

**IN THE INDEPENDENT  
LEGAL SERVICES COMMISSION**

NO. 007 OF 2013

BETWEEN:

**CHIEF REGISTRAR**  
Applicant

AND:

**VILITATI DAVETA**  
Respondent

**Applicant : Ms. L Vateitei**  
**Respondent : In Person**

**Dates of Hearing : 13th August 2013**  
**Date of Judgment : 20th August 2013**

**JUDGMENT**

1. The Respondent faces one allegation of Professional Misconduct, laid by the Chief Registrar on the 18th of June 2013.

The allegation reads:

*"Mr Vilitati Daveta a legal practitioner, between the 24th July 2012 to the 7th of June 2013 failed to respond to a complaint lodged by one Shashi Dass within the time stipulated in the notice issued by the Chief Registrar pursuant to section 105 of the Legal Practitioners Decree and thereafter failed to respond to a subsequent reminder notice issued by the Chief Registrar pursuant to section 108(1) of the Legal Practitioners Decree which conduct was a contravention of section 108(2) of the Legal Practitioner Decree 2009 and was an act of professional misconduct."*

2. When the matter was first called on 15th of July, the Respondent immediately admitted the allegation and wanted to proceed immediately to mitigate. The allegation being admitted, the charge is **established**.

3. In mitigation on the 13th of August, the Respondent was very remorseful and apologetic and described to the Commission the hardships he was facing in the light of the closure of his law firm consequent to an earlier decision of the Commission [*Miscellaneous No 001 of 2013*]. Having been denied his right to practise he was at home with no employment and no income.

4. Counsel for the Registrar submits that the Commission should show some degree of compassion towards the practitioner, he already having been penalised for operating a law firm without being the holder of a practising certificate. She likens his case to that of Sunil Sharma [*Matter No 014 of 2013*] where the practitioner was shown leniency in the light of his immediate plea and his display of remorse.

5. The Commission agrees. The Respondent is already suffering a large penalty for not having

a practising certificate in that he has, in the interim, lost his practice, his professional reputation and any financial rewards that might attach to that practice. Although the penalties for an act of professional misconduct such as this are normally harsh, any additional penalty on this Respondent would be merciless and inhuman.

6. The time period within which the Respondent has maintained this misconduct is synchronous with the time when he was found to have been operating his practice without a practising certificate, and it can therefore be viewed, and is viewed by this Commission as concurrent offending.

7. As serious as his offending in this matter may be, the Commission does not impose any additional penalty on the practitioner to the penalties of closure of practice already ordered.

**JUSTICE PAUL MADIGAN  
COMMISSIONER**

**20 AUGUST 2013**