

**FORMAL ORDER OF THE DISCIPLINARY COMMITTEE OF
THE GENERAL LEGAL COUNCIL MADE ON COMPLAINT
NO. 49 2008**

**IN THE MATTER OF JEAN CLEOPATRA KERR-
VS A. HAUGHTON-CARDENAS**

AND

**IN THE MATTER OF THE LEGAL PROFESSION
ACT 1971**

**PANEL: MR ALLAN WOOD, Q.C.
MRS MARGARETTE MACAULAY
DR. RANDOLPH WILLIAMS**

DECISION DELIVERED ON THE 29TH JANUARY, 2011

UPON THE APPLICATION dated 11th February, 2008 made under section 12(1)(a) of the Legal Profession Act coming on for hearing before the Disciplinary Committee on the 9th May, 2004, and 29th January, 2011,

AND UPON THE Complainant Jean Cleopatra Kerr appearing and having given evidence,

AND UPON THE Antoinette Haughton-Cardenas not appearing,

AND UPON DUE CONSIDERATION of the evidence of Jean Cleopatra Kerr,

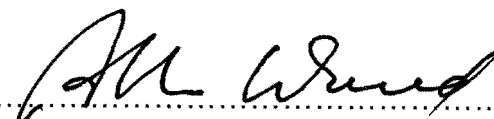
THE COMMITTEE FINDS: that in November 1996 the Complainant retained the Respondent concerning a dispute with one Lorraine Nelson who had been placed on title for the premises DQ1, 687 Greater Portmore, Phase 2, St. Catherine. A total sum of \$92,700.00 was paid to the Respondent of which \$29,500.00 was paid over to Lorraine Nelson in an attempt to settle the dispute. The dispute as to the title was not settled and the Respondent ought to have pursued action for a declaration that the equitable interest in the property vested solely in the Complainant and failed to do so. Accordingly, on the evidence before the Panel, the Respondent has failed to deal with her client's business with all due expedition in breach of Canon IV (r) of the Legal Profession (Canons of Professional Ethics) Rules.

**PURSUANT TO THE FOREGOING FINDINGS THE COMMITTEE
UNANIMOUSLY ORDER THAT:-**

Pursuant to s 12(4) of the Legal Profession Act:

1. By way of restitution the Antoinette Haughton-Cardenas is to pay to the Complainant the sum of \$70,000.00 together with interest there on at the rate of 6 % from the 8th February 2008 until payment.
2. Antoinette Haughton-Cardenas is to pay costs of \$10,000.00 to the Complainant.

Dated ^{13th} June, 2011


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CHARIMAN OF PANEL