



**FORMAL ORDER
OF THE DISCIPLINARY COMMITTEE OF THE GENERAL LEGAL COUNCIL**

COMPLAINT NO: 24/2014

**IN THE MATTER OF HEWLOXLEY LUMLEY VS AUDLEY
EARL MELHADO**

AND

IN THE MATTER OF THE LEGAL PROFESSION ACT 1971

**PANEL: MR. PETER CHAMPAGNIE, Q.C. - CHAIRMAN
MS. KATHERINE FRANCIS
MISS ANNALIESA LINDSAY**

DECISION DELIVERED 25TH JANUARY, 2020

UPON THE APPLICATION made under section 12 (1) (a) of the Legal Profession Act and dated the 3rd December, 2013 with supporting Affidavit sworn to on the 4th December, 2013 and coming on for hearing before the Disciplinary Committee on the 15th June, 2019, 6th July 2019, 20th July 2019, 28th September 2019, 23rd November, 2019 and 25th January, 2020,

AND UPON the Respondent Attorney-at-law Audley Earl Melhado not appearing,

AND UPON the Complainant Hewloxley Lumley appearing by skype and having given evidence on oath,

AND UPON DUE CONSIDERATION of the sworn evidence of Hewloxley Lumley,

AND UPON the Committee having found the Attorney-at-law Audley Earl Melhado guilty of professional misconduct on the 23rd November, 2019,

AND UPON the Attorney Earl Melhado having been given the opportunity to make submissions in mitigation of sanction on the 25th January 2020 to no avail,

THE COMMITTEE FINDS THAT:

The Attorney is guilty of professional misconduct in that, the Attorney Audley Earl Melhado was retained by the Complainant to act on his behalf in a civil matter before the Supreme Court and in a related matter, specifically to conduct the sale of land situated at No. 4 Georgiana Close, Vineyard Town, Kingston 3 registered to the Complainant's aunt.

The Complainant was advised by the Respondent that the sale had been completed and that the Respondent was in possession of the proceeds of sale of approximately \$5,000,000.00.

The Complainant gave evidence that he had expected to receive approximately \$4,000,000.00 but that to date he had not received the proceeds of sale or any money whatsoever. The Panel finds that the Complainant attended on the office of the Respondent twice in person in or about 2013 and made several other attempts to get in touch with the Respondent without success since then. To date the Complainant has not received any proceeds of sale. The Attorney Audley Melhado has breached Canons 1(b), IV(r), (s) and VII (ii) of the Legal Profession (Canons of Professional Ethics) Rules.

PURSUANT TO THE FOREGOING FINDINGS THE COMMITTEE UNANIMOUSLY HEREBY ORDERS THAT: -

Pursuant to section 12 (4) (a) of the Legal Profession Act as amended:

1. The name of the Attorney Audley Earl Melhado is struck off the Roll of Attorneys-at-law entitled to practise in the several courts of the Island of Jamaica;
2. The Attorney Audley Earl Melhado is to pay costs in the amount of \$100,000.00 being \$50,000.00 to the General Legal Council and \$50,000.00 to the Complainant;
3. The Attorney Audley Earl Melhado is ordered to make restitution in the sum of \$4,000,000.00 to the Complainant.



CHAIRMAN OF PANEL

Dated 25th January 2020