

**IN THE INDEPENDENT LEGAL SERVICE COMMISSION**

**SUVA**

**ILSC CASE NO: 005 OF 2020**

**BETWEEN :** CHIEF REGISTRAR

**AND :** JOSAI NIUDAMU

**Applicant :** Mr A Prasad for the Chief Registrar

**Respondent :** Mr C Pryde for the Respondent

**Dates of Hearing:** 17 July 2020

**Date of Sanction:** 7 August 2020

**DISCIPLINARY SANCTION**

- [1] The legal practitioner is charged with one count of unsatisfactory professional conduct contrary to section 81 of the Legal Practitioners Act 2009. He has pleaded guilty to the charge at the first opportunity.
- [2] The unsatisfactory professional conduct are founded on the following facts. The legal practitioner was an employee of the Office of the Director of Public Prosecutions. On or about 11 May 2019, the practitioner acted as a Commissioner for Oaths by witnessing a statutory declaration of one Parmendra Rajesh Sharma and certifying the accompanying documents as being true copies of the original and affixing his Commissioner of Oaths stamp, when he was not appointed by the Chief Justice as a Commissioner of Oaths or held a current practising certificate, pursuant to section 144 of the Legal Practitioners Act 2009.
- [3] When the Chief Registrar brought the alleged conduct to the attention of the practitioner, he immediately realized his mistake and accepted responsibility for his conduct. On 30 May 2019, he responded to the Chief Registrar's notice of complaint as follows:

- I admit that I witnessed the statutory declaration of Mr Parmendra Rajesh Sharma with regards to his application for a practising certificate for the 2019 to 2020 period without being the holder of a valid practising certificate.
  - I witnessed the statutory declaration on the mistaken belief that I did not require a practising certificate.
  - I have read the pertinent section of the Legal Practitioners Act and now realize my mistake.
  - I take full responsibility for a breach of the Act. This was an oversight on my part for which I offer my sincere apologies and offer a firm undertaking that I will not repeat this mistake.
- [4] The Director of Public Prosecutions appeared on behalf of the practitioner and informed the Commission that the practitioner was internally reprimanded for the alleged unsatisfactory conduct and that the practitioner undertook not to repeat the transgression. He submits that no further sanction to be imposed on the practitioner and the matter be dismissed.
- [5] The legal practitioner is 32 years old. He was admitted to the legal profession in the year 2011. After his Bar Admission he joined the Office of the Director of Public Prosecutions as a legal officer. Later he was promoted to the post of a senior legal officer within the office. After the alleged conduct he resigned and opened his private law firm. Currently, he is the principal practitioner of the firm Niudamu Lawyers in Rakiraki.
- [6] I identify general deterrence as the primary purpose of sanction in this case. Comparable cases for sanctions are *Chief Registrar v Buatoka* [2013] FJILSC 26 (11 October 2013) and *Chief Registrar v Meru* [2020] FJILSC 1 (28 February 220).
- [7] I do not think suspension of the practitioner's practising certificate is warranted. The practitioner is genuinely remorseful for his unsatisfactory professional conduct. He feels he has brought embarrassment to himself and to the legal profession. His professional conduct was impeccable until the current charge.

[8] In these circumstances, I publicly reprimand the legal practitioner and discharge him without any further sanction.



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**Justice Daniel Goundar**  
**COMMISSIONER**

