

**DECISION OF THE DISCIPLINARY COMMITTEE OF THE
GENERAL LEGAL COUNCIL
COMPLAINT NO. 84/2000**

GLADSTONE & ANN-MARIE WHITE

COMPLAINANTS

SHAUN REYNOLDS

AND

RESPONDENT

PANEL

**MRS PAMELA BENKA-COKER, Q.C.
MR. JEROME LEE
MR. ALLAN WOOD**

PRESENT

MRS. ANN-MARIE WHITE

PANEL:

On the 12th May, 2001 this panel heard the complaint No. 84/2000, Gladstone and Ann-Marie White vs Shaun Reynolds. Mrs. White gave evidence that the attorney was retained to act for her husband and herself in relation to the purchase of lot 73, Esher Housing Scheme, Lucea, Hanover, from the Vendor Herbert Lawrence, at a price of \$550,000.00 . Mrs White paid the total purchase price in 1994, \$500,000.00 paid by cheque made payable to the attorney Shaun Reynolds and \$50,000.00 in cash. The complainant, inspite of numerous enquiries of the attorneys has been unable to secure registered title to the property in the names of her husband and herself.

In keeping with section 15 of the Legal Profession Act, we make the following findings of fact:

1. The attorney was employed by the complainant as her attorney- at-law in the sale of lot 73, Esher Housing Scheme, Lucea, Hanover.
2. The attorney acted for both Vendor and Purchaser.
3. The complainant paid to the attorney the full purchase price of \$550,000.00
4. The Vendor liquidated the mortgage on the property, the subject of the sale from 1994.
5. The Vendor and the Purchaser signed the agreement for sale.
6. The discharge of mortgage was sent to the attorney by the National Housing Trust as well as the duplicate certificate of title for the property
7. The attorney has failed to stamp the agreement for sale and to take other steps necessary towards the completion of the sale.
8. The attorney has failed to produce the registered title in the names of the Purchasers, Gladstone and Ann-Marie White.
9. The attorney has failed to provide the complainant with information as to the progress of the sale.

Conclusions: The attorney is guilty of all the charges stated in the affidavit in support of the complaint. Namely he has:

- (a) Failed to provide the complainants with information as to the progress of their business, although reasonably required him to do so. In breach of Canon 4(r), of the Legal Profession Act (Canons of Professional Ethics) Rules
- (2) He has not dealt with the business of the complaint with due expedition in breach of Canon 4 (r)
- (3) He has acted with inexcusable or deplorable negligence in the performance of his duty in breach of Canon 4 (s) of the said Rules.

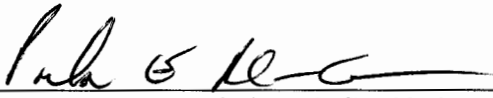
In light of the above the attorney is guilty of misconduct in a professional respect under Section 12(1) of the Legal Profession Act.

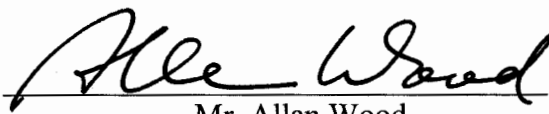
ORDER: It is ordered that:

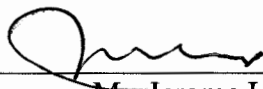
- (1) Pursuant to section 12 (4) (a) of the Legal Professional Act the attorney-at-law Shaun Reynolds is suspended from practice as an attorney-at-law for a period of **TWO YEARS** commencing from the 30th day of June 2001 unless prior to that date on or before the 29th day of June 2001 the attorney-at-law Shaun Reynolds complies with all the following conditions:
 - (a) The attorney-at-law Shaun Reynolds is ordered to deliver up the following documents to the General Legal Council on or before the 29th day of June 2001, namely:
 - (i) Duplicate certificate of title of the property known as lot 73 part of Haughton Court in the parish of Hanover registered at Volume 1162, Folio 601 of the Register Book of Titles
 - (ii) The original agreement for sale and the original transfer made and executed by Hubert Lawrence, Gladstone White and Ann-Marie White for the sale of the aforesaid property register at Volume 1162, Folio 601 of the Registrar Book of Titles.
 - (b) The attorney -at-law Shaun Reynolds is ordered to deliver up to the General Legal Council on or before the 29th day of June, 2001 a receipt or other documents from the office of the Stamp Commissioner evidencing the payment of transfer taxes, and stamp duty on the aforesaid agreement for sale and the transfer made between Hubert Lawrence, Gladstone White and Ann-Marie White or failing which the attorney Shaun Reynolds is ordered to pay to The Genera Legal Council on or before the 29th June, 2001 the sum of \$250,000 which is to be applied and paid over to the complainant Ann-Marie White towards defraying the costs which the complainants have incurred by reason of the attorney's delay.

- (2) The attorney Shaun Reynolds is ordered to pay \$10,000.00 to the complainants for their costs of initiating and prosecuting this complaint.

Dated this Day of May, 2001


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


Mr. Allan Wood


Mr. Jerome Lee