

Disciplinary Committee Hearing Date: 2nd September 2021

Law Council Disciplinary Committee: G.A. Andrée Wiltens, Chairman

S. Shah, Member

F. Gilu, Member

A. Samana, Member

Date of Decision:

17 September 2021

APPLICATION FOR RE-INSTATEMENT TO THE ROLL BY MR. GEORGE BOAR

A. Introduction

1. By decision of 25 November 2019 Disciplinary Committee determined unanimously that Mr Boar be struck off the Register of Practising Lawyers forthwith.
2. By letter dated 5 June 2020 addressed to the Law Council, Mr Boar asked to be re-instated after the expiry of 6 months, namely after 25 May 2020. The only ground adverted to was the effluxion of time.
3. Mr Boar wrote again to the Law Council on 18 February 2021. He pointed out that some 15 months had now passed since he was struck off. He adverted to personal difficulties following that, and for his former clients also. His staff were forced to resign. He further pointed to his 20+ years of practise and maintained he had played a role in the development of legal jurisprudence. For those reasons he re-iterated his application to be re-instated.

B. Discussion

4. The present Disciplinary Committee was formally appointed and Gazetted on 22 April 2021.
5. The earliest the Committee could deal with this matter was accordingly 2 September 2021. The delay is regrettable.
6. The Legal Practitioner's Act [CAP 119] gives the Disciplinary Committee the jurisdiction to deal with this application, pursuant to section 11 of the Act which reads as follow:

"11. Applications for restoration to register and for cancellation of orders of Disciplinary Committee

- (i) *A person against whom an order has been made under section 9 (3) (a) may apply to the Disciplinary Committee at any time or times after 6 months have*

elapsed after the making of the order to have his name restored to the Register of Legal Practitioners."

7. The reference to section 9(3) (a) of the Act refers to the Disciplinary Committee's power to strike off a legal practitioner.
8. No guidance is given by the statute as to what considerations might inform the decision to restore.
9. The Disciplinary Committee considered the cause for the striking off to be a relevant consideration, as well as steps taken following the striking off by the legal practitioner to rehabilitate.
10. In this instance, Mr Boar was struck off the Register by reason of blatant dishonesty. He had received slightly over VT 5.4 million in 2009. He failed to account to his client for that sum. As late as May 2019, Mr Boar was arranging for payments in the future to be made to resolve his outstanding financial obligations to his clients. The Committee considered this to be extremely serious conduct.
11. In relation to the second aspect of our consideration, we noted the short grounds put forward by Mr Boar. We debated whether to proceed or to give Mr Boar further opportunity to address what steps he has taken towards rehabilitation. In the end, the Disciplinary Committee decided against deferring consideration of the application. We noted that section 11 permitted Mr Boar to re-apply at any time, so proceeding to consider his application did not prejudice him.
12. The Committee can readily conceive of situations where legal practitioners can be restored to the Register. For example, (i) where all outstanding financial obligations are properly and completely satisfied in instances of negligent mistake as opposed to dishonesty; (ii) where further relevant education/training has been undertaken with a high standard of achievement attained to ameliorate a perceived inadequacy; and (iii) where an undertaking is given to deal only with certain type(s) of work in future and to not undertake work of the type which led to striking-off.
13. The Disciplinary Committee does not restrict the bases on which restoration might be possible, and the examples mentioned are just that – examples only. We consider that each application will need to be assessed on its own facts.
14. The paucity of material provided by Mr Boar as part of his second application is such that the Committee sees no merit in the application. Accordingly the application must be declined.


G.A. Andrée Wiltens
Chair, Disciplinary Committee

