

IN THE HONORABLE 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.....ASSOCIATE JUSTICE
BEFORE HER HONOR: CEATNEH D. CLINTON JOHNSON.....ASSOCIATE JUSTICE

THE GRIEVANCE AND ETHICS COMMITTEE INVESTIGATIVE REPORT
ON COMPLAINT FILED BY MR. SAMUEL Y. JOHNSON AGAINST
COUNSELLOR MOIFEE KANNEH

Heard: November 13, 2024

Decided: February 18, 2025

MADAM CHIEF JUSTICE YUOH DELIVERED THE OPINION OF THE COURT

The Supreme Court pursuant to its authority to regulate the practice of law established the Grievance and Ethics Committee to investigate complaints regarding the ethical breach and violations of the Code for the Moral and Professional Ethics for lawyers practicing before courts across the length and breadth of the Republic of Liberia, as to their character, integrity, professional standing or conduct.

Taking judicial notice of the mandate of the Grievance and Ethics Committee to investigate complaints filed by divers individuals regarding the alleged ethical misconduct by lawyers directly or indirectly involved in the practice of law across the Republic of Liberia, the Chief Justice of the Supreme Court of Liberia, Her Honor Sie-A-Nyene G. Yuoh upon receipt of a letter of complaint dated February 15, 2024 from Samuel Y. Johnson, Sr., against Counsellor Moiffee Kanneh, forwarded same to the Chairperson of the Grievance and Ethics Committee (GEC), Counsellor George Henries, requesting the conduct of an investigation into the said matter following which the Committee shall submit its finding(s) and/or recommendation(s) to the Bench *en banc*.

We reproduce the letter of complaint herein below as follows, to wit:

“I am the Secretary General of the National Teachers Association of Liberia (NTAL). In March 2022, I was suspended illegally for time indefinite by the Representative Council of the NTAL in gross violation of the NTAL Constitution. I challenged that decision and filed a complaint at the Sixth Judicial Circuit, Civil Law Court, Montserrado County through the Weah and Associates Law Firm. Since then, my case is yet to be assigned. While awaiting the assignment and hearing of my complaint at the Sixth Judicial Circuit, Civil Law Court, Montserrado County, surprisingly on May 23, 2022, Counsellor Moiffee Kanneh, representing the legal interest of Madam Mary W. Mulbah Nyumah, President of the National Teachers Association of Liberia (NTAL), obtained a writ from the Monrovia City Magisterial Court charging me with felonious restraint. Upon my appearance at the Monrovia City Magisterial Court, Stipendiary Magistrate Jomah Jallah ordered my imprisonment at the Monrovia Central Prison and I was only released on the selfsame day after engagement with the court by my friends. Since my release from prison, neither Counsellor Kanneh nor his client Madam Mary W. Mulbah Nyumah has followed up on the case filed against me at the Monrovia City Magisterial Court. My office door was burst pending the hearing of my case at the Civil Law Court. In view of the above, I am kindly asking the Office of the Chief Justice to prevail on Counsellor Kanneh to assign my case at the Monrovia City Court.

Sincerely,

Samuel Y. Johnson, Sr
Secretary General
National Teachers Association of Liberia”

Upon receipt of the letter of complaint, the Grievance and Ethics Committee (GEC) issued notices of assignment for the hearing of the complaint, citing the parties to appear and present evidence corroborating their allegations. In adherence thereto, the parties appeared proffering both oral and documentary evidence in substantiation of their respective allegations.

Following hearing of the complaint, the Grievance and Ethics Committee on August 12, 2024, submitted its Investigative Report to the Office of the Chief Justice in which Report the Committee unanimously dismissed the complaint against Counsellor Kanneh, noting that none of the allegations contained therein are attributable to Counsellor Kanneh for which the Committee may hold him liable for ethical breach and violations of the Moral and Professional Code of Ethics for Lawyers in Liberia.

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 ordered the Clerk of the Supreme Court to forward a copy of the Report to Counsellor Moiffee Kanneh, informing him to file a brief before the Full Bench of the Supreme Court as regards the findings and recommendations of the Grievance and Ethics Committee (GEC), on or before the hearing of the case.

The Chief Justice as per the dictates of the Revised Rules of Court also appointed four Counsellors of the Supreme Court Bar, Counsellors J. Awia Vankan, Kuku Y. Dorbor, Bhatu Holmes Varmah and Tommy Dougbah to serve as *amici curiae* in this case and file an *amici curiae* brief in this proceeding. The *amicus curiae* in compliance with the Mandate of this Court filed their *amicus* brief, excerpts of which we quote as follows, to wit:

“Whether or not Cllr. Kanneh violated the Code of Moral and Professional Ethics for Lawyers, by not allegedly seeking assignment of the writ procured from the Monrovia City Court and/or failed to attend assignment at the Civil Law Court where the complainant is an adverse party?

We answer with a resounding no. In our jurisdiction, crimes are prosecuted by the State. The Executive Law, Title 12 of the Liberian Codes of Laws Revised, confers discretionary powers upon the Ministry of Justice for prosecution involving the interest of the State. Section 22.1 enumerates the duties of the Minister of Justice (which by extension extends to all prosecuting attorneys), such duties include procuring the proper evidence to conduct, prosecute or

defend all suits and proceedings in the courts in which the Republic of Liberia or any officer thereof, is a party or may be interested.

Under the law, criminal cases, such as the writ of arrest for felonious restraint against the complainant, is prosecuted by the State through its prosecuting attorneys. Hence, the State has the *onus* to secure assignments of cases including charges it levied against the criminal defendant.

Even assuming Cllr. Kanneh could secure assignment for hearing of the case at the Monrovia City Court, he did not violate the Code of Moral and Professional Ethics for Lawyers if he did not secure said assignments. Issuance of assignments are primarily the responsibility of the court. The complainant and/or his lawyer could have sought assignment and hearing of the case as securing assignment is not limited to persons who bring their cases to court. Additionally, the law provides a timeframe for the dismissal of a case for failure to proceed.”

An *amicus curia* is one who assists the court by offering insights not usually available to the parties. An *amicus curia* performs a valuable role for the court; he/she is a nonparty who presents an independent assessment of the matter before the court without necessarily siding with the court. Because an *amicus curia* is appointed by the court, he/she is often referred to as friend of the court, but in reality, he is also friend to the party respondent. Ultimately, it is the decision of the Court that prevails. *In Re: Allison v. Jones*, Supreme Court Opinion, October Term, A.D. 2012; *In Re: Contempt Proceedings Against Daniel Tubman, Clinton Brown, Miller Bondo, Varfee Sirleaf, Ernest White, Joseph Kollie, The Acting Paramount Chief of Fauhmah Chiefdom*, Supreme Court Opinion, October Term, A.D. 2022; *In Re: Contempt Proceedings Against Counsellor Frank Musah Dean, Minister of Justice and Attorney General of the Republic of Liberia, and Dean of the Supreme Court Bar and Hon. Ledgerhood J. Rennie, Minister of Information, Cultural Affairs and Tourism*, Supreme Court Opinion, October Term, A.D. 2023.

This Court extends its thanks and appreciation to the *amici curiae* for their prompt response and acceptance to serve in this capacity and applaud them for their dedication to their duty as “friends of the Court.”

We are in full agreement with the finding(s) and recommendation(s) contained in the Report of the Grievance and Ethics Committee (GEC) and the conclusion of the *amici curiae* to the effect that the present complaint against Counsellor Moiffee Kanneh does not state any ethical violations for which Counsellor Kanneh may be reprimanded by this Court.

It is common knowledge that the Ministry of Justice under the authority and supervision of the Attorney General/Minister of Justice is charged with the statutory duty of procuring the necessary pieces of evidence to institute all legal proceedings on behalf of the Government of Liberia to establish beyond reasonable doubt the guilt of the accused; prevent undue delay in the prosecution of cases; otherwise, the accused will be entitled to a discharge as it is evidence alone which enables a court to decide with certainty a matter in dispute. *RL v. Eid et. al*, 37 LLR 761, 764; *Morgan v. Barclay*, 42 LLR 259, 261; *Kamara et. al v. Heirs of Essel*, Supreme Court Opinion, March Term, A.D. 2012; *Williams v. RL*, Supreme Court Opinion, March Term, A.D. 2014. In the present case, the failure of the Ministry of Justice to procure notice of assignment for the hearing of the criminal action of felonious restraint filed against the complainant, which is the sole prerogative of the State, cannot be attributable to the respondent, Counsellor Moiffee Kanneh, nor is same an ethical violation for which Counsellor Kanneh may be reprimanded.

Howbeit, the complainant is at liberty to file the appropriate legal action at the proper forum if he feels the prosecution of his case is being unduly delayed or that his rights are being trampled upon. Hence, the allegation that Counsellor Kanneh has refused to assign a criminal case which is the sole duty of the State

presents no ethical violations for which the Grievance and Ethics Committee (GEC) may reprimand him and we so hold.

WHEREFORE AND IN VIEW OF THE FOREGOING, the finding(s) and recommendation(s) of the Grievance and Ethics Committee (GEC) dismissing the complaint against Counsellor Moifée Kanneh are hereby affirmed. The Clerk of Court is ordered to inform the parties 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 Dougba appeared for the amici curiae. No Counsel appeared for the respondent.

IN THE HONORABLE 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 GBEISAYASSOCIATE JUSTICE
BEFORE HER HONOR: CEATNEH D. CLINTON JOHNSON.....ASSOCIATE JUSTICE

In Re: Grievance and Ethics Committee Investigative Report on Complaint filed by Mr. Samuel Y. Johnson Against Counsellor Moiffee Kanneh

JUDGMENT

When this case was called for hearing, Counsellors J. Awia Vankan, Kuku Y. Dorbor, Bhatu Holmes Varmah and Tommy Dougbah appeared for the amici curiae. No Counsel appeared for the respondent.

Having carefully examined the facts contained in the records, listened to the arguments on both sides, and considered the laws relevant thereto, it is hereby

ADJUDGED:

That the Ministry of Justice under the authority and supervision of the Attorney General/Minister of Justice is charged with the statutory duty of procuring the necessary pieces of evidence to institute all legal proceedings on behalf of the Government of Liberia; That the failure of Counsellor Kanneh to procure notice of assignment for the hearing of the felonious restraint action which is sole prerogative of the State cannot be deemed an ethical violations for which Counsellor Kanneh may be reprimanded by the Grievance and Ethics Committee (GEC), as each party to a case to include the present complainant is at liberty to request notice of assignment for the hearing of his or her case.

WHEREFORE AND IN VIEW OF THE FOREGOING, the Report of the Grievance and Ethics Committee (GEC) dismissing the complaint against Counsellor Moiffee Kanneh is hereby affirmed. The Clerk of Court is ordered to inform the parties of this decision. AND IT IS HEREBY SO ORDERED.

GIVEN UNDER OUR HANDS AND THE SEAL OF THE
SUPREME COURT OF LIBERIA, THIS ____ DAY OF
FEBRUARY, A. D. 2025.

Sie-A-Nyene G. Yuoh
CHIEF JUSTICE, SUPREME COURT OF LIBERIA

Jamesetta Howard Wolokolie
ASSOCIATE JUSTICE, SUPREME COURT OF LIBERIA

Yussif D. Kaba
ASSOCIATE JUSTICE, SUPREME COURT OF LIBERIA

Yamie Quiqui Gbeisay, Sr.
ASSOCIATE JUSTICE, SUPREME COURT OF LIBERIA

Ceaineh D. Clinton Johnson
ASSOCIATE JUSTICE, SUPREME COURT OF LIBERIA