

IN THE INDEPENDENT LEGAL SERVICES COMMISSION

AT SUVA

ILSC CASE NO. 009 OF 2019

BETWEEN : **CHIEF REGISTRAR**

APPLICANT

AND : **RAJENDRA PAL CHAUDHARY**

RESPONDENT

Counsel : **Mr T Laqekoro, Ms R Wati and Ms L Malani for the
Chief Registrar
Respondent in Person**

Date of Hearing : **9 July 2025**

Date of Decision : **3 March 2026**

Date of Sanction : **23 March 2026**

SANCTION

Introduction

[1] On 3 March 2026, I delivered judgment finding the Respondent, Rajendra Pal Chaudhry, guilty of two counts of professional misconduct arising from a Facebook post, dated 9 March 2018, the liability judgment. The Respondent was found to have breached Rule 3.2(i) of the Rules of Professional Conduct and Practice, constituting professional misconduct contrary to sections 83(1)(a) and 82(1)(a) of the Legal Practitioners Act 2009.

[2] Liability having been conclusively determined, the sole issue now before the Commission is the appropriate sanction to be imposed.

[3] I have carefully considered the Applicant's comprehensive submissions on sanction, which propose that the Respondent be struck off the Roll of Legal Practitioners. I have also considered the documentary evidence placed before the Commission, including the detailed precedent from the Philippines Supreme Court in *In Re Atty. Lorenzo G. Gadon's Viral Video Against Raissa Robles*, A.C. No. 13521, and the Respondent's prior disciplinary history.

Purpose of Disciplinary Sanctions

[4] This Commission has consistently held that disciplinary sanctions are protective, not punitive, and are imposed in the public interest. As stated in *Chief Registrar v Suresh Chandra*, ILSC No. 019 of 2021, sanctions must reflect:

- the seriousness of the misconduct;
- the standing and experience of the practitioner; and
- the need to preserve public confidence in the administration of justice.

[5] In *Chief Registrar v Singh* (2018) FJLSC 3, I emphasized at page 9:

"Any sanction that is imposed must send a clear message to the legal practitioners that should they fail to maintain the highest standards of integrity and reputation, they will be dealt with condign sanction. Soft sanctions will only encourage the legal practitioners to take a cavalier attitude to their responsibility to maintain a high standard of professionalism expected of them."

[6] The protective purposes of disciplinary proceedings include:

- protection of the public;
- maintenance of confidence in the legal profession;
- denunciation of conduct inconsistent with professional standards; and
- deterrence of similar misconduct by other practitioners.

Nature and Seriousness of the Misconduct

[7] The misconduct established in this case is serious, deliberate, and public. The two counts form a pattern of disregard for fundamental professional obligations.

[8] **Count 1** involved the Respondent publicly insulting and attacking three Justices of the Fiji Court of Appeal on Facebook, describing them as "lackeys of the regime" who "have no clue what they are talking about." This was not reasoned legal criticism but rather personal attacks on the integrity, competence, and independence of appellate judges.

[9] **Count 2** involved statements attacking the legitimacy of the legal framework and the judiciary, including assertions that the Legal Practitioners Decree 2009 was imposed following "an act of treason" and questioning the legitimacy of judicial authority.

[10] As I found in the liability judgment at paragraphs 69-79, the language used crossed the line from permissible criticism into impermissible denigration. The statements were:

- directed at the character and integrity of judges, not at legal reasoning;
- intemperate and inflammatory rather than measured and respectful;
- designed to provoke and ridicule rather than to illuminate;

- published on a widely accessible social media platform, exposing them to the public at large.

[11] Such conduct falls far below the standard expected of a legal practitioner and erodes public confidence in the administration of justice, particularly when it originates from a member of the legal profession.

Aggravating Factors

Senior Practitioner Status

[12] The Respondent has been admitted as a legal practitioner in the High Court of Fiji since 2005. At the time of the misconduct in 2018, he had been a legal practitioner for 13 years. He was also admitted in New South Wales, Australia, and in New Zealand. He was formerly a Partner in Gordon Chaudhry Lawyers in Fiji.

[13] His seniority and experience mean that his misconduct must be assessed against a higher professional benchmark. Senior practitioners are expected to exemplify the highest standards of professional conduct and to demonstrate respect for the judiciary. Instead, the Respondent's conduct set a poor example for younger practitioners and damaged the reputation of the profession.

Prior Disciplinary Finding

[14] This is not the first time the Respondent has breached Rule 3.2(i) of the Rules of Professional Conduct and Practice.

[15] In *Chief Registrar v Kini Marawai & Rajendra Pal Chaudhary* ILSC Case No. 002 of 2012, the Respondent was previously found guilty of professional misconduct involving discourtesy towards a judge of the High Court, which was also a breach of Rule 3.2(i). Although that misconduct occurred in

correspondence with the Chief Registrar and was not publicly disseminated, it nonetheless involved disrespect toward the judiciary.

[16] The present misconduct demonstrates that the Respondent has re-offended in a similar manner, but with significantly greater seriousness given that:

- the statements were published publicly on social media;
- the attacks were directed at multiple judges; and
- the attacks were directed at the judiciary as an institution.

[17] The fact that the Respondent has repeated similar misconduct demonstrates a pattern of disregard for professional standards and a failure to heed the prior disciplinary finding.

Contempt of Court Proceedings

[18] In addition to the prior disciplinary finding, there were contempt proceedings against the Respondent in Civil Action HBC No. 313 of 2018 (*Attorney-General of Fiji v Rajendra Pal Chaudhry*).

[19] Those proceedings were commenced before the High Court in Suva following an application by the Attorney-General seeking leave to apply for an order of committal against the Respondent for contempt of court. The application arose from a series of Facebook posts made by the Respondent containing statements directed at members of the judiciary and the judicial system.

[20] The Court found that the Respondent's statements were scandalous and defamatory toward the judiciary and were capable of undermining public confidence in the administration of justice. The Court held that the

Respondent's comments were directed toward senior members of the judiciary and the administration of the courts, including the Chief Justice and the Chief Registrar, and that such statements had the effect of damaging the dignity and reputation of the judiciary.

- [21] As a result of those findings, the Court imposed a custodial sentence of imprisonment together with a substantial monetary fine, reflecting the gravity of the Respondent's conduct and the seriousness with which contempt of court is regarded. The Respondent has neither served the sentence nor paid the fine, as he remains in New Zealand and is regarded as a fugitive.

Demonstrated Pattern of Disrespect

- [22] The Respondent's conduct in the present disciplinary proceedings mirrors the very behavior that led to the contempt conviction. In both instances:

- the Respondent made public statements through Facebook;
- the statements were derogatory and scandalous toward members of the judiciary; and
- the statements were capable of undermining public confidence in the administration of justice.

- [23] The Respondent's record therefore reflects a clear pattern:

- **2012** — disciplinary finding for discourtesy toward a High Court judge (ILSC Case No. 002 of 2012);
- **2018-2019** — contempt of court proceedings resulting in a substantial fine and custodial sentence; and
- **Present proceedings** — findings of professional misconduct for publicly denigrating three appellate judges and the Fiji judiciary.

- [24] This repeated misconduct demonstrates that the Respondent has failed to heed prior warnings or sanctions and continues to engage in conduct fundamentally inconsistent with the obligations of a legal practitioner.

Relevant Legal Principles

Standard for Disciplinary Sanctions

- [25] In *Advincula v Macabata* 546 Phil.431 (2007), endorsed by the Philippines Supreme Court in *Saldares v Saldares* A.C. No.10612, 31 January 2023 and cited in the Applicant's submissions, the Court stated:

"When deciding upon the appropriate sanction, the Court must consider that the primary purposes of disciplinary proceedings are to protect the public, to foster public confidence in the Bar, to preserve the integrity of the profession and to deter other lawyers from similar misconduct."

- [26] The Court further stated:

"The power to disbar or suspend ought always to be exercised on the preservative and not on the vindictive principle, with great caution and only for the most weighty reasons and only on clear cases of misconduct which seriously affect the standing and character of the lawyer as an officer of the court and member of the Bar. Only those acts which cause loss of moral character should merit disbarment or suspension, while those acts which neither affect nor erode the moral character of the lawyer should only justify a lesser sanction unless they are of such nature and to such extent as to clearly show the lawyer's unfitness to continue in the practice of law."

Loss of Moral Character

[27] In *Law Society of NSW v Marando* [2008] NSWADT 267, endorsed by this Commission in *Chief Registrar v Adish Kumar Narayan*, ILSC No. 09 of 2013, and *Chief Registrar v Tuituku* (2016) FJILSC 5, professional misconduct was defined as:

"conduct which would reasonably be regarded as disgraceful or dishonourable by professional colleagues of good repute and competency."

[28] In *Re A Barrister and Solicitor of Auckland*, HC Auckland AP 59-SWO1 (10 December 2001), adopted by this Commission in *Chief Registrar v Robinson Kamal Prasad*, ILSC No. 012 of 2020, the Court stated:

"Both in law and in ordinary speech the term misconduct usually implies an act done willfully with a wrong intention, and conveys the idea of intentional wrongdoing. The term implies fault beyond the error of judgment—a wrongful intention, and not a mere error of judgment."

[29] The Respondent's Facebook post was not an error of judgment. It was a deliberate decision to publicly denigrate judges using intemperate and disrespectful language. The wrong intention is evident from the language itself, which was designed to attack and undermine rather than to engage in reasoned discourse.

Comparable Precedent

[30] The Applicant relies on the recent decision of the Philippines Supreme Court sitting *En Banc* in *In Re Atty. Lorenzo G. Gadon's Viral Video Against Raissa Robles*, A.C. No. 13521, where the Court ordered the disbarment of

Attorney Lorenzo G. Gadon for publicly attacking judicial officers and engaging in abusive conduct.

[31] In that case, Attorney Gadon made a viral video containing profanities directed at a journalist. The Supreme Court noted that this was not the first time Attorney Gadon had displayed similar behavior. He had previously:

- publicly insulted supporters of the former Chief Justice of Philippines;
- made inflammatory statements about various matters;
- been warned in a prior administrative case to be more circumspect with his actions; and
- faced numerous other administrative complaints.

[32] The Supreme Court emphasized that possession of good moral character is a core qualification for members of the bar, citing *Saldares v Saldares* A.C. No.10612, 31 January 2023:

"Time and again this Court has reminded the members of the legal profession that one of the qualifications required of a candidate for admission to the bar is the possession of good moral character, and, when one who has already been admitted to the bar clearly shows, by a series of acts, that he/she does not follow such moral principles as should govern the conduct of an upright person, ... it is the duty of the court, as guardian of the interests of society, as well as of the preservation of the ideal standard of professional conduct, to make use of its powers to deprive him/her of his professional attributes which he/she so unworthily abused."

[33] The Court also adopted the principle from *Tollado v Racoma* A.M. No. RTJ-22-022, 23 August, 2022:

"Indeed, unfounded criticisms against members of the Judiciary degrade the judicial office and greatly interfere with the due performance of their functions in the Judiciary. They not only needlessly drain the resources of the Court in resolving them, they sow the seeds of distrust of the public against members of the Judiciary."

[34] Importantly, the Supreme Court held that where a lawyer's conduct demonstrates a pattern of disrespect and a disregard for professional standards, disbarment may be necessary to protect the integrity of the legal profession and maintain public confidence in the administration of justice.

[35] The Court found that Attorney Gadon's conduct merited the supreme penalty of disbarment, noting:

"This Court once again reminds all lawyers that they, of all classes and professions, are most sacredly bound to uphold the law. The privilege to practice law is bestowed only upon individuals who are competent intellectually, academically and, equally important, morally."

Similarities to the Present Case

[36] There are striking similarities between the *Gadon* case and the present case:

- Both involved public attacks on judicial officers;
- Both involved the use of social media platforms;
- Both involved deliberate, calculated misconduct;

- Both involved practitioners with prior disciplinary findings;
- Both demonstrated a pattern of disrespect toward the judiciary;
- Both involved failure to heed prior warnings.

[37] In Attorney Gadon's case, the pattern included:

- Prior administrative case with warning;
- Subsequent misconduct that was more serious and public.

[38] In the Respondent's case, the pattern includes:

- 2012 disciplinary finding for discourtesy;
- 2018-2019 contempt conviction with custodial sentence and fine;
- Present findings of professional misconduct for publicly denigrating appellate judges.

[39] If anything, the Respondent's pattern is more aggravated, as it includes not only a prior disciplinary finding but also a criminal contempt conviction with imprisonment.

Assessment of Fitness to Practice

[40] A practitioner who repeatedly re-offends by committing misconduct of a similar nature through a series of acts demonstrates a continuing disregard for the professional and ethical standards of the legal profession.

[41] The central question is whether the Respondent is a fit and proper person to continue to practice law.

[42] The evidence before this Commission demonstrates:

- The Respondent has been found guilty of discourtesy to the judiciary on three separate occasions (2012 disciplinary finding, 2018-2019 contempt conviction, present disciplinary finding);
- Each successive incident has been more serious and more public than the previous one;
- The Respondent has not learned from prior sanctions;
- The Respondent has demonstrated a persistent pattern of publicly attacking and denigrating judicial officers;
- The Respondent's conduct undermines public confidence in the administration of justice.

[43] The Respondent's repeated misconduct, despite prior disciplinary sanction and a criminal contempt conviction, indicates that he either:

- does not understand the fundamental obligations of a legal practitioner to respect the judiciary; or
- understands those obligations but chooses to disregard them.

[44] Either conclusion leads to the same result: the Respondent is not fit to continue to practice law.

[45] As I stated in the liability judgment at paragraph 76:

"The proper response to concerns about judicial independence is through appropriate institutional mechanisms, reasoned public discourse, and if necessary, appeals to higher courts. It is not through Facebook posts describing judges as incompetent lackeys."

[46] The Respondent has consistently chosen to publicly attack and denigrate judges rather than to engage through appropriate professional channels. This demonstrates a fundamental failure to understand or accept the duties of a legal practitioner.

Consideration of Sanctions

[47] The approach to imposition of sanction involves the following steps:

- An assessment of the seriousness of the misconduct;
- Identification of the purpose for which the sanction is imposed;
- Selection of the sanction which most appropriately fulfills that purpose.

Available Sanctions

[48] Section 121(1) of the Legal Practitioners Act 2009 provides the Commission with a range of sanctions, including:

- Reprimand;
- Fine;
- Suspension from practice for a specified period;
- Striking off from the Roll;
- Any other order the Commission thinks fit.

Analysis of Appropriate Sanction

[49] Given the seriousness of the misconduct, the aggravating factors, and the need to protect the public and maintain confidence in the legal profession, I must consider whether any sanction short of striking off would be adequate.

[50] **Reprimand** would be wholly inadequate. The Respondent has already received prior disciplinary sanctions and a contempt conviction, yet

continues to engage in similar misconduct. A reprimand would send entirely the wrong message to the legal profession and the public.

[51] **Fine** alone would be insufficient. While a monetary penalty may have some deterrent effect, it does not address the fundamental question of whether the Respondent is fit to practice law. The Respondent has already been fined in the contempt proceedings, yet continued to commit similar misconduct.

[52] **Suspension** would ordinarily be appropriate for serious professional misconduct. However, suspension is based on the premise that the practitioner will reform their conduct during the period of suspension and return to practice with a renewed commitment to professional standards.

[53] In this case, the Respondent's history gives no basis for confidence that suspension would achieve that purpose:

- After the 2012 disciplinary finding, the Respondent committed more serious misconduct leading to contempt conviction;
- After the contempt conviction (which included imprisonment and a fine), the Respondent has now been found guilty of further serious professional misconduct;
- The pattern is one of escalation, not reform.

[54] Moreover, it must be noted that the Respondent has not held a valid practicing certificate in Fiji since 5 October 2012. He has been practicing in New Zealand since 2015. The misconduct occurred while he was not practicing in Fiji. A suspension would therefore have limited practical effect and would not adequately protect the public or maintain confidence in the Fiji legal profession.

- [55] **Striking off** is the most serious sanction available to the Commission. It is reserved for cases where the practitioner's conduct demonstrates that they are not fit to be a member of the legal profession.
- [56] This is such a case. The Respondent has shown, by a series of acts over more than a decade, that he does not follow the moral principles that should govern the conduct of a legal practitioner. He has repeatedly and publicly denigrated judicial officers in a manner that undermines public confidence in the administration of justice.
- [57] The privilege to practice law carries with it the obligation to uphold the dignity of the courts and the legal profession at all times. Where a lawyer's conduct demonstrates a pattern of disrespect and a disregard for professional standards, striking off may be necessary to protect the integrity of the legal profession and maintain public confidence in the administration of justice.

Deterrence

- [58] An important purpose of disciplinary sanctions is deterrence—both specific deterrence (deterring this practitioner from future misconduct) and general deterrence (deterring other practitioners from similar misconduct).
- [59] Lesser sanctions have failed to achieve specific deterrence in this case. The 2012 disciplinary finding did not deter the Respondent from committing contempt. The contempt conviction (including imprisonment and a fine) did not deter the Respondent from the misconduct that is the subject of these proceedings.
- [60] General deterrence is equally important. Legal practitioners must understand that public attacks on judicial officers will not be tolerated. As

I stated in *Chief Registrar v Singh*, soft sanctions will only encourage practitioners to take a cavalier attitude to their professional responsibilities.

[61] If a practitioner with the Respondent's history—three separate findings of misconduct toward the judiciary over a decade—were to receive any sanction less than striking off, it would send a message that attacks on the judiciary are not treated with appropriate seriousness by the disciplinary system.

Protection of Public

[62] The paramount duty of this Commission is protection of the public. This includes:

- protecting clients from unfit practitioners;
- protecting the administration of justice from conduct that undermines public confidence; and
- protecting the reputation of the legal profession.

[63] The Respondent's conduct poses a threat to the administration of justice. His public attacks on judicial officers undermine public confidence in the judiciary and create the impression that judges are incompetent or biased.

[64] Moreover, the Respondent's persistent pattern of such conduct, despite prior sanctions, demonstrates that he cannot be trusted to uphold the standards of the profession.

[65] The only sanction that adequately protects the public is removal of the Respondent from the Roll of Legal Practitioners.

Absence of Mitigating Factors

[66] I have considered whether there are any mitigating factors that would warrant a lesser sanction.

[67] The Respondent has not expressed remorse or acknowledged the wrongfulness of his conduct. Throughout these proceedings, he has maintained that his comments were justified. While he is entitled to defend the charges, the absence of any acknowledgment of wrongdoing is relevant to sanction.

[68] There is no evidence of:

- Remorse or apology;
- Recognition of the harm caused by the misconduct;
- Steps taken to prevent recurrence;
- Rehabilitation since the misconduct.

[69] The only potentially mitigating factor is the significant delay in these proceedings. The misconduct occurred in March 2018, and the liability judgment was not delivered until March 2026—a delay of eight years. However, this delay does not diminish the seriousness of the misconduct or the need to protect the public and the profession.

Proportionality

[70] I must consider whether striking off is proportionate to the misconduct established.

[71] The misconduct in this case involves:

- Deliberate, public attacks on three appellate judges;

- Attacks on the judiciary as an institution;
- Use of intemperate, disrespectful language designed to undermine judicial authority;
- Publication on social media to a wide audience;
- Conduct by a senior, experienced practitioner who should have known better;
- Prior disciplinary finding for similar misconduct;
- Prior contempt conviction for similar conduct;
- No evidence of reform or remorse.

[72] When all these factors are considered together, striking off is not only proportionate but necessary.

[73] The Respondent's conduct strikes at the heart of the administration of justice. Respect for the judiciary is fundamental to the rule of law. Legal practitioners, of all people, must maintain that respect. When a practitioner repeatedly and publicly denigrates judicial officers, despite prior sanctions, they demonstrate that they are unfit to be a member of the profession.

Conclusion

[74] For the reasons set out in this judgment, I am satisfied that the appropriate sanction is that the Respondent be struck off the Roll of Legal Practitioners of the High Court of Fiji.

[75] This sanction is necessary to:

- protect the public;
- maintain confidence in the legal profession;
- preserve the integrity and independence of the judiciary;
- deter other practitioners from similar misconduct; and

- denounce conduct that is fundamentally inconsistent with the obligations of a legal practitioner.

[76] The Respondent has shown, by a series of acts over more than a decade, that he does not possess the good moral character required to remain a member of the legal profession. He has repeatedly and deliberately engaged in conduct that undermines public confidence in the judiciary, despite prior sanctions. No lesser sanction would be adequate.

Order

[77] Pursuant to section 121(1)(a) of the Legal Practitioners Act 2009, I order that:

1. The Respondent, Rajendra Pal Chaudhry, be struck off the Roll of Legal Practitioners of the High Court of Fiji.
2. The Chief Registrar shall remove the name of Rajendra Pal Chaudhry from the Roll of Legal Practitioners of the High Court of Fiji.
3. Notice of this order shall be published in the Fiji Government Gazette.
4. A copy of the liability judgment and this order shall be forwarded to the Law Society of New South Wales, Australia, and the New Zealand Law Society, where the Respondent is also admitted, for such action as those bodies deem appropriate.



Justice Daniel Goundar
COMMISSIONER

Solicitors:

Legal Practitioners Unit for the Applicant
Respondent in Person