

**DECISION OF THE DISCIPLINARY COMMITTEE
OF THE GENERAL LEGAL COUNCIL**

Complaint No. 113/2001

**IN THE MATTER of Arthur Angus and
Nancy Tulloch-Darby, An Attorney-at-
Law**

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**IN THE MATTER of the Legal
Profession Act.**

Before: Clayton Morgan
Merlin Bassie
David Batts

Heard: 13th July, 2002.

On the 13th July, 2002 this Committee heard the evidence of Mr. Arthur Angus and decided that Mrs. Nancy Tulloch-Darby was to be struck off the Roll of Attorneys, we ordered restitution of \$742,500.00 and costs of \$25,000.00. We promised to put our reasons in writing and this we now do.

Mrs. Nancy Tulloch-Darby did not answer when called nor was she represented at the hearing. The Committee decided to proceed with the hearing having been satisfied that service had been effected pursuant to Schedule 4 Rule 21 of the Legal Profession Act.

Mr. Arthur Angus gave sworn evidence to the effect that he was a member of the Jamaica Union of Taxi Drivers Association (JUTA) and in January of last year he drew a cheque for \$742,500.00 in favour of Mrs. Nancy Tulloch-Darby. A copy of the cheque was put in evidence as Exhibit 1. Mrs. Nancy Tulloch-Darby gave him a temporary receipt and this was put in evidence as Exhibit 2.

The cheque represented transfer costs for land which was to be transferred from Mr. Angus' aunts name to that of himself and his brother Anthony Davidson. Mrs. Nancy Tulloch-Darby brought some papers for signature. His brother, his aunt and himself all signed the papers. Mr. Angus never did give Mrs. Nancy Tulloch-Darby the title to the premises. She later requested a further \$100,000.00 but he did not give same to her. In response to his queries about the progress of the matter she kept giving excuses saying a mistake had been made. It is significant that according to Mr. Angus all transactions with Mrs. Tulloch-Darby occurred at his home.

He says he has heard nothing about his money and received no refund. He cannot locate her. The secretary at Mrs. Darby's office located the documents but refused to hand them over.

We accept the evidence of Mr. Angus as truthful. Mrs. Darby has failed to account for the money given to her for the purpose of effecting a transfer of property. The failure to account and to return the funds suggest that the money has been converted to her own use. The Committee finds that Mrs. Nancy Tulloch-Darby has:-

1. In breach of Canon VII (b) (ii) of the Legal Profession (Canons of Professional Ethics) Rules failed to account to Mr. Angus for all money in her hands for his account although required so to do.
2. In breach of Canon III (k) (ii) of the Legal Profession (Canons of Professional Ethics) Rules has acted dishonourably and dishonestly in that she has fraudulently converted \$742,500.00 to her own use and benefit.
3. In breach of Canon I (b) of the Legal Profession (Canons of Professional Ethics Rules) she has behaved dishonourably and her behaviour has discredited the profession of which she is a member.

This Committee has decided that the following Orders are requisite:-

- (a) That pursuant to Section 12 4(a) of the Legal Profession Act the name of Nancy Tulloch-Darby be struck off the Roll of Attorneys-at-Law entitled to practice in the several courts of the Island of Jamaica.
- (b) That pursuant to Section 12 4(c) of the Legal Profession Act, Nancy Tulloch-Darby is to pay to the said Mr. Angus by way of Restitution the sum of \$742,500.00.
- (c) That the said Nancy Tulloch-Darby do pay costs of \$25,000.00 to the said Mr. Arthur Angus.

DATED THE 11th DAY OF January 2003 *AMS*



CLAYTON MORGAN



MERLIN BASSIE



DAVID BATTS