

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

COMPLAINT NO. 95/2005

In the Matter of Leita Grant
vs Leonard Horace (Bunny) McLean

AND

In the Matter of the Legal Profession Act, 1971

Panel: Mr. Allan Wood
Mrs. Margarette Macaulay
Miss Beryl Ennis

Present: Miss Leita Grant- Complainant

Hearing: 16th September, 2006 and 23rd September, 2006

COMPLAINT

The complaint commenced on the 16th September, 2006 and was continued on the 23rd September, 2006. The attorney did not appear on either occasion but the Panel being satisfied that he had been duly served with notice of hearing, proceeded, pursuant to the regulation 8 of the 4th Schedule of the Legal Profession Act. Evidence was given by the Complainant and the Panel finds that it is established beyond reasonable doubt that :

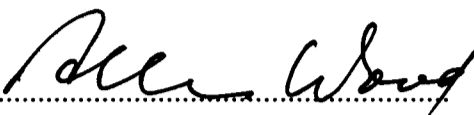
1. In October 2002 the Attorney was retained by the Complainant to act in the sale of premises 5 Lenwood Road, Kingston 11 which the complainant was purchasing from Denver Thompson
2. The Complainant paid the Attorney a total sum of \$164, 500.00 to cover the fees and legal costs of the transaction
3. It appears from the documents produced by the complainant that the documentation prepared by the Attorney, including the Agreement for Sale referred to the wrong title Volume 1152 Folio 62 when the correct title for the land being purchased by the complainant was Volume 1153 Folio 62
4. To date despite the lapse of 4 years the transaction has not been completed nor has the error in the documentation been rectified.
5. Having regard to the foregoing the Panel finds that the Attorney has not dealt with his client's business with all due expedition in breach of Canon IV(r) of the Legal Profession Canons of Professional Ethics Rules
6. In all the circumstances the Panel finds that it is appropriate to make an order for restitution for a part of the sum which had been paid to the attorney. The complainant claims back the sum of \$120,000.00 which the Panel finds to be reasonable. The sum is to bear interest from the date of the complaint.

Accordingly, pursuant to section 12 (4)(c) of the Legal Profession Act it is ordered that the Attorney Leonard Horace (Bunny) McLean is to pay the Complainant the sum of \$120,000.00 together with interest thereon from the 13th June, 2005 to the date of


payment at the rate of 6 per cent per annum.

The attorney is also to pay costs to the complainant in the sum of \$10,000.00.


Dated 23rd September, 2006



Mr. Allan Wood



Mrs. Margarett Macaulay



Miss Beryl Ennis