

IN THE INDEPENDENT LEGAL SERVICES COMMISSION

AT SUVA

ILSC CASE NO. 004 OF 2023

BETWEEN : **CHIEF REGISTRAR**

APPLICANT

AND : **PETER LOWING**

RESPONDENT

Counsel : **Mr T Laqekoro and Ms R Wati for the Applicant**
Respondent in Person, assisted by Mr S Koya

Date of Hearing : 8 July 2025

Date of Decision : 30 September 2025

Date of Sanction : 20 November 2025

SANCTION

Finding of Professional Misconduct

[1] On 30 September 2025, the Commission found Mr. Peter Lowing guilty of professional misconduct, concluding that his actions breached both statutory and ethical obligations to treat clients with dignity, courtesy, and respect. The finding was based on Mr. Lowing's use of rude, aggressive, and demeaning language toward his client, Mr. Barry Atkinson, during their solicitor-client relationship between January and June 2015. This abusive conduct caused emotional distress

and a loss of confidence for the client, undermining the integrity of the legal profession and eroding public trust in it.

- [2] The finding is considered particularly serious because the misconduct targeted a client who relied on Mr. Lowing's professional expertise and judgment. Such behaviour violated the core values of trust and respectful service that are foundational to legal practice. It represents a significant departure from the standards expected under section 82(1)(a) of the Legal Practitioners Act 2009, which defines professional misconduct as a substantial or consistent failure to maintain reasonable competence and diligence as a legal practitioner, or conduct that shows the person is not fit and proper to engage in legal practice.

Mitigation

- [3] In mitigation, Mr. Lowing expressed deep regret and acknowledged his lapse, emphasizing a decade of unblemished service, national honours (CBE, OStJ, OBE), and ongoing contributions to the law and community since the misconduct. He submitted that the incident occurred nearly ten years ago, during which time he has had no further complaints and has been recognized for distinguished public service. This, he argued, demonstrates full rehabilitation and satisfies the protective purpose of disciplinary sanctions.
- [4] Mr. Lowing further submitted that he had suffered substantial reputational harm through widespread media coverage of the disciplinary decision. He equated this to a form of extra-curial punishment, which disciplinary authorities and case law (*Einfeld v R* (2010) 266 ALR 598) recognize as a mitigating factor. He argued that the incident was spontaneous rather than malicious or repeated, with no aggravating factors and only limited harm caused. He accepted responsibility and acknowledged the unintended distress caused to the complainant.

[5] While recognizing that the purpose of sanction is protection and public confidence, Mr. Lowing submitted that a reprimand, or alternatively a modest fine, would be proportionate in light of his rehabilitation, the limited harm caused, and the substantial extra-curial suffering already endured.

[6] In support of his mitigation, Mr. Lowing provided character references from senior public figures and legal professionals (including the Governor General of PNG and other dignitaries), together with a list of awards received for his service to the legal and charitable sectors.

Chief Registrar's Submissions

[7] The Chief Registrar emphasized that the purpose of sanctions is protective, rather than punitive: to safeguard the public and uphold the integrity of the legal profession so that professional standards are maintained.

[8] The Chief Registrar noted that while abusive conduct toward colleagues has previously attracted public reprimands and financial penalties (see CR v Sen No 010 of 2013), abusive behaviour directed at a client constitutes an even graver breach of trust and professionalism. Accordingly, the Chief Registrar submitted that appropriate sanctions are necessary to protect the public, uphold the dignity of the profession, and deter similar misconduct in future cases.

Aggravating and Mitigating Factors

[9] Aggravating factors include the severity and vulgarity of the language, the impact on the client, and the breach of trust.

[10] The mitigating factors are that the legal practitioner has no prior disciplinary record and that a significant period—10 years—has elapsed since the offending, during which the practitioner has maintained an exemplary professional and personal record (*Craig v The Medical Board of South Australia* (2001) 79 SARA 545). Further, the practitioner has suffered substantial public humiliation and reputational loss from media coverage of the Commission’s finding, which constitutes an extra-curial punishment.

Orders of the Commission

[11] After considering all relevant matters, the Commission imposes the following sanctions pursuant to sections 121 and 124 of the Legal Practitioners Act 2009:

1. **Reprimand:** Mr. Lowing is publicly reprimanded for professional misconduct pursuant to section 82(1)(a) of the Act. This reprimand serves as a formal condemnation of his conduct and is intended to maintain public confidence in the legal profession.
2. **Fine:** Mr. Lowing must pay a fine of \$2,000.00 to the Commission within 21 days of this order.
3. **Costs:** Mr. Lowing must reimburse the Chief Registrar for witness expenses amounting to \$3,337.50, payable within 21 days of this order.
4. **Apology:** Mr. Lowing must provide a written apology to Mr. Barry Atkinson, to be delivered via the Chief Registrar within 21 days of this order.

[12] No suspension of Mr. Lowing’s practising certificate will be imposed, given the delay in proceedings and his otherwise unblemished record since the incident.

Conclusion

[13] These orders reflect the serious nature of the misconduct, and the mitigating factors presented, and they are consistent with disciplinary principles that emphasize protection, deterrence, and the maintenance of public confidence in the profession.



A handwritten signature in blue ink, appearing to read "Daniel Goundar".

Justice Daniel Goundar
COMMISSIONER

Solicitors:

Legal Practitioners Unit for the Applicant

Howards Lawyers for the Respondent