

**IN THE INDEPENDENT  
LEGAL SERVICES COMMISSION**

**NO. 14 OF 2013**

**BETWEEN** : **CHIEF REGISTRAR**

**Applicant**

**AND** : **SUSHIL CHAND SHARMA**

**Respondent**

**Applicant** : **Ms. L. Vateitei**

**Respondent** : **In Person**

**Dates of Hearing** : **15<sup>th</sup> July 2013**

**Date of Judgment** : **30<sup>th</sup> July 2013**

---

**JUDGMENT and SENTENCE**

---

1. The Respondent faces an allegation of Professional Misconduct, contrary to section 83(1)(g) of the Legal Practitioners' Decree 2009. This allegation is particularized by the allegation that:

*"As a legal practitioner he failed to respond to a complaint lodged by one Feroz Khan within the time stipulated in the notice issued by the Chief Registrar pursuant to Section 105 of the Legal Practitioners' Decree and thereafter failed to respond to a subsequent reminder notice issued by the Chief Registrar pursuant to section 108(1) of the Legal Practitioners' Decree which conduct was a contravention of section 108(2) of the Legal Practitioners' Decree 2009 and was an act of professional misconduct."*

2. When appearing before me the Respondent told me that "without hesitation I accept the allegation and I have no defence". That refreshing candour and practical admission whilst certainly in his favour means that the allegation is formally **established**.
3. In mitigation the Respondent described what he perceived to be the chaos of his professional life in Fiji, being caught up in dissolved partnerships and with partners who have emigrated. His partners now being stable, he was again thrown off balance by a difficult office removal at the time that these requests from the Chief Registrar were being made.
4. He submitted that although he has previously been the subject of complaints, none of them were proceeded with and he says that to that extent he has not been disciplined before either by the Fiji Law Society or by this Commission. He submits that he did eventually respond to the Registrar but it was too late.

5. He submits that he is very sorry that this has happened and that he will certainly not wish to be before the Commission ever again.
6. Counsel for the Applicant submits that even if an office is being relocated the postal address will remain the same and she provided proof that the demand notices had been sent. She reminded the Commission of the seriousness of the offence.
7. As this Commission has done in the other "failure to respond" cases on the same day, it refers to the dicta in **Application Nos. 03 and 04 of 2012, Chief Registrar -v- Luseyane Ligabalavu**, in which the Commission referred to the severity of failure to respond to the Chief Registrar's requests both because of the legislative requirements and to the professional courtesy to be shown to the Registrar who is the regulatory head of the profession. These dicta can be more particularly seen in **Application Nos. 03 and 04 of 2012, Chief Registrar -v- Luseyane Ligabalavu** and in **Application No. 13 of 2013, Chief Registrar -v- John Rabuku**.
8. It should be noted by practitioners that there can be no excuse for failure to respond to the Registrar's request for information under section.105; no matter what circumstances the practitioner finds himself in the response is mandatory. A failure to respond is serious professional misconduct and will inevitably lead to suspension of practice and a fine.
9. Whilst the other cases of failure to respond show that this offence is to be regarded very seriously, this Respondent's alacrity to admit the allegation and his obvious remorse stand him in good stead when the commission turns its mind to penalty.

## ORDERS

1. The Respondent is publicly reprimanded.
2. The Respondent's practising certificate is suspended for a period of one month from the date of this judgment.
3. The Respondent is fined the sum of \$500 to be paid to the Independent Legal Services Commission, such fine to be paid by 30<sup>th</sup> of August, 2013 and failure to pay by that date will result in a further two months' suspension of his practising certificate.



**JUSTICE PAUL MADIGAN  
COMMISSIONER**



**30 JULY 2013**