

A Solicitor v Chief Registrar (No 2) - Ex Tempore Costs
ILSCJ07/2017; [2017] FJILSC 7 (18 April 2017)

This summary is not intended to be a substitute for the reasons of the Independent Legal Services Commission or to be used in any later consideration of the Commission's reasons

Facts

See *A Solicitor v Chief Registrar (No 1)* [2017] FJILSC 5 (18 April 2017). This judgment concerns the making of a costs order in relation to the applicant's failure to appear before the Commission on 11 April 2017. The applicant sought an adjournment of the costs hearing, submitting that they were unaware of the relisting of their matter (for which they failed to appear) due to an illness.

Judgment

The Commission rejected the applicant's request for an adjournment. This decision on costs was made with reference to the following two pieces of evidence:

1. the recorded emails sent to the applicant's legal practitioners (on 4 April 2017) notifying the applicant of the relisting; and
2. an email from the applicant (discovered by the Acting Secretary for the Commission) asking that the hearing be rescheduled.

The applicant was ordered to pay wasted costs for their non-appearance on 11 April 2017, namely two sums of \$300 to the Chief Registrar and the Commission respectively.