

SUZ0210003187

FORMAL ORDER OF THE DISCIPLINARY COMMITTEE OF  
THE GENERAL LEGAL COUNCIL MADE ON COMPLAINT  
NO. 145 2015



IN THE MATTER OF CHRISTOPHER WATSON KERR VS  
JENNIFER MESSADO

AND

IN THE MATTER OF THE LEGAL PROFESSION  
ACT 1971

PANEL: MR. CHRISTOPHER KELMAN  
MR. JEFFERY DALEY  
MS. ANNALIESA LINDSAY

DECISION DELIVERED ON THE 29<sup>TH</sup> MAY 2021

UPON THE APPLICATION made under section 12 (1) (a) of the Legal Profession Act and dated the 1<sup>st</sup> July 2015 along with supporting Affidavit sworn to on the 1<sup>st</sup> July, 2015 and coming on for hearing before the Disciplinary Committee on the 22<sup>nd</sup> April 2017, 7<sup>th</sup> October 2017, 3<sup>rd</sup> March 2018, 14<sup>th</sup> July 2018, 19<sup>th</sup> January 2019, 16<sup>th</sup> March 2019, 18<sup>th</sup> May, 2019, 12<sup>th</sup> October 2019, 11<sup>th</sup> January 2020, 8<sup>th</sup> February 2020, 22<sup>nd</sup> February 2020, 6<sup>th</sup> June 2020, 18<sup>th</sup> July 2020, 8<sup>th</sup> August 2020 and 27<sup>th</sup> February 2021

AND UPON the Complainant Christopher Watson Kerr appearing with his Attorneys-at-law Mr. Paul Beswick and Miss Terry-Ann Guyah and having given sworn evidence on oath

AND UPON the Attorney-at-law Jennifer Messado not appearing but having been represented by Counsel Patrick Bailey on July 14, 2018, January 19, 2019, Miss Christina Excel on the 7<sup>th</sup> October, 2017 and Mr. Sheldon Reid on the 22<sup>nd</sup> April, 2017

AND UPON DUE CONSIDERATION of the sworn evidence of the Complainant coupled with his documentary evidence

AND UPON the Committee finding the Attorney Jennifer Messado guilty of professional misconduct on the 27<sup>th</sup> February, 2021

AND UPON the Attorney having been given the opportunity to make submissions in mitigation of sanction on the 29<sup>th</sup> May 2021 to no avail

## THE COMMITTEE FINDS THAT:

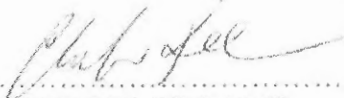
The Attorney -at-law Jennifer Messado is guilty of Professional Misconduct pursuant to Section 12 1(a) of the Legal Profession Act:

1. In that the Panel finds that the Complainant is a property developer who had a professional relationship with the Respondent. She had represented him over several years in various property transactions
2. The Complainant is the legal and beneficiary owner of three (3) properties situated in the Parish of St. Andrew. His evidence is that he was retaining these lots for development purposes.
3. The Complainant found out that the Respondent had entered into an Agreement for Sale purportedly on his behalf for the said three lots after he was confronted by the intended purchaser who complained to him about the delay in completing the sale and subsequently lodged caveats against the titles for two of the Complainant's properties. The Complainant was served with Notices of Caveats lodged against his said properties. He said that he never gave the Respondent any instructions to prepare any Agreement for Sale of the said properties and that he had no intention of selling them.
4. The Complainant learnt that the Respondent had taken a significant deposit from the intended purchaser for a purchase price deposit on the purported Agreement for Sale.
5. The Complainant gave evidence that the Respondent was in possession of three titles but had returned two (2) of them to him. She is still in possession of one (1) of the titles.
6. The Panel found that the Respondent's actions spoke to a clear lack of probity of conduct unbecoming of the profession and involved a level of dishonesty that is likely to bring the Legal Profession into disrepute.
7. The panel finds that the Attorney is in breach of Canon 1(b) of the Legal Profession (Canon of Professional Ethics) Rules; which states that "An Attorney shall at all times maintain the honour and dignity of the profession and shall abstain from behavior which may tend to discredit the profession of which she is a member".

**PURSUANT TO THE FOREGOING FINDINGS THE COMMITTEE UNANIMOUSLY  
HEREBY ORDERED THAT: -**

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

1. The Respondent Jennifer Messado is struck from the Roll of Attorneys-at-law entitled to practise in the several courts of the Island of Jamaica
2. That by way of restitution the Respondent Attorney is to deliver up Duplicate Certificate of Title for 7 Central Avenue which is registered at Volume 1026 Folio 46 to the Complainant within fourteen (14) days of the date of this Order.
3. The Respondent is hereby ordered to pay to the Complainant's legal costs of \$150,000 of which \$80,000.00 is to be paid to the Complainant and \$70,000.00 to the General Legal Council.

  
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CHAIRMAN OF PANEL

Dated 29<sup>th</sup> May 2021