

342020CW03768



FORMAL ORDER

OF THE DISCIPLINARY COMMITTEE OF THE GENERAL LEGAL COUNCIL

COMPLAINT NO: 96/2019

IN THE MATTER OF EARL DOUGLAS VS H CHARLES JOHNSON

AND

IN THE MATTER OF THE LEGAL PROFESSION ACT 1971

**PANEL: MR. TREVOR HO LYN
MISS ANNALIESA LINDSAY
MR. PIERRE ROGERS**

DECISION DELIVERED 19th SEPTEMBER 2020

UPON THE APPLICATION made under section 12 (1) (a) of the Legal Profession Act and dated the 22nd May, 2019 with supporting Affidavit sworn to on the 22nd May, 2019 and coming on for hearing before the Disciplinary Committee 11th January 2020, 25th January, 2020, 7th March 2020, 20th June, 2020 and 18th July 2020

AND UPON the Respondent Attorney-at-law H. Charles Johnson appearing on 25th January 2020

AND UPON Attorney-at-law Maisha Wilson-Campbell appearing for the Respondent Attorney-at-law H. Charles Johnson in a limited capacity on 19th September 2020

AND UPON the Complainant Earl Douglas appearing and having given evidence on oath

AND UPON the Attorney-at-law H. Charles Johnson having been given the opportunity to make submissions in mitigation of sanction on the 19th September, 2020

THE COMMITTEE FINDS THAT:

The Attorney Charles Johnson is guilty of professional misconduct in that, the Attorney was retained to act on behalf of the Complainant to represent him with regard to the purchase of property situate in Negril. Based on the information received the Complainant wired a total of USD\$66,070.00 to the account of the Attorney. The sum covered a deposit of 25% of the purchase price together with all estimated costs including the Attorney's fee. The Attorney first obligation was to submit the agreement signed by the purchaser together with the deposit to the attorney of the vendor.

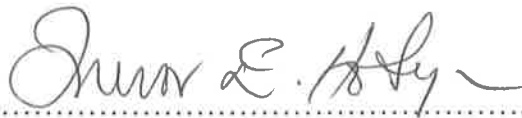
The Attorney submitted the agreement together with a cheque in Jamaican dollars for the deposit. In March 2019, the Complainant was advised by the Attorneys for the vendor that the deposit cheque had been dishonoured for insufficient funds. The information was immediately communicated by the Complainant to the Attorney.

Although the Attorney promised to have the issue rectified this was not done. In light of the foregoing the panel therefore finds that the Attorney is in breach of Canon 4 (r) Canon 4(s) Canon 7b(ii) and Canon 1(b) of the Legal Profession (Canons for 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 Respondent Attorney, H. Charles Johnson is suspended from practise from 19th September 2020 until 31 December 2020 on the condition that he reimburse the Complainant the sum of USD\$13,000.00.
2. The Respondent Attorney H. Charles Johnson is to pay costs in the amount of JA\$50,000.00 to the General Legal Council on or before 31st December 2020 and costs of USD\$350,00 to be paid to the Complainant by the Attorney.
3. Total payable to the Complainant is USD\$13,350.00.



CHAIRMAN OF PANEL

Dated 19th September 2020