

**MINISTRY OF JUSTICE’S RESPONSE TO UMHR SPECIAL PROCEDURES
QUESTIONNAIRE**

1) The Constitution of Jamaica being the supreme Law of the land forms the basis of all our legislation including those that touch and concern the responsibilities of Attorneys who practice law. It is important to note that in The Charter of Fundamental Rights and Freedoms (Constitutional Amendment) Act, 2011, the role of the Attorney is recognised. Section 14(2)(d) of the Charter provides that a person who is arrested or detained has the right to communicate with and retain an Attorney-at-Law. Though this is a right enjoyed by the accused, the way the courts have interpreted the right speaks to critical nature of the role and function the Attorney provides and the necessity to protect and preserve those functions to the full extent of the law. It is from this recognition of the primacy of the role and function the Attorney, much of our local laws concerning Attorneys find its basis and significance. This is exemplified in the Proceeds of Crime Act which recognizes attorney client privilege at section 94(8). This provision enables attorneys to exercise their professional activities in a favour of their clients in a free and independent manner. The year 1972 was a watershed year for the legal profession because that year the Legal Profession Act, one of the primary pieces of legislation guiding local Attorneys was passed. This Act merged the roles of Solicitor-at-Law and Barrister-at-Law into a unified legal profession. Legal Practitioner’s since then are referred to as Attorneys-at-law. It further established a supervisory body called the General Legal Council (“the Council”) tasked primarily with the responsibility of putting in place and maintaining the requisite professional standards of competence and made provision for the legal education / training and the licensing of attorneys. Attorneys-at-Law are also obliged to recognize the directives contained in the various Regulations (attached as Appendix “A”) and the Code of Ethics, which is viewed in conjunction with the original Legal Profession Act.

Legislation	Type	Year	Topics
<u>Legal Profession (Disciplinary Proceedings)</u>	Regulation	2014	

Legislation	Type	Year	Topics
<u>(Amendments) Rules, 2014</u>			
<u>Council of Legal Education Act</u>	Act	1974	<u>index</u>
<u>GLC Legal Profession (Accounts and Records) Regulations Consolidated 2017</u>	Regulation	2017	
<u>Guidelines on the With-Holding of Practising Certificates for Non-Compliance with the Legal Profession (Accounts & Records) Regulations</u>	Regulation	2018	
<u>Legal Profession (Accounts and Records) (Amendment) Regulations, 2019</u>	Regulation	2019	
<u>Legal Profession (Accounts and Records) (Further Amendment) Regulations, 2021</u>	Regulation	2021	
<u>Legal Profession (Amendment) Act, 2007</u>	Act	2007	
<u>Legal Profession (Canons of Professional Ethics) (Amendment) Rules, 2014</u>	Regulation	2014	
<u>Legal Profession (Canons of Professional Ethics) (Amendment) Rules,</u>	Regulation	2016	Advertising

Legislation	Type	Year	Topics
<u>2016</u>			
<u>Legal Profession (Canons of Professional Ethics) (Amendment) Rules, 2019</u>	Regulation	2019	
<u>Legal Profession (Contingency Fees) Regulations, 2018</u>	Regulation	2018	
<u>Legal Profession (Continuing Legal Professional Development) (Amendment) Regulations, 2014</u>	Regulation	2014	
<u>Legal Profession (Continuing Legal Professional Development) (Amendment) Regulations, 2016</u>	Regulation	2016	
<u>Legal Profession (Continuing Legal Professional Development) (Amendment) Regulations, 2018</u>	Regulation	2018	
<u>Legal Profession (Disciplinary Proceedings) (Amendment) Rules, 2019</u>	Regulation	2019	
<u>Proceeds of Crime (Amendment) Act, 2013</u>	Act	2013	
<u>Proceeds of Crime (Money Laundering Prevention)</u>	Regulation	2007	

Legislation	Type	Year	Topics
<u>Regulations, 2007</u>			
<u>Proceeds of Crime Act</u>	Act	2007	
<u>The Disciplinary Committee (Appeal Rules), 1972</u>	Regulation	1972	<u>Notice of Appeal Grounds of Appeal Procedures</u>
<u>The General Legal Council's Compensation Fund Rules</u>	Regulation	2020	
<u>The General Legal Council's Compensation Fund Rules - Amendment</u>	Regulation	2021	
<u>The Legal Profession (Accounts & Records) (Amendment) Regulations, 2021</u>	Regulation	2021	
<u>The Legal Profession (Accounts and Records) (Amendment) Regulations, 2017</u>	Regulation	2017	
<u>The Legal Profession (Accounts and Records) (Amendments) Regulations, 1999</u>	Regulation	1999	<u>Amendment to Date Regulation Effective</u>
<u>The Legal Profession (Accounts and Records) Regulations, 1999</u>	Regulation	1999	<u>Duty to Keep Clients' Trust Account</u> <u>Clients' Trust Accounts</u> <u>Certain Trust Account Records</u> <u>Records Generally</u> <u>Posting and Preservation of Records</u> <u>Interest</u> <u>Accountant's Report</u> <u>Disciplinary Offences</u> <u>Savings</u>

Legislation	Type	Year	Topics
<u>The Legal Profession (Amendment) Act 2012</u>	Act	2012	
<u>The Legal Profession (Annual Declaration of Activities) Regulations, 2014</u>	Regulation	2014	
<u>The Legal Profession (Canons of Professional Ethics) (Amendment) Rules, 1983</u>	Regulation	1983	<u>Canon I Amendment - Response to the General Legal Council or the Disciplinary Committee regarding Complaints</u> <u>Canon II Amendment - Notification of Address of Practice</u>
<u>The Legal Profession (Canons of Professional Ethics) (Amendment) Rules, 1998</u>	Regulation	1998	<u>Advertising</u>
<u>The Legal Profession (Canons of Professional Ethics) Rules</u>	Regulation	1978	<u>Canon I - Dignity and Integrity of the Legal Profession</u> <u>Canon II - Unauthorised Improper or Unprofessional Practice</u> <u>Canon III - Duty to the State the Public & the Legal System</u> <u>Canon IV - Best Interests of the Client</u> <u>Canon V - Dignity of the Courts and Integrity of the Administration of Justice</u> <u>Canon VI - Professional Attitude towards Fellow Attorneys</u> <u>Canon VII - Observance of Accounting Principles</u> <u>Canon VIII - General Notes</u>
<u>The Legal Profession (Continuing Legal Professional Development) Regulations, 2013</u>	Regulation	2013	<u>index</u>

Legislation	Type	Year	Topics
<u>The Legal Profession (Enrolment and Practising Certificate Fees) (Amendment) Rules, 1992</u>	Regulation	1992	<u>Addition of Regulation 9 - Penalty for late payment of Practising Certificate Fees Revised Practising Certificate Fees</u>
<u>The Legal Profession (Enrolment and Practising Certificate Fees) (Amendment) Rules, 2008</u>	Regulation	2008	<u>Revised Practising Certificate Fees</u>
<u>The Legal Profession (Enrolment and Practising Certificate Fees) (Amendment) Rules, 2010</u>	Regulation	2010	<u>Revised Practising Certificate Fees</u>
<u>The Legal Profession (Enrolment and Practising Certificate Fees) (Amendment) Rules, 2012</u>	Regulation	2012	<u>Fees, Date first admitted to practice</u>
<u>The Legal Profession (Enrolment and Practising Certificate Fees) (Amendment) Rules, 2017</u>	Regulation	2017	Revised Practising Certificate Fees
<u>The Legal Profession (Enrolment and Practising Certificate Fees) (Amendments) Rules, 2016</u>	Regulation	2016	
<u>The Legal Profession (Enrolment and Practising Certificate Fees) Rules, 1971</u>	Regulation	1971	<u>The Application for Enrolment FIRST SCHEDULE: Schedule of Fees SECOND SCHEDULE: Oath for the due execution of Office THIRD SCHEDULE: Certificate of Enrolment</u>
<u>The Legal Profession</u>	Regulation	2017	

Legislation	Type	Year	Topics
<u>(Prescribed Offences) (Amendment) Rules 2017</u>			
<u>The Legal Profession (Prescribed Offences) Rules, 1998</u>	Regulation	1998	<u>Prescribed Offences</u>
<u>The Legal Profession Act</u>	Act	1971	<u>index</u>
<u>The Proceeds of Crime (Designated Non-Financial Institution) (Attorneys-at-law) Order, 2013</u>	Order	2013	

2) The primary entities in place to prevent or punish interferences with the free and independent exercise of the legal profession are the Jamaica Bar Association and the Judiciary. The Jamaica Bar Association (JAMBAR) was incorporated as a Company Limited by Guarantee on Tuesday, January 16th 1973. JAMBAR is a voluntary organisation for Attorneys-at-law. Some of its critical objectives include protecting the independence of Judges and Attorneys-at-Law, striving for the maintenance and strengthening of the Rule of Law and Human Rights and promoting the integrity and good name of the legal profession in Jamaica. The JAMBAR is known for taking the Executive branch of government to task on perceived infringements over the rights of attorneys. Recently JAMBAR filed a suit challenging the constitutionality of certain obligations under the country anti-money laundering regime, which would have had the impact of encroaching on attorney client privilege, among more.

One of the mechanisms in place to prevent interferences with the free and independent exercise of their duties is the Constitution and particularly the Charter of Rights that establishes that accused persons have a right to legal representation. The judiciary which stands as the gatekeepers of the constitution ensures that the other arms of government remain within the confines of the stipulations and ethos of the Constitution.

The Court of Appeal judgment in the case of the Jamaica Bar Association v Attorney General and General Legal Council [2020] JMCA Civ 37 is evidence of this.

3) The Jamaican Bar Association (JAMBAR) plays a significant role in Jamaica's justice system. The mandates and objectives are: (1) Promoting the integrity and good name of the legal profession in Jamaica. (2) Being a "watchdog" and fight for the maintenance and strengthening of the rule of law and human rights. (3) Working with all stakeholders towards proper law reform and the improvement of our legal, justice and court systems.(4) Offering services to those in need or requiring our aid and protection. (5) Offering services to those in need or requiring our aid and protection; and (6) Ensuring the independence of judges and Attorneys-at-law. Its activism goes a far way in promoting the independence of attorneys and members of the judiciary, while ensuring that both groups enjoy the desired camaraderie. JAMBAR continues to advocate for the creation of a better justice system that will touch the lives of our citizens. In doing so, JAMBAR is preserving the rule of law through sensitization via online platforms including but not limited to its website.

Of note are the following instances in which JAMBAR acted to protect its members these include:

- (a) Its success in the case of *Jamaican Bar Association v The Attorney General and The Director of Public Prosecutions – SCCA 96, 102 & 108 of 2003*, JAMBAR (*et.al.*) which concerned the fundamental principles of legal professional privilege, and in which it was decided that searches and seizures conducted at the offices of certain Attorneys-at-law were in breach of legal professional privilege.
- (b) The 1997 JAMBAR Guidelines to Attorneys not to disclose client instructions or to show or hand over their briefs and instruction papers, as these had the potential to negative the foundations of the independence of lawyers and the confidentiality of the communications with their clients.

It is noteworthy that JAMBAR is a corporation that does not receive state funding instead it is funded by contribution from its members and is therefore de jure and de facto independent of the state.

4) Over the last five (5) years the Disciplinary Committee of the General Legal Council has heard some 130 matters. Of this number, the names of 22 Attorneys were removed from the roll. This Ministry is not disposed of information regarding Attorneys who have been subject to criminal charges, this information would likely be provided by the Courts or the GLC.

Attorney	Court	Date of Decision	Result & Link to Judgement
Harold C. Brady	Court of Appeal	11/5/2021	<u>Appeal for Stay of Execution Refused</u>
Donovan O. Foote	Court of Appeal	11/5/2021	<u>Appeal dismissed, GLC Disciplinary Committee Decision Affirmed</u>
Lorraine Louise Ramson	Disciplinary Committee	10/9/2021	<u>Struck off, Payment Ordered</u>
Michael Lloyd Wilson	Disciplinary Committee	7/31/2021	<u>Struck off</u>
Michael Lloyd Wilson	Disciplinary Committee	7/31/2021	<u>Struck off, Fined</u>
Leonardo Fernando Christie	Disciplinary Committee	7/24/2021	<u>Struck off</u>
Keith A. Jarrett	Disciplinary Committee	7/28/2021	<u>Struck off</u>
Lauren Marie Boyd	Disciplinary Committee	7/16/2021	<u>Fined</u>
Jacqueline Marie Minto	Disciplinary Committee	6/19/2021	<u>Guilty of Professional Misconduct</u>
Jacqueline Marie Minto	Disciplinary Committee	6/19/2021	<u>Fined</u>

Attorney	Court	Date of Decision	Result & Link to Judgement
W. Anthony Pearson	Disciplinary Committee	6/4/2021	<u>Fined</u>
Jennifer Messado	Disciplinary Committee	5/29/2021	<u>Struck off, Restitution Ordered</u>
Lauren Marie Boyd	Disciplinary Committee	4/29/2021	<u>Guilty of Professional Misconduct</u>
W. Anthony Pearson	Disciplinary Committee	4/24/2021	<u>Guilty of Misconduct in a Professional Respect</u>
Arlean Moreta Beckford	Disciplinary Committee	1/26/2021	<u>Struck off, Restitution Ordered</u>
Arlean Moreta Beckford	Disciplinary Committee	1/13/2021	<u>Guilty of Professional Misconduct</u>
GraceAnn Cameron	Disciplinary Committee	12/12/2020	<u>Struck off, Restitution Ordered</u>
Michael Lloyd Wilson	Disciplinary Committee	10/31/2020	<u>Guilty of Professional Misconduct</u>
Rudolph Emanuel Alphonso Muir	Disciplinary Committee	10/31/2020	<u>Struck off, Restitution Ordered, Fined</u>
Rudolph Emanuel Alphonso Muir	Disciplinary Committee	9/30/2020	<u>Suspended, Fined</u>
Henry C. Johnson	Disciplinary Committee	9/19/2020	<u>Suspended, Restitution Ordered</u>
Henry C. Johnson	Disciplinary Committee	9/5/2020	<u>Guilty of Professional Misconduct</u>
Arlene Ann Gaynor	Disciplinary Committee	8/18/2020	<u>Struck off, Restitution Ordered</u>
Arlene Ann Gaynor	Disciplinary Committee	7/29/2020	<u>Guilty of Professional Misconduct</u>
Maurice Frankson	Disciplinary Committee	7/4/2020	<u>Guilty of Professional Misconduct</u>
Maurice Frankson	Disciplinary	8/13/2020	<u>Suspended, Fined</u>

Attorney	Court	Date of Decision	Result & Link to Judgement
	Committee		
Lorraine Louise Ramson	Disciplinary Committee	6/23/2020	<u>Reprimanded, Restitution ordered, Fined</u>
W. Anthony Pearson	Disciplinary Committee	6/23/2020	<u>Application for Suspension of Order Refused</u>
W. Anthony Pearson	Disciplinary Committee	6/18/2020	<u>Struck off</u>
Robert L. Ramsey	Disciplinary Committee	6/15/2020	<u>Guilty of Professional Misconduct, Fined</u>
Hope Marcia Ramsay-Stewart	Disciplinary Committee	5/8/2020	<u>Restitution ordered</u>
Hope Marcia Ramsay-Stewart	Disciplinary Committee	3/7/2020	<u>Guilty of Misconduct in a Professional Respect</u>
Humphrey Lee McPherson	Disciplinary Committee	3/6/2020	<u>Struck off, Restitution ordered</u>
Donovan Oconor Malcolm	Disciplinary Committee	2/29/2020	<u>Struck off</u>
Rudolph Emanuel Alphonso Muir	Disciplinary Committee	2/22/2020	<u>Guilty of Professional Misconduct</u>
Arlean D. Moreta Beckford	Disciplinary Committee	2/15/2020	<u>Struck off</u>
Howard A. Lettman	Disciplinary Committee	2/15/2020	<u>Struck off</u>
Howard A. Lettman	Disciplinary Committee	2/15/2020	<u>Guilty of Professional Misconduct, Struck off</u>
Charles Alcides Pullar Ganga-Singh	Disciplinary Committee	2/12/2020	<u>Fined</u>
Donovan Oconor Malcolm	Disciplinary Committee	2/1/2020	<u>Guilty of Professional Misconduct</u>
Humphrey Lee	Disciplinary	1/29/2020	<u>Guilty of Professional</u>

Attorney	Court	Date of Decision	Result & Link to Judgement
McPherson	Committee		<u>Misconduct</u>
Audley Earl Melhado	Disciplinary Committee	1/25/2020	<u>Struck off, Restitution ordered</u>
Howard A. Lettman	Disciplinary Committee	1/25/2020	<u>Struck off, Restitution ordered</u>
Lorraine Louise Ramson	Disciplinary Committee	12/20/2019	<u>Guilty of Professional Misconduct</u>
Charles Alcides Pullar Ganga-Singh	Disciplinary Committee	12/7/2019	<u>Guilty of Professional Misconduct</u>
Arlean D. Moreta Beckford	Disciplinary Committee	11/27/2019	<u>Guilty of Professional Misconduct</u>
Donovan O. Foote	Disciplinary Committee	11/23/2019	<u>Struck off, Restitution ordered</u>
Howard A. Lettman	Disciplinary Committee	11/23/2019	<u>Guilty of Professional Misconduct</u>
Howard A. Lettman	Disciplinary Committee	11/23/2019	<u>Struck off</u>
Jennifer Messado	Disciplinary Committee	11/23/2019	<u>Struck off, Fined</u>
Howard A. Lettman	Disciplinary Committee	11/13/2019	<u>Struck off, Restitution Ordered</u>
Kenneth M. McLeod	Disciplinary Committee	10/26/2019	<u>Struck off</u>
Hopeton Karl Clarke	Disciplinary Committee	10/26/2019	<u>Struck off</u>
Ian H. Robins	Court of Appeal	10/18/2019	<u>Appeal Allowed; GLC order set aside</u>
W. Anthony Pearson	Disciplinary Committee	10/12/2019	<u>Guilty of Professional Misconduct</u>
Richard D.	Disciplinary	7/27/2019	<u>Fined, Reimbursement</u>

Attorney	Court	Date of Decision	Result & Link to Judgement
Bonner	Committee		<u>ordered</u>
Paulette Amelia Warren Smith	Disciplinary Committee	7/27/2019	<u>Struck off</u>
George Anthony Levy	Disciplinary Committee	7/27/2019	<u>Fined</u>
Raymond Clough	Disciplinary Committee	7/26/2019	<u>Suspended, Fined</u>
Donovan O. Foote	Disciplinary Committee	7/20/2019	<u>Guilty of Professional Misconduct</u>
Howard A. Lettman	Disciplinary Committee	7/20/2019	<u>Guilty of Professional Misconduct</u>
Keith A. Jarrett	Disciplinary Committee	7/15/2019	<u>Suspended, Restitution Ordered</u>
Keith A. Jarrett	Disciplinary Committee	6/27/2019	<u>Guilty of Professional Misconduct</u>
Howard A. Lettman	Disciplinary Committee	6/22/2019	<u>Suspended until Restitution Complete</u>
Howard A. Lettman	Disciplinary Committee	6/1/2019	<u>Guilty of Professional Misconduct</u>
Howard A. Lettman	Disciplinary Committee	5/25/2019	<u>Guilty of Professional Misconduct</u>
Leroy Kajo Equiano	Disciplinary Committee	5/16/2019	<u>Fined</u>
Leroy Kajo Equiano	Disciplinary Committee	5/16/2019	<u>Guilty</u>
Raymond Clough	Disciplinary Committee	5/11/2019	<u>Guilty of Professional Misconduct</u>
Loverne Annemarie George	Disciplinary Committee	4/27/2019	<u>Struck off, Restitution Ordered</u>
Christopher	Disciplinary	12/5/2018	<u>Fined</u>

Attorney	Court	Date of Decision	Result & Link to Judgement
James Hibbert	Committee		
Ian H. Robins	Court of Appeal	11/29/2018	<u>Sanction Stayed Pending Appeal</u>
Jerome Alexander Dixon	Disciplinary Committee	10/27/2018	<u>Struck off</u>
Diane Elise Jobson	Disciplinary Committee	10/27/2018	<u>Fined</u>
Carlton Melbourne	Disciplinary Committee	10/27/2018	<u>Fined</u>
Jennifer Messado	Disciplinary Committee	10/8/2018	<u>Struck off</u>
Jerome Alexander Dixon	Disciplinary Committee	10/1/2018	<u>Guilty of Professional Misconduct</u>
Lancelot A. St. Martin Cowan	Disciplinary Committee	9/20/2018	<u>Struck off</u>
Jennifer Messado	Disciplinary Committee	9/15/2018	<u>Guilty of Professional Misconduct</u>
Courtney Akinwale Kazembe	Disciplinary Committee	9/15/2018	<u>Fined</u>
Paulette Amelia Warren Smith	Disciplinary Committee	4/10/2018	<u>Guilty of Professional Misconduct</u>
Howard A. Lettman	Disciplinary Committee	3/24/2018	<u>Guilty of Professional Misconduct</u>
Lancelot A. St. Martin Cowan	Disciplinary Committee	3/14/2018	<u>Guilty of Professional Misconduct</u>
Minett Lawrence	Disciplinary Committee	3/2/2018	<u>Guilty of Professional Misconduct</u>
Donovan O. Foote	Disciplinary Committee	2/23/2018	<u>Fined/Conditional Suspension</u>
Howard A.	Disciplinary	2/5/2018	<u>Struck off</u>

Attorney	Court	Date of Decision	Result & Link to Judgement
Lettman	Committee		
Maurice Frankson	Disciplinary Committee	1/4/2018	<u>Fined</u>
Maurice Frankson	Disciplinary Committee	12/19/2017	<u>Guilty of Professional Misconduct</u>
Jermain R. Simms	Disciplinary Committee	10/12/2017	<u>Restitution Ordered</u>
Jermain R. Simms	Disciplinary Committee	9/21/2017	<u>Guilty of Professional Misconduct</u>
Howard A. Lettman	Disciplinary Committee	11/25/2017	<u>Suspended</u>
Graceann Marie Cameron	Disciplinary Committee	7/22/2017	<u>Struck off, Restitution ordered</u>
Howard A. Lettman	Disciplinary Committee	6/24/2017	<u>Guilty of Professional Misconduct</u>
Michael Lorne	Disciplinary Committee	6/24/2017	<u>Struck off, Restitution ordered</u>
Daimian Masters	Disciplinary Committee	6/24/2017	<u>Struck off again, Restitution Ordered</u>
Ivor George Peynado	Disciplinary Committee	6/24/2017	<u>Guilty</u>
Richard D. Bonner	Disciplinary Committee	6/5/2017	<u>Struck off</u>
Graceann Marie Cameron	Disciplinary Committee	5/27/2017	<u>Guilty of Professional Misconduct</u>
Richard D. Bonner	Disciplinary Committee	4/28/2017	<u>Guilty of Professional Misconduct</u>
Michael Lorne	Disciplinary Committee	4/26/2017	<u>Compound interest ordered on Restitution</u>
Donovan O. Foote	Disciplinary Committee	4/11/2017	<u>Guilty of Professional Misconduct</u>

Attorney	Court	Date of Decision	Result & Link to Judgement
Gregory M.D. Lopez	Disciplinary Committee	3/25/2017	<u>Struck off</u>
Harold C. Brady	Disciplinary Committee	3/4/2017	<u>Struck off, Restitution ordered</u>
Michael Lorne	Disciplinary Committee	3/2/2017	<u>Guilty of Professional Misconduct</u>
Harold C. Brady	Disciplinary Committee	2/25/2017	<u>Struck off, Restitution ordered</u>
Gregory M.D. Lopez	Disciplinary Committee	2/4/2017	<u>Guilty of Professional Misconduct</u>
Daimian Masters	Disciplinary Committee	7/23/2016	<u>Guilty of Professional Misconduct</u>
Daimian Masters	Disciplinary Committee	4/6/2016	<u>Guilty of Professional Misconduct</u>
Humphrey Lee Mcpherson	Disciplinary Committee	1/30/2016	<u>Struck off, Restitution ordered</u>
Arlean D. Moreta Beckford	Disciplinary Committee	1/22/2016	<u>Struck off, Restitution ordered</u>

5) The Ministry of Justice is aware that Attorneys from time to time face intimidation, and other interference in the course of carrying out their duties. We recall Miss. Paula Llewellyn QC, Director of Public Prosecutions, commenting that during the course of the trial of Vybz Kartel and his three co- accused for the murder of Clive “Lizard” Williams the Prosecutorial team was issued death threats. In response, assistance was sought from the Jamaica Defence Force to increase the security provided to the DPP and Prosecution team.

We are also aware that the Jamaican Bar Association (JAMBAR) spearheaded a challenge of the POCA requirements stipulating that Attorneys report their clients to the Financial Investigations Division if they suspected they were involved in money

laundering. The POCA legislation could be considered a hindrance from the State. The reasoning behind the decision of JAMBAR to challenge being that such provisions would be a breach of confidentiality as it regards the attorney-client relations and would amount to a conflict of interest. The matter was considered by the Court of Appeal where the decision was made to quash the provisions of the POCA requiring lawyers to police their clients.

6) The Disaster Risk Management Act (DRMA) represents the GoJ's response to the Covid-19 Pandemic. This legislation has instituted certain protocols, which have affected the independence of Attorneys. Of note, whereas section 14(2)(d) of the Charter of Rights affords accused persons the right to retain counsel, it is noted that members of the private bar were not named among the excepted officials (which include Court staff and members of the Judiciary). It was against this background that Queens Counsel; Mr. Peter Champagne cited the example of the country Guyana and suggested that Jamaica includes Lawyers among those exempted under the DRMA. This resulted in the Attorneys being subsequently included in the list of exempted persons. In the third schedule extends the privilege to: *"Any Attorney-at-law attending at police stations or lock-ups, or appearing before a court, for the purpose of legal representation of a client of that attorney-at law, or attending to a client of the Attorney-at-law in the case of an emergency arising due to the SARS-CoV-2 pandemic"*

7) We suggest that as a practical measure consideration be given to ensuring that all police stations and correctional institutions are outfitted with the relevant conveniences to facilitate the meeting of Counsel and their clients in an atmosphere that promotes the free exercise of their legal profession.