

SU2020CV02031



**AMENDED FORMAL ORDER  
OF THE DISCIPLINARY COMMITTEE OF THE GENERAL LEGAL COUNCIL**

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**COMPLAINT NO: 141/2018**

**IN THE MATTER OF SALOME BAILEY VS HUMPHREY  
MCPHERSON**

**AND**

**IN THE MATTER OF THE LEGAL PROFESSION ACT 1971**

**PANEL: Mr. Jerome Lee  
Mrs. Nadine Guy  
Mr. Kevin Powell**

**DECISION DELIVERED ON 6<sup>TH</sup> MARCH 2020**

**UPON THE APPLICATION** made under section 12(1) (a) of the Legal Profession Act and dated 12<sup>th</sup> June 2018 and Affidavit in support dated 12<sup>th</sup> June 2018 and coming on for hearing before the Disciplinary Committee on the 13<sup>th</sup> November 2019, 29<sup>th</sup> January 2020 and 6<sup>th</sup> March 2020,

**AND UPON** the Complainant, Salome Bailey appearing and having given evidence on oath,

**AND UPON** the Respondent Attorney-at-law, Humphrey McPherson, not appearing or responding to the Application,

**AND UPON DUE CONSIDERATION** of the sworn evidence of Salome Bailey,

**AND UPON** the Committee having found the Attorney-at-law, Humphrey McPherson, guilty of professional misconduct on 29<sup>th</sup> January 2020,

**AND UPON** the Attorney having been given the opportunity to make submissions in mitigation of sanction on 6<sup>th</sup> March 2020 but not appearing nor sending any written affidavit or submissions in mitigation,

**THE COMMITTEE FINDS THAT:**

The Attorney Humphrey McPherson is guilty of professional misconduct in that on May 8, 2009 the Attorney obtained judgment on behalf of Salome Bailey in the sum of \$3,119,958.77 together with interest at 3% per annum from January 1, 1993 to June 30, 1999 and 6% per annum from July 1, 1999 to December 31, 2002. The Attorney collected a total judgment sum of \$6,410,612.11 but only paid Mrs. Bailey a total sum of \$2,287,500.00. Despite repeated requests the Attorney did not inform Mrs. Bailey that he had received the full judgment sum or pay her the balance of \$2,520,459.08 due to her, taking into account his 25% contingency fee.

The Attorney has breached Canons I(b), IV(r) and VII(b)(ii) of the Legal Profession (Canons of Professional Ethics) Rules.

**PURSUANT TO THE FOREGOING FINDINGS, THE COMMITTEE UNANIMOUSLY HEREBY ORDERS THAT:-**

Pursuant to section 12(4) of the Legal Profession Act as amended:

1. The name of the Respondent Attorney, Humphrey McPherson be struck from the Roll of Attorneys entitled to practice in the several courts of Jamaica.
2. The Respondent Attorney, Humphrey McPherson is to give restitution to the Complainant by paying her the sum of \$2,520,459.08.
3. The Respondent Attorney shall pay costs of \$45,000.00 to the Complainant.



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CHAIRMAN OF THE PANEL

6<sup>th</sup> March 2020