

IN THE HONOURABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA,
SITTING IN ITS OCTOBER TERM, A. D. 2024.

BEFORE HER HONOR: SIE-A-NYENE G. YUOH CHIEF JUSTICE
BEFORE HER HONOR: JAMESETTA H. WOLOKOLIE..... ASSOCIATE JUSTICE
BEFORE HIS HONOR : YUSSIF D. KABAASSOCIATE JUSTICE
BEFORE HIS HONOR : YAMIE QUIQUI GBEISAY, SR..... ASSOCIATE JUSTICE
BEFORE HER HONOR: CEATNEH D. CLINTON-JOHNSON... ASSOCIATE JUSTICE

GRIEVANCE AND ETHICS COMMITTEE INVESTIGATIVE REPORT ON A
COMPLAINT FILED BY MADAM JOSEPHINE T. POWER AGAINST CLLR.
COOPER W. KRUAH, SR.

Heard: October 14, 2024

Decided: February 17, 2025

MR. JUSTICE KABA DELIVERED THE OPINION OF THE COURT

Madam Josephine T. Power, alleging violation of some provisions of the Code for the Moral and Ethical Conduct of Lawyers, filed a complaint with the Office of the Chief Justice of the Supreme Court of Liberia against Counsellor Cooper W. Kruah. As an established norm of the Court, the Chief Justice forwarded this complaint to the Judiciary's Grievance and Ethics Committee (GEC) to probe into the same and make recommendations, if necessary, as to their findings based on their investigation in accordance with due process of law.

The Grievance and Ethics Committee (GEC) wrote to Counselor Cooper W. Kruah, bringing to his attention Madam Josephine T. Power's complaint and requesting he file a written response. Counselor Kruah duly filed his formal returns as ordered by the Committee. Subsequently, the GEC cited the parties for investigation. After the parties had completed their testimonies before the GEC, and in an effort to reach a fair and just conclusion, the Committee subpoenaed other witnesses and extrinsic evidence in cases referenced by the complainant.

After the Committee had reviewed the parties' testimonies, subpoenaed witnesses, and other documentary evidence, on September 8, 2021, the GEC forwarded to this Court an eight-page report containing findings and recommendations. The GEC recommended in their report filed with the office of the Chief Justice that Counsellor Cooper W. Kruah did not violate any

provision of the Code for the Moral and Ethical Conduct of Lawyers based upon the investigation conducted into the complaint.

In keeping with practice and procedure, the Chief Justice appointed four (4) Counsellors to serve as *amicus curiae* to review the report and provide legal opinions on the same. The records show that the *amici curiae* jointly filed a brief before this Court and opined that their review of the records transmitted from the Grievance Ethics Committee as well as the GEC's findings and recommendation, they are in agreement with the GEC's findings and recommendation that respondent Counsellor Cooper W. Kruah's action did not violate any provision of the Code for the Moral and Ethical Conduct of Lawyers. Hence, the GEC report should be endorsed by this Court.

We are left to determine whether the GEC's findings and recommendations and the *amici curiae*'s recommendations that Counsellor Cooper W. Kruah did not violate any provision of the Code for the Moral and Ethical Conduct of Lawyers are supported by the records.

From our reading of the complainant's complaint, we observed that the complaint alleged that Cllr. Kruah, knowing that the complainant had retained him to represent her legal interest, elected to represent another interest adverse to her; subsequently, he recommended another lawyer, Cllr. Joe Gibson, to represent her; that Cllr. Kruah succeeded in representing the adverse interests of hers. Her property was being seized and sold by order of Counselor Kruah and the court, and the money generated from the sale was given to the other party. In conclusion, the complainant accused Cllr. Kruah of violating rules eight (8) and nine (9) of the Code for the Moral and Ethical Conduct of Lawyers.

Rule 8: "It is the duty of the lawyer at the time of retainer to disclose to the client all of the circumstances of his relations to the parties, if there be any, and any interest in or connection with the controversy, which might influence the client in the selection of counsel. It is unprofessional to represent conflicting interests.

Rule 9: "Within the meaning of this Rule, a lawyer represents conflicting interests when, in behalf of one client, it is his duty to contend for that which duty to another client requires him to oppose. ..."

During the trial, Counselor Kruah denied ever being retained by the complainant. He admitted, however, that Madam Power was a regular visitor at the Henries Law Firm whenever she had a problem and that he had assisted Madam Power's family in leasing a piece of property to Eagle Electrical Company.

The investigation subpoenaed Mr. Gibson, who testified that Cllr. Kruah pleaded with him to represent the complainant since he was conflicted in a case involving the complainant and Juliet Rebecca Eze. The investigation further subpoenaed the case records in the Civil Law Court to determine the complainant's allegation alleging a conflict of interest. The investigation discovered therefrom that, in 2008, a petition for proper accounting was instituted in Civil Law Court by and between Trobetta and MADRCO. At the conclusion of the hearing of that petition, the court ruled that Trobetta was held liable and ordered him to satisfy his obligation to the MADRCO. Subsequently, a bill of information was filed with the court, bringing to the court's attention that rubber products trucked into Liberia by Madam Juliet Rebecca Eze were owned by Trobetta and that Madam Eze is an agent and wife of Trobetta for the sale of the products. After a hearing on the bill of information, the Civil Law Court, 2009, ordered the products seized and sold and proceeds therefrom be applied to the satisfaction of Trobetta's obligation to MADRCO.

We are of the opinion that the complainant failed to prove that Counsellor Cooper Kruah was retained to represent her interest in a given matter; she also failed to prove that Counselor Kruah did receive legal fees from her to represent her interest before a court; the complainant also failed to prove that she was a party to the matter out of which the complaint grew and that Counselor Kruah represented her interest in the said case; and she also failed to prove that the rubbers sold was by ordered of Counselor Kruah.

While we strongly encourage party litigants to use the Grievance and Ethics Committee (GEC) of the Judiciary to bring lawyers' unethical behavior to book, we also encourage them to tailor their complaint in observance of the Code for Moral and Ethical Conduct of Lawyers. Without violation of any provision of the Code, this Court cannot impose a penalty.

WHEREFORE AND IN VIEW OF THE FOREGOING, the report of the Grievance and Ethics Committee (GEC) of the Judiciary exonerating Counselor Cooper W. Kruah of any wrongdoing is hereby affirmed. The Clerk of this Court is ordered to inform the parties of this decision. AND IT IS HEREBY SO ORDERED.

WHEN THIS CASE WAS CALLED FOR HEARING, COUNSELOR COOPER W. KRUAH APPEARED ON HIS OWN BEHALF ALONG WITH COUNSELOR PRINCE M. KRUAH. COUNSELORS TOMMY N. DOUGBA, KUKU Y. DORBOR, BHARTOR CORA HOLMES VARMAH AND J. AWIA VANKAN APPEARED AS *AMICUS CURIAE*.