

DECISION OF THE  
DISCIPLINARY COMMITTEE OF THE  
GENERAL LEGAL COUNCIL

Complaint #224/2001

IN THE MATTER OF **UNA CAMPBELL**  
AGAINST THE ATTORNEY, **HOWARD**  
**LETTMAN**

AND

IN THE MATTER OF THE LEGAL  
PROFESSION ACT

Panel: Norma Linton, Q.C. – Chairman  
Leila Parker  
David Batts

1. The complaint in this matter was filed on the 20<sup>th</sup> August, 2001. In it the complainant alleges that the attorney:
  - a) Withdrew from her employment without taking reasonable steps to avoid foreseeable prejudice or injury to her position and rights.
  - b) Has not provided her with all information as to the progress of her business with due expedition although reasonably required so to do.
  - c) Has acted with inexcusable or deplorable negligence in the performance of his duties.
  
2. The hearing commenced on the 30<sup>th</sup> November, 2002 and the Complainant deponed that in January 1993 she went to see Mr. Howard Lettman about an injury received in an accident. The accident occurred on the 3<sup>rd</sup> January, 1993. She had been the passenger in a car which,

**“lift up like a helicopter and turn around facing where we were coming from”.**

She said it was a JPS truck which caused the accident and that all this was told to Mr. Lettman.

3. Miss Campbell further stated that she informed Mr. Lettman she had no money and he told her money was not a problem, he loved cases like this. She gave him a medical report and bills. Copies of the medical certificate were put in evidence as **Exhibit 1**.
4. The Complainant further stated that in February 2000 Mr. Lettman told her he had a date in court in Kingston but later told her the date was put off. In January 2001 he also told her a similar story. Miss Campbell never went to court but made contact with the court's office in Kingston and was told that her case was not in court. She said that on the 23<sup>rd</sup> March, 2001 Mr. Lettman offered her \$200,000.00 when she went on "Hot Line"(presumably the Radio Talk Show). This she refused. He gave her back the medical report and told her to go to another attorney. She spoke to an attorney at Crafton Miller's office who sent her to the Disciplinary Committee of the General Legal Council. She says she expected \$1 Million in compensation for her damages.
5. At the time of the accident Miss Campbell says she had been working with Euro International but could not remember her salary although it was a good salary. She informed the Committee on the 1<sup>st</sup> October, 2005 that she is now employed as a security guard.
6. The attorney did not seek to challenge the evidence of the complainant but instead proposed that an independent attorney assess the damages due to the Complainant and that he would then offer her compensation. The Committee adjourned the matter part heard on several occasions to facilitate such a course of action. At one stage Mr. Lindel Smith, Attorney-at-Law was approached by the Complainant but he declined. Eventually Mr. Ainsworth Campbell, Attorney-at-Law was approached and on the 9<sup>th</sup> April, 2005 the Committee was informed by the Complainant that Mr. Campbell would be in touch with Mr. Lettman on her behalf. On the 1<sup>st</sup> October, 2005 the hearing resumed but it appears that no agreement had been arrived at. Mr. Lettman was absent and unrepresented. The Committee proceeded with the hearing. Mr. Ainsworth Campbell's letter of 23<sup>rd</sup> September, 2005 was put in evidence as **Exhibit 2** and the Committee adjourned to consider its decision. Mr. Lettman did not attend on the 1<sup>st</sup> October, 2005 but the Committee is satisfied that Notice of the adjourned date was posted to him by registered post on the 16<sup>th</sup> August, 2005 and this is evidenced by the affidavit of Mervelyn Walker dated 29<sup>th</sup> September, 2005.
7. This Committee is aware of the burden of proof on a complainant in these matters. On the evidence in this case the Committee is satisfied that the Complainant is a witness of truth. She has given credible evidence such that we are sure and we therefore find as a fact that:-

- a) The attorney was retained by the Complainant;
  - b) The Complainant was a passenger injured in a motor vehicle accident and therefore prima facie had a real likelihood of recovery in a negligence action;
  - c) That the attorney failed to prosecute the Complainant's case;
  - d) That the Complainant's civil action is barred by Statute of Limitation the accident having occurred in 1993;
  - e) That no legal action was commenced on the Complainant's behalf.;
  - f) That the Complainant suffered serious injury in the accident as per the medical reports;
  - g) That the attorney misled the Complainant as to the progress of her case.
8. The Committee therefore finds that the attorney acted with inexcusable negligence and neglect. The attorney also failed to provide the client with information as to the progress of her business.

The misconduct is compounded by the attorneys attempt to mislead the Complainant about the progress of her matter. In mitigation it should be noted that he did not endeavour to do so before this tribunal but stated an intent to compensate her. This however has not materialized.

9. This Committee is charged with responsibility for the discipline of the profession. It is not our primary role to compensate aggrieved clients. However, the damage suffered or the loss incurred is a relevant factor and indeed Section 12 contemplates a compensatory element both in relation to restitution and damages, See Section 12 of the Legal Profession Act.
10. It is for this reason that a detailed examination of the medical reports and the opinion of Mr. Ainsworth Campbell are appropriate.

The medical report of Dr. I. Neil dated 11<sup>th</sup> April, 1995 states,

**“The abovenamed was allegedly involved in a motor vehicle accident on the 3<sup>rd</sup> January, 1993 in which she sustained injuries to her back and left hip. She was seen and treated at Mandeville Public Hospital but she continued to complain of back pain which radiates down the back of her left thigh. She was referred to the Orthopaedic Out-Patient Clinic of the University Hospital for further management.**

**She was first seen in the Clinic on the 28<sup>th</sup> October. 1994. The**

**significant physical findings were as follows:**

- **Back pain was aggravated on straight leg raising to 80° on both sides**
- **No motor or sensory deficits in the lower limbs**

**Radiographs done showed no obvious bony abnormality. Urine evaluation and haematological tests were essentially normal.**

**She was assessed as having Sciatica, analgesics were prescribed and she was referred for a programme of Physiotherapy.**

**She has been seen many times in the Clinic and has failed to show any signs of improvement. She requires further investigations and continues to get follow-up care in the Orthopaedic Clinic.**

**I. Neil MB, BS  
Orthopaedic Resident"**

It is the opinion of Mr. Ainsworth Campbell that a court ought to award \$1,500,000.00 for pain suffering and loss of amenities.

Mr. Campbell's opinion has attached to it the opinion of Dr. Christopher Rose dated 26<sup>th</sup> July, 2005. Dr. Rose examined the Complainant on 2<sup>nd</sup> June, 2005. His diagnosis was chronic cervical strain and chronic mechanical lower back pains. Her ability to perform activities of daily living such as household chores, sitting, lifting and bending will continue to be significantly affected due to the onset of lower back and neck pains. He assessed her permanent partial disability @ 13% of the whole person.

Mr. Campbell relied in his opinion on *Meike Leslie Khan 5d p. 150; Elaine Graham Khan 5d p. 154; Marlene Nelson Khan 5d p. 162 and Marie Jackson Khan 5d p. 167.*

11. It is the decision of this Committee that the attorney be punished as follows:-
- a) The attorney is to pay a fine of \$800,000.00 all of which is to be paid over to the Complainant in part payment of damages.
  - b) Pursuant to Section 12 (4) (a) of the Legal Profession Act should the attorney, Howard Lettman fail to comply with the conditions hereinafter set out and stipulated, the attorney Howard Lettman shall be suspended from practice for a period of one (1) year from the 1<sup>st</sup> January, 2006.

*Felimon*  
*David Bell*  
*Howard Lettman*  
*Letman*

Conditions:

- i) Payment of the fine as per paragraph 11(a) of this Order on or before the ~~12<sup>th</sup> December, 2005.~~ *22<sup>nd</sup> January 2006*
- ii) Payment of the costs in paragraph (c) of this Order.

*order*  
*order*

To avoid suspension from practice the attorney, Howard Lettman must Comply and perform the conditions set out above.

- c) The attorney is to pay costs to the complainant of Sixty Thousand Dollars (\$60,000.00).

Dated the *21<sup>st</sup>* day of *December* 2005

*Norma Linton*  
.....  
Norma Linton, Q.C.

*Leila Parker*  
.....  
Leila Parker

*David Batts*  
.....  
David Batts