

**FORMAL ORDER OF THE DISCIPLINARY COMMITTEE OF THE GENERAL
LEGAL COUNCIL MADE ON COMPLAINT NO. 134/2000**

**IN THE MATTER OF ENOS EDWARDS VS
AUDLEY FOSTER**

AND

**IN THE MATTER OF THE LEGAL
PROFESSION**

**PANEL: MISS NORMA LINTON Q.C.
MR. ALLAN WOOD
MR. GEORGE MAGNUS**

DECISION DELIVERED 10TH JULY, 2004

UPON THE APPLICATION dated the 7th December, 2000 made under 12(1)(a) of the Legal Profession Act and coming on for hearing before the Disciplinary Committee on the 10th July, 2004.

AND UPON John Graham attorney-at-law for the Complainant appearing and having produced sworn affidavit and documentary evidence of the Complainant

AND UPON THE attorney-at-law Audley Foster not appearing

AND UPON DUE CONSIDERATION of the sworn affidavit and documentary evidence of Mr. Enos Edwards and the sworn Affidavit of Service by Mervalyn Walker evidencing that Mr. Audley Foster was served with the notice of hearing by registered post on the 11th June, 2004

THE COMMITTEE FINDS that Mr. Audley Foster acting on behalf of the Complainant collected the sum of \$985,000.00 from the National Housing Trust on the 28th April, 2000 and has failed to account for same in breach of Canon VIII(b) of the Legal Profession (Canons of Professional Ethics) Rules. The Attorney by his conduct has discredited the Legal Profession in breach of Canon 1(b) of the said Legal Profession (Canons of Professional Ethics) Rules. In the circumstances although Mr. Audley Foster has already been struck off the panel finds that a further order is appropriate for the record.

**PURSUANT TO THE FOREGOING FINDINGS THE COMMITTEE UNANIMOUSLY
HEREBY ORDERED THAT :-**

Pursuant to section 12(4) of the Legal Profession Act:

- (1) The name of Audley Foster be struck from the roll of Attorneys-at-law entitled to practice in the several courts of the island of Jamaica.
- (2) By way of restitution Audley Foster is to pay to the Complainant the sum of \$985,000.00 together with interest thereon from the 1st May 2000 at the rate of 12% per annum.

Dated the 14th October, 2004


.....
CHAIRMAN OF PANEL