

STATES OF JERSEY



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

**Lodged au Greffe on 29th May 2012
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 appoint 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
Mr. Robin Charles Hacquoil
Mr. Graham Edward Jennings
Mrs. Pamela Margaret Nisbet
Mr. Alfred David John Rosser.

CHIEF MINISTER

REPORT

Background

The Law Society of Jersey Law 2005 came into force on 1st January 2007, its role to provide for the administration and disciplinary control of advocates and solicitors of the Royal Court.

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.

In accordance with Article 18(1) of the Law, the Disciplinary Panel consists of no less than 7 lay members, together with no less than 7 members of the legal profession. Complaints against legal practitioners are 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.

Until recently, a person appointed to the Disciplinary Panel was not eligible for re-appointment after his or her 5 year term of office had expired. However, an amendment brought forward by the former Chief Minister and adopted by the States on 15th September 2011 made provision for lay members to be eligible for re-appointment. The Law Society of Jersey (Amendment No. 3) (Jersey) Law 2012 was registered in the Royal Court on 27th April this year.

Re-appointment of lay members to the Disciplinary Panel

The Chief Minister, in pursuance of Article 18(2) of The Law Society of Jersey Law 2005, is pleased to recommend to the States that the following persons be re-appointed as lay members of the Disciplinary Panel of The Law Society of Jersey –

- Mr. Maurice Adrian des Forges
- Mr. Robin Charles Hacquoil
- Mr. Graham Edward Jennings
- Mrs. Pamela Margaret Nisbet
- Mr. Alfred David John Rosser.

Subject to approval by the States, the lay members will serve for a further term of 5 years, with their term commencing from the date of appointment by the States. Biographies for the candidates are provided at the Appendix.

It is desirable that these members are re-appointed because the Society is currently progressing with a detailed review of the Law Society of Jersey Law, in particular the disciplinary process created under the Law. Significant reforms are likely to arise from this review as a result of a disciplinary hearing that was appealed successfully.

The Chief Minister, having consulted with the Law Society, believes that it would be unwise for the Disciplinary Panel to lose the majority of its lay members at the same time, particularly because the disciplinary process is likely to change significantly following the review. It would thus be preferable for some members of the current Panel to remain in order to assist with the implementation of these changes.

Furthermore, the existing Disciplinary Panel, while it will have been in office for 5 years in accordance with the Law, has not been active continuously for that period of time, and there is a desire among members to give further active service to the Panel. It has particularly been a significant learning curve for the existing lay members, and they have now built up knowledge and experience which could be put to further use within the disciplinary process.

It is hoped that a feature of any amended disciplinary process would be a staggered retirement of the Panel, so that there is an overlap between new and experienced members in order for knowledge to be transferred. The Chief Minister also intends to bring forward a further proposition for the appointment of additional members to the Disciplinary Panel at a later date.

The Jersey Appointments Commission has confirmed that these appointments meet its eligibility criteria for re-appointments and are satisfied that the re-appointments should go ahead.

Recommendation

The Chief Minister is pleased to recommend the re-appointment of these persons as lay members of the Disciplinary Panel of the Law Society of Jersey. The work of the Disciplinary Panel is time-consuming and often difficult, and the Chief Minister believes that the States is fortunate to have 5 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 re-appointment.

Financial and manpower implications

Administrative support to the Disciplinary Panel and committees is provided by the Law Society of Jersey. The lay members work in an honorary capacity, and there are therefore no financial or manpower implications for the States of Jersey.

Mr. Maurice Adrian des Forges

Mr. Maurice des Forges retired in 2006 from Mourant 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.

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 UK health settings as a clinical lecturer/manager for the period 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.

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.