

**FORMAL RULING OF THE DISCIPLINARY COMMITTEE OF THE GENERAL
LEGAL COUNCIL**

RE: COMPLAINT NO 194/98

GWENETH E CAMPBELL	COMPLAINANT
RAMON GODFREY KNOX GORDON	RESPONDENT
PANEL	PAMELA E BENKA-COKER Q.C. CHAIRMAN
	BERYL ENNIS
	ANDREW RATTRAY

The within complaint came up for hearing on the 1st July 00. At approximately 11.30 am, the parties having been called on two occasions, and neither party appearing nor being represented, the panel decided to proceed with the hearing in their absence. The course adopted by the panel is permissible under Rule 8 of the 4th schedule of the Legal Profession Act.

On examining the affidavit of the complainant, and taking into account the fact that she resides abroad, the panel also thought it fit to rely on the affidavit of the complainant as evidence of the alleged complaint. Rule 10 of the 4th schedule of the Legal Profession Act sanctions that procedural course.

There were three very grave allegations of professional misconduct against the attorney, two of which had documentation exhibited to the affidavit of the complainant in support of the said allegations.

The charge at paragraph (a) of the affidavit alleges that the attorney fraudulently tried to sell her land in St. Thomas as he has misappropriated the proceeds of the various purported sales, which he has entered into.

The charge at paragraph (b) of the affidavit alleges that the attorney has fraudulently taken a loan in the name of the complainant and fraudulently mortgaged her property as security.

The charge at paragraph (c) alleges that the attorney has failed to account to the complainant for monies which she sent to him from overseas for the purchase of the house at Queensborough, or for any of the monies he has collected or borrowed on her behalf.

The panel proceeded to examine the affidavit. In support of the charges contained in the affidavit, the complainant alleged the following:

That Ramon Godfrey Knox Gordon was her attorney-at-law in Jamaica between the years 1987 and 1994.

That she gave a "power of attorney" to the attorney on the 27th of December 1987. By way of this "power of attorney, the attorney, acting as the agent of the complainant, purchased premises 10 Moonlight Drive, in Queensborough on her behalf. The said premises were registered in her name. The complainant had provided the attorney with the sum of \$45,000.00 US to cover the purchase, the receipt of which sum the attorney acknowledged.

The power of attorney is exhibited to the affidavit as GW1 and the receipt as GW2.

Without her authority, knowledge, or consent, the attorney mortgaged the premises to the Island Victoria Bank in the sum of \$500,000.00. This loan is purportedly granted to the complainant. The mortgage instrument is dated the 6th July 1993 and is also exhibited to the affidavit of the complainant as GW3.

The complainant further states that she never mortgaged the subject premises to the Island Victoria Bank. Nor did she ever receive the sums granted by the bank by way of a mortgage loan. She indeed sued the attorney in the Supreme Court of Judicature of Jamaica in relation to the said sums delivered to the attorney under the said mortgage.

She obtained judgement against the attorney for the said sum and he has failed even to acknowledge the judgment. This judgement was entered on the 31st day of January 1996 and is exhibited to the complainant's affidavit as GW4.

Having carefully examined the available evidence. The Committee makes the following findings of fact in keeping with the requirements of section 15 Of the Legal Profession Act.

- 1 The complainant granted a "power of attorney" to the attorney on the 21st of December 1987.
- 2 Premises 10 Moonlight Drive, Queensborough, were purchased on behalf of the complainant by the attorney by way of the powers given to him under the said "power of attorney".
- 3 The attorney, without the knowledge or consent of the complainant, fraudulently mortgaged the premises to the Island Victoria Bank.
- 4 Under this mortgage, the mortgage proceeds in the amount of \$500,000.00 were paid over to the attorney by the Island Victoria Bank.
- 5 The attorney never paid over this sum to the complainant nor has he accounted to her for this sum.

The Committee is mindful of the fact that the standard of proof in cases such as these, where there are charges of grave moral turpitude, is beyond reasonable doubt.

It is the Committee's considered opinion, that the attorney, Ramon Godfrey Knox Gordon is guilty of misconduct in a professional respect and the Committee is satisfied beyond a reasonable doubt that Ramon Godfrey Knox Gordon is guilty of the charges as laid in paragraphs (b) and (c) of the complainant's affidavit.

The Committee finds that the attorney has breached Canons vii (b) ii and 1(b) of the Legal Profession (Canons of Professional Ethics) Rules of 1978, and has conducted himself in a manner which is not in keeping with the ethical standards of honesty and integrity which are demanded of members of the legal profession.

These acts amount to grave dishonesty in the conduct of his client's affairs by the attorney.

The object of disciplinary proceedings are twofold:

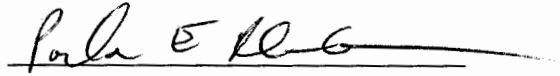
- 1 To protect the collective reputation of the profession.
- 2 To deny to the attorney another opportunity to commit a similar offence.

With those considerations in mind, This Committee hereby orders that the name of Ramon Godfrey Knox Gordon be struck from the Roll of attorneys-at-law entitled to practice in the several Courts of the Island of Jamaica.

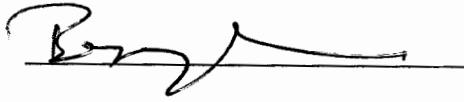
This order is made under section 12(4) of the Legal Profession Act.

We make no findings in relation to paragraph (a) of the complainant's affidavit.

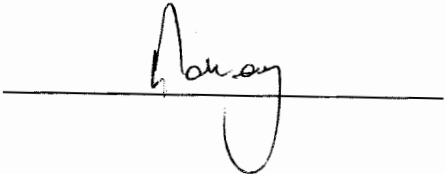
Dated the 28 day of July 2000



PAMELA E BENKA-COKER Q. C.



BERYL ENNIS



ANDREW RATTRAY.