

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. KABA.....ASSOCIATE JUSTICE  
BEFORE HIS HONOR: YAMIE QUIQUI GBEISAY, SR.....ASSOCIATE JUSTICE  
BEFORE HER HONOR: CEATNEH D. CLINTON JOHNSON .....ASSOCIATE JUSTICE

GRIEVANCE AND ETHICS COMMITTEE (GEC) INVESTIGATIVE REPORT ON  
COMPLAINT FILED BY MR. BALLAH V. YARBO AGAINST COUNSELLOR  
SAMUEL PEARSON

Heard: November 12, 2024

Decided: February 17, 2025

MADAM CHIEF JUSTICE YUOH DELIVERED THE OPINION OF THE COURT

The genesis of this complaint is traced to the demise of Maime Hayford Pearson, the late wife of J. Henric Pearson, a resident of Montserrado County, Liberia. Madam Maime Hayford Pearson died seized of properties, real and personal, including monies she deposited into her accounts maintained at the United Bank of Africa (UBA) and the Liberia Bank for Development and Investment (LBDI), respectively, during her life time, but leaving no will and last testament. Ballah Yargbo, the complainant, and son of the late Maime Hayford Pearson, not satisfied with the manner in which his late mother's estate, especially, monies deposited in the banks referenced herein above, were administered by his step-father and surviving spouse of the late Maime Hayford Pearson, J. Henric Pearson, in concert with Counsellor Samuel Pearson, the respondent, and also nephew to J. Henric Pearson, filed a complaint against Counsellor Samuel Pearson with the Office of the Chief Justice of the Supreme Court of Liberia, seeking redress for his role played while administering the said Intestate Estate, on June 6, 2023.

The complainant alleged that his step-father, James Henric Pearson, having remarried after the death of his wife, Mamie Hayford Pearson, who was also the mother of the complainant, he, the complainant, being the only surviving child of the deceased, obtained Letters of Administration from the Monthly & Probate Court for Montserrado County, on May 23, 2023; that on the strength of the Letters of Administration obtained, he was able to unearth that Counsellor Samuel Pearson, a family lawyer, had earlier obtained a Letters of Administration in his own name on May 9, 2022, to administer the Intestate Estate of

his deceased mother, Mamie Hayford Pearson, without his consent; that Counsellor Pearson used the said Letters of Administration to withdraw Forty-Five Thousand United States (US\$45,000.00) Dollars from his late mother's salary and personal savings account lodged at the United Bank of Africa (UBA), and subsequently on June 23, 2022, instructed the management of the said Bank to close his late mother's account, all to his exclusion.

The complainant further alleged that on July 27, 2022, Counsellor Samuel Pearson succeeded in having him, the complainant, and his step-father, James Henric Pearson, signed a Limited Power of Attorney, authorizing Counsellor Samuel Pearson to access and withdraw money from his late mother's account housed at the Liberia Bank for Development and Investment (LBDI); that Counsellor Pearson, using the Limited Power of Attorney, withdrew an unspecified amount from the LBDI's accounts of his late mother without disclosure and not until he presented to the management of LBDI his Letters of Administration obtained from the Monthly and Probate Court for Montserrado County to administer the Intestate Estate of his mother, that he discovered that Counsellor Pearson had withdrawn the following amounts: Forty-Eight Thousand, Three Hundred Sixty-Nine Dollars (US\$48,369.25) and Twenty-Five Cents, and Eight Hundred Forty-Nine Thousand, Five Hundred Nineteen Liberian Dollars (L\$849,519.91) and Ninety-One Cents, and Five Million, Three Hundred Eighty-Five Thousand, Eight Hundred Thirty-Three Liberian Dollars (L\$5,385,833.50) and Fifty Cents, respectively; and that the total of Ninety-Three Thousand, Three Hundred Sixty-Nine United States (US\$93,369.00) Dollars and Six Million, Two Hundred Thirty-Five Thousand, Three Hundred Fifty-Three Liberian Dollars (L\$6,235,353.41) and Forty-One Cents were withdrawn from his late mother's accounts at UBA and LBDI.

The complainant also averred that of the total amounts recited herein above, he received the amounts of Ten Thousand United States (US\$10,000.00) Dollars and One Million, Five Hundred Thousand Liberian (L\$1,500,000.00) Dollars, only, and that Counsellor Pearson had earlier informed him that his step-father, James Henric Pearson, had instructed him, Counsellor Pearson, to give him, the complainant, the said amounts which were withdrawn from his late mother's accounts at the LBDI; that this information was never revealed to him until he obtained the Letters of Administration from the Monthly and Probate Court for Montserrado County, to administer his mother's Intestate Estate; and that as a consequence thereof, filed the subject complaint.

Upon receipt of the letter of complaint, and pursuant to the procedure regarding complaints filed against lawyers, the Chief Justice forwarded same to the Grievance and

Ethics Committee (GEC) of the Supreme Court of Liberia for investigation, and mandating the GEC to also submit a report of its findings and recommendation to the Supreme Court *en banc* through the Office of the Chief Justice.

On July 12, 2023, the GEC forwarded the complaint to Counsellor Samuel Pearson, requesting him to file his response, and in compliance thereto, on July 21, 2023, Counsellor Samuel Pearson filed his response to the complaint and averred as follows: that he is not the family lawyer as alleged by the complainant; that the complainant's late mother sought his assistance as a lawyer when the complainant, and the Pilgrim's Church, were engaged in an action of ejectment in which he successfully represented the legal interest of the complainant and prevailed.

According to Counsellor Pearson, following the burial of Maime Hayford Pearson, her husband, J. Henric Pearson, invited him to his house in the Brewerville Community and informed him about the several bank accounts he, J. Henric Pearson, and the his late wife, Maime Pearson, had maintained; that Mr. J. Henric Pearson had authorized him to obtain Letters of Administration in order to gain access to said bank accounts but because of the legal implication, he, Counsellor Pearson, requested that Mr. J. Henric Pearson execute a special authorization to the effect, which was done, and on the strength of the said authorization, he obtained Letters of Administration from the Monthly and Probate Court for Montserrado County, to administer the Intestate Estate of Mamie Hayford Pearson, which instrument he used to access the accounts as per the instructions from Mr. J. Henric Pearson, who by operation of law was the next in line of the intestacy succession, to administer the Intestate Estate of his late wife.

Counsellor Pearson further averred that the complainant, Ballah Yargbo, and Mr. J. Henric Pearson, husband to the late Maime Pearson, jointly executed a limited Power of Attorney in his favor, which gave him, Counsellor Pearson, the exclusive right to access the LBDI accounts of the deceased, in which the complainant and J. Henric Pearson were named as the beneficiaries; that in the Power of Attorney, the complainant acknowledged that Counsellor Samuel Pearson is the Administrator for the Intestate Estate of Maime Pearson, hence, the complainant cannot argue that he is not aware of his appointment as administrator for said Estate; that while he served as administrator for the said Intestate Estate, the complainant substantially benefitted from his stewardship as administrator to the effect that the complainant received Ten Thousand United States (US\$10,000.00) Dollars and One Million, Five Hundred Thousand Liberian (L\$1,500,000.00) Dollars, which amounts the complainant acknowledged receiving; that if for any obvious reason

the complainant had issues to raise, same should have been raised with his father, J. Henric Pearson, whose instructions were being executed.

Counsellor Pearson contended also that all the monies he collected from the deceased accounts were reported to her husband, J. Henric Pearson, upon whose instruction he was acting and had executed an affidavit confirming receipt of the monies withdrawn from the accounts thereby bringing the matter to finality; that if the complainant feels that he has right, he has remedy in the Monthly and Probate Court for Montserrado County, but not through the Grievance and Ethics Committee because there is no ethical transgression; that he, Counsellor Pearson, and the complainant, are before the Monthly and Probate Court for Montserrado County in connection with the same matter, and if the Grievance and Ethics Committee probes into this matter it might prejudice the action currently pending before the Monthly and Probate Court for Montserrado County. The Counsellor therefore prayed the Committee to dismiss the complaint as there is no issue of ethical transgression. He attached to his response copies of the letter of authorization executed by J. Henric Pearson as surviving husband to the late Mamie Pearson, granting him authority to administer the Intestate Estate of Mamie Hayford Pearson, and to have access to her bank accounts held at UBA and LBDI, letters of administration obtained in his name from the Monthly and Probate Court for Montserrado County to administer the said Intestate Estate, a limited power of attorney jointly executed by the complainant, Ballah Yargbo, and J. Henric Pearson, as beneficiaries of the deceased, authorizing Counsellor Pearson to access the LBDI accounts of the late Mamie Pearson and to collect (withdraw) all monies deposited therein, and other probate court records from the Monthly and Probate Court for Montserrado County to support his averments.

Thereafter, the GEC invited the parties for an investigative hearing, and at the conclusion thereof, found as follows: that though prior to the conclusion of the report, the complainant had withdrawn his complaint, the Committee had already determined and concluded that Counsellor Samuel Pearson's conduct was unprofessional in administering the deceased Estate; that it was unethical for Counsellor Pearson to appoint himself as administrator to the said Estate, and also failed to distribute the proceeds of the accounts according to law. The Committee found that because it did not have jurisdiction over Mr. J. Henric Pearson, the complainant was at liberty to pursue legal action against him for whatever damage he suffered.

The Committee having found that Counsellor Samuel Pearson was in breach of his oath and duty as a lawyer, recommended the he be suspended from the practice of law for three

(3) months, and that he be made to retribute the monies he wrongfully withdrew from the deceased accounts and be given to the complainant, Ballah V. Yargbo, the beneficiary.

Upon receipt of the Committee's Report, and for the purpose of review of same in consonance with the Rules of the Supreme Court, the Chief Justice instructed, and the Clerk of the Supreme Court forwarded a copy of the report to Counsellor Samuel Pearson, informing him to file a brief before the full Bench of the Supreme Court in defense of the findings and recommendations made by the Grievance and Ethics Committee (GEC) against him. Also, four members of the Supreme Court Bar, Counsellors J. Awia Vankan, Kuku Y. Dorbor, Bhatu Holmes Varmah and Tommy Dougbah, were appointed to serve as *amici curiae* and to file an *amicus curiae* brief.

When the case was called for hearing, the *amici curiae*, presenting their view on the matter, agreed with the conclusion of the Committee that the conduct of Counsellor Samuel Pearson violated Chapter 3, Section 3.2 of the Decedent Estates Law on intestacy succession, as well as Rule 29(3) of the Code of Moral and Professional Ethics of lawyers. The *amici curiae* also stated that the fact that Counsellor Pearson, during the pendency of the GEC hearing, paid to the complainant the amounts of Thirty Thousand United States (US\$30,000.00) Dollars, and One Million, Five Hundred Thousand Liberian (L\$1,500,000.00) Dollars, growing out of a settlement agreement, was an admission of wrong doing, and therefore advised the Court to uphold the three months suspension from the practice of law, and the restitution of monies, as recommended by the Grievance and Ethics Committee (GEC).

The respondent, Counsellor Samuel Pearson, in his brief and argument before this Court, restated his assertions contained in his response to the complaint, and further argued on three principal issues: 1) that based on the records in the proceedings, there is no showing the he was in breach of any form of ethical misconduct as to his engagement with the deceased bank accounts because he acted on the instructions of the complainant and the deceased surviving spouse, J. Henric Pearson; 2) that the complainant having withdrawn his first complaint upon which the Committee submitted a report on February 7, 2024, indicating that the complainant had withdrawn his case, and during which time the complainant received additional Thirty Thousand United States (US\$30,000.00) Dollars, and One Million, Five Hundred Thousand Liberian (L\$1,500,000.00) Dollars, brought finality of the matter, therefore, for the Committee to entertain a subsequent complaint on the same subject matter without notifying him for his response but derived a report of October 16, 2024, without a hearing into the second complaint, he was denied due

process, and that said report be set aside by this Court; and 3) that the complainant having substantially benefitted from his, (respondent) acts/stewardship, the complainant is estopped from making claims against him having received a total of Forty Thousand United States (US\$40,000.00) Dollars, and Three Million Liberian (L\$3,000,000.00) Dollars.

Having reviewed the records and listened to the arguments advanced by the respondent, this Court says that it will only address the issue(s) relevant to the determination of the matter, for it is a settled principle of law that the Court is not bound to pass on all of the issues raised by the respondent/appellant but those that are germane to the determination of the case. *Tom Harris v. David Woah*, Supreme Court Opinion, March Term, 2024; *Ministry of Foreign Affairs v. Sartee et al*, 41 LLR 285 (2002). In consonance thereof, the issue that presents itself for our determination is: considering the facts and circumstances in this case, did the conduct of Counsellor Samuel Pearson constitute ethical transgression; hence, he be reprimanded?

The facts in this case are not disputed as to administering the Intestate Estate of Maime Hayford Pearson by the respondent, Counsellor Samuel Pearson. However, Counsellor Pearson contends primarily that he acted on the authority of the deceased husband and the surviving spouse, J. Henric Pearson, who, according to Counsellor Pearson, by law is next in line of intestacy succession, and therefore, should be absolved of ethical transgression, as being recommended by the GEC.

A review of the law on intestacy succession recorded in the Decedent Estates Law, Title 8 of the Liberian Code of Law Revised, Chapter 111, Section 111.1, under the caption “order of priority for granting letters of administration”, provides the following as the standard sequence, quote:

“Letters of administration must be granted to persons who are distributees of an intestate and who are eligible and qualify, in the following order:

- a) the surviving spouse;
- b) the children;
- c) the grandchildren;
- d) the father or mother;
- e) the brothers or sisters;
- f) any other persons who are distributees, preference, however, being given to the person entitled to the largest share in the estate.”

By the order of succession set in the law under reference, we agree that the husband, as the surviving spouse to the late Maime Hayford Pearson, is next in line as to the intestacy

succession, nonetheless, this does not *ipso facto* qualify the respondent, Counsellor Samuel Pearson, being nephew to the surviving spouse, and not captured under the said structure, to obtain letters of administration to administer the Intestate Estate of Maime Hayford Pearson, the late spouse of his uncle, J. Henric Pearson. The respondent having served as legal counsel for the complainant and been fully aware that the complainant is the son of the deceased and survived his deceased mother, was under ethical duty as one knowledgeable in the law and practice, to decline when he was called upon and instructed by the surviving spouse, J. Henric Pearson, without any valid reason, to obtain letters of administration to administer the Intestate Estate of his deceased wife. He should have advised his uncle on the law as he has now done in defense of his action and by doing so, he would be upholding the dignity of the legal profession as a practicing lawyer, as enshrined in Rule 29(3) of the Code for the Moral and Ethical Conduct of Lawyers, (1999), that:

“...It is the duty of every lawyer, and he should strive at all times, to uphold the honor and maintain the dignity of the profession, and to improve not only the law but the administration of justice.”

In view of the above, it was ethically wrong for the respondent, Counsellor Pearson, to obtain letters of administration in his own name to administer the Intestate Estate of the deceased, Maime Hayford Pearson, to whom he bears no family connection.

Moreover, assuming *arguendo* the surviving spouse, J. Henric Pearson, was incapacitated or incompetent to administer his late wife's estate, which is not the case, there is no showing that Counsellor Pearson is an heir and therefore situated to administer and benefit from the estate of Maime Hayford Pearson. Being a nephew to the surviving spouse Henric Pearson in no way vests in him the right to accept a role inconsistent with the law and practice in this jurisdiction. Though he argued firmly that he was authorized, this Court, taking judicial cognizance of the law, coupled with the contention of the complainant, views that Counsellor Samuel Pearson obtained said authorization as a result of undue influence exerted by him upon the complainant and his step-father, J. Henric Pearson, which conduct this Court must frown upon. In the case: *LAMCO J.V. Operating Co. v. Azzam et al*, 31 LLR 23, 29 (1983), the Supreme Court of Liberia, speaking through Chief Justice Gbalazeh, opined that “in adjudicating disputes involving releases, stipulations or authorization, [emphasis ours], the courts must be on their guard to detect those ugly motives that may have worked on the ignorance or misapprehension of the parties issuing such releases [instruments]”. In view whereof, it is also our position that this principle is upheld under the circumstance, and cannot accept the argument of

the respondent that he was authorized by the complainant and his step-father, J. Henric Pearson, wherein he could have brought it to the alertness of his uncle that such authorization was unethical and untenable.

Further, this Court has also held that “when one takes over the estate of a person to whom he/she has no relation and does so without authority from those who are legitimate representatives, as in this case, the action takes on criminality”. In re: *JIC Report on complaint filed by Martha & U-Jay Morris against Associate Magistrate, Bushrod Magisterial Court, His Honor Peter M. Faryen, Sir.*, Supreme Court Opinion, March Term, A.D. 2021.

In the *Faryen case*, two sisters, Martha Morris and U-Jay Morris, requested Associate Magistrate Faryen to assist and guide them in administering the Intestate Estate of their father, Gballah Morris, a resident of the City of Monrovia, because he, Magistrate Faryen, was their late father’s friend. Magistrate Faryen consented and requested the complainants to turn over all title deeds for their late father’s properties so that he could prepare a petition for letters of administration to enable them legally administer their father’s properties; that upon receipt of the deeds, Magistrate Faryen obtained letters of administration from the Monthly and Probate Court for Montserrado County, and included his name as co-administrator, along with one of the sisters, Martha Morris; that without their knowledge, Associate Magistrate Faryen sold one lot of land belonging to the Intestate Estate to a lady and issued a back-dated title deed to said lady in the name of their late father, Gballah Morris; that upon discovery, Magistrate Faryen gave the complainants the impression that their father sold the one lot of land prior to his death.

On review by the Supreme Court *en banc*, the complaint having been investigated, findings and recommendations submitted by the Judicial Inquiry Commission (JIC), held that Magistrate Faryen, not being a relative of the complainants, was without authority to administer the Intestate Estate of the deceased without permission from those who are legitimate representatives; hence, his action was criminal.

In the present case, the respondent Counsellor Samuel Pearson, similarly situated as Magistrate Faryen, not being a family person to the late Maime Hayford Pearson, and being related to the spouse of the decedent, his role in obtaining letters of administration in exclusion of the son of the decedent, and benefiting from the proceeds of the decedent’s bank accounts, constitutes conflict of interest and undue influence, and therefore unethical



and in violation of Rule 29(3) of the Code for the Moral and Ethical Conduct of Lawyers, (1999), and must be reprimanded.

Moreover, the Court also notes Counsellor Pearson's admission that the deceased named both her husband and son as beneficiaries to her accounts thus creating a joint sharing of the proceeds thereof, which Counsellor Pearson failed to do. Instead, he asserts that the surviving spouse had determined the amount of funds to be given the deceased's son.

Therefore, the recommendation of the JIC that Counsellor Samuel Pearson be suspended from the practice of law, directly or indirectly, for the period of three (3) months commencing as of the date of this Opinion and to also be made to retribute the monies he wrongly withdrew from the deceased accounts is affirmed with the modification that the suspension is increased to six (6) months.

WHEREFORE AND IN VIEW OF THE FOREGOING, the findings and recommendation (s) of the Grievance and Ethics Committee (GEC) is affirmed with modification, that Counsellor Samuel S. Pearson is suspended from the practice of law directly or indirectly for a period of six (6) months. The Clerk of this Court is mandated to inform the parties and also all courts and the Liberian National Bar Association (LNBA) of this decision. AND IT IS HEREBY SO ORDERED.

*When this case was called for hearing, Counsellors J. Awia Vankan, Kuku Y. Dorbor, Bhatu Holmes Varmah and Tommy Goughah appeared as amici curiae. Counsellor Gerald G. Appleton appeared for the respondent, the respondent also appeared pro se.*