SANCTION JUDGEMENT OF THE DISCIPLINARY COMMITTEE

COMPLAINT NO. 43/2017

BETWEEN	ALLAN WOOD Q.C.	COMPLAINANT
AND	PAULETTE WARREN SMITH	RESPONDENT

PANEL

PAMELA BENKA-COKER Q.C.

DELROSE CAMPBELL

PETER CHAMPAGNIE

The hearing of this complaint took place on the 3rd February 2018 and judgment was delivered on the 14th April 2018. The attorney did not attend the hearing and the complaint was heard in her absence.

At the conclusion of the evidence, the judgment was reserved to the 14th April 2018 for the judgment to be delivered. On that date the respondent attorney-at-law appeared before the panel. She was represented by Mr. Lance Cowan attorney-at-law.

The attorney admitted that she has her offices at 178 Spanish Town Road. This is the address in the records of the General legal Council and at to which the documents initiating were sent by way of registered post. She also admitted that she was guilty of the professional misconduct as found in the judgment dated the 14th April 2018. The judgment was delivered.

The attorney sought time to allow her to file Accountant Reports for the years for which the judgment had found her delinquent. The attorney then undertook to file the reports fro the years 2004-2016 on or before the 25th May 2018. The continued hearing of the complaint was then adjourned to the 2nd June for completion.

On the 2nd June 2018, the attorney appeared before the panel. The reports had not been filed. She told the panel that the attorney representing her was ill. She further advised the panel that she had delivered her documents to Mr. Geoffrey Messado for him to prepare the accountant's reports, but that she will have to give them to someone else for them to
be prepared. On the application of the attorney the hearing of the complaint was adjourned to the 14th July 2018.

On the 14th of July the respondent attorney appeared along with her attorney Mr. Lancelot Cowan .. The attorney then advised the panel that she had retained the services of Ms. Doris Allen to prepare the reports but Ms. Allen fell ill and was unable to prepare the reports. The panel was then told by the then legal counsel to the General Legal Council,
Ms. Candice Williams, that the named Ms. Doris Allen was neither a chartered accountant nor a certified public accountant. The panel then again gave the respondent attorney more time to file the reports. She was directed by the panel to file them on or before the 7th September 2018 and attend before the panel on the 15th September 2018.

On the 15th September 2018, the respondent attorney had still not filed the accountant's reports as she had undertaken to do. The panel again gave her an opportunity to do so and adjourned the hearing of the compliant to the 17th November 2018.The minute order indicates that a member of the panel before whom the complaint had been heard was
absent on that date. The attorney also failed to appear. The complaint was adjourned to the 23rd March 2019.

On the 23rd March 2019 the respondent attorney did not appear before the panel The panel noted that she was properly served with the Notice of Hearing The respondent had failed and contuse to fail in filing the accountant.s reports for the named years, and there was no explanation from the attorney as to her failure to do so and her absence was not
explained.

The Attorney has been given over one year to comply with the requirements of the Legal Profession (Accounts and Records) regulation 1999 after she was found guilty of professional misconduct for having breached the said Regulations.

She has failed to do so. It is the duty and responsibility of the panel to complete this complaint and impose the sanction that is appropriate in the circumstances. The panel reminds itself of its findings in its judgment in this complaint and in particular the finding that the respondent attorney has failed to comply with requirements of the
regulations for 13 consecutive years. The attorney has never voluntarily complied with the Regulations. Having been given generous and ample opportunity to do so, she has not rectified these breaches.

These regulations were introduced specifically to reinforce the fiduciary duties of attorneys-at-law at common law. They were legislated in order to add further protections to the interests and assets of the attorney's clients and the public.

Since the inception of the named Regulations, a considerable number of attorneys-at-law have failed to comply with them. At times, these breaches continued for unacceptably prolonged periods during which the interests of clients and third parties were not being protected by attorneys-at-law guilty of these breaches.

This is one such instance. The respondent attorney-at-law was given more than a year to comply with the Regulations, after the primary judgment of liability had been delivered. The attorney undertook to provide the Committee with the required accountant's reports,
she never did.

The panel, as members of the Disciplinary Committee, has the onerous responsibility to determine the appropriate sanction to impose on the attorney. The panel recognizes that it cannot continue to represent to the public that the attorney-at-law is compliant with rules
of ethics and law to which she is subject. and permit her to continue to practise in light of her continued failure to comply with what are extremely important regulations.

Such a situation cannot be allowed to continue. In the circumstances, where the object of these disciplinary proceedings is to protect the general reputation of the profession and the interests of the public there is only one order open to the panel.

The panel, pursuant to the provisions of section 12(4) of the Legal Profession Act hereby orders that the name of Paulette Warren Smith be struck from the roll of Attorneys-at-law entitled to practise in Jamaica.

Dated the 24th day of July 2019

PAMELA E BENKA-COKER QC

DELROSE CAMPBELL

PETER CHAMPAGNIE