

# The Independent Legal Services Commission

*Annual Report*

2018



PARLIAMENT OF FIJI

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Together with Discipline Register 2009-2018

## **ACKNOWLEDGMENTS**

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# Commissioner's Report

Your Excellency,

Major General (Rtd) Jioji Konousi Konrote, OF, MC,

President

Republic of Fiji

In my capacity as the Commissioner of the Independent Legal Services Commission (“the Commission”), I am pleased to present to you and the Attorney-General, the 2018 Annual Report *‘on the exercise of the Commission’s functions ... during the year’* in accordance with section 96 of the *Legal Practitioners Decree 2009*.

## 1. Appointment

I was appointed as the Commissioner on 22 January 2016 for a term of three years. Hence, this is my third and final report to you before I complete my term on 21 January 2019.

## 2. Section 96 and the submission of Annual Reports 2016, 2017 and 2018 together with Accounts

### *(1) My plan*

Your Excellency, you may recall that prior to 2016, there had been no annual reports submitted to you and the Attorney-General of the disciplinary proceedings undertaken by the Commission for the years 2011-2015 and that the last set of accounts submitted to you and the Attorney-General had been for the calendar year 2012.

Hence, it became one of my priorities over the past three years with the intention that, by the end of 2018, I would be able to report to you and the Attorney-General that the annual reports (summarising the disciplinary proceedings undertaken by the Commission) as well as the yearly financial statements from 2009-2018 were both up to date.

In pursuit of this objective, I submitted to you in 2017, the 2016 Annual Report incorporating one combined report for the years 2011-2016 (summarising the disciplinary proceedings undertaken by the Commission since its inception in 2009 until the end of 2016), together with a set of financial audited accounts for the year 2013.

You would appreciate that I could not submit to you with the 2016 Annual Report one set of combined accounts for the years 2013-2016. Obviously, separate financial audited accounts needed to be prepared and audited for the years 2013, 2014, 2015 and 2016.

Instead, my plan, in discussions with the Office of the Auditor General, was that separate financial statements would be prepared by Ernst & Young, forensic accountants, for the years 2013, 2014 and 2015 to then be submitted for a separate audit by the Auditor General with the aim to produce by 2017 a finalised audited balance as at the end of the year 2015, so that the

Commission could then finally proceed on a correct footing to have the 2016, 2017 and 2018 accounts prepared by Ernst & Young and audited by the Auditor General.

Before doing so, however, it was clear that a complete forensic audit needed to be undertaken of the Commission's accounts from 2009-2016. I note that I have referred to this previously in my 2016 and 2017 Annual Reports.

The forensic audit has been a time-consuming task, requiring initially the assistance of BDO accountants (who had been previously engaged by the Commission prior to my appointment to prepare the financial accounts in a manner that were suitable for audit), followed by the engagement of Ernst & Young, to undertake a complete forensic audit of the Commission's accounts for the years 2009-2016. The plan was then that Ernst & Young would prepare a set of financial statements for each calendar year since 2013 to be audited, in turn, by the Office of the Auditor General so that we could finally reach by 21 January 2019 (when my term concluded) with all financial issues within the Commission resolved. Thus, it was anticipated, that the new Commissioner could then start afresh as from 22 January 2019, in the knowledge that the Commission's financial accounts were audited and finalised until the end of 2018.

In accordance with the above plan, I am pleased to report as follows:

(1) My first annual report that I submitted to you was for the calendar year 2016, together with a set of Financial Statements ("accounts") for the year 2013;

(2) I recently submitted to you my second annual report for the calendar year 2017 together with a set of Financial Statements ("accounts") prepared by external accountants, Ernst & Young, so as to provide a list of income and expenses of the Commission for the calendar years 2014 and 2015 (i.e. 1<sup>st</sup> January until 31<sup>st</sup> December for each year). The accounts were audited during 2018 by the Office of the Auditor General. The Commission received on 18 September 2018, the 2014 and 2015 accounts returned from the Auditor General as "qualified accounts". I note that I included these for you in my 2017 Annual Report, together with a statement as to why they could only be read as "qualified accounts".

*(2) 2016, 2017 accounts – approval pending to engage Ernest & Young (and now, also, for 2018)*

Now that the Commission had a finalised audited balance as at the end of the year 2015, it was planned that it could finally proceed on a correct footing to have the 2016 and 2017 accounts prepared and audited. Accordingly, I have sought approval on four occasions over the past 12 months (in October 2017, February 2018, April 2018 and finally, September 2018), to engage Ernst & Young to prepare the Commission's accounts together with tax compliant issues, preparation of reconciliation files on a monthly basis and the development of a policy procedures manual (something previously highlighted by the Auditor General in his report as a flaw needed to be rectified). At the time of submitting my 2018 Annual Report to you, unfortunately, I am still awaiting an approval to engage Ernst & Young.

You will also note that there are proceedings still pending before the Courts involving the alleged conduct of the inaugural Secretary of the Commission (2009-2014). You will recall that Ernst & Young prepared a report on the Commission's accounts for the years 2013-15, as a

result of which, they then prepared a second report for the years 2009-12 and 2016. Following on from those reports, it was approved for Ernst & Young to assist in preparing the 2014, 2015 and 2016 accounts. Ernst & Young prepared the 2014 and 2015 financial statements from the data entered on the MYOB package cross-checking with the Commission's hard copy records. As noted above, on 18<sup>th</sup> September 2018, I received from the Auditor General the Commission's audited accounts for 2014 and 2015 and thus, the 2017 Annual Report could finally be submitted including those two sets of accounts.

As we now have finalised an audited finalised balance for the Commission until the end of 2015, we are now in a position to prepare the Commission's accounts for 2016, 2017 and, shortly, 2018. It had been claimed by a previous member of staff, that a power surge in September 2016 eliminated all data entered on the Commission's MYOB package for 2016. Ernst & Young, however, could find no evidence that any such data had ever been entered.

This means that all data needs to be entered on the Commission's MYOB package for 2016, 2017 and 2018.

This has been previously discussed in a meeting between the Commission and staff of the Auditor General's Office in February 2018, wherein the Commission recommended (and it was agreed that this was appropriate) that Ernst & Young be engaged to finalise the Commission's accounts, tax compliant issues, preparation of reconciliation files on a monthly basis and the development of policy procedures manual, as Ernst & Young is already aware of the issues and know the nature of the Commission's accounts.

I had hoped to have obtained approval to have Ernst & Young enter the financial data for 2016 and 2017 and prepare the financial statements for those years to be submitted, in turn, to the Auditor General, such that audited accounts for 2016 and 2017 could then be included with this, the 2018 Annual Report. **Alas, as I am still awaiting approval to proceed, I must submit to you the 2018 Annual Report without any financial statements.**

In that regard, I note that section 94(4) of the *Legal Practitioners Act 2009* states:

*'The Commissioner may, with the approval of the Attorney-General, engage consultants, including accountants, auditors and other professionals, which the Commissioner considers necessary to properly perform the Commission's functions.'*

As at the date of my report to you (5 November 2018), I am still awaiting approval to my initial request from October 2017. This means that, as I complete my term, the financial statements for 2016, 2017 and 2018 are, unfortunately, outstanding and will remain so, until approval is given to proceed with Ernst & Young finalising the Commission's accounts, tax compliant issues, preparation of reconciliation files on a monthly basis and the development of policy procedures manual.

In addition, until approval is granted to have the accounts for 2016, 2017 and 2018 prepared by Ernest & Young, they cannot, in turn, be presented for auditing by the Office of the Auditor General.

**ACTION: This will now have to be a matter for the new Commissioner to raise with the Attorney-General.**

### *(3) Proceedings still pending*

I need to bring to your attention in relation to the financial records of the Commission, as mentioned above, as well as in my 2016 and 2017 Annual Reports, there are criminal proceedings still pending before the courts involving the inaugural Secretary of the Commission (2009-2014) who was charged in 2016, separately by the Office of the Director of Public Prosecutions (ODPP) and the Fiji Independent Commission Against Corruption (FICAC). I understand that these charges were combined into one set of proceedings that are now the responsibility of FICAC to prosecute. It would be inappropriate for me to comment further at this time.

### *(4) 2014 fire still unresolved*

As mentioned in my 2016 and 2017 Annual Reports, there was a mysterious fire in the Commission's offices in 2014, whereby much of the Commission's financial and other records "disappeared" and have never been found. The fire remains unresolved. Questions were raised by the Parliamentary Standing Committee on Justice, Law and Human Rights by letter of 28 May 2018 and when I appeared before it on 5 June 2018 and all that I could advise was as per the written advice that I received on 5 December 2016, that it remains unresolved. In that regard, I note the advice from the Police was, in summary:

*'... a forensic expert conducted the initial investigation and determined that the cause of fire was: "The fire is believed to have been introduced to the scene by an external source." ... concluded that: "The fire is classified as SUSPICIOUS".*

*A thorough investigation was conducted by the investigation officer, unfortunately, there was no positive information received to link someone to the fire. PEP 473/14 has been closed for now and it will be re-opened once an information is received to advance the investigation."*

## 4. Staffing issues

### *(1) 2017 Appointments following restructure*

I mentioned in my 2017 Annual Report, that the forensic audit report of Ernest & Young recommended a complete restructure of the Commission. This resulted in three new appointments:

1. **A new Secretary;**
2. An **Administrative Assistant/Court Officer**, responsible for assisting the Secretary in the registry functions, during the hearings, administrative, financial, typing and driving responsibilities, if and when needed;
3. A **Clerical Officer/ Court Orderly** providing clerical assistance to the Administrative Assistant.

Two of the above appointments have extensive experience (as a legal clerk and court clerk respectively) and all three have been undertaking law degrees. Unfortunately, the Secretary had to defer her studies during 2018 due to the pressing workload within the Commission.

*(2) Achievements and workload*

I note the three new members of staff have been able to achieve over the past year (apart from the administrative support they provide to me during the Sittings of the Commission):

1. Consolidated Annual Report 2011-16;
2. Annual Report for 2017;
3. Annual Report for 2018;
4. Designed an entirely new Discipline Register 2009 until 2018;
5. Compilation of a Case Register 2009-2017;
6. Submission of all judgments to PaLII from 2009 until present;
7. Launch of the Commission's website in 2018;
8. Working in conjunction with Ernst & Young and then the Office of the Auditor General to finalise the 2014 and 2015 accounts.

In addition, in light of previous issues that have arisen within the Commission, new measures were introduced as from late December 2016 by me, with the assistance of Mr. Neel Singh (who was on secondment as the Acting Secretary), and then refined by him and me during the first half of 2017, to guard against fraud. This has meant a heavy workload for the Commission's staff including:

(1) New procedures for payments including-

(i) No member of staff is a signatory to ILSC accounts;

(ii) The Secretary must obtain approval in writing (via email) from the Commissioner on all payments, who, in turn, copies their email approval to both the Solicitor General and the Acting Principal Accounts Officer at the Solicitor-General's Office;

(iii) A payment voucher is then prepared by the Administrative Assistant/Court Officer of the Commission;

(iv) The cheque is then prepared by the Secretary;

(v) The payment voucher with the necessary approval documentation and cheque are then taken by the Administrative Assistant/Court Officer or Clerical Officer/ Court Orderly to the Solicitor General and the Acting Principal Accounts Officer at the Solicitor-General's Office for signing. In the absence of one of these signatories, the Deputy Solicitor General is authorised to be the co-signatory on the cheques;

(2) A record is kept of all hours worked by the fulltime staff including –

(i) Signed daily and weekly attendance tallied each week and co-signed by the Secretary;

(ii) All overtime must receive prior email approval from the Commissioner recorded by the Secretary;



(iii) All sick leave must receive prior recorded email approval from the Commissioner by the Secretary;

(3) A GPS tracking system installed on the Commission's car;

(4) All items to be purchased on the Commission's MHCC Card must receive prior email approval from the Commissioner recorded by the Secretary;

(5) An audit was undertaken of all applications filed with the Commission since the Commission commenced in September 2009 until June 2018 and of all Orders made for fines and costs, received and banked. This was in response to questions raised by the Parliamentary Standing Committee on Justice, Law and Human Rights by letter of 28 May 2018 and when I appeared before it on 5 June 2018 in relation to the Commission's 2013 accounts. This necessitated further meetings with BDO and Ernst and Young following which the Parliamentary Standing Committee was advised that *'This issue and discrepancy is suspected to be part of irregularities already noted and reported by the Commission, and also reported by the Commission's external accountants and Office of the Auditor General. The irregularities and suspicious fraudulent activities have been notified to FICAC and DPP.'*

### *(3) Transcripts*

As I noted in my 2017 Annual Report, the one area where we there are still delays (apart from the financial statement issues) is in the provision of transcripts of proceedings.

Unfortunately, the Commission's video recording system disappeared along with various other records in the mysterious fire of late 2014. The Commission was left with an antiquated recording system that due to the installation agreement could only be downloaded for use on one laptop.

In September 2017, the Commission installed a new recording and information retrieval system so that recordings and documents can be shared amongst the staff of the Commission.

Whilst this has made the transcribing of proceedings somewhat easier, many of the cases now being heard before the Commission are complex with multiple documents and witnesses giving evidence over a number of hearing days. In addition, the Commission still has requests pending from the Court of Appeal for transcripts, some of which are from hearings before my term as Commissioner and most have been recorded on the pre-September 2017 antiquated recording system (that will only allow one member of staff access at any time). This continues to cause inevitable delays.

Ideally, it would be preferable to have transcripts typed on the day or days following a hearing. Due to the backlog, however, unless approval is given for further staff to be recruited, the delays will, unfortunately, continue for the foreseeable future.

Clearly, the Commission needs two additional law students to work as clerical officers over the next 12 months, to assist with the transcripts backlog, as well as to perform other administrative tasks requiring some knowledge of legal procedure and, when required, to undertake legal research. In the meantime, I have tried to assist staff by continuing to type

drafts of my judgments prior to them being read and edited by them. We are at present, investigating a new video recording system.

*(4) Approval for two additional staff*

In light of the above workloads, I sought approval in April 2018 to advertise for two law students to work as clerical officers for a period of 12 months. I explained that I did not require additional funding, as I proposed to manage the financing of these two positions through the Commission's present funding allocation.

Indeed, I note that this would have been at "no cost" to the government as the Commission receives no grants from government. In that regard, the Commission was originally established by a grant from the Stabilisation Fund in 2009 (accrued on interest from Solicitors' Trust Accounts) in accordance with the *Trust Account Act 1996*. The Commission is presently funded in three ways:

- (1) Quarterly grants from interest on Solicitors' Trust Accounts in accordance with the *Trust Account Act 1996*;
- (2) Interest paid on an interest bearing deposit;
- (3) Fines and costs imposed on legal practitioners as a result of proceedings before the Commission.

I note that sections 94(1) and (2) of the *Legal Practitioners Act 2009* state:

- '(1) The Commissioner may, with the approval of the Attorney-General, appoint a Secretary of the Commission and such other employees, casual and contract employees, needed for the efficient performance of the functions of the Commission.*
- (2) The employees of the Commission hold office on terms and conditions determined by the Commissioner after consultation with the Attorney-General.'*

When there had been no reply to my request in April 2018 seeking approval to engage two more staff for 12 months, I then made a second request in September 2018. As at the date of my report to you (5 November 2018), I am still awaiting approval to engage two more staff for 12 months.

**ACTION: This will now have to be a matter for the new Commissioner to raise with the Attorney-General.**

*(5) Staff overtime, meals and travel (unresolved)*

*(i) Overtime*

Commission staff had, at one time, been paid overtime. This was a major item of concern raised in the forensic audit reports of Ernst and Young as well as by the Office of the Auditor General, in particular, in the years 2013-2015.

The system now operating is that when staff work overtime, instead of receiving monetary payment, they claim time in lieu.

In addition, where staff work on weekends and/or evenings after 6.30 pm, they are entitled to a meal allowance. All such overtime, however, requires my prior email approval so that it is properly documented.

The problem has been that during the Sittings a member of staff will pick me up in the Commission's car at 7.00 or 7.15 am as the Sittings usually commence at 8.15 or 8.30am. Unfortunately, staff have been unable to claim for this time before 8.00am. Again, this is why a policy and procedures manual needs to be developed.

We have been awaiting approval since October 2017 to engage Ernst & Young to prepare a such a manual (something previously highlighted by the Auditor General in his report as a flaw that needed to be rectified).

**ACTION: This will now have to be a matter for the new Commissioner to raise with the Attorney-General.**

*(ii) Travel (unresolved)*

The procedure, which I inherited, seems to have been an undocumented ad hoc policy that the Commission's driver could, on occasion, leave the car at the nearest Police Post to his home. Again, this was an item of concern raised in the forensic audit reports of Ernst and Young, as well as by the Office of the Auditor General.

Following the restructuring of the Commission in April 2017, when the driver position was made redundant, the issue still remained as to how were members of staff meant to travel safely home after having worked overtime?

Even though the Commission has a car, it still has not been resolved that if it was approved for a member of staff to drive the other members of staff home, how does the driver then get home? Are they supposed to leave the car overnight at the nearest Police Post to their home or do they have to pay for a taxi at their own expense? In addition, the three full-time members of staff live in three different locations around Suva and this would require whoever was driving to do so sometimes late at night and over long distances.

During the Commission's Sittings since September 2017, when members of staff have been required to work overtime, I have provided to each of them with "taxi money" (paid from my private funds) so each of them can pay for a taxi cab to take them safely home (and for each them to text me upon their respective safe arrival at home). Obviously, the Commission has a duty of care to each of its members of staff.

During other times outside of Commission Sittings, when I have not been present in Fiji, staff have had to rely on family and/or paid their own way home. This is an entirely unsatisfactory state of affairs.

Accordingly, I have been tried to obtain approval in October 2017 and again in March 2018, to obtain three quotes from reputable taxi companies (as it will usually be the same distances to take staff home) and to then set with the successful operator agreed fares that would be paid by the Commission either from petty cash (for which either staff would directly pay the driver and given receipt) or by the Commission being invoiced each month by the taxi company that

would be checked by the Secretary, approved by the Commissioner and then a cheque drawn and signed by signatories from the Office of the Solicitor General to pay the taxi company. This would ensure that there could be no abuse such as colluding with taxi operators.

As at the date of my report to you (5 November 2018), I am still awaiting approval. Therefore, I have just concluded the present Sittings where again I have had to pay “from my own pocket” for the safe travel of staff when working overtime.

**ACTION: This will now have to be a matter for the new Commissioner to raise with the Attorney-General.**

*(6) Staff Salary*

I have been endeavouring to ascertain over the past three years how the salaries for each member of staff should be set, reviewed and, where appropriate, incremented each year.

The Commission is an independent statutory body. From my understanding, it is not covered by the Civil Service Salary Band. As I have also mentioned in this report, the funding of the Commission does not come from government but as a percentage of interest earned under the Solicitor’s Trust Account pursuant to the *Trust Account Act 1996*. This is why both the Office of the Auditor General and Ernest & Young have recommended that the Commission devise its own manual of policy and procedures.

Eventually, in 2018, the Commission was advised to liaise with the Civil Service Reform Management Unit. This has been done. As at the time of submitting my report, I am awaiting their recommendations.

**ACTION: This will now have to be a matter for the new Commissioner to discuss with the Civil Service Reform Management Unit and then raise with the Attorney-General.**

*(7) Staff mobiles*

The Commission at one time had a mobile telephone. This was another item of concern raised in the forensic audit reports of Ernst and Young as well as by the Office of the Auditor General.

We have been awaiting approval since October 2017 to engage Ernst & Young to prepare a policy procedures manual (something previously highlighted by the Auditor General in his report as a flaw that needed to be rectified).

In the meantime, staff use their own private mobiles (paid for at their own expense) to call and receive calls from me, in particular, the Secretary of the Commission.

At the time of submitting my 2018 Annual Report to you, I am still awaiting approval to engage Ernst & Young to develop a policy manual for the staff.

**ACTION: This will now have to be a matter for the new Commissioner to discuss raise with the Attorney-General.**

## 5. 2018 Hearings

In accordance with section 112 (1) of the *Legal Practitioners Decree 2009*, the Commission held five sessions (“Sittings”) of disciplinary proceedings during 2018 hearing allegations against legal practitioners:

- February 2018 Sittings (5-16 February)
- April 2018 Sittings (23-27 April)
- June 2018 Sittings (4-15 June)
- September 2018 Sittings (17-21 September)
- October/November 2018 Sittings (29 October-4 November)

## 6. Continuing Legal Education (CLE)

Apart from conducting disciplinary proceedings, the Commission also has an educative role to perform in assisting the legal profession. I have seen my part of my role, in providing reasoned judgments and rulings that are clear and well researched where an issue of law has arisen and to ensure that they are then disseminated widely amongst the profession and various stakeholders (including the Fiji Law Society, the High Court Library in Suva, PacLII, the Legal Aid Commission, the DPP and to Fiji’s three law schools).

In addition, I had hoped that during my term, depending upon the Commission’s workload, staffing levels and budget, the Commission would be in a position to hold at least one CLE seminar each year and/or for me to speak at one of the various annual legal conferences for the benefit of the legal profession. The workload of the Commission has been such, however, that I have had to concentrate on the Commission’s “core” tasks of hearing and determining applications and disseminating its judgments.

In 2016, I organised an evening seminar one with the support of the LPU within the office of the Chief Registrar and the President and senior members of the Fiji Law Society. In 2017, I presented a one-hour seminar at the Fiji Law Society’s 2017 Annual Conference. In 2018, I made a presentation to the law students at the University of Fiji.

Hopefully, if approval is forthcoming in the future to increase staffing levels within the Commission, then the new Commissioner might be able to consider organising some more CLE seminars. It is clear, however, that this would need to be in conjunction with the Fiji Law Society and/or one of the three law schools in Fiji to ensure oversight – as the forensic audit reports from Ernst & Young have highlighted major problems in the administration of such seminars previously when they were conducted solely by the Commission engaging guest speakers.

## 7. Website

### *(1) ILSC site*

I noted in my 2017 Annual Report that the Commission, with the help of law student interns, was able to develop a website in late November/December 2017 which then went “live “ during early 2018. The website covers the following:

- Cause List for each Sitting of the Commission

- Judgments 2009-2018
- Discipline Register 2009-2018
- Annual Reports 2009-10, 2016
- For members on the public information on “How To Lodge a Complaint”

This means that nearly all judgments delivered from the commencement of the Commission in 2009 until the end of 2018 are now listed on the Commission’s website on a year-by-year basis that is easily accessible for both the public and the legal profession.

In addition, all decisions where a legal practitioner has been struck from the Roll or suspended is recorded in the Discipline Register also easily accessible for both the public and legal profession.

*(2) Assistance of law student interns*

As in 2016 and 2017, I had the Secretary of the Commission write again, on my behalf, in 2018, to each of the Deans of the three law schools in Fiji (Fiji National University, University of Fiji, and the University of the South Pacific) to ascertain whether one of their students might be interested in being a volunteer intern (unpaid) with the Commission at some stage during the latter part of 2018.

Ideally, in terms of equity, I was hoping to offer an internship to a student from each of the three law schools in Fiji. I envisaged that the interns would be present during some of the hearings of the Commission as well as to assist with research on some of the activities of the Commission. In addition, I made an offer to give a lecture to students in the relevant ethics course at each law school.

I am pleased to report that Professor Shaista Shameem, Dean of the School of Law at the University of Fiji, again accepted my offer and one of her students attended and assisted during the February 2018 Sittings of the Commission. As noted above, Professor Shameem also had me give a lecture to students in February 2018.

In addition, I made a similar offer (as I did in 2016 and 2017) to my alma mater, the University of New South Wales in Sydney, Australia, where I am a Visiting Fellow. One student paid for her own travel, meals and accommodation to be with me during the February 2018 Sittings of the Commission.

Therefore, I wish to record my thanks to the following interns for their assistance during the during the February 2018 Sittings of the Commission:

- *School of Law, University of Fiji, Suva Campus*  
Lavenia Talei Gaunavinaka
- *Faculty of Law, University of New South Wales, Australia*  
Yingzhu (Judy) Zhou

*(3) Previous decisions of Disciplinary Committees of the Fiji Law Society*

I had hoped to include on the Commission’s website previous decisions of Disciplinary Committees of the Fiji Law Society, in particular, those that may have been appealed before a Court of law. For example, I am aware of *In Re A Barrister and Solicitor* [1999] 45 FLR 59; PaCLII: [1999] FJLawRp 11, <<http://www.paclii.org/fj/cases/FJLawRp/1999/11.html>>.

Unfortunately, a mysterious fire occurred in the offices of the Fiji Law Society in October 2013 and, as far as I am aware, no records of previous decisions of Disciplinary Committees of the Fiji Law Society were transferred to the Commission.

Therefore, after the launch of the Commission's website this year, I had the Secretary of the Commission write to the President of the Fiji Law Society to see what records could be obtained and she, in turn, has been attempting to ascertain from past presidents of the Law Society if they were aware of any such records.

**ACTION: This will now have to be a matter for the new Commissioner to liaise further with the President of the Fiji Law Society.**

#### 8. Judgments and Orders

##### *(1) Statutory obligations*

The Commission has certain statutory obligations in relation to the filing and publication of its Orders as follows:

##### Section 122 – Filing of Orders

- '(1) The Commission must give a written copy of any orders made by the Commission in an application for disciplinary proceeding to:*
- (a) the legal practitioner, or the partner or partners of the law firm, against whom the application for disciplinary proceedings was made;*
  - (b) the Registrar; and*
  - (c) the Attorney-General.*
- (2) The Commission must, within 14 days of an order being made, file the order in the High Court.'*

#### AND

##### Section 126 – Publication of Orders:

*'The Commission shall publicise and make public any order made against a legal practitioner or law firm or any employee or agent of a legal practitioner or law firm in an application for disciplinary proceeding, in any way the Commission considers appropriate; provided that the Commission may withhold the publication of any order if the Commission is of the view that there are exceptional circumstances which warrant against any publication.'*

##### *(2) Distribution of judgments and orders*

From April 2018, the following procedures have been implemented on the day that judgments are handed down in the Commission, or as soon as practicable thereafter:

- (1) An original signed and sealed judgment is provided to each of the parties and filed with the High Court Civil Registry;
- (2) A separate original signed and sealed Order/s is filed with the High Court Civil Registry and copies provided to each of the parties;
- (3) An original signed and sealed judgment is uploaded to the Commission's web site;

- (4) Two soft copies of judgment (one that is signed and sealed provided in “pdf”, together with a separate unsigned word document) and forwarded to PacLII;
- (5) Hard copies of the judgment are delivered to the following:
- (i) High Court Civil Registry
  - (ii) Chief Justice
  - (iii) Attorney-General
  - (iv) Solicitor General
  - (v) Director of Public Prosecutions
  - (vi) Director Legal Aid
  - (vii) President, Fiji Law Society
  - (viii) Librarian, High Court Library, Suva

PLUS Board of Continuing Legal Education:

- (ix) Chairman, Board of Continuing Legal Education
- (x) Judicial Member
- (xi) Deputy Registrar

(3) *PacLII*

It has been a task over the past three years to ensure that nearly all judgments delivered from the commencement of the Commission in 2009 until the end of 2018 are now listed on PacLII’s website by name and by year so that they are easily accessible for both the public and the legal profession. I would like to record my thanks to Ms Kym Freriks from USP for her assistance.

(4) *Enforcement*

Section 122(3) states: of the

*‘Once an order made by the Commission is filed in the High Court under subsection (2), the order becomes an order of the High Court, and may be enforced accordingly in accordance with the Rules of the High Court.’*

The Commission has a matter pending where an Order was made in late December 2017 for the legal practitioner to pay a fine to the Commission together with costs. The practitioner has appealed the Orders but has not sought a stay of those Orders before the Commission.

In March 2018, the matter was referred to the Office of the Solicitor General to enforce the Orders on behalf of the Commission. In May 2018, the Commission received an Advice from the Attorney General’s Chambers that they could not assist noting that such section 125 of the *Legal Practitioners Act 2009* states:

*“Any sum ordered by the Commission to be paid by way of a penalty or costs or expenses under this Act shall become an order of the High Court, and the **person or entity to whom it is ordered to be paid may enforce the order in the High Court against the person or entity ordered to pay it.**”*

It was then suggested that this be done by the Legal Practitioners Unit (LPU) who files proceedings on behalf the Chief Registrar. In addition, it was noted that considering the nominal amount of costs, enforcement action may outweigh the recovery and hence it may be



prudent to await the outcome of the Appeal and if further costs are awarded on Appeal then to recover together.

The Commission replied to that Advice noting that whilst the amounts involved may seem nominal, Orders of the Commission must be enforced expeditiously. The Commission is also of the view that the Orders cannot be enforced by the Chief Registrar, as not only is the Commission not a party to the proceedings, but the Commission is an independent statutory body and must remain separate from the Chief Registrar who is the prosecuting authority appearing before the Commission. It would be the equivalent of asking the DPP or FICAC to enforce fines and costs Orders made separately by the High Court.

As the Commission cannot instruct the Chief Registrar and, having been advised that the Office of the Solicitor General cannot assist, the only alternative is to engage a private practitioner to enforce the Orders pursuant to section 94(4) of the *Legal Practitioners Act 2009*, that is:

*'The Commissioner may, with the approval of the Attorney-General, engage consultants, including accountants, auditors and other professionals, which the Commissioner considers necessary to properly perform the Commission's functions.'*

I am of the view that it is necessary to engage the President of the Fiji Law Society privately to take enforcement proceedings or to obtain three separate quotes from private law firms to do so. Unfortunately, as at the date of my report to you (5<sup>th</sup> November 2018), I am still awaiting approval to my request.

It is the Commission's understanding that the enforcement process would be thus:

1. A Judgment Debtor Summons (JDS) would need to be filed with the Magistrates Court or a Writ of *Fifa* in the High Court and that would need to be done by a private lawyer.
2. Once the JDS or the Writ of *Fifa* is sealed, it will be handed to the Court Sheriff to enforce.

**ACTION: This will now have to be a matter for the new Commissioner to raise with the Attorney-General.**

## 9. Concluding remarks

In conclusion, I would like to formally record my thanks to the Chief Justice and Solicitor General for their assistance during my third and final year as the Commissioner.

I wish to record my thanks to those members of the profession who have appeared before me in whatever capacity as, on the whole, they have done so with respect to witnesses, each other, my staff and myself, as expected of members of the Bar.

Finally, I wish to record my thanks to the present staff of the Commission who, were appointed during the middle of my term when we undertook a restructuring of the Commission, they being Wati Bula (Secretary), Ritika Sami (Administrative Assistant/Court Officer) and Shristy Karan (Clerical Officer/ Court Orderly). Their work ethic and good humour has made this a wonderful experience over the past 17 months and I thank each of them for the support that they have provided to me. It has not gone unappreciated.

I conclude my final report with a quote, as to how I have seen my role, taken from my judgment in *Chief Registrar v Renee Lal* (Unreported, ILSC Application No. 008 of 2015, (14

February 2018, ILSCJ 2; PacLII: [2018] FJILSC 2, <<http://www.pacii.org/fj/cases/FJILSC/2018/2.html>>), where I concluded at paragraph [5]:

*'I hope that what follows will assist not just the parties appearing presently before me but the profession generally including those from the Office of the Chief Registrar. I do not begrudge the time spent. It is one of my tasks as the Commissioner in not just making judgments and rulings but also, where possible, to assist in an educative role for the profession. If I am incorrect, this can be remedied on appeal, as I was reminded during the hearing on 7<sup>th</sup> February 2018. To quote the wonderful Leonard Cohen:*

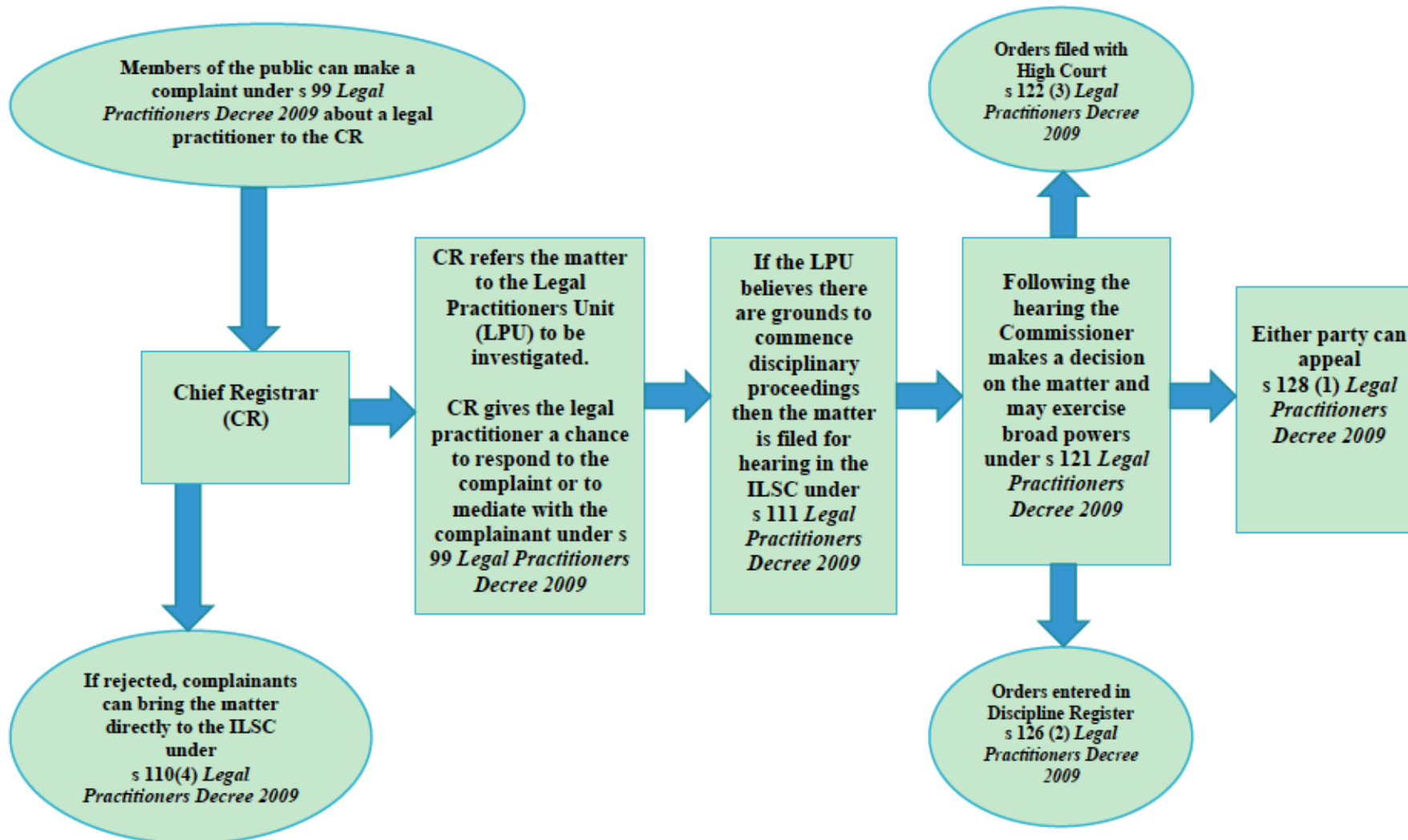
*"I don't consider myself a pessimist. I think of a pessimist as someone who is waiting for it to rain. And I feel soaked to the skin."* (Leonard Cohen, *Observer*, 2 May 1993)'

Vinaka vaka levu

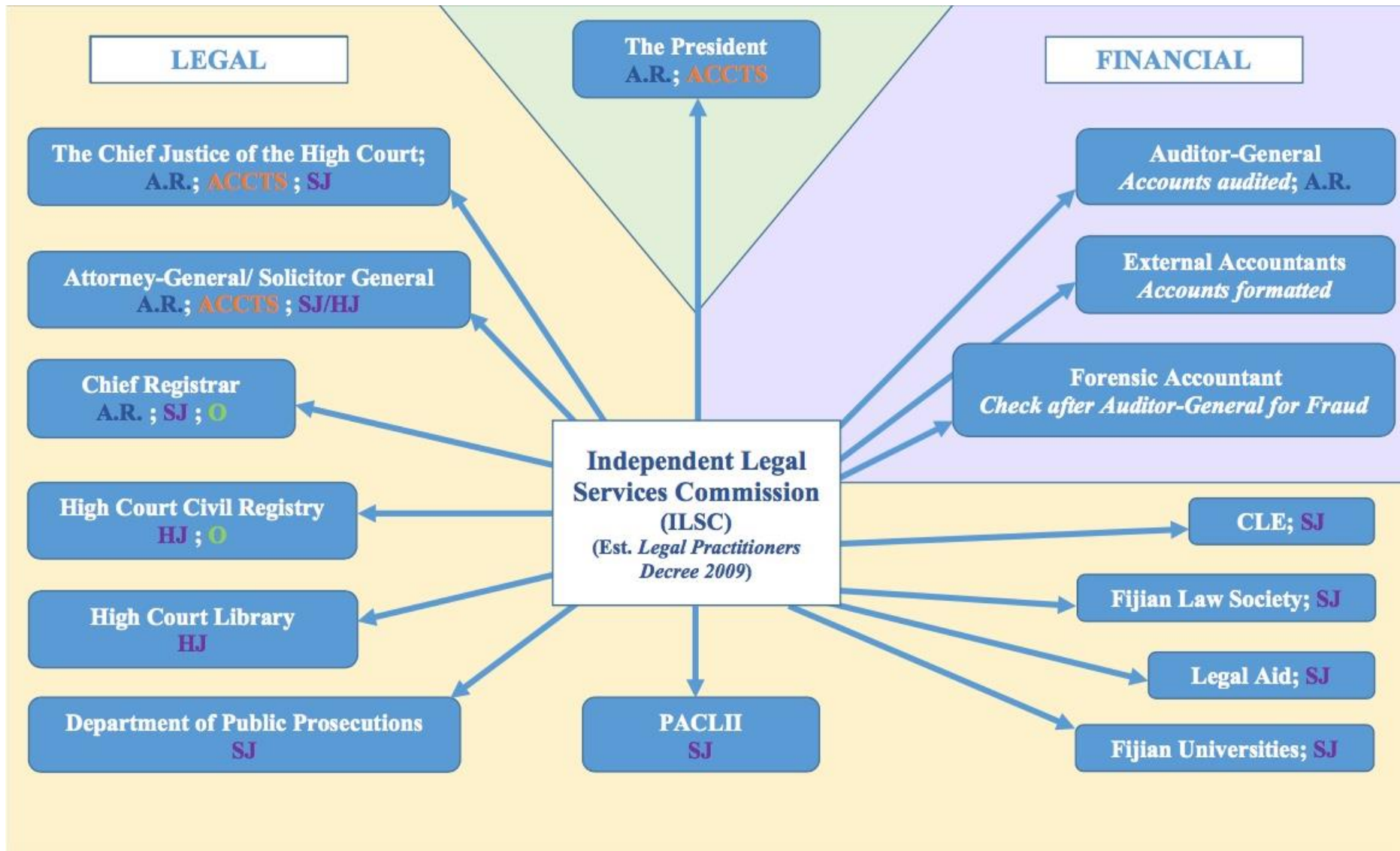
*Dr Thomas Hickie  
Commissioner  
Independent Legal Services Commission  
Level 5, Civic Towers, Victoria Parade  
Suva  
5 November 2018*

## How to Make a Complaint

The Independent Legal Services Commission (ILSC) was established under the *Legal Practitioners Decree 2009*



# THE STAKEHOLDERS



Key:

A.R. = Annual Report; ACCTS = Accounts; HJ = Hard-copy of judgments; SJ = Soft-copy of judgments; O = Orders made by the Commissioner

## **ILSC APPLICATIONS 2018**

*(Indexed by Case Numbers)*

<b>Case no.</b>	<b>Case name</b>	<b>Particulars</b>	<b>Status</b>
001/2018	Parveen Prakash v Gyaneshwar Prakash Lal and CR	Seeking orders that:  A. That the Applicant be reimbursed the sum of \$96,900.00 from the Fidelity Fund.  B. That the Applicant be paid interest on \$96,900.00 at such rate and for such period as the Commission deems just from the Fidelity Fund.  C. That the Applicant be paid costs for such amount as the Commission deems just from the Fidelity Fund.  D. Such further or other order as the Commission deems just.	Ongoing
002/2018	Akesh Ranu Singh v Dilip Jamnadas	Unsatisfactorily Professional Misconduct	Ongoing
003/2018	CR v Aman Ravindra Singh	Professional Misconduct pursuant to Section 82(1)(a)	Ongoing
004/2018	CR v Alofa Aiva Seruvatu	Professional Misconduct pursuant to Section 82(1)(a)	Ongoing

## ILSC JUDGMENTS 2018 - INDEX

*(Indexed in date order of judgment)*

Judgment No.	Judgment Date	Case No.	Case Name	Judgment Type	Page No.
ILSCJ01/2018	5 February	010/2015	Amrit Sen v CR	Ruling on: (1) Applicant's Interlocutory Application for Permanent State And/Or Dismissal and (2) Respondent's Oral Application For An Adjournment	24-25
ILSCJ02/2018	14 February	008/2015	CR v Renee Lal	<b>RULING</b> on: (a) Applicant's Interlocutory Applications (1) Vacate hearing/adjournment (2) Evidence to be heard in next Sittings (3) Costs be cost in the cause and (4) Leave to disclose further documents (5) Leave to amend Counts 3 and 8 (6) Oral application if hearing vacated for an adjournment rather than part-heard (b) Respondent's Interlocutory Applications (1) Application for adjournment be refused (2) Applicant produce complainant and hearing proceed (3) Taking of evidence by Skype be refused (4) If Applicant unable to proceed, be dismissed or permanently stated (5) Affidavit be struck out and (6) Oral Application that	25-27

				<p>Counsel withdraw appearing for the Chief Registrar</p> <p>(c) Respondent's objections</p> <p>(1) Objection to answers given by Counsel being admitted in evidence</p> <p>Objection as to affidavit be allowed into evidence</p>	
ILSCJ03/2018	13 June	008/2015	CR v Renee Lal	Ex-Tempore Ruling	27-28
ILSCJ04/2018	20 September	012 & 015/2015	CR v Suruj Sharma	Judgment	28-31
ILSCJ05/2018	21 September	012 & 015/2015	CR v Suruj Sharma	Ex-Tempore Judgment on Costs	31-33
ILSCJ06/2018	2 November	003/2018	CR v Aman Ravindra Singh	Ex-Tempore Judgment	33-34

## **ILSC SUMMARY JUDGMENTS 2018 - INDEX**

*(Indexed in date order of judgment)*

*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.*

<b>Name</b>	<b>Amrit Sen v Chief Registrar</b>
<b>Case No.</b>	010/2015
<b>ILSC Judgment no.</b>	001/2018
<b>Date of Judgment</b>	5/2/2018
<b>Facts</b>	<p>On 2<sup>nd</sup> October 2015, an Application was filed with the Commission setting out 10 allegations on Professional Misconduct against the legal practitioner.</p> <p>The facts of the matter involved legal practitioner acting as the common solicitor on a sale and purchase agreement in 2007 between a vendor landlord and a purchaser tenant. The validity of the agreement was conditional upon the parties engaging the services of a surveyor and obtaining a registered plan before the transfer could proceed. At one stage a letter was sent on the letterhead of the firm of the legal practitioner on behalf of the vendor demanding either balance of payment or vacation of the property. In subsequent legal proceedings filed by the vendor seeking orders for specific performance of the agreement, the legal practitioner acted on behalf of the purchaser in defending the action. In 2013, the purchaser lodged a complaint against the legal practitioner.</p> <p>On 27<sup>th</sup> November 2017, prior to the commencement of the hearing of the legal practitioner's interlocutory application, Counsel for the Respondent Chief Registrar sought for the hearing to be deferred whilst the Chief Registrar awaited a report from the police as to the outcome of their investigation into the various affidavits sworn by the complainant in this matter.</p>



<b>Judgment</b>	<p>The application of the Respondent that application for hearing to be vacated was refused. Applicants interlocutory application for permanent stay refused as well. The applicant was ordered to file and serve further particulars as to from whom is it alleged that fees were received and when, together with a short prosecution case statement outlining a summary of the evidence and the legal basis upon which the Application is brought in relation to Count 7. Moreover, in relation to count 9, file and serve further particulars together with a short prosecution statement detailing what was the alleged sufficient evidence and/or material within the knowledge of the legal practitioner that would suggest that Ram Narayan, may have a potential claim against the legal practitioner for negligence and the Commission granted leave to applicant to amend count 10 relating to High Court Civil No. HBC 23/2004 (Labasa) to HBC 008/2004 (Labasa).</p>
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<b>Name:</b>	<b>Chief Registrar vs Renee Devina Sina Lal</b>
<b>Case No.</b>	008/2015
<b>ILSC Judgment No.</b>	002/2018
<b>Date of Judgment</b>	13/06/2018
<b>Facts</b>	<p>The Respondent legal practitioner was alleged to have committed seven counts of professional misconduct and one count of unsatisfactory professional misconduct which involved:</p> <p>Count 1: It was alleged that the respondent had a failed to disburse the complainant with the entitlements from the proceed of sale of the said property in the matter before the Commission.</p> <p>Count 2: It was alleged the respondent influenced the complainant to sign on three (3) blank pages on the pretence that she would thereafter, send the proceeds from the sale to the complainant which she was entitled to receive as a beneficiary.</p> <p>Count 3: The Respondent whilst being one of the trustees of the</p>

	<p>Trust Account of Jamnadas &amp; Associates and acting for complainant, authorized in the Jamnadas &amp; Associates Trust Account payment voucher for the release of the sum of \$254,000 to ANZ when she had failed to obtain the consent and authority from the said complainant to release the sum of \$254,000 from the Trust Account of Jamnadas &amp; Associates on whose account the said sum was held in the trust account.</p> <p>Count 4: The respondent sometime between November and December 2014, placed undue influence on the complainant to enter into a “Deed of Settlement and Discharge” in order to release the remaining sum of money that complainant was entitled to receive from the proceeds of sale in the matter before the Commission.</p> <p>Count 5: The respondent had sometime between November and December 2014, failed to give a copy of the signed and executed “Deed of Settlement and Discharge” to the complainant that she was made to sign in order to receive the remaining sum of money that she was entitled to receive from the proceeds of sale.</p> <p>Count 6: The Respondent sometime between November and December 2014, after placing undue influence on the complainant to sign, failed to adhere to the terms of “Deed of Settlement and Discharge” by not releasing the full residue sum of money that the complainant was entitled to receive from the proceeds of sale.</p> <p>Count 7: The Respondent failed to comply with a Notice issued under section 105 and 106 of the Legal Practitioners Decree of 2009.</p> <p>Count 8: The Respondent whilst being one of the trustees of the Trust Account of Jamnadas &amp; Associates, on or around the 28<sup>th</sup> March 2007, authorized the withdrawal of \$254,000 held in the Trust Account of Jamnadas &amp; Associates and utilized the said sum for her own benefit.</p>
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<b>Judgment</b>	<p>The orders of the Commission in the Ruling were that the Respondents application to answers given by the applicant regarding the vacation of the hearing was allowed in parts. The objection by the Respondent in Regards to affidavit of M. Kumar was refused. Further to that, the oral application of the Counsel for the Respondent that Mr. A. Chand withdraws as counsel was refused. Hearing dates of November/December sittings were vacated on the Applicants request. Leave was granted to amend order 1, that is entire proceeding to be adjourned. The Respondent's application for adjournment to be refused and complainant to be produced was declined by the Commission. The complainants to be were to be heard in the next sitting of the Commission. Moreover, cross application of Respondent for evidence via skype was refused and evidence was to be taken in the Commission's Hearing room. Traveling details of the complainants were to filed and served, additional disclosures were to be filed by the Applicant. Application to amend count 3 and 8 was granted. The cross-application of the Respondent legal practitioner for the action in Case No. 004 of 2015 was permanently stayed and finally all cost was deferred to the Final Judgment of the matter.</p>
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<b>Name:</b>	<b>Chief Registrar vs Renee Devina Sina Lal</b>
<b>Case No.</b>	008/2015
<b>ILSC Judgment No.</b>	003/2018
<b>Date of Judgment</b>	13/06/2018
<b>Facts</b>	<p>In the substantive matter the Respondent legal practitioner has been charged with seven counts alleging professional misconduct and one count of unsatisfactorily professional conduct. The matter was listed for hearing in</p>

	<p>November/December 2017 sittings.</p> <p>This Ex-Tempore ruling dealt with two oral applications by the applicant and one application by the Respondent. The applicant wished to get the witnesses evidence via skype on the grounds of alleged intimidation. The commission ruled on the Skype issue that the evidence be taken in the Commission Hearing room with <u>strong</u> supervision by the Presiding Commissioner, as well as oversight by the Commission's staff. The Commission also upheld that the right of the Respondent right to cross examine the witness will not be prejudiced as she is represented.</p>
<b>Judgment</b>	<p>The orders of the Commission were that the evidence of the witness being taken via skype was refused. The Applicant was given liberty to make a further application if he became aware of further allegations that intimidation occurring. The Respondents legal practitioners request to cross examine witness was refused should she wish to examine other witnesses it had to come in a form of application to the Commission and lastly, the cost of the ruling was to be determined in the Final Judgment.</p>

<b>NAME</b>	<b>Chief Registrar v Suruj Sharma and Patel Sharma Lawyers</b>
<b>Case No.</b>	012/2015 and 015/2015
<b>ILSC Judgment No.</b>	4/2018
<b>Date of Judgment</b>	20 <sup>th</sup> September 2018
<b>Facts</b>	<p>Mr. Suruj Prasad Sharma, a legal practitioner and principle of law firm Patel Sharma Lawyers, was charged with four counts of professional misconduct in relation of not being able to produce a valid Will of Mr. Salen Prakash.</p> <p>Count 1: Mr. Sharma had acted against the interests of Maya Wati Prakash by acting for Pranita Devi, wife of deceased Salen Prakash Maharaj in taking out Letters of Administration for</p>

Pranita Devi for the Estate of Salen Prakash Maharaj, when earlier on his employee, Dipka Mala had prepared a Will for Salen Prakash Maharaj dated 22nd December 2006 under which Maya Wati Prakash, mother of the deceased, Salen Prakash Maharaj was the beneficiary, which conduct was contrary to section 82(1)(a) of the Legal Practitioners Decree 2009 and was an act of professional misconduct.

Count 2: Mr. Sharma, between 22nd December 2006 and 23rd January 2010 failed to keep proper record of the Will of Salen Prakash Maharaj dated 22nd December 2006 which was prepared by the said law firm, which conduct was contrary to section 81 of the Legal Practitioners Decree 2009 and was an act of unsatisfactory professional conduct.

Count 3: Mr. Sharma, between 25th November 2008 and 11th October 2013 failed to exercise due care and diligence in locating the Will of Salen Prakash Maharaj dated 22nd December 2006 which was prepared by Patel Sharma Lawyers, thereafter, proceeded on instructions of one Pranita Devi and obtained grant of Letters of Administration in the Estate of Salen Prakash, to the said Pranita Devi to the detriment of Maya Wati Prakash who was the sole beneficiary pursuant to the Will of Salen Prakash Maharaj, as the said Maya Wati Prakash was subjected to unnecessary cost for initiating High Court Action No. HPP 3 of 2010, which conduct was contrary to section 82(1)(a) of the Legal Practitioners Decree 2009 and was an act of professional misconduct.

Count 4: Mr. Sharma, between 25th November 2008 and 11th October 2013 failed to exercise due care and diligence in locating the Will of Salen Prakash Maharaj dated 22nd December 2006

	<p>which was prepared by Patel Sharma Lawyers, thereafter, proceeded on instructions of Pranita Devi and obtained grant of Letters of Administration in the Estate of Salen Prakash to the said Pranita Devi, which grant subsequently was revoked by the Suva High Court and as a result caused the said Pranita Devi unnecessary costs, which conduct was contrary to section 82(1)(a) of the Legal Practitioners Decree 2009 and was an act of professional misconduct.</p>
<b>Judgment</b>	<p>The four counts were dismissed. See <i>Chief Registrar v Suruj Sharma and Patel Sharma Lawyers</i> (No. 4) [2018] FJILSC1 (20 September 2018)</p> <p>&lt;<a href="http://www.paclii.org/fj/cases/FJILSC/2018/4.html">http://www.paclii.org/fj/cases/FJILSC/2018/4.html</a>&gt;</p>

<b>NAME</b>	<b>Chief Registrar v Suruj Sharma and Patel Sharma Lawyers</b>
<b>Case No.</b>	012/2015 and 015/2015
<b>ILSC Judgment No.</b>	5/2018
<b>Date of Judgment</b>	21st September 2018
<b>Facts</b>	<p>The Commission has handed down a judgment yesterday wherein all four counts against the First Respondent have been dismissed.</p> <p>The four counts against the Second Respondent were no longer being prosecuted. Accordingly, the judgment that was handed down on the 20<sup>th</sup> the day before, that the four counts against the Second Respondent have been dismissed.</p> <p>The First Respondent made a strike-out application that was dismissed on 21st September 2016. It was agreed between Counsel for the parties that costs would be reserved pending the outcome of the final hearing and judgment of the substantive application.</p> <p>An application before the Commission for a permanent stay of</p>

	<p>proceedings or that a matter be struck 2 out will rarely be entertained</p> <p>The costs ordered to be paid by the Respondent to the Commission in relation to the strike-out application, putting aside a lot of time dealing with the strike-out application in which the Respondent was entirely unsuccessful. The assistance provided by Counsel was also noted. As such, a sum of \$1,000.00 was to be paid to the Commission.</p>
<p><b>Orders</b></p>	<p>Pursuant to section 124(1) of the Legal Practitioners Act 2009, no Order was made as to costs payable by the Respondent towards the reasonable costs incurred by the Applicant Chief Registrar in defending the Respondent's strike-out application which was dismissed on 21st September 2016</p> <p>Pursuant to section 124(1) of the Legal Practitioners Act 2009, the Respondent is to pay the sum of \$1,000 towards the reasonable costs incurred by the Commission in hearing the Respondent's strike-out application which was dismissed on 21st September 2016</p> <p>If Order 2 is not satisfied by 12 noon on 27th September 2018, the Respondent's practicing certificate is to be suspended without further order until the Respondent has paid the said sum of \$1,000 to the Commission.</p> <p>There be no Order as to costs payable by the Respondent to the Chief Registrar for the bringing of the substantive application for which judgment was handed down on 20th September 2018 whereby all four counts were dismissed.</p> <p>There be no Order as to costs payable by the Respondent to the Commission for the hearing of the substantive application brought by the Chief Registrar for which judgment was handed down on 20th September 2018 whereby all four counts were dismissed.</p>

<b>NAME</b>	<b>Chief Registrar v Aman Ravindra Singh</b>
<b>CASE NUMBER</b>	003/2018
<b>ILSC JUDGEMENT NO.</b>	6/2018
<b>DATE OF JUDGEMENT</b>	2 <sup>nd</sup> November 2018
<b>FACTS</b>	<p>Mr. Aman Ravindra Singh, a member of the legal profession has failed to respond within 14 days to a notice from the Legal Practitioners' Unit (LPU) within the Office of the Chief Registrar and thus, pursuant to section 108(2) of the Legal Practitioners Act 2009 is guilty of professional misconduct.</p> <p>Mr. Singh, does not deny that he failed to respond but alleges that he had 'a reasonable explanation for such failure' pursuant to section 108(2) of the Legal Practitioners Act 2009 and thus a defense to the allegation.</p> <p>Mr. Singh also stated that his staff were instructed not to undertake any legal work during such periods, as such his clerk Mr. Steven had not faxed the letter as it would be deemed illegal work without the Practicing Certificate.</p> <p>Mr. Singh also failed to respond in Compliance with Order 2 as a timetable was ordered for the filing of written submissions by each party. The Commission's Secretary then received four emails from the Respondent in quick succession the same afternoon producing fresh evidences after hearing has been concluded.</p> <p>Mr. Singh raised a defense pursuant to section 108(2) notice in furnishing what he has submitted as 'a reasonable explanation for such failure', that is, that as he did not hold a valid practicing certificate, neither he nor his staff could perform legal work including responding to the Chief Registrar. The commission does not find that the problems with the Respondent's 'reasonable explanation for such failure' to respond to the Chief</p>



	Registrar within the 14-day period from when the section 108(2) notice was served upon the Respondent are reasonable.
<b>JUDGEMENT</b>	In the Application filed before the Commission in Case No. 003 of 2018, Chief Registrar v Aman Ravindra Singh, the Respondent legal practitioner is found guilty of Count 1, that is, the Respondent legal practitioner is guilty of professional misconduct contrary to section 82(1)(a) of the Legal Practitioners Act 2009

# ILSC DISCIPLINE REGISTER

## 2009-2018

Case No	Practitioner	Address	Date of judgment	Date of sentence	Particulars	Actual orders	Other particulars as prescribed by rules and regulations
001/2009	Abhay Kumar Singh	Lot 11 Dilkusha Road, Nausori	25 January 2010	25 January 2010	<p><b>Count 1:</b> Perverting the course of justice</p> <p><b>Count 4:</b> Acting for both parties to an agreement</p>	<p><u>Orders (Penalty):</u></p> <p><b>Count 1:</b> Professional misconduct found.</p> <p>1) Practitioner struck off roll <del>40 years</del> <b>REDUCED BY SUP.CT 20/10/2011 to 6 years</b></p> <p><b>Count 4:</b> Unsatisfactory professional conduct found. 2) Fined \$1,000</p>	<p><b>Count 1:</b> Legal Practitioners Decree 2009 s 82(1)</p> <p><b>Count 4:</b> Legal Practitioners Decree 2009 s 81</p>
001/2009	Abhay Kumar Singh	Lot 11 Dilkusha Road, Nausori	1 February 2010	1 February 2010	<p><b>Count 2:</b> Falling short of the standard of competence and diligence expected of a reasonable professional legal practitioner.</p>	<p>Unsatisfactory Professional conduct found.</p> <p><u>Orders (Penalty):</u></p> <p>1) Fined of \$1,000.00</p>	<p>Legal Practitioners Decree 2009 s 81.</p>

002/2009	Hemendra Nagin	2 <sup>nd</sup> Floor Harifam Center Greig Street, Suva	7 May 2010	7 May 2010	<p><b>Count 2(A):</b> Abused the relationship of confidence and trust of the client.</p> <p><b>Count 2(B):</b> Acted for both parties in a transaction and purchase of land.</p> <p><b>Count 2(C):</b> Failed to protect the best interest of the client.</p>	<p>Unsatisfactory Professional conduct found.</p> <p><u>Orders (Penalty):</u></p> <p>1) Respondent to be publicly reprimanded</p> <p>2) Fine of \$15,000.00</p>	<p><b>Count 2(A):</b> Legal Practitioners Decree 2009 s 83(1).</p> <p><b>Count 2(B) and (C):</b> Legal Practitioners Decree 2009 s 81.</p>
007/2009	Akuila Naco	Naco Chambers 1 <sup>st</sup> Floor ,340 Waimanu Rd P O Box 2267  Govt Building Suva	9 June 2010	9 June 2010	<p><b>Count 2:</b> Falling short of the standard of competence and diligence that a member of the public is entitled to expect of a reasonable professional legal practitioner.</p> <p><b>Count 3:</b> Failure to appear in court.</p> <p><b>Count 5:</b> Failure to cross examines a prosecution witness resulting in the complainant as a client being prosecuted.</p> <p><b>Count 6:</b> Abused the relationship of confidence and trust with the client by failure to represent and</p>	<p>Professional Misconduct/ Unsatisfactory Professional conduct found.</p> <p><u>Orders (Penalty):</u></p> <p>1) Publically Reprimanded</p> <p>2) Fine \$1,000.00</p> <p>3) Cost to CR in the sum \$500.00</p> <p>4) Pay compensation to complainant A \$3600.00, and Complainant B \$300.00.</p> <p>5) pay witness expenses of \$25.00 and \$30.00 respectively to each</p>	<p><b>Count 2, 3, 5, 6:</b> Legal Practitioners Decree 2009 s 81.</p>

					protect the interest of the client.	witness.	
004/2009	Sheik Hussain Shah	Savilla House, Valelevu, Nasinu.	15 June 2010	15 June 2010	<p><b>Count 1:</b> Issues trust fund account cheque which was dishonoured.</p> <p><b>Count 3A:</b>Falling short of the standards of competence and diligence of a reasonably competent or professional legal practitioner.</p> <p><b>Count 3B:</b> Delayed the process</p> <p><b>Count 5:</b>Failed to appear for complainant.</p>	<p>Professional Misconduct found for count 1 Unsatisfactory Professional conduct found for counts 3A, 3B, and 5.</p> <p><u>Orders (Penalty):</u></p> <p><b>Count 1</b></p> <p>1) To pay \$ 1,000 to the complainant</p> <p>2) To pay witness expenses of \$ 610.20</p> <p><b>Count 3A</b></p> <p>3) Fined \$500</p> <p><b>Count 3B</b></p> <p>4) Fined \$500</p> <p>5) To pay witness expenses of \$ 144</p> <p>6) To make an application in Lautoka High Court for complainant without delay and on pro bono basis.</p>	<p><b>Count 1</b></p> <p>Legal Practitioners Decree 2009 s 82(1)(a)</p> <p><b>Count 3A, 3B, 5:</b></p> <p>Legal Practitioners Decree 2009 s 81</p>

						<p><b>Count 5</b></p> <p>7) To pay \$750</p> <p>8) To pay \$ 250 to complainant</p>	
007/2009	Akuila Naco	1st Floor, 340 Waimanu Rd, PO box 2267, Government buildings Suva	16 June 2010	16 June 2010	<b>Count 1:</b> Overdrew Trust Account	<p>Unsatisfactory Conduct found.</p> <p><u>Orders (Penalty):</u></p> <p>1) Fined \$1,000.00</p> <p>2) Pay costs to the sum of \$500 to Chief Registrar.</p> <p>3) Publically reprimanded</p>	Legal Practitioners Decree 2009 s 81
004/2009	Sheik Hussain Shah	Savilla House, Valelevu, Nasinu.	15 June 2010	9 July 2010	<b>Count 6:</b> Failed to attend the Magistrate Court proceedings.	<p>Professional Misconduct found.</p> <p><u>Orders (Penalty):</u></p> <p>1) To pay \$ 1,000 to the complainant.</p> <p>2) To pay \$ 180 to applicant</p> <p>3) Fine of \$500 to the commission.</p> <p>4) All payments to be made within 28 days as failing could lead to suspension of practicing certificate without further order until payment is made.</p>	Legal Practitioners Decree 2009 s 82(1) (a)
007/2009	Akuila Naco	1st Floor,	16 June	9 July 2010	<b>Count 2:</b> Failed to distribute the	Unsatisfactory professional	Legal Practitioners

		340 Waimanu Rd, PO box 2267, Government buildings Suva	2010		monies received therein to claimants according to the order  <b>Count 3:</b> Failed to appear in the court and Judgment was issued against the complainant	conduct found.  <u>Orders (Penalty):</u> 1) Publically reprimanded. 2) Pay \$3,600 by way of compensation 3) Pay \$300 4) Pay witness expenses \$25 and \$30	Decree 2009 s 81
002/2009	Hamendra Nagin	2nd Floor, Harifam Centre  GPO Box 1004, Suva	7 May 2010	9 July 2010	<b>Count 2A:</b> Abused relationship of confidence and trust advising clients to increase consideration in transaction for no advantage  <b>Count 2B:</b> Acted for both parties in transaction for sale and purchase of land  <b>Count 2C:</b> Acted for both parties and thereby failed to protect best interests of client	Unsatisfactory professional conduct found.  <u>Orders (Penalty)</u> 1) The practitioner to be publicly reprimanded 2) A fine of \$15,000.00 payable to the commission 3) Respondent to indemnify the Complainants against any monies ordered to be paid by them	Unsatisfactory Professional Conduct (Rules of Professional Conduct and Practice r 1.1 , Legal Practitioners Decree 2009 s 81)
005/2009	Dorsami Naidu	N/A	13 August, 2010	16 August 2010	<b>Count 1B:</b> Failed to inform the client on progress of their case.  <b>Count 3A:</b> Failed to inform client that the land was co-owned; failed to inform client about conflict of	Unsatisfactory professional conduct found for counts 1B, 3A, 4A, 6C, 6D  Professional misconduct found for counts 3B, and 6E.	<b>Count 1B:</b>  Legal Practitioners Decree 2009 ss 81 and 83(1)(c)

				<p>interest.</p> <p><b>Count 3B:</b> Failed to obtain the consent of the third party on behalf of vendor.</p> <p><b>Count 4A:</b> Trust account mismanagement.</p> <p><b>Count 6C:</b> Failed to reinstate proceedings on behalf of client after matter had been struck out.</p> <p><b>Count 6D:</b> Failed to carry out client instructions and protect his client's interests.</p> <p><b>Count 6E:</b></p>	<p><u>Orders (Penalty):</u></p> <p>1) Must undertake no less than 10 hours of professional development or legal education each of: Conveyancing, Real Property and Practice Management. To be undertaken in Fiji, New Zealand or Australia.</p> <p>2) Order 1 to be complied with before 30 June 2011, or practising certificate is to be suspended without further order.</p> <p>3) To pay the Commission \$1,500.00</p> <p>4) To pay applicant witness expenses totalling \$1,428.95</p> <p>5) BY CONSENT with respect to complaint 3, respondent shall prepare all necessary documents and arrange their execution. If cost exceeds the amount currently held in trust by the respondent, Hari Prasad Lal shall meet all necessary survey costs and the cost of extraction of fresh title documents.</p> <p>6) Respondent has 5 months to</p>	<p><b>Count 3A, 4A, 6C, 6D</b></p> <p>Legal Practitioners Decree 2009 s 81.</p> <p><b>Count 3B:</b></p> <p>Legal Practitioners Decree 2009 s 82(1)(a)</p>
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						complete the performance of order 5. 7) Chief Registrar shall supervise the performance of orders 5 and 6.  [Appeal pending in Fiji Court of Appeal]	
008/2009	Haroon Ali Shah	1 <sup>st</sup> Floor Sunbeam Building, 7 Yasawa Street, P O Box 5104 Lautoka	15 September 2010	15 September 2010	<p><b>Count 1:</b> Failure to pay client's money.</p> <p><b>Count 2:</b> Failure to ensure that encumbrances were settled by the vendor.</p> <p><b>Count 3:</b> Failure to pay clients compensation that was awarded.</p> <p><b>Count 4:</b> Failure to return client's fee.</p> <p><b>Count 5(1):</b> Charging excessive legal costs or fees in connection to the practice of law.</p> <p><b>Complaint 5(2):</b> Failure to move the case; delay in the case reaching hearing stage.</p> <p><b>Count 6(1):</b> Constant failure to</p>	<p>Professional Misconduct found.</p> <p><u>Orders (Penalty)</u></p> <p>1) Take 5 criminal trials in Lautoka High Court on behalf of Legal Aid At no cost before 1st October 2011</p> <p>2) Trials to be selected by Director Legal Aid</p> <p>3) The Condition is to be removed on the Director Legal Aid certifying to the CR of the completion of the 5 trials</p> <p>4) If the condition is removed on or before 1st October 2011 the respondents Practicing Certificate shall be suspended from that date.</p>	<p><b>Count 1, 4, 10(2), 11(2), 12(2):</b></p> <p>Legal Practitioners Decree 2009 s 82(1)(b).</p> <p><b>Count 2, 3, 5(2), 6(1), 7, 8, 10(1), 11, 12(1):</b></p> <p>Legal Practitioners Decree 2009 s 82(1)(a).</p> <p><b>Count 5(1):</b></p> <p>Legal Practitioners Decree 2009 ss 83(1)(b) and (c).</p> <p><b>Count 6 (2):</b> Legal</p>



				<p>reach or maintain a reasonable standard of competence and diligence.</p> <p><b>Count 6(2):</b> Failed to bring a case to hearing date; failed to appear in court.</p> <p><b>Count 7:</b> Failure to advise the client of any progress of her case.</p> <p><b>Count 8:</b> Failure to represent a company to court.</p> <p><b>Count 9:</b> Abused the relationship of confidence and trust with the client and excessive legal cost.</p> <p><b>Count 10(1):</b> Failure to keep the client informed and refused to meet him on several occasions.</p> <p><b>Count 10(2):</b> Failure to refund clients' money.</p> <p><b>Count 11(1):</b> Failure to transfer money from trust accounts.</p> <p><b>Count 11(2):</b> Trust Account Mismanagement</p> <p><b>Count 12(1):</b> Failure to execute the clients agreement; failed to fulfilled his duties to his clients by</p>	<p>5) Pay \$7,000.00 to ILSC account to be paid to complainant</p> <p>6) Pay from Trust account \$4060.00 and from office \$778.00</p> <p>7) Pay witness Expenses \$288.65</p>	<p>Practitioners Decree 2009 s 82(1)(c).</p> <p><b>Count 9:</b></p> <p>Legal Practitioner Decree 2009 ss 83(1)(b) and (c).</p>
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					<p>making false promises.</p> <p><b>Count 12(2):</b> Failure to properly discharge duties as a legal practitioner in reaching the required standard of a professional lawyer.</p> <p><b>Count 12(3):</b> Failure to settle a case between clients where they are in conflicts in regards to the money paid and the instrument of the agreement.</p>		
008/2009	Haroon Ali Shah	1st Floor Subeam Building, 7 Yasawa Street, PO BOX 5104 Lautoka.	30 September 2010	30 September 2010	<p><b>Count 2:</b> Respondent was paid \$25,000.00 in legal fees, and \$4,00.00 for a hotel liquor licence transfer, when in actual fact there was no liquor licence attached to the hotel.</p> <p><b>Count 2B:</b> Failed to ensure that all debts or encumbrances by way of utility bills or rates had been paid off by the vendor before the transfer when in actual fact \$10,790.65 remained outstanding.</p> <p><b>Count 11B:</b> Failed to account</p>	<p>Unsatisfactory professional conduct found.</p> <p><u>Orders (Penalty)</u></p> <p>1) Practising certificate is to be conditioned until the respondent is to undertake five criminal trials in the Lautoka High Court on behalf of Legal Aid at no cost before 1 October 2011. Trials are to have an estimated duration of no more than five days each.</p> <p>2) Trials to be selected by the Director Legal Aid.</p> <p>3) Condition is to be removed upon the certification of the Director Legal Aid that trials have</p>	Legal Practitioners Decree 2009 s 82(1)(b))

					properly for money received from proceeds of sale. Money is still unaccounted for, and is yet to be paid to the client.	<p>been satisfactorily completed.</p> <p>4) Should condition not be completed before 1 October 2011, respondents practicing certificate shall be suspended for 5 months without further order.</p> <p>5) Pay \$7,000.00 to the Commission to be distributed to the specified complainants.</p> <p>6) Pay the Commission \$4,060 from his Trust Account and \$778 from his office account. To be distributed to the specified complainant.</p> <p>7) Pay Commission witness expenses totalling \$2,881.65.</p> <p>9) In the event that the respondent is unable to complete order 1 due to circumstances outside of his control, he is apply to for liberty.</p>	
002/2010	Vipul Mishra	16 Mana Street Lautoka.	3 March 2011.	4 May 2011.	<b>Count 1 and 2:</b> Failed to disclose important information that is ought to have reasonably been known by the legal practitioner. Conduct involved a substantial failure to reach or a reasonable standard of competence and diligence.	<p>Professional Misconduct found.</p> <p><u>Orders (Penalty):</u></p> <p>1) Shall facilitate the removal of mortgage from the Crown Land (16375) whether by legal action, payment of the mortgage debt or</p>	Legal Practitioners Decree 2009 s 82(1)(a)

						<p>otherwise.</p> <p>2) If prior to the removal of the mortgage, the mortgagee seeks to exercise such rights as it might have pursuant to the mortgage, respondent shall keep Sashi Kiran Pratap indemnified against any payment for principal, interest or legal expenses.</p> <p>2) Should mortgage not be removed on the specified Crown Land before 31 December 2011, Respondent's practicing certificate shall be suspended until further notice.</p>	
002/2010	Muhammed Shamsud-Dean Sahu Khan.	17 Ganga Singh Street, Varoka, Ba	3 March 2011.	4 May 2011.	<b>Count 1:</b> Not fit and proper to person to engage in legal practice.	<p>Professional Misconduct found.</p> <p><u>Orders (Penalty):</u></p> <p>1) To be struck from the roll of legal practitioners.</p> <p>2) To indemnify the purchaser with respect to any money payable as a result of actions commenced by him.</p> <p>3) Pay all principal and other interest owing on the loan in the sum of \$120,000.00 referred to</p>	Legal Practitioners Decree 2009 s 82(1)(b)

						<p>the 'Deed of Guarantee' within 28 days.</p> <p>4) Pay witness expenses totalling \$478.00 to the ILSC.</p> <p>5) To lodge his passport with the ILSC for retention until orders 2, 3, 4 are complied with.</p>	
001/2011	Muhammad Shansud-Dean Sahu Khan	17 Ganga Singh Street, Varoka, Ba	27 September 2011	6 October 2011	<p><b>Count 1, 2, 3, 5, 6, 7:</b> witnessed the signature when the client did he was not instructed by the client leading to substantial failure to reach a reasonable standard of competence and diligence. Conflict of interest.</p> <p><b>Count 8:</b> Substantial failure to reach a reasonable standard of competence and diligence expected of a professional legal practitioner.</p> <p><b>Count 9:</b> Is not a fit and proper person to engage in legal practice.</p>	<p>Unsatisfactory professional conduct found for count 8, 9;</p> <p>Professional misconduct found for counts 1, 2, 3, 5, 6, 7,</p> <p><u>Orders (Penalty):</u></p> <p>1) Must not apply for a practising certificate for 10 years. 2) Pay to ILSC \$ 862.10. 3) Surrender passport.</p>	<p><b>Counts 1, 2, 3, 5, 6, 7:</b></p> <p>Legal Practitioners Decree 2009 s82(1)(a).</p> <p><b>Count 8:</b></p> <p>Legal Practitioners Decree 2009 s 81</p> <p><b>Count 9:</b></p> <p>Legal Practitioners Decree 2009 s 82(1)(b).</p>
001/2011	Sahu Khan & Sahu Khan	17 Ganga Singh Street, Varoka, Ba	27 September 2011	6 October 2011	<p><b>Count 1:</b> Respondent Is not fit and proper to operate as a law firm.</p>	<p>Unsatisfactory professional conduct found.</p> <p><u>Orders (Penalty):</u></p>	<p>Legal Practitioners Decree 2009 s 82(1)(b).</p>

						1) Shall cease to operate and shall not engage in legal practice.	
004/2011	Adi Kolora Naliva	Fiji Public Trustee Corporation, 1 <sup>st</sup> Floor LICI Building, 11 Butt Street, P. O. Box 2276, Government Building, Suva	5 December 2011	5 December 2011	<b>Count 1, 2, 3, 4:</b> Practiced without having a valid practising certificate  <b>Count 5:</b> Falling short of the standards of competence and diligence that a member of the public is entitled to expect of a reasonably competent or professional legal practitioner.	Pleaded guilty to Unsatisfactory Professional Conduct.  <u>Orders (Penalty):</u> 1) Publicly reprimanded	<b>Count 1, 2, 3, 4:</b> Legal Practitioners Decree 2009 s 52(1)(a).  <b>Count 5:</b> Legal Practitioners Decree 2009 s 81.
006/2011	Siteri Adidreu Cevalawa	Telecom Fiji Ltd Ganilau House Edward Street Suva	5 December 2011	5 December 2011	<b>Count 1-8:</b> Solicitor practicing without having a valid practising certificate	Pleaded guilty to unsatisfactory professional conduct.  <u>Orders (Penalty):</u> 1) Publically reprimanded 2) Fined \$1,000	Legal Practitioners Decree 2009 ss 52(1)(a) Legal and 83(1)(a).
003/2011	Divendra Prasad	Diven Prasad Lawyers 14 Kimberly St Suva	24 January 2012	7 March 2012	Solicitor failed to convey settlement offer and acceptance to 3 clients seeking damages for personal injuries having made a contingency fee agreement with the clients.  <b>Count 1A:</b> Acting without	Finding of professional misconduct (count 1A); Finding of unsatisfactory professional conduct (count 1D).  <u>Orders (Penalty):</u> 1) Publically reprimanded	Legal Practitioners Decree 2009 ss 81 and 82(1)(a).

					instructions from client,  <b>Count 1D:</b> Failed to keep client informed of progress of instructions given	2) \$30,000 penalty 3) Refund \$2,000 to Complainant 4) Refund \$6,359.38 to High Court for Costs 5) Pay \$87 to Commission (witness expenses) 6) Suspend Practising certificate if moneys not paid by 30/4/2012 until paid	
005/2011	Alena Koroi	K 1 Law, 31 Salesi Road, Namadi Heights, Tamavua	1 December 2011	14 March 2012	<b>Count 1:</b> Refusal to lower the voice down at the High Court Judge	Unsatisfactory Professional Conduct found.  <u>Orders (Penalty):</u> 1) Payment of Witness expenses of \$ 35 2) A warning given 3) Needs to spend 12 months of practice under supervision 4) Conditional practicing certificate for 2013 would be based on the 2012 report provided by Chief Registrar	Legal Practitioners Decree 2009 s 83(1)(a).
001/2012	Laisa Lagilevu	9 Lester Street, Delainavesi	16 March 2012	16 March 2012	<b>Count 1:</b> Appeared in High Court without a valid practising certificate	Unsatisfactory Professional Conduct found.  <u>Orders (Penalty):</u> 1) Publicly reprimanded.	Legal Practitioners Decree 2009 ss 52(1)(a) and 83(1)(a)

						2) Pay fine of \$ 1000 3) Practicing Certificate suspended until fine paid and upon satisfactory of Trust Account requirements of the Chief Registrar	
002/2012	Kini Marawai	1 <sup>st</sup> Floor nona House, 26 Roberts road, Suva	12 September 2012	5 October 2012	<p><b>Count 1:</b> Conflict of interest: Prepared and Witnessed the first affidavit for client containing rape allegation against 2<sup>nd</sup> Respondent and then again prepared and witnessed second affidavit for the client about withdrawal of same rape allegation against 2<sup>nd</sup> Respondent.</p> <p><b>Count 2:</b> Information present in both the affidavits was conflicting evidence.</p> <p><b>Count 3:</b> Asked 2<sup>nd</sup> Respondent to represent his client where 2<sup>nd</sup> Respondent was himself a victim and a witness in the same legal matter.</p>	<p>Unsatisfactory professional conduct found for counts 1 and 2; Professional conduct found for count 3.</p> <p><u>Orders (Penalty):</u></p> <p>1) Certificate suspended until 1<sup>st</sup> March 2016 2) Publicly reprimanded 3) Pay cost of \$ 1000 which would be equally shared between LPU and the Commission 4) Be only certified on proof of having taken 5 hours of training in Legal Ethics</p>	<p><b>Count 1:</b> Legal Practitioners Decree 2009 s 81.</p> <p><b>Count 2:</b> Legal Practitioners Decree 2009 s 83(1)(a).</p> <p><b>Count 3:</b> Legal Practitioners Decree 2009 s 82(1)(b).</p>
002/2012	Rajendra Chaudhry	19 Rewa Street, Suva.	12 September	5 October 2012	<p><b>Count 1:</b> Conflict of interest: Acted as a</p>	Professional misconduct found for count 1;	<b>Count 1:</b> Legal Practitioners Decree 2009 s



			2012		<p>counsel for client who was accused of giving false information to a public servant in a matter where the Respondent was a victim and a witness.</p> <p><b>Count 2:</b></p> <p>He showed discourtesy to High Court.</p>	<p>Unsatisfactory professional conduct found for count 2.</p> <p><u>Orders (Penalty):</u></p> <p>1) Certificate suspended until 1<sup>st</sup> March 2017.</p> <p>2) Publicly reprimanded.</p> <p>3) Pay cost of \$ 1000 to be equally shared between LPU and the Commission.</p> <p>4) In order to purpose his current matter, he be allowed to remain in practice until 26<sup>th</sup> October 2012 however he cannot appear in Court, nor accept any new instructions from either existing or new clients.</p> <p>5) Be only certified on proof of having taken 5 hours of training in Legal Ethics</p>	<p>82(1)(b).</p> <p><b>Count 2:</b> Legal Practitioners Decree 2009 s 83 (1)(a).</p>
003/2012; 004/2012	Luseyane Ligabalavu	Yatu Lau Arcade, Suva	21 September 2012	23 October 2012	<p><b>Count 1 and 2:</b> Failing to comply with any orders or directions of the Chief Registrar</p>	<p>Professional misconduct found.</p> <p><u>Orders (Penalty)</u></p> <p>1) Suspended from practice until 1 March 2015.</p> <p>2) Must pay \$200 to Joeli Tudrau [arising from mediation agreement]</p>	<p>Legal Practitioners Decree 2009 s 83(1)(g)</p>

008/2012	Naipote Vere	Naipote Vere and Associates Lot 34 Namosi Lane	6 November 2012	21 January 2013	<b>Count 1:</b> Failed to comply with any orders or directions of the Registrar	Professional misconduct found. <u>Orders (Penalty):</u> 1) The respondent is publicly reprimanded 2) To pay \$2,000 fine before his practising certificate is renewed for 2013	Legal Practitioners Decree 2009 s 83(1)(g).
010/2012	Kalisito Maisamoa	Nacolawa and Davita Solicitors	23 January 2013	23 January 2013	<b>Count 1:</b> 8 offences of appearing before completing 2 years of practice on the same day. (8 offences regarded as one count with concurrent penalties).	Pleaded guilty to professional misconduct. <u>Orders (Penalty):</u> 1) Respondent publicly reprimanded 2) Fined \$1, 500 to be paid by 28 February 2013	Legal Practitioners Decree 2009 s 52(2).
009/2012	Niko Nawaikula	26 Robertson Road Suva	12 April 2013	12 April 2013	<b>Count 1:</b> Instructed uncertified solicitor to act	Professional misconduct found. <u>Orders (Penalty):</u> 1) Publically reprimanded 2) Fined \$2,000 within 28 days or 3) Practising certificate will be suspended without further order.	<b>Count 1:</b> Legal Practitioners Decree 2009 ss 53 and 83(1)(a).
009/2012	Savenaga Komaisavai	26 Robertson Road	12 April 2013	12 April 2013	<b>Count 1:</b> Appeared for an accused in criminal case without practising	Professional misconduct found. <u>Orders (Penalty):</u>	<b>Counts 1 and 2:</b> Legal Practitioners Decree 2009 s

		Suva			certificate <b>Count 2:</b> Prepared instruments for legal proceeding without practising certificate	1) Publically reprimanded 2) Practising certificate suspended for 3 months from judgment date	52(1)(a)
006/2012	Kini Marawai	Lot 16 Nasagavoki Rd Tamavua Heights Suva	15 May 2013	15 May 2013	<b>Counts 1 to 3:</b> Appearing before court without a practising certificate <b>Count 4:</b> Without a practising certificate, instructed another solicitor <b>Counts 5:</b> Failed to establish and keep trust account	Pleaded guilty to all 5 counts of Professional Misconduct. <u>Orders (Penalty):</u> 1) Suspended for three years to run consecutively with period of suspension he is already undergoing not to apply for practicing certificate until 1 March 2019. 2) Fined \$1,000	<b>Counts 1 to 4:</b> Legal Practitioners Decree 2000 ss 52(1)(a), 52(1)(b), and 83(1)(a) <b>Count 5:</b> Legal Practitioners Decree 2009 s 83(1)(h); Trust Account Act 1996 s 3a.
007/2012	Melaia Ligabakavu	Ligabakavu Solicitors	7 June 2013	7 June 2013	<b>Count 1 and 2:</b> Appeared in Magistrate's Court without holding valid practising certificate (1 and 19 March 2012) <b>Count 3 and 4:</b> Law firm appeared in Magistrate's Court without holding valid practising certificate (1 and 19 March 2012)	Unsatisfactory professional conduct found for counts 1 and 2; Professional misconduct found for counts 3 and 4. <u>Orders (Penalty):</u> 1) Publicly reprimanded 2) Suspended from practice for rest the current practising year. Not eligible to apply for a practising certificate until 1	<b>Count 1 and 2:</b> Legal Practitioners Decree 2009 ss 83(1)(a) and 52(1)(a) <b>Count 3 and 4:</b> Legal Practitioners Decree 2009 ss 83(1)(a) and 42(2)

						March 2012.	
007/2012	Luseyane Ligabalavu	Ligabakavu Solicitors	7 June 2013	7 June 2013	<p><b>Count 1 and 2:</b></p> <p>Being the sole practitioner of the law firm employed, instructed 1<sup>st</sup> respondent to appear in Magistrate's Court without holding valid practising certificate (1 and 19 March 2012)</p> <p><b>Count 3:</b></p> <p>Failed to cause accounting and other records to be audited for financial period 1<sup>st</sup> October to 30<sup>th</sup> September</p> <p><b>Count 4:</b></p> <p>Failed to lodge, or cause to be lodged, by the required date a statement signed by the trustee with Registrar and the Minister.</p>	<p>Professional misconduct found for all 4 counts.</p> <p><u>Orders (Penalty)</u></p> <p>1) Suspension for practice for 2 years and cannot apply for practising certificate until 1 March 2017.</p>	<p><b>Count 1 and 2:</b></p> <p>Legal Practitioners Decree 2009 ss 83(1)(a) and 42(2).</p> <p><b>Count 3:</b></p> <p>Legal Practitioners Decree 2009 s 83(1)(h); Trust Accounts Act 1996 s 12(1).</p> <p><b>Count 4:</b></p> <p>Legal Practitioners Decree 2009 s 83(1)(h); Trust Accounts Act 1996 s 12(3).</p>
001/2013	Vilitati Macanawai Daveta	Suite 3, Winina Arcade, main Street Nausori	20 June 2013	20 June 2013	-	<p>Professional Misconduct</p> <p><u>Orders (Penalty)</u></p> <p>1) Restrained from operating under the style of Nacolawa &amp; Daveta Law.</p> <p>2) Submit a list of pending files and contacts of the clients to the</p>	-

						<p>LPU.</p> <p>3) Fiji police can assist in the enforcement of the order.</p> <p>4) Daveta and his staff are not to enter the office of the firm.</p> <p>5) CR at liberty to appoint receive of firm.</p> <p>6) Daveta to pay costs of \$1000 by 4 July 2013.</p>	
013/2013	John Rabuku	71 Gordon street, Suva	30 July 2013	30 July 2013	<b>Count 1:</b> Failure to respond to complaint issued by Chief Registrar and subsequent reminder notice	<p>Professional misconduct by plea of guilty/ admission.</p> <p><u>Orders (Penalty)</u></p> <p>1) Publicly reprimanded</p> <p>2) Practising certificate suspended for 3 months</p> <p>3) \$500 fine</p>	Legal Practitioners Decree 2009 ss 83(1)(g) and 108(2).
014/2013	Sushil Chand Sharma	S Ram Prasad Building, Sigatoka Town, Sigatoka	30 July 2013	30 July 2013	<b>Count 1:</b> Failure to respond to complaint issued by Chief Registrar and subsequent reminder notice	<p>Professional misconduct by plea of guilty.</p> <p><u>Orders (Penalty)</u></p> <p>1) Publicly reprimanded</p> <p>2) Practising certificate suspended for one month</p> <p>3) \$500 fine</p>	Legal Practitioners Decree 2009 ss 83(1)(g) and 108(2).
016/2013	Muhammed Azeem Ud-	M K Sahu Khan & Co	30 July 2013	30 July 2013	Two counts of gross misrepresentation. Letterhead	Professional misconduct found for both counts.	Legal Practitioners Decree 2009 s

	Dean Sahu Khan	PO Box 3561, Nadi			fraudulently referred to respondent as being 'Bar-at-Law (Lincoln's Inn)' when:  <b>Count 1:</b> Not a UK barrister  <b>Count 2:</b> Not a member of Lincoln's Inn	<u>Orders (Penalty)</u> 1) Publicly reprimanded. 2) Remove all references from letterheads to Lincoln's Inn 3) Practising certificate suspended for 18 months 4) Fined \$20, 000.00	83(1)(a).
005/2013	Vilimone Vosarogo	Ground Floor, 46 Gordon St, Damodar Centre, Suva	20 August 2013	20 August 2013	<b>Count 1:</b> Instructed another legal practitioner without holding a valid practicing certificate	Unsatisfactory professional conduct found.  <u>Orders (Penalty):</u> 1) Publically reprimanded 2) Fined \$2,500	Legal Practitioners Decree 2009 s 52(1).
017/2013	Ram Chand	46 Augustus St, Toorak, Suva	3 October 2013	3 October 2013	<b>Count 1:</b> Knowingly deceiving or misleading the High Court by seeking an adjournment for health reasons whilst appearing on the same day in the Magistrates Court.	Professional misconduct found.  <u>Orders (Penalty):</u> 1) Publicly reprimanded 2) Practising certificate suspended from 3 October 2013- 1 March 2014 3) \$5000 fine	Legal Practitioners Decree 2009 s 83(1)(a).
021/2013	Savenaca Komaisavai	PO Box 5980, Valelevu	8 October 2013	8 October 2013	<b>Count 1:</b> Attacked the reputation of another person without good in written form.	<b>Count 1:</b> Unsatisfactory professional conduct found.  <u>Orders (Penalty):</u>	Legal Practitioners Decree 2009 s 83(1)(a).

						<p>1) Publically reprimanded</p> <p>2) Practising certificate is to be suspended for four months from 8 October 2013</p> <p>3) Pay costs of the commission totalling \$750.00 by 31 October 2013.</p> <p>4) If order 3 is not paid by specified date, 2 months will be added to the suspension.</p>	
020/ 2013	Kelera Baleisuva Buatoka	Lvl 4 FNPF Pl, Victoria Pd, PO BOX 15859, Suva	11 October 2013	11 October 2013	<b>Counts 1 and 2:</b> Acting as a Commissioner for Oaths by witnessing an affidavit while not holding a valid practicing certificate	<p>Finding of unsatisfactory professional misconduct on both counts.</p> <p><u>Orders (Penalty)</u></p> <p>1) Publicly reprimanded</p> <p>2) Fined \$300 on each charge</p>	Legal Practitioners Decree 2009 ss 52(1)(a) and 83(1)(a).
002; 003/ 2013	Luseyane Ligabalavu	Yatu Lau Arcade, Suvas	17 October 2013	17 October 2013	<p>Application No 002</p> <p><b>Count 1:</b> Failed to pay a sum of money to a third party in accordance with client/ vendors instructions.</p> <p><b>Count 2:</b> Deposited sum of money in own operating account at firm instead of law firm's trust account.</p>	<p>Professional misconduct found for all counts on both applications.</p> <p><u>Orders (Penalty)</u></p> <p>1) Name be struck from the roll of legal practitioners.</p>	Legal Practitioners Decree 2009 ss 82(1)(a) and 83(1)(g).

					<p><b>Count 3:</b> Acted for both vendor and purchaser and failed to protect the interests of the purchaser.</p> <p><b>Count 4:</b> Withdrew sum from Operating Account for purposes other than the purpose of trust.</p> <p>Application No 003</p> <p><b>Count 1:</b> Failed to respond to complaint within stipulated time period</p>		
010/2013	Amrit Sen	Maqbool & Company	6 November 2013	6 November 2013	<p><b>Count 2:</b> Showed discourtesy to the court by raising his voice to an unacceptable level and by attacking the reputation of the prosecutor in court</p>	<p>Professional misconduct found.</p> <p><u>Orders (Penalty)</u></p> <p>1) Publically reprimanded</p> <p>2) Fined \$5,000</p>	<p>Rules of Professional Conduct and Practice r 3.5 and 3.2(i).</p> <p>Legal Practitioners Decree 2009 s 82(1)(a).</p>
024/2014	Anand Singh	94 Waimanu Rd, Suva	7 November 2013	7 November 2013	<p><b>Count 1:</b> Failed to respond to a complaint and the subsequent notice from the Chief Registrar.</p>	<p>Professional misconduct found.</p> <p><u>Orders (Penalty)</u></p> <p>1) Practicing certificate is suspended for 2 months</p>	<p>Legal Practitioners Decree 2009 ss 83(1)(g) and 108(2).</p>



011/2013	Raman Pratap Singh	Labasa Civic Centre Labasa, Fiji	19 November 2013	19 November 2013	<p><b>Count 1:</b> Unreasonably delayed seeking consent of the Director of Lands for transfer of the lease</p> <p><b>Count 2:</b> Included a clause which breached the lease conditions of the said Crown land</p> <p><b>Count 3:</b> Failed to fulfil instructions received for completing settle for sale, failed to have lease transferred to purchasers, failed to ensure that vendor fully paid sum for consideration</p>	<p>Unsatisfactory professional conduct found for all counts.</p> <p><u>Orders (Penalty):</u></p> <ol style="list-style-type: none"> <li>1) Publically reprimanded</li> <li>2) Fined a total of \$3000 for each offence</li> <li>3) Pay costs to the Commission \$2000</li> <li>4) Pay vendor \$3,000</li> <li>5) If the fine and costs not paid by 13 December 2013, practitioner's practising certificate suspended until time penalties are paid</li> </ol>	<p>Legal Practitioners Decree 2009 s 82(1)(a).</p>
009/2009	Iftakhar Iqbal Ahmad Khan	157 Vitogo Parade, P O Box 870, Lautoka	11 December 2013	11 December 2013	<p><b>Count 1A:</b> Failing to conduct himself in a professional manner by passing derogatory remarks.</p> <p><b>Count 1B:</b> Failing to conduct himself in a professional manner by opening talking about a pending High Court Case.</p> <p><b>Count 4:</b> Failing to inform client that he was also acting for the other party despite receiving payment.</p>	<p>Professional misconduct found for all counts.</p> <p><u>Orders (Penalty):</u></p> <ol style="list-style-type: none"> <li>1) For counts 1A and 1B (acting sub justice) practising certificate is suspended for 15 months with immediate effect.</li> <li>2) For count 4 (conflict of interest) practising certificate is suspended for 15 months with immediate effect.</li> </ol>	<p><b>Counts 1A and 1B:</b></p> <p>Legal Practitioners Decree 2009 s 82(1)(a)</p> <p><b>Count 4:</b></p> <p>Legal Practitioners Decree 2009 s 82.</p>

						<p>3) Two suspensions to be served concurrently. Practitioner not eligible to apply for practising certificate until March 2015.</p> <p>4) Pay costs to the Commission of \$1,500.00 by 10 January 2014.</p> <p>5) practitioner to be publicly reprimanded</p>	
025/2013	Jolame Uludole	J.U.Esquire-Block 3 Flat 6, Kaukimoce Flats, Balabala Crescent, Newtown, Nasinu	5 February 2014	5 February 2014	<p><b>Count 1:</b> Failure to open a trust account</p> <p><b>Count 2:</b> Failure to open a trust account when operating as J.U. Esquire and acting for a client.</p>	<p>Professional misconduct by admission.</p> <p><u>Orders (Penalty)</u></p> <p>1) Publicly reprimanded</p> <p>2) Suspension of practising certificate for 2 years. Ineligible to apply for practicing certificate until March 2016.</p> <p>3) Fined \$3000</p>	Legal Practitioners Decree 2009 s 82(1)(b).
027/2013	Saimoni Nacolawa	11 Vitogo Pd, Lautoka	11 March 2014	11 March 2014	<p><b>Count 1:</b> Failure to make proper enquiry into accreditation of accounting firm engaged to prepare Trust Account Audit report.</p>	<p>Unsatisfactory professional misconduct by plea of guilty.</p> <p><u>Orders (Penalty)</u></p> <p>1) Publically reprimanded</p> <p>2) Fined \$1,500</p>	Legal Practitioners Decree 2009 s 83(1)(a)
001/2014	Silika Vuilagi	35A Kikau	28 July	28 July	<p><b>Count 1:</b> Failure to ensure that</p>	Professional misconduct found for	Legal Practitioners

	Waqabitu	St, Samabula, Suva	2014	2014	trust monies were applied in accordance with client's instructions. Failure to ensure that monies were not utilised by staff for unauthorised purposes.  <b>Count 2:</b> Misrepresenting trust account in Trustees Report.	both counts. Admission to count 1.  <u>Orders (Penalty):</u>  1) Struck off the roll of practitioners.	Decree 2009 s 82(1)(a).
013/2014	Nikolau Nawaikula	6800, Nina St Suva, Fiji	16 February 2015	16 February 2015	<b>Count 1:</b> Failed to respond to complaint; failed to respond to notice and reminder sent by Chief Registrar	Plead guilty to Professional Misconduct.  <u>Orders (Penalty)</u>  1) Publically reprimanded 2) Practicing certificate Suspended for one month 3) Fined \$1000 4) Practitioner to remain suspended until the fine is paid	Legal Practitioners Decree 2009 ss 83(1)(g) and 108(2).
014/2014	Nikolau Nawaikula	6800, Nina St Suva, Fiji	16 February 2015	16 February 2015	<b>Count 1:</b> Failed to respond to complaint; failed to respond to notice and reminder sent by Chief Registrar.	Plead guilty to Professional Misconduct.  <u>Orders (Penalty)</u>  1) Publically reprimanded 2) Practicing certificate Suspended for one month 3) Fined \$1000 4) Practitioner to remain suspended until the fine is paid	Legal Practitioners Decree 2009 ss 83(1)(g) and 108(2).
012/2014	Nitij Pal	Level 22, 1 Market Street,	21 July 2015	23 October 2015	<b>Count 1:</b> Operated without a valid practicing certificate.	Plead guilty to Professional Misconduct.	Legal Practitioners Decree 2009 ss

		Sydney 2000, NSW, Australia/ Suva Business Centre, Victoria Parade, Suva.				<u>Orders (Penalty)</u>  1) Practicing certificate to be struck out for the remainder of the practicing year. Not eligible to apply for a practicing certificate until February March 2016  2) Fine of \$2,000 to be paid to the Commission	42(2) and 83(1)(a).
005/2015	Vilitatai Daveta	Maraniba Farm Road, Sawani, Nausori	30 November 2015	30 November 2015	<b>Count 1:</b> Failed to provide sufficient and satisfactory explanation in writing of matters in a complaint; failed to respond to notice and reminder sent by Chief Registrar.	Plead guilty to professional Misconduct.  <u>Orders (Penalty)</u>  1) Practice certificate suspended for two months  2) Fined \$500	Legal Practitioners Decree of 2009 ss 82(1)(a) and 108(2).
006/2015	Subject to interim non publication order pending determination of the Court of Appeal decision		3 December 2015	3 December 2015	<b>Count 1:</b> Failed to provide sufficient and satisfactory explanation in writing of matters in a complaint; failed to respond to notice and reminder sent by Chief Registrar.	Plead guilty to professional Misconduct.  <u>Orders (Penalty)</u>  1) Practice certificate suspended for one month.  2) Fined \$500.00	Legal Practitioners Decree of 2009 ss 82(1)(a) and 108(2).
013/2015	Anonymised	-	25 November 2015	11 December 2015	<b>Count 1:</b> Failed to provide sufficient and satisfactory explanation in writing of matters in a complaint; failed to respond to	Professional Misconduct found.  <u>Orders (Penalty):</u>	Legal Practitioners Decree of 2009 ss 82(1)(a) and

					notice and reminder sent by Chief Registrar.	1) Fined \$1,500.00 2) Publically Reprimanded.	108(2).
014/2015	Angeline Kiran Lata	Suite 7, Central Building, Sigatoka Town, Sigatoka.	24 March 2016	24 March 2016	<b>Count 1:</b> Failed to appear at Lautoka High Court and failed to make formal application for withdrawal as Counsel  <b>Count 2:</b> Failed to give precedence to the Lautoka High Court over the Sigatoka Magistrates Court.	Unsatisfactory professional conduct found.  <u>Orders (Penalty):</u>  <b>Count 1:</b> 1) Publicly reprimanded. 2) Fined \$500.00. <b>Count 2:</b> 1) Publicly reprimanded.	<b>Count 1 and 2:</b> Legal Practitioners Decree 2009 s 81.
001/2016	Tevita Vakayarutabu a Qauqau Burkarau	Unit 6, 4 <sup>th</sup> Floor Carnavon Building, Carnavon Street, Suva.	7 June 2016	7 June 2016	<b>Count 1:</b> Failed to respond to the Chief Register sufficient and satisfactory explanation in writing of matters; Failed to respond to reminder of notice.	Pleaded guilty professional misconduct.  <u>Orders (Penalty):</u> 1) Publicly reprimanded. 2) Fined \$1,000.00	Legal Practitioners Decree 2009 s 82(1)(a).
003/2015	Raman Pratap Singh	Kohli & Singh Associates  77 Cummin Street, Suva	13 February 2017	18 April 2017	Count 2: failed to inform Mr Mani Lal, by providing written confirmation, both at the outset and during the course of the matter between <i>Mani Lal v Mike Cardigan Labasa High Court Civil Action No. 16 of 1999</i>	<b>Count 2:</b> Professional misconduct found  1) Practising certificate suspended for 15 months 2) Order 1 is suspended, conditional on the legal practitioner completing the 11 steps contained in the legal practitioner's "Supplementary Submissions"	<b>Count 2:</b> <i>Legal Practitioners Act 2009 as 83(1)(a) and 124; Rules of Professional Conduct and Practice (Schedule of the Legal</i>

						<ul style="list-style-type: none"> <li>3) Payment of \$1000.00 to the Commission</li> <li>4) Payment of \$1000.00 to the Chief Registrar</li> <li>5) Payment of \$1000.00 to the Chief Registrar, to then be paid to Mani Lal, the complainant</li> </ul>	Practitioners Act 2009) rr 8.1(1)(b) and (d)
001/2017	Aseri Vakaloloma	57 Amy St, Toorak, Suva	14 June 2017	14 June 2017	<b>Count 1:</b> Appeared in court without a valid practising certificate	<b>Count 1:</b> Pleaded guilty to professional misconduct <ul style="list-style-type: none"> <li>1) Practising certificate suspended for one month</li> <li>2) Fine of \$1000.00 to be paid to the Commission</li> <li>3) Payment of \$500.00 to the Chief Registrar</li> <li>4) Payment of \$500.00 to the Commission</li> </ul>	<b>Count 1:</b> <i>Legal Practitioners Act 2009 ss 82(1)(a) and 83(1)(1)</i>
002/2016	Vilimone Vosarogo	Ground Floor, 46 Gordon Street, Damodar Centre, Suva	29 September 2017	29 September 2017	<b>Counts 1 to 4:</b> Overdrew client's trust account	<b>Counts 1 to 4:</b> Pleaded guilty to professional misconduct <ul style="list-style-type: none"> <li>1) Practising certificate suspended for 10 months and 17days</li> <li>2) Restriction on practicing certificate imposed for 20 months and seven days</li> <li>3) Undertake file legal and trials on pro bono basis</li> <li>4) Fine of \$3000.00 to be paid to the Commission</li> <li>5) Payment of \$1500.00 to</li> </ul>	<b>Counts 1 to 4:</b> <i>Legal Practitioners Act 2009 s 82(1)(a)</i>

						the Chief Registrar 6) Payment of \$1500.00 to the Commission	
003/2015	Raman Pratap Singh	Kohli & Singh Associates 77 Cummin St, Suva	13 February 2017	27 November 2017	<b>Count 2:</b> Failed to inform Mr Mani Lal, by providing written confirmation, both at the outset and during the course of the matter between <i>Mani Lal v Mike Cardigan Labasa High Court Civil Action No. 16 of 1999</i>	<b>Count 2:</b> Professional misconduct found  1) Practising certificate suspended for 15 months (Order 1, dated 18 April 2017 was activated)	<b>Count 2:</b> <i>Legal Practitioners Act 2009 ss 83(1)(1) and 124</i>  <i>Rules of Professional Conduct and Practice (Schedule of the Legal Practitioners Act 2009) rr 8.1(1)(b) and (d)</i>
002/201	Nacanieli Bulisea	Quarters 67A, Nasova Police Compound, Nasese, Suva	30 November 2017	5 December 2017	<b>Count 1:</b> Appeared in Court without a valid practising certificate	<b>Count 1:</b> Pleaded guilty to professional misconduct  1) Practising certificate suspended for 3 months 2) Fine of \$2000.00 to be paid to the Commission 3) Undertake file legal and trials on pro bono basis 4) Payment of \$1000.00 to the Chief Registrar 5) Payment of \$1000.00 to the Commission	<b>Count 1:</b> <i>Legal Practitioners Act 2009 as 83(1)(1) r3.1(1) and 82(1)(a)</i>

