

**IN THE INDEPENDENT
LEGAL SERVICES COMMISSION**

NO. 005/2009

BETWEEN: CHIEF REGISTRAR

A N D: DORSAMI NAIDU

Applicant

Respondent

**Applicant: Ms V Lidise and Mr A Chand
Respondent: In Person and Ms T Draunidalo**

Date of Hearing: 16th August 2010

Date of Judgment : 16th August 2010

JUDGMENT ON SENTENCE

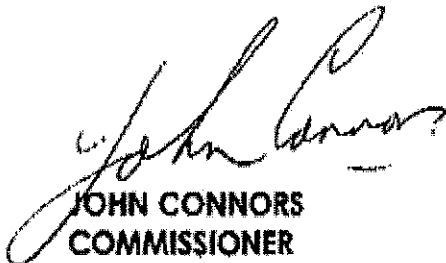
1. The Respondent has been found guilty of two counts of professional misconduct and five counts of unsatisfactory professional conduct.
2. It is submitted on behalf of the Respondent that he has been a legal practitioner for over 20 years and is the President of the Fiji Law Society and therefore an appropriate penalty is a public reprimand.
3. This submission is supported by the fact that this is the 1st time that he has come before a disciplinary tribunal and that the allegations have no element of dishonesty.
4. The Applicant submits that a public reprimand is not appropriate and that the Respondent being a senior practitioner and being President of the Fiji Law Society are in fact aggravating factors.
5. The matters on which the Respondent has been found guilty are not matters of dishonesty but are matters of carelessness or poor practice.
6. In his evidence the Respondent says that at the relevant period he was experiencing significant personal upheaval which impacted on his professional performance. This may

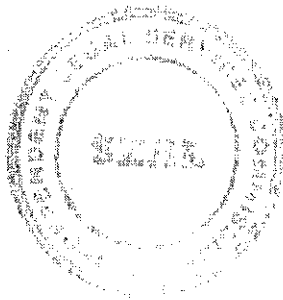
be so but the dominant role of this Commission is to protect the community and uphold professional standards for the benefit of all members of the profession.

7. As stated earlier the Respondent is the President of the Fiji Law Society and it is common knowledge that he has for many years played a significant role in community activities and has been a member of parliament.
8. Whilst this selfless participation is commendable it also carries with it an obligation to set an example to others within the legal profession.
9. It is not the role of this Commission to be a money making operation and the penalties imposed on the Respondent are intended to reflect the need to protect the public and uphold professional standards.
10. Witness expenses are sought by the Applicant in the total sum of \$1,428.95 and I see no reason why the Respondent should not be ordered to pay them.
11. I am of the opinion that the conduct of the Respondent calls for a small monetary penalty rather than a public reprimand in the light of the position that he holds within the legal profession.
12. The conduct of the Respondent is in many respects concerning and whilst it does not display dishonesty it shows a lack of appreciation of practice management principles and the obligations of legal practitioners under the Trust Account requirements.
13. There is also displayed a disturbing lack of understanding of conveyancing and real property principles.
14. These issues can in my opinion only be addressed by some further training.

ORDERS

1. The Respondent is to undertake not less than 10 hours of professional development or legal education in each of the following disciplines: Conveyancing, Real Property and Practice Management. The study is to take place in Fiji, New Zealand or Australia and the syllabus or programme is to be approved by the Chief Registrar.
2. Order 1 is to be complied with prior to 30th June, 2011 failing which the Respondent's practising certificate is to be suspended without further order.
3. The Respondent is to pay to the Commission by way of a fine the sum of \$1500.00 within one month failing which the Respondent's practising certificate shall be suspended without further order.
4. The Respondent is to pay to the Commission for payment out to the Applicant witness expenses totalling \$1,428.95 being Jagat Reddy \$692.95, Indar Deo \$68.00 and Hari Lal \$668.00 such payment is to be made within one month failing which the Respondent's practising certificate shall be suspended without further order.
5. BY CONSENT with respect to complaint 3 the Respondent shall prepare all necessary documents, arrange their execution by all relevant parties and register the transfer with the Registrar of Titles to transfer one quarter acre of land from Silga Mani Naicker and Chin Sami Naicker to Hari Prasad Lal. The consideration is the sum of \$9260.00 already held by the Respondent. Hari Prasad Lal shall meet all necessary survey costs and the cost of extraction of fresh title documents.
6. The Respondent shall complete the transaction referred to in 5 above within 3 months of completion of the necessary survey.
7. The Chief Registrar shall supervise the performance of orders 5 and 6.


JOHN CONNORS
COMMISSIONER



16 AUGUST, 2010