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FORMAL ORDER OF THE DISCIPLINARY COMMITTEE OF
THE GENERAL LEGAL COUNCIL MADE ON COMPLAINT
NO. 29/2021

IN THE MATTER OF SONIA MCPHERSON VS JOHN
THOMPSON, AN ATTORNEY-AT-LAW

AND

IN THE MATTER OF THE LEGAL PROFESSION
ACT 1971

PANEL: MR. DEBRA MCDONALD - CHAIRMAN
MS. ANNALIESA LINDSAY
MR. KEVIN POWELL



DECISION DELIVERED ON OCTOBER 30, 2023.

UPON THE APPLICATION made under section 12 (1) (a) of the Legal Profession Act and dated the 20th August, 2020 along with supporting Affidavit sworn to on the 20th August, 2020 and coming on for hearing before the Disciplinary Committee on the 6th November, 2021, 11th December 2021, 5th February, 2022, 5th March, 2022, 19th March, 2022, 2nd and 23rd April, 2022, 18th June, 2022, 25th July, 2022, 21st September, 2022, 11th October, 2022, 26th October, 2022, 17th May, 2023, 1st July, 2023 and 30th September 2023.

AND UPON the Complainant Sonia McPherson, ("the Complainant"), appearing with Counsel Mr. Ludlow Black, and having given evidence on oath,

AND UPON the Attorney-at-Law John Thompson ("the Attorney") appearing with Counsel Ms. Ingrid Lee Clarke Bennett, and having given evidence on oath,

AND UPON DUE CONSIDERATION of the sworn evidence of the Complainant and of the Attorney together with documentary evidence,

AND UPON the Committee finding the Attorney guilty of professional misconduct on 7th May 2023,

AND UPON Counsel Mr. John Clarke for the Attorney having made submissions in mitigation of sanction on the 30th September 2023,

THE COMMITTEE FINDS THAT:

1. The Attorney acted in the sale of several lots at Haughton Court, Hanover for the owners, the brothers, Abijah, Banfield and Fredel Buchanan. The Attorney received all his instructions from Sonia Clare, who he knew acted as agent for both the vendors and the purchasers of the lots, including Lots 12, 23 and 24.
2. The Complainant and her husband purchased Lot 23. The Complainant's mother and siblings entered into an agreement for the purchase of Lot 24. The Attorney had carriage of sale over these transactions.
3. Lots 23 and Lots 24 were adjoining lots. The Complainant intended to erect a structure that would straddle both lots and was interested in purchasing Lot 24, which would require the cancellation of the sale of Lot 24 to her mother and her siblings. In exchange for the cancellation of the sale of Lots 24, the Complainant purchased Lot 12 for her mother and her siblings.
4. Prior to the completion of the sale of Lot 24, Ms. Clare informed the Attorney of the Complainant's intentions. The Complainant met with the Attorney and in furtherance of her intentions instructed the Attorney to cancel the sale of Lot 24 to her mother and to complete the sale of that lot to her. She paid the Attorney the sum of US\$770.00 as a retainer, which the Attorney accepted and for which he issued a receipt dated August 17, 2001.
5. The Attorney did not cancel the agreement for sale of Lot 24 in accordance with the Complainant's instructions. Instead, the Attorney completed the transfer of Lot 24, 19 years after the Complainant had communicated her instructions to him and paid him US\$770.00 in furtherance of those instructions. The Attorney failed to advise the Complainant that he could not carry out her instructions until September 2020 and failed and/or refused to refund the Complainant the sums he received from her.

The Committee therefore finds that the Attorney has breached Canons IV (r) and IV (s) of the Legal Profession (Canons of Professional Ethics) Rules. The Committee further carefully considered the submissions made by Mr. John Clarke, and agree that this matter was not one that attracted the severest of sanctions of striking off. The Committee also agreed with his suggestions as to possible sanctions that may apply.

THE COMMITTEE UNANIMOUSLY HEREBY ORDERS THAT: -

Pursuant to Section 12 (4) of the Legal Profession Act:

1. The Attorney Mr. John Thompson is reprimanded.
2. The Attorney is to reimburse the Complainant the sum of US\$770.00.
3. The Attorney is to pay costs in the sum of \$250,000.00 to the Complaint.
4. The Attorney is to pay costs in the sum of \$100,000.00 to the General Legal Council.
5. The Attorney is to pay a fine of \$300,000.00 to the General Legal Council.
6. The Attorney Mr. John Thompson is to deliver the title for Lot 24 to the Complainant's Attorney upon receipt of the relevant authority by the respective owners duly notarized.
7. All payments ordered are to be paid by the Attorney on or before October 30, 2023.



CHAIRMAN OF PANEL

Dated the September 30, 2023