

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, SR..... ASSOCIATE JUSTICE
BEFORE HER HONOR: CEANEH D. CLINTON-JOHNSON..... ASSOCIATE JUSTICE

THE GRIEVANCE AND ETHICS COMMITTEE’S REPORT ON COMPLAINT FILED BY
MR. MARIE NELLON AGAINST COUNSELLOR J. JOHNNY MOMOH OF THE J.
JOHNNY MOMOH LAW CHAMBERS.

HEARD: November 13, 2024

DECIDED: February 17, 2025

MADAM JUSTICE CLINTON-JOHNSON DELIVERED THE OPINION OF THE COURT

On June 21, 2023, Ms. Marie Nellon of Brewerville City filed a complaint with the Office of the Chief Justice of the Supreme Court of Liberia, Her Honor Sie-A-Nyene G. Yuoh against Counsellor J. Johnny Momoh of the J. Johnny Momoh Law Chambers for an alleged ethical violation(s). In her complaint, Ms. Nellon narrated that she had cohabitated with Counsellor J. Johnny Momoh, respondent for more than eight years on the G-4 Road, Brewerville City, Montserrado County, resided at her house for five years and subsequently, three years in the new house that they jointly built in YED Community, Brewerville, where she invested more than One Hundred Thousand United States Dollars (US\$100,000.00), but to her outmost surprise, Counsellor Momoh, did not inform her that the land they built on belong to his son Jeremiah Momoh; that besides, the respondent had been involved with domestics violence, until living together as partners became difficult; that the respondent was married but she was not aware; and complainant narrated that she suffered with respondent during his illness; and that complainant purchased things for the respondent.

The Chief Justice forwarded the letter of complaint to the Office of the Grievance and Ethics Committee of the Supreme Court of Liberia for investigation. The Grievance and Ethics Committee then forwarded copy of the complaint to the respondent, Counsellor J. Johnny Momoh for his perusal and response.

In the respondent’s response, Counsellor J. Johnny Momoh asserted that he did not know why he was before the Grievance and Ethics Committee because his duty to the court or to his client is not an issue at the hearing; that the complainant, Marie Nellon is not his client but assuming without admitting that everything she said is true, the Committee is without the

authority to hear such matter; that he and the complainant are before court at the Brewerville City Magisterial Court for an action of Domestic Violence, and the Sixth Judicial Circuit, Civil Law Court for Montserrado County, where the complainant sued the respondent for damages for wrong; that the respondent denied that they both built a house together; that the complainant is aware that the respondent is married; that the respondent affirmed complainant's declaration that she purchased things for him but narrated that it was because the respondent was complainant's primary source of income.

Following receipt of the respondent's returns, the Grievance and Ethics Committee (GEC) convened a hearing on December 20-21, 2024, after which the GEC submitted its report to the Supreme Court for final decision thereon.

We quote verbatim the observation and recommendation hereunder:

"OBSERVATION:

After listening to both parties, the Committee was confronted with the following issues:

1. Whether or not Counsellor Momoh behaviour/attitude or relationship with the complainant can be equated to a Lawyer-Client relationship?
2. Whether or not the complainant brought any evidence to establish a breach of the Moral and Ethical conduct of Counsellor J. Johnny Momoh as a Lawyer in this jurisdiction?
3. In the face of the confirmation of two (2) pending matters before courts of competent jurisdiction, can the GEC proceed to hear any elements of the complaint brought before it by the complainant?

The Committee answers all the issues raised in the negative. The Committee cannot establish anything between the parties that can necessitate intervention. From all that have been presented, even if the Committee looks at the fact that Counsellor J. Johnny Momoh as a Lawyer holds a responsibility to the court or to the Client, nothing complained of shows any disrespect to a client or the court in this country for which the Committee can go into. All that was presented is strictly his private life for which his wife, if she elects to, may have a remedy. That these matters are pending before the courts, Sixth Judicial Circuit, Civil Law Court and the Brewerville City Magisterial Court. The parties should pursue them to the logical conclusion.

RECOMMENDATION:

The Committee unanimously recommend that the complaint filed against Counsellor J. Johnny Momoh be DISMISSED..."

The issue determinative of this matter is whether or not respondent violated the Code of Moral and Professional Ethics for lawyers. We answer this question in the negative, that Counsellor Momoh, the respondent, did not violate any element of the Code of Moral and Professional Ethics for lawyers to be punished..."

This Court, upon receipt of the Grievance and Ethics Committee's Report cited the respondent to appear for the final hearing and determination. This Court appointed Counsellors Kuku Y. Dorbor, Bhartur Cora Holmes Varmah, J. Awia Vankan and Tommy N. Dougbah as *amici curiae* or friends of the Court to present the report of the Grievance and Ethics Committee and offer candid opinion/advice based on the facts and applicable laws controlling.

The *amici curiae* filed a brief before this Court, confirming the GEC's report and concluded as follows:

"From the foregoing facts and circumstances gathered from the records, and the arguments by the Parties, we have determined a single issue for disposition of this appeal.

Whether or not Appellee violated any counts of the moral and ethical standards of lawyers? In answering said issue, we say NO. From the records, it reveals that the Parties had a relationship and complainant complaint had nothing to do with breach committed by the respondent and therefore complainant lack standing. The records also revealed that there are two cases which has not been disposed of.

Chapter 11, Section 11.2 of 1LCR (Motion to Dismiss)

1. Time: grounds, at the time of services of his responsive pleading, a party may move for judgment dismissing one or more claims for relief asserted against him in all complaint or counter claim on any of the following grounds.
 - d) That there is another action pending between the same parties for the same cause in a Court in the Republic of Liberia.

Wherefore and in view of the foregoing, it is the holding of the Amici Curiae that the Grievance and Ethics Committee report be upheld and complainant's complaint be dismissed...."

The issue before this court to determine is whether or not the recommendation of the GEC is in line with law. The Grievance and Ethics Committee (GEC) shall have jurisdiction and inquire into and consider any complaint made against any practicing lawyer involving his character, integrity, professional standing, or conduct as a member of the Bar.

This Court emphasizes that the paramount duty and responsibility of the GEC is to investigate lawyers for conducts that violate any aspect of the Code of Moral and Professional Ethics for lawyers. In the instant case, we do not see any of such violation because the GEC is not a forum to adjudicate cases between individuals which are cognizable before courts of competent jurisdiction, but a forum to investigate complaints made against any practicing lawyer involving his character, integrity, professional standing, or conduct as a member of the Bar. Madam Nellon informed the GEC of pending legal actions against Counsellor Momoh

which in the mind of this Court are matters already before the proper forum. The matter before the GEC is not one that is related to the practice of law but rather, a social relationship between a man and a woman.

Even though the respondent, Counsellor Johnny Momoh is a practicing lawyer, the complaint not having stated any ethical transgression and the matter of the complaint being a subject of existing court litigation, we find no reason to disturb the recommendation of the Grievance and Ethics Committee (GEC).

We hold that considering the facts and circumstances of this matter, the respondent, Counsellor J. Johnny Momoh did not violate the Code of Moral and Professional Ethics.

WHEREFORE AND IN VIEW OF THE FOREGOING, the recommendation of the Grievance and Ethics Committee is affirmed. The Clerk of this Court is ordered to inform the parties of this decision. AND IT IS HEREBY SO ORDERED.

WHEN THE CASE WAS CALLED FOR HEARING, COUNSELLORS TOMMY N. DOUGBAH, KUKU Y. DORBOR, BHARTUR CORA HOLMES VARMAH AND J. AWIA VANKAN APPEARED AS *AMICI CURIAE*. COUNSELLOR J. JOHNNY MOMOH APPEARED PRO SE.