

JUDGMENT OF THE DISCIPLINARY COMMITTEE  
SANCTION

COMPLAINT NO: 137/2017

BEWTEEN                      ALLAN WOOD Q.C.                      COMPLAINANT  
AND                                      HOPETON KARL CLARKE                      RESPONDENT

PANEL                      PAMELA BENKA-COKER Q.C.

DELROSE CAMPBELL

JEFFREY DALEY

1. **NARRATIVE;** The primary judgement in this complaint was delivered by the panel on the 23<sup>rd</sup> of February 2019. The respondent attorney did not attend before the panel on the 23<sup>rd</sup> of February 2019 in spite of the fact that he was notified of the date of the delivery of the judgment.
2. On that date the respondent did not appear. The panel then adjourned the continued hearing of the complaint to the 6<sup>th</sup> April 2019 and did not impose any sanction, as the panel sought to give the attorney every opportunity to address it on the issue of the sanction to be imposed.
3. The respondent attorney has never appeared before the panel on any of the scheduled dates for hearing in spite of the fact of his having been notified to do so.
4. On the 6th April 2019, the respondent failed to appear but submitted a medical report alleging that he was indisposed for five days and seeking an adjournment of the hearing of the complaint until some time in June 2019.
5. The panel declined to adjourn the continued hearing of this complaint for June 2019 and adjourned it for hearing on the 25<sup>th</sup> May 2019. The panel was of the considered opinion that there should be no further extended delays in the completion of this complaint which was first initiated in July 2017. The complaint was adjourned to the of May 2019.
6. On the 25<sup>th</sup> May 2019, Mr. Sean Osbourne attorney-at-law represented Mr. Hopeton Clarke. Mr. Hopeton Clarke did not appear. Mr. Osbourne advised the panel that the respondent attorney was ill and unable to be present, but no medical certificate was produced.

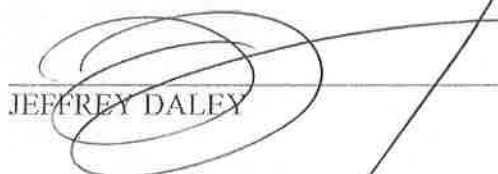
7. The panel again adjourned the hearing of the complaint in its continued effort to give the respondent attorney-at-law the opportunity to address the panel on sanctions. The hearing on the complaint was adjourned to the 15<sup>th</sup> June 2019 for completion.
8. There is no record of what occurred on the 15<sup>th</sup> of June 2019, but on the 22<sup>nd</sup> June 2019 when the hearing of the complaint was scheduled, it was observed by the panel that the heading of the primary judgment included the name of a the member who had not sat on the hearing of the complaint.
9. Mr. Jeffrey Daley had in fact been the third member and not Mr. Peter Champagne. This error was corrected, and the panel directed that the corrected judgement was to be sent to the respondent attorney-at-law.
10. The hearing of the complaint was then adjourned to the 13<sup>th</sup> July 2019 for hearing.
11. On the 13<sup>th</sup> July 2019 Mr. Sean Osbourne attorney-at-law represented the complainant. The respondent attorney failed to appear at this adjourned hearing. Mr. Osbourne addressed the panel on sanctions. Unfortunately, Mr. Osbourne was woefully unprepared to do so, as he demonstrated that there was very little that he could urge on behalf of the respondent in his submissions on sanctions.
12. The panel does not in any way blame Mr. Osbourne for this deficiency in his submissions. He is a very junior attorney-at-law and is too young to have garnered the experience needed to address the issues involved without senior professional guidance. All of the members of the panel can empathise with him as we were all inexperienced attorneys-at-law at some stage of our professional lives.
13. Further, he admitted that he did not know the respondent attorney well and really did not receive much information from him. In those circumstances there was nothing presented to the panel which may have influenced the exercise of its discretion in deciding the appropriate sanction to impose.
14. **EVALUATION OF THE FINDINGS:** The object of disciplinary proceedings against attorneys-at-law is to protect the interests of the public and the general reputation of the profession. Of course there are other considerations, the most important of which, is that there are specific and clearly articulated standards of professional conduct which are demanded of all attorneys-at-law and to which we must adhere.
15. It is irrefutable that the legal profession has had a long and distinguished presence in many countries and because of its privileged position it behooves all of us as attorneys-at-law to strive to adhere to the high standards required of us.

16. The professional misconduct of which the respondent attorney-at-law has been found guilty is very serious. It involves not only multiple breaches of the Legal Profession (Accounts and Records) Regulations 1999 but also multiple breaches of the requirements of The Legal Profession Act to pay yearly practice fees. He filed no accountant's reports or declarations for 14 years. He failed to pay practise fees for 5 years.
17. These breaches have not been addressed nor remedied notwithstanding that the respondent attorney would have had the time to make the necessary filings and settle outstanding practice fees belatedly during the several months over which this complaint was dealt with by the panel.
18. The panel has given serious consideration to the appropriate sanction to impose in these unusual circumstances and on these facts.
19. The panel is of the opinion that The Disciplinary Committee cannot be party to representing to the public that the respondent attorney is a fit and proper person to be practising law. The panel can in no way enable the attorney to continue to practise
20. The panel therefore orders that the name of the Attorney-at-Law Hopeton Karl Clarke be struck from the Roll of Attorneys-at-law entitled to practise law in Jamaica pursuant to section 12(4) of the Legal Profession Act.

Dated the 26<sup>th</sup> day of Oct, 2019

  
PAMELA BENKA-COKER Q.C.

  
DELROSE CAMPBELL

  
JEFFREY DALEY