

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

COMPLAINT NO. 213/2004

In the Matter of Uriah & Icyline McFarlane
Vs Cynthia Levy Brown

AND

In the Matter of the Legal Profession Act, 1971

Panel: Mr. Allan Wood
Miss Daniella Gentles
Mr. David Johnson

Present : Mr. Uriah McFarlane

Hearing: 7th October, 2006

COMPLAINT

The Panel refers to the affidavit of service of notice of hearing upon the Attorney by affidavit of Mervalyn Walker sworn on the 5th October 2006. The Panel proceeded with the hearing pursuant to the Legal Profession Act 4th Schedule 8. Upon hearing the evidence of the complainant Mr. Uriah McFarlane the Panel is satisfied beyond reasonable doubt that:

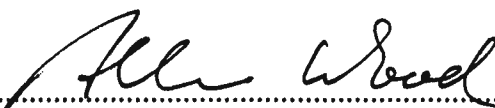
1. The Attorney acted for the complainants in the sale of property at Orange in the Parish of St. James to Lloyd and Barbara Malcolm.
2. The Attorney collected the proceeds of the sale in the sum of \$920,000.00.
3. The Attorney failed to account to the Complainants for the sum which she collected.
4. Upon the matter being reported to the police, the sum of \$90,000.00 was paid to the Complainant through Mr. Clayton Morgan and the Complainants were given a hand written promissory note dated 16th September 2004 whereby the Attorney promised to pay the balance of \$894,000.00 by the 30th September, 2006
5. The Attorney failed to honour her aforesaid promise to pay the sum of \$894,000.00.
6. In the circumstances the Attorney has failed to account to the complainant for the said sum of \$894,000.00 in breach of Canon VII(b) of the Legal Profession Canons of Professional Ethics Rules.
7. The Attorney by her misconduct aforesaid has failed to maintain the honour and dignity of the profession and has discredited same in breach of Canon 1(b) of the Legal Profession Canons of Professional Ethics Rules.

It is hereby ordered as follows:

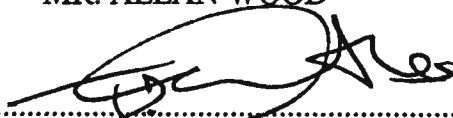
- i) The Attorney Cynthia Levy Brown is struck off the Roll of Attorneys-at-law entitled to practise in the several courts of the island of Jamaica.
- ii) By way of restitution Cynthia Levy-Brown is to pay the complainants the sum of \$894,000.00 together with interest thereon at the rate of 12% per annum from 16th September, 2004 until payment.

iii) Cynthia Levy-Brown is to pay costs to the complainants in the sum of \$50,000.00

Dated October, 2006



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MR. ALLAN WOOD



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MISS DANIELLA GENTLES

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MR. DAVID JOHNSON