

Attorney asserted that he was unable to attend the hearing due to medical illness and enclosed a document appearing to emanate from the University Hospital of the West Indies. Directions were given for the Attorney to file affidavit(s) containing his evidence in mitigation on or before 22 May 2017 at 2pm and that if he were unable to attend the hearing and wished to be heard he should make arrangements with the Secretary of the Disciplinary Committee of the General Legal Council by 25 May 2017 at 3pm to have his evidence taken by Skype. The sanctions hearing was set for 27 May 2017.

3. Notwithstanding the Attorney's representation by Counsel, the Secretary of the Disciplinary Committee communicated the terms of the orders made on 13 May 2017 by letter dated 19 May 2017 to the Attorney.
4. On 27 May 2017 the Panel reviewed a letter on the letterhead of Richard Bonner & Associates dated 26 May 2017 in which the Attorney asserted that he was unable to attend the hearing due to medical illness and enclosed a medical report of Dr. Gerald Smith. Mr. Charles Williams appeared on behalf of the Attorney and informed the Panel that Mr. Bonner had only within the last hour asked him to attend on his behalf. Dr. Smith, Mr. Bonner's medical practitioner was also present. Dr. Smith gave evidence on oath as to Mr. Bonner's medical condition. In summary, Dr. Smith expressed the view that Mr. Bonner developed some complications following hernia repair surgery on 9 May 2017 which left him in a significant amount of pain and discomfort and for which he was prescribed pharmacological relief. Dr. Smith expressly and confidently stated that Mr. Bonner's condition was not such as would have disabled him from preparing written documents or attending the hearing by Skype.
5. The Panel ruled that no material has been advanced which justifies the absence of affidavit evidence in mitigation or to explain why arrangements have not been made for the Attorney's evidence or appearance via Skype and the matter was adjourned to 5 June 2017 at 2pm for judgment on sanctions.
6. The Attorney has still not complied with the order made on 13 May 2017 and the Panel is not in receipt of any evidence in mitigation.
7. On 5 June 2017 the Panel received a letter from the Attorney expressing his inability to attend the hearing due to an appointment at "surgery clinic". Enclosed with the letter were:
 - (a) A cheque drawn on the account of Richard Bonner Client Account at Scotiabank payable to Opal Corbin in the sum of \$1,236,881.00 and dated 6 June 2017;
 - (b) A copy letter from Dr. Gerald Smith dated 2 June 2017 advising of the Attorney's inability to attend the hearing on 5 June 2017;
 - (c) Notice applying for a rehearing of the Complaint dated 5 June 2017 signed by

Richard Bonner;

(d) Affidavit of Richard Bonner sworn on 5 June 2017 and exhibits;

(e) Notice of Intention to Tender in Evidence Hearsay Statement made in a Document dated 5 June 2017 signed by Richard Bonner.

8. We turn to the much-cited case of Bolton v Law Society [1994] 2 All ER, 486 and the judgment of Sir Thomas Bingham, MR where he stated at pages 491-492:

"It is required of lawyers practicing in this country that they should discharge their professional duties with integrity, probity and complete trustworthiness. That requirement applies as much to barristers as it does to solicitors. If I make no further reference to barristers it is because this appeal concerns a solicitor, and where a client's moneys have been misappropriated the complaint is inevitably made against a solicitor, since solicitors receive and handle clients' moneys and barristers do not.

Any solicitor who is shown to have discharged his professional duties with anything less than complete integrity, probity and trustworthiness must expect severe sanctions to be imposed upon him by the Solicitors Disciplinary Tribunal. Lapses from the required high standard may, of course, take different forms and be of varying degrees. The most serious involves proven dishonesty, whether or not leading to criminal proceedings and criminal penalties. In such cases the tribunal has almost invariably, no matter how strong the mitigation advanced for the solicitor, ordered that he be struck off the Roll of Solicitors... It is important that there should be full understanding of the reasons why the tribunal makes orders which might otherwise seem harsh. There is, in some of these orders, a punitive element; a penalty may be visited on a solicitor who has fallen below the standards required of his profession in order to punish him for what he has done and to deter any other solicitor tempted to behave in the same way. Those are traditional objects of punishment. But often the order is not punitive in intention. Particularly is this so where a criminal penalty has been imposed and satisfied. The solicitor has paid his debt to society. There is no need, and it would be unjust, to punish him again. In most cases the order of the tribunal will be primarily directed to one or other or both of two other purposes. One is to be sure that the offender does not have the opportunity to repeat the offence. This purpose is achieved for a limited period by an order of suspension; plainly it is hoped that experience of suspension will make the offender meticulous in his figure compliance with the required standards. The purpose is achieved for a longer period, and quite possibly indefinitely, by an order of striking off. The second purpose is the most fundamental of all: to maintain the reputation of the solicitors' profession as one in which every member, of whatever standing, may be trusted to the ends of the earth. To maintain this reputation and sustain public confidence in the integrity of the profession it is often necessary that those guilty of serious lapses are not only expelled but denied re-admission. If a member of the public sells his house, very often his largest asset, and entrusts the proceeds to his solicitor, pending re-investment in another house, he is ordinarily entitled to expect that the solicitor will be a person whose



trustworthiness is not, and never has been, seriously in question. Otherwise, the whole profession, and the public as a whole, is injured. A profession's most valuable asset is its collective reputation and the confidence which that inspires." (Emphasis Added)

9. The applicable principles are as follows:
- (a) Where an attorney is guilty of serious dishonesty he must expect a severe sanction.
 - (b) For dishonesty, tribunals have invariably struck off the attorney from the roll no matter how strong his plea in mitigation.
 - (c) The reason for such seemingly harsh orders such as striking off is:
 - (i) to punish the attorney and deter other attorneys from behaving in a similar manner; and
 - (ii) to maintain the reputation of the profession and give the public confidence in the integrity of the profession.

10. The complaint is based on the Attorney's handling of sale of real property for the sum of \$11,000,000.00 which was completed in 2007. We have taken into account the signed Statement of Account dated 4 October 2013 which the Attorney delivered to the Complainant in which he acknowledged the balance due and payable to the Complainant and her siblings to be \$5,509,535.00.

11. In the absence of the Attorney and there being no material advanced in mitigation and no submissions in this regard by his Counsel, having considered the matter including the cheque tendered by the Attorney, pursuant to section 12(4) of the Legal Profession Act the Panel orders:

- (a) The name of the Attorney, Richard Bonner, is struck off the Roll of Attorneys-at-Law entitled to practice in the several Courts of the island of Jamaica.
- (b) Richard Bonner shall pay restitution to the Complainant in the sum of \$5,509,535.00 with interest at the rate of 4 ½% per annum from 4 October 2013 until payment.
- (c) Costs of these proceedings in the amount of Fifty Thousand Dollars (\$50,000.00) are to be paid by the Attorney as to which Thirty Thousand Dollars (\$30,000.00) is to be paid to the Complainant and Twenty Thousand Dollars (\$20,000.00) to the General Legal Council.

Dated the 5th day of June 2017

Mr. John Graham - Chairman
Mr. Peter Champagne
Mrs. Tana'ania Small Davis

