

***Chief Registrar v Lagilevu-Vodo (No 2)***  
**ILSCJ10/2016; [2016] FJILSC 10 (8 December 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**

See *Chief Registrar v Vosarongo (No 1)*; *Chief Registrar v Lagilevu-Vodo (No 1)* [2016] FJILSC 6 (23 September 2016). This judgment concerns an application made by Ms Lagilevu-Vodo for an interim grant of a practising certificate, her previous one having expired on 7 December 2016.

### **Judgment**

In determining whether to grant Ms Lagilevu-Vodo an interim practising certificate, the Commission had regard to the five factors, namely:

1. the seriousness of the matter, including the fact that the relevant allegations against Ms Lagilevu-Vodo concerned negligent, not fraudulent, behaviour;
2. sections 32(1) and 142(2)(a) of the Constitution, namely the right to economical participation and the presumption of innocence respectively;
3. the fact that Ms Lagilevu-Vodo was not seeking to reopen her practice, but rather she was only seeking to be permitted to work as an employed lawyer, who would not handle any trust accounts;
4. the fact that no submissions had been made by the Chief Registrar which suggested that Ms Lagilevu-Vodo had any history of non-compliance with conditions imposed by the Commission, and that she was likely to attend future hearings with the Commission; and
5. the fact that Ms Lagilevu-Vodo had three very young children and a husband who was self-employed, and that the public interest could still be protected by ensuring Ms Lagilevu-Vodo did not reopen her practice.

On the balance of these factors, the Commissioner granted Ms Lagilevu-Vodo an interim practising certificate, following payment of prescribed pro rata fees. However, four conditions were imposed, as follows:

1. she was not to operate Trust Account No. 7703648 unless she was given written approval from the Chief Registrar to do so;
2. she was required to provide monthly bank statements for Mamlakah Lawyers Trust Account No. 7703648 to the Office of the Chief Registrar at the end of each month, unless further notice was provided;
3. she could only operate or practice as a Barrister and receive payment upon issuance of an invoice after completing her work; and
4. she had to conduct her work under the supervision of Mr Simone Valenitabua.