

PARTICULARS

TERESIA RIGSBY, a legal practitioner, failed to provide the Chief Registrar with a sufficient and satisfactory explanation in writing of matters contained in the complaint of Lawrence Dinesh Ram dated 16th December 2019 as required by the Chief Registrar by a notice dated 31st January 2020 pursuant to section 105 of the Legal Practitioners Decree 2009 and thereafter failed to respond to a subsequent reminder notice dated 6th August 2020 issued by the Chief Registrar pursuant to section 108(1) of the Legal Practitioners Decree 2009, which conduct is a breach of section 108(2) of the Legal Practitioners Decree 2009 and is an act of professional misconduct.

3. As the practitioner at the very first hearing of the charges on the 12th of May 2022 freely admitted as aforesaid the allegation made by count No. 7 was correct and this Commission finds the said allegation established by her own plea of guilt.
4. When first appearing before the Commission in answer to the allegation the Practitioner readily admitted the said allegation and was granted time to mitigate.
5. Having heard and seen that mitigation of the Respondent and the submission of Applicant I will now proceed to consider and pronounce the appropriate sanction for the said count No. 7.
6. The practitioner has appeared before the Commission once before on a very similar application in November 2015 facing a similar charge, of which the Commission has taken a very lenient view of her offending in *Chief Registrar v Teresia Rigsby*, Case No.006.2015 (dated 29 November 2015 and handed down on 3 December 2015).

profession is competently and professionally conducted and if practitioners do not co-operate with him in that regard then his mission is frustrated. Failure to respond to the Registrar is therefore a serious breach of professional duty not only because it is a clear breach of statutory duty as provided for in the Legal Practitioners Decree 2009 but also because it is a professional courtesy which should be extended to the head of the profession.

10. It is accepted by the practitioner, that she was served personally with this s.108 notice. The practitioner pleads for leniency given her remorse, her early plea and her regret for not replying to the, Chief Registrar. This is not the first time that this Practitioner Ms. Rigsby has been before the Commission for a similar violation. She was found to have been guilty of professional misconduct in the matter of *Chief Registrar v Teresia Rigsby*, Case No.006 of 015 (dated 29 November 2015). According to the applicant's submission the practitioner had been charged and pleaded to the said offence and was suspended from practice for a period of one month and ordered to pay \$500.00 to the Commission.
11. This previous determination can afford her little or no mercy from the Commission but will compound the culpability of this violation.
12. In her mitigation she admits that she failed to respond. However her position is that the letter of response dated 22nd September 2020 was prepared by her, however had not been forwarded to the LPU. A copy of a said letter is annexed at paragraph 5 of her submissions and says that she had misplaced the complaint forwarded to her. However at paragraphs 3 and 4 she admits engaging in practice to the extent that she consulted the complainant and also that she had caused certain papers to be filed in respect of the complainant's said matter. According to the submission of the applicant, the respondent has not held a valid practising certificate since 1st March, 2018 (para 3.7.5). This is a virtual admission of engaging in legal practice in or about 10th June, 2019.

13. The Practitioner has failed to respond for several months to the notice dated 4th February, 2020. Then in September, 2020 she claims to have attempted to inform that she has misplaced the copy of the complaint and appears to have not responded up to-date. She has failed to transmit that letter too.
14. She is 60 years of age and had been in practice since 2009. She claims to have been going through some difficulty due to relocation which appears to be the apparent reason for the lapse. Her excuse for not responding to the complaint is that she was served with the notice during a period when he was so relocating her office.
15. The conduct of the legal Practitioner clearly involves a substantial failure to maintain a reasonable standard of competence and diligence. The purpose of sanction is deterrence, both personal and general. The comparable cases for sanction are *Chief Registrar v Lutumailagi* [2020] FJILSC 4 (24 March 2020), *Chief Registrar v Cavubati* [2019] FJILSC 3 (13 June 2019) and *Chief Registrar v Khan* [2019] FJILSC 4 (13 September 2019). The legal practitioner does not deny any lack of means to comply with a monetary sanction.
16. I observe that the Respondent Practitioner has not held a valid practising certificate since 1st March, 2018. Considering the fact that she has had a similar offending I am reluctantly compelled and required to impose a sufficient and adequate sanction
17. In assessing the sanction in this instance the Commission will be conscious that the practitioner has freely admitted her error as alleged by count No 7. She will be sanctioned to a reasonable period of suspension considering, the accepted tariff and circumstances of violation.

18. As the practitioner admits the charge at first appearance, she would ordinarily be penalized by a one-month suspension, but given that it is her second time to offend in this manner and that she had not provided a response even later and also the fact of several other charges are pending before this Commission the suspension must be extended for a longer period. Accordingly, I impose the following sanction for Count No. 7.

Sanction imposed for Count No. 7

19. Orders of the Commission are:

- (i) The legal practitioner is publicly reprimanded.
- (ii) The legal practitioner is fined \$1000.00.
- (iii) The legal practitioner is to pay costs to the Chief Registrar, which I summarily assess in the sum of \$500.00.
- (iv) The fine and costs must be paid within 3 month of this ruling.
- (v) As the that the Respondent Practitioner has not held a valid certificate since 1st March, 2018 the Chief Registrar is directed that the Practicing Certificate not be issued or renewed until the 1st March 2024.
- (vi) Subject to (v) above, if the legal practitioner fails to pay the fine and costs within 3 month, the Chief Registrar should not issue the practitioner's practising certificate until such time he pays the fine and costs in full.

Dated the 13th day of September, 2022.


Justice Gihan Kulatunga
Commissioner

