

# DECISION ON SANCTION

## DISCIPLINARY COMMITTEE OF THE GENERAL LEGAL COUNCIL

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Complaint No. 116/2015

BETWEEN            HYACINTH & LIONEL RANKINE            COMPLAINANTS  
AND                    HOWARD LETTMAN                                RESPONDENT

Panel:

Mr. Walter Scott, Q.C.  
Mr. Charles Piper, Q.C.  
Mr. Michael Thomas

### HEARING DATES

On the 18<sup>th</sup> December, 2019 a Sanction hearing was called up for the Respondent to make submissions in mitigation in relation to any sanction that the Panel may impose. The Respondent did not appear and the matter was adjourned to the 23<sup>rd</sup> January, 2020 for the Panel to deliver its decision on sanctions.

### BACKGROUND

1. By its decision dated 27<sup>th</sup> November, 2019 the Disciplinary Committee made the following findings:

The Panel is obliged by section 15 of the Legal Profession Act to make Findings of Facts. In this regard the Panel finds as follows:

1. The Attorney was engaged in February 1997 by the Complainants to act on their behalf with respect to the purchase of Lot No. 1, part of Spitzbergen in the parish of Manchester and being part of the land comprised in Certificate of Title registered at Volume 1259 Folio 114 of the Register Book of Titles.
2. An Agreement was signed by the Vendor and the Complainants.

3. A deposit of \$570,000.00 was paid to the Vendor leaving a balance of \$230,000.00 to be paid on completion, completion being within twelve (12) months of signing and on presentation of the registered title in the name of the purchasers.
  4. The Complainants visited the Attorney's office on several occasions not having heard from him concerning their business and still did not receive any information from him.
  5. The Complainants retained the services of two separate Attorneys to assist them and one of them Mrs. Stewart Harrisingh wrote the Attorney on three separate occasions and received no response in writing from the Attorney.
  6. The Complainants on the 21<sup>st</sup> May, 2015 filed a Form of Application against the Attorney supported by an Affidavit.
  7. To the 5<sup>th</sup> August, 2016 the date of giving evidence, the Complainants had still not received the Certificate of Title from the Attorney or any information as to the progress of their business.
  8. We find as a fact that the Complainants did not pay any monies to the Attorney. The only mention of monies paid was a deposit of \$570,000.00 paid by way of cheque made out to the Vendor who signed a receipt for same and which was given to the Complainant.
2. Additionally, in the said decision of 29<sup>th</sup> November, 2019 the Disciplinary Committee found as follows:-

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

3. The Panel finds the following excerpt from the judgment in the case of ***Bolton v Law Society (1994) 2 AER 486*** to be apposite as well as instructive.

"...Any solicitor who is shown to have discharged his professional duties with anything less than complete integrity, probity and trustworthiness must expect severe sanctions to be imposed upon him by the Solicitors Disciplinary Tribunal. Lapses from the required high standard may, of course, take different forms and be of varying degrees.....It is important that there should be full understanding of the reasons why the tribunal makes orders which might otherwise seem harsh. There is, in some of these orders, a punitive element; a penalty may be visited on a solicitor who has fallen below the standards required of his profession in order to punish him for what he has done and to deter any other solicitor tempted to behave in the same way.....In most cases the order of the tribunal will be primarily

directed to one or other or both of two other purposes. One is to be sure that the offender does not have the opportunity to repeat the offence. This purpose is achieved for a limited period by an order of suspension; plainly it is hoped that the experience of suspension will make the offender meticulous in his further compliance with the required standards. The purpose is achieved for a longer period, and quite possibly indefinitely, by an order of striking off”.

4. The Panel would not ordinarily without more impose a sanction of striking off for a breach such as that committed by the Respondent.

The Panel is however mindful of aggravating factors which in its considered view support a decision to strike off the Respondent from the Roll of Attorneys entitled to practice. These are:

- a) The Respondent was engaged in February 1997 to represent the Complainants with respect to the purchase of a lot of land. In particular the Respondent who also represented the Vendor in the said transaction was obliged and expected to secure a registered title for the Complainants. After 20 plus years the Respondent has failed to do so, causing severe inconvenience to the Complainants and putting them to additional expenses in them having to employ alternative legal representation.
- b) The attitude of the Respondent towards the Claimants as described by the Claimant Hyacinth Rankine in her testimony can be categorized as nothing short of contemptuous.
- c) This attitude continued to be demonstrated by the Respondent in absencing himself from all hearing dates although being offered by the Panel every opportunity to appear and advance and protect his interests, culminating in the complaint being heard in his absence.
- d) The records of the General Legal Council show that the Respondent has been previously disbarred on six occasions having been found guilty of professional misconduct for breaches of Cannons of the Legal Professional Rules under the Legal Profession Act. These breaches include, inter alia, breaches of Cannon 4r in every case which is listed hereunder:

- 1. Hazel Hanson v Howard Lettman December 12, 2017
- 2. Coreen Chambers v Howard Lettman September 28, 2018
- 3. Oneil Wright v Howard Lettman July 28, 2018
- 4. Barbara Thomas v Howard Lettman April 1, 2019
- 5. Veronica Smith v Howard Lettman November 23, 2019
- 6. Anthony Morgan v Howard Lettman June 22, 2019

5. Section 12 (4) of the Legal Profession Act provides the sanctions that may be imposed by the Panel.
6. In all the circumstances of this case, the Panel is of the considered view that the appropriate sanctions are that:
  - a) The Respondent's name be struck from the Roll of Attorneys-at-Law entitled to practice in the island of Jamaica.
  - b) The Respondent Attorney is ordered to pay costs in the sum of **\$400,000.00** of which **\$250,000.00** is to be paid to the Complainants and **\$150,000.00** is to be paid to the General Legal Council.

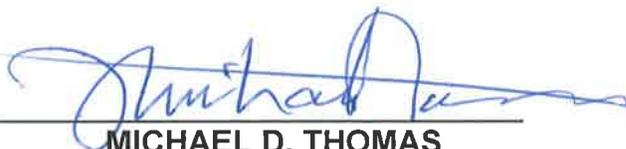
DATED THE 15<sup>TH</sup> DAY OF FEBRUARY, 2020.



WALTER SCOTT, Q.C.



CHARLES PIPER, Q.C.



MICHAEL D. THOMAS