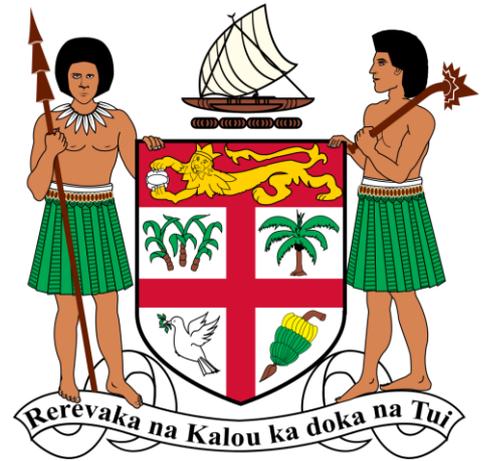


**The Independent
Legal Services
Commission**
Annual Report
2016



Together with Case Register 2009-2016 and
Discipline Register 2009-2016

ACKNOWLEDGMENTS

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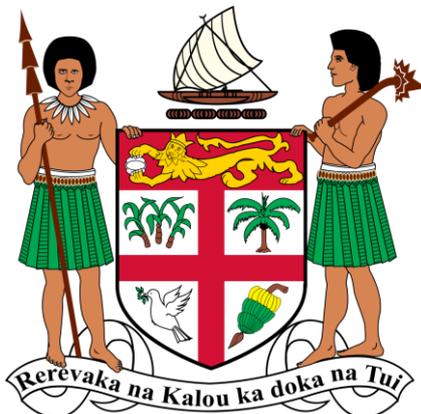


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Commissioner's Report

His Excellency,
Major General (Ret'd) Jioji Konousi Konrote, OF, MC,
President of the Republic of Fiji.
Government House,
Suva.

Your Excellency,

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 2016 Annual Report *‘on the exercise of the Commission’s functions ... during the year’* in accordance with section 96 of the *Legal Practitioners Act 2009*.

1. Appointment

I was appointed as the Commissioner on 22 January 2016 for a term of three years, following which, I was sworn-in before you on 9 February 2016. The first hearings of the Commission for 2016 commenced on the following day, 10 February 2016.

2. Section 96 and the Annual Reports 2011-15

As far as I can ascertain, the Commission has provided one previous annual report to you in 2011 covering the 16 months from 1 September 2009 until 31 December 2010. There has been no annual report provided to you and the Attorney-General for the past five years, that is, 2011, 2012, 2013, 2014 and 2015, *‘on the exercise of the Commission’s functions ... during the year’*.

Further, I understand that the last set of financial accounts provided to you were for the year 2012. Perhaps my recent response to the Parliamentary Standing Committee on Public Accounts that is set out below may provide some reasons for there being no annual report since 2010 and no set of financial accounts being presented to you since 2012. I have decided, therefore, to provide Your Excellency with one combined report *‘on the exercise of the Commission’s functions’* in relation to disciplinary matters for the years 2009-2016 and have set that out later in this annual report.

3. Parliamentary Standing Committee on Public Accounts arising from the Report of the Auditor General on the Audits of Statutory Authorities – December 2011 (Parliamentary Paper No. 36 of 2016) - Audit for the year ended 31 December 2010: Clarification of Accounts – Independent Legal Services Commission

On 14 November 2016, the Commission received a request, that was addressed to me, seeking to clarify *‘a few anomalies which it feels warrants further clarification from your organisation’* and asking me to respond in person before the Standing Committee on 24 November 2016 in

relation to financial and control issues that had been previously raised by the Office of the Auditor General for the 2010 accounts of the Commission. As I was not in Fiji at the time of the Standing Committee's request and was not due to return to Fiji until just prior to the commencement of the November/December 2016 Sittings of the Commission, it was agreed by the Standing Committee that I would initially respond to them in writing. On the issue of policy and financial guidelines and the specific question, '***can we be advised whether the weakness identified in this area has been rectified in order to protect it from becoming a recurring Issue in 2011?***' My response was as follows:

- (1) *The inaugural Commissioner was appointed in September 2009 and concluded his term in February 2012.*
- (2) *The second Commissioner served in that role from March 2012 until 2015 concluding his term on 30th November 2015.*
- (3) *The present Commissioner was appointed as from 22nd January 2016 and sworn-in on 9th February 2016.*
- (4) *The current Secretary of the Commission (as at 7th December 2016) was appointed to that position in early 2015.*
- (5) ***The person who fulfilled the role as Secretary of the Commission from its establishment in 2009 left the Commission in late 2014, following which, she was subsequently charged by FICAC for various matters.*** *The Commission has recently been advised by FICAC in relation to the status of those matters as follows:*
 - (i) *The previous Secretary was charged on 3rd August 2016 in the Magistrates Court at Suva with five counts of falsification of documents and one count of obtaining a financial advantage. Those matters are scheduled to be heard on the 13th and 14th of December 2016.*
 - (ii) *The previous Secretary was further charged on 31st August 2016 in the Magistrates Court at Suva with one count of causing a loss. That matter is scheduled for the entering of a plea on the 20th of December 2016.*
- (6) ***The Commission was recently advised by the Office of the Director of Public Prosecutions that the previous Secretary has also been charged by the DPP with one count of obtaining financial advantage by deception alleged to have taken place in 2014. That matter is being heard in the Suva Magistrates Court and is to be called on 26 January 2017 to set a date for trial.***
- (7) *There was a fire in the office of the Independent Legal Service Commission in October 2014 and the current Commissioner has been advised that most of the 2012, 2013 and 2014 financial records including payment vouchers, receipt books and deposit books went "missing" around that time. The Commissioner has been*

further advised that despite the intervention of both the Police and FICAC, those records have not been recovered. **In relation the fire itself, no person has been charged.** The Commissioner met in June of this year with a detective who investigated the fire. The DPP have advised the Commissioner that they have not received any file from the Police concerning the fire. The Commissioner recently sent a request to the Police Commissioner asking him to please provide an update as to the status of their investigation in relation to the fire. The Police have responded that although "The fire is classified as SUSPICIOUS", 'the file has been closed for now and it will be re-opened once an[y] information is received to advance the investigation'.

- (8) ***In view of the above, it would be inappropriate for the current ILSC Commissioner to comment further until such matters have been concluded.***

Rectification

- (9) ***In the meantime, the current Commissioner can advise the Standing Committee of the following actions that he has undertaken since he was sworn in on 9th February 2016:***

- (i) ***Prior to the present Commissioner's appointment in 2016, the most recent accounts of the Commission that had been audited by the Office of the Auditor General had been for the year 2012. The Commissioner has met on several occasions during 2016 with representatives from the Office of the Auditor General such that the 2013 accounts have recently been audited by them. The Commissioner has just received the final audited 2013 accounts. Those accounts, however, can only be read as "qualified accounts" due to the fact that the only available source documents for the Commission's external accountants to prepare the 2013 accounts for audit were bank statements together with a small number of payment vouchers and cheque butts. As previously mentioned, there was a fire in the office of the Independent Legal Service Commission in October 2014 and the current Commissioner has been advised that most of the 2013 financial records including payment vouchers, receipt books and deposit books went "missing" around that time. The Commissioner has been further advised that despite the intervention of both the Police and FICAC, those records have not been recovered. As noted above, the Commissioner is seeking to clarify with the Commissioner of Police as to current status of the investigation in relation to the fire.***
- (ii) ***During 2016 a firm of forensic accountants was engaged by the Commission to undertake a forensic audit of the Commission's accounts for the years 2013, 2014 and 2015. A draft report was provided to the Commissioner on 28 November 2016. Once that report is finalised, it is intended to forward a copy of it to the Auditor General, FICAC and the Office of the DPP. As a result of the Report's findings, the Commission will be engaging the forensic accountants to undertake a forensic audit of the Commission's accounts for the years 2009, 2010, 2011 and 2012.***

- (iii) *In addition, the Commissioner has only recently become aware of allegations as to a weakness in the current procedures for the preparation of accounts. Once the 2016 accounts have been prepared internally and placed in the appropriate format by the Commission's external accountants, the 2016 accounts will then be audited by the Office of the Auditor General. In the meantime, the Commission will be engaging forensic accountants to undertake a forensic audit of the Commission's accounts for the year 2016.*
- (iv) **So as to ensure that such matters as outlined above are not repeated, discussions have taken place recently with the Office of the Auditor General, the forensic accountants, and the Commission's external accountants, as well as with the Solicitor General, for a new system to be implemented from 2017 whereby no member of staff of the ILSC can be a signatory to the ILSC accounts. In the interim, payment vouchers MUST be accompanied by an email authorisation from the Commissioner (copied to the Solicitor General) for the signature only of both the Solicitor General and a nominated member of his staff.**

On 9 January 2017, the Commission received an email sent on behalf of the Standing Committee attaching a letter dated 16 December 2016, including some supplementary questions. These were answered on 13 January 2017 and I appeared before the Committee on 14 February 2017.

4. 2013 Accounts

Your Excellency, please find attached as **Appendix 3** the Financial Statements ("accounts") that have been prepared during 2016 by external accountants (BDO Accountants) to provide a list of income and expenses of the Commission for the calendar year 2013 i.e. 1st January until 31st December 2013. The accounts were then audited during 2016 by the Office of the Auditor General and a final audit report was provided on 20 December 2016. The 2013 accounts were returned from the Auditor General as "qualified accounts". You will note that the accounts can only be read as "qualified accounts" due to the following statement that I provided on 29 November 2016 to the Office of the Auditor General:

- (1) The only available source documents for the Commission's external accountants to prepare the accounts for 2013 were bank statements together with a small number of payment vouchers and cheque butts. There was a fire in the Independent Legal Service Commission in October 2014 and I have been advised that most of the 2013 financial records including payment vouchers, receipt books and deposit books went "missing" around that time. I have been further advised that despite the intervention of both the Police and FICAC, these records have not been recovered.
- (2) The person who fulfilled the role of the Commissioner during the year 2013 concluded their term on 30th November 2015.
- (3) The person who fulfilled the role as Secretary of the Commission for the year 2013 left the Commission in late 2014. I understand that she has subsequently been

formally charged by FICAC and the DPP involving separate matters arising from during the period of her employment with the Commission and those matters were pending before the courts as at 29th November 2016.

- (4) The current Secretary of the Commission (as at 29th November 2016) was only appointed to that position in early 2015. In addition, I was only appointed as the new Commissioner as from 22nd January 2016 and sworn-in on 9th February 2016. Therefore, neither the current Secretary nor me are able to verify the authenticity of the 2013 accounts. A firm of forensic accountants have, however, been engaged to undertake a forensic audit of the Commission's accounts for the three years 2013, 2014 and 2015 and their report, when finalised, will be forwarded to the office of the Auditor General for consideration.

5. 2013-2015 Accounts – Forensic Audit

Pursuant to section 94(4) of the *Legal Practitioners Act 2009*, *'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'*.

Approval was sought in April 2016 to engage a firm of forensic accountants to undertake a forensic audit of the Commission's 2013, 2014 and 2015 accounts. After quotes were obtained, the firm of Ernst & Young were engaged (with approval via the Solicitor General) to undertake this task. The firm provided a draft report to me on 28 November 2016 and I am currently awaiting receipt of their final report. It is intended to provide a copy of that report to the Chief Justice, the Attorney-General, the Solicitor General, the Director of Public Prosecutions and the Fiji Independent Commission Against Corruption.

In addition, as noted in response to the Parliamentary Standing Committee (reproduced above), I have only recently become aware of allegations as to a weakness in the current procedures for the preparation of the Commission's accounts. This has resulted in a referral to FICAC for further investigation.

Further, following receipt of the forensic audit report from Ernst & Young in relation to the Commission's accounts for the years 2013-2015, together with the recent allegations as to a weakness in the current procedures for the preparation of the Commission's accounts, I have sought and obtained approval (via the Solicitor General) for the engagement of Ernst & Young to undertake a forensic audit of the Commission's accounts for the years 2009, 2010, 2011, 2012 and 2016. When that report is completed, I intend to provide a copy of it to the Chief Justice, the Attorney-General, the Solicitor General, the Director of Public Prosecutions and the Fiji Independent Commission Against Corruption.

6. 2016 Hearings

In accordance with section 112 (1) of the *Legal Practitioners Act 2009*, the Commission held six sessions ("Sittings") of disciplinary proceedings during 2016 hearing allegations against legal practitioners:

- February 2016 Sittings (10-12 February)
- March 2016 Sittings (24-31 March)
- April 2016 Sittings (18-22 April)
- June 2016 Sittings (6-17 June)
- September 2016 Sittings (19-23 September)
- November/December 2016 Sittings (28 November-8 December)

7. Continuing Legal Education (CLE)

Apart from conducting disciplinary proceedings, the Commission also has an educative role to perform in assisting the legal profession by providing continuing legal education. Since its establishment in 2009, the Commission has provided a range of seminars covering diverse topics such as Appellate Advocacy, Litigation Skills, Civil Procedures, Criminal Procedures, Sentencing Law, Cross Examination, Human Rights and Human Trafficking.

This year, I decided to concentrate on the Commission’s core role – professional misconduct and unsatisfactory professional conduct. On Friday evening, 22 April 2016, a seminar titled ‘An Evening of Ethics’ was held at the Fiji Club with assistance of the Legal Practitioners Unit (“LPU”) (within the office of the Chief Registrar) and the President of the Fiji Law Society. For a fee of \$75, the awarding of three CLE points and the provision of light refreshments post-seminar, attendees received the following presentations (followed by a “question and answer” session):

(1) Complaints and Investigations - Understanding the complaints system -

Mr Avineel Chand, Senior Legal Officer of the LPU, presented the first hour explaining the specific provisions in the *Legal Practitioners Act 2009* relevant especially to ‘complaints and investigations’ as well as the commencement of disciplinary proceedings.

(2) Disciplinary Proceedings before the Commission – Some issues to necessary note

As Commissioner of the ILSC, I then spoke for the second hour on proceedings before the Commission stressing the need for practitioners to consider:

- Whether or not to represent themselves
- Whether or not to contest the allegations
- Strike-out applications and highlighting that the ILSC is a commission of inquiry and not a court conducting a trial
- How to conduct a plea in mitigation
- The legal effect of withdrawal of an application
- Conducting disciplinary proceedings before the Commission
- Appeals from the Commission
- How to reduce the risk of complaints
- How to deal with errors

(3) Traps for Young Players

A panel of three senior practitioners, Ms Laurel Vaurasi, President of the Fiji Law Society, together with Mr Peter Knight (Cromptons) and Mr Subhas Parshotam (Parshotam Lawyers) considered a series of hypothetical ethical scenarios.

I wish to formally record my thanks to Mr Chand, Ms Vaurasi, Mr Knight and Mr Parshotam for so generously giving their time to enable making the evening such a success. Indeed, the consensus of feedback received was that it was both an informative and entertaining evening. I also wish to record my thanks to my staff for their efforts in organising the event.

The Commission did try to hold a replica seminar “in the West” during the June 2016 Sittings of the Commission, however, due to the small number of enrolments it was cancelled. This was in line with my view (taken as a result of the concerns raised by the Office of the Auditor General in relation to the financial oversight of the previous CLE seminars held by the Commission), that the Commission will not be conducting any CLE seminars if such seminars are not cost-effective. It is hoped, however, depending upon the Commission’s workload and budget that the Commission will be in a position to hold at least one seminar each year and/or for me to speak at one of the various annual legal conferences for the benefit of the legal profession.

8. Combined Annual Reports 2011-2015

As noted above, as far as I can ascertain, the Commission has provided one previous annual report to you in 2011 covering the period 2009-10. I also understand that the last set of financial accounts provided to you were for the year 2012. I have now provided to you in this report a set of accounts for 2013.

It is hoped that I will be in a position during 2017 to provide you with the Commission’s 2014 audited accounts (as completed by the Office of the Auditor General) and, also, possibly the audited accounts for 2015. As for the 2016 accounts, after these have been prepared and checked by Ernst & Young, it is hoped that to refer these by late 2017 to the Office of the Auditor General for audit. It is expected that I will then be able to provide these to you in early 2018.

In relation to reporting to you ‘*on the exercise of the Commission’s functions ... during the year*’ pursuant to section 96, I have decided to provide you with one combined report for the years 2009-2016 setting out the disciplinary proceedings undertaken by the Commission since its inception in 2009. Due to the lack of records, I am unable to comment on other aspects of the work of the Commission (such as CLEs) undertaken during the years prior to my appointment in 2016. I am also conscious of pending criminal proceedings as well as ongoing investigations and thus, it would be inappropriate of me to comment further until such criminal proceedings and investigations have concluded.

9. Disciplinary Functions 2009-2016

Section 126(2) of the *Legal Practitioners Act 2009* states:

- (2) *The Commission must keep a Discipline Register of all orders made against legal practitioners or law firms or any employee or agent of a legal practitioner or law*

firm. The Register must contain—

- (a) the full name of the legal practitioner, or the law firm and the partner or partners of the law firm against which orders in an application for disciplinary proceedings were made;*
- (b) the address of the legal practitioner, or the law firm and the partner or partners of the law firm against which orders in an application for disciplinary proceedings were made;*
- (c) the particulars of the application for disciplinary proceedings;*
- (d) the actual orders made against the legal practitioner, or the law firm and the partner or partners of the law firm; and*
- (e) such other particulars as prescribed by rules or regulation.*

Pursuant to section 126(3) '*the Discipline Register may be kept in a form decided by the Commission*'. It is unclear what was maintained as a Discipline Register (electronically and/or in hard copy) prior to the October 2014 fire in the Commission's Suva office and the resulting vanishing records both in electronic form and in hard copy.

I have designed (with the assistance of a group of university law student volunteer interns in November/December 2016 and February 2017) an entirely new Discipline Register as well as a "pro forma" sheet for Commission staff to complete and enter in the Register once any disciplinary orders are made to satisfy the requirements of section 126(2) of the *Legal Practitioners Act 2009*.

I am pleased to report that the Commission now has an up to date Discipline Register commencing from September 2009 until December 2016. A copy of it is included in this Annual Report.

10. Volunteer Student Interns

In May 2016, I had the Secretary of the Commission write, on my behalf, to each of the three Deans of the 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 2016.

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, accepted my offer and two of her students attended and assisted during the November/December 2016 Sittings of the Commission. One of them assisted the Commission again during the February 2017 Sittings.

In addition, I made a similar offer to the University of New South Wales in Sydney, Australia, where I am a Visiting and Teaching Fellow. Six students paid for their own travel, meals and accommodation costs so as to be with me during the November/December 2016 Sittings of the Commission.

Hence, with the eight university law students assisting me, we were able to design an entirely new Discipline Register. The students entered the details from each case heard before the Commission from 2009-2016. This was a painstaking task requiring reading each file (noting that some were partially burnt from the October 2014 fire) to record in a clear but concise form what orders had been made.

In addition, the students made a second record of EVERY application that has been before the Commission (including all interlocutory matters) and where applications were withdrawn or discontinued and dismissed prior to a hearing. A copy of that document is set out in this annual report.

Therefore, I wish to record my thanks to the following interns for their assistance during the November/December 2016 Sittings of the Commission:

- Paulini Cakau (University of Fiji)
- Shahrukh Sameer Alex Ali (University of Fiji)
- Moncia Bortolotti (University of New South Wales)
- Lorraine Bowan (University of New South Wales)
- Olivia Gould-Fensom (University of New South Wales)
- Daniel Gallagher (University of New South Wales)
- Sarah Horton (University of New South Wales)
- Pooja Saini (University of New South Wales)

The Case Register was later edited in February 2017 by a second group of interns. I would like to record my thanks to the following interns for their assistance during the February 2017 Sittings of the Commission:

- Paulini Cakau (University of Fiji)
- Jodie Fisher (University of New South Wales)
- Una Kim (University of New South Wales)
- Oliver Ray (University of New South Wales)
- Nakita Rose (University of New South Wales)

11. Judgments and Orders

The Commission has certain statutory obligations under the *Legal Practitioners Act 2009* 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.'

According to a preliminary check of the Commission's records undertaken by the Commission's staff during the March 2016 Sittings, the following was ascertained:

(1) Total number of applications filed with the Commission since its commencement in 2009 until March 2016:

Year	Number
2009	9
2010	21
2011	7
2012	12
2013	29
2014	14
2015	16
Total	108

(2) Total number of applications withdrawn since the commencement of the Commission in 2009 until March 2016:

Year	Number
2009	0
2010	0
2011	0
2012	1
2013	4
2014	8
2015	0
Total	13

(3) Total number of judgments delivered by the Commission since its commencement in 2009 until March 2016:

Year	Number
2009	9
2010	3
2011	6
2012	11
2013	20
2014	3
2015	4
Total	56

(4) Total number of judgments uploaded on the web site of the *Pacific Islands Legal Information Institute (PacLII)* since the commencement of the Commission in 2009 as at March 2016 was:

Year	Number
2009	0
2010	0
2011	0
2012	5
2013	20
2014	8
2015	1
Total	34

As the above illustrates, there was an enormous discrepancy between the records held by the Commission and what had been recorded elsewhere.

Therefore, apart from liaising with PacLII to ensure the publication of the Commission's judgments were uploaded for the years 2009, 2010 and 2011 (that were not appearing on PacLII's website), the Commission also undertook an internal audit during the June 2016 Sittings to ensure that ALL judgments handed down between 2009-2015 had been forwarded to PacLII for uploading, as well as checking with the High Court Civil Registry that copies of all orders as well as judgments had been filed with the High Court. In addition, a complete set of judgments was provided to the High Court Library in Suva to enable the legal profession to have access to them.

The **Case Register** set out later in this Annual Report **includes a list of all applications filed with the Commission 2009-2016**, as opposed to the *Discipline Register* maintained by the Commission (which only includes sanctions made against practitioners or law firms or any employee or agent of such practitioner or firm of a disciplinary nature).

For ease of reference, the Case Register has been structured in this annual report as follows:

- (1) *ILSC Applications 2009-2016 - Index* (Indexed by Case Numbers)
- (2) *ILSC Judgments 2009-2016 - Index* (Indexed in date order of judgment)
- (3) *ILSC Case Register 2009-2016* (details of every application filed with the Commission and whether withdrawn or proceeded to judgment)

A copy of the Commission's *Discipline Register 2009-2016* (details of applications and formal orders made against the practitioners) is also included.

The Case Register and Discipline Register provide insight into the work of the Commission as well as potential "problem" areas for the legal profession.

It is clear that there needs to be continuous training in relation to:

- Practitioners' obligations responding to the Chief Registrar
- Practitioners' obligations regarding practising certificates
- Practitioners' obligations as officers of the Court and to fellow practitioners
- Practitioners' obligations regarding trust accounts
- Practitioners' obligations to their clients and communications with their clients

12. Rules of Procedure

Two Practice Directions were issued by me during 2016 as follows:

1. *Practice Direction No.1* (See **Appendix 1**) – Requiring the filing of both a hard and soft copy of documents.
2. *Amended Practice Direction No.2* (see **Appendix 2**) – Requiring the filing of a Prosecution Case Statement with each application filed by the LPU, as well as the obligations on defence counsel when appearing on the first return date.

13. Case Stated

Two matters were referred by me to the Fiji Court of Appeal for determination 'as a case stated for determination pursuant to Section 15 of the Court of Appeal Act'.

The first concerned an order of the former Commissioner 'signed on 3rd December, 2015 whereas he had resigned from office with effect from 30th November, 2015' and 'whether he was "*functus officio*" when he signed the impugned order on 3rd December, 2015'.

The second was in relation to the meaning of the phrase 'publicly reprimanded' and the anonymising of judgments.

In both cases the Court held '*there is no basis for this Court [the Court of Appeal] to determine as a case stated the matter referred to it by the Commission*'. Both files were then returned to the Commission.

I then relisted each matter before me in the November/December 2016 Sittings of the Commission. One of the practitioners immediately filed a formal appeal to the Court of Appeal against the Orders of the previous Commission. The other practitioner filed an application with the Commission seeking non-publication of the previous judgment. It is listed for hearing during the February 2017 Sittings of the Commission.

14. Concluding remarks

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

I would like to also record my sincerest appreciation to Mr Neel Singh who has been on secondment from the Solicitor-General's office since 9 December 2016 in the role of Acting Secretary. His extraordinary work ethic and attention to detail have been invaluable in assisting me in restructuring the administration of the Commission.

I look forward to continuing in my role as Commissioner for the coming year.

Dr Thomas Hickie

Commissioner

Independent Legal Services Commission

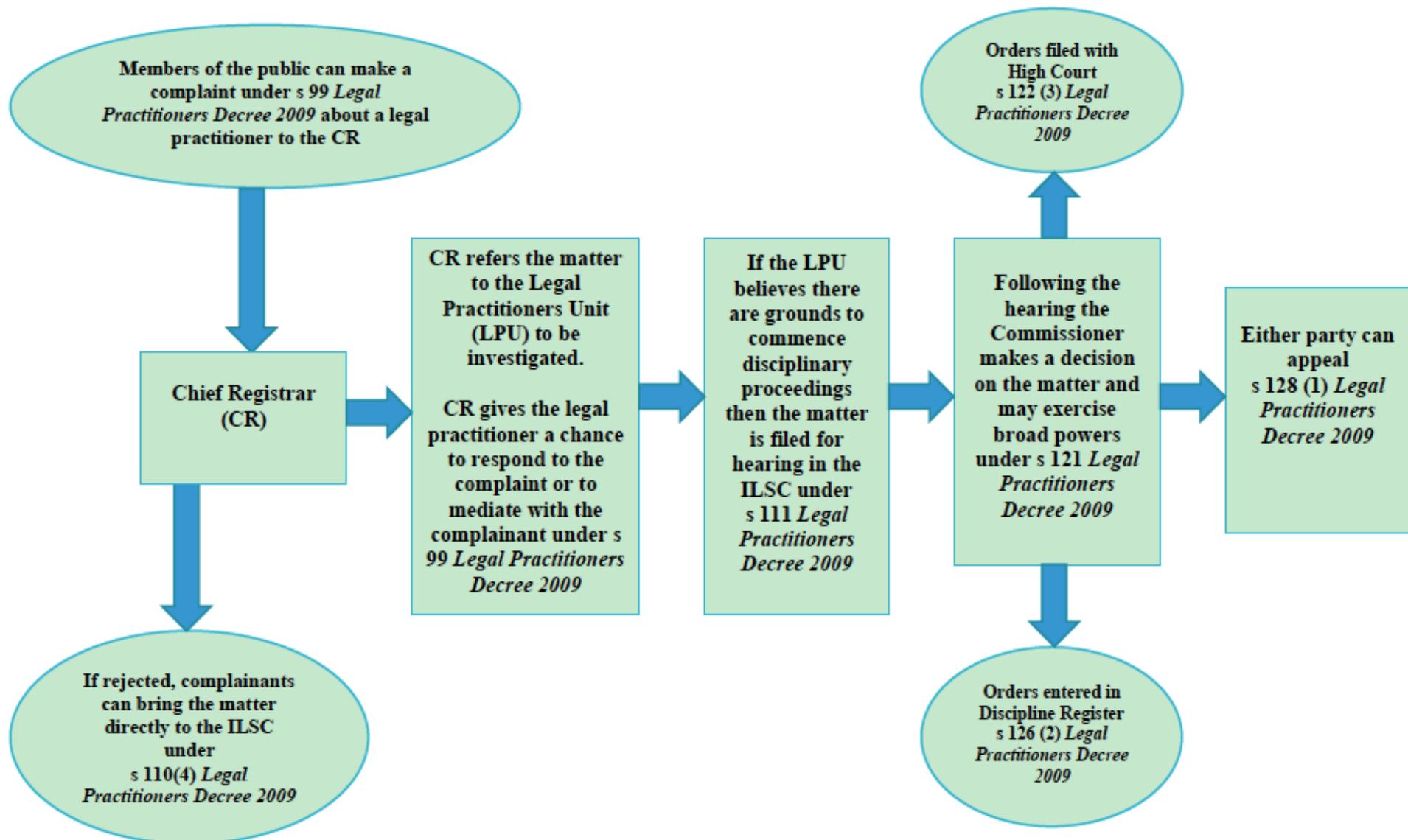
Level 5, Civic Towers, Victoria Parade

Suva

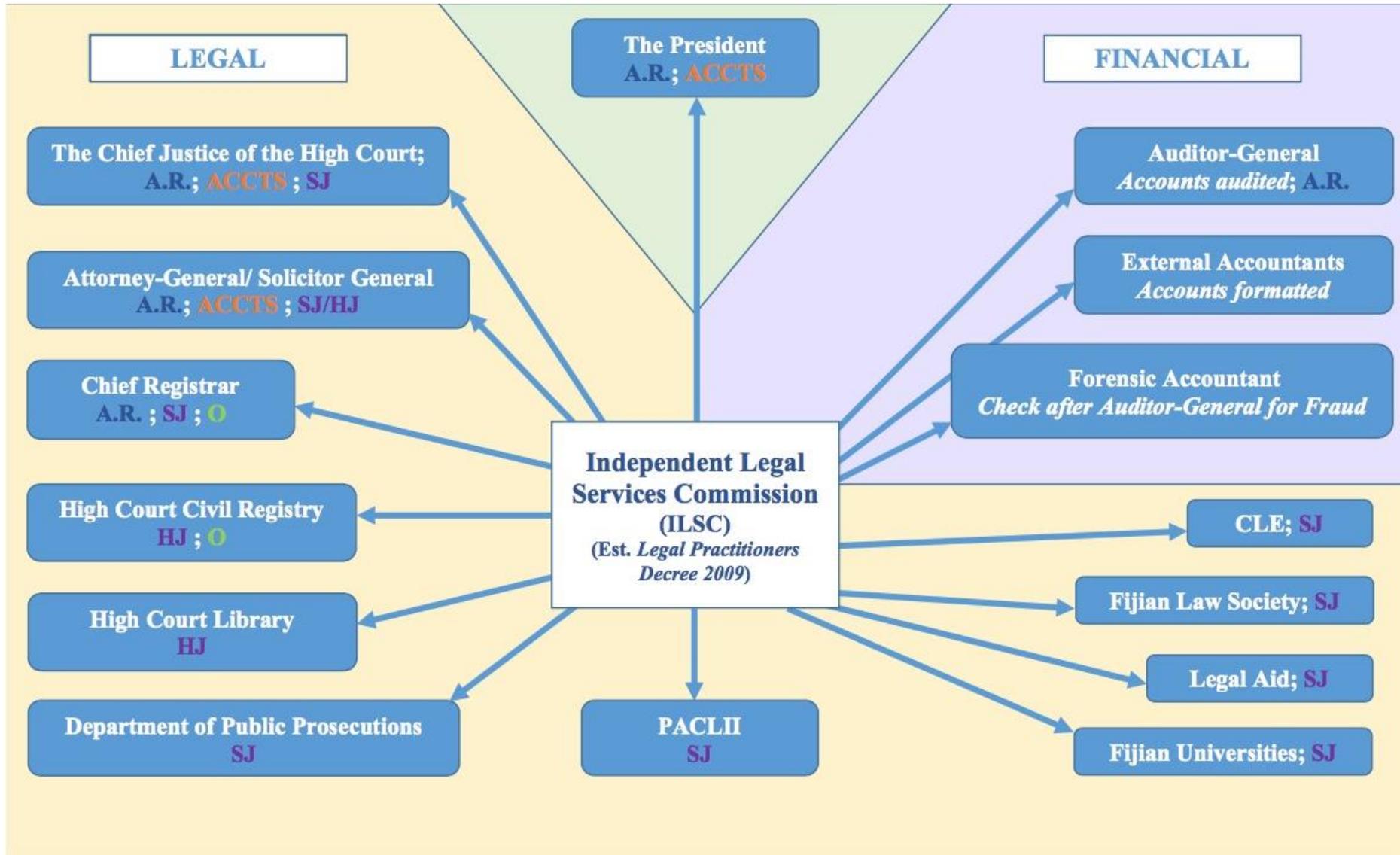
14 February 2017

How to Make a Complaint

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



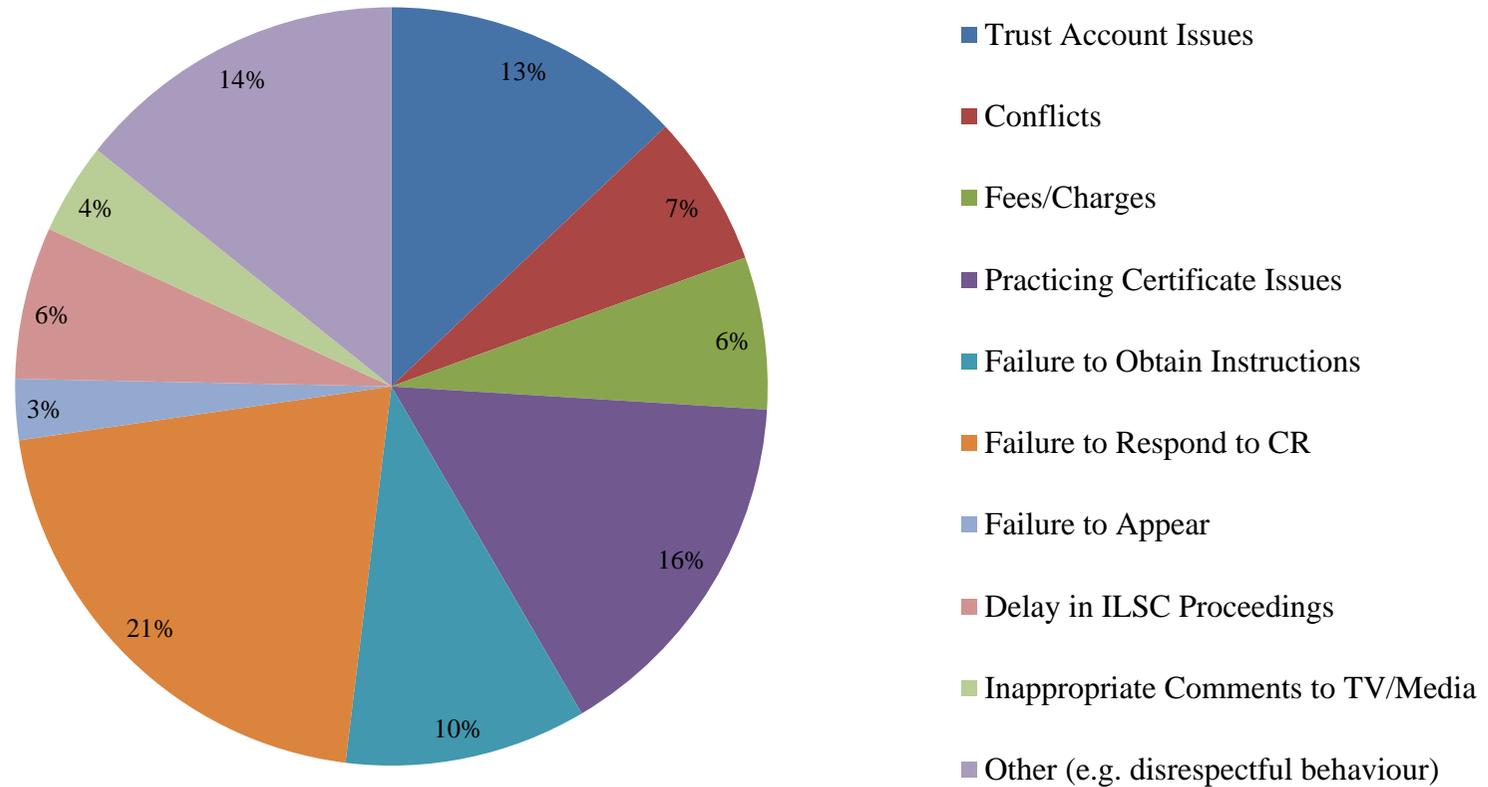
THE STAKEHOLDERS



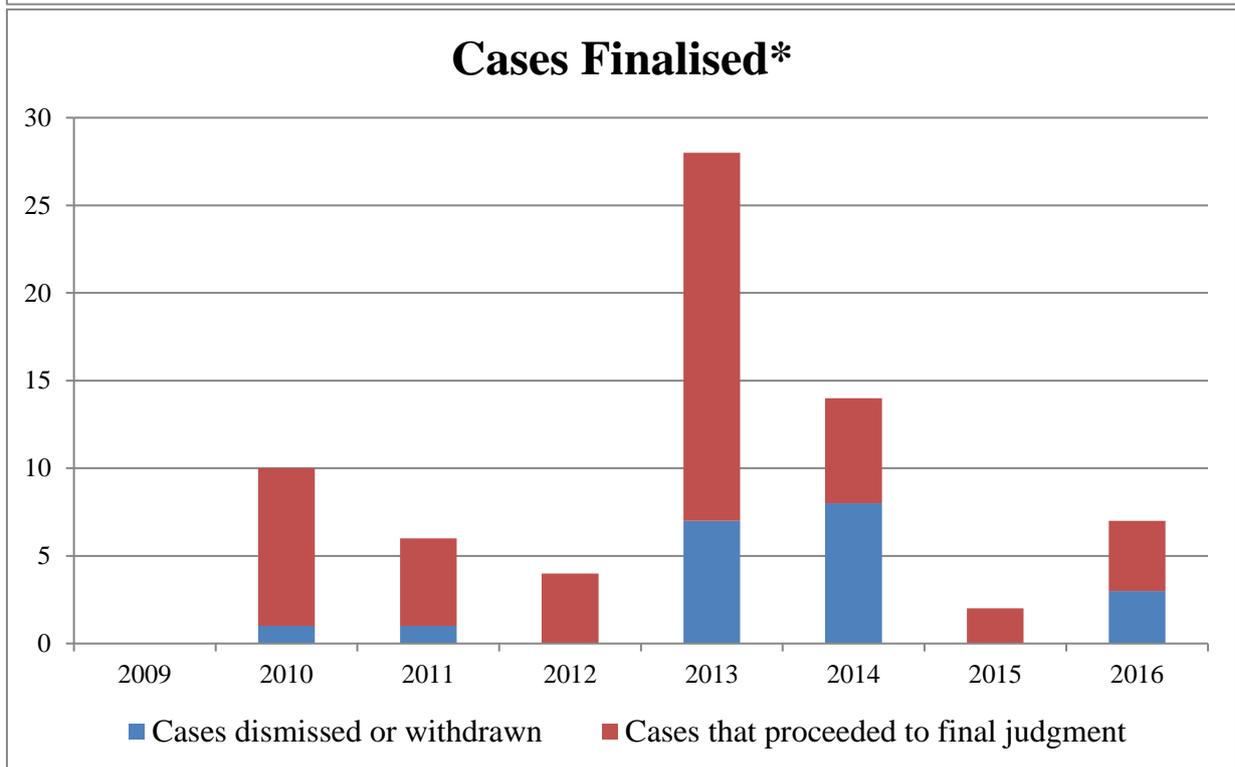
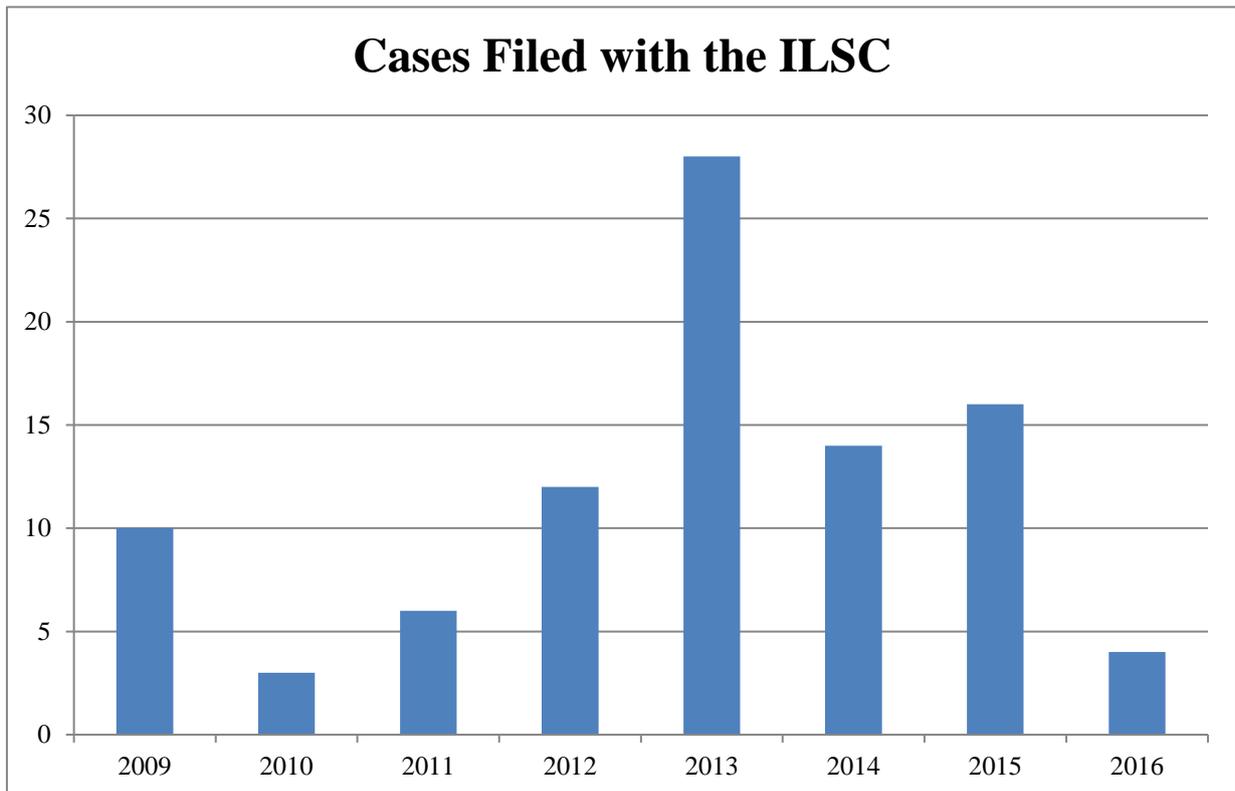
Key:

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

Charges by Nature of Alleged Misconduct*



*Based on charges that proceeded to final judgment



Commentary

It is noted that there appears to be an anomaly in cases filed and completed in 2013. This corresponds with approximately 20 applications being filed with the Commission during 2013 for failure to respond to the Chief Registrar (the number cannot be conclusively stated due to the files being forwarded to the Court of Appeal without sufficient records being kept by the Commission). No such applications had been filed prior to 2013 and a very small number in the following years 2014-2016.

*Filed before or during the year of finalisation.

ILSC APPLICATIONS 2009-2016 - INDEX

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ILSC CASE REGISTER

2009-2016

NAME	CR v Abhay Kumar Singh
CASE NUMBER	001/2009
LAW PRACTICE	A.K. Singh Law
DATE OF FIRST MENTION	20 October 2009
HEARING DATE(S)	4 November 2009, 7 December 2009, 11 December 2009, 25 January 2010, 27 January 2010, 29 January 2010

APPLICATION	Oral application to vacate hearing; question conflict of interest
NUMBER	ILSCJ01/2009
DATE	23 October 2009
ORDERS	Application refused. Hearing to proceed.

APPLICATION	Leave to appeal to Court of Appeal
NUMBER	ILSCJ02/2009
DATE	30 October 2009
ORDERS	Leave to appeal refused.

JUDGMENT FOLLOWING FINAL HEARING 1	
NUMBER	ILSCJ01/2010
DATE	25 January 2010
CHARGES	Professional Misconduct (s 82(1) and s 81 Legal Practitioners Decree 2009) Count 1: Perverting the course of justice Count 3: Undue influence, excess fees Count 4: Acting for both parties to an agreement
FINDINGS	Professional Misconduct found on count 1 Judgment reserved (see judgment 1 February 2010) for count 2 Charges Dismissed for Count 3 Unsatisfactory professional conduct found for count 4
ORDERS	Count 1: Practitioner to be struck off the roll Count 3: Complaint dismissed Count 4: Fined \$1,000 to be paid to Commission in 14 days and copy of these orders be forwarded to the relevant authorities in Australia and New Zealand
APPEALED	Yes

JUDGMENT FOLLOWING FINAL HEARING 2	
NUMBER	ILSCJ02/2010
DATE	1 February 2010
CHARGES	Unsatisfactory Professional Conduct (s 81 Legal Practitioners Decree 2009) Count 2: 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

FINDINGS	Unsatisfactory Professional Conduct found on Count 2
ORDERS	See sentencing judgment below
APPEALED	The appeal was dismissed

SENTENCING JUDGMENT	
NUMBER	ILSCJ03/2010
DATE	1 February 2010
SENTENCE	Count 2: Fined \$1,000 to be paid to Commission within 28 days
APPEALED	The appeal was dismissed

NAME	CR v Hemendra Nagin
CASE NUMBER	002/2009
DATE OF FIRST MENTION	20 October 2009
LAW PRACTICE	Sherani and Company
HEARING DATE(S)	26-29 April 2010

JUDGMENT FOLLOWING FINAL HEARING	
NUMBER	ILSCJ09/2010
DATE	7 May 2010
CHARGES	Unsatisfactory Professional Conduct (s 81 and 83(1)(a) Legal Practitioners Decree 2009) Count 1A: Excessive legal fees

	<p>Count 1B: Conflict of interest.</p> <p>Unsatisfactory Professional Conduct (s 81 and Rule 1.1 of the Rules of Professional Conduct and Practice of the Legal Practitioners Decree 2009)</p> <p>Count 2A: Abuse of relationship of confidence and trust advising clients to increase consideration in transaction for no advantage</p> <p>Count 2B: Acted for both parties in transaction for sale and purchase of land</p> <p>Count 2C: Acted for both parties and thereby failed to protect best interests of client</p>
FINDINGS	<p>Count 1A-B: Dismissed</p> <p>Count 2 A and C: Unsatisfactory Professional Conduct found</p> <p>Count 2B: Offence admitted and Unsatisfactory Professional Conduct found</p>
ORDERS	See Sentencing Judgment below
APPEALED	No

SENTENCING JUDGMENT	
NUMBER	ILSCJ15/2010
DATE	9 July 2010
ORDERS	<ol style="list-style-type: none"> 1. The practitioner to be publicly reprimanded 2. A fine of \$15,000 payable to the Commission 3. Respondent to indemnify the Complainants against any monies ordered to be paid by them
APPEALED	No

NAME	CR v Sherani & Company
CASE NUMBER	003/2009
LAW PRACTICE	Sherani & Company
DATE OF FIRST MENTION	20 October 2009
HEARING DATE(S)	30 April 2010

JUDGMENT FOLLOWING FINAL HEARING	
NUMBER	ILSCJ10/2010
DATE	7 May 2010
CHARGES	Unsatisfactory Professional Conduct (s 81 & 83 (1) (a) Legal Practitioners Decree 2009) Count 1: Abuse of relationship of confidence and trust. Falling short of the standards of competence and diligence that a member of public would expect from a competent law firm.
FINDINGS	Count 1: Unsatisfactory Professional Conduct not found
ORDERS	Application dismissed
APPEALED	No

NAME	CR v Sheik Hussein Shah
CASE NUMBER	004/2009
LAW PRACTICE	Sheik H Shah Esq
DATE OF FIRST MENTION	9 December 2009

HEARING DATE(S)	15 April 2010, 16 April 2010, 19 April 2010, 22 April 2010 and 6 May 2010, 15 June
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JUDGMENT FOLLOWING FINAL HEARING 1	
NUMBER	ILSCJ11/2010
DATE	15 June 2010
CHARGES	<p>Professional Misconduct (s 82(1)(a) Legal Practitioners Decree 2009)</p> <p>Count 1: Issued a trust fund account cheque which was dishonoured</p> <p>Count 2A: Did a baseless Writ of Summon without notifying the complainant</p> <p>Count 2B: Substantially failed to reach a reasonable standard of competence and diligence</p> <p>Unsatisfactory Professional Conduct (s 81 Legal Practitioners Decree 2009)</p> <p>Count 3A: 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</p> <p>Count 3 B: Delayed the process</p> <p>Count 4: Substantially failed to reach a reasonable standard of competence and diligence</p> <p>Count 5: Failed to appear for complainant</p> <p>Professional Misconduct (s 82(1) (a) Legal Practitioners Decree 2009)</p> <p>Count 7A: Failed to live up to the arrangement he had with complainant and asked for extra \$ 8000</p> <p>Professional Misconduct (s 82(1) (b) Legal Practitioners Decree 2009)</p> <p>Count 7B: Tried to forge signature of complainant to obtain money without consent of complainant from bank so is not fit and proper person to engage in legal practice</p>

	<p>Professional Misconduct (s 82 (1) (b) and 83(1) (a) Legal Practitioners Decree 2009)</p> <p>Count 7C: Abuse of relationship of trust and confidence by forging the signature and is not fit and proper person to engage in legal practice</p>
FINDINGS	<p>Count 1, 3A, 3B, 5: Unsatisfactory Professional Conduct found</p> <p>Count 2A, 2B, 4, 7A, 7B, 7C: Unsatisfactory Professional Conducts not found</p>
ORDERS	<p>Count 1</p> <ol style="list-style-type: none"> 1. To pay \$1,000 to the complainant 2. To pay witness expenses of \$610.20 <p>Count 3A</p> <ol style="list-style-type: none"> 1. Fined \$500 <p>Count 3B</p> <ol style="list-style-type: none"> 4. Fined \$500 5. To pay witness expenses of \$144 6. To make an application in Lautoka High Court for complainant without delay and on pro bono basis. <p>Count 5</p> <ol style="list-style-type: none"> 7. To pay \$750 8. To pay \$250 to complainant
APPEALED	No

JUDGMENT FOLLOWING FINAL HEARING 2	
NUMBER	ILSCJ16/2010
DATE	9 July 2010
CHARGES	<p>Professional Misconducts (s 82(1) (a) Legal Practitioners Decree 2009)</p> <p>Count 6: Failed to attend the Magistrate Court proceedings</p>

FINDINGS	Count 6: Professional Misconduct found
ORDERS	<ol style="list-style-type: none"> 1. To pay \$ 1,000 to the complainant 2. To pay \$ 180 to applicant 3. Fine of \$500 to the commission 4. All payments to be made within 28 days as failing could lead to suspension of practising certificate without further order until payment is made
APPEALED	No

NAME	CR v Dorsami Naidu
CASE NUMBER	005/2009
LAW PRACTICE	Dorsami Naidu Esq
DATE OF FIRST MENTION	20 April 2010
HEARING DATE(S)	21 April 2010, 5 July 2010, 6 July 2010, 9 July 2010

JUDGMENT FOLLOWING FINAL HEARING	
NUMBER	ILSCJ19/2010
DATE	13 August 2010
CHARGES	<p>Unsatisfactory Professional Conduct (s 81 Legal Practitioners Decree 2009)</p> <p>Count 1A: Failed to take appropriate action in breach of purchase agreement</p> <p>Unsatisfactory Professional Conduct (s 81 and 83 (1) I of the Legal Practitioners Decree 2009)</p> <p>Count 1B: Charging excessive fees</p>

	<p>Unsatisfactory Professional Conduct (s 81 and Rule 8.1(b) of the Professional Conduct of the Legal Practitioners Decree 2009)</p> <p>Count 1C: Failed to keep client reasonably informed of progress</p> <p>Unsatisfactory Professional Conduct (s 81 Legal Practitioners Decree 2009)</p> <p>Count 3A: Failing to inform client purchaser of encumbrance to title in land sale</p> <p>Professional Misconduct (s 82 (1) (a) of the Legal Practitioners Decree 2009)</p> <p>Count 3B: Failed to obtain the consent of the third party on behalf of the vendor in sale of land</p> <p>Unsatisfactory Professional Conduct (s 81 of the Legal Practitioners Decree 2009)</p> <p>Count 4A: Failed to provide bill of costs</p> <p>Unsatisfactory Professional Conduct (s81 and 83 (1) I of the Legal Practitioners Decree 2009)</p> <p>Count 4B: Excessive and unjustifiable fees</p> <p>Unsatisfactory Professional Conduct (s 81 of the Legal Practitioners Decree 2009)</p> <p>Count 5A: Failed to keep client informed in insurance claim</p> <p>Count 5B: Failed to advise the complainant of the compensation and the amount payable</p> <p>Count 6A: Failed to keep a secure a pre-trial conference</p> <p>Count 6B: Failed to keep client reasonably informed of the progress of matter</p> <p>Count 6C: Failed to reinstate the proceedings after the matter had been struck out</p> <p>Count 6D: Failed to carry out client’s instructions and protecting his</p>
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	legal interests in the said civil matter
FINDINGS	The Respondent is found guilty of Unsatisfactory Professional Conduct and Professional Misconduct.
ORDERS	<ol style="list-style-type: none"> 1. Complaints 2 and 7 are withdrawn and dismissed (discontinued). 2. Complaints 1A, 1C, 4B, 5A, 5b, 6A and 6B are dismissed (discontinued). 3. Complaints 1B, 3A, 3B, 4A, 6C, 6D and 6E are proved. 4. The Respondent is found guilty of Unsatisfactory Professional Conduct and Professional Misconduct.
APPEALED	Appeal unsuccessful, dismissed with costs.

SENTENCING JUDGMENT	
NUMBER	ILSCJ21/2010
DATE	16 August 2010
ORDERS	<ol style="list-style-type: none"> 1. 10 hours of professional development or legal education 2. Undertake these studies before 30 June 2011 3. Pay the Commissioner a fine of \$1500 within 1 month 4. Pay the expenses of the Applicant's witnesses 5. Must prepare all necessary documents for the transfer of land to the complainant 6. Complete this transaction within 3 months of completing the necessary survey 7. Chief Registrar shall supervise these orders
APPEALED	Appeal unsuccessful

NAME	CR v Nilesh Lajendra
CASE NUMBER	006/2009
LAW PRACTICE	Lajendra Law

DATE OF FIRST MENTION	9 December 2009
HEARING DATE(S)	3 February 2010

APPLICATION	Interim Order for payment and release of files
NUMBER	ILSCJ05/2010
DATE	4 February 2010
ORDERS	<p>Application granted</p> <ol style="list-style-type: none"> 1. Respondent to pay complainant \$20,361.00 from money held in trust. Payable in 7 days by cheque 2. Respondent to release specified Fiji Appeal Court matter within 7 days.

JUDGMENT FOLLOWING FINAL HEARING	
NUMBER	ILSCJ06/2010
DATE	13 April 2010
CHARGES	<p>Unsatisfactory Professional Conduct (s 82(1)(a) Legal Practitioners Decree 2009)</p> <p>Count 1: Failed to release funds from his trust account the client</p> <p>Count 2: Subsequently failed to release the client's file in respect of the same matter despite the matter still pending with Fiji Court of Appeal</p> <p>Professional Misconduct (s 83(1) Legal Practitioners Decree 2009)</p> <p>Count 3: Failed to release client's money from the Trust Account as ordered by the High Court</p>
FINDINGS	Application dismissed as the client's failed to make formal request as per to s 9 of the Trust Account Act

	The Respondent is entitled to retain the sum of \$30,000.00 in his trust account by virtue of his lien but has no authority to pay it out as no request has been made in accordance with s 9 of the Trust Account Act
ORDERS	Application dismissed
APPEALED	No

NAME	CR v Akuila Naco
CASE NUMBER	007/2009
LAW PRACTICE	Naco Chambers
DATE OF FIRST MENTION	9 December 2009
HEARING DATE(S)	13 April 2010, 4 May 2010, 5 May 2010, 2 July 2010

APPLICATION	Application to vacate hearing date
NUMBER	ILSCJ07/2010
DATE	13 April 2010
ORDERS	<p>Application granted</p> <ol style="list-style-type: none"> 1. Hearing vacated 2. Respondent to pay applicant 3. Respondent to pay witness expenses 4. Leave granted to amend 5. Statement of facts to be filed 6. Proceedings adjourned

JUDGMENT FOLLOWING FINAL HEARING 1	
NUMBER	ILSCJ12/2010
DATE	16 June 2010
LAW PRACTICE	Naco Chambers
CHARGES	Unsatisfactory Professional Conduct (s 81 Legal Practitioners Decree 2009) Count 1: Overdrawn Trust Account
FINDINGS	Unsatisfactory Professional Conduct found
ORDERS	1. Fined \$1000.00 2. Costs to CR in the sum of \$500.00 3. Mr. Naco publicly reprimanded
APPEALED	No

JUDGMENT FOLLOWING FINAL HEARING 2	
NUMBER	ILSCJ13/2010
DATE	16 June 2010
LAW PRACTICE	Naco Chambers
CHARGES	Unsatisfactory Professional Conduct (Legal Practitioners Decree 2009 s 81) Count 2: Failed to distribute the monies received therein to claimants according to the order Count 3: Failed to appear in the court and Judgment was issued against the complainant Count 5: Failed to properly cross-examine witness Count 6: Failed to represent the interest of the client

FINDINGS	Unsatisfactory Professional Conduct on count 2 and 3. Counts 5 and 6 dismissed.
ORDERS	See Sentencing Hearing below
APPEALED	No

SENTENCING JUDGMENT	
NUMBER	ILSCJ17/2010
DATE	9 July 2010
ORDERS	<ol style="list-style-type: none"> 1. Mr. Naco was Publicly Reprimanded 2. Pay \$3600 by way of compensation 3. Pay \$300 compensation 4. Pay witness expenses \$25 and \$30
APPEALED	No

NAME	CR v Haroon Ali Shah
CASE NUMBER	008/2009
LAW PRACTICE	Haroon Ali Shah ESQ
DATE OF FIRST MENTION	9 December 2009
HEARING DATE(S)	15 September 2010, 16 September 2010, 20 September 2010, 21 September 2010, 22 September 2010, 23 September 2010, 24 September 2010

JUDGMENT FOLLOWING FINAL HEARING	
NUMBER	ILSCJ22/2010
DATE	30 September 2010
LAW PRACTICE	Haroon Ali Shah ESQ
CHARGES	<p>Unsatisfactory Professional Conduct (s 82(1)(a) Legal Practitioners Decree 2009)</p> <p>Count 6: Due to a consistent failure to reach or maintain a reasonable standard of competence and diligence, client's case was dismissed by want of prosecution on the delay on part of lawyers</p> <p>Count 8: Received legal costs amounting to \$3,00.00 yet has failed to represent the client in court and is not prepared to refund the client</p> <p>Count 10: Despite payments of \$40,000.00 put into trust for the purchase of a nightclub on behalf of a client legal practitioner failed to prepare sale and purchase agreement. Instead without consent or instruction on behalf of the client proceeded to make a case against the owner of a nightclub. Further refused to cooperate with the client; failed to keep the client informed and refused to meet with him on several occasions</p> <p>Count 11: Failed to transfer money after client retained the services of another legal practitioner despite files also being transferred</p> <p>Count 12: Despite being paid, respondent failed to execute a sale and purchase agreement and failed to execute a vehicle transfer. Further requested \$1,500 for extra legal costs then continued to make false promises and further failed to execute the transfer and fulfil his duties</p> <p>Unsatisfactory Professional Conduct (s 82(1)(b) Legal Practitioners Decree 2009)</p> <p>Count 1: Failed to pay vendor the full balance of from sale of property (a hotel)</p> <p>Count 2A: 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>Count 2B: Failed to ensure that all debts or encumbrances by way of</p>

	<p>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>Count 3: Failed to pay complainant the compensation sum of \$14,000.00</p> <p>Count 4: Failed to disclose conflict of interest; failed to return fees paid</p> <p>Count 5B: Failed to move client's case. This has caused a delay of a considerable number of years meaning that their case has not yet reached hearing stage</p> <p>Count 7: Failed to progress a civil case for 10 years. Failed to advise the complainant on any progress</p> <p>Count 10B: Failed to refund the client the sum of legal costs amounts to \$40,000.0 upon the client's numerous requests and despite failing to prepare legal documents</p> <p>Count 11B: Failed to account properly for money received from proceeds of sale. Money is still unaccounted for, and is yet to be paid to the client</p> <p>Count 12B: Despite requesting a further sum of legal fees, respondent then proceeded to inform his client that his case was an illegal one and then failed to properly discharge himself from his duties as legal practitioner</p> <p>Professional Misconduct (s 83(1)(b) Legal Practitioners Decree 2009)</p> <p>Count 2C: Charge excessive legal fees in connection to the sale of the property.</p> <p>Professional Misconduct (s 83(1)(b) Legal Practitioners Decree 2009)</p> <p>Count 6B: Failed to bring the case to a HEARING DATE(S)(S) and failed to appear before the court when case was called.</p> <p>Professional Misconduct (s 83(1)(b) and 83(1)(c) Legal Practitioners Decree 2009)</p> <p>Count 5: Charged excessive costs to vulnerable clients</p> <p>Count 9: Respondent was paid \$1,500.00 to appear for client for a bail application; made false representation to client's family regarding future legal costs and work; failed to appear in court on behalf of client; Charged client an extra \$2,500.00 for legal costs</p>
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	Professional Misconduct (s 83(2) Legal Practitioners Decree 2009) Count 12C: After acting for both vendor and purchaser regarding a sales and purchase agreement, respondent failed to settle the case amongst the two parties regarding money paid and instrument of the agreement.
FINDINGS	Count 2A, 2B and 11B established. Count 1, 2C, 5A, 5B, 6A, 6B, 8, 10A, 10B, 10C, 11A, 12A and 12B dismissed. Count 3, 4A, 4B, 7A, 7B, and 9 having been withdrawn is dismissed (discontinued).
ORDERS	See Sentencing Judgment below
APPEALED	No

SENTENCING JUDGMENT (SEE ALSO 001/2010)	
NUMBER	ILSC23/2010
DATE	30 September 2010
CHARGES	Three counts of professional misconduct and one count of unsatisfactory professional conduct in contrary to s81 and s82(1)(a) Legal Practitioners Decree 2009.
FINDINGS	Professional Misconduct and Unsatisfactory Misconduct.
ORDERS	<ol style="list-style-type: none"> 1. The Respondent is to undertake five criminal trials in the High Court Lautoka on behalf of the Legal Aid Commission at no cost 2. Respondent is to pay the sum of \$7,000 to the Commission for payment to complainants. 3. Payments by the respondent are to be made within 28 days or the practising certificate will be suspended until the payment is done.
APPEALED	Unsuccessfully appealed with costs

NAME	CR v Iqbal Khan
CASE NUMBER	009/2009; 010/2009
LAW PRACTICE	Iqbal Khan and Associates
DATE OF FIRST MENTION	1 December 2009
HEARING DATE(S)	11 November 2013

APPLICATION	Application for recusal or to disqualify for bias
NUMBER	ILSCJ04/2010
DATE	3 February 2010
ORDERS	Application dismissed

APPLICATION	Application to vacate hearing dates
NUMBER	ILSCJ08/2010
DATE	28 April 2010
ORDERS	<p>Application granted</p> <ol style="list-style-type: none"> 1. Hearing vacated 2. Proceedings are adjourned 3. To pay costs in the amount of \$5000.00. If costs are not paid within specified time, practising certificate to be suspended until payment made

NOTICE OF MOTION	<ol style="list-style-type: none"> 1. For leave to be granted to appeal out of time, and leave be granted against interim orders dates 3 February 2010 and against orders dated 28 April 2010 and 21 June 2010 2. Stay of proceedings
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NUMBER	ILSCJ14/2010
DATE	21 June 2010
ORDERS	Dismissed

APPLICATION	<ol style="list-style-type: none"> 1. To disqualify for bias or recusal 2. That another Commissioner be appointed
NUMBER	ILSCJ18/2010
DATE	21 June 2010
ORDERS	Application dismissed
APPEALED	Appealed to Court of Appeal (unsuccessfully)

APPLICATION	Recusal application on basis that Commissioner called the Respondent 'dishonest' in a High Court trial.
NUMBER	ILSCJ20/2013
DATE	5 November 2013
ORDERS	Application refused

APPLICATION	Application to vacate
NUMBER	ILSCJ23/2013
DATE	11 November 2013
ORDERS	Application refused

JUDGMENT FOLLOWING FINAL HEARING	
NUMBER	ILSCJ26/2013
DATE	11 December 2013
CHARGES	<p>Section 3.5 of the Rules of Professional Conduct and Practice incorporated into the Legal Practitioners Decree</p> <p>Count 1A: Made derogatory remarks on Fiji One TV regarding the police</p> <p>Count 1B: Talked openly about the proceedings on Fiji One TV</p> <p>Count 4: Failed to disclose conflicts of interest in criminal matter</p>
FINDINGS	Found guilty of two counts of professional misconduct.
ORDERS	<ol style="list-style-type: none"> 1. The practitioner is found guilty of two distinct counts of professional misconduct, as alleged by the Chief Registrar. 2. On the first count (acting sub judice) his practising certificate is suspended for a period of 15 months with immediate effect. 3. On the second count (conflict of interest) his practising certificate is suspended for a period of 15 months with immediate effect. 4. The two suspensions are obviously to be served concurrently. The practitioner is not eligible to apply for a practising certificate until March 2015. 5. The practitioner is to pay costs to this Commission of \$1,500 by 10th of January 2014. 6. The practitioner is publicly reprimanded.
APPEALED	No

NOTICE OF MOTION	Notice of Motion for the case to be heard <i>de novo</i> before another Commissioner on the basis of a highly prejudicial submission.
NUMBER	ILSCJ27/2013
DATE	11 December 2013
ORDERS	Application refused and Notice of Motion dismissed. Also found to

	be an abuse of process.
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APPLICATION	Stay application
NUMBER	ILSCJ03/2014
DATE	14 February 2014
ORDERS	Application dismissed.

2010

NAME	CR v Haroon Ali Shah
CASE NUMBER	001/2010
LAW PRACTICE	Haroon Ali Shah ESQ
DATE OF FIRST MENTION	12 August 2010
HEARING DATE (S)	12 August 2010

APPLICATION	<p>Respondent wished for the following charge to be heard by way of preliminary issue for determination.</p> <p>Professional Misconduct (s 83(1)(d)(i) Legal Practitioners Decree 2009)</p> <p>Count 1: The respondent was convicted of criminal offences (assault occasioning actual bodily harm and damaging property) committed during proceedings amounting substantial failure to reach a reasonable standard of competence and diligence</p>
NUMBER	ILSCJ20A/2010
DATE	14 September 2010
ORDERS	<ol style="list-style-type: none"> 1. Respondent's application is dismissed. 2. Hearing of this matter is to commence with application 008/2009.

APPLICATION	Application to disqualify for bias
NUMBER	ILSCJ20B/2010
DATE	15 September 2010

ORDERS	Application dismissed
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JUDGMENT FOLLOWING FINAL HEARING	
NUMBER	ILSCJ24/2010
DATE	30 September 2010
CHARGES	Professional Misconduct s81 and s82(1)(a) Legal Practitioners Decree 2009.
FINDINGS	See Sentencing Judgment below
ORDERS	The Respondent is found guilty of professional misconduct.

SENTENCING JUDGMENT (SEE ALSO 008/2009)	
NUMBER	ILSCJ23/2010
DATE	30 September 2010
CHARGES	Three counts of professional misconduct and one count of unsatisfactory professional conduct in contrary to s81 and s82(1)(a) Legal Practitioners Decree 2009
FINDINGS	Professional Misconduct and Unsatisfactory Misconduct.
ORDERS	<ol style="list-style-type: none"> 1. The Respondent is to undertake five criminal trials in the High Court Lautoka on behalf of the Legal Aid Commission at no cost 2. Respondent is to pay the sum of \$7,000 to the Commission for payment to complainants 3. Payments by the respondent are to be made within 28 days or the practising certificate will be suspended until the payment is done

APPEALED	Unsuccessfully appealed with costs
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NAME	CR v Vipul Mishra, Mehboob Raza, Muhammed Shamsud-Dean Sahu Khan, and Sahu Khan & Sahu Khan
CASE NUMBER	002/2010
LAW PRACTICE	Mishra Prakash and Associates
DATE OF FIRST MENTION	16 November 2010
HEARING DATE(S)	16 November, 6 December 2010, 24 January, 28 April, 4 May, 6 May, 6 December 2011

APPLICATION	<p>First Respondent</p> <p>Notice of Motion for dismissal of all charges and alternatively those charges be severed from balance of the action</p> <p>Second Respondent</p> <p>Hearing dates to be vacated and substantive action and all other applications be adjourned until January 2011 for mention</p>
NUMBER	ILSCJ27/2010
DATE	16 December 2010
ORDERS	Hearing dates vacated

APPLICATION	Notice of motion for dismissal of charges on bases that he acted for vendor only in respect of transaction complained of by the complainant and on the bases that she had her own lawyer acting for her
DATE	6 December 2010

ORDERS	Notice of motion dismissed
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APPLICATION	No case to answer submission in respect of 1 st Respondent
NUMBER	ILSCJ01/2011
DATE	24 January 2011
ORDERS	1. There is a case to answer 2. Application for no case to answer is dismissed

JUDGMENT FOLLOWING FINAL HEARING	
NUMBER	ILSCJ02/2011
DATE	3 March 2011
CHARGES	<p>First Respondent</p> <p>Professional Misconduct (s 82(1)(a) Legal Practitioners Decree 2009)</p> <p>Count 1, 2 and 3: Substantial failure to reach a reasonable standard of competence and diligence</p> <p>Second Respondent</p> <p>Unsatisfactory Professional Conduct (s 81 Legal Practitioners Decree 2009)</p> <p>Count 1: 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</p> <p>Third and Fourth Respondent</p> <p>Professional Misconduct (s 82(1)(a) Legal Practitioners Decree 2009)</p> <p>Count 1, 2 and 3: Substantial failure to reach a reasonable standard of competence and diligence</p>

	Professional Misconduct (s 82(1)(b) Legal Practitioners Decree 2009) Count 4: Is not a fit and proper person to engage in legal practice
FINDINGS	<p>First Respondent</p> <p>Professional Misconduct found on count 1 and 2 Professional Misconduct not found on count 3</p> <p>Second Respondent</p> <p>Unsatisfactory Professional Conduct found on count 1</p> <p>Third and Fourth Respondent</p> <p>Professional Misconduct not found on count 1, 2 and 3 Professional Misconduct found on count 4</p>
ORDER	<ol style="list-style-type: none"> 1. Count 1 – The complaint is established and the first respondent is found guilty of professional misconduct 2. Count 2 – The complaint is established and the 1st Respondent is found guilty of professional misconduct 3. Count 3 – The complaint is dismissed 4. Count 4 – The complaint is established and the 2nd Respondent is found guilty of unsatisfactory professional conduct 5. Count 5 – The complaint is dismissed 6. Count 6 – The complaint is dismissed 7. Count 7 – The complaint is dismissed 8. Count 8 – The complaint is established and the 3rd Respondent is found guilty of professional misconduct.

JUDGEMENT ON SENTENCE (RESPONDENT 1)	
NUMBER	ILSCJ03/2011
DATE	4 May 2011
CHARGES	<p>First Respondent</p> <p>Professional Misconduct (s 82(1)(a) Legal Practitioners Decree 2009) Count 1, 2 and 3: Substantial failure to reach a reasonable standard of competence and diligence</p>

FINDINGS	<p>First Respondent</p> <p>Professional Misconduct found on count 1 and 2</p> <p>Professional Misconduct not found on count 3</p>
ORDERS	<p>First Respondent</p> <p>1. Shall facilitate the removal of mortgage no 210344 from CL 16375 whether by legal action, payment of the mortgage debt or 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 the 1st respondent shall keep Sashi Kiran Pratap indemnified against any payment for principal, interest or legal expenses</p> <p>3. Should the mortgage not be removed from CL 16375 on or before the 31st December 2011 the 1st Respondent's practising certificate shall be suspended without further order</p> <p>4. The 1st Respondent is fined the sum of \$ 10,000 to be paid to the ILSC within 28 days</p> <p>5. Witness expenses in the sum of \$ 241.83 shall be paid to the ILSC within 28 days</p> <p>6. Should the payment in orders of 4 and 5 not be made within 28 days the 1st Respondent's practising certificate shall be suspended without further order</p> <p>7. Liberty to apply granted</p>
APPEALED	No

JUDGMENT ON SENTENCE (RESPONDENT 2)	
NUMBER	ILSCJ04/2011
DATE	4 May 2011
CHARGES	<p>Second Respondent</p> <p>Unsatisfactory Professional Conduct (s 81 Legal Practitioners Decree 2009)</p> <p>Count 1: Falling short of the standards of competence and diligence that a member of the public is entitled to expect of a reasonably</p>

	competent or professional legal practitioner
FINDINGS	Second Respondent Unsatisfactory Professional Conduct: found on count 1
ORDERS	Second Respondent 1. Shall be fined sum of \$ 10,000 2. The sum of \$600 is to be paid to ILSC for payment to the purchase by way of refund of fees paid by her 3. Witness expenses in the sum of \$ 113.50 shall be paid to the ILSC 4. Total amount of \$ 10,713.50 is to be paid to ILSC within 28 days failing which the 2 nd Respondent's practising certificate shall be suspended without further orders
APPEALED	Yes

JUDGMENT ON SENTENCE (RESPONDENT 3)	
NUMBER	ILSCJ05/2011
DATE	4 May 2011
CHARGES	Third Respondent Professional Misconduct (s 82(1)(a) Legal Practitioners Decree 2009) Count 1, 2 and 3: Substantial failure to reach a reasonable standard of competence and diligence Professional Misconduct (s 82(1)(b) Legal Practitioners Decree 2009) Count 4: Is not a fit and proper person to engage in legal practice
FINDINGS	Third Respondent Professional Misconduct not found on count 1, 2 and 3 Professional Misconduct found on count 4

ORDERS	<p>Third Respondent</p> <ol style="list-style-type: none"> 1. His name be struck from the roll of legal practitioners. 2. The 3rd Respondent is to indemnify the purchaser with respect to any money's payable by her as a result of the actions commenced by him on behalf of Lala Kishore Singh and Ram Narayan in the Ba Magistrates Court whether such money is payable to the Plaintiff therein or to the purchaser's solicitors 3. The 3rd Respondents is to pay all principal and interest owing on the loan in the sum of \$ 120,000.00 referred to in the Deed of Guarantee and Indemnify within 28 days 4. Witness expenses in the sum of \$ 478.00 are to be paid to ILSC within 28 days 5. The 3rd Respondent is to lodge his passport with ILSC within 24 hours for retention until orders 2, 3 and 4 are complied with
APPEALED	Yes

APPLICATION	The 2 nd Respondent seeks a stay of the orders of the orders of the Commission pending the determination of his appeal to the Fiji Court of Appeal
NUMBER	ILSCJ06/2011
DATE	6 May 2011
ORDERS	<ol style="list-style-type: none"> 1. The Notice of Motion is dismissed 2. Application for stay is refused

NAME	CR v William Wylie Clarke
CASE NUMBER	003/2010
LAW PRACTICE	Jamanadas, Clarke & Associates
DATE OF FIRST MENTION	13 September 2010

HEARING DATE(S)	30 November 2010 and 1 December 2010
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APPLICATION	Application for ruling on no case to answer
NUMBER	ILSCJ25/2010
DATE	1 December 2010
ORDERS	1. There is no case to answer 2. Application Dismissed

APPLICATION	Application for tender of audit report
NUMBER	ILSCJ26/2010
DATE	1 December 2010
ORDERS	Tender of the office report is rejected

2011

NAME	CR v Muhammad Shamsud-Dean Sahu Khan and Sahu Khan & Sahu Khan
CASE NUMBER	001/2011 and 002/2011
LAW PRACTICE	Sahu Khan & Sahu Khan
DATE OF FIRST MENTION	28 April
HEARING DATE(S)	13-15 July 2011 and 18-22 July 2011

NOTICE OF MOTION	Notion of motion to disqualify the Commissioner from hearing the application and that the Commission has no jurisdiction against the 1 st and 2 nd respondent
NUMBER	ILSCJ07/2011
DATE	13 July 2011
ORDERS	<ol style="list-style-type: none"> 1. Notion of motion dismissed 2. Matter to proceed to hearing

APPLICATION	Interlocutory orders
NUMBER	ILSCJ08/2011
DATE	22 July 2011
ORDERS	<ol style="list-style-type: none"> 1. The 1st respondent not be issued with a practising certificate 2. CR shall forward a copy of Judgment and Order in matter 2 of 2010 to The Auckland Law Society, The New Zealand Law Society and The Attorney General of New Zealand 3. Respondent to lodge his passport with ILSC within 24 hours of entering Fiji 4. The council for the first Respondent notify him of these orders

JUDGMENT FOLLOWING FINAL HEARING 1	
NUMBER	ILSCJ09/2011
DATE	27 September 2011
CHARGES	Professional Misconduct (s 82(1)(a) Legal Practitioners Decree 2009) Count 1: Substantial failure to reach or maintain a reasonable standard of competence and diligence
FINDINGS	Professional Misconduct not found
ORDERS	Complaint dismissed
APPEALED	No

JUDGMENT FOLLOWING FINAL HEARING 2	
NUMBER	ILSCJ10/2011
DATE	27 September 2011
CHARGES	<p>First Respondent</p> <p>Professional Misconduct (s 82(1)(a) Legal Practitioners Decree 2009)</p> <p>Count 1, 2, 3, 4, 5, 6, 7: He 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>Unsatisfactory Professional Conduct (s 81 Legal Practitioners Decree 2009)</p> <p>Count 8: 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</p> <p>Unsatisfactory Professional Conduct (s 82(1)(b) Legal Practitioners Decree 2009)</p> <p>Count 9: Is not a fit and proper person to engage in legal practice.</p>

	<p>Unsatisfactory Professional Conduct (s 82(1)(b) Legal Practitioners Decree 2009)</p> <p>Count 10: Is not a fit and proper person to engage in legal practice</p> <p>Second Respondent</p> <p>Unsatisfactory Professional Conduct (s 82(1)(b) Legal Practitioners Decree 2009)</p> <p>Count 1: Is not fit and proper to operate as a law firm</p>
FINDINGS	<p>First Respondent</p> <p>Professional Misconduct and Unsatisfactory Professional Conduct found on count 1, 2, 3, 5, 6, 7, 8, 9</p> <p>Professional Misconduct and Unsatisfactory Professional Conduct not found on count 4 and 10</p> <p>Second Respondent</p> <p>Unsatisfactory Professional Conduct found on count 1</p>
APPEALED	No

SENTENCING JUDGMENT	
NUMBER	ILSCJ11/2011
DATE	6 October 2011
ORDERS	<p>First Respondent</p> <ol style="list-style-type: none"> 1. 1st Respondent must not apply for a practising certificate for 10 years 2. He shall pay to ILSC \$ 862.10 3. He shall surrender his passport <p>Second Respondent</p> <ol style="list-style-type: none"> 1. Shall cease to operate and shall not engage in legal practice
APPEALED	No

NAME	CR v Divendra Prasad
CASE NUMBER	003/2011
LAW PRACTICE	Divendra Prasad Lawyers
DATE OF FIRST MENTION	27 September 2011
HEARING DATE(S)	28 November 2011, 29 November 2011 and 30 November 2011

JUDGMENT FOLLOWING FINAL HEARING	
NUMBER	ILSCJ01/2012
DATE	24 January 2012
CHARGES	<p>Professional Misconduct (Legal Practitioners Decree 2009 s 82(1)(a))</p> <p>Count 1A: Acting without instructions from client</p> <p>Count 1B: Failed to consult re settlement</p> <p>Count 1C: Failed to inform client of settlement sum despite request</p> <p>Unsatisfactory Professional Conduct (s 81 Legal Practitioners Decree 2009)</p> <p>Count 1D: Failed to keep client informed of progress of instructions given</p> <p>Professional Misconduct Conduct to s 82(1)(a) Legal Practitioners Decree 2009</p> <p>Count 1E: Failed to disburse full settlement amount to client</p> <p>Count 1F: Attempt to unduly influence client to withdraw complaint</p> <p>Count 2 (6 counts of Professional Misconduct s 82(1)(a) to which respondent pleaded guilty)</p>

	Professional Misconduct (Legal Practitioners Decree 2009 s 82(1)(a)) Count 3A: Failed to inform client Ramendra Singh (motor vehicle accident) of settlement offer Count 3B: Attempted to influence client to withdraw complaint
FINDINGS	Guilty of professional misconduct under 1A Guilty of unsatisfactory professional conduct under 1D Not guilty of 1B, 1C, 1E, 1F, 3A and 3B
APPEALED	No

SENTENCING JUDGMENT	
NUMBER	ILSCJ02/2012
DATE	7 March 2012
ORDERS	Final Comprehensive Orders in respect of Count 1A, 1D and 2 <ol style="list-style-type: none"> 1. Respondent is publicly reprimanded 2. Pay a penalty to the Commission \$30,000 3. Refund the sum of \$2,000 with interest to complainant 4. Refund the sum of \$6, 359.38 erroneously claimed at the High Court of Suva and return to Covec 5. Pay \$87 witness expenses to the Commission 6. If all monetary impositions are unpaid by 30th April 2012, the suspension of the respondent's practising certificate until such time as they are paid
APPEALED	No

NAME	CR v Adi Kolora Naliva
CASE NUMBER	004/2011
LAW PRACTICE	Legal Officer, Fiji Public Trustee Corporation Ltd
DATE OF FIRST	27 September 2011

MENTION	
HEARING DATE(S)	5 December 2011

JUDGMENT FOLLOWING FINAL HEARING	
NUMBER	ILSCJ13/2011
DATE	5 December 2011
CHARGES	<p>Unsatisfactory Professional Conduct (s 52 (1)(a) Legal Practitioners Decree 2009)</p> <p>Count 1, 2, 3, 4: Practiced without having a valid practising certificate</p> <p>Unsatisfactory professional Conduct (s 81 Legal Practitioners Decree 2009)</p> <p>Count 5: 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</p>
FINDINGS	Pleaded guilty to five counts of unsatisfactory professional conduct
ORDERS	Publicly reprimanded
APPEALED	No

NAME	CR v Alena Koroi
CASE NUMBER	005/2011
LAW PRACTICE	K I Law
DATE OF FIRST MENTION	27 September 2011
HEARING DATE(S)	30 November 2011 and 1 December 2011

JUDGMENT FOLLOWING FINAL HEARING	
NUMBER	ILSCJ12/2011
DATE	1 December 2011
CHARGES	Unsatisfactory Professional Conduct (s 83 (1) (a) Legal Practitioners Decree 2009) Count 1: Unduly raising voice in the High Court at the Honourable Justice Hettiarachchi
FINDINGS	Respondent found guilty of Unsatisfactory Professional Conduct
APPEALED	No

SENTENCING JUDGMENT	
NUMBER	ILSCJ03/2012
DATE	14 March 2012
ORDERS	<ol style="list-style-type: none"> 1. Respondent publicly reprimanded 2. Warning given in the strongest possible terms 3. Required to spend 12 months of practice under supervision 4. Permitted to practice for 2012 but 2013 Practising Certificate conditional on report submitted to Chief Registrar as to satisfactory and unexcitable performance
APPEALED	No

NAME	CR v Siteri Adidreu Cevalawa
CASE NUMBER	006/2011

LAW PRACTICE	Senior Legal Officer, Telecom Fiji Ltd
DATE OF FIRST MENTION	7 October 2011
HEARING DATE(S)	7 October 2011, 18 October 2011, 5 December 2011

APPLICATION	Interlocutory Order
DATE	7 October 2011
ORDERS	Chief Registrar to issue a practising certificate for the respondent on payment of the prescribed fees and lodgement of an application

APPLICATION	Amended Interlocutory Order
DATE	18 October 2011
ORDERS	Interlocutory Order of 7 October amended on 18 October to issue a practising certificate for the balance of the term being 28 th February 2012

JUDGMENT FOLLOWING FINAL HEARING 1	
NUMBER	ILSCJ14/2011
DATE	5 December 2011
CHARGES	Respondent appeared on behalf of Telecom Fiji without a practising certificate in contravention of s 52(1)(a) Legal Practitioners Decree 2009 (1 charge, 10 counts)
FINDINGS	Pleaded guilty to counts 1 to 8 of unsatisfactory professional conduct
ORDERS	<ol style="list-style-type: none"> 1. Publicly Reprimanded 2. Fined \$1,000 3. Interlocutory order vacated

APPEALED	No
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JUDGMENT FOLLOWING FINAL HEARING 2	
NUMBER	ILSCJ15/2011
DATE	5 December 2011
CHARGES	Respondent appeared on behalf of Telecom Fiji without a practising certificate in contravention of s 52(1)(a) Legal Practitioners Decree 2009 (1 charge, 10 counts)
ORDERS	Counts 9 & 10 dismissed
APPEALED	No

NAME	CR v Haroon Ali Shah
CASE NUMBER	007/2011
LAW PRACTICE	Haroon Ali Shah ESQ
DATE OF FIRST MENTION	29 November 2011
HEARING DATE(S)	26 th , 27 th , 28 th January 2011, 10 May 2011

JUDGMENT FOLLOWING FINAL HEARING	
NUMBER	ILSCJ05/2012
DATE	1 June, 2012
LAW PRACTICE	Haroon Ali Shah ESQ

CHARGES	<p>Professional Misconduct (s 82 (2) (a) Legal Practitioners Decree 2009)</p> <p>Counts 1, 2, 5, 6, 7, 8 and 9: Irregularities of trust account or in requirements to be fulfilled in keeping a trust account.</p> <p>Unsatisfactory Professional Conduct (s 83 (1)(h) Legal Practitioners Decree 2009)</p> <p>Count 3: Failing to inform client of progress of the matter.</p> <p>Count 4: Failing to render invoice for fees deducted from the trust account.</p>
FINDINGS	<p>Professional Misconduct in Counts 1, 2, 5, 6, 7, 8 and 9</p> <p>Unsatisfactory Professional Conduct found in Counts 3 and 4.</p>
ORDERS	See Sentencing Judgment below.

SENTENCING JUDGMENT	
NUMBER	ILSCJ06/2012
DATE	22 June 2012
ORDERS	<ol style="list-style-type: none"> 1. The practitioner's name be struck from the Roll of Legal Practitioners 2. The Respondent to pay witness expenses of \$1,056.04. 3. The Respondent to pay wasted costs of \$7,500 to the Chief Registrar and wasted costs of \$7,500 to the Commission by 31st July 2012.
APPEALED	Yes

2012

NAME	CR v Laisa Lagilevu
CASE NUMBER	001/2012
LAW PRACTICE	Lagilevu Law
DATE OF FIRST MENTION	15 March 2012
HEARING DATE(S)	15 March 2012

JUDGMENT FOLLOWING FINAL HEARING	
NUMBER	ILSCJ04/2012
DATE	16 March 2012
CHARGES	<p>Unsatisfactory Professional Conduct (s 83 (1) (a) Legal Practitioners Decree 2009)</p> <p>Count 1: Appeared in High Court without a valid practising certificate</p> <p>in contravention of s 52 (1)(a) Legal Practitioners Decree 2009</p>
FINDINGS	Unsatisfactory Professional Conduct found
ORDERS	<ol style="list-style-type: none"> 1. The Respondent publicly reprimanded 2. Pay fine of \$1000 3. Practising Certificate suspended until fine paid and upon satisfactory of Trust Account requirements of the Chief Registrar
APPEALED	No

NAME	CR v Kini Marawai and Rajendra Chaudhry
CASE NUMBER	002/2012
LAW PRACTICE	Gordon & Chaudhry
DATE OF FIRST MENTION	1 June 2012
HEARING DATE(S)	18, 31 July, 17 August 2012

JUDGMENT FOLLOWING FINAL HEARING	
NUMBER	ILSCJ07/2012
DATE	12 September 2012
CHARGES	<p>First Respondent</p> <p>Unsatisfactory professional Conduct (s 81 Legal Practitioners Decree 2009)</p> <p>Count 1: Prepared and witnessed the first affidavit for his client containing rape allegation against Respondent and then again prepared and witnessed second affidavit for Ms Balagan about withdrawal of same rape allegation against Respondent thus arising to conflict of interest.</p> <p>Unsatisfactory Professional Conduct (s 83 (1) (a) Legal Practitioners Decree 2009)</p> <p>Count 2: Information present in both the affidavits were conflicting evidence</p> <p>Professional Misconduct (s 82(1)(b) Legal Practitioners Decree 2009)</p> <p>Count 3: He asked Respondent to represent his client where Respondent was himself a victim and a witness in the same legal matter. This act made him not a fit and proper person to engage in legal practice</p> <p>Second Respondent</p> <p>Professional Misconduct (s 82(1)(b) Legal Practitioners Decree 2009)</p>

	<p>Count 1: Respondent acted as a counsel for the client who was the accused of giving false information to a public servant (Respondent) where Respondent was a victim and a witness. This act made him not a fit and proper person to engage in legal practice</p> <p>Unsatisfactory Professional Conduct (s 83 (1)(a) Legal Practitioners Decree 2009)</p> <p>Count 2: He showed discourtesy to High Court</p>
FINDINGS	<p>First Respondent</p> <p>Unsatisfactory Professional Conduct and Professional Misconduct found on all counts</p> <p>Second Respondent</p> <p>Professional Misconduct and Unsatisfactory Professional Conduct found on all counts</p>
APPEALED	<p>Yes, appealed by Chaudhry. Decision upheld but penalty reduced. Practising certificate of Chaudhry to be returned after three years on 1 March 2015, two years sooner than previously ordered.</p>

SENTENCING JUDGMENT	
NUMBER	ILSCJ09/2012
DATE	5 October 2012
SENTENCE	<p>First Respondent</p> <ol style="list-style-type: none"> 1. Certificate suspended until 1 March 2016 2. Publicly reprimanded 3. Pay costs 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>Second Respondent</p> <ol style="list-style-type: none"> 5. Certificate suspended until 1 March 2017 6. Publicly reprimanded 7. Pay costs of \$ 1000 which would be equally shared between LPU

	<p>and the Commission</p> <p>8. In order to purpose his current matter, he be allowed to remain in practice until 26 October 2012 however he cannot appear in Court, nor accept any new instructions from either existing or new clients.</p> <p>9. Be only certified on proof of having taken 5 hours of training in Legal Ethics</p>
APPEALED	<p>Yes, appealed by Chaudhry. Decision upheld but penalty reduced. Practising certificate of Chaudhry to be returned after three years on 1 March 2015, two years sooner than previously ordered.</p>

NAME	CR v Ronald Rajesh Gordon and Rajendra Chaudhry
CASE NUMBER	Miscellaneous 004/2012 related to the matter of CR v Kini Marawai and Rajendra Chaudhry 002/2012
LAW PRACTICE	Gordon & Chaudhry
DATE OF FIRST MENTION	11 October 2012
HEARING DATE(S)	12, 19 and 26 October 2012

APPLICATION	Ex-parte notice of motion for orders made by Chief Registrar
DATE	11 October 2012
ORDERS	<p>Application granted.</p> <ol style="list-style-type: none"> 1. Respondents restrained from operating their law firm until further orders of Commission 2. Submit list of pending files of their firm and list of client contacts of same to LPU in presence of officer 3. Members of Fiji Police to assist in execution of order 4. Any other orders applicant deems just and equitable 5. Costs in the cause 6. Matter listed <i>inter-partes</i> on 12 October 2012

APPEALED	Yes (allowed on 27/2/2015 despite the orders having been executed 2 years and 4 months earlier on 11/10/2012. Appeal succeeded in that the orders above were declared invalidly made)
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NAME	CR v Luseyane Ligabalavu
CASE NUMBER	003/2012; 004/2012
LAW PRACTICE	Ligabalavu law
DATE OF FIRST MENTION	1 June 2012
HEARING DATE(S)	13 August 2012, 9 October 2012

JUDGMENT FOLLOWING FINAL HEARING	
NUMBER	ILSCJ08/2012
DATE	21 September 2012
CHARGES	Professional Misconduct (s 83(1)(g) Legal Practitioners Decree 2009) Count 1 and 2: Failing to comply with any orders or directions of the Chief Registrar
FINDINGS	Professional Misconduct on both counts
APPEALED	No

SENTENCING JUDGMENT	
NUMBER	ILSCJ11/2012
DATE	23 October 2012

SENTENCE	1. Suspended from practice until 1 March 2015 2. Must pay \$200 to Joeli Tudrau [arising from mediation agreement]
APPEALED	No

NAME	Vimotaad's Investment (Fiji) Ltd v Faiyaz Siddiq Koya
CASE NUMBER	005/2012
LAW PRACTICE	Koyas
DATE OF FIRST MENTION	21 September 2012
HEARING DATE(S)	5 October 2012
WITHDRAWAL DATE	Summarily dismissed March 2011

APPLICATION	Oral application by Respondent regarding award of costs for frivolous application
NUMBER	ILSCJ10/2012
DATE	12 October 2012
ORDERS	Application refused without costs awarded

NAME	CR v Kini Marawai and Marawai Law
CASE NUMBER	006/2012
LAW PRACTICE	Marawai Law

DATE OF FIRST MENTION	11 October 2012
HEARING DATE(S)	12 April 2013 and 30 April 2013

JUDGMENT FOLLOWING FINAL HEARING	
NUMBER	ILSCJ04/2013
DATE	15 May 2013
CHARGES	<p>Professional Misconduct (Legal Practitioners Decree 2009 s 83(1)(a))</p> <p>Count 1: Appearing before court without a practising certificate on 12 March 2012 contravening s 52(1)(a) and (b) Legal Practitioners Decree 2009</p> <p>Count 2: Appearing before court without a practising certificate on 30 March 2012</p> <p>Count 3: Appearing before court without a practising certificate on 17 May 2012</p> <p>Count 4: Without a practising certificate, instructed another solicitor to appear before the court on 17 July 2012</p> <p>Professional Misconduct (s 83(1)(h) contravening s 3a of Trust Account Act 1996)</p> <p>Count 5: Failed to establish and keep trust account</p>
FINDINGS	Pleaded guilty to all counts
ORDERS	<p>1. Suspended for three years to run consecutively with period of suspension he is already undergoing. Not to apply for practising certificate until 1 March 2019</p> <p>2. Fined \$1,000</p>
APPEALED	No

NAME	CR v Melaia Ligabalavu and Luseyane Ligabalavu
CASE NUMBER	007/2012
LAW PRACTICE	Ligabalavu Law
DATE OF FIRST MENTION	2 November 2012
HEARING DATE(S)	12 April and 30 April 2013

JUDGMENT FOLLOWING FINAL HEARING	
NUMBER	ILSCJ05/2013
DATE	7 June 2013
CHARGES	<p>First Respondent</p> <p>Unsatisfactory Professional Conduct (s 83 (1) (a) Legal Practitioners Decree 2009) (1 March 2012)</p> <p>Count 1: He appeared in Magistrate's Court without holding valid practising certificate, which conduct was a contravention of s 52 (1) (a) Legal Practitioners Decree 2009</p> <p>Unsatisfactory Professional Conduct (s 83 (1) (a) Legal Practitioners Decree 2009) (19 March 2012)</p> <p>Count 2: He appeared in Magistrate's Court without holding valid practising certificate, which conduct was a contravention of s 52 (1) (a) Legal Practitioners Decree 2009</p> <p>Professional Misconduct (s 83 (1) (a) Legal Practitioners Decree 2009) (1March 2012)</p> <p>Count 3: Law firm appeared in Magistrate's Court without holding valid practising certificate, which conduct was a contravention of s 42 (2) Legal Practitioners Decree 2009</p> <p>Professional Misconduct (s 83 (1) (a) Legal Practitioners Decree 2009) (19 March 2012)</p> <p>Count 4: Law firm appeared in Magistrate's Court without holding valid practising certificate, which conduct was a contravention of s42 (2) Legal Practitioners Decree 2009</p>

	<p>Second Respondent</p> <p>Professional Misconduct (s 83 (1) (a) Legal Practitioners Decree 2009) (1 March 2012)</p> <p>Count 1: He being the sole practitioner of the law firm employed and instructed the first Respondent to appear in Magistrate’s Court without holding valid practising certificate, which conduct was a contravention of s 42 (2) Legal Practitioners Decree 2009</p> <p>Professional Misconduct (s 83 (1) (a) Legal Practitioners Decree 2009) (19 March 2012)</p> <p>Count 2: He being the sole practitioner of the law firm employed and instructed the first Respondent to appear in Magistrate’s Court which was not entitled to operate in the practice of law, which conduct was a contravention of s 42 (2) Legal Practitioners Decree 2009</p> <p>Professional Misconduct (s 83 (1) (h) Legal Practitioners Decree 2009)</p> <p>Count 3: Failed to cause accounting and other records to be kept by her as the trustee to be audited for financial period 1 October to 30 September which conduct was a contravention of s 12 (1) Trust Accounts Act 1996</p> <p>Professional Misconduct (s 83 (1) (h) Legal Practitioners Decree 2009)</p> <p>Count 4: Failed to lodge or cause to be lodged by 30 November 2011 with Registrar and the Minister a statement signed by the trustee, which conduct was a contravention of s 12 (3) Trust Accounts Act 1996</p>
<p>FINDINGS</p>	<p>First Respondent: Pleaded guilty to all charges of Unsatisfactory Professional Conduct and Professional Misconduct</p> <p>Second Respondent: Pleaded guilty to all charges of Professional Misconduct</p>
<p>ORDERS</p>	<p>First Respondent</p> <ol style="list-style-type: none"> 1. Publicly reprimanded 2. Suspension from practice for rest of his current practising year and not eligible to apply for a practising certificate until 1 March 2012

	<p>Second Respondent</p> <p>1. Suspension from practice for 2 years and can not apply for practising certificate until 1 March 2017</p>
APPEALED	No

NAME	CR v Naipote Vere
CASE NUMBER	008/2012
LAW PRACTICE	Naipote Vere and Associates
DATE OF FIRST MENTION	12 November 2012
HEARING DATE(S)	12 November 2012

JUDGMENT FOLLOWING FINAL HEARING	
NUMBER	ILSCJ01/2013
DATE	21 January 2013
CHARGES	<p>Professional Misconduct (Legal Practitioners Decree 2009 s 83(1)(g))</p> <p>Count 1: Failing to comply with any orders or directions of the Chief Registrar</p>
FINDINGS	Professional Misconduct found
ORDERS	<p>1. The respondent is publicly reprimanded</p> <p>2. To pay \$2,000 fine before his practising certificate is renewed for 2013</p>
APPEALED	No

NAME	CR v Niko Nawaikula and Savenaca Komaisavai
CASE NUMBER	009/2012
LAW PRACTICE	Nawaikula Esquire
DATE OF FIRST MENTION	12 November 2012
HEARING DATE(S)	30 November 2012, 17 and 28 January 2013

JUDGMENT FOLLOWING FINAL HEARING	
NUMBER	ILSCJ03/2013
DATE	12 April 2013
CHARGES	Professional Misconduct (s 83(1)(g) Legal Practitioners Decree 2009) Count 1 and 2: Failing to comply with any orders or directions of the Chief Registrar
FINDINGS	Professional Misconduct for both counts
ORDERS	1. Both respondents are publically reprimanded 2. First respondent is fined \$2,000 within 28 days or practising certificate will be suspended without further order 4. Second respondent's practising certificate suspended for 3 months from the judgment date
APPEALED	No

NAME	CR v Kalisito Maisamoa
CASE NUMBER	010/2012

LAW PRACTICE	Nacolawa and Davita Solicitors
DATE OF FIRST MENTION	12 November 2012
HEARING DATE(S)	12 November 2012

JUDGMENT FOLLOWING FINAL HEARING	
NUMBER	ILSCJ02/2013
DATE	23 January 2013
CHARGES	Professional Misconduct (Legal Practitioners Decree 2009 s 52(2)) Count 1: 8 offences of appearing in the High Court before completing two years of practice. Offences occurred on the same day and are to be regarded as one count with concurrent penalties
FINDINGS	Pleaded guilty to Professional Misconduct
ORDERS	1. Publicly reprimanded 2. Fined \$1,500 to be paid by 28 February 2013
APPEALED	No

NAME	CR v Rajendra Chaudhry
CASE NUMBER	011/2012
LAW PRACTICE	Gordon & Chaudhry
DATE OF FIRST MENTION	30 November 2012
HEARING DATE(S)	30 November 2012
WITHDRAWAL	28 January 2013

DATE(S)	
FINDINGS	Professional Misconduct not found as fine had been paid therefore Chief Registrar withdrew the charges
APPEALED	No

NAME	CR v Kini Marawai
CASE NUMBER	012/2012 related to 002/2012
LAW PRACTICE	Marawai Law
DATE OF FIRST MENTION	17 January 2013
HEARING DATE(S)	17 January 2013
ORDERS	<ol style="list-style-type: none"> 1. Pay commissioner \$500 today 2. Pay remaining \$500 before 31 May 2013 3. If order to is complied with, complaint will not proceed 4. Registrar reserves the right to revive the complaint should orders not be complied with

HEARING DATE(S)	30 April 2013
ORDERS	<ol style="list-style-type: none"> 1. The Commission will accept today part payment being \$500.00 of the \$1000.00 owing. 2. The balance of \$500.00 to be paid into this Commission by the 31st of May 2013. 3. If order 2 is complied with this complaint will be satisfied and not proceeded with. 4. The Registrar then reserves the right to revive the complaint should balance of payment not be received.

2013

NAME	CR v Robinson Kamal Prasad
CASE NUMBER	001/2013
LAW PRACTICE	Robinson K Prasad Lawyers
HEARING DATE(S)	20 June 2013, 12 August 2013 and 13 September 2013

APPLICATION	Application to have charges summarily dismissed
NUMBER	ILSCJ15/2013
DATE	1 October 2013
ORDERS	Application dismissed for lack of merit

NAME	CR v Luseyane Ligabalavu
CASE NUMBER	002/2013 003/2013
LAW PRACTICE	Ligabalavu Law
DATE OF FIRST MENTION	20 June 2013
HEARING DATE(S)	20 June 2013, 12 August 2013 and 20 September 2013

JUDGMENT FOLLOWING FINAL HEARING	
NUMBER	ILSCJ19/2013
DATE	17 October 2013

CHARGES	<p>002/2013</p> <p>Professional Misconduct (s 82(1)(a) Legal Practitioners Decree 2009)</p> <p>Count 1: Failed to pay a sum of money to a third party in accordance with client/ vendor instructions</p> <p>Count 2: Deposited sum of money in own operating account at firm instead of law firm's trust account</p> <p>Count 3: Acted for both vendor and purchaser for sale and failed to protect the interests of the purchaser</p> <p>Count 4: Withdrew sum from Operating Account for purposes other than the purpose of trust</p> <p>003/2013</p> <p>Professional Misconduct (s 83(1)(g) Legal Practitioners Decree 2009)</p> <p>Count 1: Failed to respond to complaint within stipulated time period</p>
FINDINGS	1. Finding of Professional Misconduct on all counts
ORDERS	Name be struck from the Roll of Practitioners, Fiji
APPEALED	No

NAME	CR v Sheik Shah
CASE NUMBER	004/2013
LAW PRACTICE	Shah & Associates
DATE OF FIRST MENTION	20 June 2013
WITHDRAWAL DATE	20 June 2013

NAME	CR v Vilimone Vosarogo
CASE NUMBER	005/2013

LAW PRACTICE	Mamlakah Lawyers
DATE OF FIRST MENTION	20 June 2013
HEARING DATE(S)	20 June 2013, 13 August 2013

JUDGMENT FOLLOWING FINAL HEARING	
NUMBER	ILSCJ10/2013
DATE	20 August 2013
CHARGES	Unsatisfactory Professional Conduct (s 52(1) Legal Practitioners Decree 2009) Count 1: Without holding a valid practising certificate instructed another legal practitioner who also was not a holder of a valid practising certificate
FINDINGS	Count 1: Finding of Unsatisfactory Professional Conduct
ORDERS	1. Publically reprimanded 2. Fined \$2,500 to be paid to the Commission 3. Pay wasted costs of \$750 to the Commission
APPEALED	No

NAME	CR v Naveed N Sahu Khan
CASE NUMBER	006/2013
LAW PRACTICE	M K Sahu Khan & Co
DATE OF FIRST MENTION	20 June 2013
WITHDRAWAL DATE	14 August 2013

NAME	CR v Vilitati Daveta
CASE NUMBER	007/2013
LAW PRACTICE	Nacolawa & Daveta
DATE OF FIRST MENTION	15 July 2013
HEARING DATE(S)	13 August 2013

JUDGMENT FOLLOWING FINAL HEARING	
NUMBER	ILSCJ11/2013
DATE	20 August 2013
CHARGES	Professional Misconduct (s 105 and s 108(2) Legal Practitioners Decree 2009) Count 1: Failure to respond to complaint issued by Chief Registrar and subsequent reminder notice
FINDINGS	Count 1: Finding of Professional Misconduct
ORDERS	1. No penalty due to remorse shown by the respondent and the severity of a previous penalty issued by the Commission resulting in the closure of the law firm, loss of employment and loss of income
APPEALED	No

NAME	CR v Mohammed Azeem Ud-Dean Sahu Khan
CASE NUMBER	008/2013
LAW PRACTICE	M K Sahu Khan & Co
DATE OF FIRST	15 July 2013

MENTION	
WITHDRAWAL DATE	15 July 2013

NAME	CR v Iqbal Khan
CASE NUMBER	009/2013
LAW PRACTICE	Iqbal Ahmad Khan and Associates
DATE OF FIRST MENTION	-
HEARING DATE(S)	11 th November 2013

JUDGMENT FOLLOWING FINAL HEARING	
NUMBER	ILSCJ28/2013
DATE	11 December 2013
CHARGES	<p>Professional Misconduct (s 82(1)(a) Legal Practitioners Decree 2009)</p> <p>Count 1A: Failing to conduct himself in a professional manner on television by making derogatory remarks against police officers who were involved in a manner concerning his client</p> <p>Count 1B: Talking about proceedings on television whilst case was pending</p> <p>Professional Misconduct (s 82 Legal Practitioners Decree 2009)</p> <p>Count 4: Receiving money from a client and failing to disclose that he was also acting for the co-accused who had conflicting defences</p>
FINDINGS	Count 1A, 1B and 4: Finding of Professional Misconduct
ORDERS	<ol style="list-style-type: none"> 1. Guilty on both counts 2. Count 1A and 1B: Practising certificate suspended for 15 months with immediate effect

	<p>3. Count 4: Practising certificate suspended for 15 months with immediate effect</p> <p>4. Suspensions to be served concurrently. Not eligible to reapply for practising certificate until March 2015</p> <p>5. Costs of \$1,500 to be paid the Commission by 10 January 2014</p> <p>6. Publicly reprimanded</p>
APPEALED	Yes

NAME	CR v Amrit Sen
CASE NUMBER	010/2013
LAW PRACTICE	Maqbool & Company
DATE OF FIRST MENTION	15 July 2013
HEARING DATE(S)	15 July 2013, 13 August 2013 and 29 October 2013

JUDGMENT FOLLOWING FINAL HEARING	
NUMBER	ILSCJ21/2013
DATE	6 November 2013
CHARGES	<p>Professional Misconduct (Rule 3.5 Rules of Professional Conduct and Practice and s 83(1)(a) Legal Practitioners Decree 2009)</p> <p>Count 1: Attacked the reputation of the prosecutor without good cause</p> <p>Professional Misconduct (Rule 3.2(i) of the Rules of Professional Conduct and Practice and s 83(1)(a) Legal Practitioners Decree 2009)</p> <p>Count 2: Showed discourtesy to the court by raising his voice to an unacceptable level and by attacking the reputation of the prosecutor in the presence of the Magistrate</p>
FINDINGS	Count 1: No finding of Professional Misconduct

	Count 2: Finding of Unsatisfactory Professional Conduct
ORDERS	1. Publicly reprimanded 2. Fined \$5,000 to be paid to the Commission
APPEALED	Yes

NAME	CR v Raman Pratap Singh
CASE NUMBER	011/2013
LAW PRACTICE	Kohli and Singh
HEARING DATE(S)	26 September 2013

JUDGMENT FOLLOWING FINAL HEARING	
NUMBER	ILSCJ24/2013
DATE	19 November 2013
CHARGES	Professional Misconduct (s 82(1)(a) Legal Practitioners Decree 2009) Count 1: While acting for vendor and purchaser, had unreasonably delayed seeking consent of Director of Lands for transfer of the lease Count 2: Drafted the Sale and Purchase agreement to include a clause which breached the lease conditions of the said Crown land Count 3: Failed to fulfil instructions received for completing the settlement of a sale and purchase transaction, failed to have lease transferred to purchasers and failed to ensure that vendor fully paid sum for consideration
FINDINGS	Finding of Unsatisfactory Professional Conduct on all counts
ORDERS	1. Publically reprimanded 2. Fined \$3000 on each offence (imposed concurrently) 3. Pay costs of \$2000 to the Commission 4. Pay vendor \$3,000 that is being held in his trust account 5. If the fine and costs are not paid by 13 December 2013, practitioner's practising certificate suspended until time penalties

	are paid
APPEALED	Yes

NAME	CR v Kafoa Muaror
CASE NUMBER	012/2013
LAW PRACTICE	Muaror & Co Lawyers
DATE OF FIRST MENTION	15 July 2013
HEARING DATE(S)	13 August 2013

JUDGMENT FOLLOWING FINAL HEARING	
NUMBER	ILSCJ09/2013
DATE	20 August 2013
CHARGES	Professional Misconduct (Legal Practitioners Decree s 105 and s 108(2)) Count 1: Failure to respond to complaint and subsequent reminder notice issued by the Chief Registrar
FINDINGS	Count 1: Unsubstantiated and oppressive allegations
ORDERS	Application dismissed
APPEALED	No

NAME	CR v John Rabuku
CASE NUMBER	013/2013

LAW PRACTICE	Law Solutions, Suva
DATE OF FIRST MENTION	15 July 2013
HEARING DATE(S)	15 July 2013

JUDGMENT FOLLOWING FINAL HEARING	
NUMBER	ILSCJ12/2013
DATE	20 August 2013
CHARGES	Professional Misconduct (s 83(1)(g) and s 108(2) Legal Practitioners Decree 2009). Count 1: Failure to respond to complaint issued by Chief Registrar and failed to respond to subsequent reminder notice
FINDINGS	Count 1: Finding of Professional Misconduct on practitioner's own admission
ORDERS	1. Publicly reprimanded 2. Practising certificate suspended for 3 months 3. Fined \$500 to be paid to the Commission; failure to do so will result in further two months' suspension
APPEALED	No

NAME	CR v Sushil Chand Sharma
CASE NUMBER	014/2013
LAW PRACTICE	Samusamuvodre Sharma Law
DATE OF FIRST MENTION	15 July 2013

HEARING DATE(S)	15 July 2013
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JUDGMENT FOLLOWING FINAL HEARING	
NUMBER	ILSCJ06/2013
DATE	30 July 2013
CHARGES	Professional Misconduct (s 83(1)(g) and s 108(2) Legal Practitioners Decree 2009). Count 1: Failure to respond to complaint issued by Chief Registrar and failed to respond to subsequent reminder notice
FINDINGS	Count 1: Finding of Professional Misconduct by admission/plea of guilty
ORDERS	1. Publicly reprimanded 2. Practising certificate suspended for 1 month 3. Fined \$500 to be paid to the Commission; failure to do so will result in further two months' suspension
APPEALED	Appeal dismissed

APPLICATION	Application for stay of orders issued by the Commission
NUMBER	ILSCJ08/2013
DATE	13 August 2013
ORDERS	Application denied

NAME	CR v Naveed Sahu Khan
CASE NUMBER	015/2013

LAW PRACTICE	M K Sahu Khan & Co
DATE OF FIRST MENTION	15 July 2013
HEARING DATE(S)	14 August 2013

JUDGMENT FOLLOWING FINAL HEARING	
NUMBER	ILSCJ13/2013
DATE	22 August 2013
CHARGES	Professional Misconduct (s 83(1)(g) and 108(2) Legal Practitioners Decree 2009) Count 1: Failure to respond to complaint issued by Chief Registrar and subsequent reminder notice
FINDINGS	Count 1: Application to commence proceedings dismissed due to failure to bring application in a timely manner. The delay was such that it deprived the solicitor of the opportunity to furnish a reasonable explanation for such failure
ORDERS	1. Application to commence proceedings dismissed
APPEALED	No

NAME	CR v Muhammed Azeem Ud-Dean Sahu Khan
CASE NUMBER	016/2013
LAW PRACTICE	M K Sahu Khan & Co, Nadi
DATE OF FIRST MENTION	15 July 2013
HEARING DATE(S)	14 August 2013

JUDGMENT FOLLOWING FINAL HEARING	
NUMBER	ILSCJ07/2013
DATE	30 July 2013
CHARGES	Professional Misconduct (Rule 2.1(1)(a) Rules of Professional Conduct and Practice and 83(1)(a) Legal Practitioners Decree 2009) Count 1: Representation was false, misleading or deceptive or likely to mislead or deceive the public
FINDINGS	Count 1: Finding of Professional Misconduct
ORDERS	<ol style="list-style-type: none"> 1. Publicly reprimanded 2. No further reference to 'Lincoln's Inn' on letterheads or business cards of the Respondent 3. Practising Certificate suspended for a period of 18 months 4. Fined \$20,000 to be paid to the Commission
APPEALED	Application for stay of orders issued by the Commission denied

APPLICATION	Stay application
NUMBER	ILSCJ14/2013
DATE	10 September 2013
ORDERS	Application for stay of orders issued by the Commission denied

NAME	CR v Ram Chand
CASE NUMBER	017/2013
LAW PRACTICE	Ram Chand & Co, Suva
DATE OF FIRST MENTION	12 August 2013

HEARING DATE(S)	12 August 2013, 13 August 2013, 20 September 2013, 24 September 2013
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JUDGMENT FOLLOWING FINAL HEARING	
NUMBER	ILSCJ16/2013
DATE	3 October 2013
CHARGES	Professional Misconduct (Rule 3.2 Rules of Professional Conduct and Practice) Count 1: Knowingly deceiving or misleading the High Court by seeking an adjournment for health reasons whilst appearing on the same day in the Magistrates Court
FINDINGS	Count 1: Finding of Professional Misconduct
ORDERS	1. Publicly reprimanded 2. Practising certificate suspended from 3 October 2013 to 1 March 2014 3. Fined \$5000 to be paid to the Commission
APPEALED	No

NAME	CR v Kalisito Maisamoa
CASE NUMBER	018/2013
LAW PRACTICE	Vakaloloma & Associates
DATE OF FIRST MENTION	21 August 2013
HEARING DATE(S)	21 August 2013, 13 September 2013, 19 September 2013 and 24 February 2014

JUDGMENT FOLLOWING FINAL HEARING	
NUMBER	ILSCJ04/2014

DATE	3 March 2014
CHARGES	Unsatisfactory Professional Conduct (s 50(2) Legal Practitioners Decree 2009) Counts 1 – 8: Allegations that without having practiced for two years, respondent appeared to argue matters in the High Court, Suva
FINDINGS	Counts 1 – 8: Application to strike out is dismissed.
ORDERS	1. Application to strike out is dismissed
APPEALED	Yes – Court of Appeal 1. Appeal of the appellant is struck out 2. Appellant pay costs in sum of \$2000

NAME	CR v Robinson Kamal Prasad
CASE NUMBER	019/2013
LAW PRACTICE	Robinson K Prasad Lawyers
DATE OF FIRST MENTION	13 September 2013
HEARING DATE(S)	31 January 2014

JUDGMENT FOLLOWING FINAL HEARING	
NUMBER	ILSCJ06/2014
DATE	19 March 2014
CHARGES	Professional Misconduct (s 82(1)(a) Legal Practitioners Decree) Count 1: Acted without client instructions by withdrawing a matter
FINDINGS	Count 1: No finding of Professional Misconduct

ORDERS	Application dismissed
APPEALED	No

NAME	CR v Kelera Baleisuva Buatoka
CASE NUMBER	020/2013
LAW PRACTICE	FA & Company
DATE OF FIRST MENTION	13 September 2013
HEARING DATE(S)	13 September 2013 and 30 September

JUDGMENT FOLLOWING FINAL HEARING	
NUMBER	ILSCJ18/2013
DATE	11 October 2013
CHARGES	Unsatisfactory Professional Conduct (s 52(1)(a) and 83(1)(a) Legal Practitioners Decree 2009) Counts 1 and 2: Acted as a Commissioner for Oaths by witnessing an affidavit while not holding a valid practising certificate
FINDINGS	Counts 1 and 2: Finding of Unsatisfactory Professional Conduct
ORDERS	1. Publicly reprimanded 2. Fined \$300 on each charge 3. Total fine of \$600 to be paid to Commission by 31 st October 2013
APPEALED	No

NAME	CR v Savenaca Komaisavai
CASE NUMBER	021/2013
LAW PRACTICE	Komai Law
DATE OF FIRST MENTION	20 September 2013
HEARING DATE(S)	20 September and 30 September 2013

JUDGMENT FOLLOWING FINAL HEARING	
NUMBER	ILSCJ17/2013
DATE	8 October 2013
CHARGES	<p>Professional Misconduct (Rule 3.5 Rules of Professional Conduct and Practice and s 83(1)(a) Legal Practitioners Decree 2009)</p> <p>Count 1: attacked the reputation of another opposing without good cause in written form</p> <p>Unsatisfactory Professional Conduct (s 81 Legal Practitioners Decree)</p> <p>Count 2: made statements calculated to place undue influence on opposing client</p>
FINDINGS	<p>Count 1: Finding of Unsatisfactory Professional Conduct</p> <p>Count 2: No finding of Unsatisfactory Professional Conduct</p>
ORDERS	<ol style="list-style-type: none"> 1. Publicly reprimanded 2. Practising certificate is to be suspended for 4 months from 8 October 2013 3. Pay \$750 to the Commission by 31 October 2013 4. If \$750 is not paid, 2 months suspension will be added to suspension already ordered

APPEALED	No
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NAME	CR v Sarju Prasad
CASE NUMBER	022/2013
LAW PRACTICE	Naseakula Rd
DATE OF FIRST MENTION	14 October 2013
WITHDRAWAL DATE	20 November 2013

NAME	CR v Luseyane Ligabalavu
CASE NUMBER	023/2013
LAW PRACTICE	Naco Chambers
DATE OF FIRST MENTION	14 October 2013
WITHDRAWAL DATE	22 October 2013

NAME	CR v Anand Singh
CASE NUMBER	024/2013
LAW PRACTICE	Singh and Singh Lawyers
HEARING DATE(S)	17 October 2013 and 1 November 2013

JUDGMENT FOLLOWING FINAL HEARING	
NUMBER	ILSCJ22/2013
DATE	7 November 2013
CHARGES	Professional Misconduct (s 83(1)(g) and s 108(2) Legal Practitioners Decree 2009) Count 1: Failed to respond to a complaint and the subsequent notice from the Chief Registrar
FINDINGS	Counts 1: Finding of Professional Misconduct
ORDERS	1. Practising certificate is suspended for 2 months
APPEALED	Yes

APPLICATION	Stay of judgment
NUMBER	ILSCJ25/2013
DATE	28 November 2013
ORDERS	Application refused and notice of motion dismissed

NAME	CR v Jolame Uludole
CASE NUMBER	025/2013
LAW PRACTICE	J.U. Esquire
DATE OF FIRST MENTION	29 October 2013
HEARING DATE(S)	29 October 2013, 11 December 2013

JUDGMENT FOLLOWING FINAL HEARING	
NUMBER	ILSCJ02/2014
DATE	5 February 2014
CHARGES	Professional Misconduct (s 3A Trust Accounts (Amendment) (No.2) Decree 2009 and s 82(1)(a), s 82(1)(b) Legal Practitioners Decree 2009) Counts 1 & 2: Acted for client without having a trust account
FINDINGS	Counts 1 & 2: Finding of Professional Misconduct
ORDERS	<ol style="list-style-type: none"> 1. Found guilty of two charges of Professional Misconduct 2. Publicly reprimanded 3. Practising certificate suspended for two years and not eligible to apply to the Registrar for a certificate until March 2016 4. Fine of \$3000 to be paid to Commission
APPEALED	No

NAME	CR v Saimoni Nacolawa
CASE NUMBER	027/2013
LAW PRACTICE	Nacolawa & Co
DATE OF FIRST MENTION	11 December 2013
HEARING DATE(S)	11 December 2013 and 24 February 2014

JUDGMENT FOLLOWING FINAL HEARING	
NUMBER	ILSCJ05/2014
DATE	11 March 2014
CHARGES	<p>Unsatisfactory Professional Conduct (s 83(1)(a) Legal Practitioners Decree 2009)</p> <p>Count 1: Without making proper enquiries, dishonestly engaged the services of an accounting firm which was not a member of the Institute of Accountants or held a certificate to offer accounting services to the public</p>
FINDINGS	Count 1: Finding of Unsatisfactory Professional Conduct
ORDERS	<ol style="list-style-type: none"> 1. Publicly reprimanded 2. Fine of \$1500 to be paid to the Commission, failing which his practising certificate will be suspended until the fine is paid
APPEALED	No

NAME	CR v Hemendra Kumar Nagin & Shelvin Singh
CASE NUMBER	028/2013
LAW PRACTICE	Sherani & Company; Parshotam & Company
DATE OF FIRST MENTION	12 December 2013
HEARING DATE(S)	30 January 2014

JUDGMENT FOLLOWING FINAL HEARING	
NUMBER	ILSCJ01/2014
DATE	30 January 2014
CHARGES	Professional Misconduct (s 82(1)(a) Legal Practitioners Decree 2009) Count 1: Hemendra Kumar amended contract without client instructions Count 2: Shelvin Singh unilaterally amended contract
FINDINGS	Commission refused to hear application
ORDERS	Interim stay granted pending High Court proceedings

2014

NAME	CR v Silika Vuilagi Waqabitu
CASE NUMBER	001/2014
DATE OF FIRST MENTION	30 January 2014
LAW PRACTICE	Waqabitu Law
HEARING DATE(S)	24 April 2014 and 16 June 2014

JUDGMENT FOLLOWING FINAL HEARING	
NUMBER	ILSCJ07/2014
DATE	28 July 2014
CHARGES	Professional Misconduct (Legal Practitioners Decree 2009 s 82(1)(a)) Count 1: Failure to ensure that trust monies were applied in accordance with client's instructions. Failure to ensure that monies were not utilised by staff for unauthorised purposes Count 2: Misrepresenting trust account in Trustees Report
FINDINGS	Professional Misconduct on both counts. Pleaded guilty to Count 1
ORDERS	Struck off the roll of practitioners
APPEALED	No

NAME	CR v Amrit Sen
CASE NUMBER	002/2014
LAW PRACTICE	Maqbool and Company

DATE OF FIRST MENTION	24 March 2014
CHARGES	Professional Misconduct (Legal Practitioners Decree 2009 s 82(1)(a)) Count 1: Attempted to obstruct the course of justice by facilitating a meeting where his client asked a third party to lie to the court about a question of fact
WITHDRAWAL DATE	16 June 2014

NAME	CR v Renee Lal
CASE NUMBER	003/2014
LAW PRACTICE	Lal Patel Bale Lawyers
DATE OF FIRST MENTION	24 March 2014
HEARING DATE(S)	16 June 2014
WITHDRAWAL DATE	17 June 2014

NAME	CR v Muhammad Shamsud-Dean Sahu Khan
CASE NUMBER	Miscellaneous 003/2014
HEARING DATE(S)	15 October 2014

APPLICATION	Ex-parte motion (s 121(4) Legal Practitioners Decree) for disposal of vehicles
DATE	15 October 2014
ORDERS	<ol style="list-style-type: none"> 1. Specified vehicles to be disposed 2. Disposal to be handled by the Chief Registrar 3. Funds from sale of vehicles to be used for Receivership costs

NAME	CR v Renee Lal and Dilip Jamnadas
CASE NUMBER	004/2014
LAW PRACTICE	Lal Patel Bale Lawyers, Jamnadas & Associates
DATE OF FIRST MENTION	24 March 2014
WITHDRAWAL DATE	22 May 2014

NAME	CR v Renee Lal and Dilip Kumar Jamnadas
CASE NUMBER	Miscellaneous Matter 002/2014 related to the matter of CR v Renee Lal 004/2014
LAW PRACTICE	Lal Patel Bale Lawyers
DATE OF FIRST MENTION	5 March 2014
HEARING DATE(S)	5 March 2014 and 24 March 2014

APPLICATION	Dismissal of an ex-parte order to prevent the respondent leaving the jurisdiction
DATE	28 March 2014
ORDERS	Application granted <ol style="list-style-type: none"> 1. The Departure Prohibition Orders granted against the respondents be set aside 2. That the applicant inform the Department of Immigration of the first order

APPLICATION	Dismissal of an ex-parte order to prevent the respondent leaving the
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	jurisdiction
DATE	28 March 2014
ORDERS	<p>Application granted</p> <ol style="list-style-type: none"> 1. The Departure Prohibition Orders granted against the respondents be set aside 2. That the applicant inform the Department of Immigration of the first order

NAME	CR v Ramesh Patel
CASE NUMBER	005/2014
LAW PRACTICE	R Patel Lawyers
DATE OF FIRST MENTION	24 March 2014
HEARING DATE(S)	16 June 2014
WITHDRAWAL DATE	29 October 2014

NAME	CR v Gavin O'Driscoll
CASE NUMBER	006/2014
LAW PRACTICE	O'Driscoll & Co
DATE OF FIRST MENTION	24 March 2016
WITHDRAWAL DATE	22 May 2016

NAME	CR v Renee Lal
CASE NUMBER	007/2014
LAW PRACTICE	Jamudas and Associates
DATE OF FIRST MENTION	11 April 2014
WITHDRAWAL DATE	17 June 2014

NAME	CR v Lal Patel Bale Lawyers and Renee Lal
CASE NUMBER	008/2014
LAW PRACTICE	Lal Patel Bale Lawyers
DATE OF FIRST MENTION	11 April 2014
HEARING DATE(S)	16 June 2014
ADJOURNED	Adjourned indefinitely (sine die) 29 September 2014

NAME	CR v Akuila Naco
CASE NUMBER	009/2014
LAW PRACTICE	Naco Chambers
DATE OF FIRST MENTION	11 April 2014
WITHDRAWAL DATE	30 September 2014

NAME	CR v Suruj Sharma
CASE NUMBER	010/2014
LAW PRACTICE	Patel and Sharma Lawyers
DATE OF FIRST MENTION	30 July 2014
WITHDRAWAL DATE	30 July 2014

NAME	CR v Nitij Pal
CASE NUMBER	012/2014
LAW PRACTICE	PLN Lawyers Fiji
DATE OF FIRST MENTION	19 October 2014
HEARING DATE(S)	29 October 2014, 16 December 2014, 12 February 2015 and 3 April 2015

JUDGMENT FOLLOWING FINAL HEARING	
NUMBER	ILSCJ01/2015
DATE	21 July 2015
CHARGES	<p>Professional misconduct under s 42(2) and s 83(1)(a) of the Legal Practitioners' Decree 2009</p> <p>Count 1: Operated a law firm without a practising certificate</p> <p>Professional misconduct under s 42(2) of the Legal Practitioners' Decree 2009</p> <p>Count 2: Gave instructions to a legal practitioner without a practising certificate</p>

FINDINGS	Count 1: Professional misconduct found Count 2: Struck out for duplicity.
ORDERS	See Sentencing Judgment below
APPEALED	No

SENTENCING JUDGMENT	
NUMBER	ILSCJ03/2015
DATE	23 October 2015
ORDERS	<ol style="list-style-type: none"> 2. Suspension for the remainder of the practising year 3. Fine of \$2000 to the commission

NAME	CR v Niko Nawaikula
CASE NUMBER	013/2014 and 014/2014
LAW PRACTICE	Nawaikula Esquire
DATE OF FIRST MENTION	4 December 2014
HEARING DATE(S)	4 December 2014 and 16 December 2014
DATE OF JUDGMENT	16 February 2015
CHARGES	Professional Misconduct (Legal Practitioners Decree 2009 s 83(1)(g) and 108(2)) Count 1: Failed to respond to complaint. Failed to respond to notice and reminder sent by Chief Registrar
FINDINGS	Professional Misconduct
ORDERS	<ol style="list-style-type: none"> 1. Publically reprimanded

	2. Practicing certificate Suspended for one month 3. Fined \$1000 4. Practitioner to remain suspended until the fine is paid
APPEALED	No

2015

NAME	CR v Tomasi Tuitoga and Feizal Haniff
CASE NUMBER	001/2015
LAW PRACTICE	Haniff Tuitoga Solicitors
DATE OF FIRST MENTION	8 September 2015
HEARING DATE(S)	9, 16 and 23 April 2016 and 13 June 2016
DATE OF DISMISSAL	13 June 2016 Applicant and Respondent reached agreement and application was dismissed

NAME	CR v Saimoni Nacolawa
CASE NUMBER	004/2015
LAW PRACTICE	Nacolawa & Co
DATE OF FIRST MENTION	25 September 2015
HEARING DATE(S)	21 April and 6 June 2016

JUDGMENT FOLLOWING FINAL HEARING	
NUMBER	ILSCJ05/2016
DATE	21 September 2016
CHARGES	Contravened s 82(1)(a) of the Legal Practitioners Decree 2009 by improperly engaging the services of Rohit Ravenesh Prasad to prepare an audit report without making proper enquiry as to whether he was a current holder of a Certificate of Public Practice

FINDINGS	S 11(3)(a) of the Trust Accounts Act 1996 is in respect of an onus placed upon an auditor not a trustee, and therefore no onus on the respondent to make an enquiry No evidence that a legal practitioner be prosecuted under s 28(1)(a) of the Trust Accounts Act 1996 for a breach by an auditor of s 11(3)(a)
ORDERS	Application is struck out
APPEALED	No

NAME	CR v Vilitati Daveta
CASE NUMBER	005/2015
LAW PRACTICE	Nacalowa & Devena Law
DATE OF FIRST MENTION	22 September 2015
HEARING DATE(S)	30 September 2015, 29 October 2015

SENTENCING JUDGMENT FOLLOWING FINAL HEARING	
NUMBER	ILSCJ02/2015
DATE	30 November 2015
CHARGES	Professional Misconduct pursuant to s 82(1)(a) and s 108(2) of the Legal Practitioners Decree 2009 Count 1: 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
FINDINGS	The charges of professional misconduct established
ORDERS	1. The practitioner suspended from practice for two months 2. Pay costs to the Commission of \$500.00

APPEALED	No
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NAME	006/2015
CASE NUMBER	006/2015
DATE OF FIRST MENTION	22 September 2015
HEARING DATE(S)	22 and 29 October 2015

JUDGMENT FOLLOWING FINAL HEARING	
NUMBER	ILSCJ04/2015
DATE	3 December 2015
CHARGES	Professional Misconduct (Legal Practitioners Decree 2009 ss 82(1)(a) and 108(2)) Count 1: 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
FINDINGS	Professional Misconduct
ORDERS	1. Fined \$500 2. Suspended from practice for one month
APPEALED	Yes, Commissioner attempted to send the case as stated to the Court of Appeal after applicant made submissions on <i>functus officio</i> . The Court of Appeal declined and referred back to Commission. Respondent filed own appeal-pending.

NAME	CR v Mohammed Anwar Khan
CASE NUMBER	009/2015
LAW PRACTICE	M A Khan Esquire
DATE OF FIRST MENTION	22 October 2015
HEARING DATE(S)	3 November 2015, 10 February, 16 March, 18 April 2016
WITHDRAWAL DATE	18 April 2016

NAME	CR v Sarju Prasad
CASE NUMBER	011/2015
LAW PRACTICE	Sarju Prasad Esquire
DATE OF FIRST MENTION	30 October 2015
HEARING DATE(S)	21 September 2016
WITHDRAWAL DATE	22 September 2016

NAME	013/2015
CASE NUMBER	013/2015
LAW PRACTICE	Withheld
DATE OF FIRST MENTION	3 November 2015
DATE OF JUDGMENT	25 November 2015
DATE OF SENTENCE	11 December 2015

CHARGES	Professional Misconduct (Legal Practitioners Decree 2009 ss 82(1)(a) and 108(2)) Count 1: 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
FINDINGS	Professional Misconduct
ORDERS	1. Fined \$1,500 2. Publically Reprimanded
APPEALED	Commissioner attempted to send to the Court of Appeal as case stated, but this was declined. Respondents case pending in Court of Appeal

NAME	CR v Angeline Kiran Lata
CASE NUMBER	014/2015
LAW PRACTICE	West Law
DATE OF FIRST MENTION	16 November 2015
HEARING DATE(S)	11 February 2016

JUDGMENT FOLLOWING FINAL HEARING	
NUMBER	ILSCJ01/2016
DATE	24 March 2016
CHARGES	Unsatisfactory Professional conduct (s 81 Legal Practitioners Decree 2009) Count 1: Failed to appear at Lautoka High Court; failed to make formal application for withdrawal as Counsel Count 2: Failed to give precedence to the Lautoka High Court over

	the Sigatoka Magistrates Court
FINDINGS	Unsatisfactory professional conduct found on count 1 and 2
ORDERS	<p>Count 1:</p> <ol style="list-style-type: none"> 1. Publicly reprimanded 2. Fined \$500.00 <p>Count 2:</p> <ol style="list-style-type: none"> 1. Publicly reprimanded
APPEALED	No

NAME	CR v Viren Kapadia
CASE NUMBER	016/2015
LAW PRACTICE	Sherani & Co
DATE OF FIRST MENTION	11 February 2016
HEARING DATE	9 June 2016

JUDGMENT FOLLOWING FINAL HEARING	
NUMBER	ILSCJ06/2016
DATE	21 September 2016
CHARGES	<p>Unsatisfactory Professional Conduct (s 81 Legal Practitioners Decree 2009)</p> <p>Count 1: Witnessed the signing of a caveat document without making full and proper enquiries into the status of the signee; Signee had been previously been declared bankrupt and was not eligible to sign as company director</p>

FINDINGS	<p>No finding of unsatisfactory professional misconduct</p> <p>There could have been no reason as to why respondent should have been put on enquiry regarding the signee's status as the documents were prepared by previous lawyers acting for the clients, and despite correspondence between the respondent and the previous lawyers, there was no mention of any problem regarding the status of the signee</p>
ORDERS	Application dismissed
APPEALED	No

2016

NAME	CR v Tevita Bukarau
CASE NUMBER	001/2016
LAW PRACTICE	Muskits Law
DATE OF FIRST MENTION	11 February 2016
HEARING DATE(S)	21 April 2016 and 6 June 2016

JUDGMENT FOLLOWING FINAL HEARING	
NUMBER	ILSCJ02/2016
DATE	7 June 2016
CHARGES	Professional misconduct (s 82(1)(a) Legal Practitioners Decree 2009 Count 1: Failed to provide Chief Registrar with sufficient and satisfactory explanation in writing of matters as required by notice; failed to respond to reminder of notice
FINDINGS	Pleaded guilty to professional misconduct
ORDERS	1. Publicly reprimanded 2. Fined \$1,000
APPEALED	No

RULING	Ruling on Costs (s 124 Legal Practitioners Decree 2009)
NUMBER	ILSCJ04/2016
DATE	10 June 2016

ORDERS	Applicant's costs to be paid a sum of \$250.00 and the Commission to be paid a sum of \$250.00 as a contribution towards reasonable costs incurred
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ONGOING MATTERS

NAME	CR v Ram Chand
CASE NUMBER	011/2014
LAW PRACTICE	Ram Chand & Co
DATE OF FIRST MENTION	13 August 2014
CHARGES	<p>Professional Misconduct (Legal Practitioners Decree 2009 s 82(1)(a))</p> <p>Count 1: Under instruction, placed a caveat on the client's father's property to prevent its transfer, as well preparing a will in which the client was the sole executor and trustee</p>

NAME	CR v Hari Ram
CASE NUMBER	002/2015
LAW PRACTICE	Rams Law
DATE OF FIRST MENTION	14 September 2016
CHARGES	<p>Professional Misconduct (Rule 1.2 Rules of Professional Conduct and Practice 2009 and s 82(1)(a) Legal Practitioners Decree 2009)</p> <p>Count 1: Failed to obtain informed consent from the vendor and purchaser to act for them in the same transaction</p> <p>Professional Misconduct (Rule 1.3 Rules of Professional Conduct and Practice 2009 and s 82(1)(a) Legal Practitioners Decree 2009)</p> <p>Count 2, 3 and 4: Acted for the purchaser despite being aware of a potential conflict/interest</p> <p>Professional Misconduct (Order 41, Rule 8 High Court Rules 1988 and s 82(1)(a) Legal Practitioners Decree 2009)</p> <p>Count 5: Affidavit not to be sworn before barrister and solicitor of</p>

	<p>party</p> <p>Professional Misconduct (s 82(1)(a) Legal Practitioners Decree 2009)</p> <p>Count 6: Failed to read and explain the contents of the Sales and Purchase agreement and the Power of Attorney</p>
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NAME	CR v Raman Pratap Singh
CASE NUMBER	003/2015
LAW PRACTICE	Kohli & Singh Lawyers
DATE OF FIRST MENTION	15 September 2015
HEARING DATE(S)	29 March, 1 April and 6 June 2016 Pending further hearing February 2017
CHARGES:	<p>Professional Misconduct (Legal Practitioners Decree 2009 s 82(1)(a))</p> <p>Count 1: Failed take further steps or move a matter forward in proceedings</p> <p>Professional Misconduct (Legal Practitioners Decree 2009 s 83(1)(a) and Rules of Professional Conduct and Practice (Schedule of Legal Practitioners Decree 2009) rr 8.1(1)(b) and (d))</p> <p>Count 2: Failed to inform client, both from the outset and during course of proceedings, as to: the issues raised, the steps which were likely required, how long before the matter was to conclude, and the progress from time to time</p>

APPLICATION	Oral application for dismissal
NUMBER	ILSCJ03/2016
DATE	7 June 2016

ORDERS	<p>1. In relation to Count 1, the Respondent's oral application for dismissal is refused.</p> <p>2. In relation to Count 2, the Respondent's oral application for dismissal is refused.</p> <p>3. The part-heard hearing of the substantive Application filed by the Applicant on 9th September 2015 be stayed pending the hearing and handing down of judgment by the Court of Appeal in <i>Amrit Sen v Chief Registrar</i>.</p> <p>4. The Application of the Chief Registrar in this matter is adjourned part-heard for mention on 19th September 2016 at a time to be fixed.</p> <p>5. The Applicant is to advise in writing, as soon as practicable, to both the Secretary of the Commission and the Respondent, as to whether the appeal in <i>Amrit Sen v Chief Registrar</i> is allocated a hearing date in the July 2016 sittings of the Fiji Court of Appeal.</p>
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NAME	CR v Amrit Sen
CASE NUMBER	010/2015
LAW PRACTICE	Maqbool & Company
DATE OF FIRST MENTION	22 October 2015
CHARGES	<p>Professional Misconduct (Legal Practitioners Decree 2009 s 82(1)(a))</p> <p>Count 1: Failed to make full and frank disclosure to clients regarding issues arising for both parties in transaction of sale</p> <p>Count 2: Conduct amounts to conflict of interest after witnessing the signatures of both vendor and purchaser</p> <p>Count 3: Acted contrary to the interest for one of client by drafting a letter on the behalf of another after dispute arose between purchaser and vendor</p> <p>Count 4: Acted contrary to the interest for one of client by representing another in the High Court after dispute arose between purchaser and vendor</p> <p>Count 5: Provided a bill of costs that contained false information with regard to court appearances made</p> <p>Count 6: Failed to keep proper account of trust money held in trust that resulted in the improper disbursement of the said money</p> <p>Count 7: Acted in an unconscionable manner by taking fees and acting in a matter that came into being due to incompetence and lack</p>

	<p>of diligence after causing dispute between vendor and purchaser by not releasing sum that was paid into trust by the purchaser. Then on behalf of vendor, gave notice to the purchaser for payment or vacant possession</p> <p>Professional Misconduct (Legal Practitioners Decree 2009 (ss 82(1)(a) and 82(1)(b))</p> <p>Count 8: Failed to provide receipts to client for payments made as legal fees</p> <p>Count 9: Failed to require client to obtain independent legal advice when there was sufficient evidence and/or material within the knowledge of the Respondent that would suggest that the client would have a claim for negligence</p> <p>Professional Misconduct (Rules of Professional Conduct and Practice r 8.1(1)(b) and Legal Practitioners Decree 2009 s 82(1)(a))</p> <p>Count 10: Failed to provide client with regular updates and/or progress reports of the status of High Court Action</p>
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NAME	CR v Suruj Sharma and Patel Sharma Lawyers
CASE NUMBER	012/2015 and 015/2015
LAW PRACTICE	Patel Sharma Lawyers
DATE OF FIRST MENTION	22 October 2015
HEARING DATE(S)	5 and 6 December 2016 Further hearing dates to be allocated February 2017
CHARGES	<p>Professional Misconduct (Legal Practitioners Decree 2009 s 82(1)(a))</p> <p>Count 1: Acted for multiple clients' Will. Conflicting interests regarding Will and deceased estate; Prepared Will for client. Later acted against the interests of the beneficiary of said Will by issuing a grant of Letters of Administration against them on behalf of third party</p> <p>Count 3: Failed to exercise due care and diligence in locating Will</p>

	<p>prepared by respondent's law firm; Proceeded on instructions of third party that acted against the interests of the sole beneficiary pursuant to the Will; Said actions resulted with beneficiary burdened with unnecessary court costs</p> <p>Count 4: Failed to exercise due care and diligence in locating Will prepared by respondent's law firm; Proceeded on instructions of third party to obtain grant of Letters of Administration against beneficiary of said Will; Grant revoked by Suva High Court causing third party to suffer unnecessary court costs</p> <p>Unsatisfactory Professional Conduct (Legal Practitioners Decree 2009 s 81)</p> <p>Count 2: Failed to keep proper record of Will that was prepared by respondent's law firm</p>
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NAME	CR v Renee Lal
CASE NUMBER	008/2015
LAW PRACTICE	Lal Patel Bale Lawyers
DATE OF FIRST MENTION	22 October 2015
CHARGES	<p>Professional Misconduct (Legal Practitioners Decree 2009 s 82(1)(b))</p> <p>Count 1: Acting for both vendor and purchaser, respondent failed to disburse to the vendor the total amount they were entitled to receive from proceeds of sale</p> <p>Count 3: Withdrew funds held in trust without consent or authority of client</p> <p>Count 4: Placed undue influence on client to enter into a 'Deed of Settlement and Discharge' in order to release the remaining sum of money client was entitled to receive from the proceeds of sale of property</p> <p>Count 8: Whilst being one of the Trustees of the trust account, respondent authorized the withdrawal of funds held in the account and utilized the said sum for their own benefit</p>

	<p>Professional Misconduct (Legal Practitioners Decree 2009 s 82(1)(a))</p> <p>Count 2: Under the pretence of sending client the proceeds from the sale of property, respondent influenced the client (vendor of sale) to sign three (3) blank pages</p> <p>Count 6: Failed to adhere to the terms of the ‘Deed of Settlement and Discharge’ by not releasing the full residue sum of money client was entitled to receive from the proceeds of sale of property</p> <p>Unsatisfactory Professional Conduct (Legal Practitioners Decree 2009 s 81)</p> <p>Count 5: Failed to give a copy of the signed and executed ‘Deed of Settlement and Discharge’ to client</p> <p>Professional Misconduct (Legal Practitioners Decree 2009 ss 82(1)(a) and 108(2))</p> <p>Count 7: Failed to comply with Notice issued by the Chief Registrar; Failed to respond to a reminder notice issued by the Chief Registrar</p>
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NAME	CR v Dorsami Naidu
CASE NUMBER	007/2015
LAW PRACTICE	Pillai, Naidu and Associates
DATE OF FIRST MENTION	11 February 2016
CHARGES	<p>Professional Misconduct (Legal Practitioners Decree 2009 s 82(1)(a))</p> <p>Count 1: Conduct amounted to conflict of interest after witnessing the signatures of all parties on a Deed of Appointment</p> <p>Count 2, 3: Acting for clients in a matter with multiple conflicts of interest</p> <p>Count 4: Failed to give proper and adequate legal advice</p> <p>Count 5: Failed to take proper and adequate steps to advance and/or protect the interests of client</p> <p>Count 6: Failed to make full and frank disclosure to the Court</p>

	<p>regarding conduct that amounted to conflict of interest relevant to a current matter</p> <p>Count 7: Failed to take proper instructions from clients to institute High Court civil action</p>
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NAME	CR v Vilimone Vosarogo (also known as Filimoni WR Vosarogo)
CASE NUMBER	002/2016
LAW PRACTICE	Mamlakah Lawyers
DATE OF FIRST MENTION	19 September 2016
CHARGES	<p>Professional Misconduct (Legal Practitioners Decree 2009 s 82(1)(b))</p> <p>Count 1: Failed to ensure that multiple client's accounts held in Trust were not overdrawn</p> <p>Count 2: Failed as a trustee to properly monitor the internal account system which resulted in multiple client's accounts being overdrawn</p> <p>Professional Misconduct (Trust Account Act 1996 ss 12(5) and 17(b) and Legal Practitioners Decree 2009 ss 82(1)(a) and 83(1)(h))</p> <p>Count 3: Failed to provide authority letter for withdrawal for the auditors of the client despite request</p>

APPLICATION	Interlocutory application for renewal of practising certificate (s 121(3) Legal Practitioners Decree)
DATE	23 September 2016
NUMBER	ILSCJ07/2016
FINDINGS	Application granted for the issue of an interim practising certificate
ORDERS	1. Interim practice certificate to be issued upon payment of prescribed pro rate fees until the 6 th of February 2017.

	<p>2. Not operate a Trust Account</p> <p>3. Not to operate Trust Account held by the Bank of the South Pacific unless approved by Chief Registrar</p> <p>4. Monthly bank statement of Mamlakah Lawyers are to be taken to the Chief Registrar at the end of each month until further notice</p> <p>Can only operate and practice as a barrister. Can only receive payment upon issue of invoice for work done</p> <p>5. To work under supervision</p>
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APPLICATION	Interlocutory application for extension of interim practising certificate (s 121(3) Legal Practitioners Decree)
DATE	7 December 2016
NUMBER	ILSCJ08/2016
FINDINGS	Application granted for extension of interim practising certificate
ORDERS	<p>1. Interim practice certificate to be issued upon payment of prescribed pro rate fees until the 7th of December 2016</p> <p>2. Not operate a Trust Account</p> <p>3. Not to operate Trust Account held by the Bank of the South Pacific unless approved by Chief Registrar</p> <p>4. Monthly bank statement of Mamlakah Lawyers are to be taken to the Chief Registrar at the end of each month until further notice</p> <p>Can only operate and practice as a barrister. Can only receive payment upon issue of invoice for work done</p> <p>5. To work under supervision</p>

NAME	CR v Laisa Lagilevu Vodo
CASE NUMBER	003/2016
LAW PRACTICE	Lagilevu Law
DATE OF FIRST	22 September 2016

MENTION	
HEARING DATE	23 September 2016
CHARGES	<p>Professional Misconduct (Legal Practitioners Decree 2009 s 82(1)(b))</p> <p>Count 1: Failed to ensure that multiple client's accounts held in Trust were not overdrawn.</p> <p>Count 2: Failed as a trustee to properly monitor the internal account system which resulted in the trust account being overdrawn</p> <p>Professional Misconduct (Legal Practitioners Decree 2009 s 82(1)(b) and Trust Account Act 1996 s 4(1))</p> <p>Count 3: Failed to maintain proper record of trust money which led to auditors concluding that multiple payments were made to unknown person</p> <p>Professional Misconduct (Legal Practitioners Decree 2009 ss 82(1)(a) and 83(1)(h) and Trust Account Act 1996 ss 12(5) and 17(b))</p> <p>Count 4: Failed to provide authority letters for withdrawal for multiple clients</p>

APPLICATION	Interlocutory application for renewal of practising certificate (s 121(3) Legal Practitioners Decree)
DATE	23 September 2016
NUMBER	ILSCJ07/2016
FINDINGS	Application granted for the issue of an interim practising certificate
ORDERS	<ol style="list-style-type: none"> 1. Interim practice certificate to be issued upon payment of prescribed pro rate fees until the 6th of February 2017. 2. Not operate a Trust Account 3. Not to operate Trust Account held by the Bank of the South Pacific unless approved by Chief Registrar 4. Monthly bank statement of Mamlakah Lawyers are to be taken to the Chief Registrar at the end of each month until further notice

	<p>Can only operate and practice as a barrister. Can only receive payment upon issue of invoice for work done</p> <p>5. To work under supervision</p>
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APPLICATION	Interlocutory application for renewal of practising certificate (s 121(3) Legal Practitioners Decree)
DATE	8 December 2016
NUMBER	ILSCJ09/2016
FINDINGS	Application granted for the issue of an interim practising certificate
ORDERS	<p>1. Interim order for practice certificate to be issued upon payment of prescribed pro rate fees until the 7th of December 2016</p> <p>2. Not to operate a Trust Account or receive any monies personally.</p> <p>3. Can only work as an employee lawyer</p>

NAME	CR v Alipate Qetaki
CASE NUMBER	004/2016
LAW PRACTICE	Qetaki Advisory & Consultancy
DATE OF FIRST MENTION	1 December 2016
CHARGES	<p>Professional Misconduct (Legal Practitioners Decree 2009 ss 83(1)(h) and 82(1)(a) and Trust Accounts Act 1996 s 3(1))</p> <p>Count 1: Opened up Trust Account for their firm without applying to the Minister of Justice and seeking written approval</p> <p>Professional Misconduct (Legal Practitioners Decree 2009 ss 83(1)(h) and 82(1)(a) and Trust Accounts Act 1996 s 3(1B))</p> <p>Count 2: Opened up Trust Account for their firm without first satisfying the officer in charge of the bank branch that he had complied with legislative requirements</p>

ILSC DISCIPLINE REGISTER

2009-2016

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>Count 1: Perverting the course of justice</p> <p>Count 4: Acting for both parties to an agreement</p>	<p><u>Orders (Penalty):</u></p> <p>Count 1: Professional misconduct found.</p> <p>1) Practitioner struck off roll 10 years REDUCED BY SUP.CT 20/10/2011 to 6 years</p> <p>Count 4: Unsatisfactory professional conduct found. 2) Fined \$1,000</p>	<p>Count 1: Legal Practitioners Decree 2009 s 82(1)</p> <p>Count 4: Legal Practitioners Decree 2009 s 81</p>
001/2009	Abhay Kumar Singh	Lot 11 Dilkusha Road, Nausori	1 February 2010	1 February 2010	<p>Count 2: 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 nd Floor Harifam Center Greig Street, Suva	7 May 2010	9 July 2010	<p>Count 2(A): Abused the relationship of confidence and trust of the client.</p> <p>Count 2(B): Acted for both parties in a transaction and purchase of</p>	<p>Unsatisfactory Professional conduct found.</p> <p><u>Orders (Penalty):</u></p> <p>1) Respondent to be publicly</p>	<p>Count 2(A):</p> <p>Legal Practitioners Decree 2009 s 83(1).</p>

					land. Count 2(C): Failed to protect the best interest of the client.	reprimanded 2) Fine of \$15,000.00	Count 2(B) and (C): Legal Practitioners Decree 2009 s 81.
007/2009	Akuila Naco	Naco Chambers 1 st Floor ,340 Waimanu Rd P O Box 2267 Govt Building Suva	9 June 2010	9 June 2010	Count 2: 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. Count 3: Failure to appear in court. Count 5: Failure to cross examine a prosecution witness resulting in the complainant as a client being prosecuted. Count 6: Abused the relationship of confidence and trust with the client by failure to represent and protect the interest of the client.	Professional Misconduct/ Unsatisfactory Professional conduct found. <u>Orders (Penalty):</u> 1) Publically Reprimanded 2) Fine \$1,000.00 3) Cost to CR in the sum \$500.00 4) Pay compensation to complainant A \$3600.00, and Complainant B \$300.00. 5) pay witness expenses of \$25.00 and \$30.00 respectively to each witness.	Count 2, 3, 5, 6: Legal Practitioners Decree 2009 s 81.
004/2009	Sheik Hussain Shah	Savilla House, Valelevu, Nasinu.	15 June 2010	15 June 2010	Count 1: Issues trust fund account cheque which was dishonoured. Count 3A: Falling short of the standards of competence and diligence of a reasonably competent or professional legal practitioner.	Professional Misconduct found for count 1 Unsatisfactory Professional conduct found for counts 3A, 3B, and 5. <u>Orders (Penalty):</u> Count 1 1) To pay \$ 1,000 to the	Count 1 Legal Practitioners Decree 2009 s 82(1)(a) Count 3A, 3B, 5: Legal Practitioners

					<p>Count 3B: Delayed the process</p> <p>Count 5: Failed to appear for complainant.</p>	<p>complainant</p> <p>2) To pay witness expenses of \$ 610.20</p> <p>Count 3A</p> <p>3) Fined \$500</p> <p>Count 3B</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>Count 5</p> <p>7) To pay \$750</p> <p>8) To pay \$ 250 to complainant</p>	Decree 2009 s 81
007/2009	Akuila Naco	1st Floor, 340 Waimanu Rd, PO box 2267, Government Buildings Suva	16 June 2010	16 June 2010	Count 1: 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	Savilla House,	15 June	9 July 2010	Count 6: Failed to attend the	Professional Misconduct found.	Legal Practitioners

	Shah	Valelevu, Nasinu.	2010		Magistrate Court proceedings.	<u>Orders (Penalty):</u> 1) To pay \$ 1,000 to the complainant. 2) To pay \$ 180 to applicant 3) Fine of \$500 to the commission. 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.	Decree 2009 s 82(1) (a)
007/2009	Akuila Naco	1st Floor, 340 Waimanu Rd, PO box 2267, Government buildings Suva	16 June 2010	9 July 2010	Count 2: Failed to distribute the monies received therein to claimants according to the order Count 3: Failed to appear in the court and Judgment was issued against the complainant	Unsatisfactory professional conduct found. <u>Orders (Penalty):</u> 1) Publically reprimanded. 2) Pay \$3,600 by way of compensation 3) Pay \$300 compensation 4) Pay witness expenses \$25 and \$30	Legal Practitioners Decree 2009 s 81

005/2009	Dorsami Naidu	N/A	13 August, 2010	16 August 2010	<p>Count 1B: Failed to inform the client on progress of their case.</p> <p>Count 3A: Failed to inform client that the land was co-owned; failed to inform client about conflict of interest.</p> <p>Count 3B: Failed to obtain the consent of the third party on behalf of vendor.</p> <p>Count 4A: Trust account mismanagement.</p> <p>Count 6C: Failed to reinstate proceedings on behalf of client after matter had been struck out.</p> <p>Count 6D: Failed to carry out client instructions and protect his client's interests.</p> <p>Count 6E:</p>	<p>Unsatisfactory professional conduct found for counts 1B, 3A, 4A, 6C, 6D</p> <p>Professional misconduct found for counts 3B, and 6E.</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</p>	<p>Count 1B:</p> <p>Legal Practitioners Decree 2009 ss 81 and 83(1)(c)</p> <p>Count 3A, 4A, 6C, 6D</p> <p>Legal Practitioners Decree 2009 s 81.</p> <p>Count 3B:</p> <p>Legal Practitioners Decree 2009 s 82(1)(a)</p>
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						<p>meet all necessary survey costs and the cost of extraction of fresh title documents.</p> <p>6) Respondent has 5 months to complete the performance of order 5.</p> <p>7) Chief Registrar shall supervise the performance of orders 5 and 6.</p> <p>[Appeal pending in Fiji Court of Appeal]</p>	
008/2009	Haroon Ali Shah	1 st Floor Sunbeam Building, 7 Yasawa Street, P O Box 5104 Lautoka	15 September 2010	15 September 2010	<p>Count 1: Failure to pay client's money.</p> <p>Count 2: Failure to ensure that encumbrances were settled by the vendor.</p> <p>Count 3: Failure to pay clients compensation that was awarded.</p> <p>Count 4: Failure to return client's fee.</p> <p>Count 5(1): Charging excessive legal costs or fees in connection to the practice of law.</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</p>	<p>Count 1, 4, 10(2), 11(2), 12(2):</p> <p>Legal Practitioners Decree 2009 s 82(1)(b).</p> <p>Count 2, 3, 5(2), 6(1), 7, 8, 10(1), 11, 12(1):</p> <p>Legal Practitioners Decree 2009 s 82(1)(a).</p> <p>Count 5(1):</p> <p>Legal Practitioners Decree 2009 ss 83(1)(b) and (c).</p> <p>Count 6 (2): Legal Practitioners Decree 2009 s 82(1)(c).</p>

				<p>Complaint 5(2): Failure to move the case; delay in the case reaching hearing stage.</p> <p>Count 6(1): Constant failure to reach or maintain a reasonable standard of competence and diligence.</p> <p>Count 6(2): Failed to bring a case to hearing date; failed to appear in court.</p> <p>Count 7: Failure to advise the client of any progress of her case.</p> <p>Count 8: Failure to represent a company to court.</p> <p>Count 9: Abused the relationship of confidence and trust with the client and excessive legal cost.</p> <p>Count 10(1): Failure to keep the client informed and refused to meet him on several occasions.</p> <p>Count 10(2): Failure to refund clients' money.</p> <p>Count 11(1): Failure to transfer money from trust accounts.</p> <p>Count 11(2): Trust Account</p>	<p>from that date.</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>Count 9:</p> <p>Legal Practitioner Decree 2009 ss 83(1)(b) and (c).</p>
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					<p>Mismanagement</p> <p>Count 12(1): Failure to execute the clients agreement; failed to fulfilled his duties to his clients by making false promises.</p> <p>Count 12(2): Failure to properly discharge duties as a legal practitioner in reaching the required standard of a professional lawyer.</p> <p>Count 12(3): 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>Count 2: 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>Count 2B: 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>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</p>	Legal Practitioners Decree 2009 s 82(1)(b))

					<p>Count 11B: Failed to account properly for money received from proceeds of sale. Money is still unaccounted for, and is yet to be paid to the client.</p>	<p>upon the certification of the Director Legal Aid that trials have 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.	<p>Count 1 and 2: 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</p>	<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,</p>	Legal Practitioners Decree 2009 s 82(1)(a)

					<p>competence and diligence.</p>	<p>payment of the mortgage debt or 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>	
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002/2010	Muhammed Shamsud-Dean Sahu Khan.	17 Ganga Singh Street, Varoka, Ba	3 March 2011.	4 May 2011.	Count 1: Not fit and proper to person to engage in legal practice.	Professional Misconduct found. <u>Orders (Penalty):</u> 1) To be struck from the roll of legal practitioners. 2) To indemnify the purchaser with respect to any money payable as a result of actions commenced by him. 3) Pay all principal and other interest owing on the loan in the sum of \$120,000.00 referred to the 'Deed of Guarantee' within 28 days. 4) Pay witness expenses totalling \$478.00 to the ILSC. 5) To lodge his passport with the ILSC for retention until orders 2, 3, 4 are complied with.	Legal Practitioners Decree 2009 s 82(1)(b)
001/2011	Muhammad Shansud-Dean Sahu Khan	17 Ganga Singh Street, Varoka, Ba	27 September 2011	6 October 2011	Count 1, 2, 3, 5, 6, 7: 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	Unsatisfactory professional conduct found for count 8, 9; Professional misconduct found for counts 1, 2, 3, 5, 6, 7,	Counts 1, 2, 3, 5,6, 7: Legal Practitioners Decree 2009 s82(1)(a). Count 8:

					of interest. Count 8: Substantial failure to reach a reasonable standard of competence and diligence expected of a professional legal practitioner. Count 9: Is not a fit and proper person to engage in legal practice.	<u>Orders (Penalty):</u> 1) Must not apply for a practising certificate for 10 years. 2) Pay to ILSC \$ 862.10. 3) Surrender passport.	Legal Practitioners Decree 2009 s 81 Count 9: Legal Practitioners Decree 2009 s 82(1)(b).
001/2011	Sahu Khan & Sahu Khan	17 Ganga Singh Street, Varoka, Ba	27 September 2011	6 October 2011	Count 1: Respondent Is not fit and proper to operate as a law firm.	Unsatisfactory professional conduct found. <u>Orders (Penalty):</u> 1) Shall cease to operate and shall not engage in legal practice.	Legal Practitioners Decree 2009 s 82(1)(b).
004/2011	Adi Kolora Naliva	Fiji Public Trustee Corporation, 1 st Floor LICI Building, 11 Butt Street, P. O. Box 2276, Government Building, Suva	5 December 2011	5 December 2011	Count 1, 2, 3, 4: Practiced without having a valid practising certificate Count 5: 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	Count 1, 2, 3, 4: Legal Practitioners Decree 2009 s 52(1)(a). Count 5: Legal Practitioners Decree 2009 s 81.
006/2011	Siteri Adidreu Cevalawa	Telecom Fiji Ltd Ganilau House Edward	5 December 2011	5 December 2011	Count 1-8: Solicitor practicing without having a valid practising certificate	Pleaded guilty to unsatisfactory professional conduct.	Legal Practitioners Decree 2009 ss 52(1)(a) and 83(1)(a).

		Street Suva				<u>Orders (Penalty):</u> 1) Publically reprimanded 2) Fined \$1,000	
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. Count 1A: Acting without instructions from client, Count 1D: Failed to keep client informed of progress of instructions given	Finding of professional misconduct (count 1A); Finding of unsatisfactory professional conduct (count 1D). <u>Orders (Penalty):</u> 1) Publically reprimanded 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	Legal Practitioners Decree 2009 ss 81 and 82(1)(a).
005/2011	Alena Koroi	K 1 Law, 31 Salesi Road, Namadi Heights, Tamavua	1 December 2011	14 March 2012	Count 1: 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	Legal Practitioners Decree 2009 s 83(1)(a).

						practice under supervision 4) Conditional practicing certificate for 2013 would be based on the 2012 report provided by Chief Registrar	
001/2012	Laisa Lagilevu	9 Lester Street, Delainavesi	16 March 2012	16 March 2012	Count 1: Appeared in High Court without a valid practising certificate	Unsatisfactory Professional Conduct found. <u>Orders (Penalty):</u> 1) Publicly reprimanded. 2) Pay fine of \$ 1000 3) Practising Certificate suspended until fine paid and upon satisfactory of Trust Account requirements of the Chief Registrar	Legal Practitioners Decree 2009 ss 52(1)(a) and 83(1)(a)
007/2011	Haroon Ali Shah	1 st Floor Sunbeam Building, 7 Yasawa Street, P O Box 5104 Lautoka	1 June 2012	22 June 2012	Counts 1, 2, 5, 6, 7, 8 and 9: Substantial irregularities in trust account or keeping a trust account. Count 3: Failing to inform client on the progress of the matter. Count 4: Failing to render invoice for fees deducted from the trust account.	Unsatisfactory Professional Conduct found. <u>Orders:</u> 1) The practitioner's name be struck from the Roll of Legal Practitioners 2) The respondent to pay witness expenses of \$1,056.01 3) The Respondent to pay wasted costs of \$7,500 to the Chief Registrar and wasted costs of \$7,500 to the Commission by 31 st July 2012.	Legal Practitioners Decree 2009 s 82(1)(a)

002/2012	Kini Marawai	1 st Floor nona House, 26 Roberts road, Suva	12 September 2012	5 October 2012	<p>Count 1:</p> <p>Conflict of interest: Prepared and Witnessed the first affidavit for client containing rape allegation against 2nd Respondent and then again prepared and witnessed second affidavit for the client about withdrawal of same rape allegation against 2nd Respondent.</p> <p>Count 2:</p> <p>Information present in both the affidavits was conflicting evidence.</p> <p>Count 3:</p> <p>Asked 2nd Respondent to represent his client where 2nd Respondent was himself a victim and a witness in the same legal matter.</p>	<p>Unsatisfactory professional conduct found for counts 1 and 2;</p> <p>Professional conduct found for count 3.</p> <p><u>Orders (Penalty):</u></p> <p>1) Certificate suspended until 1st March 2016 2) Publicly reprimanded 3) Pay coast 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>Count 1: Legal Practitioners Decree 2009 s 81.</p> <p>Count 2: Legal Practitioners Decree 2009 s 83(1)(a).</p> <p>Count 3: Legal Practitioners Decree 2009 s 82(1)(b).</p>
002/2012	Rajendra Chaudhry	19 Rewa Street, Suva.	12 September 2012	5 October 2012	<p>Count 1:</p> <p>Conflict of interest: Acted as a 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>Count 2:</p> <p>He showed discourtesy to High Court.</p>	<p>Professional misconduct found for count 1;</p> <p>Unsatisfactory professional conduct found for count 2.</p> <p><u>Orders (Penalty):</u></p> <p>1) Certificate suspended until 1st March 2017. 2) Publicly reprimanded. 3) Pay coast of \$ 1000 to be equally shared between LPU and the Commission.</p>	<p>Count 1: Legal Practitioners Decree 2009 s 82(1)(b).</p> <p>Count 2: Legal Practitioners Decree 2009 s 83 (1)(a).</p>

						<p>4) In order to purpose his current matter, he be allowed to remain in practice until 26th 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>	
003/2012; 004/2012	Luseyane Ligabalavu	Yatu Lau Arcade, Suva	21 September 2012	23 October 2012	Count 1 and 2: Failing to comply with any orders or directions of the Chief Registrar	<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>	Legal Practitioners Decree 2009 s 83(1)(g)
008/2012	Naipote Vere	Naipote Vere and Associates Lot 34 Namosi Lane	6 November 2012	21 January 2013	Count 1: Failed to comply with any orders or directions of the Registrar	<p>Professional misconduct found.</p> <p><u>Orders (Penalty):</u></p> <p>1) The respondent is publicly reprimanded</p> <p>2) To pay \$2,000 fine before his practising certificate is renewed for 2013</p>	Legal Practitioners Decree 2009 s 83(1)(g).
010/2012	Kalisito Maisamoa	Nacolawa and Davita Solicitors	23 January 2013	23 January 2013	Count 1: 8 offences of appearing before completing 2 years of practice on the same day. (8	Pleaded guilty to professional misconduct.	Legal Practitioners Decree 2009 s 52(2).

					offences regarded as one count with concurrent penalties).	<u>Orders (Penalty):</u> 1) Respondent publicly reprimanded 2) Fined \$1, 500 to be paid by 28 February 2013	
009/2012	Niko Nawaikula	26 Robertson Road Suva	12 April 2013	12 April 2013	Count 1: 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.	Count 1: Legal Practitioners Decree 2009 ss 53 and 83(1)(a).
009/2012	Savenaga Komaisavai	26 Robertson Road Suva	12 April 2013	12 April 2013	Count 1: Appeared for an accused in criminal case without practising certificate Count 2: Prepared instruments for legal proceeding without practising certificate	Professional misconduct found. <u>Orders (Penalty):</u> 1) Publically reprimanded 2) Practising certificate suspended for 3 months from judgment date	Counts 1 and 2: Legal Practitioners Decree 2009 s 52(1)(a)
006/2012	Kini Marawai	Lot 16 Nasagavoki Rd Tamavua Heights	15 May 2013	15 May 2013	Counts 1 to 3: Appearing before court without a practising certificate Count 4: Without a practising certificate, instructed another solicitor	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	Counts 1 to 4: Legal Practitioners Decree 2000 ss 52(1)(a), 52(1)(b), and 83(1)(a) Count 5: Legal Practitioners Decree 2009

		Suva			Counts 5: Failed to establish and keep trust account	undergoing not to apply for practicing certificate until 1 March 2019. 2) Fined \$1,000	s 83(1)(h); Trust Account Act 1996 s 3a.
007/2012	Melaia Ligabakavu	Ligabakavu Solicitors	7 June 2013	7 June 2013	Count 1 and 2: Appeared in Magistrate's Court without holding valid practising certificate (1 and 19 March 2012) Count 3 and 4: 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 March 2012.	Count 1 and 2: Legal Practitioners Decree 2009 ss 83(1)(a) and 52(1)(a) Count 3 and 4: Legal Practitioners Decree 2009 ss 83(1)(a) and 42(2)
007/2012	Luseyane Ligabalavu	Ligabakavu Solicitors	7 June 2013	7 June 2013	Count 1 and 2: Being the sole practitioner of the law firm employed, instructed 1 st respondent to appear in Magistrate's Court without holding valid practising certificate (1 and 19 March 2012) Count 3: Failed to cause accounting and other records to be audited for financial period 1 st October to 30 th	Professional misconduct found for all 4 counts. <u>Orders (Penalty)</u> 1) Suspension for practice for 2 years and cannot apply for practising certificate until 1 March 2017.	Count 1 and 2: Legal Practitioners Decree 2009 ss 83(1)(a) and 42(2). Count 3: Legal Practitioners Decree 2009 s 83(1)(h); Trust Accounts Act 1996 s 12(1). Count 4: Legal Practitioners

					September Count 4: Failed to lodge, or cause to be lodged, by the required date a statement signed by the trustee with Registrar and the Minister.		Decree 2009 s 83(1)(h); Trust Accounts Act 1996 s 12(3).
001/2013	Vilitati Macanawai Daveta	Suite 3, Winina Arcade, main Street Nausori	20 June 2013	20 June 2013	-	Professional Misconduct <u>Orders (Penalty)</u> 1) Restrained from operating under the style of Nacolawa & Daveta Law. 2) Submit a list of pending files and contacts of the clients to the LPU. 3) Fiji police can assist in the enforcement of the order. 4) Daveta and his staff are not to enter the office of the firm. 5) CR at liberty to appoint receive of firm. 6) Daveta to pay costs of \$1000 by 4 July 2013.	-
013/2013	John Rabuku	71 Gordon street, Suva	30 July 2013	30 July 2013	Count 1: Failure to respond to complaint issued by Chief Registrar and subsequent reminder notice	Professional misconduct by plea of guilty/ admission. <u>Orders (Penalty)</u>	Legal Practitioners Decree 2009 ss 83(1)(g) and 108(2).

						1) Publicly reprimanded 2) Practising certificate suspended for 3 months 3) \$500 fine	
014/2013	Sushil Chand Sharma	S Ram Prasad Building, Sigatoka Town, Sigatoka	30 July 2013	30 July 2013	Count 1: Failure to respond to complaint issued by Chief Registrar and subsequent reminder notice	Professional misconduct by plea of guilty. <u>Orders (Penalty)</u> 1) Publicly reprimanded 2) Practising certificate suspended for one month 3) \$500 fine	Legal Practitioners Decree 2009 ss 83(1)(g) and 108(2).
016/2013	Muhammed Azeem Ud-Dean Sahu Khan	M K Sahu Khan & Co PO Box 3561, Nadi	30 July 2013	30 July 2013	Two counts of gross misrepresentation. Letterhead fraudulently referred to respondent as being 'Bar-at-Law (Lincoln's Inn)' when: Count 1: Not a UK barrister Count 2: Not a member of Lincoln's Inn	Professional misconduct found for both counts. <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	Legal Practitioners Decree 2009 s 83(1)(a).
005/2013	Vilimone Vosarogo	Ground Floor, 46 Gordon St, Damodar Centre, Suva	20 August 2013	20 August 2013	Count 1: Instructed another legal practitioner without holding a valid practicing certificate	Unsatisfactory professional conduct found. <u>Orders (Penalty):</u> 1) Publically reprimanded	Legal Practitioners Decree 2009 s 52(1).

						2) Fined \$2,500	
017/2013	Ram Chand	46 Augustus St, Toorak, Suva	3 October 2013	3 October 2013	Count 1: 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	Count 1: Attacked the reputation of another person without good in written form.	Count 1: Unsatisfactory professional conduct found. <u>Orders (Penalty):</u> 1) Publically reprimanded 2) Practising certificate is to be suspended for four months from 8 October 2013 3) Pay costs of the commission totalling \$750.00 by 31 October 2013. 4) If order 3 is not paid by specified date, 2 months will be added to the suspension.	Legal Practitioners Decree 2009 s 83(1)(a).
020/ 2013	Kelera Baleisuva Buatoka	Lvl 4 FNPF Pl, Victoria Pd, PO BOX 15859, Suva	11 October 2013	11 October 2013	Counts 1 and 2: Acting as a Commissioner for Oaths by witnessing an affidavit while not holding a valid practicing	Finding of unsatisfactory professional misconduct on both counts.	Legal Practitioners Decree 2009 ss 52(1)(a) and 83(1)(a).

					certificate	<u>Orders (Penalty)</u> 1) Publicly reprimanded 2) Fined \$300 on each charge	
002; 003/ 2013	Luseyane Ligabalavu	Yatu Lau Arcade, Suvas	17 October 2013	17 October 2013	<p>Application No 002</p> <p>Count 1: Failed to pay a sum of money to a third party in accordance with client/ vendors instructions.</p> <p>Count 2: Deposited sum of money in own operating account at firm instead of law firm's trust account.</p> <p>Count 3: Acted for both vendor and purchaser and failed to protect the interests of the purchaser.</p> <p>Count 4: Withdrew sum from Operating Account for purposes other than the purpose of trust.</p> <p>Application No 003</p> <p>Count 1: Failed to respond to complaint within stipulated time period</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).
010/2013	Amrit Sen	Maqbool & Company	6 November 2013	6 November 2013	Count 2: Showed discourtesy to the court by raising his voice to an unacceptable level and by attacking the reputation of the	<p>Professional misconduct found.</p> <p><u>Orders (Penalty)</u></p> <p>1) Publically reprimanded</p>	<p>Rules of Professional Conduct and Practice r 3.5 and 3.2(i).</p> <p>Legal Practitioners</p>

					prosecutor in court	2) Fined \$5,000	Decree 2009 s 82(1)(a).
024/2014	Anand Singh	94 Waimanu Rd, Suva	7 November 2013	7 November 2013	Count 1: Failed to respond to a complaint and the subsequent notice from the Chief Registrar.	Professional misconduct found. <u>Orders (Penalty)</u> 1) Practicing certificate is suspended for 2 months	Legal Practitioners Decree 2009 ss 83(1)(g) and 108(2).
011/2013	Raman Pratap Singh	Labasa Civic Centre Labasa, Fiji	19 November 2013	19 November 2013	Count 1: Unreasonably delayed seeking consent of the Director of Lands for transfer of the lease Count 2: Included a clause which breached the lease conditions of the said Crown land Count 3: 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	Unsatisfactory professional conduct found for all counts. <u>Orders (Penalty):</u> 1) Publically reprimanded 2) Fined a total of \$3000 for each offence 3) Pay costs to the Commission \$2000 4) Pay vendor \$3,000 5) If the fine and costs not paid by 13 December 2013, practitioner's practising certificate suspended until time penalties are paid	Legal Practitioners Decree 2009 s 82(1)(a).
009/2009	Iftakhar Iqbal Ahmad Khan	157 Vitogo Parade, P O Box 870, Lautoka	11 December 2013	11 December 2013	Count 1A: Failing to conduct himself in a professional manner by passing derogatory remarks. Count 1B: Failing to conduct himself in a professional manner by opening talking about a pending	Professional misconduct found for all counts. <u>Orders (Penalty):</u> 1) For counts 1A and 1B (acting sub justice) practising certificate is suspended for 15 months with	Counts 1A and 1B: Legal Practitioners Decree 2009 s 82(1)(a) Count 4: Legal Practitioners

					High Court Case. Count 4: Failing to inform client that he was also acting for the other party despite receiving payment.	immediate effect. 2) For count 4 (conflict of interest) practising certificate is suspended for 15 months with immediate effect. 3) Two suspensions to be served concurrently. Practitioner not eligible to apply for practising certificate until March 2015. 4) Pay costs to the Commission of \$1,500.00 by 10 January 2014. 5) practitioner to be publicly reprimanded	Decree 2009 s 82.
025/2013	Jolame Uludole	J.U.Esquire-Block 3 Flat 6, Kaukimoce Flats, Balabala Crescent, Newtown, Nasinu	5 February 2014	5 February 2014	Count 1: Failure to open a trust account Count 2: Failure to open a trust account when operating as J.U. Esquire and acting for a client.	Professional misconduct by admission. <u>Orders (Penalty)</u> 1) Publicly reprimanded 2) Suspension of practising certificate for 2 years. Ineligible to apply for practicing certificate until March 2016. 3) Fined \$3000	Legal Practitioners Decree 2009 s 82(1)(b).
027/2013	Saimoni Nacolawa	11 Vitogo Pd, Lautoka	11 March 2014	11 March 2014	Count 1: Failure to make proper enquiry into accreditation of accounting firm engaged to prepare	Unsatisfactory professional misconduct by plea of guilty. <u>Orders (Penalty)</u>	Legal Practitioners Decree 2009 s 83(1)(a)

					Trust Account Audit report.	1) Publically reprimanded 2) Fined \$1,500	
001/2014	Silika Vuilagi Waqabitu	35A Kikau St, Samabula, Suva	28 July 2014	28 July 2014	Count 1: Failure to ensure that trust monies were applied in accordance with client's instructions. Failure to ensure that monies were not utilised by staff for unauthorised purposes. Count 2: Misrepresenting trust account in Trustees Report.	Professional misconduct found for both counts. Admission to count 1. <u>Orders (Penalty):</u> 1) Struck off the roll of practitioners.	Legal Practitioners Decree 2009 s 82(1)(a).
013/2014	Nikolau Nawaikula	6800, Nina St Suva, Fiji	16 February 2015	16 February 2015	Count 1: Failed to respond to complaint; failed to respond to notice and reminder sent by Chief Registrar	Pleaded 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	Count 1: 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	Legal Practitioners Decree 2009 ss 83(1)(g) and 108(2).

						suspended until the fine is paid	
012/2014	Nitij Pal	Level 22, 1 Market Street, Sydney 2000, NSW, Australia/ Suva Business Centre, Victoria Parade, Suva.	21 July 2015	23 October 2015	Count 1: Operated without a valid practicing certificate.	Plead guilty to Professional Misconduct. <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	Legal Practitioners Decree 2009 ss 42(2) and 83(1)(a).
005/2015	Vilitatai Daveta	Maraniba Farm Road, Sawani, Nausori	30 November 2015	30 November 2015	Count 1: 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	Count 1: 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	Leena Nileshni Goundar	Level 2, Suite 13 Valelevu Complex, Valelevu, Nasinu	25 November 2015	11 December 2015	Count 1: 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.	Professional Misconduct found. <u>Orders (Penalty):</u> 1) Fined \$1,500.00 2) Publically Reprimanded.	Legal Practitioners Decree of 2009 ss 82(1)(a) and 108(2).
014/2015	Angeline Kiran Lata	Suite 7, Central Building, Sigatoka Town, Sigatoka.	24 March 2016	24 March 2016	Count 1: Failed to appear at Lautoka High Court and failed to make formal application for withdrawal as Counsel Count 2: Failed to give precedence to the Lautoka High Court over the Sigatoka Magistrates Court.	Unsatisfactory professional conduct found. <u>Orders (Penalty):</u> Count 1: 1) Publicly reprimanded. 2) Fined \$500.00. Count 2: 1) Publicly reprimanded.	Count 1 and 2: Legal Practitioners Decree 2009 s 81.
001/2016	Tevita Vakayarutabua Qauqau Bukarau	Unit 6, 4 th Floor Carnavon Building, Carnavon Street, Suva.	7 June 2016	7 June 2016	Count 1: 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).

Appendix 1



INDEPENDENT LEGAL SERVICES COMMISSION

PRACTICE DIRECTION NO. 1 OF 2016

Rules of Procedure – Filing of Documents

Pursuant to Section 127 (1) of the Legal Practitioners Decree all parties when filing documents are required to submit a hard copy plus a soft copy (Word Document) on a memory stick (USB), effective from 20th June 2016.

Dated 18th June 2016.

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Dr. Thomas V. Hickie
Commissioner

Appendix 2

INDEPENDENT LEGAL SERVICES COMMISSION

Amended Practice Direction No.2 of 2016

Rules of Procedure – Filing of Prosecution Case Statement

1. It is expected that before any prosecution is filed with the Commission to commence disciplinary proceedings against a legal practitioner and/or a legal firm, that what is to be asserted in the application as to the alleged conduct by the legal practitioner and/or firm has a sound legal basis so as to be considered an impropriety. That is, what is alleged to have been committed could be considered sufficient to be the basis of a charge of ‘unsatisfactory professional conduct’ or ‘professional misconduct’ as supported by a relevant Fijian statute, decree, rule and/or the citation of case law from Fiji (or from another relevant common law jurisdiction) in support of that proposition.
2. Having been satisfied that the allegations, if proven, could amount to unsatisfactory misconduct or professional misconduct, a prosecution case statement shall then be included in the application filed with the Commission outlining a concise summary of evidence, together with a short statement as to the legal basis upon which the application is being brought.
3. It is expected that the Respondent having considered the application filed by the Applicant with supporting documentation (including the prosecution case statement), will be in a position on the 1st return date of the application to enter a plea and agree to a timetable for the filing of documents and the allocation of a hearing date either as a plea in mitigation or a defended hearing (including the number of anticipated witnesses).
4. This Practice Direction is to have effect forthwith unless due to the urgency of the matter leave is granted for the prosecution to dispense with the above when filing the application.

Dated 29th September 2016

Dr. Thomas V. Hickie

Commissioner

Appendix 3

Independent Legal Services Commission

Audited Financial Statements

for the

Year Ended 31 December 2013

OFFICE OF THE AUDITOR GENERAL

Excellence in Public Sector Auditing



6-8th Floor, Ratu Sukuna House
2-10 McArthur St
P.O. Box 2214, Government Buildings
Suva, Fiji

Telephone: (679) 330 9032
Fax: (679) 330 3812
Email: info@auditorgeneral.gov.fj
Website: http://www.oag.gov.fj



File: 1373

20 December 2016

His Excellency
The President
Office of the President
Government House
SUVA

Dear Sir

**AUDITED ACCOUNTS OF INDEPENDENT LEGAL SERVICE COMMISSION FOR
THE YEAR ENDED 31 DECEMBER 2013**

Audited financial statements for the Independent Legal Service Commission for the year ended 31 December 2013 together with my audit report on them are enclosed.

Particulars of the errors and omissions arising from the audit have been forwarded to the management of the Commission for their necessary action.

Yours sincerely

Atunaisa Nadakuitavuki
for **AUDITOR GENERAL**

cc: The Attorney General, Office of the Attorney General, Suvavou House
The Commissioner, Independent Legal Services Commission, Level 5 Civic Tower

Encl.

INDEPENDENT LEGAL SERVICES COMMISSION
FINANCIAL STATEMENTS
FOR THE YEAR ENDED 31 DECEMBER 2013

INDEPENDENT LEGAL SERVICES COMMISSION
(ESTABLISHED UNDER THE LEGAL PRACTITIONERS DECREE 2009)
FINANCIAL STATEMENTS
FOR THE YEAR ENDED 31 DECEMBER 2013

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INDEPENDENT LEGAL SERVICES COMMISSION
(ESTABLISHED UNDER THE LEGAL PRACTITIONERS DECREE 2009)
STATEMENT BY THE COMMISSION
FOR THE YEAR ENDED 31 DECEMBER 2013

COMMISSIONER'S STATEMENT

The attached Financial Statements ("accounts") have been prepared by the Commission's external accountants to provide a list of income and expenses of the Independent Legal Services Commission for the calendar year 2013, i.e, 1 January until 31 December 2013. The accounts have been audited by the Office of the Auditor General.

The accounts can only be read as "qualified accounts" due to the following:

- 1) The only available source documents for the Commission's external accountants to prepare the account for 2013 were bank statements together with a small number of payment vouchers and cheque butts. There was a fire in the Independent Legal Services Commission in October 2014 and I have been advised that most of the 2013 financial records including payment vouchers, receipt books and deposit books went "missing" around that time. I have been further advised that despite the intervention of both the Police and FICAC, these records have not been recovered.
- 2) The person who fulfilled the role of Commissioner during the year 2013 concluded their term on 30 November 2015.
- 3) The person who fulfilled the role as Secretary of the Commission for the year 2013 left the Commission in late 2014. I understand that she has subsequently been formally charged by FICAC and the DPP involving separate matters arising during the period of her employment with the Commission and those matters were pending before the courts as at 29 November 2016.
- 4) The current Secretary of the Commission (as at 29 November 2016) was only appointed to the position in early 2015. In addition, I was only appointed as the new Commissioner as from 22 January 2016 and sworn in on 9 February 2016. Therefore neither the current Secretary nor me are able to verify the authenticity of the 2013 accounts. A firm of forensic accountants have, however, been engaged to undertake a forensic audit of the Commission's account for the three years 2013, 2014 and 2015 and their report, when finalised, will be forwarded to the Office of the Auditor General for consideration.



Dr. Thomas V. Hickie
COMMISSIONER

Date: _____

8/12/2016

OFFICE OF THE AUDITOR GENERAL

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INDEPENDENT AUDIT REPORT

To the Management of Independent Legal Services Commission

Report on the Financial Statements

I have audited the accompanying financial statements of Independent Legal Services Commission ("the Commission"), which comprise, the statement of financial position as at 31 December 2013, the statement of comprehensive income and retained earnings, statement of cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information as set out in Notes 1 to 14.

Commission's Responsibility for the Financial Statements

The Commission is responsible for the preparation and fair presentation of these financial statements in accordance with International Financial Reporting Standards for Small and Medium-sized Entities ("IFRS for SMEs") and the requirements of Legal Practitioners Decree 2009. This responsibility includes: designing, implementing and maintaining internal controls relevant to the preparation of financial statements that are free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies, and making accounting estimates that are reasonable in the circumstances.

Auditor's Responsibility

My responsibility is to express an opinion on these financial statements based on conducting the audit in accordance with International Standards on Auditing. Because of the matters described in the Basis for Disclaimer of Opinion paragraph, however, I am not able to obtain sufficient appropriate audit evidence to provide a basis for an audit opinion.

Basis for Disclaimer of Opinion

1. Significant documents necessary for the performance of the audit were not made available as they have gone missing. This has also been highlighted by the current Commissioner in his statement on page 2 of the financial statements. As the remaining accounting records were not adequate to permit the application of necessary auditing procedures, I am unable to obtain all of the information and explanations which I require in order to form an opinion on the financial statements for the year ended 31 December 2013.
2. The person appointed and was performing the duties of the Secretary of the Commission for year ended 31 December 2013 was investigated by the Fiji Independent Commission Against Corruption and subsequently charged for various matters including falsification of documents which are currently with the Courts.

Disclaimer of Opinion

Because of the existence of the limitation on the scope of my audit and significance of the matters described in the Basis for Disclaimer of Opinion paragraphs, I am unable to and do not express an opinion on the financial statements for the year ended 31 December 2013.



Atunaisa Nadakuitavuki
for AUDITOR GENERAL



Suva, Fiji
20 December 2016

INDEPENDENT LEGAL SERVICES COMMISSION
 (ESTABLISHED UNDER THE LEGAL PRACTITIONERS DECREE 2009)
 STATEMENT OF FINANCIAL POSITION
 AS AT 31 DECEMBER 2013

	NOTES	2013 \$	2012 \$
ASSETS			
Current Assets			
Cash on hand and in bank	9 (b)	28,241	97,564
Receivable from contribution fund	4	27,399	23,427
Interest receivable		21,464	21,171
Held-to-maturity investments	5	715,464	689,171
Total Current Assets		792,568	831,333
Non Current Assets			
Plant and equipment	6	119,385	164,765
Total Non Current Assets		119,385	164,765
TOTAL ASSETS		911,953	996,098
Current Liabilities			
Creditors and accruals		8,248	8,248
Total Current Liabilities		8,248	8,248
Non Current Liabilities			
Deferred capital grant	7	48,470	77,302
Total Non Current Liabilities		48,470	77,302
TOTAL LIABILITIES		56,718	85,550
NET ASSETS		855,235	910,548
ACCUMULATED FUNDS		855,235	910,548

The accompanying notes form an integral part of this statement of financial position.

For and on behalf of the Commission.



 Dr. Thomas V. Hickie
 COMMISSIONER
 Date: 8/12/2016

INDEPENDENT LEGAL SERVICES COMMISSION
(ESTABLISHED UNDER THE LEGAL PRACTITIONERS DECREE 2009)
STATEMENT OF COMPREHENSIVE INCOME
FOR THE YEAR ENDED 31 DECEMBER 2013

	NOTES	2013	2012
		\$	\$
INCOME			
Distributions from contribution fund		102,606	110,840
Interest		26,586	30,300
Workshop registration fees		112,457	75,800
Practitioners costs		-	1,044
Amortisation of deferred income		28,832	32,288
Fines		-	38,500
Miscellaneous income		-	1,583
Total Income		270,481	290,355
EXPENDITURE			
Accounting fees		2,093	2,093
Accommodation		1,455	2,173
Audit fees		2,500	2,500
Bank fees		67	339
Depreciation		45,380	47,410
Dues and subscription		-	1,729
Electricity		9,387	10,453
Fiji national provident fund		10,267	5,698
Fuel		-	2,775
Insurance		3,712	3,488
Motor vehicle expense		5,811	3,869
Officer supplies		6,843	2,823
Printing		-	13,615
Postage and delivery		-	179
Professional fees		2,210	64,284
Sundry		52,785	908
Stationery		-	1,638
Telephone		6,953	8,919
Traveling		-	4,573
Wages and salaries		112,358	73,338
Water		720	670
Workshop cost		63,253	120,551
Total Expenditure		325,794	374,025
Net loss for the year		(55,313)	(83,670)
Accumulated funds at the beginning of the financial year		910,548	994,218
Accumulated funds at the end of the financial year		855,235	910,548

The accompanying notes form an integral part of this statement of comprehensive income.

INDEPENDENT LEGAL SERVICES COMMISSION
(ESTABLISHED UNDER THE LEGAL PRACTITIONERS DECREE 2009)
STATEMENT OF CASH FLOWS
FOR THE YEAR ENDED 31 DECEMBER 2013

	NOTES	2013 \$	2012 \$
CASH FLOWS FROM OPERATING ACTIVITIES			
Receipts from contribution fund	3	98,634	120,517
Fines and penalties		-	38,500
Workshop and other receipts		112,457	68,927
Interest received		-	1,107
Payment for operating activities		(280,414)	(322,501)
Net cash used in operating activities	9 (a)	<u>(69,323)</u>	<u>(93,450)</u>
CASH FLOWS FROM INVESTING ACTIVITIES			
Payments for plant and equipment		-	(10,396)
Net cash used in investing activities		<u>-</u>	<u>(10,396)</u>
Net decrease in cash and cash equivalents		(69,323)	(103,846)
Cash and cash equivalents at the beginning of year		97,564	201,410
Cash and cash equivalents at the end of the year	9 (b)	<u>28,241</u>	<u>97,564</u>

The accompanying notes form an integral part of this statement of cash flows.

INDEPENDENT LEGAL SERVICES COMMISSION
(ESTABLISHED UNDER THE LEGAL PRACTITIONERS DECREE 2009)
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 31 DECEMBER 2013

NOTE 1: BASIS OF PREPARATION

(a) Basis of preparation

The financial statements have been prepared on the basis of historical cost convention. Cost is based on their fair values of the consideration given in exchange for assets.

In the application of International Financial Reporting Standard for Small and Medium-Sized Entities (IFRS for SMEs), management is required to make judgements, estimates and assumptions about carrying values of assets and liabilities that are not readily apparent from other sources. The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstance, the results of which form the basis of making the judgements. Actual results may differ from these estimates.

The estimates and underlying assumptions are reviewed on an on-going basis. Revisions to accounting estimates are recognised in the period in which the estimate is revised if the revision affects only that period, or in the period of the revision and future periods if the revision affects both current and future periods. Judgements made by management in the application of IFRS for SMEs that have significant effects on the financial statements and estimates with a significant risk of material adjustments in the next year are disclosed, where applicable, in the relevant notes to the financial statements.

Accounting policies are selected and applied in a manner which ensures that the resulting financial information satisfies the concepts of relevance and reliability, thereby ensuring that the substance of the underlying transactions or other events is reported.

(b) Statement of compliance

The financial statements have been prepared in accordance with IFRS for SMEs as required by the Fiji Institute of Accountants.

(b) Comparatives

Where necessary, comparative figures been regrouped to conform to changes in presentation in the current year.

NOTE 2: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

2.1 Income

Income distribution from Contribution Fund is recognized when distribution amount is determined and established.

Interest income is recognized on an accrual basis.

2.2 Income Tax

By virtue of Section 17(24) of the Income Tax Act, the income of the Commission is exempt from income tax.

2.3 Value Added Tax

By virtue of Section 4 of the VAT Decree 1991, the Commission is exempt from VAT lodgement.

2.4 Deferred Capital Grant

Assets acquired through capital grants are capitalized to plant and equipment and the corresponding credit is taken as deferred capital grant. Plant and equipment are depreciated over their estimated useful lives. The benefit arising from the grants being the recoupment through depreciation is credited to revenue over the period of the useful lives of those assets.

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NOTE 2: STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES (cont'd)

2.5 Plant and equipment

Plant and Equipment is stated at historical cost less accumulated depreciation and impairment. Historical cost includes expenditure that is directly attributable to the acquisition and installation of the items.

Plant and equipment are depreciated on a straight - line method over their estimated useful lives using the following rates:

Furniture and Equipment	10% - 15%
Motor vehicle	10%

2.6 Held - to - Maturity Investments

Term deposit with Financial Institutions are classified as held-to-maturity investments. Held-to-maturity investments are non - derivative financial assets with fixed or determinable payments and fixed maturities that the Commission has positive intention and ability to hold to maturity.

NOTE 3: RECEIPTS FROM CONTRIBUTION FUND	2013	2012
	\$	\$
Funds received in accordance with Section 22 of the Trust Account Act were as follows:		
First Quarter - (from 31 December quarter distribution)	23,427	33,104
Second Quarter - (from 31 March quarter distribution)	23,782	29,444
Third Quarter - (from 30 June quarter distribution)	24,255	27,856
Fourth Quarter - (from 30 September quarter distribution)	27,170	25,909
Refund of resident withholding tax from stabilization fund	-	4,204
	<u>98,634</u>	<u>120,517</u>

In accordance with the Section 22(1) (b) of the Trust Accounts (Amendment) Decree 2012, the distribution from the Contribution Fund for the year was as follows:

- 65% - Legal Aid Fund
- 10% - Judiciary Fund
- 10% - Independent Legal Services Commission
- 10% - Legal Practitioners Unit Fund
- 5% - Fidelity Fund

NOTE 4: RECEIVABLE FROM CONTRIBUTION FUND

Funds receivable from Contribution Fund	<u>27,399</u>	<u>23,427</u>
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NOTE 5: HELD -TO-MATURITY INVESTMENTS

Term deposit with financial institution	<u>715,464</u>	<u>689,171</u>
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Term deposit is held with Merchant Finance and Investment Company Limited for a term of 12 months at interest rate of 3.6%.

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NOTE 6: PLANT AND EQUIPMENT

	Furniture, Fittings and Equipment - Grant assets	Furniture, Fittings and Equipment	Motor Vehicles	Total
	(\$)	(\$)	(\$)	(\$)
Gross carrying amount - at cost				
Balance at 1 January 2012	183,230	34,935	79,000	297,165
Additions	-	10,396	-	10,396
Disposals	(17,284)	-	-	(17,284)
Balance at 31 December 2012	165,946	45,331	79,000	290,277
Balance at 31 December 2013	165,946	45,331	79,000	290,277
Accumulated depreciation				
Balance at 1 January 2012	66,726	6,227	15,519	88,472
Depreciation expense	32,288	7,222	7,900	47,410
Disposals	(10,370)	-	-	(10,370)
Balance at 31 December 2012	88,644	13,449	23,419	125,512
Depreciation expense	28,832	8,648	7,900	45,380
Balance at 31 December 2013	117,476	22,097	31,319	170,892
Net book value				
As at 31 December 2012	77,302	31,882	55,581	164,765
As at 31 December 2013	48,470	23,234	47,681	119,385

NOTE 7: DEFERRED CAPITAL GRANT

	2013 \$	2012 \$
Deferred capital grant relating to furniture and equipment provided by the Attorney General's Office	165,946	165,946
Less: accumulated amortization	(117,476)	(88,644)
Total deferred income, net	48,470	77,302

NOTE 8: COMMISSION ESTABLISHMENT

The Commission was established in accordance with Section 84 of the Legal Practitioners Decree, 2009 and commenced operation in October 2009.

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NOTE 9: NOTES TO STATEMENT OF CASH FLOWS	2013 \$	2012 \$
(a) Reconciliation of net deficit to the net cash flows from operations		
Net deficit from operations	(55,313)	(83,670)
Add/(less non-cash items)		
Depreciation	45,380	47,410
Amortisation of deferred income	(28,832)	(32,288)
Interest re-invested	(26,293)	(39,171)
	<u>(65,058)</u>	<u>(107,719)</u>
Changes in assets and liabilities		
Increase/ (decrease) in other debtors	(4,265)	19,655
Increase/ (decrease) in accounts payables and accruals	-	(5,386)
	<u>(69,323)</u>	<u>(93,450)</u>

(b) Reconciliation of cash

For the purpose of statement of cash flows, cash includes cash at bank and on hand net of outstanding bank overdraft. Cash at end of the year as shown in the statement of cash flows is reconciled to the related items in the balance sheet as follows:

Cash on hand	200	200
Cash at bank	28,041	97,364
	<u>28,241</u>	<u>97,564</u>

NOTE 10: PRINCIPAL ACTIVITY

The principal activity of the Commission is to hear and determine complaints against lawyers.

NOTE 11: CONTINGENT LIABILITIES

Contingent liabilities as at 31 December 2013 amounted to \$Nil (2012: \$Nil).

NOTE 12: COMMITMENTS

Capital commitments as at 31 December 2013 amounted to \$Nil (2012: \$Nil).

NOTE 13: EVENTS SUBSEQUENT TO BALANCE DATE

Subsequent to balance date, during 2014, irregularities relating to certain payments have been identified by the Commission. The matter has been referred to the Fiji Independent Commission Against Corruption (FICAC).

Forensic accountants have been engaged to undertake a forensic audit of the 2013, 2014 and 2015 accounts. Following receipt of their draft report at the end of November 2016, it has been decided to also undertake a forensic audit of the Commission's accounts from 2009 - 2012 and 2016.

Apart from the above, no matter or circumstance has arisen since the end of the financial year which significantly affected or may significantly affect the operations of the Commission, the results of these operations, or the state of affairs of the Commission in future financial years.

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NOTE 14: REGISTERED OFFICE

Registered Office and the Principal Place of Business

The registered office and the principal place of business of the Commission are located at:

Level 5, Civic Tower,
Victoria Parade
Suva.

Number of Employees

As at balance date, a total of 3 employees were employed by the Commission.