



FORMAL ORDER
OF THE DISCIPLINARY COMMITTEE OF THE GENERAL LEGAL COUNCIL

COMPLAINT NO: 76/2018

IN THE MATTER OF NICOLE HAMIL-SCOTT VS RUDOLPH
EMANUEL ALPHANSO MUIR

AND

IN THE MATTER OF THE LEGAL PROFESSION ACT 1971

PANEL: MRS. URSULA KHAN - CHAIRMAN
MISS KATHERINE FRANCIS
MR. JEFFERY DALEY

SU2020 CV04291

DECISION DELIVERED 31ST OCTOBER 2020

UPON THE APPLICATION made under section 12 (1) (a) of the Legal Profession Act and dated the 10th April, 2018 with supporting Affidavit sworn to on the 10th April, 2018 and coming on for hearing before the Disciplinary Committee on the 18th May, 2019, 15th June 2019, 13th July 2019, 28th September, 2019, 2nd November 2019, 23rd November 2019, 28th November 2019, 7th December, 2019, 8th and 22nd February, 2020

AND UPON the Respondent Attorney-at-law Rudolph Emanuel Alphonso Muir appearing on the 13th July 2019 and 23rd November 2019

AND UPON the Complainant Nicole Hamil-Scott appearing with counsel Mr. Linton Walters and having given evidence on oath

AND UPON DUE CONSIDERATION of the sworn evidence of the Complainant coupled with affidavit and documentary evidence of the Complainant and Respondent Attorney respectively

AND UPON the Committee having found the Attorney-at-Law Rudolph Muir guilty of professional misconduct on 22nd February 2020

AND UPON the Attorney having been given the opportunity to make submissions in mitigation of sanction on the 31st October 2020 to no avail

THE COMMITTEE FINDS THAT:

The Attorney Rudolph Muir was retained by the brother of the Complainant, Mr. Edward Hamil, in or about July, 2016 firstly to apply for a grant of probate of the Will of their father and secondly to have conduct of the sale of land situate at No. 7 Eastwood Park Road, Kingston 10.

The Panel further finds that the written irrevocable instructions were given to Mr. Muir by Edward Hamil, that the net proceeds for the sale of land were to be divided equally among himself and his siblings, Sonya Hamil and the Complainant.

There was no dispute between the parties that the Respondent completed the probate at least such that he was able to complete the sale of the property at Eastwood Park Road. Upon completion of the sale, it therefore become incumbent on the Respondent to disburse the proceeds as per his written instructions from Mr. Hamil to the three beneficiaries including the Complainant. The Panel found that the Respondent did not disburse the proceeds.

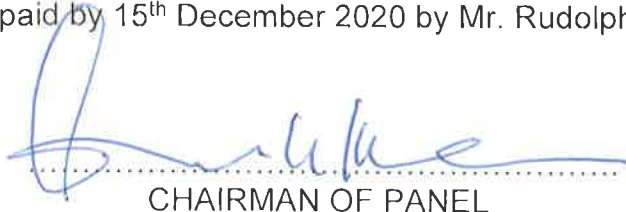
The Panel finds that the Complainant corresponded in writing with the Respondent for an update on the disbursement of the proceeds of sale. That despite several attempts to communicate with the Respondent by the Complainant, she received little or no information as to the progress or continuation of the sale of the matter.

In the circumstances the Committee finds that the Attorney is guilty of misconduct in a professional respect, in that he is in breach of Canons IV(r), IV(s), VII(ii) and 1(b) of the Legal Profession Act (Canons of Professional Ethics) Rules 1978.

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

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

1. The name of the Attorney-at-Law Rudolph Emanuel Alphonso Muir is struck from the roll of Attorneys-at-Law entitled to practise in the several courts of the island of Jamaica as of 31st October 2020.
2. By way of restitution, the Attorney, Rudolph Muir is ordered to pay to the Complainant the sum of J\$21,139,128.00 plus interest at the rate of 12% per annum from 28th November 2019 until payment.
3. The Attorney Rudolph Muir is ordered to pay costs in the sum of \$250,000.00 to the Complainant and costs in the sum of \$120,000.00 to the General Legal Council.
4. All monies to be paid by 15th December 2020 by Mr. Rudolph Muir.



CHAIRMAN OF PANEL

Dated 31st October, 2020