

**DECISION OF THE DISCIPLINARY COMMITTEE  
OF THE GENERAL LEGAL COUNCIL  
COMPLAINT NO. 132/2017**

IN THE MATTER OF **MR. HOWARD LETTMAN**, an Attorney-at-Law

AND

IN THE MATTER OF LEGAL PROFESSION ACT, 1971

BETWEEN            VERONICA SMITH            COMPLAINANT

AND                    HOWARD LETTMAN            RESPONDENT

PANEL:            MR. PETER CHAMPAGNIE  
                      MISS KATHERINE FRANCIS  
                      MISS ANNALIESA LINDSAY

The Panel began the trial of this matter on December 8, 2018 after satisfying itself that the Respondent Mr. Howard Lettman had been properly notified of the trial date. The Complainant who appeared by Skype, on being advised that Mr. Lettman had been struck off as an Attorney with respect to another and different matter, indicated that she wished to proceed.

Ms. Veronica Smith, after being sworn, gave evidence that she retained the Respondent sometime in 2016 to sell property on her behalf. The property is situated in Santa Cruz, in the parish of St. Elizabeth. The Complainant was introduced to the Respondent through his wife who is a realtor.

The Complainant gave evidence that the house was being sold for \$8.2 million and the sale should have been completed sometime in October 2016. The purchaser was Ms. Nadine Dawkins. She sent the original duplicate Certificate of Title to Mr. Lettman to facilitate the sale.

The last time that the Complainant spoke with the Respondent was sometime in May 2017 and he informed her that he was to send the documents to the mortgage company. She did not hear from him after that and recalls that the last time that she tried to speak with the Respondent by phone he hung up the phone on her.

The Complainant thereafter made a complaint to the General Legal Council. Tendered into evidence as Exhibit 1 was the Form of Application dated July 5, 2017; and Exhibit 2 was the Form of Affidavit sworn on July 5, 2017. The Complainant's complaint is that the Respondent acted with inexcusable and deplorable negligence in the performance of his duties. Further he has not provided her with all information as to the progress of her business with due expedition although she tried to get him to do so.

The Complainant further gave evidence that to date the sale has not been completed, which is information she received from the purchaser, Ms. Dawkins. She did not receive any money from the sale and she has not been able to retrieve her title from the Respondent. To facilitate the sale, the Complainant had given notice to and got the renters out of the property, which is still empty.

It is the Complainant's evidence that the Respondent failed to execute the sale of the property. The property was in the name of the Complainant's husband who died, and the Complainant requested that the property be sold. This completed the evidence of the Complainant.

Having heard this evidence from the Complainant, the trial was adjourned so that the Notes of Evidence and further Notice of Hearing could be sent to the Respondent. On the adjourned date of March 2, 2019, the Respondent failed to appear, and the matter was further adjourned to April 13, 2019 for judgment to be delivered. However, this date was further adjourned to June 1, 2019.

The Panel reminds itself that the standard of proof applicable in these trials is that of the criminal standard, meaning that the Complainant must prove her case that the Attorney is guilty of professional misconduct "beyond reasonable doubt". This standard was applied to the evidence and the Panel finds as follows:

1. The Complainant was a witness of truth.
2. The Complainant retained the Respondent to sell land situated in Santa Cruz in the parish of St. Elizabeth for the sum of \$8.2M to the purchaser, Ms. Nadine Dawkins.
3. To facilitate the sale to Ms. Dawkins, the Complainant did deliver to the Respondent the duplicate certificate of title for the said land.
4. The Complainant was unsuccessful in her attempts to obtain a progress report on the sale from the Respondent.
5. As far as the Complainant is aware, the sale has not been completed and she has been unable to retrieve the duplicate certificate of title or any information from the Respondent.
6. The Respondent had a duty to do all such things as to complete the sale transaction as he was retained to do and thereafter pay over the proceeds of sale to the Complainant. Further, in the event that the sale was not completed, as what appeared to have happened in this case, the Respondent had a duty to communicate the reasons there for to the Complainant. The Respondent ought to have communicated the status of the matter with the Complainant, which he failed to do.
7. The Respondent therefore failed or neglected to provide the Complainant with information as to the progress of her matter.

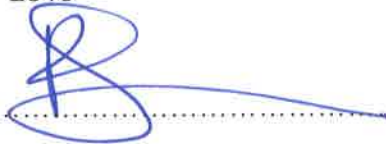
In light of these findings of fact, the Panel is of the view that the Respondent has committed acts of professional misconduct as alleged by the Complainant in that he:

1. Has failed and/or neglected to provide her with all information as the progress of her business with due expedition when he was required so to do; and
2. Has acted with inexcusable or deplorable negligence in the performance of his duties.

As such, the Respondent is in breach of the Canons set out in the Legal Profession (Canons of Professional Ethics) Rules, in particular Canons I(b); IV(r) and IV(s).

The Panel is also cognizant of the reminder in Owen Clunie v GLC, where the Court of Appeal stated that the Attorney must be given the opportunity to be heard in mitigation before a sanction is imposed. Accordingly, the Panel sets the further date of July 13, 2019 for that opportunity to be given.

DATED THE 1<sup>ST</sup> DAY OF JUNE 2019

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MR. PETER CHAMPAGNIE

A handwritten signature in blue ink, appearing to be 'K. Francis' in a cursive style.

MISS KATHERINE FRANCIS

A handwritten signature in blue ink, appearing to be 'Annaliesa Lindsay' in a cursive style.

MISS ANNALIESA LINDSAY