

**IN THE INDEPENDENT
LEGAL SERVICES COMMISSION**

NO. 003 OF 2012

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BETWEEN

CHIEF REGISTRAR

Applicant

AND

LUSEYANE LIGABALAVU

Respondent

Applicant : Mr. M. Saneem and Ms. L. Vateitei

Respondent : Ms A Seruvatu for the Respondent

Date of Hearing : 9th October 2012

Date of Judgment : 23rd October 2012

SENTENCE

1. On the 21st of September 2012, the Commission found established against the Respondent two counts of professional misconduct in that she failed to respond to a complaint by the Chief Registrar or to a subsequent notice seeking an explanation and secondly that she failed to attend an arbitration hearing scheduled by the Chief Registrar in respect to another complaint. Furthermore the Respondent failed to comply with the orders of the Chief Registrar to settle a complaint by one Mr Tudrau by paying him a balance of \$200.

2. As the Commission stated in the judgment on this matter, failure to respond to the Registrar is not only in direct contravention to the stipulation in Section 105 of the Legal Practitioners Decree but is also showing complete disdain and disregard for the authority of the head of the regulatory arm of the profession. Should such practice go unchecked then the profession would become totally unmanageable with the public then being unprotected and the spirit of the legislation defeated.

3. In an impassioned plea of mitigation on behalf of the Respondent, Madam Seruvatu submits that she had a long career in the Civil Service and has worked for the Department of Health and in the Attorney General's office. She is 55 years of age with 3 adult children. She expresses deep remorse and asks for another chance, suggesting that a fine best befits the transgression.

4. The Registrar in reply submits that as a very senior public servant she should be

aware that expectations of her behavior are very high and that she should know better than to ignore those in authority. It is submitted that penalty by way of a fine is unreasonable and that it would send a wrong message to the public. The seriousness of the offending must be addressed appropriately.

5. The Respondent told the Commission at the mitigation hearing that she does not presently have a practicing certificate, she having had earlier problems with her bankers in opening a trust account which lead to her inability to provide appropriate audit clearances to the Registrar. She tells me that all those matters have been resolved and that she can now proceed to have her accounts audited. She is prepared to pay a fine but it would be paid by other members of her family.

6. The Commission regards non-compliance with the Chief Registrar's requests and demands are very serious failures on the part of a practitioner. If a practitioner cannot regulate his own affairs how can he regulate the affairs of his clients?

7. To defy authority and in doing so to contravene the provisions of Division 3 of the Legal Practitioners Decree 2009 calls into question the practitioner's suitability to be in practice. In its role of guardian of professional standards the Commission has no option but to suspend the Respondent's right to practice.

8. As counsel for the Registrar says a fine is not an appropriate remedy for disrespecting the Registrar, nor is it fair that it should be a burden to others. The Respondent is presently unlicensed and has been given conditions to fulfill to enable her to practice again. The Commission now adds that she not be eligible for a practising certificate until 1st of March 2015, which will only be granted to her of course on satisfaction of the Registrar's usual conditions.

9. It is also ordered that Ms Ligabalavu pay to Mr Joeli Tudrau the sum of \$200 being the amount outstanding from the order of the Chief Registrar on the 6th of December 2011.

ORDERS

1. That the practitioners be suspended from practice until 1st of March 2015.
2. That she pay the sum of \$200 to Mr Joeli Tudrau.

JUSTICE PAUL MADIGAN
23 OCTOBER 2012
COMMISSIONER