

DECISION OF THE DISCIPLINARY COMMITTEE
OF THE GENERAL LEGAL COUNCIL

COMPLAINT NO. 138/2020

In the Matter of Zuri Djan vs Jacqueline Minto

AND

In the Matter of the Legal Profession Act, 1971

PANEL: MRS. DANIELLA GENTLES SILVERA. - CHAIRMAN
MR. PIERRE ROGERS
MR. SEYON HANSON

HEARING DATES: 10th April 2021, 5th June 2021, and 19th June 2021.

The Panel having been satisfied that the Respondent Attorney Ms. Jacqueline Minto was served with notice of hearing for today's date June 19, 2020, proceeds to give its decision on this matter.

The complaint filed by and relied on by the complainant, is that:

1. The attorney withdrew from her employment without taking reasonable steps to avoid prejudice or injury to my position and rights as her client.
2. She has not provided me with all information as to the progress of my business with due expedition although I have reasonable required her to do so.
3. She has not dealt with my business with due expedition.
4. She has acted with inexcusable or deplorable negligence in the performance of her duties.

5. She has not accounted to me for all the assets in her hands for my account of credit although I have reasonably required her to do so.
6. She is in breach of Canon 1b, which states that “an *attorney shall at all times maintain the honor and dignity of the profession and shall abstain from behaviour which may tend to discredit the profession of which she is a member*”.
7. She is in breach of Canon 6d which states “an *attorney shall not give a professional undertaking which he cannot fulfil and shall fulfil every such undertaking which he gives*”.
8. She has breached the Legal Profession Accounts and Records Regulations.

Evidence

The evidence in summary was that in 2016 Ms. Minto was retained to administer the estate of the complainant’s parents to obtain Grants of Letters of Administration as both parents had died intestate, the estate consists of two properties, one at Paradise Acres and the other at Hart Street in Montego Bay. The property at Hart Street had a registered title. All the documents in relation to Ms. Minto administering the estates were given to her on the 13th September 2016 including the Title to the Hart Street property. Ms. Minto was also instructed to sell off the assets in the estates once she received the Letters of Administration. On the 22nd February, 2018 by email she told the complainant that she had now received Letters of Administration and as the Hart Street property had a Title they could proceed with the sale of the property. A buyer was identified for the Hart Street property and Ms. Minto was advised of this so that she could represent the executor/administrator of the estate in the sale of the property. Notwithstanding the complainants attempts to speak to her about the sale of this property, she could not get in touch with her. Telephone calls were not successful, they were mainly made to her secretary who consistently advised that Ms. Minto was not available. Emails were sent, and they were not responded to by Ms. Minto. Eventually, after seven to eight months the purchaser withdrew from the sale. Once again contact was made with Ms. Minto, but the complainant and her brothers were not able to speak to Ms. Minto. A second purchaser was found, and Ms. Minto was advised of this and once again she did not respond. The second purchaser also got fed up with the delays and they too withdrew from the sale. In June 2019, the complainant and her brothers decided to retain a new

attorney and requested of Ms. Minto that she returned all the documents that they had given to her, Ms. Minto acceded to this request and returned most of the documents but never returned the Registered Title for the Hart Street property. Since that period, the complainant and her brothers have been trying to get the Registered Title from Ms. Minto but all their efforts have not borne fruit hence the filing of this complaint before the Disciplinary Committee. It is also important to note that the attorney was paid in total \$501,868.00 by the complainant and her brothers and that the purchase price for the Hart Street property in relation to the two proposed purchasers was \$5,500,000.00. Having listened to the complainant and her two witnesses, our findings are as follows:

Findings

- With respect to the complaint that the attorney has not provided the complainant with all information as to the progress of her business with due expedition and she has not dealt with their business with all due expedition; the Panel relies on the fact that from 2018 after obtaining Letters of Administration the complainants found a purchaser and advised Ms. Minto of the purchaser and yet Ms. Minto did nothing regarding the sale of the property until the complainant and her brothers in June of the following year had to ask back for their documents which led to the complainants losing out on two sales of the said property and to date they still have not received the Title for the Hart Street property.

We also find beyond all reasonable doubt that the attorney has not accounted to the complainant for monies in hand which they paid to her nor for their assets and by assets we are specifically referring to the Hart Street property.

She has also failed to maintain the honor and dignity of the profession in breach of Canon 1 (b) and her conduct in completely ignoring her clients in not representing them in the sale of the Hart Street property and in not returning the Title for the Hart Street property, is conduct which we find tends to discredit the profession of which she is a member.

The attorney is therefore guilty of professional misconduct, and we make the following orders.

Orders:

1. A fine is imposed against the attorney Jacqueline Minto for sum \$200,000.00 which she must pay to complainant.
2. The attorney must pay the cost of these proceeding in the amount of \$140,000.00, of which \$70,000.00 is to be paid to complainant and \$70,000.00 to be paid to the General Legal Council.
3. Both the fine and the cost are to be paid by the Attorney on or before 19th July 2021.

DATED THE 19TH DAY JUNE OF 2021.



MRS. DANIELLA GENTLES SILVERA



MR. PIERRE ROGERS



MR. SEYON HANSON