

GENERAL LEGAL COUNCIL

ANNUAL REPORT

APRIL 1, 2013 – MARCH 31, 2014

INTRODUCTION

The General Legal Council was established in January 1972 by the Legal Profession Act. Its statutory function is concerned with the legal profession and in particular the organization of legal education and the upholding of standards of professional conduct. By virtue of the Legal Education Act, the Council's function as the Legal Education Authority is vested in the Council of Legal Education which is established by Agreement among several Commonwealth Caribbean countries.

Apart from Law Officers of the Crown and legal officers of Government who are *ex officio* entitled to practise as such, no person can lawfully practise as an attorney who does not hold a practising certificate issued by the Council. Practising Certificates are issued annually on satisfying certain requirements, including the payment of an annual fee.

The Council is required to appoint from among its members or former members, Judges or retired Judges and attorneys of not less than ten (10) years standing, the Disciplinary Committee which adjudicates on complaints of misconduct by attorneys in any professional respect.

The Council is authorized to make rules prescribing the standards of professional etiquette and professional conduct for attorneys and to direct that any specified breaches of such rules constitute misconduct in a professional respect.

One of the most significant developments in 2013 was the implementation of Continuing Legal Professional Development pursuant to the amendments to the Legal Profession Act in the previous December.

In November 2013, the Minister of National Security executed the Proceeds of Crime (Designated Non-Financial Institution) (Attorneys-at-Law) Order. Effective

June 1, 2014, attorneys-at-law in various areas of practice, including those who practise conveyancing, will be brought within the “regulated sector” for the purposes of the Proceeds of Crime Act.

The Council maintains a website at <http://www.generallegalcouncil.org/>.

The following is a report on the activities of the Council and the Disciplinary Committee during the twelve months ending on March 31, 2014.

GENERAL LEGAL COUNCIL

1. MEMBERSHIP

The Hon. B. St. Michael Hylton, O.J. Q.C. - Chairman

Mr. Richard Ayoub

Mr. Maurice Bailey

Dr. the Hon. Lloyd Barnett

Mrs. Pamela Benka-Coker, Q.C.

Mr. Ransford Braham, Q.C.

Miss Saverna Chambers

Mrs. Michele Champagne

Mrs. Nicole Foster-Pusey

Mrs. Denise Kitson, Q.C.

Ms. Carlene McFarlane

Mr. Lowel Morgan

The Hon. Justice C.D. Morrison

Miss Hilary Reid

Mrs. Jeanne Robinson-Foster, C.D.

Mrs. Donna Scott-Mottley

Mr. Allan Wood, Q.C.

2. MEETINGS

During the period April 1, 2013 to March 31, 2014, a total of ten (10) regular monthly meetings were held as follows:-

2013: May 1, May 22, June 26, July 24, September 25, October 23 & November 27

2014: January 22, February 26 & March 26

The Council also held a weekend retreat on April 11 - 13, 2014.

ATTENDANCE OF MEMBERS AT MEETINGS:

NAMES	Times Possible	Times Present	Times Absent	Apologies Tendered
The Hon. B. St. Michael Hylton, O.J., Q.C.	10	9	1	1
Mr. Richard Ayoub	10	6	4	3
Dr. The Hon. Lloyd Barnett, O.J.	10	8	2	2
Mr. Maurice Bailey	10	3	7	4
Mrs. Pamela Benka-Coker, Q.C.	10	7	3	3
Mr. Ransford Braham, Q.C.	10	9	1	1
Ms. Saverna Chambers	10	1	9	6
Mrs. Michele Champagne	10	9	1	1
Mrs. Nicole Foster-Pusey, Q.C.	10	6	4	4
Mrs. Denise Kitson, Q.C.	10	10	0	0
Ms. Carleen McFarlane	10	10	0	0
Mr. Lowel Morgan	10	10	0	0
The Hon. Mr. Justice C. D. Morrison, C.D.	10	8	2	2
Ms. Hilary Reid	10	10	0	0
Mrs. Jeanne Robinson-Foster, C.D.	10	6	4	3
Mrs. Donna Scott-Mottley	10	7	3	2
Mr. Allan Wood, Q.C.	10	7	3	2

3. STAFF

Consequent on the Council's additional statutory functions, and based on the advice in a PricewaterhouseCoopers' report, the staff complement has been increased to a total of fifteen (15) persons. The following appointments have been effected:

Mr. Ian W. Jackson joined the staff of the Council in the capacity of Chief Executive Officer on June 1, 2013.

Ms. Althea Richards who continues in her substantive post as Secretary of the General Legal Council was also appointed as Manager, Finance and Administration effective July 1, 2013.

Ms. Dahlia Davis who was previously employed to the Council as its Administrative Officer, was appointed as Secretary, Disciplinary Committee effective March 1, 2014.

Ms. Natalie Creary was appointed as Manager, Investigations Division effective March 24, 2014.

The position of General Counsel has been advertised and the Council intends to appoint someone to that position.

4. SALARIES

Increases ranging from 10% to 12% over last year's salaries were granted to members of staff.

5. GENERAL LEGAL COUNCIL'S STAFF TRAINING

Some members of staff were trained in Telephone Techniques and Workplace Etiquette, Understanding and Applying the Labour Laws and Records Management and Maintenance.

6. GENERAL LEGAL COUNCIL OFFICES

As the Council's portfolio has expanded the need has arisen for additional space to house more staff and activities. The Council has therefore rented temporary office space at 40 Duke Street pending the availability and refurbishing of the space now occupied by the Offices of the Public Defender at 78 Harbour Street.

7. DEBIT/CREDIT CARD PAYMENT SYSTEM

The card payment and on-line PayPal payment systems which were implemented to facilitate the payment of practising certificate and CLPD seminar fees by attorneys-at-law have been well utilized. The Council has decided to move completely to a cashless system for security related reasons.

8. APPEALS FROM DECISIONS OF THE DISCIPLINARY COMMITTEE

During the reporting period appeals were filed in the Court of Appeal by George Watt, Akin Adaramaja, and Owen Clunie against disciplinary decisions made against them. This brings the total of such pending appeals to nine.

9. OTHER COMMITTEES

In addition to the Disciplinary Committee (which was created by the Act) the Council has established the following committees to assist in carrying out its functions. The committees include persons who are not members of the Council, but all are chaired by a member of the Council, as indicated in the table below:

COMMITTEE	CHAIR PERSON
Accounting Reports	Hilary Reid
Accreditation	Donna Scott-Mottley
Advertising Regulatory	Carleen McFarlane
CLPD	Lloyd Barnett
Compensation Fund	Maurice Bailey
Finance and Accounting	Lowel Morgan
Information Technology	Denise Kitson
Proceeds of Crime Act	Allan Wood
Protection of Client's Assets	Ransford Braham
Regulatory Reform	Maurice Bailey

10. CONTINUING LEGAL PROFESSIONAL DEVELOPMENT (CLPD)

The Legal Profession (Continuing Legal Professional Development) Regulations, 2013 were enacted on January 29, 2013. The Council established a CLPD department in January 2013 and employed Ms. Venessa McLean in the same month as its Director.

The CLPD Committee (chaired by Dr Lloyd Barnett) has summarized in lay terms what is required of attorneys and this has been published on the Council's website and communicated by email to all practising attorneys.

The Council in an effort to fulfil its mandate to make the courses accessible in each region has established four (4) locations outside of the Corporate Area, namely, Mandeville, Montego Bay, Ocho Rios and Port Antonio. The venues have been selected based on suitability and comparative costs and after consultation with senior attorneys in the relevant parishes.

Nine (9) seminars were held in Mandeville, eight (8) in Ocho Rios, ten (10) in Montego Bay, one (1) in Portland and twenty-five (25) in Kingston. The courses offered and attendance during the period February 2013 to April 2014 are indicated below.

COURSES	No of Presentations	Persons Registered
EC101 – Essentials of Professionalism	7	1000
EC102 – Referral and Engagement	6	644
EC103 – Diligence in Handling Clients Business	6	621
EC104 – Duty to Court, Candour and Courtesy	6	585
EC105A – Attracting Clients – Advertising Part 1	5	800
EC106 – Conflict of Interest in Attorneys Practice	3	300
EC107 - Confidentiality - Disclosure - Privilege	2	474
EC108 - Fee Charging and Contingency Fees Recovery	3	428
AMF201 – Proceeds of Crime Act and Attorneys Obligations	5	571
AMF202 – Business Management	3	605
AMF203 – Clients' Accounts Financial Accounting Concepts, Methodology and Responsibilities	4	356
AMF205 – Finance Issues for Legal Practitioners	2	222
CL301 - Replacing the Corporate Veil– The retreat from Salomon	2	319

11. ACCREDITATION COMMITTEE

The Accreditation Committee was appointed on February 1, 2013 with the mandate of ensuring the high quality of the CLPD courses and activities. The Committee has sought to provide assurance of the good standing of Institutions, Government Departments, and other providers who have demonstrated an interest in offering CLPD programmes, while simultaneously establishing a framework for attorneys who are seeking to undertake various activities in order to achieve their CLPD requirements.

The award of credits to a programme or activity offered by a provider or institution is intended to signal to attorneys that the offering will be of a particular standard and intellectual content.

The evaluation questionnaires which are required to be provided at the end of each presentation, have provided invaluable data which assures the Committee that standards are being met, while enabling the identification of problems which require intervention in order to enhance the effectiveness of the programme.

A considerable amount of time was spent in formulating policies to guide the Committee including:

- Where the programme satisfied the intellectual content and standard of learning, the one hour-one credit rule would be applied.
- Law Lecturers and Tutors would annually be awarded a standard number of credits for engaging in the activity of lecturing and tutoring.
- Attorneys engaging in postgraduate studies are awarded a standard number of credits for their participation in the said activities.

The Committee has worked with the programme administrators to create a database to administer the award of accreditation of courses and activities, extensions and exemptions. As a result, reports are automatically generated to ensure that all attorneys are kept aware of their level of compliance.

The response of the attorneys to the process has been extremely positive and very encouraging.

During the period February 2013 and January 2014, the Committee received eighty five (85) applications from Institutions, and seventy two (72) applications from individuals for the award of credits in respect of courses to be presented by them. In addition, there were forty four (44) applications for exemptions, mainly from persons who were employed outside the jurisdiction, but who were desirous of maintaining their practising certificates. Between February 2014 and May 2014, a total of one hundred and four applications (104) have been made to the Committee, including twenty four (24) from institutions, twelve (12) from individuals, thirty nine (39) applications for exemptions and twenty seven (27) for extensions to complete CLPD. Two (2) applications for renewal of accreditation have also been considered.

The data discloses that to date, one thousand, eight hundred and thirty two (1,832) attorneys have participated in the CLPD programme.

The Committee anticipates an increase in the number of persons participating and commits to ensuring that the standard of the programme is maintained.

12. ADVERTISING COMMITTEE

A statutory committee was established as required by the Canons which has as its main function the reviewing of specific proposed advertisements by individual practitioners and law firms, as to their suitability and compliance with the Advertising Rules. This Committee is chaired by Mrs Jeanne Foster-Robinson and has to date dealt with various proposed advertisements and made recommendations to the General Legal Council.

A second non-statutory committee chaired by Ms. Carleen McFarlane, was also set up to deal with a wider range of issues including reviewing and making recommendations for changes to the Canons, as well as monitoring and reviewing possible breaches by Attorneys-at-Law of the existing advertising rules.

On May 1, 2013 this Committee agreed to undertake a review of the Canons and the relevant legislation affecting the practice of law with a view to ascertaining whether paralegals and other non-lawyers could properly undertake certain specified legal work, including transfers, conveyances and probate matters.

A comparative review was also carried out in respect of the advertising rules of several countries for the purpose of determining whether our rules required

amendments or were in keeping with international best standards and practices. Consequent on this review several recommendations were made including:

- The introduction of a sensitization program for lawyers and the general public.
- That the Canons remain 'as is', as it was felt that they were sufficiently wide to cover most of the anticipated and recurring breaches.
- That a further review be undertaken to deal with web advertising, so as to take into account modern technological developments which were not contemplated when the Canons were formulated.

The issue of touting remains a thorny issue and the monitoring of 'ambulance chasing' lawyers remain high on the agenda of this Committee.

13. PROCEEDS OF CRIME ACT COMMITTEE

In the reporting period amendments to the Proceeds of Crime Act and the Legal Profession Act were promulgated (by Law 26 of 2013) in order to impose anti-money laundering (AML) obligations including suspicious transaction reporting requirements on the legal profession.

Further, after consultation with the General Legal Council, the Jamaican Bar Association and other responsible agencies, it was determined by the Minister of National Security that the Order to designate attorneys who engage in financial and other specified activities as nonfinancial institutions regulated under Part V of the Proceeds of Crime Act would take effect on 1st June 2014 and that the Council would be designated as the Competent Authority under the aforesaid Act for attorneys-at-law.

As the Competent Authority, the role of the GLC is to ensure that attorneys operate in compliance with POCA and in order to discharge this function powers have been conferred to –

- a) issue guidelines to attorneys in the regulated sector regarding effective measures to prevent money laundering, and
- b) monitor compliance by attorneys with POCA including the carrying out of inspections or other verification procedures, whether on its own, or through a third party.

The Council has considered and settled on consequential amendments to the code of conduct governing attorneys-at-law embodied in the Legal Profession (Canons of Professional Ethics) Rules to take into account the AML disclosure obligations imposed on attorneys by the statutory regime under Part V of the Proceeds of Crime Act. Further, the Council's Committee embarked on the preparation of guidelines for the legal profession in respect of effective AML measures that should be adopted by attorneys.

In order to discharge its obligations as Competent Authority to monitor compliance with the Proceeds of Crime Act, the Council has created an Investigations Division and embarked on recruitment of personnel for that department beginning with a manager with specialist skill sets and experience to assume responsibility for the operations of this new department

14. INFORMATION TECHNOLOGY COMMITTEE

The website of the General Legal Council has become the primary tool of communication between the Council and the members of the profession as well as the public in general.

With the implementation of mandatory continuing legal professional development (CLPD), the effective use of the website has enabled frequent and updated delivery of information concerning seminars promoted by the Council. Reports on amendments to the Legal Profession Act and the Proceeds of Crime Act which are of material interest to the practitioners were posted and thus readily available to members of the Bar. The facility is also being used by practitioners to submit queries and concerns and obtain responses from the Council.

Additionally, in February 2014 the decisions of the Disciplinary Committee of the General Legal Council were converted from .pdf format to text and then html in order to enable searches by topic and attorneys' names.

Also, there has been an increase in the use of the online PayPal payment facility primarily for the payment of CLPD seminar charges.

15. ACTION TO PROTECT CLIENTS' PROPERTY COMMITTEE

In addition to investigating the cases of two attorneys' offices in Montego Bay which have been locked up with clients' files, this Committee has also been dealing with the practices of deceased attorneys Mr. Berriston Bryan and Mrs. Clover Graham. Monies in their Clients' Accounts have been paid over to the Council and Mr. Carlton Hibbert, chartered accountant, has been appointed by the

Council to review Mr. Bryan's law practice assets and to give an account of Mr. Bryan's files and money.

16. LEGAL AID COUNCIL

Mrs. Michelle Champagnie was appointed to represent the Council on this body. She attended meetings on February 27, March 27 and May 1, 2014.

17. ACCOUNTING REPORTS COMMITTEE

During the year under review, 2,462 attorneys filed either accountant's reports or declarations pursuant to the Legal Profession (Accounts & Records) Regulations, 1999 as follows:

- 1,261 attorneys filed declarations;
- 1,201 filed accountant's reports

Compliance level was as follows:

Of the 1,626 attorneys who were issued practising certificates during 2013 1,415 attorneys filed either reports or declarations.

It was noted that some attorneys have filed declarations indicating that they do not hold clients' funds when there are indications that they in fact do so. Those cases are being investigated with a view to taking appropriate action.

18. FINANCE AND ACCOUNTING COMMITTEE

The items discussed and recommendations made included:

- Drafting Terms of Reference of the committee.
- Staff requirements of the GLC's Accounting department.
- Establishing compensation for presenters at CLPD seminars.
- Income generating opportunities available to the GLC.
- Maximising investment options for excess liquidity.
- Participation in recruitment of staff for the accounting department.
- Liaising with external auditors – Vintoria Bernard & Company.
- Making recommendations on the acquisition and implementation of accounting software.
- Liaising with the GLC's accounting service provider - Dalma James & Associates.

- Implementing the recommendations contained in the management report prepared by PricewaterhouseCoopers in October 2012.

The Council's accounts have now been audited up to the financial year 2013 - 2014.

19. PRACTISING CERTIFICATE FEES

The following fee structure remains in effect:

Less than five years' standing	-	\$10,000.00
Five years' standing but less than fifteen	-	\$20,000.00
Fifteen years standing and over	-	\$30,000.00
Attorney-at-law who has retired from practice	-	\$10,000.00
Attorney-at-law in the first year of practice who applies for a practising certificate after September 1 in that year	-	\$5,000.00

It is estimated that there are Two Thousand, Seven Hundred and Forty-Nine (2,749) attorneys on the roll. In 2013/2014 One Thousand, Six Hundred and Twenty-Six (1,626) attorneys held practising certificates. The Council has published on its website and in the newspaper, a list of attorneys who are entitled to practise by virtue of their having paid their practising certificate fees. The Council also continues to work with the Chief Justice, the Registrar of Titles and other relevant departments to ensure that persons who are not entitled to practice are not allowed to do so.

20. APPLICATIONS FOR ENROLMENT

Applications for qualifying certificates were received from 287 persons and approved as set out in Appendix I.

THE DISCIPLINARY COMMITTEE OF THE GENERAL LEGAL COUNCIL

The Disciplinary Committee of the General Legal Council has specific responsibility for the maintenance and enforcement of discipline in the legal profession by the examining and hearing of complaints laid against attorneys-at-law.

21. **MEMBERSHIP OF THE DISCIPLINARY COMMITTEE**

During the year under review, the following persons served on the Disciplinary Committee. Their tenure will end on 30st September 2014:

DISCIPLINARY COMMITTEE MEMBERS	
Mrs. P. Benka-Coker, Q.C. - Chairman	
Mr. Peter Champagnie	Mrs. Ursula Khan
Mrs. Judith Cooper Batchelor	Mrs. Gloria Langrin
Miss Lilieth Deacon	Mr. Jerome Lee
Mr. Richard Donaldson	Mrs. Margarette Macaulay
Mr. Winston Doulgas	Ms. Debra McDonald
Mr. Lincoln Eatmon	Mr. Charles Piper
Dr. Adolph Edwards	Miss Beryl Ennis
Mr. Patrick Foster, Q.C.	Mrs. Jeanne Robinson-Foster
Ms. Daniella Gentles	Mr. Walter Scott, Q.C.
Mr. John Graham	Dr. Randolph Williams
Mr. Trevor Ho-Lyn	Mr. Allan Wood, Q.C.
Mr. Christopher Kelman	

Ms. Beryl Ennis resigned in December 2013 and Ms. Daniella Gentles was re-appointed in May, 2013

22. MEETINGS

During the period April 1, 2013 to March 31, 2014, a total of ten (10) general meetings were held as follows:-

2013: April 27, May 25, June 22, July 27, September 28, October 26 and November 23

2014: January 25, February 22 and March 22

ATTENDANCE BY MEMBERS AT MONTHLY MEETINGS

Names	Times Possible	Times Present	Times Excused
Benka-Coker, Pamela Q.C. (Mrs.)	10	10	-
Champagnie, Peter (Mr.)	10	7	2
Cooper-Batchelor, Judith (Mrs.)	10	5	1
Deacon, Lilieth (Miss)	10	5	4
Donaldson, Richard (Mr.)	10	1	1
Douglas, Winston (Mr.)	10	8	2
Eatmon, Lincoln (Mr.)	10		1
Edwards, Adolph (Dr.)	10	-	-
Ennis, Beryl (Miss)	10	1	-
Foster, Patrick Q. C. (Mr.)	10	8	1
Graham, John (Mr.)	10	6	1
Ho-Lyn, Trevor (Mr.)	10	6	1
Kelman, Christopher (Mr.)	10	10	-
Khan, Ursula (Mrs.)	10	10	-
Langrin, Gloria (Mrs)	10	6	3
Lee, Jerome (Mr.)	10	9	1
Macaulay, Margarette (Mrs.)	10	9	-
McDonald, Debra (Mrs.)	10	5	5
Piper, Charles	10	7	3

Names	Times Possible	Times Present	Times Excused
Robinson-Foster, Jeanne (Mrs.)	10	9	-
Scott, Walter Q.C. (Mr.)	10	6	4
Thomas, Michael (Mr.)	10	8	2
Williams, Randolph (Dr.)	10	10	-
Wood, Allan, Q.C. (Mr.)	10	8	1

23. ATTENDANCE BY MEMBERS AT WEEKLY SITTINGS

Names	Times Possible	Times Present	Times Excused
Benka-Coker, Pamela Q.C. (Mrs.)	30	30	0
Champagnie, Peter (Mr.)	20	18	2
Cooper-Batchelor, Judith (Mrs.)	18	18	0
Deacon, Lilieth (Miss)	18	15	3
Donaldson, Richard (Mr.)	14	13	1
Douglas, Winston (Mr.)	14	12	2
Eatmon, Lincoln (Mr.)	3	2	1
Edwards, Adolph (Dr.)	10	9	1
Ennis, Beryl (Miss)	11	11	3
Foster, Patrick Q. C. (Mr.)	18	18	0
Gentles, Daniella (Ms.)	13	13	0
Graham, John (Mr.)	14	13	1
Ho-Lyn, Trevor (Mr.)	16	16	0
Kelman, Christopher (Mr.)	15	15	0
Khan, Ursula (Mrs.)	15	15	0

Names	Times Possible	Times Present	Times Excused
Langrin, Gloria (Mrs.)	27	26	1
Lee, Jerome (Mr.)	15	15	0
Macaulay, Margarett (Mrs.)	10	9	1
McDonald, Debra (Mrs.)	18	18	0
Piper, Charles	22	22	0
Robinson-Foster, Jeanne (Mrs.)	5	5	0
Scott, Walter Q.C. (Mr.)	17	17	0
Shelton, Stephen (Mr.)	17	17	0
Thomas, Michael (Mr.)	14	14	0
Williams, Randolph (Dr.)	19	18	1
Wood, Allan, Q.C. (Mr.)	30	30	0

24. SEMINARS

One seminar was held by the Disciplinary Committee during the year under review, on September 7, 2013.

25. ORDERS MADE AGAINST ATTORNEYS

George G. Hill was found guilty of professional misconduct contrary to section 12 (1) (a) of the Legal Profession (Accounts and Records) Regulations 1999 for his failure to deliver Accountant's Report to the Secretary of the General Legal Council for the years, 2005, 2007, 2008, 2009, 2010 and 2011 contrary to section 16(1) and 17 of the said Regulations. The attorney was ordered to pay a fine of \$10,000.00 for each year that he was found to be in breach of the Legal Profession (Accounts and Records) Regulations 1999, and costs of \$20, 0000.00 to the General Legal Council on or before the 7th October, 2013.

The order was made on the 21st September, 2013. (The attorney has since paid the fine)

John Thompson was found guilty of professional misconduct contrary to section 12 (1) (a) of the Legal Profession (Accounts and Records) Regulations 1999 for his failure to deliver Accountant's Report to the Secretary of the General Legal Council for the years 2002, 2003, 2004 and 2005 contrary to section 16 (1) and 17 of the said Regulations. The attorney was ordered to pay a fine of \$10,000.00

for each year that he was found to be in breach of the Legal Profession (Accounts and Records) Regulations 1999, and costs of \$10,000.00 to the General Legal Council to be paid within 30 days of the 28th September, 2013.

The order was made on the 28th September, 2013

Paulette Y Belvett was found guilty of professional misconduct contrary to section 12(1)(a) of the Legal Profession (Accounts and Records) Regulations, 1999 for her failure to deliver Accountant's Report to the Secretary of the General Legal Council for the years 2000,2001,2002 contrary so section 16(1) and 17 of the said Regulations. The Attorney was ordered to pay a fine of \$10,000.00 for each year that she was found to be in breach of the Legal Profession (Accounts and Records) Regulations 1999, and costs of \$10,000.00 to the General Legal Council to be paid on or before the 26th October, 2013.

The order was made on the 12th October, 2013.

Wilwood Lester Adams was found guilty of professional misconduct contrary to section 12 (1) (a) of the Legal Profession (Accounts and Records) Regulations 1999 for her failure to file Declarations for the years 2008, 2009, 2010, 2011 contrary to section 16(1) and 17 of the said Regulations. The Attorney was ordered to pay the sum of \$15,000.00 for each year he was found to be in breach of the Legal Profession (Accounts and Records) Regulations 1999 and costs, of \$15,000.00 to the General Legal Council to be paid on or before the 31st March, 2014.

The order was made on the 11th January, 2014.

Akin Adaramaja was found guilty of professional misconduct for his failure to act in enforcing a contract for the sale of property at 16 Marine Terrace, Kingston on behalf of Robert Farr. The Attorney was retained to act for the Complainant in defending the claim by Robert Farr and Susan Watson. The Attorney received the proceeds of sale amounting to \$3,906.505.00 which was then equivalent to US\$47,066.32 at the prevailing rate of exchange of J\$83.00 to US\$1.00 on the 9th December, 2009. The Attorney having received the proceeds made no attempt to communicate with the Complainant that he had received the proceeds of the sale and he has held on to the Complainant's money. The Attorney failed to disclose having received the money when first contacted by Jacqueline on behalf of the Complainant. In the course of subsequent telephone conversation in September 2012 when confronted by Jacqueline with the information that he had received the money; the Respondent admitted that he had taken the Complainant's money. The Attorney failed to account to the Complainant and has acted dishonestly and failed to maintain the honour and dignity of the profession and his behavior has discredited the profession of which he is a member. The attorney was struck off the Roll of Attorneys-at-law entitled to practice in the Island of Jamaica. He was further ordered by way of restitution to pay to the Complainant the sums of US\$47,066.32 and US\$1,732.93 together with interest accruing on the sum of US\$47,066.32 at the rate of 3 per centum per annum from 9th December, 2009 to date of payment and interest accruing on

the sum of US\$1,732.93 at the rate of 3 per centum per annum from the 12th October 2013 to the date of payment. The Respondent is also to pay costs to the Complainant in the sum of \$40,000.00.

The order was made on the 2nd November, 2013

Anthony Pearson was found guilty of professional misconduct for his failure to transfer property for the Complainant. The Complainant engaged the services of the Attorney to represent her to transfer property located at 3 ½ Johnson Terrace, Rollington Town, Kingston 2. The Complainant paid the Attorney \$136,000.00 and gave the Duplicate Certificate of title to effect the transfer. The Attorney has failed to account to the Complainant for the monies and has failed to do the work of the Complainant. The committee ordered the Attorney to make restitution to the Complainant within 45 days of the 27th April, 2013 in the sum of \$170,000.00 in satisfaction of any damages she might have suffered as a result of the Attorney's misconduct. The Attorney was ordered to deliver all documents including the Duplicate Certificate of Title registered at Volume 1039 and Folio 228 of the Registered Book of Titles to the Complainant on or before the 31st May, 2013.

The order was made on the 27th April, 2013.

Lawrence Haynes was found guilty of professional misconduct for his failure to satisfactorily represent the Complainant in a suit for the determination of the issue of ownership of certain lands, part of Mount Charles in the parish of St. Andrew. The Complainant had requested that the matter be appealed and paid the Attorney \$75,000.00 for the Appeal which money was still in the possession of the Attorney. The Attorney did not file the Appeal. The Committee found that the Attorney's negligence led to the Complainant being deprived of the right of an Appeal which may have been successful and found that the Attorney ought to make restitution for such loss. Further the Complainant had established other charges, specifically that the Attorney had not provided him with all information as to the progress of his business and had not accounted to him for all monies in his hand for his credit and had charged fees that were not fair and reasonable. The Attorney was ordered to make restitution to the Complainant in the amount of \$100,000.00 and to pay to the General Legal Council costs in the sum of \$20,000.00.

The order was made on the 4th May, 2013. (The Attorney has since satisfied the order)

Richard Bonner was found guilty of professional misconduct for his failure to execute Certificate of Title expeditiously to the National Housing Trust. The transaction took approximately 11 years. The panel found that there was a want of supervision in the Attorney's office whereby a serious fraud was perpetrated by a clerk in his employment by forging the entry of transfer on a certificate of title. In failing to adequately supervise his employee, the Attorney has been guilty of deplorable negligence or neglect with the consequence that a serious fraud was committed. However, as accepted by the Complainant there was no

dishonesty by the attorney and that he has since rectified the matter so that the Complainant has obtained its security and all due taxes and penalties have been paid. Further, the attorney has assured the panel that in addition to having the matter rectified; he has dismissed the dishonest employee, and fully cooperated with the police investigations and has taken the necessary steps to supervise his staff to prevent repetition of such an incident. The panel reprimanded the attorney and ordered that he pay a fine of \$100,000.00 to the National Housing Trust within 30 days of the 18th, May 2013.

The order was made on the 18th May, 2013

Sean Kinghorn was found guilty of professional misconduct for his failure to expeditiously pursue claims on behalf of the Complainant's son who died in an accident. The Attorney was found to have failed to deal with the Complainant's business with all due expedition, and that he acted with inexcusable and deplorable negligence in the performance of his duties. The panel ordered the Attorney to pay a fine of \$172,000.00 to the General Legal Council on or before the 31st October, 2013. The said fine when collected to be paid to the Complainant. The Attorney was also ordered to pay costs in the sum of \$50,000.00 on or before 31st October, 2013.

The order was made on the 27th July, 2013. The attorney has since paid the sum of \$200,000.00 to the General Legal Council. A balance of \$22,000.00 is outstanding.

Ramon Gordon was found guilty of professional misconduct for his failure to purchase premises at 29½ First Avenue, Vineyard Town, Kingston on behalf of the complainant. The panel found that the Attorney received the sum of \$467,475.00 as a deposit in November, 2009 for the purchase of the premises. The agreement was cancelled but the respondent has been in default in refunding the Complainant's money for 2 years and 8 months. By way of restitution the panel ordered that Mr. Ramon Gordon pays to the Complainant the sum of \$467,475.00 together with interest thereon at the rate of 6% per annum from the 1st February, 2011 to the date of payment. The Attorney was ordered to pay costs to the Complainant in the sum of \$40,000.00 and should the attorney fail to make restitution and costs as ordered by the 31st October, 2013 that he be suspended from practice for a period of twelve months commencing 1st November, 2013 to 31st October, 2014.

The order was made on the 28th September, 2013 (The attorney was suspended. He subsequently satisfied the order.)

Trevor Ruddock was found guilty of professional misconduct for his failure to probate the Will of Astor Haven. The Attorney had never probated the will although he advised the Complainant that he had filed the relevant documents in the Court which turned out not to be true. The Attorney was already struck from the Roll of Attorneys –at-law entitled to practice in Jamaica in an unrelated matter; were the attorney not already struck from the Roll he would be forthwith struck from the Roll of Attorney-at-law.

The order was made on the 26th October, 2013

Sheldon Codner was previously struck off in this matter on the 19th May, 2012 but made an application for a re-hearing. The application was heard on the 13th July, 2013 at which time the application was refused and **the Attorney remained struck off. The order was made on the 13th July, 2013.**

Chrystine Wedderburn Bernard was found guilty of professional misconduct **Pursuant to Section 12 (4)** of the Legal Profession Act: The Attorney Chrystine Wedderburn Bernard was ordered to make immediate restitution of the sum of \$457,650.00 to the Complainant with interest at the rate of 6% per annum from the 1st February, 2011 until payment. The attorney-at-law Chrystine Wedderburn Bernard is to pay interest on the sum of \$50,000.00 at the rate of 6% from the 1st February, 2011 until the 19th December, 2011, at around which time the sum of \$50,000.00 was paid by the Attorney to the Complainant. The Attorney was ordered to pay costs of \$75,000.00 to the General Legal Council and costs of \$50,000.00 to the Complainant.

The order was made on the 27 July, 2013

George A Hylton was found guilty of professional misconduct contrary to section 12(1)(a) of the Legal Profession (Accounts and records) Regulations, 1999 for his failure to deliver Accountant's Report to the Secretary of the General Legal Council for the years 2007, 2008, 2009, 2010, 2011 contrary to section 16(1) and 17 of the said Regulations. The Attorney was ordered to pay a sum of \$120,000.00 for the years that he was found to be in breach of the Legal Profession (Accounts and Records) Regulations 1999. **The order was made on the 2nd November, 2013. (The fine was paid on the 8.11.13)**

Humphrey McPherson was found guilty of professional misconduct for his failure to pursue personal injury matter, on behalf of the complainant; to effect the sale of lot 60 Penwood Crescent and the sale of 50 Penwood Crescent; and to transfer two lots of land. The Complainant testified that he paid the Attorney \$100,000.00 on one occasion and another \$100,000.00 on another occasion. The Complainant also stated that his Attorney, Dr. Marshall now deceased, had forwarded an amount of \$30,000.00 on his behalf to the Attorney. It was agreed between the Attorney and the Complainant that his fee would be 3 and 5 percent respectively of whatever the purchase price would ultimately be. The Attorney never attended to contest the personal injury matter which was subject to litigation in the Supreme Court. The Complainant had to retain other Counsel. The complainant sought to retrieve the documents from the Attorney and to get an account as to his representation in the matter but was unsuccessful as the Attorney's response was that he had quit. The Complainant requested an account in respect of the conveyancing matters which the Attorney was handling. He did not receive one. The Complainant testified that the Attorney told him that if he did not withdraw his complaint he would not be giving him a Statement of Account. The panel found that the Attorney has acted in a manner unbecoming

of the profession of which he is a member. The panel ordered that the Attorney make full restitution of Two Hundred and Thirty Thousand Jamaican Dollars with interest of 6% per annum from the date of receipt of such sum paid over to him. A fine of Two Hundred Thousand Dollars payable to the General Legal Council and costs of US\$1,418 being reimbursement for air fares from the United States to Jamaica on two occasions was imposed on the Attorney. The fines, restitution fees and costs were to be paid on or before the 18th day of December, 2013.

The order was made on the 16 November, 2013

Sean Clarke was found guilty of professional misconduct for his failure to effect transfer of land in the name of the Complainant. The Complainant said that he paid the Attorney UK£693 upon the request of the attorney and sent all documents signed by a Notary Public. The Panel ordered that pursuant to section 12 of the Legal Profession Act Mr. Clarke pays cost to the complainant in the sum of £693.00 plus his travel costs to give evidence in February, 2013 which amounted to a further £65.00 and \$42,000.00 for ground travel. The Attorney was ordered to pay a total sum of £1,258 and \$42,000.00 and also legal costs of \$100,000.00 to be paid in 90 days.

The order was made on 6th December, 2013

Leighton Miller was found guilty of professional misconduct for his failure to settle judgment against him on behalf of the Complainant. The Attorney made repeated promises to settle the judgment owing to the Complainant and has made payments totaling \$570,000.00 leaving a balance owing of \$466,953.41 being principal of \$115,681.41 and accumulated interest computed to the 22nd March, 2014 of \$351,272.41. The Attorney gave a written undertaking to the Disciplinary Committee to settle the sum owing in the following terms (a) to pay \$200,000.00 to the General Legal Council on 3rd August, 2011 and (b) to pay the Complainant the full balance owed with interest on or before the 31st October, 2011” In compliance with the undertaking the Attorney duly paid to the General Legal Council on the 3rd August, 2011 the sum of \$200,000.00. However, the attorney had failed to comply with his undertaking dated 30th July, 2011 to pay the balance owed on the judgment suit CLB155 of 2000. The panel found beyond reasonable doubt that the complaint has been established and that the Attorney has failed to comply with the judgment of the Supreme Court and further that the Attorney has breached his undertaking in writing given to the Disciplinary Committee on the 30th July, 2011 which constitute misconduct in a professional respect. The Panel by way of restitution ordered the Attorney Leighton Miller to pay to the Complainant Ricardo Bond the sum of \$466,953.41 together with interest on the sum of \$115,681.00 at the rate of 6 per annum computed from 23rd March, 2014. Pursuant to section 12(4)(b) of the Legal Profession Act the Attorney Leighton Miller is suspended from practice with effect from the 1st April, 2014 such suspension shall be for 36 months expiring on 1st May, 2017. Subject to the Attorney satisfying the Order the period of suspension shall continue thereafter until the attorney has complied with the Order for payment.

The order was made on the 22nd March, 2014

26. **Summary of Complaints 1st April, 2013 - 31st March, 2014**

Number of Complaints pending at the commencement of the year 407

Number of Complaint filed in the current year 172
579

**Number of complaints considered at the general meetings
of the Disciplinary Committee as at March 31, 2014:**

Number of complaints with prima facie case found 119
Number of complaint with no prima facie case (35)
Number of complaints withdrawn (35)

Complaints dealt with at the hearings:

Number of Complaints withdrawn 53
Number of complaints dismissed 28
Number of complaints struck out for want of prosecution 04
Number of complaints upheld 22
(107)

Number of complaints disposed of (177)

Number of complaints pending at the end of the year 402

Number of Complaints Appealed 03

27. INCOME AND EXPENDITURE

A statement of the Council's Income and Expenditure for the period 1st April, 2013 to 31st March, 2014 which is extracted from its audited Financial Statement is set out below:

<u>INCOME</u>	<u>\$</u>
Practising Certificate Fees	37,214,365
CLPD	10,607,267
Interest on Fixed Deposit	2,002,705
Other	<u>2,537,523</u>
	52,361,860
Administrative and General	<u>(42,998,246)</u>
Surplus from operations	<u>9,363,614</u>
<u>EXPENDITURE:</u>	
Advertising	308,916
Audit and accounting fees	818,887
Donation	64,294
Utilities	2,067,757
Insurance	64,746
Legal and professional fees & expenses	5,226,031
Meeting expenses/workshop	207,183
Office expenses	652,689
Office Rent	1,573,010
Printing, stationery and postage	1,510,152
Repairs and maintenance	2,966,734
Salaries, wages and related costs	25,287,965
Security	1,017,654
Seminar expenses	13,710
Staff welfare	388,968
Travel and accommodation	79,816
Uniforms	260,815
Bank Charges	<u>488,919</u>
	<u>42,998,246</u>

APPENDIX I

Applicants who received qualifying certificates:

LAST NAME	FIRST & MIDDLE NAMES
Antoine	Christopher
Aiken	Deniece Melissa
Alliman	Jason
Anderson	Mario
Antonio	Andrew Arthur
Ashton	Donnamarie Patricia
Bacchas	Errol Elatan
Badley	John
Bailey	Marissa Georgette Ann
Bailey	Marissa Georgette Ann
Baker	Kenisha Alethia
Barker	Sharlene Kerisse
Barrett	Jahyufah
Barrett	Raun
Baugh	Kadia Sasha-Kay
Baugh-White	Nordian
Behari	Janice Capheann
Bell	Wendy Angela
Bennett	Andrei Wayne
Bernard	Seidia Roach
Biggs	Annnisha Yanique
Blackstock-Murray	Venise
Blair	Samantha Andrelee
Blair	Dayle Orland
Blake	Veroneque Annette
Bobb-Semple	Kalima Akiba
Bowen	Kimberly Kerry-Ann
Bowen	Alicia Yanique
Brooks	Devon O.
Brown	Christos
Brown	Konrad-Allan Jevon

LAST NAME	FIRST & MIDDLE NAMES
Brown	Yvette Angella
Brown	Venice Salome
Brown	Kamau Ruddock
Brown	Cedric Andrean
Brown	Sara Camile
Bryan	Theresa Monique
Cameron-Anglin	Tricia
Campbell	Leonie Marie
Campbell	Kadene Dhaina
Campbell	Kamesha Latoya
Campbell	Samantha Doreen
Campbell	Lexine
Campbell	Michelle Patricia
Campbell	Jebby Nicola
Campbell Douglas	Dawn
Campbell-Swaby	Christine Angela
Castello	Tiffany Millicent Akheela
Chambers	Nichole Ann
Cheree	Kerry-Ann
Chin	Lorraine Marie
Chin	Truanna
Christie	Hadrian Robert
Christie	Juliet Marcia
Clarke	Shanna Monique
Clarke	John
Clarke	David Wayne
Clark-Prout	Maria Elaine
Condappa-Anderson	Tracian

Cookhorn	Cammeca Latoya n
Coote	Allison Alicia
Cousins	O'Shain Derron
Cowan	Andrew George
Crawford	Sharlene Shackerah
Curtis	Valrie Annie
Dacosta	Damien Roosevelt
Daley	Michelle Althea
Dalla	Romar Richard
Davis	Ian Patrick
Davis	Petra-Lee
Dias	Wensley Archibald
Dixon	Dwayne Anthony
Douce	Jacqueline
Douglas	Melissa Mercedes
Dunbar	Tameka Kema
Dunkley	Shakeria Nisharia
Edmond	Tamica Nasingh
Edwards	Suzaette Marie
Edwards	Kerri Nicole
Evans	Evan Hugh
Facey	Jason Marc Alexander
Facey	Kimberly Tamera
Ferguson	Paula-Sue Garnette
Fisher	Kellye-Rae
Fitz-Henley	Michelle Marie Angela
Forbes	Janek M.
Forsythe	Claudia Angelle
Forte	Stephanie Elsie Dawn-Ann
Francis	Tosya Velline
Franklin	Colleen
Frith	Terry Ann Anthia
Fullerton	Nicole-Anne L.
Gabbadon	Matthew Dane
Gentles	Paul Wayne
Gilzean	Sasha-Kay
Glaves	Tammara Vanessa
Golaub	Viv-Laal

Golding Campbell	Shereene S.
Gonzales	Junior Michal
Gordon	Anastasia Alecia
Gordon	Simone Nicole
Gordon	Nicholas
Gordon Taylor	Lecia-Gaye Patrice
Graham	Cindi-Kay Antonette
Graham	Tratiska
Grant	Georgette Patrica
Grant	Keisha Makeda
Graveney	Andrea Ann Marie
Green	Tannece Karyll-Ann
Guy	Kimberly Kristine
Guyah	Terri-Ann Hanora
Hall	Danneil Natalee
Hall	Venessa Monique
Harper	Tamsym Latoya
Harriott	Kevin John
Harris	Lamar Rena
Hendricks	Natasha Natiesha
Henry	Excene Ivorene
Henry	Marlene Elizabeth
Henry	Vincent George
Henry Ramdial	Sharon Antoinette
Henry-Freckleton	Nadine Shelly-Ann
Hewitt	Ansord Earl
Hinds	Howard Wade
Hope	Mark Anthony Devere
Houslin	Jayson Walter
Hudson	Cerlin Mae
Hunter	Shaniel Tesheka
Jackson	Mikhail Andrew Christopher
Johnson	Delroy Hugh
Johnson	Shallamar Deanna
Johnson	Cheryl Allison
Jones	Richard Andrew Dave

Jones	Ruth-Ann Elizabeth
Junor	Nieoker Venessa
Kellier	Nicole Cornel
Knight	Stacey
Knight	Francois Newton
Knnibb	Janelle Paula Denise
Lambert	Leofric Livingstone
Latibeaudiere	Latoya
Laughton	Charlene Elizabeth
Lawrence	Allison Tonnie
Lewin	Dainele Rochelle
Lewis	Kristin Danielle Lorraine
Lindo	Raoul
Lindsay	Natalee Ann-Marie
Longworth	Marissa Francine
Lovelace	Tamara Nicole
Maharaj	Sabita Renee
Malcolm	Donovan Oconor
Marsh	Karina Colette
Marshall	Hopeton
Marsh-Archer	Elesa Natasha
Matthews	Cecelia Claudette
McBean	Affia Ruby-Ann
McCalla	Lesley Ann
McDermoth Smith	Germaine
McDonald-Riley	Carolyn
McFarlane	Caprice Avril
McFarlane	Deanna Marie Clare
McHugh	Peter Lenworth
McKellar	Amanda Krystal
McLeod	Melissa Simone
Merchant	Tamara
Miller	Ano Maggielin
Miller	Heatha Mavarie
Miller	Sasha Taleta
Mitchell	Shauna-Gay Karessa
Mitchell	Horace Leigh

Mitchell	Karlene Althea
Monnah	Georgia
Moore	Lorraine Juliet
Moore	Samantha Peta-Gaye
Morgan	Nicole Orecia
Muir	Angela Janet
Mukul	Matondo
Mullings	Rowan Oliver
Munroe-Williams	Patrice Antonette
Murray	Clinvern Delroy
Muschette	Morriesha Makeda
Myers	Kadian Iecia
Myrie	Subrian Colleen
Negest Roys	Ayana Tsayson
Neil	Symone Natalie
Nesbeth	Vanessa Alexia
Odih	Love Ndidi
Ormsby	Channa Ann Marie
Osborne	Anna-Kaye Michelle
Pascoe-Muir	Kelly Coleen
Pennant	Ayana Nyamekye
Phillips	Michelle Theresa
Pickersgill	Shakira Ayana
Powell	Steven George
Pryce	Suzimae Velonie
Reid	Jermaine Anthony
Reid	Kareem Ellicia
Reid	Tyeesh Allia
Reid-Donaldson	Shara
Rhoden	Alicia Rose-Marie
Richards	Gillian Elizabeth
Richards	Cheryl Angela
Rickards	Natasha Rene
Riley	Sudine
Roberts	Fayola ann Maureen
Robinson	Gyan Gianni
Robinson	Tracy-Ann Lisa
Robinson	Ishia Adaneeki

Roockwood	Peta-Gaye Jhneanella
Roper	Marlene Elaine
Rowe	Sophia Elizabeth
Rowe	Taniesha
Russell	Tirshatha Kirkpatrick
Russell	Trudy-Ann
Rutty	Diron
Salmon	Debby-Ann Alicia
Salmon	Stacy-Ann Nicole
Shaw	Sadeera Anastasia
Shim	Janice Melissa
Sibbles	Dwight Anthony
Silvera Martin	Andrea Fayne
Simon	Georgette Erica
Sinclair	Joanne
Skyers	Zaieta Elecia
Smith	Maurice A.
Smith	Kereene Genieve Maureen
Smith	Clifford
Smith	Marvalyn
Smith	Sheree Olisia
Smith	Stephen George
Smith	Sandra
Smith-Waite	Betty-Ann Marie
Speid	Rudeine Chin
Stephenson	Terry-Joy Camille
Sterling	Dialo Andre
Sterling	Karla-Gae Allison
Stewart	Tiffany Tamika Renee
Stewart	Shantez Rahji
Stieble	Danielle Elizabeth
Stobbs	Cheanette Apolone
Taylor	Yanique Deserae
Taylor-Reid	Marlene Marcia
Thomas	Janice Andrea
Thomas	Joan Joanna
Thomas	Kwende Sadike Kitwana
Thomas	Joanna E.

Thomas- Shorter	Michael Leon
Thompson	Rosalee Suzette
Thompson Clarke	Diane
Toppin	Mark Antonio
Townsend	Peter Andrew
Tracey	Kerry-Ann Shamar
Villers	Kimberly Ruthlyn
Vincent	Indra Sedaney
Waite	Prince Netro
Walker	Denniese Ann
Walker	Dawn Marie
Walker	Kelli-Ann Nicole
Wallace	Malindo
Walters	Steve
Walters Gordon	Melisha
Watson	Wesley Garth
Watson	Yanique Geraldine
Waugh	Garland Boblen
Wedderburn	Julia Meada
West	Cheffanie Nicola
White	Devine Dorian
Whitley	Amina
Whyte	Kristina Alicia
Wildes	Andrew Mark
Williams	Glenroy St. Aubyn
Williams	Hodine O'Brian
Williams	Kerryann Marie
Williams	Roxanne Tracey-Ann
Williams	Sean Anthony
Williams	Basil Reginald
Williams	Lisa Marie
Williams	Shane Andre
Willimas	Stacy-Ann Sementa
Wilson	Karen Nicole
Wilson	Harold Washington
Wilson- Christie	Kaydian

Wisdom	Monroe Odane
Wood	Kadianne Alicia
Wynter	Karissa

Young	Nickeisha Lashaun
Ziadie	Amelia Cherie

CONCLUSION

The General Legal Council faces various challenges. These include ensuring greater compliance with the Act and the Regulations, including the requirements that attorneys file annual accounting reports and hold current practising certificates. The Council is also seeking to improve the efficiency of its operations, and in particular, to expedite the processes of dealing with complaints.

2013-2014 will be the first full year of the application of the 2012 amendments to the Legal Profession Act which authorized the Council to take action to protect clients' files and property, established a compensation fund and provided for mandatory continuing legal professional development. There will also be another significant increase in the number of new attorneys. The Council is preparing to deal with these additional responsibilities, and may make further representations to the Ministry and Parliament for changes to the legislation.

CHAIRMAN:

SECRETARY:

DATE: