

**DECISION OF THE DISCIPLINARY COMMITTEE  
OF THE GENERAL LEGAL COUNCIL**

**COMPLAINT NO. 164/2002**

**BETWEEN JANET ANDERSON BOTT & LEONIE BRYDSON THE  
COMPLAINANTS**

**AND AUDLEY FOSTER THE ATTORNEY**

**PANEL: MR. CHRISTOPHER BOVELL  
MR. ALLAN WOOD  
MR. DAVID JOHNSON**

**Hearing 1<sup>st</sup> April, 2006**

The Panel refers to the Affidavit of Mervalyn Walker sworn to on the 30<sup>th</sup> March, 2006 deponing to service on Mr. Audley Foster on the 20<sup>th</sup> February, 2006 of notice of hearing dated 15<sup>th</sup> February, 2006. Pursuant to Section 8 of the Legal Profession Act 4<sup>th</sup> Schedule the panel Proceeds to hearing and determine the complainant. The affidavit of Janet Anderson Bott sworn to on the 31<sup>st</sup> March, 2006 was tendered in evidence as exhibit 1. Janet Anderson Bott also gives viva voce evidence.

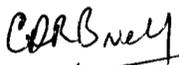
On the evidence tendered the Panel is satisfied beyond reasonable doubt that :

1. Audley Foster, attorney-at-law acted for the complainant in the sale of lot 626 Cumberland Pen.
2. The Attorney Audley Foster has failed to account to the Complainant from October 14, 1999 for the net proceeds of sale of their property amounting to \$1, 552, 487.50 in breach of Canon VII(b) of the Legal Profession (Canons of Professional Ethics) Rules
3. In breach of Canon 1(b) of the Legal Profession (Canons of Professional Ethics) Rules the attorney Audley Foster has failed to maintain the honour and dignity of the Legal Profession.

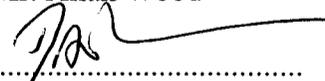
The attorney Audley Foster was struck off the Roll of Attorney-at-law in 2004 in an unrelated act of Misconduct. But for the fact that Mr. Foster has already been struck off, the Panel would have made such an order in this case. The complainants are entitled nevertheless to have an order by way of restitution. It is accordingly ordered that:

- (1) Pursuant to S12(4)(c) of the Legal Profession Act, by way of restitution Audley Foster is to pay to the Complainant the sum of \$1, 552, 487.50 together with interest thereon at the rate of 12% per annum. computed from October 14<sup>th</sup> , 1999 until the date of payment.
- (2) The Attorney Audley Foster is also to pay costs to the Complainant in the sum of \$110,000.00

Dated 2<sup>nd</sup> August, 2006

  
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Mr. Christopher Bovell

  
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Mr. Allan Wood

  
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Mr. David Johnson