

STATES OF JERSEY



DISCIPLINARY PANEL OF THE LAW SOCIETY OF JERSEY: APPOINTMENT OF LAY MEMBERS

**Lodged au Greffe on 15th May 2007
by the Chief Minister**

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

in pursuance of Article 18(2) of The Law Society of Jersey Law 2005, to approve the appointment of the following persons as lay members of the Disciplinary Panel of the Law Society of Jersey for a period of 5 years–

- Mr. Maurice Adrian des Forges
- Mrs. Sharon Eddie
- Mr. Robin Charles Hacquoil
- Mr. Graham Edward Jennings
- Captain Brian James Stuart Nibbs
- Mrs. Pamela Margaret Nisbet
- Mr. Alfred David John Rosser.

CHIEF MINISTER

REPORT

1. Introduction

- 1.1 In 2005 the States of Jersey approved The Law Society of Jersey Law and agreed that the Law Society should be formally incorporated as a public body. One of the main objectives of the Society is to promote high standards of professional conduct among practitioners and, to this end, the Law makes provision for the appointment of a Disciplinary Panel to consider and adjudicate upon complaints against members of the legal profession.
- 1.2 The Disciplinary Panel is being established in order to consider complaints of professional misconduct by members of the legal profession who are practitioners of the Royal Court. The Panel's remit, therefore, does not extend to English barristers or solicitors, nor to professional lawyers registered in other jurisdictions.
- 1.3 On 6th December 2006 the States approved The Law Society of Jersey Law 2005 (Appointed Day) Act 2006, the main purpose of which was to bring into force on 1st January 2007 the provisions of The Law Society of Jersey Law 2005. A recruitment exercise for lay members of the Disciplinary Panel has since been conducted, and nominations for 7 lay members are now being presented to the States for their approval.

2. The Disciplinary Panel

- 2.1 The framework for the Disciplinary Panel was established by the States in 2005 when it approved the Law Society of Jersey Law. In accordance with Article 18(1) of the Law, the Panel will consist of up to 7 lay members, together with 4 members of the legal profession. Complaints against legal practitioners will be submitted to the President of the Law Society and, in those cases where the President is satisfied that a complaint should be investigated, the matter will be referred to a disciplinary committee, which will consist of 3 members of the disciplinary panel.
- 2.2 The disciplinary committee will be made up of 2 lay members and one professional member, and one of the lay members will be designated to serve as chairman. The committee will then consider the complaint and will have the power to deal with the complaint in any one of the following ways –
 - (a) *by dismissing it*
 - (b) *if it is satisfied that the complaint is proved and that it constitutes professional misconduct by the practitioner, but that it can properly be dealt with either by way of a public reprimand or private rebuke, by so reprimanding or rebuking the practitioner; or*
 - (c) *by referring the complaint to the Attorney General without making a finding.*' (Article 23(1) of The Law Society of Jersey Law 2005).
- 2.3 It is envisaged that the disciplinary committees will be able to deal with the majority of complaints that are referred to them, either in the form of a private reprimand or public rebuke. The more serious complaints, however, will be referred by the committees to the Attorney General (as noted in Article 23(1)(c) above), and he will then take a decision as to whether to refer the complaint to the Royal Court. If the Royal Court is satisfied that the practitioner is guilty of professional misconduct, it may deal with the matter in one of the following ways –
 - (a) *by privately rebuking the practitioner;*
 - (b) *by reprimanding him or her publicly;*
 - (c) *by imposing a fine on the practitioner;*

- (d) *by suspending him or her from practice as an advocate or solicitor for a specified period not exceeding 6 months; or*
- (e) *by ordering that the name of the practitioner be removed from the roll of advocates or solicitors, as the case may be*. (Article 26(8) of The Law Society of Jersey Law 2005).

2.4 The detailed provisions relating to the disciplinary panel are set out in Part 3 of The Law Society of Jersey Law 2005.

3. Recruitment of lay members

3.1 The Appointments Commission has been involved throughout the process of advertising for and recruiting lay members to the Disciplinary Panel. The role of the Appointments Commission, as a member of the appointments panel, has included the following –

- Approving the role and person specifications, together with the advertisement, the information pack, and the media to be used;
- Agreeing the procedures to be followed;
- Chairing the steering group and the shortlisting and interviewing process;
- Ensuring that all the applicants were satisfactorily assessed against the published criteria; and
- Ensuring that the procedures and decisions were fully documented.

3.2 The position of lay member was advertised in the Jersey Gazette, and in addition a number of interested organisations were contacted directly. Fourteen expressions of interest were received from members of the public and this resulted in 8 applications. Following a shortlisting process it was decided to interview 7 of the applicants. All these applicants were satisfactorily assessed at interview against the agreed criteria, and the appointments panel therefore had no hesitation in making a unanimous recommendation to the Chief Minister that they should be appointed as lay members.

3.3 The Chief Minister is pleased to accept this recommendation, and further information about the 7 proposed appointees is given below –

- **Mr. Maurice Adrian des Forges**

Mr. Maurice des Forges retired last year from Mourants Limited where he had worked for 9 years as Head of Compliance. Prior to this Mr. des Forges worked from 1974 to 1997 as a Director/Company Secretary for TSB Fund Managers (Channel Islands) Limited. Mr. des Forges is a founder member and past president of the Rotary Club de la Manche.

- **Mrs. Sharon Eddie**

Mrs. Sharon Eddie has been Headteacher at Mont à l'Abbé School since September 2001, where she is responsible for leading a team of some 60 people. This work includes the coordination of a range of services for children aged from Nursery through to post-16, including teaching, transport, buildings and maintenance etc. Prior to her appointment in Jersey, Mrs. Eddie worked in a range of senior teaching posts in the West Midlands.

- **Mr. Robin Charles Hacquoil**

Mr. Robin Hacquoil served as a States member for 2 terms as the Deputy for St. Peter from 1996 to 2002. During this period he was the Vice-President of 3 different committees, as well as President of the Public

Services Committee. Mr. Hacquoil has also worked as a freelance management consultant, and from 1957 to 1987 he worked in the public sector in Canada.

- **Mr. Graham Edward Jennings**

Mr. Graham Jennings worked as Chief Executive to the Health and Social Services Committee from 1996 to 2002, having served as Deputy Chief Executive from 1989 to 1996. Mr. Jennings was employed in a variety of U.K. health settings from 1976 to 1985, prior to returning to work in Jersey in 1985 to work as post-graduate tutor to the Island's health service. He is also a committee member of the Foundation Trust responsible for the running of the Jersey Cheshire Home.

- **Captain Brian James Stuart Nibbs**

Captain Nibbs was employed as the Harbourmaster from 1997 to 2002, following which he worked as the Chief Executive Officer of Jersey Harbours from 2002 to 2004. Captain Nibbs has worked in both the public and private sectors in a variety of marine-related positions, and he now runs a consultancy practice that carries out a wide range of marine and non-marine consultancy projects. He is also President of the Sea Cadets, TS Jersey, and the Royal Life Saving Society (Jersey Branch).

- **Mrs. Pamela Margaret Nisbet**

Mrs. Pamela Nisbet is the director of a property company, and her previous employment includes extended periods as a company secretary and as a teacher of history and of young people with Special Educational Needs. Mrs. Nisbet worked as a Youth Court panellist at the Magistrate's Court from 1996 to 2005, and has also been a member of the St. Peter's honorary police.

- **Mr. Alfred David John Rosser**

Mr. David Rosser retired in October 2006 from his position as Director of Administration, Compliance Officer, and Company Secretary with Guardian Trust Company Limited, having worked for over 40 years in the financial services industry. This work included positions with Fidelity International (CI) Limited, Hill Samuel Jersey Limited, and the Bank of Wales (Jersey) Limited. Mr. Rosser continues to work on a part-time basis for a local trust company, where he provides in-house management and governance training for employees.

3.4 Subject to approval by the States, the lay members will serve for a term of office of 5 years, with this term commencing from the date of appointment by the States.

3.5 The 4 professional members of the Disciplinary Panel are appointed by the Law Society, in accordance with Article 18(4) of The Law Society of Jersey Law 2005. These appointments were made by the Law Society at their General Meeting on 2nd March 2007, and they are as follows –

- Mr. Anthony Paul Del Amo
- Mrs. Jacqueline Anne Richomme
- Advocate Nuno Manuel Camillo Santos-Costa
- Advocate Michael St. John O'Connell

3.6 As with the lay members, the professional members of the Disciplinary Panel will hold office for a term of 5 years.

4. Financial and manpower implications

4.1 Administrative support to the disciplinary panel and committees will be provided by the Law Society of Jersey. The lay members will be working in an honorary capacity, and there will therefore not be any financial or manpower implications for the States of Jersey.

5. Recommendation

5.1 The Chief Minister has been pleased by the calibre of the candidates who have been prepared to allow their names to go forward for consideration as lay members of the Disciplinary Panel. The work of the Disciplinary Panel will be time consuming and at times difficult, and I believe that the States is fortunate in having 7 individuals with the relevant skills and experience who are prepared to carry out this work in an honorary capacity. The States is accordingly asked to approve their appointment.

5.2 Subject to appointment by the States, the Law Society Disciplinary Panel will be fully constituted and will be able to commence its work in accordance with the Law Society of Jersey Law.