

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

**IN THE MATTER OF ROLAND BYFIELD and
JACQUELINE M. MINTO**

AND

**IN THE MATTER OF THE LEGAL
PROFESSION ACT**

PANEL: Mr Jerome Lee - Chairperson
Ms Katherine P.C. Francis
Mr Kevin O. Powell

PRESENT: Dr Roland Byfield

HEARING: November 18, 2023.

Introduction

1. This panel has already found Attorney-at-Law Jacqueline M. Minto (“the Attorney”) guilty of misconduct in a professional respect (“the Decision”). This was on September 23, 2023. The Panel fixed today, November 18, 2023, for the Attorney to make representation as to the sanction that should be imposed against her.
2. The Attorney absented herself from the hearings leading to the Decision. The Decision was sent to the Attorney on September 27, 2023. The Attorney was sent notice of today’s sanction hearing on October 9, 2023.
3. The Attorney has not filed any affidavit, submissions or attended today’s hearing.

Sanction

4. The Panel takes into account the prior evidence in coming to the Decision including the persistent failure of the Attorney to return the Complainant’s documents after failing to carry out the services for which she was retained despite the passing of twelve years after receiving instructions and payment.

5. The Panel notes the Attorney has absented herself from these proceedings despite being made aware of them. The Attorney has not provided any excuse for her absence.
6. The Panel is aware of the duty of the Disciplinary Committee in assisting to maintain the reputation of the profession and to sustain public confidence in the integrity of the members of the profession. It is relevant in this regard to recite the following dicta from **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...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...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 hoped that experience of suspension will make the offender meticulous in his further compliance with the required standards...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...A profession’s most valuable asset is its collective reputation and the confidence which that inspires”.

7. 18.
KOP

This Panel is obliged to act in the interest of the profession to ensure that the collective reputation of the profession is maintained. There is nothing in mitigation or any circumstances to cause the Panel not to yield to the approached commended in **Bolton**.

8. 19.
KOP

Taking into account all the foregoing circumstances, it is the decision of the Panel that pursuant to section 12(4) of the Legal Profession Act:

- a. Jacqueline M. Minto shall be suspended from practice as an Attorney-at-Law for a period of six months effective December 1, 2023.
- b. Jacqueline M. Minto is ordered to pay a fine of \$50,000.00 to the General Legal Council on or before December 15, 2023.
- c. The Attorney is ordered to pay costs in the sum of \$175,000.00 of which \$100,000.00 is to be paid to the Complainant and \$75,000.00 is to be paid to the General Legal Council on or before December 15, 2023.


Dated the 18th day of November 2023



JEROME LEE



KATHERINE P.C. FRANCIS



KEVIN O. POWELL