

**DECISION OF THE DISCIPLINARY COMMITTEE OF THE
GENERAL LEGAL COUNCIL AT SANCTION HEARING**

**IN THE MATTER OF JANET RUSSELL VS.
DONOVAN FOOTE**

COMPLAINT NO. 12/2015

PANEL: MR. TREVOR HO-LYN
MR: PETER CHAMPAGNIE
MISS DELROSE CAMPBELL

SANCTION HEARING 23RD NOVEMBER 2019

This is the decision of this Panel in relation to the matter of Complaint No. 12/2015 – Janet Russel vs Donovan Foote.

Collectively in the submissions of the Respondent, Mr. Donovan Foote and his Attorney-at-Law, Mr. Douglas Thompson, in relation to mitigation, the submissions were divided into three sections: 1. Antecedents 2. Bias and 3. Conclusion/Colleagues.

In essence, the Panel takes note of the fact that:

1. In relation to the antecedents, the Panel accepts that Mr. Foote has some impressive antecedents. Although he had mentioned the existence of other complaints, we do not have any proof that he has ever been on the wrong end of a complaint and therefore we take it that he is a person of good character.
2. In relation to the issue of bias, the Panel, for the most part disregards these submissions, as most of those arguments are structured towards another forum and are not a proper consideration here for us. The Panel will not rely in its decision to any of the things raised in this area of the submissions.
3. In relation to the decision cited namely Complaint No. 118/2012 Teasha Levy-Manfred v Ramon Gordon the Panel notes in particular paragraph 10 that the finding of that Panel was "We find that the Respondent did initiate some steps to rectify the boundary encroachment and was therefore not dishonest in his dealings with the Complainant." In this case as Mr. Thompson correctly pointed to the decision of this Panel at paragraph 20, there is specifically a finding of dishonesty. Clearly the case of Levy-Manfred v Gordon although interesting is not helpful to our decision, because the finding there is that the attorney was not dishonest.

Although we invited Miss Russel to speak, we do not give much weight if any to what she said. She never pointedly came to any consequence which could be imposed and merely left it to the Panel.

At the end of the day we are guided by the well known leading authority and often cited case of Bolton vs. Law Society (1994), WLR 512 and the principle extracted from that case is that, because of the responsibility placed on our shoulders in relation to maintaining the honour and dignity of the profession, whenever we come across findings of dishonesty there is only one appropriate consequence.

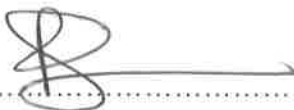
Accordingly, it is our decision in relation to this matter is as follows namely that:

1. The Respondent shall be struck from the roll of Attorneys entitled to practice in the several courts in Jamaica .
2. He will pay the sum of Two Million Three Hundred and Thirty Three Thousand Three Hundred and Thirty Three Dollars and Thirty Three Cents (\$2,333,333.33) as restitution to the Complainant.
3. He will pay costs to the General Legal Council in the amount of One Hundred Thousand Dollars (\$100,000.00)

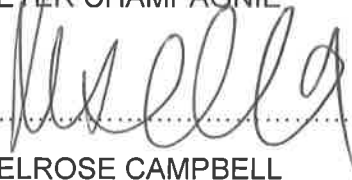
DATED THE 23rd DAY OF NOVEMBER 2019



TREVOR HO-LYN



PETER CHAMPAGNIE



DELROSE CAMPBELL