

**DECISION OF THE DISCIPLINARY COPMMITTEE  
OF THE GENERAL LEGAL COUNCIL  
COMPLAINT NO. 34/2009**

IN THE MATTER of EDNA THORPE  
DAVID MORALES, ATTORNEY-AT-ALW

AND

IN THE MATTER OF THE LEGAL  
PROFESSION ACT 1971

Panel: Mr. Allan Wood, Q.C.  
Miss Beryl Ennis  
Mr. David Batts

HEARING: MAY, 15, 2010

The matter came on for hearing on the 15th May, 2010. There was no response from David Morales. On being satisfied that he was duly served with the notice by registered post the Panel proceeded to hear the complaint.

The Panel finds that during the period from July 13<sup>th</sup>, 2005 to July 17, 2006 the Complainant made payments totaling of \$190,000.00 to Mr. David Morales as attorney –at-law having the carriage of sale of land called Clayground part of Bamboo in St. Ann. Mr. Morales did not stamp the agreement for sale and the said sum was refunded to the Complainant without interest in October 2006. By the Legal Profession Accounts and Records Regulations 1999, Regulation 4 the said sum ought to have been held in a client’s trust account and pursuant to Regulation 8 the attorney ought to have accounted for interest thereon.

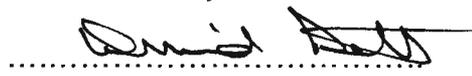
The attorney has failed to establish that the money was held in a trust account and that he has accounted for interest on same in keeping with the aforesaid regulations and this amounts to an act of professional misconduct.

The Complainant has computed the interest that should have been earned for the period at \$19, 975.91 and by way of Restitution it is ordered that Mr. David Morales is to pay to the Complainant the sum of \$19,975.91 together with costs in the sum of \$5,000.00.

Dated 15<sup>th</sup> May, 2010

  
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Mr. Allan Wood, Q.C.

  
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Miss Beryl Ennis

  
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Mr. David Batts