

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

**COMPLAINT NO: 146 of 2021**

IN THE MATTER OF **ANDREW WAYNE WILLIS**, an Attorney-at-Law  
AND  
IN THE MATTER OF THE LEGAL PROFESSION ACT, 1971

**BETWEEN NOVELETTE DEBORAH TOMLINSON                      COMPLAINANT  
AND                      ANDREW WAYNE WILLIS                      RESPONDENT**

**Panel:-**

Mr. Jerome Lee – Chairman  
Ms. Carlene Larmond KC  
Ms. Delrose Campbell

**Hearing date:**

September 22, 2025

**Appearances:**

The Complainant appeared by Zoom  
The Respondent appeared In Person  
The Respondent was represented by Counsel Mr. Richard Lynch

**COMPLAINT**

1. Ms Tomlinson filed the complaint against Andrew Wayne Willis (“the Attorney”) alleging that he is in breach of Canon I(b) which states that “an Attorney shall at all times maintain the honour and dignity of the profession and shall abstain from behavior which may tend to discredit the profession of which he is a member”.
2. After considering the evidence we made the following findings:-
  - a The Certificate of Title for Lot 5 Mount Atlas in the parish of Saint Andrew registered at Volume 1462 Folio 71 of the Register Book of Titles was issued on the 29th October 2012 to the Victoria Mutual Building Society (VMBS).
  - b The property was previously owned by the Attorney but VMBS was the registered owner of the property since October 29, 2012 by Foreclosure.

- c The Attorney lodged a Caveat against the Title to the property on September 9, 2013, which lapsed on August 26, 2021.
  - d VMBS sold the property to the Complainant on March 10, 2021
  - e VMBS gave letters of possession of the property to the Complainant on June 22, 2021
  - f The Complainant was registered on the Certificate of Title as the proprietor of the premises on July 19, 2021
  - g When the Complainant went to the property on June 23, 2021, it was not occupied by the Attorney and was in a deplorable state.
  - h The Complainant took steps to secure and occupy the premises and this was met with resistance from the Attorney.
  - i The Attorney persuaded police and security personnel that the Complainant had no right to access the property.
  - j The standoff at the premises involved the police and was witnessed by many persons either supporting the Complainant or the Attorney.
  - k The Complainant's action against the Attorney for an injunction and recovery of possession was not dismissed by the Parish Court on its merits. The Complainant abandoned the action in the Parish Court when the Attorney vacated the property.
  - l The Attorney filed an action against VMBS in the Supreme Court claiming damages and specific performance for breach of an agreement between the Attorney and VMBS; the Complainant was not a party to this Claim
  - m The Attorneys Claim against VMBS failed in the Supreme Court and in the Court of Appeal.
3. The panel consequently found the attorney guilty of professional misconduct in respect of of Canon I(b); "an Attorney shall at all times maintain the honour and dignity of the profession and shall abstain from behavior which may tend to discredit the profession of which he is a member". Following the directive laid down in *Owen Clunie v The General Legal Council* [2014] JMCA civ 31, the Attorney was given an opportunity to address us on Sanction.

## **Sanction Hearing**

4. Joyce Rose Simms-Wilson gave oral evidence in support of the Attorney, whom she has known for over 25 years. She has been an Attorney-at-Law since 2014 and was previously a senior manager at the National Housing Trust (NHT). In her testimony, she stated that during her tenure at the NHT, she worked extensively with the Attorney, who served as external counsel to the organization. Their professional relationship involved the Attorney reporting directly to her on matters related to conveyancing, compliance, and mortgage collection. She also recounted her internship with the Attorney during her time as a law student, describing the experience positively.
5. Mrs. Simms-Wilson spoke highly of the Attorney, noting that he consistently demonstrated high ethical standards and maintained a professional and exemplary standard of work. She further referenced his role as a religious leader and expressed that the conduct described in the complaint appeared to be entirely out of character.

### **Attorney's Submission**

6. Counsel for the Attorney made submissions in mitigation on behalf of the Attorney. He noted that the Attorney had been in practice for 29 years without any prior adverse findings, and a character witness had attested to his good standing. Mr. Lynch emphasized that the breach in question did not arise from the Attorney's professional conduct in his capacity as a legal practitioner but rather stemmed from a private matter. He urged the panel to consider the Attorney's personal circumstances and the context in which the situation arose. Specifically, the Attorney had purchased undeveloped land and made significant financial investments in it. He said that after defaulting on mortgage payments and failing to reach a resolution through negotiation, he sought legal recourse. Mr. Lynch requested leniency in determining the appropriate sanction, noting that the Attorney had incurred substantial financial loss when he lost the property and personal belongings. He said that though initially resistant, the Attorney ultimately vacated the property and further submitted that the Attorney was remorseful for his actions.
7. Counsel for the Attorney submitted that any sanction should be either a reprimand, a fine or both.

### **Complainant's Submissions**

8. The Complainant submitted that the Attorney should be subjected to the maximum sanction. She contended that he had shown no genuine remorse for his actions. She said that the Attorney presented misleading documents to the police and used his professional status to misrepresent his entitlement to be on the property. As a result, the police were led to believe that she had no lawful right to be there and threatened

to arrest her. The Complainant further submitted that the Attorney acted maliciously and breached his professional position, which carries a duty to serve the public in a fair, respectful, kind, honest and truthful way.

## LAW

9. We are guided by the following: -

a **Bolton v Law Society** [1994] 2 ALL ER, 486 and in particular what Sir Thomas Bingham, MR said at Pages 491 – 492 of the judgement :-

*"It is required of lawyers practicing in this country that they should discharge their professional duties with integrity, probity and complete trustworthiness. That requirement applies as much to barristers as it does to solicitors. If I make no further reference to barristers, it is because this appeal concerns a solicitor, and where a client's moneys have been misappropriated the complaint is inevitably made against a solicitor, since solicitors receive and handle clients' moneys and barristers do not.*

*Any solicitor who is shown to have discharged his professional duties with anything less than complete integrity, probity and trustworthiness must expect severe sanctions to be imposed upon him by the Solicitors Disciplinary Tribunal. Lapses from the required high standard may, of course, take different forms and be of varying degrees. The most serious involves proven dishonesty, whether or not leading to criminal proceedings and criminal penalties. In such cases the tribunal has almost invariably, no matter how strong the mitigation advanced for the solicitor, ordered that he be struck off the Roll of Solicitors ... It is important that there should be full understanding of the reasons why the tribunal makes orders which might otherwise seem harsh. There is, in some of these orders, a punitive element: a penalty may be visited on a solicitor who has fallen below the standards required of his profession in order to punish him for what he has done and to deter any other solicitor tempted to behave in the same way. Those are traditional objects of punishment. But often the order is not punitive in intention. Particularly is this so where a criminal penalty has been imposed and satisfied. The solicitor has paid his debt to society. There is no need, and it would be unjust, to punish him again. In most cases the order of the tribunal will be primarily directed to one or other or both of two other purposes. One is to be sure that the offender does not have the opportunity to repeat the offence. This purpose is achieved for a limited period by an order of suspension; plainly it is hoped that experience of suspension will make the offender meticulous in his future compliance with the required standards. The purpose is achieved for a longer period, and quite possibly indefinitely, by an order of striking off. **The second purpose is the most fundamental of all: to maintain the reputation of the solicitors' profession as one in which every member, of whatever standing, may be trusted to the ends of the earth. To maintain this reputation and sustain public confidence in the integrity of the profession it is often necessary that those guilty of serious lapses are not only expelled but denied re-admission.** If a member of the public sells his house, very often his largest asset, and entrusts the proceeds to his solicitor, pending re-investment in another house, he is ordinarily entitled to expect that*

*the solicitor will be a person whose trustworthiness is not, and never has been, seriously in question. Otherwise, the whole profession, and the public as a whole, is injured. A profession's most valuable asset is its collective reputation and the confidence which that inspires."*

**b The Sanctions Guidance:** Breaches of the BSB Handbook Version 5 (15/10/019) produced by The Bar Tribunal and Adjudication Service. The Council of the Inns of Court ("Sanctions Guidance") is also very useful in considering what is the appropriate sanction.

Section 3.1 of the Sanctions Guidance sets out the purposes of applying sanctions for professional misconduct which are applicable to cases of professional misconduct which the Committee has to treat with. The purposes are:

- i. "To protect the public and consumers of legal services;
- ii. To maintain high standards of behaviour and performance at the Bar;
- iii. To promote public and professional confidence in the complainants and disciplinary process".

Sections 3.2 and 3.3 states:

"3.2 ...In fulfilling the purposes it is important to avoid the recurrence of behaviour of an individual ... as well as provide an example in order to maintain public confidence in the profession.

3.3 ...the sanctions imposed may be necessary to act as a deterrent to other members of the profession. Therefore, when considering a sanction, it may be necessary not only to deter the individual barrister ... from repeating the behaviour but also to send a signal to the profession and the public that the particular behaviour will not be tolerated. A deterrent sanction would be most applicable where there is evidence that the behaviour in question seems to be prevalent in relation to a number of barristers within the profession."

**c Solicitors Regulation Authority v Sharma [2010] EWHC 2022** (Admin). In this case the Solicitors Regulation Authority ("SRA") appealed a decision of the Solicitors Disciplinary Tribunal who found a solicitor guilty of dishonesty and suspended him from practice for three years. The SRA's appeal was on the basis that the sentence of suspension was excessively lenient and that given the dishonesty found, the normal sanction of striking off the roll should be ordered. The Court found that the approach of the Tribunal was right that for dishonesty unless exceptional circumstances could be shown, the Respondent Attorney should be struck off the roll, however, they were wrong in concluding that the circumstances were exceptional.

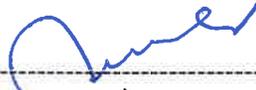
Quoting Coulson J :-

“It seems to me, therefore, that looking at the authorities in the round, that the following impartial points of principle can be identified: (a) Save in exceptional circumstances, a finding of dishonesty will lead to the solicitor being struck off the roll, see Bolton and Salisbury. That is the normal and necessary penalty in cases of dishonesty, see Bultitude. (b) There will be a small residual category where striking off will be the disproportionate sentence in all the circumstances, see Salisbury. (c) In deciding whether or not a particular case falls into that category, relevant factors will include the nature, scope and extent of the dishonesty itself; whether it was momentary, such as Burrowes, or other a lengthy period of time, such as Bultitude; whether it was a benefit to the solicitor (Burrowes), and whether it had an adverse effect on others.”  
(Para 13)

10. In this case, the Attorney was or ought to have been fully aware of the law, including the rights of VMBS, having foreclosed on the property, to sell it, as well as the Complainant's right to occupy the premises in the circumstances. That he ought reasonably to have this awareness and appreciation of the law was further supported by his own character witness, who testified to his competence as legal counsel to the NHT, a mortgage institution, specifically noting his experience in matters involving mortgage delinquency. It was therefore egregious for the Attorney to misrepresent the facts to the police and security personnel, leveraging his professional status to mislead them, knowing they would likely take his word as truthful and authoritative and resulting in the Complainant being affected adversely. Equally troubling was his failure to disclose at the outset and during the hearing that the Supreme Court had ruled against him, and that he had also lost on appeal. Instead, he continued to assert to the Panel that he had an exclusive right to occupy the property, a position unsupported by the fact that his claims in that regard were unsuccessful.
11. The Panel, having considered the principles outlined in the authorities does not consider striking off the Roll to be appropriate, however, the Panel disagrees with the submission of the Attorney's Counsel that a fine or reprimand would suffice. The public interest demand and the public rightly expect that attorneys demonstrate the highest standards of integrity and behaviour that does not discredit the legal profession. Accordingly, the sanction imposed must serve as a deterrent, reflecting the seriousness of the breach and discouraging similar misconduct, not only by the Attorney in this matter but within the wider legal profession.
12. Accordingly, it is the decision of this Panel that:
  - a The attorney is hereby suspended from practice for a period of 3 months beginning on September 22, 2025.

- b Costs in the amount of \$50,000.00 is to be paid by the Attorney to the Complainant.
- c Costs of these proceedings in the amount of \$50,000.00 is to be paid by the Attorney to the General Legal Council.
- d The sums at paragraphs (b) and (c) above are to be paid on or by October 1, 2025

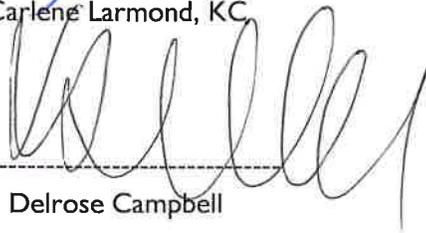
Dated the 22<sup>nd</sup> day of September 2025



Jerome Lee - Chairman



Carlene Larmond, KC



Delrose Campbell