
STATES OF JERSEY



LAW SOCIETY DISCIPLINARY PANEL: RE-APPOINTMENT OF LAY MEMBERS

Presented to the States on 12th November 2018
by the Chief Minister

STATES GREFFE

REPORT

Background

The [Law Society of Jersey Law 2005](#) (as amended by [R&O.49/2018](#), [L.13/2018](#) and [L.18/2017](#)) provides for the administration and disciplinary control of advocates and solicitors of the Royal Court.

Article 18 makes provision for the appointment of a Disciplinary Panel to consider and adjudicate upon complaints against members of the legal profession who are practitioners of the Royal Court.

Article 18(1) states that –

- “(1) There shall be a disciplinary panel consisting of –
- (a) not less than 7 and not more than 15 fit and proper persons, as lay members of the panel; and
 - (b) not less than 7 and not more than 10 ordinary members of the Law Society.”.

Article 18(3) states that –

- “(3) A person shall be eligible for appointment to the disciplinary panel as a lay member if, but only if, he or she –
- (a) is not an advocate or solicitor; and
 - (b) is not admitted in any other jurisdiction as a legal practitioner.”.

Article 19 states that –

- “(1) A member of the disciplinary panel shall hold office for a term of 5 years to be specified in the member’s appointment.
- (2) The member shall be eligible for re-appointment.”.

Current lay membership of the Panel

The appointment of the following lay members of the Disciplinary Panel for a first term of office was approved by the States on 19th November 2013 under [P.104/2013](#) –

Mr. Paul John Battrick, M.B.E.
 Mr. Ian Berry
 Mrs. Annette Cullen
 Mr. (Patrick) David McGrath
 Professor Edward Sallis, O.B.E.*
 Mrs. Deborah Ann Thompson.

**Please note that Professor Sallis has since resigned as a lay member of the Panel due to other honorary commitments.*

Four lay members of the disciplinary panel retired in July 2017 (having completed 2 terms), and a further lay member retired in September 2018, having completed 9 years’ service.

Accordingly, the current lay membership consists only of the members listed above (excluding Professor Sallis for the reason given), who are now being recommended for re-appointment. In order to maintain compliance with Article 18(1), further recruitment to the lay membership will be necessary, and the Law Society intend to appoint up to 5 further lay members in early 2019, subject to due process.

Appointments process

Previously, the States Assembly have approved appointments to the Disciplinary Panel. This arrangement was amended by the States of Jersey (Appointment Procedures) (Jersey) Law 2018 ([L.13/2018](#), “the 2018 Law”) to the effect that such appointments are now made by the Chief Minister on the recommendation of the Jersey Appointments Commission, after consultation by the Commission with the Law Society. Article 2 of the 2018 Law requires the Chief Minister to provide at least 2 weeks’ notice to the States Assembly of his intention to make the re-appointments before they can be formally confirmed.

The Chief Executive Officer (“CEO”) of the Law Society wrote to the Chief Minister’s Office on 19th August 2018, requesting that the lay members mentioned above be re-appointed for a further 4-year term, effective from 19th November 2018.

The CEO confirmed that the recommendation of these appointments followed discussions with the Chairman of the Jersey Appointments Commission, during which it had been agreed that lay members of the Panel can be appointed for a total period not exceeding 9 years. This accords with the standard approach for public and quasi-public appointments that fall within the remit of the Commission.