018**

	<u>2018</u>	<u>2017</u>
	\$	\$
Advertising	778,809	479,518
Audit and accounting fees	2,196,500	2,012,200
Bank charges	1,277,734	1,507,283
Depreciation	2,528,272	2,341,829
Donation	227,420	498,537
Electricity	2,352,367	2,107,869
Foreign exchange loss	1,629,240	-
Insurance	130,966	161,209
Irrecoverable CALCA	-	1,564,316
Irrecoverable GCT	3,329,317	2,352,789
Legal and professional fees	6,466,277	2,803,544
Meeting expenses	943,578	363,589
Office expenses	739,097	685,610
Office rent	6,138,236	4,009,267
Printing, stationery and postage	2,865,931	2,896,733
Repairs and maintenance	2,594,943	2,522,810
Salaries, wages and related costs	47,046,741	37,370,553
Security	1,239,275	1,414,814
Staff training	129,000	-
Staff welfare	1,540,132	241,137
Telephone	1,324,419	1,500,089
Travel and accommodation	381,286	1,118,352
Uniforms	363,105	211,918
	<u>86,222,645</u>	<u>68,163,966</u>