

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

Complaint No. 135/2013

**IN THE MATTER of a
complaint by STEPHEN
ANDERSON against
ARLEAN D. MORETA
BECKFORD, An
Attorney-at-Law**

AND

**IN THE MATTER of the
Legal Profession Act.**

Panel:

**Mr. Walter Scott, Q.C.
Mr. Michael D. Thomas
Mr. Dane Marsh**

Hearing Date:

26 January,2021

The Complaint

The complaint against Arlean D. Moreta Beckford, (hereinafter called “the Respondent/Attorney”) was initiated by a Form of Complaint and a Form of

Affidavit both sworn to on the 8th day of August 2014 by Stephen Anderson. The substance of the Complainant was that:

1. Arlean Beckford has charged me fees that are not fair and reasonable.
 2. Arlean Beckford has withdrawn from my employment without taking reasonable steps to avoid foreseeable prejudice or injury to my position and rights as her client.
 3. Arlean Beckford having withdrawn from my employment has not promptly paid to me monies that she collected on my behalf [to wit the sum paid to settle my accident claim].
 4. Arlean Beckford has not provided me with all information as to the progress of my case with due expedition although I have reasonably required her to do so.
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5. Arlean Beckford has not dealt with my case with due expedition.
 6. Arlean Beckford has acted with inexcusable or deplorable negligence in the performance of her duties.
 7. Arlean Beckford has not accounted to me for monies in her hands for my account or credit, although I have reasonably required her to do so.
 8. Arlean Beckford is in breach of Canon 1(b) which states that An Attorney shall at all times maintain the honour and dignity of the profession and shall abstain from behaviour which may tend to discredit the profession of which she is a member.

The Complaint was heard between 20 June 2015 and 25 November 2017. On the day of, 2020 the Panel delivered its Decision.

Its Conclusion and Decision was as follows:

“CONCLUSION

The Respondent/Attorney was engaged by the Complainant in 2004 to represent him in the purchase of 2 lots of land for which he had previously executed Agreements to purchase. Under the Agreements the complainant on completion was to receive titles.

There is no evidence that after eleven (11) years (2004 to 2015) the business (or any aspect of the business) for which the Respondent/Attorney was engaged has been carried out.

Further, the Respondent/Attorney having avoided and made her whereabouts unknown to the Complainant, the Panel has no hesitation in finding that the Attorney acted with inexcusable and deplorable negligence in the performance of her duties.

- a) The Attorney has failed to account to the Complainant for the sums of \$250,000.00 (balance of money paid on account of the purchase price of the lots) and \$1,250,000.00 or part thereof due to the Complainant being the award made by the Court for General Damages in the claim brought by the complainant.*
- b) In the circumstances it is reasonable to infer that the Attorney misappropriated these moneys. We find the conduct of the Attorney reprehensible.*
- c) The Complainant placed his trust and confidence in the Attorney (who came highly recommended) in engaging her to protect his interest in the purchase of the two (2) parcels of land and similarly in pursuing a claim for damages arising out of a motor vehicle accident collecting the moneys paid out by the Insurance Company.*

This trust and confidence has been betrayed by the Attorney who collected moneys yet failed to account to her client for it.

d) It is the Panels' view that all of the breaches committed by the Attorney and referred to above can only have the effect of discrediting and bringing the legal profession into disrepute."

The Sanction Hearing was fixed for 26 January, 2021. The Respondent/Attorney was absent. The Panel satisfied itself that she had been properly served for the Sanction Hearing and proceeded to give its oral Decision on Sanctions with a promise to reduce this Decision into writing. This it now does.

This was an appalling, and frankly scandalous case of professional misconduct by the Respondent/Attorney. Not only did she completely misappropriate the sum of \$1,250,000.00 being all of the proceeds of the moneys paid by the insurance company on account of the damages awarded to the complainant, but she took the sum of \$250,000.00 from the complainant on account of the balance of the purchase price in real estate transaction and completely failed to either have title delivered to the complainant or to have the money returned to him.

The conduct of the Respondent/Attorney was dishonorable and disreputable and is a blot on the entire profession.

The Respondent/Attorney has been cavalier in her attitude to the Complainant, the Disciplinary Committee and the process.

There has not been one iota of remorse shown or demonstrated by the Respondent/Attorney.

The general law to be applied in cases such as these is now quite well settled in this Jurisdiction.

The Panel is reminded of the Judgment in **Bolton v Law Society (1994) 2 All ER 486**. *"it is required of Lawyers practicing in this country that they should discharge their professional duties with integrity, probity and complete trustworthiness. That requirement applies as much to barristers as it does to solicitors. If I make no further reference to barristers it is because this appeal concerns a solicitor, and*

where a client's moneys have been misappropriated the complaint is inevitably made against a solicitor, since solicitors receive and handle clients' moneys and barristers do not.

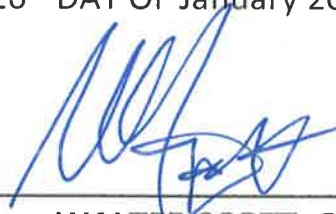
Any solicitor who is shown to have discharged his professional duties with anything less than complete integrity, probity and trustworthiness must expect severe sanctions to be imposed upon him by the Solicitors Disciplinary Tribunal. Lapses from the required high standard may, of course, take different forms and be of varying degrees. The most serious involves proven dishonesty, whether or not leading to criminal proceedings and criminal penalties. In such cases the tribunal has almost invariably, no matter how strong the mitigation advanced for the solicitor, ordered that he be struck off the Roll of Solicitors. It is important that there should be full understanding of the reasons why the tribunal makes orders which might otherwise seem harsh. There is, in some of these orders, a punitive element; a penalty may be visited on a solicitor who has fallen below the standards required of his profession in order to punish him for what he has done and to deter any other solicitor tempted to behave in the same way. Those are traditional objects of punishment. But often the order is not punitive in intention. Particularly is this so where a criminal penalty has been imposed and satisfied. The solicitor has paid his debt to society. There is no need, and it would be unjust, to punish him again. In most cases the order of the tribunal will be primarily directed to one or other or both of two other purposes. One is to be sure that the offender does not have the opportunity to repeat the offence. This purpose is achieved for a limited period by an order of suspension; plainly it is hope that experience of suspension will make the offender meticulous in his further compliance with the required standards. The purpose is achieved for a longer period, and quite possibly indefinitely, by an order of striking off. The second purpose is the most fundamental of all; to maintain the reputation of the solicitors' profession as one in which every member, of whatever standing, may be trusted to the ends of the earth. To maintain this reputation and sustain public confidence in the integrity of the profession it is often necessary that those guilty of serious lapse are not only expelled but denied re-admission. If a member of the public sells his house, very often his largest asset, and entrusts the proceeds to his solicitor, pending re-investment in another house, he is ordinarily entitled to expect that the solicitor will be a person whose trustworthiness is not, and never has been, seriously in question. Otherwise, the whole profession, and the public as a whole, is injured. A profession's most valuable asset is its collective reputation and the confidence which that inspires".

SANCTIONS

This Panel has considered all of the material and circumstances before it. It is its considered view that the following are the appropriate Sanctions:

- 1. The name of the Attorney-at-law Arlene Beckford is struck from the Roll of Attorneys-at-law entitled to practice in the several courts of the island of Jamaica.**
- 2. The Attorney-at-law Arlene Beckford is fined the sum of \$1.5m which is to be paid to the Complainant.**
- 3. The Attorney-at-law Arlene Beckford is ordered to pay costs in the sum of \$400,000.00 of which \$200,000.00 is to be paid to the Complainant and \$200,000.00 is to be paid to the General Legal Council**

DATED THE 26th DAY OF January 2021



WALTER SCOTT, Q.C.



MICHAEL D. THOMAS



DANE MARSH