

COMPLAINT NO. _____

N.B. THIS FORM MUST BE TYPEWRITTEN

FORM OF APPLICATION AGAINST AN ATTORNEY-AT-LAW

To the Committee constituted under the Legal Profession Act, 1971 (Act 15 of 1971)

In the matter of

and

An Attorney-at-law

In the matter of the Legal Profession Act, 1971

I, the undersigned

hereby make application that *

Attorney-at-law,

may be required to answer the allegations contained in the affidavit which accompanies this application.

I make this application on the ground that the matters of fact stated in the said affidavit constitute conduct unbecoming his profession on the part of the said

in his capacity of Attorney-at-law.

In witness thereof I have hereunto set my hand this

day of

20.....

-----Signature

-----Address

-----Profession, business or occupation

Tel-----

*insert full name and last known address

FORM OF AFFIDAVIT BY APPLICANT

Name of the
attorney-at-law

In the matter of (a)

Attorney-at-law

and

In the matter of the Legal Profession Act, 1971 (Act 15 of 1971)

(a) Name of applicant I, (b)

make OATH and say as follows:

(b) Place of residence (1) That I reside at (c)

(c) Parish in the parish of (d)

(d) Occupation and that I am (e)

(e) Postal Address and my postal address is (f)

(f) Name of
Attorney-at-law (2) That (g)

(g) Set out facts
complained of (3) (h)

- (1) set out shortly the ground of complaint
- (4) The complaint I made against the Attorney-at-law is that he (i)

If the person making the affidavit can read and write strike out the words in brackets

Signature or Mark of Applicant

Sworn atthis.....day of.....20.....
in the parish of.....(the same having
being read over and explained to the deponent when he/she appeared
fully to understand the same) before me:

.....
Justice of the Peace

for the parish of

GENERAL LEGAL COUNCIL
GUIDELINES ON HOW TO
MAKE A COMPLAINT TO
THE DISCIPLINARY COMMITTEE

1. A person who desires to make a complaint to the Disciplinary Committee of the General Council against an Attorney-at-law because of an act of professional misconduct allegedly committed by that Attorney-at-law, may apply to the committee to require the Attorney to answer allegations contained in an affidavit made by such person. **(Section 12-(1) of the Legal Profession Act.)**
2. An application to the Committee to require an Attorney to answer allegations contained in an affidavit shall be in writing in the prescribed form, **(FORM OF APPLICATION AGAINST AN ATTORNEY)** and must be signed by the applicant **(complainant)**.
3. The Affidavit **(a written statement confirmed by oath)** shall be in the prescribed form **(FORM OF AFFIDAVIT BY APPLICANT)** and must be signed by the applicant **(complaint)** who must swear before a Justice of the Peace in Jamaica or before a Notary Public elsewhere.
4. In preparing the Application and Affidavit an applicant **(complainant)** should be guided by the following notes.

THE FORM OF APPLICATION

- a) The applicant's name is to be written **(or type-written)** in the second line after the word "In the matter of"
- b) The Attorney's name is to be written **(or type-written)** in the third line after the word "and"
- c) The applicant's name must be written in the fifth line after the words, "I, the undersigned"
- d) The Attorney's name and address must be written **(or type-written)** beginning in the sixth line after the words, "hereby make application that"
- e) The Attorney's name must be written **(or type-written)** in the twelfth line after the word "said"

- f) The applicant must fill in the date in the part which starts with the words “In witness thereof”
- g) The applicant must sign the form and state his or her address and occupation in the space provided at the foot or the end of the form.

THE FORM OF AFFIDAVIT

The applicant (**complainant**) should be guided by the notes in the margin of the form (a)-(f)

SECTION 2

Re note (g): Section (2) should read “That I employed Mr.....
as stated hereunder”.

SECTION 3

Re note (h): The facts on which the applicant (**complainant**) relies to support his allegations made in Section (4) should be concisely stated in section (3). Only the relevant facts should be set out. Such as:

1. The date on which the complainant engaged the services of the Attorney i.e., the date on which the complainant instructed the Attorney to act on his behalf in the matter.
2. The date or dates on which complainant paid moneys to the Attorney for fees and/or other charges in connection with the matter.
3. The dates on which the complainant made Enquire (**whether by visits to the Attorney’s office, letters or telephone calls**) as to what progress was being made with the complainant’s business. The result of those inquires.
4. The dates on which the complainant requested the Attorney to give an account of all moneys in his hands for the complainant’s account or credit. The result of such requests.
5. Any other facts which may be briefly stated. (**Dates may be approximate**)

SECTION 4

Re note (1): In setting out the grounds of complaint at page 2 section (1) the applicant **(complainant)** should state one or more of the following breaches of the Legal Profession **(Canons of Professional Ethics)** Rules allegedly committed by the Attorney.

- 1) He has charged me fees that are not fair and reasonable.
- 2) He withdrew from my employment without taking reasonable steps to avoid foreseeable prejudice or injury to my position and rights as his clients.
- 3) Having withdrawn from my employment he has not promptly refunded such part of the fees paid in advance as may be fair and reasonable.
- 4) He has not provided me with all information as to the progress of my business with due expedition, although I have reasonably required him to do so.
- 5) He has not dealt with my business with all due expedition.
- 6) He has acted with inexcusable or deplorable negligence in the performance of his duties.
- 7) He has not accounted to me for all moneys in his hands for my account or credit, although I have reasonably required him to do so.
- 8) He is in breach of Canon I (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 he is a member."

NOTE

The applicant **(complainant)** must send the completed forms of Application and Affidavit to the Secretary of the Disciplinary Committee.