DECISION OF THE DISCIPLINARY COMMITTEE OF THE GENERAL LEGAL COUNCIL

COMPLAINT NO. 118/2002

BETWEEN

NICOLE SHULMAN

COMPLAINANT

AND

WINSTON WALTERS

THE

RESPONDENT

PANEL:

MR. CHRISTOPHER BOVELL-CHAIRMAN

MR. JEROME LEE

MRS JEANNE ROBINSON FOSTER

DATE OF HEARING: 4TH OCTOBER, 2003

PROCEEDING ON THE COMPLAINT:

The Committee refers to letter dated May 19, 2003 from the Complainant who advised that she could not attend the hearing as she had already made several trips to Jamaica in the matter without any success. The Committee also noted that when the matter came up for hearing on the 14th June, 2003 the panel hearing the matter determined that it should be set down for hearing today the 4th October, 2003 and it should proceed upon the affidavit evidence of the complainant and that the attorney should be advised that it would proceed in his absence if he did not appear..

The panel read the affidavit of service dated 2nd October 2003 of Eulalee Steel stating that she has posted a notice dated 21 July, 2003 to Mr Winston Walters at 8 Haughton Avenue, Kingston 10. She exhibited a copy of the notice dated 18th July, 2003 which stated that if Mr. Winston Walters failed to appear the Committee may in accordance with the rules made under the Legal Profession Act, 1971 proceed in his absence.

Also as exhibited is a copy of the list of registered letters showing that the notice was posted to Mr. Winston Walters at his address 8 Haughton Avenue, Kingston 10 by registered post. The Panel accepted in evidence the affidavit of Nicole Shulman dated 6th July, 2002 which affidavit said that in March 2001 she employed the services of Mr. Winston Walters to transfer property at 19 Doncaster Drive, Kingston 2 from her father Kenneth Dixon to herself and that she also paid Mr. Walters a sum of approximately \$10,000 United States Dollars. She has heard nothing from Mr. Walters.

Her letter dated May 19, 2003 exhibit NS1 in which she sets out the various details of her contract with Mr. Walters and to which is exhibited a receipt from Mr. Walters dated 1st March, 2001 showing that \$216, 748.20 was received from her father Kenneth Dixon by Mr. Walters and another receipt of the same date, 1st March, 2001 for \$225,0000.00 received from the Complainant by Mr. Walters. These amounts were on account of costs re the transfer of premises 19 Doncaster Drive Kingston as well as a bill of costs, exhibit B from Mr. Walters dated 27th February, 2001 showing an amount due of \$441, 748.20.

It should be noted that the cheques drawn by the complainant and her father were both dated 1st March, 2001 the same date as the bill of costs from Mr. Walters and it appears that the bill of costs was a pro-forma showing the complainant and her father the amount that they would have to pay and they drew their cheques accordingly.

The Panel also noted a notice of assessment from the Stamp Office which appears to have been given by Mr. Walters to the Complainant, in which Mr. Walters submitted the documents for assessment and it was assessed for \$137, 490.00 and transfer tax of \$187, 500.00 on the 26 February, 2001. Both of these amounts were set out in Mr.

Walters bill of costs.

It should be noted that Mr. Walters has not communicated with the Disciplinary Committee although he was written to on July 23, 2002 and again on October 22, 2002, and on December 18, 2002 enclosing a copy of the application and Affidavit sworn to by the complainant. He was also served with the notice of the hearing on the 14th June, 2003 and he has filed to respond to all those communications and has not appeared today. The committee therefore ordered that:

- 1 Mr. Winston Walters repay to the complainant the sum of \$441,748.20.
- 2. Mr. Winston Walters attorney-at-law be struck from the roll of attorneys-at-law entitled to practise in the several Courts of the Island of Jamaica

Dated 28 Day of October, 2003

Mr. Christopher Bovell

Mr. Jerome Lee

Mrs. Jeanne Robinson-Foster