

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

COMPLAINT NO. 90/2011

In the Matter of Amy Robinson and
Don Foote, an Attorney-at-Law.

AND

In the Matter of the Legal
Profession Act, 1971.

Panel: Mrs. Pamela Benka-Coker, Q.C. – Chairman
Walter H. Scott, Q.C.
Mrs. Gloria Langrin

Appearances: The Complainant was unrepresented.
The Attorney-at-law was unrepresented at the Sanctions
Hearing

Hearing: 31 July, 2017.

1. By its Decision dated the 11th day of April, 2017
The Panel found the Respondent Attorney-at-Law guilty of
Professional misconduct.

2. The Hearing on Sanctions was adjourned to 06 May, 2017 in order to give the Attorney-at-law time to prepare and file Submissions in mitigation. The 28th day of April, 2017 was the date fixed for the filing of these Submissions.

3. The Sanction Hearing came on for Hearing on the following dates:

06 May, 2017.

03 June, 2017.

01 July, 2017.

29 July, 2017

4. On all occasions Mr. Foote was present. On the several dates that this matter came up for a Sanction Hearing Mr Foote variously advised the Panel that he had initiated Judicial Review Proceedings in the Supreme Court against the Decision of the Panel that he was guilty of Professional Misconduct; that the Application for Leave was pending; that his attorney-at-law was absent; that the wife of his lawyer was ill so his lawyer could not be present.

5. On all of these occasions the Panel facilitated Mr. Foote as it wished to give him the greatest possible latitude to put his best case before the Panel.

6. On 13 July 2017 the Committee's Attorneys-at-Law in the putative Application for Leave to file a Judicial Review Claim, Messrs. Myers Fletcher & Gordon Attorneys-at-Law advised the Committee as follows:

"Don Foote's Application for Judicial Review came on for hearing today before Hon. Mrs. Justice Palmer Hamilton (Ag). Mr. Douglas Leys Q.C. instructed by Don O. Foote

represented Don Foote, Attorney-at-Law, who was not in attendance. Sandra Minott-Phillips Q.C. and I, instructed by MFG, represented the GLC.

The Judge made the following Orders:

- 1. Application made by Counsel for the Applicant for an adjournment is granted.*
- 2. The Hearing of the amended application for leave to apply for judicial review filed on May 17, 2017 is adjourned for a date to be fixed by the Registrar.*
- 3. Costs for today are reserved.*
- 4. The Applicant's Attorney-at-Law is to prepare, file and serve this Order.*

7. The Sanction Hearing came on for Hearing on 29 July 2017. Mr. Foote was present. The Panel, against the background of the Orders made by Palmer-Hamilton J (Ag), and the considerable delay that had been occasioned to the matter, advised Mr. Foote that it wished to proceed with the matter. After hearing from Mr. Foote and advising that it intended to proceed, Mr. Foote walked out of the Hearing.

8. In the absence of Mr. Foote or any attorney at-law representing him, neither submissions nor circumstances in mitigation have been put before the Panel. The Panel has given deep thought and reflection on the matters raised in this case and having considered the matter and now orders as follows:

(a) Pursuant to Section 12(4) of the Legal Profession Act the Attorney, Don Foote, is fined the sum of \$1,000,000.00 which fine will be paid to the Complainant.

- (b) The said fine of \$1,000,000.00 is to be paid on or before 24th May 2018, failing which Don Foote the Attorney-at-Law is suspended from practicing for a period of 1 year.
- (c) Costs of these proceedings in the amount of Two Hundred Thousand Dollars (\$200,000.00) are to be paid by the Attorney on or before 24th May 2018 as to which One Hundred Thousand Dollars (\$100,000.00) is to be paid to the Complainant and One Hundred Thousand Dollars (\$100,000.00) to the General Legal Council.
9. Finally, the Panel apologies to both the Complainant and the Respondent Attorney-at-Law on the delay in delivering this Decision. The delay is regretted.

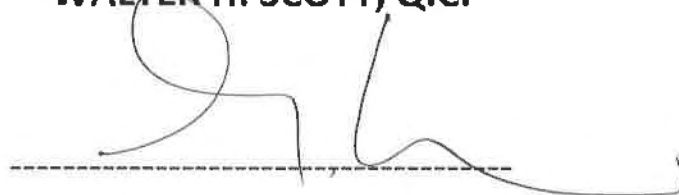
Dated the 23rd day of February, 2018.



PAMELA BENKA-COKER Q.C.



WALTER H. SCOTT, Q.C.



GLORIA LANGRIN