

## **NOTICE TO MEMBERS OF THE PUBLIC REGARDING COMPLAINTS AGAINST LEGAL PRACTITIONERS UNDER THE LEGAL PRACTITIONERS DECREE 2009**

---

The Office of the Chief Registrar wishes to inform you, members of the public on the **Legal Practitioners Decree 2009** which came into force on the 22<sup>nd</sup> May 2009.

**Section 99** of the same Decree provides that any person or entity may make complaints to the Chief Registrar regarding any alleged professional misconduct or unsatisfactory professional conduct made by any legal practitioners or law firm, or any employee or agent of any legal practitioner or any law firm. Complaints may be made orally or in writing.

For the purpose of the Decree, **section 88** outlines any conduct capable of being 'unsatisfactory professional conduct' or 'professional misconduct' which are as follows:

- [a] conduct consisting of a contravention of the Legal Practitioners Decree 2009, the regulations and rules made under this Decree, or the Rules of Professional Conduct;
- [b] charging of excessive legal costs or fees in connection with the practice of law;
- [c] charging legal costs or fees for work not carried out by the legal practitioner or legal practice or for incomplete work;
- [d] conduct in respect of which there is a finding of guilt or conviction for:
  - [i] a criminal offence (excluding traffic offences); or
  - [ii] a tax offence; or
  - [iii] an offence involving dishonesty; or
  - [iv] contempt of court;
- [e] conduct of a legal practitioner or law firm as or in becoming an insolvent under administration or receivership, or bankrupt;
- [f] conduct of a legal practitioner in becoming disqualified from managing or being involved in the management of a company;
- [g] conduct of a legal practitioner or law firm in failing to comply with any orders or directions of the Registrar or the Commission under the Decree;
- [h] conduct of a legal practitioner or law firm consisting of a contravention of the provisions of the Trust Accounts Act 1996 (as amended from time to time).

For your further information 'professional conduct' includes malpractice and 'unsatisfactory professional conduct' includes unprofessional practice or conduct.

As per **section 82**, 'unsatisfactory professional conduct' also includes the following;

- [a] unsatisfactory professional conduct of a legal practitioner, a law firm or an employee or agent of a legal practitioner or law firm, if the conduct involves a substantial or consistent failure to reach or maintain a reasonable standard of competence and diligence; or
- [b] conduct of a legal practitioner, a law firm or an employee or agent of a legal practitioner or law firm, whether occurring in connection with the practice of law or occurring otherwise than in connection with the practice of law, that would, if established, justify a finding that the practitioner is not a fit and proper person to engage in legal practice, or that the law firm is not fit and proper to operate as a law firm.

For any clarifications or questions contact the chief Registrar's office on phone number: 3211481.

**ANA ROKOMOKOTI  
ACTING CHIEF REGISTRAR, HIGH COURT OF FIJI**