

BEFORE THE HONORABLE SUPREME COURT OF REPUBLIC OF LIBERIA
SITTING IN ITS MARCH TERM, A.D. 2021

BEFORE HIS HONOR: FRANCIS S. KORKPOR, SR.....CHIEF JUSTICE
BEFORE HER HONOR: JAMESETTA H. WOLOKOLIE.....ASSOCIATE JUSTICE
BEFORE HER HONOR: SIE-A-NYENE G. YUOHASSOCIATE JUSTICE
BEFORE HIS HONOR: JOSEPH N. NAGBE.....ASSOCIATE JUSTICE
BEFORE HIS HONOR: YUSSIF D. KABA.....ASSOCIATE JUSTICE

In Re: Judicial Inquiry Commission Report in the case: Liberian National Bar Association (LNBA) by and through its National President, Cllr. Tiawon S. Gongloe vs. Counsellor A. Ndubuisi Nwabudike.

HEARD: June 23, 2021

DECIDED: August 25, 2021.

MR. CHIEF JUSTICE KORKPOR DELIVERED THE OPINION OF THE COURT

The genesis of this case reveals that while serving as Chairman of the Anti-Corruption Commission, (LACC) sometime in 2020, Cllr. A. Ndubuisi Nwabudike was nominated by the President of Liberia as Chairman of the National Elections Commission (NEC). During his confirmation hearing at the Liberian Senate, some Senators raised concerns about inconsistencies in the documents submitted by him, particularly his date of birth on his Liberian Passport, University of Liberia Transcript and Naturalization Certificate. While the confirmation hearing was ongoing the President of the Liberian National Bar Association (LNBA) Cllr. Tiawan S. Gongloe, informed the public that the LNBA would investigate CLLR. Nwabudike. Subsequently, the Grievance and Ethics Committee (GEC) of the LNBA invited Cllr. Nwabudike to appear for investigation but he failed to do so, questioning the jurisdiction of the GEC of the LNBA over the issue, subject of the investigation. The GEC of the LNBA proceeded to carry on the investigation *ex parte*. At the end of the investigation, the LNBA took a position expelling Cllr. Nwabudike from the LNBA. A communication from the President of the LNBA dated June 25, 2020, informed the public that “Cllr. A. Ndubuisi Nwabudiki is no more a member of the Liberian National Bar Association and therefore, does not enjoy the rights and privileges that members of the LNBA are entitled to before the courts of the Republic.”

Subsequently on September 14, 2020, the LNBA, by and through its President, Cllr. Tiawan S. Gongloe (complainant) addressed a letter of complaint to the Chief Justice of the Supreme Court of Liberia, His Honor Francis S. Korkpor, Sr., against Cllr. A. Ndubuisi Nwabudike (respondent) stating amongst other things, that Cllr. Nwabudike, a citizen of the Federal Republic of Nigeria, illegally gained admission to the practice of law in Liberia in violation of the New Judiciary Law which requires that an applicant to be admitted to practice of law in Liberia must be a Liberian citizen. The complainant requested the Chief Justice to have

Counsellor Nwabudike appear before the Grievance and Ethics Committee (GEC) of the Supreme Court of Liberia for investigation and thereafter revoke his admission to the Bar, and subsequently disbar him from the practice of law in Liberia because, according to the complainant, the respondent had gained admission to the practice of Law in Liberia by fraud, deceit and misrepresentation. For the benefit of this opinion, we quote the full text of the letter of complaint received from the LNBA:

“Liberian National Bar Association

Law Library Building
Ashmun Street (Opposite Centennial Pavilion)
P. O. Box 10-1056
Monrovia, Liberia

Tel: (+231) 886-790-450/770- 790- 450 - (+231) 880-181-341/777-768-813 Email:
iberiannationalbar@gmail.com

September 14, 2020

His Honor Francis S. Korkpor, Sr.
Chief Justice, Supreme Court, Republic of Liberia
Temple of Justice, Monrovia

May It Please Your Honor:

In Re: Complaint of the Liberian National Bar Association against Cllr. A. N. Nwabudike
for gaining admission to the Practice of Law in Liberia by fraud, deceit and
misrepresentation:

The Liberian National Bar Association (LNBA) acting through its National Executive Council hereby complains of the manner in which Cllr. A. N. Nwabudike gained admission to the practice of law in Liberia and most respectfully requests this Honorable Court to have him forwarded to the Grievance and Ethics Committee of the Supreme Court of Liberia for further investigation and thereafter revoke his admission to the Bar, and subsequently disbar him from the practice of law in Liberia, because its internal investigation has established that Cllr. Nwabudike, a citizen of the Federal Republic of Nigeria, gained admission to the practice of law in Liberia in flagrant violation of section 17.1 of the Judiciary Law, especially the part of said section that requires that an applicant be a Liberian citizen. Section 17.1 of the Judiciary Law provides: "A person applying for admission to the Bar as an attorney must **be a citizen of this Republic**, have attained age of twenty-one years, and be examined and licensed to practice as prescribed in this chapter."(Emphasis supplied).

The request of the LNBA is based on a decision taken by the National Executive Council of the LNBA on June 18, 2020, by a two-third majority of the members of the National Executive Council, consistent with Article II, Section IX of the Constitution and By-Laws of the Liberian National Bar Association which states: "**Any member may, after due inquiry, be disciplined by means of suspension or expulsion from membership of the Association for proven gross misconduct in his relations to the Association or in his professional undertaking upon two-third vote of the membership of the National Executive Council**".

The decision of the LNBA was an outcome of an inquiry conducted by the Grievance and Ethics Committee of the LNBA about the Liberian citizenship of Cllr. A. Ndubusi Nwabudike as mandated by the National Executive Council.

Your Honor, the National Executive Council of the Liberian National Bar Association felt a compelling need to conduct a full investigation relative to the citizenship of Cllr. A. Ndubusi Nwabudike because during his appearance before the Liberian Senate for his confirmation for the position of Chairman of the National Elections Commission, his answers to questions posed to him by members of the Liberian Senate relative to his citizenship created doubts over the authenticity of his Liberian citizenship. The public then began to openly raise questions about how Cllr. Nwabudike became a member of the LNBA, when he could not prove his Liberian citizenship. In order to be in the position to answer the several questions raised by the public with a high degree of certainty and to restore public confidence in the LNBA, the National Executive Council of the LNBA mandated its Grievance and Ethics Committee to launch a full-scale inquiry into this matter and submit its report to the National Executive Council. Your Honor, it is important to underscore the fact that Cllr. Nwabudike was accorded his right to due process before the LNBA took the decision to expel him from its membership. The following is a summary of how the LNBA proceeded:

1. On Tuesday, March 31, 2020, the President of the LNBA wrote the Grievance Ethics Committee of the LNBA based upon a decision taken by the National Executive Council, mandating it to investigate and submit its report regarding the issue of the citizenship of Cllr. A. N. Nwabudike, given the level of public debate that had arisen over this issue and the cloud it had created over the integrity of the process of admission to the practice of law in Liberia; and
2. On April 3, 2020, the Grievance and Ethics Committee sent a letter to Cllr. A. Ndubuisi Nwabudike, informing him of the mandate of the National Executive Council and invited him to appear before the committee with all relevant documents in support of his claim of Liberian citizenship. Also, the Committee simultaneously communicated with the Liberian Immigration Service (LIS), the Clerk of the First Judicial Circuit, Criminal Assizes "B", the Dean of the Louis Arthur Grimes School of Law and the Clerk of the Supreme Court, in order to independently acquire relevant information pertaining to the citizenship of Cllr. Nwabudike.

Interestingly, on April 6, 2020, Cllr. Nwabudike wrote the Grievance and Ethics Committee of the LNBA in which he (1) questioned the basis of the investigation, contending that there was no complaint before the LNBA "challenging his citizenship"; (2) contended that he had not violated any provision of the Code of Professional Ethics governing the conduct of lawyers; (3) argued that citizenship is given by the Government of Liberia and it is only the Government of Liberia that can challenge or revoke it; and (4) erroneously argued that the issue of his citizenship was now moot, since the issue was not raised when he was admitted as Attorney-at-Law and subsequently as Counselor-at-Law. Cllr. Nwabudike, however promised to meet with the Grievance and Ethics Committee, in order to provide it further clarification. He copied the Chief Justice of the Honorable Supreme Court and the Minister of Justice on his response to the letter from the Grievance and Ethics Committee.

On April 13, 2020, Cllr. Nwabudike was written a letter inviting him to appear before the Grievance and Ethics Committee on April 24, 2020, at 11:00AM, but he did not appear. Again, on April 27, 2020, Cllr. Nwabudike was sent a letter to appear before the same committee for investigation on April 30, 2020, at 11:00AM, but he did not appear. Further, on May 6, 2020, Cllr. Nwabudike was written a letter to appear before the committee for a hearing on May 8, 2020, but he did not appear. On May 18, 2020, Cllr. Nwabudike was written to appear before the committee on May 27, 2020, for investigation, but he did not show up. Additionally, the Committee, invited him through two publications in the Inquirer Newspaper on May 11, 2020, and May 15, 2020 for appearance, but he failed to appear. These publications were also sent to Cllr. Nwabudike via DHL, yet he failed, and refused to appear, in complete disregard for the Liberian National Bar Association.

The LNBA is, however, aware that the decision to disbar or remove an Attorney or Counselor-at-Law from the practice of law in Liberia rests with the Supreme Court of Liberia, in keeping with *Chapter 17, Section 17.7.1 of the Judiciary Law* which provides: "The Supreme Court shall have power and control over all Attorneys and Counselors at law and all persons practicing or assuming to practice law and is hereby authorized to censure, suspend from practice or remove from office any Attorney or Counselor at law admitted to practice who is guilty of professional misconduct, malpractice, fraud, deceit, crime or misdemeanor or any conduct prejudicial to the administration of justice and is further authorized to revoke such admission for any misrepresentation or suppression of any information in connection with his application for admission to practice..."

The LNBA most respectfully requests this Honorable Court to take Judicial Notice of the fact that the manner in which Cllr. Nwabudike gained admission to the Bar exposed the LNBA and the Judiciary to public ridicule as members of the general public are openly questioning the integrity of the process of admission to the practice of law in Liberia when the issue was first made known during his confirmation hearing for the position of Chairman of the National Elections Commission.

In view of the defiant posture of Cllr. Nwabudike, as demonstrated by his deliberate failure and refusal to honor all the citations sent to him to appear before the Grievance and Ethics Committee as was mandated by the National Executive Council of the LNBA to conduct an investigation relative to Cllr. Nwabudike's Liberian citizenship, the Committee then proceeded to carry out its mandate by relying on independent sources for information on the validity of Cllr. Nwabudike's Liberian citizenship. The following information was obtained by the Committee regarding Cllr. Nwabudike's Liberian citizenship:

1. On April 3, 2020, the Liberian Immigration Service wrote a letter informing the Grievance and Ethics Committee that it did not have any record on Cllr. Nwabudike's legal residency status or naturalization in Liberia;
2. On April 6, 2020, the Committee obtained a Clerk's Certificate from the Clerk of the First Judicial Circuit, Criminal Assizes "B" Temple of Justice, informing the Committee that it had no record on Cllr. Nwabudike's residency or naturalization status;
3. From documents obtained from the Senate Confirmation hearing of Cllr. Nwabudike and the pleadings in the record of the Civil Law Court on a Petition for Declaratory Judgment filed by him, the Grievance and Ethics Committee found the following inconsistent information:
 - a. A purported Certificate of Naturalization presented to the Liberian Senate by Cllr. Nwabudike shows that he was issued same by Criminal Court "B" at the Temple of Justice on May 13, 1982, when in fact that court was called the People's Criminal Court "B" during the regime of the People's Redemption Council (PRC), thereby creating more doubt;
 - b. A perusal of his various passports and other relevant instruments shows his birth dates as October 19, 1960, October 2, 1963, October 2, 1965 and October 2, 1969.
 - c. His 2004 Liberian Passport carries his date of birth as October 2, 1963, and his name as A. Nkwuka Ndubuisi Nwabudike, instead of the name that appears on the rosters of the Liberian National Bar Association and Supreme Court Bar which is A. Ndubuisi Nwabudike;

- d. His Liberian National Identification card#7430120948 carries his date of birth as October 2, 1969, and his name as A. Ndubuisi Nkwuka Nwabudike; and
- e. His application for marriage certificate dated January 22, 1992, filled by himself in his handwriting carries his name as A. Ndubuisi Nwabudike, with his date of birth as October 19, 1960, and his nationality as Nigerian.

Based on the information received from the Liberia Immigration Service and the First Judicial Circuit, Criminal Assizes "B" that there is no record to support Cllr. Nwabudike's claim of Liberian citizenship, the existence of information showing gross inconsistency in his dates of birth and names, as well as, the fact that in his application to the Marriage Registry, he declared in his own handwriting in 1992 that he was a Nigerian Citizen, the only valid, logical and common-sense conclusion that could be reached by the Grievance and Ethics Committee of the Liberian National Bar Association was that he became a member of the Liberian National Bar Association through fraud and misrepresentation. It is a well-settled common law principle that fraud vitiates everything.

The Committee, therefore, recommended that Cllr. A. Nbudusi Nwabudike be expelled, consistent with Article II Section IX of the Constitution and By-Laws of the Liberian National Bar Association, which provides, "Any member may, after inquiry, be disciplined by means of suspension or expulsion from membership of the Association for proven gross misconduct in his relations to the Association or in his professional undertaking upon two-thirds votes of the Membership of the National Executive Council." At a meeting of the National Executive Council held at 3:00PM, on June 18, 2020, at the headquarters of the Liberian National Bar Association, the Grievance and Ethics Committee's recommendation that Cllr. A. Nbudusi Nwabudike be expelled was approved by a vote of two thirds members of the National Executive Council of the Liberian National Bar Association. Hence, Cllr. A. N. Nwabudike was expelled from the membership of the Liberian National Bar Association.

The LNBA is, however, aware that the decision to disbar or remove an Attorney or Counselor-at-law from the practice of law in Liberia resides with the Supreme Court under chapter 17, section 17.7.1 of the Judiciary Law which provides: "***The Supreme Court shall have power and control over all attorneys and counselors-at-law and all persons practicing or assuming to practice law and is hereby authorized to censure, suspend from practice or remove from office any Attorney-at-law or Counselor-at-law admitted to practice who is guilty of professional misconduct, malpractice, fraud, deceit, crime or misdemeanor or any conduct prejudicial to the administration of justice and is further authorized to revoke such admission for any misrepresentation or suppression of any information in connection with his application for admission to practice...***"

In view of the foregoing, the LNBA prays the Honorable the Supreme Court of Liberia to have Cllr. A. Nduibuis Nwabudike forwarded to the Grievance and Ethics Committee of the Supreme Court of Liberia for investigation, and thereafter revoke his admission to the Bar, and subsequently disbar him from the practice of law in Liberia, because he gained admission to the practice of law in Liberia by fraud, deceit and misrepresentation.

Respectfully submitted:

Taiwan S. Gongloe (CLLR)
National President
Liberian National Bar Association

See attached the below documents:

- a. President of LNBA's letter of March 31, 2020, to the Grievance and Ethic Committee;
- b. Grievance and Ethics Committee's letter of April 2, 2020, to Cllr. Nwabudike;
- c. Cllr. Nwabudike's letter of April 6, 2020, to the Grievance and Ethics Committee;
- d. Grievance and Ethics Committee's letter of April 13, 2020, April 27, 2020, April 30, 2020, May 6, 2020, May 18, 2020;
- e. Newspaper publication of May 11, 2020, and May 15, 2020, and DHL Courier;
- f. Liberia Immigration Services' (LIS) letter of April 3, 2020, to Grievance and Ethics Committee;
- g. Clerk's Certificate issued on April 6, 2020, by the Criminal Court Assizes "B";
- h. Cllr. Nwabudike's Certificate of Naturalization;
- i. Cllr. Nwabudike's Liberian Passport and National I.D. Card and application for marriage certificate and academic transcript.
- j. Transcript from the Regional Planning Department, University of Liberia".

The Chief Justice, in keeping with the procedure relating to complaints file against lawyers for professional and ethical misconduct, forwarded the complaint to the GEC of the Supreme Court of Liberia, by and through its Chairman, Cllr. George E. Henries, for full investigation with instruction that upon the completion of investigation, the GEC of the Supreme should submit its report to the Supreme Court of Liberia through the Chief Justice for review and appropriate consideration. The GEC of the Supreme Court forwarded a copy of the complaint to Cllr. Nwabudike and directed him to file his response to the complaint in seven days. The records show that the respondent filed his response within the period required.

In his response, the respondent requested the GEC of the Supreme Court to refuse jurisdiction over the complaint filed against him by the LNBA for reasons he stated in a formal written response filed, the full text of which we quote as follow:

“Office of the Grievance & Ethics Committee
Room #015, Ground Floor
Temple of Justice Building
Monrovia, Republic of Liberia

CLLR. A. NDUBUISI NWABUDIKE'S RESPONSE TO THE COMPLAINT OF CLLR. TIAWAN S. GONGLOE, NATIONAL PRESIDENT, LIBERIAN NATIONAL BAR ASSOCIATION (LNBA).

Cllr. A. Ndubuisi Nwabudike in response to the Complaint of Cllr. Taiwan S. Gongloe, National President, Liberian National Bar Association (LNBA), says the following:

1. Cllr. A. Ndubuisi Nwabudike says that while serving as Chairman of the Liberia Anti-Corruption Commission (LACC), he was nominated by the President of the Republic

of Liberia, His Excellency George Manneh Weah as Chairman of the National Elections Commission of the Republic of Liberia, subject to confirmation by the Liberian Senate. During Cllr. A. Ndubuisi Nwabudike's Confirmation Hearing, some senators raised concern about alleged inconsistency in Cllr. A. Ndubuisi Nwabudike's Passport, University Records and Naturalization Certificate which was prolonging the confirmation hearing for which the President of the Republic of Liberia, for reasons not expressed, saw it prudent to withdraw the nomination of Cllr. A. Ndubuisi Nwabudike as Chairman of the National Elections Commission of Liberia.

2. That while the said hearing was ongoing, the President and Secretary General of the LNBA informed the public through various media houses that the LNBA was going to investigate the naturalization of Cllr. A. Ndubuisi Nwabudike. Subsequent, immediately after the withdrawal of Cllr. A. Ndubuisi Nwabudike's nomination by His Excellency George Manneh Weah, President of the Republic of Liberia, the National Executive Council of the Liberian National Bar Association adopted a resolution that authorized its Executive Committee to mandate the Grievance and Ethics Committee of the Bar to conduct an investigation into an alleged ethical breach by Cllr. A. Ndubuisi Nwabudike in respect of his Liberian naturalization and citizenship. Attached hereto and marked as Cllr. A. Ndubuisi Nwabudike's Exhibit "ANN/1" is a copy of the Board Resolution of the Liberia National Bar Association (LNBA) in substantiation of the averment contained herein.
3. That based upon the Board Resolution of the Liberian National Bar Association, the Grievance and Ethics Committee of the Liberian National Bar Association, on April 3, 2020, wrote a letter to Cllr. A. Ndubuisi Nwabudike, informing said Cllr. A. Ndubuisi Nwabudike that the Grievance and Ethics Committee has been mandated by the National Executive Committee by and through its President, Cllr. Taiwan S. Gongloe, to conduct an investigation and submit its findings to the Executive Committee of the Liberia National Bar Association (LNBA) surrounding Cllr. A. Ndubuisi Nwabudike's naturalization as a Liberian Citizen and requested Cllr. A. Ndubuisi Nwabudike to submit all documents relating to his naturalization as a citizen of Liberia.
4. That Cllr. A. Ndubuisi Nwabudike in response to the Grievance and Ethics Committee's letter of April 3, 2020, informed the Grievance and Ethics Committee that there was no complaint pending before the Grievance and Ethics Committee challenging Cllr. A. Ndubuisi Nwabudike's citizenship or a complaint alleging violation of any code governing the moral and ethical conduct of lawyers to warrant investigation, and that citizenship and naturalization is granted by the Republic of Liberia and can only be challenged or revoked by the Republic of Liberia acting through the Minister of Justice & Attorney General. Attached hereto and marked as Cllr. A. Ndubuisi Nwabudike's Exhibit "ANN/2" is a copy of Cllr. A. Ndubuisi Nwabudike's Response to the Grievance and Ethics Committee's Letter of April 3, 2020, in substantiation of the averment contained herein.
5. That notwithstanding Cllr. A. Ndubuisi Nwabudike's information to the Liberian National Bar Association through its Grievance and Ethics Committee that the Liberian National Bar Association lacks subject matter jurisdiction to investigate Cllr. A. Ndubuisi Nwabudike's naturalization and citizenship and the lack of a complaint before the Liberia National Bar Association (LNBA), the Liberian National Bar Association's Grievance and Ethics Committee wrote a letter to Cllr. A. Ndubuisi Nwabudike dated April 7, 2020, acknowledging receipt of Cllr. A. Ndubuisi Nwabudike's response to its letter of April 3, 2020, "concerning your Liberia citizenship", and cited Cllr. A. Ndubuisi Nwabudike to appear before it on Friday, April 10, 2020, at the hour of 12:00 noon, to provide clarification as it relates to Cllr. A. Ndubuisi Nwabudike's naturalization and citizenship. Attached hereto and marked as Cllr. A. Ndubuisi Nwabudike's Exhibit "ANN/3" is a copy of said communication in substantiation of the averment contained herein.

6. That despite the averment contained in count five (5) above, the Liberian National Bar Association's Grievance and Ethics Committee proceeded with its investigation, without the participation of Cllr. A. Ndubuisi Nwabudike, at the conclusion of which the Liberian National Bar Association, without serving Cllr. A. Ndubuisi Nwabudike copies of the findings and conclusion of its investigation and the decision pursuant thereto on Cllr. A. Ndubuisi Nwabudike as is mandatorily required by law, issued a Press Release expelling Cllr. A. Ndubuisi Nwabudike's membership with the Liberian National Bar Association. Attached hereto and marked as Cllr. A. Ndubuisi Nwabudike's Exhibit "ANN/4" is a copy of the Press Release issued by the Liberian National Bar Association in substantiation of the averment contained herein.
7. That Cllr. A. Ndubuisi Nwabudike filed a Petition for Judicial Review of the decision of the Liberian National Bar Association to expel his membership in said Bar and the said Petition for Judicial Review is still pending before the Civil Law Court, Sixth Judicial Circuit for Montserrado County undetermined. Attached hereto and marked as Cllr. A. Ndubuisi Nwabudike's Exhibit "ANN/5" is a copy of a Clerk Certificate in substantiation of the averment contained herein.
8. Cllr. A. Ndubuisi Nwabudike says that while the Petition for Judicial Review is still pending and undetermined at the Civil Law Court, Sixth Judicial Circuit for Montserrado County, Cllr. Tiawan S. Gongloe, National President of the Liberian National Bar Association has filed a complaint against Cllr. A. Ndubuisi Nwabudike over the same subject matter, which is pending before the Civil Law Court, Sixth Judicial Circuit undetermined. Cllr. A. Ndubuisi Nwabudike is of the opinion and consistent with law, that when a matter is pending in a court of competent jurisdiction in the Republic of Liberia, between the same parties and over the same subject matter, no other court or tribunal can try or investigate the same and identical matter, as Cllr. Tiawan S. Gongloe, National President of the Liberian National Bar Association is urging the Supreme Court of the Republic of Liberia through its Grievance & Ethics Committee to do.
9. That Cllr. A. Ndubuisi Nwabudike was issued a Certificate of Citizenship by the First Judicial Circuit, Criminal Assizes "B", Montserrado County on May 13, 1982. It is this Certificate of Citizenship that Cllr. Tiawan S. Gongloe, National President, Liberian National Bar Association is alleging that same is a product of fraud; and to substantiate the said allegation, has attached a letter from the Liberia Immigration Service (LIS); under the signature of Robert W. Budy, Sr., Commissioner General of Immigration, indicating that after thorough search of their records, they could not find any information on Cllr. A. Ndubuisi Nwabudike regarding legal residency status or naturalization in Liberia; and a clerk certificate from the First Judicial Circuit, Criminal Assizes "B" under the signature of Ben George Teah, Clerk of Court, indicating that they have not found any information on Augustine Ndubuisi Nwabudike's naturalization. Cllr. A. Ndubuisi Nwabudike says that under our law, when fraud is alleged, it must be proven by the preponderance of the evidence; and allegations are not facts. The mere assertions by the Liberia Immigration Service (LIS) and Criminal Assizes "B", First Judicial Circuit, Criminal Assizes "B" that they could not find documents or information relating to the residency status and naturalization of Cllr. A. Ndubuisi Nwabudike do not *ipso facto* indicate that Cllr. A. Ndubuisi Nwabudike is a product of fraud. Cllr. Tiawan S. Gongloe, National President, Liberian National Bar Association has not alleged that the signature of R. Barly Saquoila is not the known signature of the then Clerk of the First Judicial Circuit, Criminal Assizes "B" and that the said R. Barly Saquoila did not or could not have issued the said Certificate of Citizenship.
10. That also as to count nine (9) above, Cllr. A. Ndubuisi Nwabudike says that Cllr. Tiawan S. Gongloe, National President of the Liberian National Bar Association has not exhibited naturalization papers that were issued by the Clerk of the First Judicial

Criminal Assizes "B" to be compared to that of Cllr. A. Ndubuisi Nwabudike's certificate of Naturalization to determine that the Certificate of Cllr. C. Nwabudike is a product of fraud and could not have been issued by the then Clerk of Criminal Assizes "B" then Clerk of Criminal Assizes "G". This not having been done, the allegation contained in the complaint of Cllr. Tiawan S. Gongloe, National President, Liberian National Bar Association is baseless and unfounded.

11. That it is the law in this jurisdiction that when an act is to be done prior to the doing of an official act, the doing of the official act creates a rebuttable assumption that all other acts necessary for the doing of the official act have been done. So, when the First Judicial Circuit Court on May 13, 1982, issued a Certificate of Citizenship in favor of Cllr. A. Ndubuisi Nwabudike, it presupposes that all other requirements including but not limited to the declaration of intent and the taking of the oath of allegiance were all done, prior to the issuance of the Certificate of Citizenship in favor of Cllr. A. Ndubuisi Nwabukie. The burden is therefore on Cllr. Tiawan S. Gongloe to establish that Cllr. A. Ndubuisi Nwabudike did not meet the requirements and was not legally issued Liberian Citizenship.
12. That the Clerk of the First Judicial Circuit, Criminal Assizes "B", and the Commissioner General of the Liberia Immigration Services (LIS) cannot speak to persons who naturalized in the 80s and 90's, as the records of the courts as well as the Bureau of Immigration and Naturalization, now Liberia Immigration Services were all looted during the Liberian Civil Crisis. Cllr. A. Ndubuisi Nwabudike challenges the Clerk of the First Judicial Circuit for Montserrado County, Criminal Assizes "B" and the Liberian Immigration Service (LIS) to produce all the documents of persons who naturalized, especially during the military era, the period during which Cllr. A. Ndubuisi Nwabudike obtained his Liberian Citizenship.
13. That with respect to the change in the date of birth of Cllr. A. Ndubuisi Nwabudike in his passport, application for marriage certificate and University of Liberia Admission records, Cllr. A. Ndubuisi Nwabudike says that such changes in date of birth cannot establish and conclude that the Certificate of Citizenship of Cllr. A. Ndubuisi Nwabudike is a product of fraud. Cllr. Tiawan S. Gongloe cannot use the changes of the date of birth of Cllr. A. Ndubuisi Nwabudike as a factor in determining or establishing that the naturalization documents of Cllr. A. Ndubuisi Nwabudike is a product of fraud. To establish that the citizenship document of Cllr. A. Ndubuisi Nwabudike is a product of fraud, Cllr. Tiawan S. Gongloe, National President, Liberian National Bar Association must establish that citizenship certificate was not issue by the Clerk of the First Judicial Circuit, Criminal Assises "B:" and that the signature appearing on the said Certificate of Citizenship is not the signature of the then Clerk of the First Judicial Circuit, Criminal Assizes "B".
14. That Section 17.1 of the New Judiciary Law as amended, provides that a person applying for admission to the Bar as Attorney-At-Law, must be a citizen of the Republic of Liberia, have attained the age of 21 years, a graduate of recognized law school in the world, and be examined and licensed to practice law in the Republic of Liberia.
15. That Section 17.2 of the New Judiciary Law as amended, authorizes the Chief Justice of the Supreme Court of the Republic of Liberia to constitute a National Board of Examiners consisting of three (3) counsellors of the Supreme Court of Liberia in good standing with the duties, among other things, to prepare the examination for candidates seeking admission to the Bar as Attorneys and prescribe rules, forms and procedures in respect thereto.
16. That consistent and in keeping with the laws cited in counts fourteen (14) and fifteen (15) above, Cllr. A. Ndubuisi Nwabudike and other citizens of Liberia, upon graduation from the Louis Arthur Grimes School of Law, were recommended by the Dean of the

Louis Arthur Grimes School of Law of the University of Liberia, for admission to the Bar as Attorneys-At-Law in the year 2002.

17. That upon the application of Cllr. A. Ndubuisi Nwabudike and other graduates of the Louis Arthur Grimes School of Law through the offices of the Dean of said Law School, the Chief Justice of the Republic of Liberia constituted a Board of Examiners and Cllr. A. Ndubuisi Nwabudike and other applicants were examined and found to be qualified for admission to the Bar. Accordingly, the Chief Justice of the Republic of Liberia mandated and the Civil Law Court, Sixth Judicial Circuit for Montserrado County, admitted Cllr. A. Ndubuisi Nwabudike and other applicants to the Montserrado County Bar as Attorneys-At-Law on June 21, 2002.
18. That Section 17.6 of the New Judiciary Law as amended, provides that an Attorney who has been actively engaged in the practice of law for five (5) years may petition the Supreme Court of Liberia showing or indicating that he or she has the moral and professional qualification for membership in the Bar of the Supreme Court and pray for admission as a Counsellor of the Supreme Court of Liberia. Consequently, Cllr. A. Ndubuisi Nwabudike, after practicing law at the subordinate courts for the required statutory period, petitioned the Supreme Court of Liberia, was substantively examined, and morally and ethically evaluated, and found qualified to be admitted to the Supreme Court Bar as Counsellor-At-Law.
19. That since the admission of Cllr. A. Ndubuisi Nwabudike on June 21, 2002, as a member of the Bar, Cllr. A. Ndubuisi Nwabudike has been, and continues to be in good standing, and has been actively involved in the Bar activities, and even served the Liberia National Bar Association as its Secretary General. Attached hereto and marked as Cllr. A. Ndubuisi Nwabudike's Exhibit "ANN/6" is a copy of the most recent listing of lawyers who are in good standing with the Liberia National Bar Association (LNBA) in substantiation of the averment contained herein.
20. That based upon the averments contained in counts fifteen (15) through nineteen (19) above, Cllr. A. Ndubuisi Nwabudike says that he was legally and legitimately admitted to the practice of law in Liberia. Accordingly, the allegation of Cllr. Tiawan S. Gongloe that Cllr. A. Ndubuisi Nwabudike obtained or gained admission to the practice of law in Liberia by fraud, deceit and misrepresentation is baseless, unfounded and has not iota of truth.
21. That Cllr. A. Ndubuisi Nwabudike agrees with Cllr. Tiawan S. Gongloe, National President, Liberia National Bar Association that Section 17.7 of the New Judiciary Law of Liberia grants unto the Supreme Court of Liberia, the power and control over all Attorneys and Counsellors-at-Law and all persons practicing or assuming to practice law to censure, suspend from practice or remove from office any attorney or counsellor-at-law admitted to practice who is guilty of professional misconduct, malpractice, fraud, deceit, crime or misdemeanor or any conduct prejudicial to the administration of justice and to revoke such admission for any misrepresentation or suspension in connection for admission to practice. Accordingly, the Liberian National Bar Association is without authority to expel Cllr. A. Ndubuisi Nwabudike for an alleged obtaining or gaining of Liberian Citizenship by fraud, deception and misrepresentation.
22. That also as to count twenty-one (21) above, Cllr. A. Ndubuisi Nwabudike says that the Liberian National Bar Association having illegally and wrongfully expelled Cllr. A. Ndubuisi Nwabudike's membership is now seeking the intervention of the Supreme Court to enforce its illegal and wrongful expulsion of Cllr. A. Ndubuisi Nwabudike from the membership of the Liberia National Bar Association.
23. That also as to counts twenty-one (21) and twenty-two (22) above, Cllr. A. Ndubuisi Nwabudike says that the Rules for Procedure in the courts, Code for the Moral and

Ethical Conduct of Lawyers and Judicial Canons for the Moral and Ethical Conduct of Judges in the Republic of Liberia as amended and revised by authority of the Supreme Court of the Republic of Liberia, in January, 1999, under the subject, procedure governing the operation of the National Bar Association of the Republic of Liberia in matters of unprofessional and unethical conduct of lawyers confer on the Chief Justice of the Republic of Liberia to appoint an Ethics and Grievance Committee in each county which is granted the jurisdiction over inquiries into and consider all complaints made against lawyers practicing within its county, involving his or her character, integrity, professional standing or conduct as a member of the bar. Accordingly, the authority of the Supreme Court to investigate ethical and professional transgression by a lawyer is conferred by the Supreme Court on the local bar of each county and the decision of the local bar is reviewable by only the Supreme Court of Liberia. Cllr. A. Ndubuisi Nwabudike says that assuming without admitting that he fraudulently obtained Liberian Citizenship on May 13, 1982, the Supreme Court of Liberia would not have jurisdiction over said matter, as same would amount to a crime which would have been committed when Cllr. A. Ndubuisi Nwabudike was not a lawyer and the Rules for Procedures in Court, Code for Moral and Ethical Conducts of Lawyers and Judicial Canons for the Moral and Ethical Conduct of Judges in the Republic of Liberia would not apply. The herein-mentioned Code only applies to persons who have been admitted to the practice of law.

24. That also as to count twenty-three (23) above, Cllr. A. Ndubuisi Nwabudike says that Sub-Chapter C, captioned 'Revocation of Naturalization', Section 25.50 thereof, confer on the Attorney General of the Republic of Liberia the authority to, upon affidavit showing good cause therefor, institute proceedings for the purpose of revoking the order admitted a person to citizenship and cancel the certificate of Naturalization on the grounds stated in said Sub-Chapter C, Section 21.50. Accordingly, only the Attorney General of the Republic of Liberia has the right to investigate the naturalization certificate of any alien taking on the nationality of Liberia. Hence, it is only after the revocation of naturalization of Cllr. A. Ndubuisi Nwabudike's Certificate of Citizenship can such evidence be used by the Supreme Court of Liberia to revoke the admission of Cllr. A. Ndubuisi Nwabudike on the basis of which the Liberian National Bar Association can subsequently have Cllr. A. Ndubuisi Nwabudike expelled from its Membership. To do otherwise, would be a gross violation of Cllr. A. Ndubuisi Nwabudike's constitutional rights as enshrined in Article 20 (a) of the 1986 Constitution of the Republic of Liberia and the opinion of the Supreme Court in the cases: Heirs of the Intestate Estate of the E. B. Naibe, Jr., v. The Intestate Estate of S. B. Nagbe, Sr., March 2001 Supreme Court Opinions; Wilson v. Firestone Plantations Company and the Board of General Appeals, 34 LLR 134.
25. That also as to counts fifteen (15) through twenty-four (24) above, Cllr. A. Ndubuisi Nwabudike says that Section 2.18 (1) of the Civil Procedure Law, captioned 'Action based on fraud, mistake or fraudulent concealment' provides that except otherwise provided for by statute, an action based on fraud or mistake should be commenced within two (2) years of the time the right to relief accrued; provided however that the right to relief would be deemed to accrue as of the time the claimant or his predecessor in interest discovered the fraud or mistake or with reasonable diligence would have discovered it. Cllr. A. Ndubuisi Nwabudike submits and says that assuming arguendo that his naturalization paper is fraudulent as alleged, which is not the case, Cllr. A. Ndubuisi Nwabudike submits that he was naturalized in 1982 and enrolled at the Louis Arthur Grimes School of Law as a Liberian Citizen, graduated in 2002, applied for admission to the practice of law to the Supreme Court of Liberia through the Dean of the Law School, was examined and found to have met the requirement to be admitted to the practice of law by a committee of lawyers of the Liberian National Bar Association appointed by the Chief Justice of the Republic of Liberia in keeping with

the New Judiciary Law and admitted to the practice of law in 2002. The Liberian National Bar Association participated in the evaluation of Cllr. A. Ndubuisi Nwabudike in 2002 and found Cllr. A. Ndubuisi Nwabudike to have met the requirement of law including citizenship to practice law in the Republic of Liberia. If Respondent is today alleging that Cllr. A. Ndubuisi Nwabudike obtained citizenship by fraud, the Liberian National Bar Association with reasonable diligence would have discovered such alleged fraud, especially given the name and accent of Cllr. A. Ndubuisi Nwabudike that Cllr. A. Ndubuisi Nwabudike was of a Nigerian origin. For Respondent to want to do in 2020, what it should have done in 2002, upon Cllr. A. Ndubuisi Nwabudike's application for admission to the practice of law as attorney-at-law is totally regrettable and intended not only to harass and intimidate Cllr. A. Ndubuisi Nwabudike, but to bring into disrepute and impugn upon the dignity and integrity of the Supreme Court of Liberia, which, upon the advice of members of the Liberian National Bar Association that Cllr. A. Ndubuisi Nwabudike met the requirements of law to be admitted to the practice of law, accordingly, proceeded to have Petitioner so admitted.

26. That also as to count twenty-five (25) above, Cllr. A. Ndubuisi Nwabudike says that assuming without admitting that Cllr. A. Ndubuisi Nwabudike allegedly committed a criminal offense by procuring Liberian Citizenship through fraudulent means in 1982, which Cllr. A. Ndubuisi Nwabudike denies, and the Liberian National Bar Association has jurisdiction to investigate said allege conduct, and which it does not have, same would have required prosecution within a maximum of five (5) years as provided for under Section 4.2 and 4.3 of the Criminal Procedure Law. Any attempt by the Liberian National Bar Association to institute any proceeding in respect of Cllr. A. Ndubuisi Nwabudike's citizenship is totally wanting in law.

27. That also as to counts twenty-five (25) and twenty-six (26) above. Cllr. A. Ndubuisi Nwabudike says that the Supreme Court of Liberia held in the ease: Alvin Teage Jalloh versus Olubanke King-Akerele and Christiana Tah in their capacities as Minister of Foreign Affairs and Attorney General & Minister of Justice[respectively] and Milton Nathaniel Barnes in his capacity as Liberia's Ambassador to the United States of Liberia, Supreme Court Opinion, October Term, 2019, that citizenship is a right protected by our Constitution and any proceedings to nullify, cancel citizenship or any right and privilege conferred pursuant thereto must be through resort to judicial proceedings. Hence, the Liberian National Bar Association has no jurisdiction and authority to investigate Cllr. A. Ndubuisi Nwabudike's citizenship and expel Cllr. A. Ndubuisi Nwabudike from the Membership of Cllr. A. Ndubuisi Nwabudike in consequence of Respondent's determination in respect of Cllr. A. Ndubuisi Nwabudike's citizenship, thereby depriving Cllr. A. Ndubuisi Nwabudike the right conferred on him as a member of the Liberia National Bar Association (LNBA)

Wherefore and in view of the foregoing, Cllr. A. Ndubuisi Nwabudike prays the Grievance & Ethics Committee of the Supreme Court of Liberia to refuse jurisdiction over the complaint of Cllr. Tiawan S. Gongloe, National President, Liberian National Bar Association and deny and dismiss said complaint and grant unto Cllr. A. Ndubuisi Nwabudike any other and further relief as this Committee may deem just, legal and equitable in the premises.

Respectfully Submitted,
Cllr. A. Ndubuisi Nwabudike
By arid thru his Legal Counsel:

J. Johnny Momoh & Associates Legal Chambers, Inc.
William R. Davies Compound
Behind Don Bosco Technical High School
8th Street, Sinkor, Monrovia, Liberia

Dated this 6th day of November, A.D. 2020”

The GEC of the Supreme Court of Liberia conducted investigation into the complaint and on January 29, 2021, by and through its Chairman, Cllr. George E. Henries, submitted to the Office of the Chief Justice a report which is unanimous in its findings and conclusions; the report concluded *inter alias* that Cllr. A. Ndubuisi Nwabudike violated *Rules 24 and 29 of the Code for the Moral and Ethical Conduct of Lawyers*. We quote relevant portion of the conclusion of the report as follows:

“...that Cllr. Nwabudike was in violation of the Code for the Moral and Ethical Conduct of Lawyers, which includes the following:

- a. Rule 24 - which states that "A lawyer's word of honour is sacred and his dealings in all matters, and on all occasions, should not be such as repugnant to his oath, and degrading to his profession". Cllr. Nwabudike under oath was admitted to the Liberian National Bar Association (LNBA) as a naturalized Liberian. According to him he was naturalized on May 13, 1982 and was accorded all rights and privileges as a naturalized Liberian citizen. However, on the contrary it was established that [he] is a Nigerian citizen as is shown on his application to the Marriage Registry, in 1992 in handwriting. The conduct of Cllr. Nwabudike is a conduct of bad faith and repugnant to his oath as a lawyer, which violates this rule.
- b. RULE 29 (3) which states that “Every lawyer aid in guiding the Bar against the admission to the profession of candidate unfit or unqualified, because of deficiency in either moral character or education. It is the duty of every lawyer, and he should strive at all times, to uphold the honour and maintain the dignity of the profession, and to improve not only the law but the administration of justice.” Cllr.Nwabudike, was under duty to strive at all times to uphold the honour and maintain the dignity of the legal profession. Respondent Nwabudike failed to uphold the dignity of the professional by providing various dates of birth and two nationalities (Liberian and Nigerian).
- c. 14LLR text at pg.255, "Fraud vitiates all contracts and deed procured by such means will be set aside. To establish fraud, it is not necessary to prove same by direct or positive evidence. Circumstances altogether inclusive may by their number and joint operation be sufficient to constitute conclusive proof. Fraud is a generic term which embraces all the multifarious means which human ingenuity can desire and are resorted to by one individual to gain an advantage over another by false suggestion or by suppression of the truth in its general or genetic sense, it comprises all acts, omissions and concealment involving a breach of legal or equitable duty and resulting in damage to another”.

The Supreme Court, upon receipt of the report, forwarded a copy to the respondent and directed him to address himself to the findings and conclusions in the report and appear on – June 23, 2021, for hearing. The respondent filed a brief traversing issues contained in the report. Six members of the Supreme Court Bar, Counsellors Benedict F. Sannoh, Golda A. Bonah Elliott, Milton D. Taylor, Necular Y. Edwards, Jonathan T. Massaquoi and G. Wiefueh Alfred Sayeh were appointed by this Court as *amici curiae* or friends of Court to carefully

study the report of the GEC of the Supreme Court and offer candid opinion/advice based on the facts and applicable laws controlling regarding the issues contained in the report.

At the call of the case, two of the Counsellors appointed as *amici curiae*, Counsellors Milton D. Taylor and Necular Y. Edwards, brought to the attention of this Court that they were members of the GEC of the LNBA that investigated the respondent and recommended punitive actions against him, as such, they said that it would be improper were they to serve as *amici curiae* and give advice in the determination of the report of the GEC of the Supreme Court which concurred with the position taken by the GEC of the LNBA. Therefore, the Counsellors requested the Supreme Court to relieve them of the duty of serving as *amici curiae* in the case. The request was granted, and the Counsellors were accordingly relieved with thanks of Court. We take note that because some of the *amici curiae* were divided in their opinions in this case, they filed separate briefs with the Court outlining their respective positions.

Cllr. Jonathan T. Massaquoi took the position that the LNBA, as an institution, has the authority to investigate its own members regarding any issue of misconduct. He maintained that the respondent was accorded due process as he was invited to appear before the GEC of the LNBA on several occasions but he failed to appear. He argued that the respondent did not take any oath in the First Judicial Circuit, Criminal Assizes “B” in keeping with *section 26.7 of the Alien and Nationality Law*; that there was no document at the Liberia Immigration Service (formerly the Bureau of Immigration and Naturalization), and Criminal Court “B”, First Judicial Circuit, Montserrado County, where the respondent claimed to have been issued a certificate of citizenship; that the respondent’s certificate of citizenship is a feigned document; that fraud was committed by the respondent and that the evidence submitted at the GEC of the LNBA was overwhelming to establish the guilt of the respondent, as such, he should be prosecuted by the Attorney General of Liberia; that the failure of the Republic of Liberia, until now, to discover the fraud and misrepresentation perpetrated by the respondent for over three decades is no justification for waiver or lashes. He therefore recommended that the respondent’s admission to the Supreme Court Bar be revoked, and that the respondent be subsequently disbarred from the practice of law in Liberia, because he fraudulently obtained his naturalization documents as a Liberian citizen.

Cllr. Benedict Sannoh argued that the GEC of the LNBA and the GEC of the Supreme Court lack jurisdiction to investigate issues on naturalization and citizenship; that to the extent that the decision to expel the respondent and pray this Court for his disbarment is based on the findings of the respondent’s naturalization and citizenship, the expulsion of the respondent by the LNBA should be reversed and set aside; that the GEC of the LNBA and the GEC of the

Supreme Court have failed to conduct a proper investigation into allegations of fraud, hence, their findings are grossly inadequate to warrant the suspension of the respondent from the Bar and disbar him from the practice of law. Counsellor Sannoh contended that the LNBA was too hasty; that the LNBA should have followed the procedure as required by law, which is to write the Ministry of Justice to investigate the respondent's citizenship and decide thereon; that all the instruments produced by the LNBA such as Birth Certificate, Liberian Passport, Naturalization Certificate and the National Identification Card are documents that were not produced by the respondent, but institutions in Liberia therefore the respondent should not be held responsible for discrepancies in these instruments.

Cllr. Sannoh also contended that the matter of the expulsion of the respondent by the LNBA, being a subject of a petition for declaratory judgment pending undermined in the Civil Law Court of the Sixth Judicial Circuit, Montserrado County, in which the Court had issued a permanent injunction, enjoining the LNBA from enforcing its expulsion of the respondent, the filling of a complaint to the Supreme Court by the President of the LNBA is a conduct designed to circumvent the permanent injunction order issued by the Civil Law Court and give effect to the LNBA's expulsion. Counsellor Sannoh requested this Court to consider the many years of invaluable services the respondent has rendered to Liberia and to the legal profession, including in particular his service as Secretary General of the LNBA, and given the fact that the Attorney General of the Republic of Liberia has not taken any steps up to date to revoke his citizenship and cancel his certificate of naturalization, the respondent should be given the opportunity to regularize the inconsistencies in his documents in keeping with *section 21.50 of the Alien and Immigration Law*.

For their part, *amici curiae*, Counsellors G. Wiefueh Sayeh and Golda A. Bonah Elliott, contended that the LNBA was within the parameter of the law when it investigated the alleged misconduct of one of its members and instituted punitive action against him; that the fundamental intent of the LNBA is to ensure that integrity is upheld amongst its members, urging them to live up to the expectation of a dignified and honorable profession. They also contended that by doing so the public's confidence in the judicial system is reinforced, ensuring adherence to the rule of law; that the Bar may regard with disfavor, conducts of its members, whether past or present that tend to undermine its fundamental intent; that the LNBA was justified in its expulsion of the respondent consistent with *Article II (ix) of its By-laws*; that this expulsion is buttressed as the LNBA's action has been supported by the GEC of the Supreme Court which found that the respondent's conduct of providing varying dates of birth, calls into question his acquisition of Liberian citizenship; that the action of the respondent did not meet the standards required of a lawyer, as provided for in the *Code for the Moral and Ethical Conduct of Lawyers*, specifically *Rule 24 and Rule 29 (3)*; that the

quantum of evidence established by the LNBA and further reviewed and acknowledged by the GEC of the Supreme Court found that the respondent had engaged in fraud with regards to his statement of varying dates of birth upon which he acquired Liberian citizenship; that this is a case of serious ethical, moral and legal transgression which must attract a penalty consummate to such behavior; that this Court should take the appropriate action in order to protect the sanity and dignity of the legal profession; that such fraudulent conduct on the part of the respondent which has the propensity to bring the noble legal profession to public disrepute and frustrate public confidence in the work of lawyers should not be tolerated. Counsellors Sayeh and Elliot therefore prayed this Court to uphold the findings and conclusions of the GEC of the Supreme Court.

In his defense, the respondent, by and through Cllr. J. Johnny Momoh questioned the authority of this Court to disbar a lawyer who is alleged to have obtained Liberian citizenship by fraud and on the strength of which the said lawyer was admitted to the practice of law in Liberia without the issuing institution revoking said of citizenship. He argued that the revocation of naturalization certificate is conferred on the Attorney General of the Republic of Liberia; that sub-chapter "C" of the Alien and Nationality Law, captioned "Revocation of Naturalization", *section 25.50* gives authority to the Attorney General of the Republic of Liberia to institute proceedings for the purpose of revoking the order admitting a person to Liberian Citizenship and cancel the Liberian Citizenship or Certificate of Naturalization on grounds stated therein; that it is only after the revocation of the respondent's Naturalization Certificate that the evidence constituting grounds for revocation can be used by the Supreme Court to suspend or revoke the respondent's admission to the Bar; and that to do otherwise, would be gross violation of the respondent's constitutional rights as enshrined in *Article 20 (a)* of the 1986 Constitution of the Republic of Liberia.

Counsellor Momoh further argued that the Code of Ethics of applies to only lawyers and not non-lawyers; that the Code cannot be applied to the respondent when he was not a lawyer at the time the alleged act was committed which, in the context of the Code of Ethics, constitutes misconduct; and that the Code of Ethics governs the conduct of lawyers who are admitted to the practice of law in Liberia, therefore, when an individual is not a lawyer, his conduct is not governed by the Code of Ethics of Lawyers. The respondent's Counsel maintained that the LNBA does not have the authority to expel or disbar any lawyer in this jurisdiction; that by expelling the respondent, the LNBA was taking on the authority not given to it by law; that the LNBA usurped the function of the Supreme Court of Liberia by investigating the respondent and expelling him; and that it is only the Supreme Court of Liberia that has the constitutional authority to regulate the practice of law in Liberia, as such, the Court can initiate investigation

into a complaint against a lawyer and make appropriate decisions in keeping with applicable laws. The Counsel informed this Court that the matter of the respondent's expulsion is on judicial review at the Civil Law Court, Sixth Judicial Circuit, Montserrado County for determination. Therefore, according to him, neither this Court nor the GEC of this Court can delve into the merit of this case; that Section 11.2 (d) of the Civil Procedure Law prohibits a tribunal, whether court or administrative agency from handling a matter which is pending in court of competent jurisdiction between the same parties and for the same cause. He therefore prayed this Court to set aside the report of the GEC of the Supreme Court and instead order the appropriate agency of Government to act in accordance with law and allow the respondent to regularize his status. The respondent himself closed argument by saying that he has never been involved in any criminality, dishonesty, wrongdoing or dubious act since becoming a citizen of this country or entering the legal profession; that he has been humble and law-abiding; he therefore requested the consideration of this Court.

From the facts narrated above, we shall consider three issues for the determination of this case:

1. Does the LNBA have the authority to investigate its members and take punitive actions against such members, and if yes, (a) whether the issue of citizen is one of such issues the LNBA has the authority to investigate and (b) whether the authority of the LNBA to punish its members can extend to expulsion from the LNBA and forfeiting "the rights and privileges that members of the LNBA are entitled to before the courts of the Republic."
2. Whether or not the alleged conducts of the respondent complained of violate any code of ethics of lawyers?
3. Where it is brought to its attention and the Court sees glaring inconsistencies and discrepancies on the faces of documents filed by a lawyer, particularly documents that tend to justified and validated that lawyer's admission to the practice of law in Liberia, can this Court take punitive action against such lawyer?

We shall address these issues in the order in which they appear, beginning with the issue – does the LNBA have the authority to investigate its members and take punitive actions against such members, and if yes, (a) whether the issue of citizen is one of such issues the LNBA has the authority to investigate and (b) whether the authority of the LNBA to punish its members can extend to expulsion from the LNBA and forfeiting "the rights and privileges that members of the LNBA are entitled to before the courts of the Republic."

The LNBA is an association of professional individuals comprising lawyers; it is the umbrella organization of all lawyers admitted to the practice of law in the Republic of Liberia. It came into existence by an act of the Legislature, which makes it a legal entity with full powers and authority to make and establish its own by-laws and constitution to regulate and govern its

activities and members. We recognize that the LNBA, like other professional groups, may investigate its member, and where it is established that its rules and policies have been flouted and transgressed, the LNBA may apply sanction(s). For example, where a member fails to pay annual fees imposed, the LNBA may, after investigation, take action suspending such member. The LNBA may also conduct investigation in an allegation of misconduct against its member and submit findings to the Supreme Court through the Chief Justice for appropriate action(s). By doing so the LNBA, which is regarded as an arm of court, aids the Supreme Court in exercising control over attorneys and counsellors in the administration of Justice. We note that the LNBA, like the Supreme Court, has a Grievance and Ethics Committee. The work of these two organs is not mutually exclusive; in fact, the former acts to supplement the latter. The Supreme Court has held that the GEC of the LNBA may, on its own motion and without a formal complaint, investigate any circumstance reflecting on the character or conduct of a practicing lawyer; or it may undertake such an investigation on direction of the Chief Justice of the Supreme Court of Liberia as a preliminary step to disciplinary measures to be imposed by the Supreme Court. In re: *MacDonald Acolaste*, 26 LLR 456, (1977).

But it is not in every reported matter of transgression or misconduct by its members that the LNBA has the authority to investigate and apply sanction. In the case before us, the subject matter of the complaint against the respondent involves his alleged fraudulent acquisition of Liberian citizenship over which the LNBA has no jurisdiction to investigate, thoughtless of even applying sanctions. The Legislature ascribed that responsibility to another institution, the Ministry of Justice, by and through the Attorney General (Minister of Justice). Section 21.50 of the *Alien and Nationality of Liberia* provides:

“It is the duty of the Attorney General, upon affidavit showing good cause therefor, to institute proceedings for the purpose of revoking and setting aside the order admitting a person to citizenship and cancelling the certificate of naturalization on any of the following grounds: 1) That the certificate of naturalization was procured by concealment of material fact or by willful misrepresentation; 2) That he was not eligible to such citizenship by some existing law of Liberia; 3) That he was not eligible to enter or reside in Liberia; 4) That the person who acquired citizenship was not of good moral character at the time he was admitted to citizenship and such fact was not then known; 5) That he was an anarchist or not to the principles of the Constitution of Liberia and such fact was not then known; 6) That the order admitting such person to citizenship was issued through manifest error of law or fact, or that the order was issued before it should be, or the laws governing naturalization have not been fully complied with; provided that if the error can be remedied by procedural means, the person admitted to citizenship through such error shall be allowed a reasonable opportunity after notice to institute corrective proceedings before the Attorney General acts to revoke citizenship and cancel the certificate of naturalization.”

It is clear, given the above quoted provision of the Alien and Nationality Law of Liberia, that assuming *arguendo*, that the allegation that the respondent acquired Liberian citizenship

through fraud or other illegal means, it is only the Attorney General or Minister who is authorized by law to institute action against the respondent to revoke his citizenship. It was not for the LNBA to investigate and conclude that the respondent indeed obtained Liberian citizenship by fraud and take punitive action as indicated herein. Even more perplexing and puzzling is the fact that the LNBA concluded investigation into the allegation against the respondent and took the decision expelling him in the manner stated herein on June 18, 2020, then about three months thereafter on September 14, 2020, the LNBA wrote the Supreme Court requesting the Court to have the respondent “forwarded to the GEC of the Supreme Court of Liberia for investigation, and thereafter revoke his admission to the Bar, and subsequently disbar him from the practice of law in Liberia, because he gained admission to the practice of law in Liberia by fraud, deceit and misrepresentation.” It seems to us that the proper thing for the LNBA to have done before expelling the respondent was to have sent the report of the GEC of the LNBA with supporting evidence to the Supreme Court through the Chief Justice so that the matter would be duly considered. No matter how convincing the evidence against the respondent may seem, the LNBA could not legally use such evidence to expel him.

This Court has held that the issue of citizenship is so crucial that it cannot be decided by an administrative forum; it must be decided at a judicial tribunal; that citizenship is a right protected by our Constitution and any proceedings to nullify, cancel citizenship or any right and privilege conferred pursuant thereto must be through resort to judicial proceeding. Reliance: Alvin Teage Jalloh v. Olubanke King-Akerele and Christiana Tah Minister of Foreign Affairs and Attorney General & Minister of Justice, and Milton Nathaniel Barnes Liberia’s Ambassador to the United States of America, Supreme Court Opinion, October Term, 2019. We therefore hold that the LNBA was without jurisdiction to conclude that the respondent’s acquisition of Liberian citizen was by means of fraud. We further hold that even in cases wherein the LNBA has the authority to investigate its members and apply sanctions, the sanctions cannot extend to and include expulsion of a member from the LNBA and forfeiting “the rights and privileges that members of the LNBA are entitled to before the courts of the Republic.” Such decision of the LNBA which permanently removes and ejects a member of the LNBA from the practice of law is tantamount to disbarment, a penalty which can only be imposed by the Supreme Court.

We address the second issue – whether or not the conduct of the respondent complained of violates any code of ethics of lawyers? The complaint against the respondent alleged that: a) a purported Certificate of Naturalization he presented to the Liberian Senate shows that the said Certificate of Naturalization was issued by Criminal Court "B" at the Temple of Justice on May 13, 1982, when in fact during the period in question (the regime of the People's

Redemption Council (PRC)) that Court was called the People's Criminal Court "B", thereby creating more doubt; b) a perusal of his various passports and other documents shows his birth dates as October 19, 1960, October 2, 1963, October 2, 1965 and October 2, 1969; c) his 2004 Liberian Passport carries his name as A. Nkwuka Ndubuisi Nwabudike, instead of the name that appears on the rosters of the Liberian National Bar Association and Supreme Court Bar which is A. Ndubuisi Nwabudike; d) his Liberian National Identification card #7430120948 carries his date of birth as October 2, 1969, and his name as A. Ndubuisi Nkwuka Nwabudike; and e) his application for marriage certificate dated January 22, 1992, filed in his own handwriting carries his name as A. Ndubuisi Nwabudike, with his date of birth as October 19, 1960, and his nationality as Nigerian.

We take note that the respondent did not deny or specifically address himself to the allegations against him, particularly the different dates of birth appearing in his documents. His basic defense revolves around lack of jurisdiction over the matter against him – that the GEC of the LNBA and the GEC of the Supreme Court lack jurisdiction to investigate allegation that he had acquired Liberian citizenship by fraudulent means; that the revocation of naturalization is conferred on the Attorney General/Minister of Justice of the Republic of Liberia; that this Court, as at now, cannot take a decision disbaring the respondent; that it is only after the revocation of the respondent's Naturalization Certificate that the evidence constituting grounds for revocation can be used by the Supreme Court to revoke his admission to the Bar. The respondent, through his Counsel, also contended that the Code of Ethics applies to only lawyers and not non-lawyers; that the Code cannot be applied to him when he was not a lawyer at the time the alleged act was committed; and that the matter of the respondent's expulsion is on judicial review at the Civil Law Court, Sixth Judicial Circuit, Montserrado County for determination, therefore, neither the GEC of this Court nor the Court itself can delve into the merit of this case.

As we see it, in the face of the strong and compelling allegations against the respondent, a reasonable conclusion can be drawn that he is in violation of the *Code for the Moral and Ethical Conduct of Lawyers* even though he did not address the allegations against him. The varying dates of birth and changes in the name of the respondent as seen on the many documents for or linked to him create doubts as to his real age and name. And the allegation that he proffered a Certificate of Naturalization which he claimed was issued by Criminal Court "B" at the Temple of Justice on May 13, 1982, when in fact during the period in question (the regime of the People's Redemption Council (PRC)) that Court was known and styled the People's Criminal Court "B", creates even more doubts. Thus the clear presumption is that the respondent is in breach of the code of ethics of lawyers.

Rule 24 of the Code for the Moral and Ethical Conduct of Lawyers provides:

"A lawyer's word of honor is sacred and his dealings in all matters, and on all occasions, should not be such as repugnant to his oath, and degrading to his profession".

RULE 29 (3) of the Code for the Moral and Ethical Conduct of Lawyers provides:

"Every lawyer should aid in guiding the Bar against the admission to the profession of candidate unfit or unqualified, because of deficiency in either moral character or education. It is the duty of every lawyer, and he should strive at all times, to uphold the honour and maintain the dignity of the profession, and to improve not only the law but the administration of justice."

It appears clear that the respondent violated the above quoted provisions of the Code for the Moral and Ethical Conduct of Lawyers when he gave conflicting and inconsistent information especially about his age and name.

We address the last issue - where it is brought to its attention and the Court sees glaring inconsistencies and discrepancies on the faces of documents filed by a lawyer, particularly documents that justified and validated that lawyer's admission to the practice of law in Liberia, can this Court take punitive action against such lawyer?

We are in agreement with the respondent, as we have already indicated above, that the LNBA lacks jurisdiction to investigate and take punitive action against him on allegation that he acquired Liberian citizenship through illegal means and that the authority to institute proceedings where Liberian citizenship is said to be procured by illegal means lies with the Attorney General/Minister of Justice. But we do not agree, as contended by the respondent, that where it is brought to its attention and the Supreme Court sees glaring inconsistencies and discrepancies on the faces of documents that were filed by the respondent, particularly documents that justified and validated his admission to the practice of law in Liberia, this Court cannot investigate and take appropriate actions. Such investigation done by the GEC of the Supreme Court for the purpose of ascertaining the authenticity and validity of documents filed by the respondent, especially those documents which justified the respondent's admission to the practice of law in Liberia, cannot be equated to the proceedings required to be commenced by the Attorney General/Minister of Justice as provided for under Section 21.50 of the *Alien and Nationality of Liberia*.

So, when the respondent appeared before the GEC of the Supreme Court, he was required to address himself to the apparent inconsistencies and discrepancies in the documents filed by him. But he did not do so. Here is what the respondent said as found in count thirteen (13) of his response that:

“...in respect to the change in the date of birth of Cllr. A. Ndubuisi Nwabudike in his passport, application for marriage certificate and University of Liberia Admission Records, Cllr. A. Ndubuisi Nwabudike says that such changes in date of birth cannot establish and conclude that the Certificate of Citizenship of Cllr. A. Ndubuisi Nwabudike is a product of fraud. Cllr. Tiawan S. Gongloe cannot use the changes of the date of birth of Cllr. A. Ndubuisi Nwabudike as a factor in determining or establishing that the naturalization documents of Cllr. A. Ndubuisi Nwabudike is a product [of fraud]. To establish that the citizenship document of Cllr. A. Ndubuisi Nwabudike is a product of fraud, Cllr. Tiawan S. Gongloe, National President, Liberian National Bar Association, must establish that citizenship certificate was not issue by the Clerk of the First Judicial Circuit, Criminal Assizes "B:" and that the signature appearing on the said Certificate of Citizenship is not the signature of the then Clerk of the First Judicial Circuit, Criminal Assizes "B" ...”

Certainly, the Supreme Court has the authority to question any attorney or counselor concerning discrepancies in documents filed before this Court and the subordinate courts. The Court is the custodian and master of its own records. In this regard, we take judicial notice of the petition filed by the respondent with this Court on July 18, 2005, praying to be admitted to practice law as a counselor of the Supreme Court. In count one (1) of that petition, the respondent declared that he was a Liberian citizen and attached a purported copy of his Certificate of Citizenship said to have been obtained from the First Judicial Circuit, Criminal Assizes "B" Montserrado County at the Temple of Justice on May 13, 1982. In count two of the same petition, the respondent averred that he is a 2001 graduate of the Louis Arthur Grimes School of Law, University of Liberia and that he was admitted to the practice of law as a member of the Montserrado County Bar on June 21, 2002, at the Civil Law Court, Sixth Judicial Circuit, as an attorney-at-law. It is the purported instrument conferring citizenship that propelled and justified the respondent's admission to practice law in Liberia. It has now been brought to the attention of this Court that during the period the respondent said he obtained his Certificate of Citizenship a military regime was the government in power known as the People's Redemption Council (PRC)) and that the First Judicial Circuit, Criminal Assizes "B" Montserrado County was known and styled the People's Criminal Court "B." Moreover and as highlighted by the GEC of the Supreme Court, the respondent declared under oath that he was admitted to the Liberian National Bar Association (LNBA) as a naturalized Liberian on May 13, 1982. But about ten years later in 1992, he wrote in his own handwriting that he was a Nigerian citizen in an application he sent to the Marriage Registry. What do we make of this? It is therefore absurd to argue that the Supreme Court lacks jurisdiction to probe into allegations of these inconsistencies and discrepancies in the respondent's documents and take action.

Chapter 17, Section 17.7(1) of the New Judiciary Law provides:

"The Supreme Court shall have power and control over all attorneys and counselors-at-law and all persons practicing or assuming to practice law and is hereby authorized to **censure, suspend from practice or remove from office any attorney-at-law or counselor-at-law**

admitted to practice who is guilty of professional misconduct, malpractice, fraud, deceit, crime or misdemeanor or any conduct prejudicial to the administration of justice and is further authorized to revoke such admission for any misrepresentation or suppression of any information in connection with his application for admission to practice..." [Emphasis supplied.]

Let us be clear that the GEC of the Supreme Court did not undertake the investigation of the respondent as regards his alleged acquisition of Liberian citizenship through fraudulent means. So, we have not arrived at and drawn a conclusion herein that the respondent's Liberian citizenship was indeed procured by fraud; this is a function assigned by the Legislature to the Attorney General/Minister of Justice. What this Court did was to order the GEC of the Supreme Court to investigate the complaint of multiple inconsistencies and discrepancies in the documents presented by the respondent. This decision of the Supreme Court finds support under Chapter 17, Section 17.7(1) of the New Judiciary Law quoted *supra*. In the process this Court finds the act of the respondent wanting and leaves much to desire.

We take due note that the ultimate disposition of this matter to its logical conclusion rests with the determination of whether the respondent's Liberian citizenship was indeed obtained by fraud. This can only be done by the Attorney General/Minister of Justice. Accordingly, the Attorney General/Minister of Justice is instructed to take seize of this matter and if he deems appropriate, institute proceedings for the purpose of revoking and setting aside the order admitting the respondent to Liberian citizenship and cancelling the certificate of naturalization. On the other hand, if the Attorney General/Minister of Justice finds the order admitting the respondent to Liberian citizenship was issued through manifest error of law or fact that can be remedied by procedural means, the respondent should be allowed a reasonable opportunity to institute corrective proceedings. This is in consonance with Section 21.50 of *the Alien and Nationality of Liberia* quoted hereinabove. The Attorney General/Minister of Justice is to conclude is matter in the period of six (6) months and inform this Court of the action taken in the premises.

Meanwhile, we have determined that under the circumstance of this case, it would be wrong for the respondent to continue to practice law when, quite clearly the documents he filed which necessitated his admission to the practice of law in Liberia are wrapped in inconsistencies and discrepancies to which he failed to specifically address himself before the GEC of the Supreme Court. The respondent, Cllr. A. Ndubuisi Nwabudike, is therefore suspended from the practice of law directly or indirectly in Liberia for the period of six (6) months. His fate and status with the LNBA will abide the action on the part of the Attorney General/Minister of Justice.

WHEREFORE and in view of the foregoing, the Attorney General/Minister of Justice is instructed to take seize of this matter and proceed as instructed herein. The respondent, Cllr. A. Ndubuisi Nwabudike, is hereby suspended from the practice of law directly or indirectly in Liberia for the period of six (6) months. His fate and status with the LNBA will abide the action of the Attorney General/Minister of Justice. The Clerk of this Court is directed to inform the Attorney General/Minister of Justice, the parties and all courts in this Republic of this decision. IT IS SO ORDERED.

Counsellors Johnathan T. Massaquoi, G. Wiefueh Alfred Sayeh, Golda A. Bonah-Elliot and Benedict F. Sannoh appeared as Amici Curiae.

Counsellor J. Johnny Momoh appeared for the respondent.