

MINISTRY PAPER NO. 92/18

1.0 Purpose

1.1 The Honourable House is asked to note that Cabinet has approved the tabling of the Annual Report with Audited Financial Statements for the General Legal Council for the period April 1, 2017 to March 31, 2018.

2.0 Background

- 2.1** The General Legal Council (GLC) was established in 1972, in accordance with the Legal Profession Act. Its statutory function is concerned with the legal profession and in particular the organisation of legal education and the upholding of standards of professional conduct. By virtue of the Legal Education Act, the Council's function as the Legal Education Authority is vested in the Council of Legal Education, which is established by Agreement among several Commonwealth Caribbean countries.
- 2.2** Except for Law Officers of the Crown and Legal Officers of Government who are ex officio members entitled to practice as such, no person can lawfully practice as an Attorney-at-Law who does not hold a Practising Certificate issued by the Council. Practising Certificates are issued annually on satisfying certain requirements, including the payment of an annual fee.
- 2.3** The Council is required to appoint from among its members or former members, Judges or retired Judges and Attorneys-at-Law of not less than ten (10) years standing to the Disciplinary Committee, which adjudicates on complaints of misconduct by Attorneys-at-Law in any professional respect.
- 2.4** The Council is authorised to make rules prescribing the standards of professional etiquette and professional conduct for Attorneys-at-Law

and to direct that any specified breaches of such rules constitute misconduct in a professional respect.

3.0 Highlights of the Report

3.1 Membership

The membership of the GLC for the reporting period was as follows:

Mr. Allan Wood, Q.C. Chairman	
Mr. Richard Ayoub	Mrs. Denise Kitson, Q.C.
Mrs. Pamela Benka-Coker, Q.C.	Mr. N. Patrick McDonald
Ms. Annaliesa Lindsay	Mr. Lowel Morgan
Hon. Mr. Justice Patrick Brooks, C.D.	Mrs. Janet Morrison
Miss Saverna Chambers	Miss Hilary Reid
Mr. Adley George Duncan, Snr.	Mr. Walter Scott, Q.C.
Mrs. Nicole Foster-Pusey, Q.C.	Mrs. Donna Scott-Mottley
Mr. Linton P. Gordon	The Hon. B. St. Michael Hylton, O.J. Q.C

3.1.1 During the period, the GLC convened ten (10) meetings, in addition to a planning retreat in June 2017.

3.1.2 The staff complement was seventeen (17) persons. However, the Council received one staff resignation and recruited one person.

3.2 Committees of the General Legal Council

For the period under review, chairpersons of the respective Committees (11) were as listed below.

COMMITTEE	CHAIRPERSON
Accounting Reports	Hilary Reid
Accreditation	Denise Kitson
Advertising Regulatory	Daniella Gentles-Silvera
Continuing Legal Professional Development	Justice C. Dennis Morrison
Compensation Fund	John Bassie
Finance and Accounting	Lowel Morgan
Information Technology	Denise Kitson
Proceeds of Crime Act	Allan Wood
Protection of Client's Assets	Annaliesa Lindsay
Regulatory Reform	Lowel Morgan
Disciplinary Committee	Walter Scott, QC –expired on 30.09.17 Mrs. Daniella Gentles Silevra – commenced on 01.10.17

3.3 Accreditation Committee

3.3.1 During the period January to December 2017, the Committee received four hundred and fifty (450) new applications. Of this number two hundred and sixty-three (263) were successfully addressed, seven were refused and one hundred and eighty (180) deferred.

3.3.2 One hundred (100) applications were received from institutions, for accreditation of courses to be presented by them; representing an increase of 25% over the same period last year. Also, one hundred and fifty (150) applications were received from individuals for accreditation of activities in which

they had participated or which they proposed to present. This represents a 50% increase over the previous year.

3.3.3 For the same period, of a total number of two thousand two hundred and sixty-five (2,265) attorneys, six hundred and eighty-six (686) or 30% were compliant in their participation in the CLPD programmes while one thousand four hundred and six or (1406) or 62% were partially compliant and had until November 2018 to become fully compliant. Twenty (20) or 1% received exemptions; one hundred and eleven (111) or 5% received extensions and forty-two (42) or 2% were within their extended period for compliance.

3.3.4 The number of applications for accreditation continues to increase, and the amendments to the relevant legislation have been completed which will ensure the implementation of provider status, initially, to those institutions that have a proven track record in the delivery of credible seminars.

3.3.5 A draft Accreditation Policy has been completed and a proposed Policy to treat with retired attorneys who wish to continue having their designation is under review by the Council.

3.4 Advertising Regulatory Committee

3.4.1 The primary focus of the Advertising Regulatory Committee is to review specific proposed advertisements by individual practitioners and law firms, regarding their suitability and compliance with the Advertising Rules.

3.4.2 The Committee met eight (8) times and carried out activities to include:

3.4.2.1 Issuance of ten (10) letters to Attorneys-at-Law advising them that their advertisements on Television Jamaica; websites, internet, social media platform; and sponsorship products were in breach of the Canons of the Legal Profession (Canons of Ethics) Rules and they should take steps to rectify these breaches. They also responded to requests for approval to advertise.

3.4.2.2 Communicated to the GLC on certain attorneys who have refused to comply with regulatory rules.

3.5 Continuing Legal Professional Development (CLPD)

3.5.1 The scope of the CLPD Committee is to design and present courses for the purposes of enhancing the professional development of attorneys-at-law. Programmes include mandatory areas such as Ethics, Client Welfare, Business Management and Finance.

3.5.2 In fulfilling its mandate to enhance accessibility to seminars, the Committee convened 61 seminars island wide; namely in Kingston, Manchester, St. James, St. Ann, and to a lesser extent, in Westmoreland and St. Elizabeth. Overall, there has been a total of eight thousand nine hundred and sixty-one (8,961) registrations by attorneys for the seminars.

3.5.3 The CLPD Committee continues to generate revenue in excess of its expenditure. Net contribution of \$14.4 million was made to the Council's coffers. Increased revenue was attributed to the various cost containment measures, which included the delivery of seminars at relatively low cost.

3.5.4 The CLPD Committee is preparing to deliver its first online seminar in September 2018. In preparation for this facility,

during the period under review, the Committee evaluated several platforms with a view to determining the best one to enable the delivery of the seminars which would satisfy the Regulations. A selection was made, with tests being carried out to determine its full capabilities.

3.6 Finance and Accounting Committee

The Committee continued to guide, support and strengthen the Council's financial activities during the period to ensure that the Council's financial and accounting operations continued to be appropriately managed.

3.6.1 For Practising Certificate, the following fee structure came into effect in January 2018:

Period of Practice	Fees
Less than five years' standing	\$14,000.00
Five years' standing but less than fifteen	\$28,800.00
Fifteen years standing and over	\$43,200.00
Attorney-at-law who has retired from practice	\$10,000.00
Attorney-at-law in the first year of practice who applies for a practising certificate after September 1 in that year	\$7,200.00

3.6.2 It is estimated that there are approximately three thousand six hundred and twenty-eight (3,628) attorneys on the roll. However, in 2017/2018, only two thousand one hundred and sixty-one (2,161) attorneys held Practising Certificates.

3.6.3 The Council has published on its website a list of Attorneys-at-Law, who are entitled to practice by virtue of having paid their Practising Certificate fees. There is ongoing

collaboration with the Supreme Court, Registrar of Titles, and other relevant Agencies and Departments to ensure that persons who are not entitled to practice are prohibited from doing so.

3.7 Protection of Clients' Property Committee

3.7.1 The report highlights estate and other matters that were addressed by the Committee during the reporting period. In addition to these matters, the Committee has plans afoot to prepare a presentation for the CLPD, regarding the importance for attorneys to put the requisite arrangements in place for their clients in the event of their (the attorneys) death, incapacity and / or their being struck off the Role.

3.8 Disciplinary Committee

3.8.1 The Disciplinary Committee of the GLC is responsible for the maintenance and enforcement of discipline in the legal profession by the examining and hearing of complaints laid against attorneys-at-law.

3.8.2 During the period under review the Committee held ten (10) meetings.

3.8.3 The report details a summary of complaints dealt with by the Committee to include those filed, disposed of, pending, withdrawn, upheld, among other considerations.

3.8.4 Five attorneys-at-law were struck off the Roll, while fourteen (14) attorneys filed appeals in the Court of Appeal against the disciplinary decisions made against them.

3.8.5 In April 2018, the Disciplinary Committee implemented a computerized database called Curia Suite Apex Case Management System. According to the report, this system consists of a group of case management and automation solutions, specifically designed to automate case management activities and provide timely and accurate performance reports to improve efficiency and productivity.

4.0 Salaries and Emoluments of Senior Officers

4.1 The salaries and emoluments for senior officers and Directors of the GLC for the 2017/18 period are outlined in **Appendix 1**.

5.0 Accounts of the General Legal Council

5.1 Audited financial statement for the year ending 31 March 2018, shows the Council's Income and Expenditure as having an income of Eighty-seven Million Two Hundred and Thirty-three Thousand Seven Hundred and Eighty-three Dollars (\$87,233,783.00), with expenditure of Eighty-six Million Two Hundred and Twenty-two Thousand Six Hundred and Forty-five Dollars (\$86,222,645.00). The Council ended the period with a total comprehensive income for the year of One Million Eleven Thousand One Hundred and Thirty-eight Dollars (\$1,011,138.00).

The Honourable House is asked to note the foregoing.



Delroy Chuck, QC
Minister
September 18, 2018