

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

COMPLAINT NO. 228/2018

In the Matter of LOWEL MORGAN a
member of the General Legal Council and
KENNETH M. MCLEOD an Attorney-at-
Law.

AND

In the Matter of the Legal Profession Act,
1971

Panel: Daniella Gentles-Silvera - Chairman
Nadine Guy
Jeffery Daley

Appearances: Neither the Complainant nor the Respondent Attorney attended

Hearing: 29th June, 2019, 26th October, 2019.

COMPLAINT

1. The complaint against the Attorney, Kenneth M. McLeod (“the Respondent Attorney”) is contained in Form of Application dated the 19th November, 2018 and Affidavit of Lowel Morgan, member of the General Legal Council, sworn to on the 19th November, 2018 and Affidavit of Althea Richards, secretary of the General Legal Council. The complaint is that the Respondent Attorney had failed to deliver to the secretary of the General Legal Council Accountants Reports for the financial years 2007, 2008, 2009, 2013, 2014 and 2015 contrary to Rule 16(1) of the Legal Profession (Accounts and Records) Regulation, 1999

and was thereby guilty of professional conduct. The Respondent Attorney had been granted a practicing certificate for each of the six (6) years.

2. Having satisfied ourselves that the Respondent Attorney had been served pursuant to Rules 8 and 10 of the Legal Profession (Disciplinary Proceeding) Rules contained in the Fourth Schedule to the Legal Profession Act, the Panel proceeded to hear the matter in the absence of the Respondent Attorney and elected to hear the complaint on the affidavits filed in the matter specifically the Affidavit of Lowel Morgan and the Affidavit of Althea Richards.
3. The affidavits disclosed that the Respondent Attorney had failed to deliver an accountants report or declarations for six (6) years during which time he was granted practicing certificates for those years.
4. Failure to file an Accountant's Report or Declaration is contrary to Rule 16(1) of the Legal Profession (Accounts and Records) Regulations and therefore on the 29th September, 2019 we found the Attorney guilty of professional misconduct under Rule 17 of the said Regulations. For ease of reference the relevant provisions are set out hereunder. Section 16(1) of the Legal Profession (Accounts and Records) Regulation, 1999 provides as follows:
 - 1) "Subject to paragraphs (2), (3) and (4) every attorney shall, not later than six months after the commencement of any financial year deliver to the secretary of the council an accountant's report in respect of the financial year next preceding that year.
 - 2) An Accountant's report need not be delivered pursuant to paragraph (1) where the attorney satisfies the council, by delivering a declaration in the form shown in the First Schedule, evidencing that owing to the circumstances of his or her case it is unnecessary or impractical for him or her to do so. Such a declaration must be delivered to the secretary of the council not later than 6 months after the commencement of any financial year, in respect of the financial year next preceding that year."

Section 17 of the Regulations reads as follows:

“Failure by an attorney to comply with any of the provisions of these Regulations shall constitute misconduct in a professional respect for the purposes of section 12 of the principal Act.”

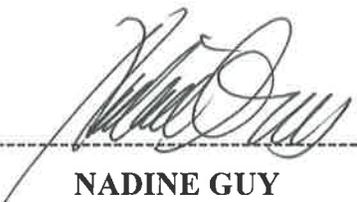
5. The matter was adjourned to the 20th July, 2019 for a sanction hearing. On that day the Respondent Attorney did not appear . He proffered no evidence nor submissions therefore the matter was adjourned for us to deliver our decision.

6. The object of the Legal Profession (Accounts and Records) Regulations, 1999 is to protect clients and third parties. The Respondent Attorney has deliberately flouted the provisions of the Legal Profession (Accounts and Records) Regulations for six (6) years and is still doing so which we cannot allow to continue. It is therefore the decision of this Panel to strike the Attorney, Kenneth M. McLeod from the Roll of Attorneys entitled to practice in the island of Jamaica pursuant to section 12(4) (a) of the Legal Profession Act.

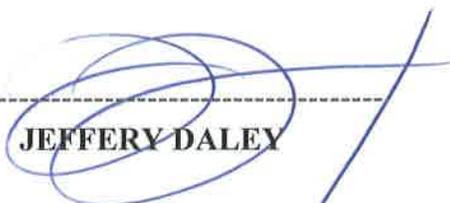
Dated the 26 day of October, 2019



DANIELLA GENTLES-SILVERA



NADINE GUY



JEFFERY DALEY