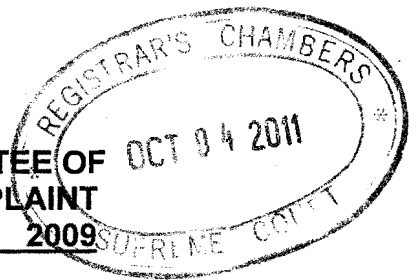


**FORMAL ORDER OF THE DISCIPLINARY COMMITTEE OF
THE GENERAL LEGAL COUNCIL MADE ON COMPLAINT
NO.113**



**IN THE MATTER OF MICHAEL GILL
VS JERMAINE SIMMS**

AND

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

**PANEL: MRS PAMELA BENKA-COKER, Q. C.
MISS BERYL ENNIS
MR. CHRISTOPHER KELMAN**

DECISION DELIVERED ON THE 17TH SEPTEMBER, 2011

UPON THE APPLICATION dated 5TH August, 2009 made under section 12(1) (a) of the Legal Profession Act coming on for hearing before the Disciplinary Committee on the 5th March, 2011., 26th March, 2011, 28th May, 2011 and 17th September, 2011

AND UPON THE complainant Michael Gill appearing and having given evidence on oath

AND UPON THE attorney Jermaine Simms failing to appear when the evidence was taken, he having been given an opportunity to do so

AND UPON DUE CONSIDERATION of the evidence of Michael Gill

THE COMMITTEE FINDS: the attorney is guilty of professional misconduct. The panel further finds that:

- i) All the facts stated in exhibit 6, namely the Affidavit in support of the complainant to be proved beyond a reasonable doubt.
- ii) The Respondent failed to deal with the Complainant's business with due expedition
- iii) The Respondent failed to account to the complainant for all moneys in his hands for the complainant's account or credit although the complainant reasonably required him to do so.
- iv) That the allegation that the Respondent Attorney acted with inexcusable or deplorable negligence in the performance of his duties has not been proven.

**PURSUANT TO THE FOREGOING FINDINGS THE COMMITTEE
UNANIMOUSLY HEREBY ORDERED THAT:-**

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

1. The name of Jermaine Simms is struck off the Roll of Attorneys-at-law entitled to practice in the Island of Jamaica.
2. Jermaine Simms is to pay the sum of \$50,000.00 to the General Legal Council as a contribution towards its costs. No order as to the Complainant's costs.

Dated 30th September, 2011

Pamela Benka-Coker
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CHARIMAN OF PANEL