

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

COMPLAINT NO.: 200/2017

**IN THE MATTER of HILARY BEVERLY REID and  
RUDOLPH EMANUEL ALPHONSO MUIR, an  
Attorney-at-Law**

AND

**IN THE MATTER of the LEGAL PROFESSION ACT**

BETWEEN	HILARY REID	COMPLAINANT
AND	RUDOLPH EMANUEL ALPHONSO MUIR	RESPONDENT

**PANEL:** Daniella Gentles-Silvera (**Chairman**)  
Althea Jarrett  
Marjorie Shaw

**PERSONS PRESENT:** The Complainant, Hilary Reid

**HEARINGS:** 6<sup>th</sup> June 2020 ,4<sup>th</sup> July 2020 and 30<sup>th</sup> September, 2020

**THE COMPLAINT:**

1. The complaint as contained in Form of Application Against an Attorney-at-Law dated the 1<sup>st</sup> November 2017 (Exhibit 1) and Affidavit of Applicant of the same date (Exhibit 2) is that Rudolph Muir (“the Respondent Attorney”) has failed to file with the Secretary of the General Legal Council an Accountant’s Report for the years 2013, 2014, 2015 and 2016 contrary to Regulations 16(1) of the Legal Profession (Accounts and Records) Regulations 1999 and is therefore guilty of professional misconduct having regard to Rule 17 of the Legal Profession (Accounts and Records) Regulations 1999 (“The Regulations”).
2. On the date of the hearing the Disciplinary Committee of the General Legal Council (“the Committee”) received a letter dated 6<sup>th</sup> June 2020 from the Respondent Attorney in which he indicated that he was unwell. The letter was not accompanied by a medical report and given the age of the complaint having been filed from 2017, the Committee decided, upon satisfying ourselves that the Respondent Attorney had been duly served with notice of the hearing, to proceed to hear the complaint notwithstanding the absence of the Respondent Attorney pursuant to Rule 8 of The Legal Profession (Disciplinary Proceedings) Rules set out at the Fourth Schedule to the Legal Profession Act.

## **THE EVIDENCE:**

3. The evidence as contained in the Affidavit of Applicant (Exhibit 2) was that the Respondent Attorney had failed to file an Accountant's Report for the financial years 2013, 2014, 2015 and 2016 for which years he had been given a practising certificate. On the 23<sup>rd</sup> October 2019 the Respondent Attorney filed Accountant's Report for all those years but the Accountant's Report for the year 2013 was not in compliance with the prescribed format and therefore was deemed unacceptable and rejected by the General Legal Council.
4. Two further Affidavits were admitted into evidence pursuant to Rule 10 of the Legal Profession (Disciplinary Proceedings) Rules being Affidavit of Althea Richards in Support of Complaint sworn to on the 22<sup>nd</sup> November 2017 (Exhibit 3) and Affidavit of General Counsel, Shauna Kay Shirley sworn to on 12<sup>th</sup> December 2019 (Exhibit 4).
5. In the Affidavit of Althea Richards, she states that she was the Secretary of the General Legal Council with responsibility of keeping the records of the Council and to receive the Accountant's Reports. Ms. Richards confirmed what the Complainant had stated in her Affidavit and oral testimony which is that the Respondent Attorney had failed to deliver to the General Legal Council any Accountant's Reports for the years 2013, 2014, 2015 and 2016 and had not filed any Declarations in the form of the First Schedule to the said Regulations for the named years.
6. In the Affidavit of General Counsel, Ms. Shirley's evidence was inter alia that the Respondent Attorney filed Accountant's Report on the 23<sup>rd</sup> October 2019 for the financial years 2014, 2015 and 2016 which were accepted by the General Legal Council, however the report filed in 2016 for the year 2013 was not in the prescribed format set out in the Regulations and therefore the Respondent Attorney was not deemed compliant.
7. The Respondent Attorney has not sought to file the Accountant's Report for 2013 in the prescribed format in the Second Schedule to the Legal Profession (Accounts and Records) Regulations 1999.
8. After the evidence of the Complainant and her witnesses were taken on the 6<sup>th</sup> June 2020 the matter was adjourned to the 4<sup>th</sup> July 2020. The Respondent Attorney was duly served with notes of the evidence taken on the 6<sup>th</sup> June 2020 but again did not appear. After satisfying ourselves that the Respondent Attorney had been duly served with notice of the hearing, the Committee proceeded with the matter.

## **LAW:**

9. Regulation 16(1) of the Legal Profession (Accounts and Records) Regulations 1999 states:  

“Subject to paragraphs (2), (3), and (4) every attorney shall, not later than six months after the commencement of any financial year

deliver to the Secretary of the Council an accountant's report in respect of the financial year next preceding that year".

10. Regulation 17 reads:

"Failure by any attorney to comply with any of the provisions of these Regulations shall constitute misconduct in a professional respect for the purposes of section 12 of the principal Act".

**FINDINGS:**

11. After evaluating the evidence before it, the Committee is satisfied that the complaint against the Respondent Attorney has been proven beyond all reasonable doubt (which is the standard of proof in disciplinary proceeding matters) and makes the following findings:
- i. The Complainant is a member of the General Legal Council and is authorized in law to bring this complaint.
  - ii. The Respondent Attorney at the time the complaint was laid was an Attorney-at-Law in private practice with offices at 7 Park Avenue, St, Ann's Bay in the parish of St. Ann.
  - iii. The Respondent Attorney failed to file either an Accountant's Report or a Declaration with the Secretary of the General Legal Council in keeping with Regulation 16(1) of the Legal Profession (Accounts and Records) Regulations 1999 for the years 2013, 2014, 2015 and 2016.
  - iv. The Respondent in 2019 filed Accountant's Report for the years 2013, 2014, 2015 and 2016.
  - v. The Accountant's Report filed for the year 2013 was not in keeping with the prescribed format of the Regulations and was therefore unacceptable and rejected by the General Legal Council.
  - vi. The Respondent Attorney to date has not filed Accountant's Report for 2013.
  - vii. The failure of the Respondent Attorney to file the Accountant's Report for the years 2013, 2014, 2015 and 2016 is in breach of Regulations 16(1) and 17 of the Legal Profession (Accounts and Records) Regulations 1999.
  - viii. The Respondent Attorney Rudolph Muir is guilty of professional misconduct contrary to section 12 (4) of the Legal Profession Act.
12. Consequent upon our findings, the Committee imposes the following sanctions:

1. The Attorney, Rudolph Emanuel Alphonso Muir shall pay a fine of \$50,000.00 for each year of default specifically for the years 2013, 2014, 2015 and 2016 totalling \$200,000.00.
2. The Attorney, Rudolph Emanuel Alphonso Muir, is hereby immediately suspended from practice in the Courts of Jamaica for one (1) year or until he files Accountant's Report for the year 2013 (satisfactory to the General Legal Council) whichever is sooner.
3. Costs in the amount of \$50,000.00 shall be paid by the Attorney to the General Legal Council.
4. The payment of the sums in paragraphs 1 and 3 herein shall be made on or before 31<sup>st</sup> October 2020.

DATED THE 30<sup>th</sup> September, 2020

  
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DANIELLA R. GENTLES-SILVERA

  
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ALTHEA JARRETT

  
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MARJORIE SHAW