

IN THE INDEPENDENT LEGAL SERVICE COMMISSION

AT SUVA

ILSC CASE NO. 015 OF 2019

BETWEEN : THE CHIEF REGISTRAR
APPLICANT

AND : SEMI TITOKO
RESPONDENT

Counsel : Ms J Sharma- for the Applicant
Mr D Toganivalu for the Respondent

Date of Hearing : 3 August 2020

Date of Sanction : 24 December 2021

SANCTION

- [1] The legal practitioner has pleaded guilty to the following charges of unsatisfactory professional conduct:

COUNT 1

UNSATISFACTORY PROFESSIONAL CONDUCT: Contrary to Section 81 of the Legal Practitioners Act 2009.

PARTICULARS

SEMI TITOKO, a legal practitioner, on or around the 15th day of November, 2018 whilst not being a holder of a valid practising certificate, witnessed an Affidavit Verifying Statement of Application by placing his signature and affixing his Commissioner for Oaths Stamp on the said documents, which

conduct is a breach of Section 52 (1) (a) of the Legal Practitioners Act 2009, and is an act of unsatisfactory professional conduct.

COUNT 2

UNSATISFACTORY PROFESSIONAL CONDUCT: Contrary to Section 81 of the Legal Practitioners Act 2009

PARTICULARS

SEMI TITOKO, a legal practitioner, on or around the 15th day of November, 2018 whilst not being a holder of a valid practising certificate, witnessed a Consent To Adoption Order by placing his signature and affixing his Commissioner of Oaths Stamp on the said documents, which conduct is a breach of Section 52 (1) (a) of the Legal Practitioners Act 2009, and is an act of satisfactory professional conduct.

COUNT 3

UNSATISFACTORY PROFESSIONAL CONDUCT: Contrary to Section 81 of the Legal Practitioners Act 2009

PARTICULARS

SEMI TITOKO, a legal practitioner, on or around the 15th day of November, 2018 whilst not being a holder of a valid practicing certificate, witnessed an Affidavit of one Domitila Marama by placing his signature and affixing his Commissioner for Oaths Stamp on the said documents, which conduct is a breach of Section 52(1) (a) of the Legal Practitioners Act 2009, and is an act of unsatisfactory professional conduct.

COUNT 4

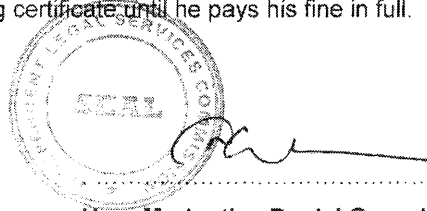
UNSATISFACTORY PROFESSIONAL CONDUCT: Contrary to Section 81 of the Legal Practitioners Act 2009

PARTICULARS

SEMI TITOKO, a legal practitioner, on or around the 15th day of November, 2018 whilst not being a holder of a valid practicing certificate, witnessed an Affidavit of one Seruki Kalavo by placing his signature and affixing his Commissioner for Oaths Stamp on the said documents, which conduct is a breach of Section 52(1) (a) of the Legal Practitioners Act 2009, and is an act of unsatisfactory professional conduct.

- [2] The charges were filed on 21 November 2019. The guilty pleas were entered after four adjournments.
- [3] The facts are that the practitioner was the principal of Qarcia Barristers and Solicitors. Effective from 1 March 2018 he was not a holder of a current practising certificate under the Legal Practitioners Act. While he was not a holder of a current practising certificate, on 15 November 2018, he witnessed a number of legal documents by placing his signature and affixing his Commissioner for Oaths Stamp on those documents.
- [4] Section 144 (3) of the Legal Practitioners Act prohibits legal practitioners from performing the functions of a Commissioner for Oath if they are not holding current practising certificates. In *Chief Registrar v Meru* [2020] FJILSC 1 (28 February 2020), the Commission said in paragraph [11] that when a statutory rule is violated by a legal practitioner the harm is to the reputation of the legal profession and that deterrence is the primary purpose of sanction in order to protect the public and the reputation of the legal profession.
- [5] The practitioner is 47 years old. Currently, he is unemployed and is doing farming to sustain himself. He has not disclosed his current assets and liabilities for me to assess his means to comply with monetary sanctions. Being unemployed does not mean that the practitioner does not have means to comply with monetary sanctions.

- [6] The only mitigating factor is that the practitioner has pleaded guilty to the charges, although late.
- [7] The aggravating factors are that the practitioner performed the functions of Commissioner for Oaths without holding a current practising certificate on various legal documents. It is not clear whether he charged a fee to witness the documents.
- [8] The practitioner is a repeat offender. He cannot escape responsibility for his unsatisfactory professional conduct with a soft sanction.
- [9] The practitioner is publicly reprimanded and ordered that he pay an aggregate fine of \$2000.00 in addition to the fine imposed on him in ISLC Case No. 008 of 2020. He must not apply for a practising certificate until he pays his fine in full.



Hon. Mr Justice Daniel Goundar
COMMISSIONER

Solicitors:

Legal Practitioners Unit for the Applicant.

Toganivalu Legal for the Respondent.