

**DECISION OF THE DISCIPLINARY COMMITTEE OF THE
GENERAL LEGAL COUNCIL AT SANCTION HEARING
ONIEL WRIGHT VS HOWARD LETTMAN
COMPLAINT NO.7/2017**

**PANEL: JEROME LEE (Chairman),
TREVOR HO-LYN
PETER CHAMPAGNIE.**

BACKGROUND

1. On the 28th April 2018 this Panel delivered a Decision in which it found that the Attorney-at-Law, Howard Lettman (hereinafter called “the Attorney”) was guilty of professional misconduct of the various canons set out in the complaint which asserted that :-
 1. He has not provided me with all information as to the progress of my business with due expedition although I have reasonably required him to do so. (Canon 4(r))
 2. He has not dealt with my business with all due expedition (Canon 4 (r))
 3. He has acted with inexcusable or deplorable negligence in the performance of his duties (Canon 4 (s))
 4. He has not accounted to me for all moneys in his hands for my account or credit although I have reasonably required him to do so.(Canon 7 b (ii))
 5. He is in breach of Canon 1(b) which states that an Attorney shall at all times maintain the honour and dignity of the profession and shall abstain from behavior which may tend to discredit the profession of which he is a member.

FACTUAL BACKGROUND TO THE DECISION

Oniel Wright (hereinafter called “the complainant”) pursuant to a power of attorney from his sister Marcia Wright obtained the services of Howard Lettman (hereinafter called “the Attorney”) to represent him in the sale of property being 1020.057 square meters of land situated at Montpelier in the parish of Manchester registered at Volume 1480 Folio 532 to Lloyd Swaby . The purchase price was Six Million Five Hundred Thousand Dollars (\$6,500,000.00) . The Agreement for sale was dated the 17th August 2016 and the Duplicate Certificate of Title Volume 1480 Folio 532 has an entry dated the 7th October 2016 transferring the land to Lloyd Swaby for the consideration of Six Million Five Hundred Thousand Dollars (\$6,500,000.00). The Complainant has to date not received his proceeds from the sale which amount to Five Million Eight Hundred and Seventy Three Thousand Seven Hundred and Fifty Dollars (\$5,873,750.00) despite repeated requests.

The hearing was conducted in the absence of the Attorney for though properly served with notice of the hearing the Attorney did not attend. Similarly at the sanction hearing the Attorney did not attend although properly served at the address of record provided to the General Legal Council by the Attorney.

In determining the appropriate sanction to be imposed, the starting point is the case of **Bolton v Law Society [1994] 2 All ER, 486** and in particular the judgment of Sir Thomas Bingham, MR where he stated inter alia that:

“It is required of lawyers practicing in this country that they should discharge their professional duties with integrity, probity and complete trustworthiness. 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. 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 future 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...A profession's most valuable asset is its collective reputation and the confidence which that inspires."

Based on the principles outlined by Sir Thomas Bingham, M.R. in **Bolton v Law Society** one can conclude that :

- (a) Where an attorney is guilty of dishonesty he must expect a severe sanction.
- (b) For dishonesty, tribunals have invariably struck off the attorney from the roll no matter how strong the mitigating factors may be.
- (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 perhaps even more importantly
 - (ii) to maintain the reputation of the profession and give the public confidence in the integrity of the profession.

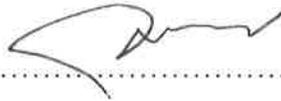
At the time of this sanction hearing it came to the attention of this Panel that the Attorney has already been struck off the roll for dishonest behavior and in the present circumstances the only appropriate sanction is one of striking off.

The reputation of the profession is based on the maintenance of standards of honesty and integrity which members of the public should rightly and confidently expect to be observed by attorneys in their dealings with them.

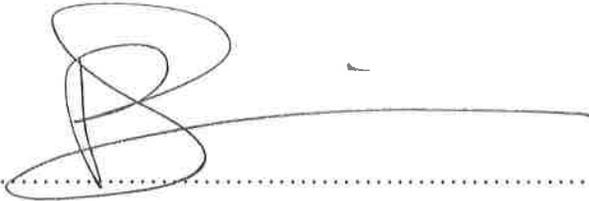
Accordingly it is the decision of this Panel that:

- a) Pursuant to section 12(4) (a) of the Legal Profession Act the name of the Attorney, Howard Lettman is struck off the Roll of Attorneys-at-Law entitled to practice in the several courts of the island of Jamaica.
- b) Costs of these proceedings in the amount of \$100,000.00 are to be paid by the Attorney as to which \$50,000.00 is to be paid to the Complainant and \$50,000.00 to the General Legal Council.

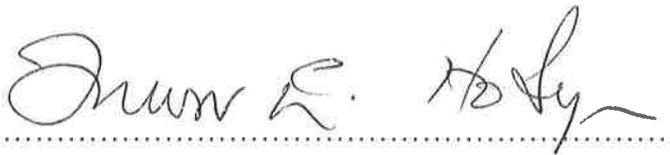
DATED THE 28th DAY OF July 2018



JEROME LEE



PETER CHAMPAGNIE



TREVOR HO-LYN