

JAMAICA

IN THE COURT OF APPEAL

**SUPREME COURT CIVIL APPEAL
APPLICATION NO: 32/07**

ORAL JUDGMENT

**BEFORE: THE HON. MR. JUSTICE PANTON, P.
THE HON. MRS JUSTICE HARRIS, J.A.
THE HON. MR. JUSTICE DUKHARAN, J.A.(Ag)**

BETWEEN	MARNOL LTD. NOEL JUMPP	APPELLANT
A N D	HERBERT GRANT	RESPONDENT

Mr. Noel Jumpp in person and for Marnol Ltd.

**Mrs. Denise Kitson and Miss Lauren Sadler, instructed by Mr. John Vassell,
instructed by Dunn Cox for the General Legal Council.**

24th September, 2007

PANTON, P.

In this matter the Disciplinary Committee heard the complaint of the applicants over a period of nine (9) days, lasting from 1st April, 2004 to the 17th January, 2005 and a written decision was delivered by the Disciplinary Committee on the 21st February, 2005. The applicants wrote to the General Legal Council on the 28th April, 2006 indicating a wish to appeal and the General Legal Council responded on the 13th June, 2006.

The application to extend time within which to file a Notice of Appeal according to the record here was filed on the 12th March this year. At page 3 of

the record, Mr. Noel Demetrius Jumpp, one of the applicants (the other being Marlon Lindsay), gave reasons for the lateness. Among the reasons given in paragraph 3 of his affidavit were that:

"They sought to engage counsel, but were unsuccessful on the basis that counsel were not prepared to go up against their fellow attorney or that their workload did not allow the time to take on the case."

Mr. Jumpp continued in paragraph 4:

"that the appellants were not aware of the steps to be taken and within what time-frame in order to appeal the verdict."

Paragraph 5, states that "the appellants wrote to the General Legal Council but were advised by the counsel of the appeal process under the Legal Profession Act."

Paragraph 6 states that "after much enquiry learning of and purchasing a copy of the Legal Profession Act steps are now being taken to seek an extension of time to file the Notice of Appeal."

It should be noted that the decision of the General Committee was the issuing of a reprimand to the attorney. Here, the situation is that the applicant wishes to have the decision of the committee changed to be substituted by a penalty which would be in the region of \$12.5M dollars.

Looking at the matters that have been raised before us in the affidavits and in the submissions, we are unanimous in our view that the delay is inexcusable, we are also unanimous in our view that the prospect of success in

this appeal cannot be said to be good. There is no real chance of success. It is long past time for this matter to be closed.

Accordingly, the application is refused and there is an order made for cost to the respondent to be agreed or taxed.