

**DECISION OF THE DISCIPLINARY COMMITTEE
OF THE GENERAL LEGAL COUNCIL
ON SANCTION
COMPLAINT NO: 113/201**

IN THE MATTER OF **MISS LINETTE SHEPHERD AND GRACEANN CAMERON**
an Attorney-at-Law

AND

IN THE MATTER OF THE LEGAL PROFESSION ACT, 1971

BETWEEN	LINETTE SHEPHERD	COMPLAINANT
AND	GRACEANN CAMERON	RESPONDENT

Panel:

Mr. Richard Donaldson - Chairman
Mrs. Jeanne Robinson-Foster
Mrs. Tana'ania Small Davis

Appearances:

No appearance by the Complainant
No appearance by the Attorney Graceann Cameron, nor has anyone appeared on her behalf.

Hearing date:

22 July 2017

- 1 On 27 May 2017 the Attorney was found guilty of professional misconduct in that she had acted in breach of Canon I (b) and Canon VII (b) of the Legal Profession (Canons of Professional Ethics) Rules and the Panel fixed 22 July 2017 as the date for hearing the Attorney in mitigation prior to imposing a sanction.
- 2 Directions were given for the Attorney to file affidavit(s) containing her evidence in mitigation on or before 22 June 2017 at 2pm.
- 3 The Committee is satisfied that the Attorney had been duly served with notice of the sanctions hearing by registered post on 29 May 2017 pursuant to Rules 5 and 21 of the Legal Profession (Disciplinary Proceedings) Rules and, exercised its discretion to proceed with the hearing in the absence of the Attorney, which is

provided for under Rule 8 of the Legal Profession (Disciplinary Proceedings) Rules.

- 4 The Attorney has not filed an Affidavit as directed, nor has she submitted any evidence or made submissions in mitigation of sanction.

SANCTION

4. The Attorney misappropriated the proceeds of the insurance settlement of the Complainant's claim for damages for the personal injuries she sustained in a motor vehicle accident. She failed to pay over the \$2 million and put the Complainant, a lady of small means, to additional expense of bearing bank charges for the two dishonoured cheques she caused her to present to the bank. The Complainant continues to suffer from her injuries. The Complainant put her trust in the Attorney and the Attorney abused that trust. The Attorney has misappropriated the funds due to the Complainant in compensation to her for the injuries she sustained and from which she continues to suffer.

5. This Panel must therefore act in the interest of the public to ensure that such conduct is never repeated and that the collective reputation of the profession is maintained.

6. The following statement of Sir Thomas Bingham MR in **Bolton v Law Society** [1994] 2 All ER aptly states the duty:

"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..."

7. Taking the guidance of Sir Thomas Bingham, MR in **Bolton v Law Society** [1994] 2 All ER, 486 this Panel considers that in view of the duty of lawyers to discharge their professional duties with integrity, probity and complete trustworthiness, the appropriate punishment of the Attorney for her abject failure to uphold the ethics of the profession is that she ought to receive the most severe sanction.

8. In **Georgette Scott v The General Legal Council (Exp. Errol Cunningham)** SCCA 118/2008 the Court of Appeal in upholding the General Legal Council's decision to strike the Attorney off the Roll of Attorneys stated in paragraphs 49 and 50:

"49. It is abundantly clear that the Committee has a duty under section 3(1) of the Act to uphold the standards of professional conduct of attorneys at law. Barwick CJ stated in *Harvey v Law Society of New South Wales* (1975) 49 ALJ 362 at page 364:

'The court's duty is to ensure that those standards of the profession are fully maintained particularly in relation to the proper relationship of practitioner with practitioner, practitioner with the court and practitioner with the members of the public who find need to use the services of the profession.'

50. The Court ought to bear in mind also what Lord Parker CJ said **In re A Solicitor** (supra):

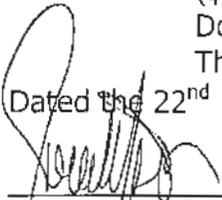
'... A cash shortage of this nature inevitably meant that a solicitor had spent a client's money for the purposes other than those of the client. Public confidence in the profession would be shaken if such conduct were tolerated.'

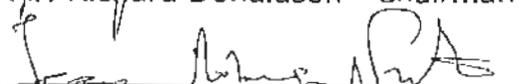
9. This is a case deserving of the strongest sanction.

10. In the absence of the Attorney and there being no material advanced in mitigation, having considered the matter, pursuant to section 12(4) of the Legal Profession Act the Panel orders:

- (a) The name of the Attorney, Graceann Cameron, is struck off the Roll of Attorneys-at-Law entitled to practice in the several Courts of the island of Jamaica.
- (b) Graceann Cameron shall pay restitution to the Complainant in the sum of \$2,004,000.00 with interest at the rate of 4 ½% per annum from 29 July 2014 until payment.
- (c) Costs of these proceedings in the amount of Forty Thousand Dollars (\$40,000.00) are to be paid by the Attorney as to which Twenty Thousand Dollars (\$20,000.00) is to be paid to the Complainant and Twenty Thousand Dollars (\$20,000.00) to the General Legal Council.

Dated the 22nd day of July 2017.


Mr. Richard Donaldson - Chairman


Mrs. Jeanne Robinson-Foster, C.D.


Mrs. Tana'ania Small Davis

