

Chief Registrar v Bukarau (No 1)
ILSCJ02/2016; [2016] FJILSC 2 (7 June 2016)

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

Mr Tevita Bukarau, a legal practitioner and sole proprietor of Muskits Law, failed to provide the Chief Registrar with a sufficient and satisfactory written explanation about matters contained in the complaint which was required by the Chief Registrar (from a notice dated 19 November 2015) in accordance with section 105 of the *Legal Practitioners Act 2009* ('LPA'). Mr Bukarau also failed to respond to subsequent notice (dated 16 December 2015), issued by the Chief Registrar pursuant to section 108(1) of the *LPA*. Thus, it was alleged that his conduct was in breach of section 108(2) of the *LPA*, thereby constituting professional misconduct under section 82(1)(a) of the *LPA*.

Judgment

At the outset, the Commissioner noted that his decision in this matter should provide a clear message to the legal profession that this type of professional misconduct would not be tolerated. Due to the serious nature of Mr Bukarau's misconduct the Commissioner found that a reprimand would not on its own be a sufficient sanction.

In determining what level of fine should be imposed, the Commissioner took into account the seriousness of the misconduct and the levels of fines previously imposed by the Commission. Additionally, the Commission consider the size and standing of Mr Bukarau and the means available to him. Ultimately, Mr Bukarau was publicly reprimanded and fined a sum of \$1,000, which was to be paid to the Commission.