

IN THE INDEPENDENT LEGAL SERVICE COMMISSION
AT SUVA

ILSC Application No. 12 of 2021

BETWEEN : **CHIEF REGISTRAR**

APPLICANT

AND : **HARRY ROBINSON**

RESPONDENT

Counsels : A. Malani and T. Laqekoro for the Applicant
No Appearance for the Respondent

Date of Determination : 15 December 2025

Date of Sanction : 6 March 2026

SANCTION

1. On 15 December 2025, the Commission found the Respondent guilty of four counts of Professional Misconduct constituting breaches of statutory and professional obligations.
2. In determining the appropriate sanction the Court will assess the seriousness of the misconduct.¹
3. The Respondent ,was engaged in 2016, by a client Mrs Shakuntala Devi Singh to reactivate a property transaction, the purchase of an undivided half share in Lot 1, SO Plan 3289 situated at Vunitavola, Labasa registered in the name of a Dharam Singh (the vendor), which was initiated in 1996 but aborted, as the vendor had migrated to New Zealand.
4. The complainant recalls that payments were done in instalments and in total an amount of \$5,200.00 (Five Thousand, Two Hundred Dollars) was paid by her to the Respondent.
5. The relevant period in which the Respondent's service were retained was one in which the Respondent did not hold a valid practicing certificate, contrary to section 52(1)(a) of the *Legal Practitioner's Act 2009*. The singular reason for this was that the Respondent held the position of Master of the High Court, at Labasa, between the period 3 August 2009 to 2 August 2016. This position was confirmed in the evidence adduced by the Registrar at the hearing.²
6. The Respondent also failed to discharge the professional services for which he had received legal fees, as a retainer from the complainant, by making an application to withdraw representation in *Shakuntala Singh v Dharam Singh*-Civil Action No HBC 24 of 2018, without the authorization of his client. Cumulatively, these actions constituted a breach of rule 3.6 of the *Rules of Professional Conduct and Practice*

¹ *Fuglers and Others v Solicitors Regulation Authority* [2014] EWHC 179

² Evidence of Ms Elenoa Waqatairewa

requiring that a practitioner shall not compromise any matter save on the client's instructions and constituted professional misconduct pursuant to section 82(1)(a) of the *Legal Practitioners Act 2009* constituting unsatisfactory professional conduct as involving a substantial or consistent failure to reach or maintain a reasonable standard of competence and diligence.

7. A regrettable pattern of conduct was further illustrated by the Respondent's failure to comply with the direction of the Master on 19 September 2018 to file a Supplementary Affidavit, annexing to it a copy of the intended Writ of Summons and Statement of Claim, which conduct constituted a breach of rule 3.7 of the *Rules of Professional Conduct* requiring that a practitioner shall conduct each case, in a manner most advantageous to his client and his failure to do so, constituted professional misconduct pursuant to section 82(1)(a) of the *Legal Practitioners Act 2009*. The supplementary affidavit was required to support an application for leave to serve the Writ on the vendor out of the jurisdiction, so the failure to file the affidavit meant that service could not be completed, and the proceeding effectively abandoned.
8. Compounding matters was the failure of the Respondent to provide his client with an explanation for his delay in carrying out her instructions, which constituted a breach of rule 8.1(c) of the *Rules of Professional Conduct*, requiring that a practitioner, if unreasonable delay occurs, to provide his client with an explanation for the delay and whether he could resolve it, the failure to do in this instance constituting professional misconduct pursuant to section 82(1)(a) of the *Legal Practitioners Act 2009*.
9. As counsel for the Chief Registrar³ states, the 4 counts of misconduct form a pattern of disregard for fundamental professional obligations, which the Commission finds egregious, when bearing in mind, the seniority of the practitioner and the fact that he had held an appointment as a judicial officer in the High Court.

³ Written Submissions paragraph 3.1

10. The neglect by the Respondent of the basic tenets of professional conduct governing relations with clients and conduct of practice, directly prejudiced the interest of his client.
11. The Commission is mindful that the purpose of the imposition of sanctions is *'to maintain the reputation of the solicitors' profession as one in which every member, of whatever standing may be trusted to the ends of the earth ...a member of the public...is ordinarily entitled to expect that the solicitor will be a person whose trustworthiness is not, and never has been, seriously in question'*-*Bolton v The Law Society* [1994] 1 WLR 512.
12. A caveat to the fundamental principle enunciated in *Bolton*, is the need for senior practitioners to be exemplary in the discharge of their professional responsibility not least for the guidance of younger members of the Bar , and therefore the purpose of a penalty may be visited on a solicitor---not only to punish him for what he has done and to deter any other solicitor tempted to behave in the same way.

A. Mitigating Factors

13. Whilst the practitioner had not participated in the disciplinary hearing at any stage the Commission, (bearing in mind the requirement of proportionality, and weighing the interests of the public with those of the practitioner), notes the practitioner's response to earlier written requests from the Registrar, that his failure to file a supplementary affidavit arose from an inability to obtain a forwarding address for the affidavit to be sent to his client in Australia. This factor must however be weighed against the complainant's response that the practitioner was not proactive otherwise in seeking to contact her, given the Respondent had her full contact addresses and those of her children in Australia, further, the Court Record does not indicate a further attempt by the practitioner to seek additional time from the Court to address the issue of service, if the reasons for the delay were genuine.
14. Another factor which may mitigate the seriousness of the misbehavior is that whilst the misconduct was spread over a span of time, the charges stemmed from

a period commencing on 1 January 2016 and ending on 19 September 2018, and related to one transaction.

15. Matters of mitigation, however, do not detract from the finding of misconduct but will be considered when determining what is a fair and proportionate sanction

B. Aggravating Factors

16. The Chief Registrar has invited the Commission to note the following aggravating factors;

- (i) *Senior Practitioner*

The practitioner was admitted for practice in 1996 and held judicial office as a Master of the High Court.

- (ii) *Vulnerable Client*

The client/complainant is an elderly woman, resident overseas who was wholly reliant on the practitioner to protect her interests.

- (iii) *Multiple Breaches*

The misconduct spanning several years demonstrated a pattern and was not an isolated incident.

- (iv) *Prejudice to Client*

The High Court matter was struck off prejudicing the client's interest directly

- (v) *Proceeding in Absentia*

The practitioner failed to attend the disciplinary hearing despite being duly notified, demonstrating disregard for the disciplinary process.

C. The Appropriate Sanction

17. The Commission will follow the approach it took in *Chief Registrar v Teresa Rigsby*-ILSC No 006 of 2021 in weighing the factors relevant to the particular circumstance of the practitioner, and the conduct that has led to the disciplinary proceeding, being;

- (a) the nature, gravity and consequences of the conduct;*
- (b) the character and professional conduct record of the practitioner;*
- (c) acknowledgement of the misconduct and remedial action; and*
- (d) public confidence in the legal profession and its disciplinary process.*

(a) Nature, gravity and consequences of conduct

At the relevant time in June 2016, when the Respondent received instructions and obtained a retainer from his client, to re-activate proceedings, he did not hold a practicing certificate. This was not an oversight because at the relevant time, the Respondent was employed as Master of the High Court at Labasa, a position he did not relinquish until August 2016. This may have been the reason the Respondent did not issue a receipt when receiving instructions in June 2016.

The Respondent did not consider the option of directing Mrs Singh to another practitioner, who held a valid practicing certificate, an obligation he was eminently suited to discharge, given the proximity of his office as Master to that of the Registrar of the High Court, the custodian of the Register of Legal Practitioners.

(b) The character and professional conduct record of the Respondent

This is an unusual case where a former judicial officer of good standing and a senior member of the Bar has been found guilty of professional misconduct.

The practitioner did not attend the disciplinary hearing, nor make submissions on sanction which meant that the Commission has not been assisted in evidence on matters which was exclusively within the knowledge of the practitioner, and it entitles the Commission therefore to draw such inference from that failure as it sees fit. *R v Underwood* [2005] 1 Cr. App R 13.

The Commission also notes that the practitioner does not currently hold a valid practicing certificate.

(c) Acknowledgment of the misconduct and remedial action.

The Commission could not evaluate this factor because of the practitioner's absence during the hearing. The Commission is entitled to infer that the practitioner's absence indicates that he does not consider this proceeding as relevant to his personal circumstance.

(d) Public confidence in the legal profession and in its disciplinary process

It is not an easy matter for the Commission to sanction a former judicial officer and senior practitioner, hitherto of good standing. Due to the seniority of the Respondent in the profession, the responsibility is much heavier for him and for practitioners of his stature to maintain high standards of practice and conduct, as vitally important in a self-regulating profession.

The Respondent has not discharged the high standards expected of him which has led to him being found guilty of professional misconduct and for which sanctions must be imposed, if the disciplinary process is to remain credible.

ORDERS:

The Commission will impose a sanction in respect of all 4 counts of professional misconduct which the Respondent was found guilty, of pursuant to sections 121 and 124 of the *Legal Practitioners Act 2009*.

1. The Respondent is publicly reprimanded.
2. The Respondent is fined \$500.00 to be paid to the Commission.
3. The Respondent is to pay costs to the Chief Registrar summarily assessed at \$500.00.
4. The Respondent is to re-imburse a sum of \$5,200.00 to the complainant Mrs Shakuntala Devi Singh.

5. The fine and costs must be paid and the re-imbusement made within 3 months of this ruling.
6. As the Respondent has not held a valid practicing certificate since 31 January 2025, the Chief Registrar is directed that the Practicing Certificate not be issued or renewed until 31 January 2027.
7. It is further directed the Chief Registrar should not issue the Respondent a practicing certificate, after a lapse of such period, until the fine, costs and re-imbusement are paid in full.

