

REASONS FOR DECISION

Complaint No. 23 of 2005

In the matter of a complaint by MICHAEL
HYLTON Q.C., a member of the General Legal
Council

AND

In the matter of CYNTHIA LEVY-BROWN an
Attorney-at-Law

AND

In the matter of the Legal Profession Act

Panel: Pamela Benka-Coker Q.C.,
Stephen Shelton
Charles Piper

Present: The complainant, Mr. Michael Hylton Q.C.

1. The hearing in this matter relates to a complaint by a member of the General Legal Council, Michael Hylton Q.C., against Attorney-at-Law Cynthia Levy-Brown whose address, at the time of the making of the complaint, was 78 - 80 Harbour Street, Kingston the building in which the offices of the General Legal Council are also located. The records indicate that the application and affidavit of complaint were delivered to Mrs. Levy-Brown on or about February 11, 2005, and that by letter dated May 3, 2005 from the Secretary of the Disciplinary Committee, the said Attorney was informed that the complaint was being set for trial. Mrs. Levy-Brown wrote to The Secretary of the Council on May 15, 2003 on a letterhead indicating an additional address 16 East Street, Vanhaze Building, Montego Bay.
2. The matter first came up for hearing on the 3rd December, 2005. The panel was not satisfied that Notice of the hearing had been served in sufficient time to fulfill the

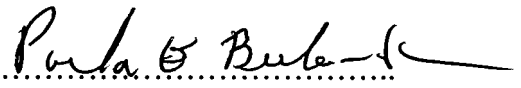
requirements of Rule 5 of the Fourth Schedule to the Legal Profession Act. For this reason and because Mrs. Levy-Brown did not appear, the hearing was postponed to February 4, 2006. On that occasion, although properly served in accordance with the said Rule, Mrs. Levy Brown did not appear and the matter was adjourned to May 20, 2006. By letter dated February 14, 2006 from the Secretary of the Disciplinary Committee to Mrs. Levy-Brown, addressed to her at her Montego Bay office, the latter was advised of the date May 20, 2006 fixed for the hearing and was informed that should she fail to attend, the matter would proceed in her absence.

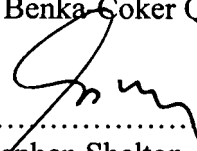
3. On the 20th May, 2006, after the panel satisfied itself that Mrs. Levy-Brown had been properly served with Notice of the hearing by registered post sent to her on the 19th April, 2006 in keeping with Rule 5 aforesaid, the panel determined to proceed in her absence, as it is permitted to do by Rule 8 of the Fourth Schedule to the Legal Profession Act.
4. Michael Hylton Q.C. gave evidence. The Form of Application dated the 4th February, 2005 and his Affidavit sworn to on the 4th February, 2005 were admitted as exhibit 1. The Affidavit of Ms. Althea Richards, Secretary of the General Legal Council, was admitted in evidence as exhibit 2. The evidence shows that Mrs. Cynthia Levy-Brown, failed to deliver to the General Legal Council Accountant Reports with respect to her practice as an Attorney-at-Law for the years 1999, 2000, 2001 and 2002, as she is required to do by the Legal Profession (Accounts and Records) Regulations, 1999.
5. In the circumstances outlined above the panel is of the view that the Attorney has been given ample opportunity to either file accountants reports or declarations, if

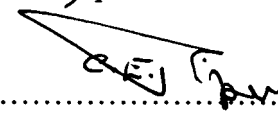
appropriate, for the years in question and has failed to avail herself of the opportunities given to her or to respond to the complaint.

6. The panel having given consideration to the evidence, finds that the Attorney, the said Cynthia Levy-Brwon, is beyond reasonable doubt in breach of Regulation 16(1) of The Legal Profession (Accounts and Records) Regulations, 1999. By Regulation 17, failure by the Attorney to comply with any of the provisions of the said Regulations constitutes misconduct in a professional respect for the purposes of section 12 of the Legal Profession Act. The panel considers the breaches committed to be grave and also conduct which brings the profession into disrepute. Where such conduct exists and remains un-rectified, as in the instant case, such an attorney ought to be precluded from continuing in practice. This is necessary for the protection of the Public.
7. In these circumstances, the panel considers that the appropriate sanction under section 12(4) of the Legal Profession Act is to strike the name of Cynthia Levy Brown from the Roll of Attorneys-at-Law entitled to practice in the several courts of the Island. This is the sanction which we accordingly impose on the said Attorney-at-Law, Cynthia Levy-Brown.

Dated the 20th day of May, 2006


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Pamela Benka Coker Q.C.


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Stephen Shelton


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Charles Piper