

***Chief Registrar v Lata***  
**ILSCJ01/2016; [2016] FJILSC 1 (24 March 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**

Ms Angeline Lata, a legal practitioner and sole proprietor of West Law, had two counts of unsatisfactory professional misconduct alleged against her:

Count 1: Failing to appear at the Lautoka High Court without formally withdrawing herself as counsel from the matter;

Count 2: Erroneously giving precedence to appearing before the Sigatoka Magistrates Court over the Lautoka High Court.

Later it was shown that Ms Lata did not actually appear in the Magistrates Court. However, she did not appear in the High Court at Lautoka either.

**Judgment**

In relation to Count 1, the formal procedure which Ms Lata ought to have taken to withdraw herself is specified under the *Practice Direction No. 1 of 2011* under the heading *Withdrawal of Counsel in Criminal Proceedings* (issued on 11 April 2011 by Chief Justice A.H.C.T. Gates), namely appearing on the next court date and seeking leave to withdraw. The purpose of this obligation is to provide a safeguard for clients to ensure that they are not abandoned by counsel, thereby bolstering public confidence in the legal profession. The Commissioner also considered the need for specific and general deterrence. Ms Lata was publicly reprimanded and fined \$500.

In relation to Count 2, the Commissioner found that Ms Lata's failure to appear at the Lautoka High Court was primarily due to poor time management. However, he formed the view during the mitigation hearing that Ms Lata appreciated the issues which arise from double booking, and now understood the appropriate course of action to be taken should a case proceed longer than anticipated. As such, he ordered that Ms Lata but publicly reprimanded, noting however that the leniency afforded on this instance will not be repeated should she engage in similar conduct in the future