

**IN THE INDEPENDENT  
LEGAL SERVICES COMMISSION**

**NO. 008 OF 2012**

BETWEEN:

**CHIEF REGISTRAR**  
Applicant

AND:

**NAIPOTE VERE**  
Respondent

**Applicant** : Mr. V Sharma  
**Respondent** : In Person

**Dates of Hearing** : 12th November 2012  
**Date of Judgment** : 21st January 2013

**JUDGMENT and SENTENCE**

1. On the 6th of November 2012 the Applicant laid the following charge against the Respondent:

***"PROFESSIONAL MISCONDUCT: Contrary to Section 83(1)(g) of the Legal Practitioners Decree 2009***

***Particulars***

***Naipote Vere a legal practitioner, from the 17th of August 2012 till date, failed to comply with the orders and/or directions given by the Chief Registrar on the 16th of July 2012 following a mediation, which conduct was an act of professional misconduct."***

2. At the hearing of the complaint on the 12th of November 2012 the Respondent conceded that the complaint was valid but there upon offered reasons as to his lack of compliance in mitigation.

3. The facts are that in 2008, the Respondent was instructed by a businessman of Labasa to act for him in a matter and a fee of \$1,500 was paid in advance. The businessman was of the view that nothing was done for him in accordance with his instructions and he requested a refund of the fee paid. After not being satisfied with repayment he made a complaint to the Fiji Law Society, which body was in 2008 the regulatory body for practitioners. In taking up the complaint the Chief Registrar in 2011 and 2012 entered into

correspondence with the Respondent, the Respondent being slow to respond if at all. Eventually mediation of the dispute was conducted by the Chief Registrar on the 20th of July 2012. At the meeting it was agreed by all parties that a refund of \$1,000 would be made to the original complainant. The money was never paid by the Respondent as ordered by the Chief Registrar.

4. The Respondent having accepted the validity of the charge against him, I find that the complaint is **established**.

5. In mitigation before me on the 12th of November 2012, the Respondent claimed that the money was not paid to the Chief Registrar because he intended to appeal and thought that an appeal would operate as a stay of the Chief Registrar's order. The Respondent admitted he was at fault and agreed to pay the \$1,000 into the Commission that very day, which he did.

6. The Respondent's confusion about the effect of an appeal against the order does not relieve him of the duty to follow the order of the chief Registrar made on the 26th of July 2012, which had been consented to by him. Despite this excuse, the copies of correspondence exhibited by the Registrar show a distinct reluctance on the part of the Respondent to engage with the authorities, nor is there any attempt by him to advise the Registrar that he was proceeding to an appeal. Orders of the Chief Registrar, who is now the regulator of the profession pursuant to the Legal Practitioner's Decree 2009, must be followed by a practitioner and a failure to do so shows both arrogance and defiance of authority which could lead to anarchy in the Registrar's role as regulator of the profession. Failure to comply with orders is a very serious professional misconduct and as an example to other practitioners it must attract a heavy penalty.

### **ORDERS**

1. The Respondent is publicly reprimanded.

2. The Respondent is to pay a fine of \$2,000 to the Commission before his Practising Certificate is renewed for the year 2013.

**JUSTICE PAUL MADIGAN  
COMMISSIONER**

**21 JANUARY 2013**