

**DECISION OF THE DISCIPLINARY COMMITTEE OF
THE GENERAL LEGAL COUNCIL**

COMPLAINT No. 215/2017

IN THE MATTER of Nadine Dawkins **and**
Howard Lettman, an Attorney at law

AND

IN THE MATTER of the **Legal Profession Act**
1971

Panel: Mrs. Ursula Khan (Chairman),
Mr. Dane Marsh
Mrs. Nadine Guy

Hearing: June 26 and July 20, 2019

Appearance : The Complainant Nadine Dawkins by Skype. No appearance of the Attorney on either date.

Complaint : 1) That the attorney has acted with inexcusable and deplorable negligence in the performance of his duties
2) That he is in breach of Canon 1(b) of the canons of Professional Ethics.

Evidence

The complainant a hairdresser living in London, England was purchasing a parcel of land in Jamaica. The Attorney acted for the vendor By Bank transfer she paid to him the deposit and half costs of agreement of sale, stamp duty and registration fees in the sum of \$834,950 and signed the agreement for sale. The sale was subject to mortgage and he had the carriage of sale. She paid all the relevant fees for the documentary evidence the lender requested in support

of her loan application. The Attorney did not stamp the agreement with Stamp duty and Transfer tax and despite her many and repeated requests and that of her lender, Victoria Mutual Building Society, he failed to send the Certificate of title and other documents to her lender to process the mortgage. That as a consequence the bank cancelled her loan and she was unable to complete the purchase. She had spent a lot of money in Attorney's fees, surveyor's report, valuation report and bank fees which she totaled at \$ 702,000.00. She requested a return of her deposit from the Attorney but he failed to do so despite her many requests. She told the panel that because of his failure to comply with her lender's request, she not only lost the property but incurred much expense.

Analysis of the evidence

1. The panel having heard her evidence and having considered the 8 exhibits tendered by her in support of her evidence accepts her as a witness of truth
2. The attorney's failure to send the relevant documents to the bank was inexcusably negligent when he knew or ought to have known that she would have had to incur much expenditure to support her loan application, and he had received letter from the lender dated February 23, 2017 (part of Exh 6) that if the documents requested were not sent the loan offer would be automatically withdrawn.
3. The panel finds that his negligence caused her loan application to be cancelled.
4. That he is responsible for all the losses she sustained as a result of his negligence because he knew or ought to have known that for the bank to process her loan application she had to supply certain supporting documents which would cost her money to obtain.
5. That in acting as he did he has brought the entire legal profession into disrepute as the public is entitled to believe that attorneys on the Roll of attorneys entitled to practice in the several courts in Jamaica, would conduct their affairs in the best interests of the profession as a whole and of the clients who use their services.

FINDING:

- i) The Attorney is guilty of professional misconduct.

- ii) The Attorney has breached Canon 1 (b) of the Canons of Professional Ethics.
- iii) This matter is adjourned to the 25th day of September, 2019 when the Attorney may make such submissions on mitigation as he deems suitable.

Dated the 20th day of July 2019



Ursula Khan



Dane Marsh



Nadine Guy