

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

**COMPLAINT NO: 62/2010**

**IN THE MATTER of a  
complaint by RUDOLPH  
CAMPBELL against  
HOWARD LETTMAN, An  
Attorney-at-Law**

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

Mr. Walter Scott, Q.C. Chairman

Mr. Michael Thomas

Mr. Dane Marsh

**Appearance:**

The Complainant appeared in person.

No one appeared for the Attorney nor did he appear.

**Hearing:**

20<sup>th</sup> June 2015, 19<sup>th</sup> September 2015

**COMPLAINT**

The complaint against the Attorney-at-Law Howard Lettman (hereinafter called "the Attorney") is by a Form of Application Against an Attorney-At-Law dated 7<sup>th</sup> of January 2010 supported by an Affidavit sworn to on the 25<sup>th</sup> of February

2010 by Rudolph Campbell (hereinafter called "the Complainant"). The complaint is particularized as follows:-

1. 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.
2. He has not dealt with my business with all due expedition
3. He has acted with inexcusable and deplorable negligence in the performance of his duties

### **BACKGROUND TO THE COMMENCEMENT OF THE HEARING**

1. The matter came on for Hearing on multiple dates before the Hearing finally commenced on 20<sup>th</sup> June 2015.

16 April 2011

30 July 2011

10 December 2011

19 May 2012

1 December 2012

20 April 2013

8 June 2013

2 November 2013

8 February 2014

10 May 2014

11 October 2014

14 February 2015

18 April 2015

20 June 2015

2. When the matter first came before a Panel for Hearing on 16 April 2011, the Complainant was present and the Attorney, absent.

3. On July 30, 2011 both parties were absent and the matter was adjourned.

4. On December 10, 2011 both parties were absent and the matter was adjourned.

5. On May 19, 2012 both parties were present. The Attorney advised that an application for Letters of Administration had been filed years before however there had been delays including a fire at the courts office in St. Mary. Further, a subsequent application was filed in 2011. The Panel gave the Attorney directions in relation to informing the Complainant in writing of the status of the matter. The matter was adjourned.

6. On December 1, 2012 both parties were present and the Attorney updated the Panel that the Revenue Affidavit was filed and that the response had been received. Further, that the Grant of Letters of Administration was outstanding and should be available by January 2013. The matter was adjourned.

7. On April 20, 2013 the Complainant was present and the Attorney was absent. Mr. Keith Bishop Attorney at law, represented the Attorney and provided an update that the Grant of Letters of Administration was still not ready. Costs of \$5,000.00 was awarded to the Complainant. The matter was adjourned.

8. On June 8, 2013 the complainant was present and the Attorney was absent. Mr. Ravil Golding Attorney at law indicated he was holding for the Attorney, who was not well and provided an update that the Grant of Letters of Administration was on the desk of the Resident Magistrate for her signature. Costs of \$5,000.00 was awarded to the Complainant. The matter was adjourned.

9. On November 2, 2013 the Complainant and the Attorney were present. An update was provided by Mr. Lettman that he attended the courts office in St. Mary but the court file could not be found. Further, he subsequently spoke to the Courts office and was advised that the Letter of Administration was on the desk of the Resident Magistrate. The matter was adjourned.

10. On February 8, 2014 both parties were absent. The matter was adjourned.

11. On May 10, 2014 both parties were absent. The matter was adjourned.

12. On November 11, 2014 the Complainant was present and the Attorney was absent. The matter was adjourned.

13. On February 14, 2015 the Complainant was present and the Attorney was absent. Costs of \$7,500.00 was awarded to the Complainant. The matter was adjourned.

14. On April 18, 2015 the Complainant was present and the Attorney was absent. The matter was adjourned to the 20 June 2015 for priority.

15. On June 20, 2015 the Complainant was present and the Attorney was absent. The Panel satisfied itself that adequate notice had been sent to the Attorney as required by **Rules 5 and 21 of the Fourth Schedule of the Legal Profession Act** (hereinafter referred to as the Fourth Schedule). This is evidenced by an Affidavit of Service sworn to by Wayton Henry on the 17<sup>th</sup> June 2015 attesting that on the 23<sup>rd</sup> of April 2015 he attended the General Post Office; posted a notice of hearing dated the 20<sup>th</sup> of April 2015 to Mr. Howard A. Lettman with offices at 2 Grove Court Complex, P.O. Box 716, Park Crescent Mandeville P.O., Manchester the last known address of the Attorney to the General Legal Council and received a Certificate of Posting. The Certificate of

Posting is attached to the Affidavit of Service aforesaid and bears number 8269. This Affidavit of Service was tendered as **Exhibit 1**.

16. The panel exercised its discretion to proceed with the hearing in the absence of the Attorney. In doing so the panel acted pursuant to Rule 8 (amended) of the Fourth Schedule.

### **EVIDENCE**

1. The Form of Application against an Attorney-at-Law dated 7<sup>th</sup> January 2010 was tendered in evidence as **Exhibit 2**. The evidence of the Complainant was set out in his Affidavit dated 25<sup>th</sup> of February 2010 which was tendered in evidence as **Exhibit 3**. The Affidavit and sworn testimony of the Complainant is that he was a Sixty Four year old retired Fireman and that he had engaged the Attorney to have his name endorsed on a title for a parcel of land in St. Mary in the year 1998.
2. The file revealed that the process involved the Administration of the Estate of the late Ralph McLeod in the Resident Magistrate Court for the parish of St. Mary.
3. The Affidavit reveals that:-
  - I. On the 12<sup>th</sup> of September 1998 the Attorney advised the complainant to pay fees of Thirty Thousand Dollars (\$30,000.00). This sum was paid by the complainant by 3 payments as follows:-
    - \$15,000.00 on September 12, 1998
    - \$ \$5,000.00 on January 26, 1999
    - \$10,000.00 on September 21, 2000
  - II. The Complainant initially consulted the Attorney at the Legal Aid office in Kingston. Subsequently, the Complainant

consulted the Attorney at his chambers in Mandeville, Manchester.

III. The Complainant did not hear from the Attorney neither by phone or by post and he had to travel to Mandeville or call him by phone to obtain information. The Attorney provided different dates to the Complainant however nothing had been accomplished on those dates.

4. The sworn evidence of the Complainant is that he could not recall the last time he heard from the Attorney. When further questioned he indicated twice the previous year, to wit, 2014, he had called the Attorney's office and had spoken with the Attorney's Secretary who was unable to get through to the Attorney herself on the phone

### **CANNONS**

The Complainant alleges that the Attorney has breached Cannons IV(r) and IV(s) of the Legal Professional Ethics Rules and for ease of reference set out below the said Cannons:

Cannon IV(r) provides that:

“ An Attorney shall deal with his client's business with all due expedition and shall when reasonably so required by the client provide him with all information as to the progress of the client's business with due expedition”

Cannon IV(s) provides that:

“ In the performance of his duties an Attorney shall not act with inexcusable or deplorable negligence or neglect”.

## **THE LAW**

The panel reminds itself that the Complainant has a duty to satisfy us beyond a reasonable doubt, that is so that we are sure. (Winston Campbell V David Hamlet [as Executrix of Simon Alexander] Privy Council Appeal 73 of 2001).

In interpreting Cannons IV(r) and IV(s) the case of **Earl Witter v Roy Forbes (1989) 26 JLR 129** is instructive. Carey JA (as he then was) stated as follows:-

**“ We are not in this appeal dealing with professional misconduct involving an element of deceit or moral turpitude.....as to rule (r) it is not mere delay that constitutes the breach, but the failure to deal with the client’s business in a business-like manner. With respect to rule (s) it is not inadvertence or carelessness that is being made punishable but culpable non-performance”.**

The panel accepts that in matters such as these the Complainant has to prove, to the requisite Standard of Proof; not mere carelessness or inadvertence that would suffice in a civil trial, but culpable non-performance or gross recklessness.

## **FINDINGS**

We understand, that there are delays caused by stakeholders that Attorneys must sometimes interact in order to complete their client’s business. However, the Attorney has not treated with this Complainants matter with the urgency required; provided any Affidavit whatsoever in defence of this complaint and failed to appear to provide this panel with a defence or other explanation on his own behalf after several opportunities had been afforded to him to so do.

The panel makes the Following findings as it is obliged to do by virtue of Section 15 of the Legal Profession Act.

Having heard the evidence of the Complainant we find him to be a witness of truth. Further, the allegations contained in the Affidavit (Exhibit 3) sworn to by the Complainant, not having disputed by anyone left the panel with no choice but to accept same as the truth.

We make the following findings of fact:

- a. The Attorney was engaged by the Complainant in or about the year 1998 and had completed payment of the fees requested by the Attorney from the year 2000.
- b. That up to the date of hearing June 2016 - ,18 years later, the Complainant had not received the title in his name.
- c. That during the period the Attorney did not provide the Complainant with adequate information in relation to the progress of his business.

Complainants are entitled to be advised of the progress of their affairs. After Eighteen (18) years the business for which the Attorney was retained has not been completed. The Attorney did not deal with the Complainant's business with all due expedition. Having failed to properly communicate with the Complainant and, having not completed the Complainant's business after Eighteen (18) years, the Attorney has acted with inexcusable and deplorable neglect in the performance of his duty.

The panel therefore finds that the Attorney was in breach of the Complaints lodged against him, namely:-



- I. **The Attorney has not provided the Complainant with all information as to the progress of his business with due expedition, although reasonably required to do so.**
  
- II. **The Attorney has not dealt with the Complainant's business with all due expedition.**
  
- III. **The Attorneys has acted with inexcusable or deplorable neglect in the performance of his duties.**


Pursuant to the Ruling of the Court of Appeal, the Panel will fix a date for Submissions to be made by the Attorney on sanctions.



Walter Scott Q.C. Chairman



Michael Thomas



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Dane Marsh

**FORMAL ORDER OF THE DISCIPLINARY COMMITTEE OF  
THE GENERAL LEGAL COUNCIL MADE ON COMPLAINT  
NO. 62 2010**

**IN THE MATTER OF RUDOLPH CAMPBELL VS HOWARD  
LETTMAN**

**AND**

**IN THE MATTER OF THE LEGAL PROFESSION  
ACT 1971**

**PANEL: MR. WALTER SCOTT, Q.C.  
MR. MICHAEL THOMAS  
MR. DANE MARSH**



**DECISION DELIVERED ON THE 25<sup>th</sup> November, 2017**

**UPON THE APPLICATION** dated 7<sup>th</sup> January, 2010 made under section 12(1) (a) of the Legal Profession Act and coming on for hearing before the Disciplinary Committee on the 20<sup>th</sup> June, 2015, and 19<sup>th</sup> September, 2015.

**AND UPON** the Complainant Rudolph Campbell appearing and having given evidence on oath

**AND UPON** the attorney-at-law Howard Lettman not appearing.

**AND UPON DUE CONSIDERATION** of the sworn evidence of the Complainant. Rudolph Campbell

**THE COMMITTEE FINDS THAT:**

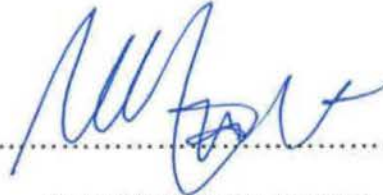
Attorney Howard Lettman is guilty of professional misconduct in that he has breached Canons IV (s) and Canon IV(r) of the Legal Profession (Canons of Professional Ethics) Rules 1978. Canon IV (r) provides that "An Attorney shall deal with his client's business with all due expedition and shall when reasonably so required by the client to provide him with all information as to the progress of the client business with due expedition". Canon IV (s) provides that "In the performance of his duties an Attorney shall not act with inexcusable or deplorable negligence of neglect".

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

Pursuant to s 12 (4) (a) of the Legal Profession Act as amended:

(1) The Attorney, Howard Lettman is suspended from practice for six months effective December 1, 2017.

(2) Costs of these proceedings in the amount of \$100,000.00 are to be paid by the Attorney, \$50,000.00 is to be paid to the Complainant and \$50,000.00 to the General Legal Council.

A handwritten signature in blue ink, appearing to be "M. Lettman", is written over a horizontal dotted line.

CHAIRMAN OF PANEL

Dated 27<sup>th</sup> November, 2017