

ORAL JUDGEMENT

IN THE COURT OF APPEAL OF JAMAICA

SUPREME COURT CIVIL APPEAL NO. 119 OF 2002

COMPLAINT NO. 243 OF 1998

BETWEEN KENNETH McLEOD APPELLANT

A N D THE GENERAL LEGAL COUNCIL RESPONDENT
(AT THE INSTANCE OF RUDOLPH BROWN)

IN THE COURT OF APPEAL

BEFORE THE HON. MR. JUSTICE HENDERSON DOWNER J.A.

THE HON. MR. JUSTICE ALGERNON SMITH J.A.

THE HON. MR. JUSTICE SEYMOUR PANTON J.A.

THIS 12TH DAY OF NOVEMBER 2003

Mr. Leonard Green for the Appellant

Mr. Patrick Bailey for the Respondent

Downer J. A.

It is very rare that the Court will interfere with the punishment imposed by the General Legal Council.

That body (as Bolton vs Law Society 1994 2 ALL ER page 486 makes clear) has to take into account not only the punitive element but also the maintenance of the reputation of the Legal Profession.

Mr. Leonard Green for the Appellant was candid with this Court. He admitted that there was no basis for challenging the findings that Mr. McLeod was guilty of Professional Misconduct.

His contention was that although there was a clear finding that the Appellant intermeddled with Mr. Rudolph Brown's funds and that there was a report to the Fraud Squad, the punishment was disproportionate to the offence.

His cogent point was that there was a letter from Moncrieffe, Pantry & Betton-Small & Co. dated the 16th December 1998, which demonstrated that the Purchasers were still willing to treat with Mr. McLeod despite the complaint to the General Legal Council, made on the 13th day of August 1998.

We find that there is some merit in this submission and it is this circumstance, which has led the Court to set aside the sanction of striking off Mr. McLeod and substituting therefor suspension for a period of two (2) years to run from the 16th November 2002.

The Appellant must pay the costs of the General Legal Council.

Panton J.A.: I agree. The Appellant was most unwise to continue a relationship with Mr. Brown's attorneys in view of the report to the General Legal Council. He did not allow his vast experience to guide him.

SMITH J.A.: I concur.

(Costs of \$50,000.00 agreed)

Dated the 15th day of November 2003



PATRICK BAILEY

Transcript of Verbatim Notes of Oral Judgement taken by Patrick Bailey.