

**IN THE INDEPENDENT LEGAL SERVICE COMMISSION**

**SUVA**

**ILSC CASE NO: 017 OF 2019**

**BETWEEN :** CHIEF REGISTRAR

**AND :** SIMIONE VALENITABUA

**Applicant :** Ms J Sharma for the Chief Registrar

**Respondent :** Mr F Vosarogo for the Respondent

**Dates of Hearing:** 15 May 2020

**Date of Sanction:** 9 July 2020

**DISCIPLINARY SANCTION**

- [1] The legal practitioner is charged with professional misconduct contrary to section 82(1) (a) of the Legal Practitioners Act 2009 (the Act). He pleaded guilty to the charge on the day of the hearing.
- [2] The charge of professional misconduct arose from the legal practitioner's failure to respond to a notice of complaint served on him by the Chief Registrar. On 7 June 2019, the Chief Registrar received a complaint against the legal practitioner by one of his clients. The complaint was about non refund of fee.
- [3] On 26 June 2019, the Chief Registrar brought that complaint to the attention of the legal practitioner and gave him twenty one days to respond. The legal practitioner did not respond.
- [4] On 3 September 2019, the Chief Registrar served the legal practitioner with a reminder and granted him a further fourteen days to respond to the complaint against him. The

legal practitioner did not respond. A failure to respond to a complaint within fourteen days after a reminder is deemed to be professional misconduct unless the legal practitioner provides a reasonable explanation pursuant to section 108 of the Act.

- [5] On 20 November 2019, the Chief Registrar brought this disciplinary proceeding against the legal practitioner. It was only after the legal practitioner was charged that he responded to the complaint and settled the dispute regarding refund of fee with his client.
- [6] The legal practitioner is 38 years of age and has been in practice since 2006. His excuse for not responding to the complaint is that he was served with the notice during a period when he was shifting his office. He now acknowledges that his excuse is not justified.
- [7] The conduct of the legal practitioner clearly involves a substantial failure to maintain a reasonable standard of competence and diligence. The purpose of sanction is deterrence, both personal and general.
- [8] Comparable cases for sanction are *Chief Registrar v Lutumailagi* [2020] FJILSC 4 (24 March 2020), *Chief Registrar v Cavubati* [2019] FJILSC 3 (13 June 2019) and *Chief Registrar v Khan* [2019] FJILSC 4 (13 September 2019). The legal practitioner has means to comply with monetary sanctions.
- [9] Orders of the Commission are:
1. The legal practitioner is publicly reprimanded.
  2. The legal practitioner is fined \$1000.00.
  3. The legal practitioner is to pay costs to the Chief Registrar, which I summarily assess in the sum of \$500.00.
  4. The fine and costs must be paid within 7 days.

5. If the legal practitioner fails to pay the fine and costs within 7 days, the Chief Registrar is to suspend the practitioner's practising certificate until such time he pays the fine and costs in full.

DL



Justice Daniel Goundou

COMMISSIONER