



2. The Complainant's evidence was that she is a retired Nurse assistant living in North Carolina in the United States of America. Her mother Esther Isadore Michael who owned and had registered Certificate of Title for properties at Crowd Common and Kings Valley in Westmoreland died on or about the 1<sup>st</sup> September 1998. In March 1999 she sought the services of the Attorney to wind up her mother's estate and in particular to have her name transferred to the Certificates of Title. For this purpose she handed him her mother's Will, the executor thereon was the mother of the Attorney, as well as her two Certificates of Title one of which had her name as joint tenant with her mother. She paid him Fifteen Thousand Dollars (\$15,000.00) on the 16<sup>th</sup> March 1999 One Hundred and Ninety Five United States Dollars (US\$ 195.00) on the 16<sup>th</sup> March 1999 and Two Hundred and Sixty Thousand Dollars (\$260,000.00) on the 22<sup>nd</sup> April 2003 purportedly for estate duty payable to the Stamp Commissioner.

3. Since then it proved impossible to get an appointment to see the Attorney even though she was in Jamaica for 3 weeks in May. Nevertheless she seemed satisfied that the monies sent for the Estate Duty was paid over to the Stamp Office.

4. The hearing was then adjourned to give the Attorney the opportunity to attend. This was resumed on the 4<sup>th</sup> March 2006. The panel was satisfied that both the Complainant and the Attorney were not only notified to attend on that day but were served with copies of the Notes of evidence taken on the previous occasion. The Complainant was present at the commencement of the hearing. In answer to some preliminary questions she stated that she was 80 years old had come to Jamaica specifically for the purpose of her complaint at a cost of United States Five Hundred Dollars (\$500.00). Grange Hill in Westmoreland is where she stays in Jamaica and spent another Jamaican Five Hundred Dollars (\$500.00) to be at the enquiry.

5. The Attorney appeared at 12 noon. When he was invited to cross examine the Complainant he requested an adjournment on the grounds that his Attorney-at-Law Mr. Lawrence Haynes was absent. It was noted that the Notes of evidence of the previous hearing and the Notice for this hearing were served on the Attorney on the 26<sup>th</sup> January 2006. In all the circumstances his application for adjournment was not entertained.

6. In cross examination the complainant states that she now knows who the executor of her mother's Will is; at the request of the Attorney she gave him two Certificates of Title, denied that she signed any documents in respect to the death of her mother but when shown certain documents viz

Revenue Affidavit, Affidavit in proof of Death, Application to Note Death, a Statutory Declaration, she admitted the signature on each as hers.

7. The Attorney in his evidence states that he has known the complainant for upwards of 43 years; the deceased mother was a client since 1982. Her Last Will was done in his office the original of which he does not have as it is filed in the Supreme Court apparently with an application for Probate as far back as 1999. In July of that year there was a requisition from the Supreme Court for a Supplementary Will Bond - Supplemental Oath - apparently Executors. The necessary documents were filed in the Office of the Stamp Commissioner and the

properties were valued and duty assessed which was paid.

8. The Attorney denies all the allegations of the Complainant contained in her affidavit.
9. On the totality of the evidence adduced in this matter the Panel is satisfied that
  1. the Attorney J. Vernon Ricketts acted for the Complainant in respect to the estate of her mother Esther Michael
  2. The Attorney commenced so doing since 1999 and to date is not complete.
  3. That in view of the fact that the property was assessed and estate duty paid, the original copy or certified copy of the Certificate of Death of the Testatrix was not necessary and so could not have been requested.
  4. The Complainant spent One Thousand United States Dollars (\$1000.00) to pursue her complaint.The Panel therefore finds
  - i) that the Attorney has not dealt with the complainant's business with all expedition.
  - ii) That he has acted with inexcusable or deplorable negligence in the performance of his duties.

Accordingly it is hereby ordered that

- i) Pursuant to section 12(4)(a) of the Legal Profession Act, the Attorney is to pay a fine to the General Legal Council in the sum of Fifty Thousand Dollars (\$50,000.00)
- ii) The Attorney is also to pay costs to the Complainant in the sum of Eighty Thousand Dollars (\$80,000.00)

Dated the } day of March 2007

  
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CLAYTON MORGAN

  
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LINCOLN EATMON

  
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LEILA ROBINSON