

IN RE: THE COMPLAINT OF MRS. MAIBELYNE A. FREEMAN, Complainant,  
AGAINST COUNSELLOR JOSEPH A. SELLIE, SR., Respondent.

REPORT OF THE GRIEVANCE AND ETHICS COMMITTEE TO THE SUPREME  
COURT.

**In re Complaint of Mrs. Freeman [2000] LRSC 17; 40 LLR 161 (2000) (21 July 2000)**

Heard: May 24, 2000. Decided: July 21, 2000.

1. No lawyer shall permit his professional services or his name to be used in aid of or in connection with, or to make possible, the unauthorized practice of law by laymen or lay agencies, personal or corporate.
2. Any lawyer found guilty of violating the Code of Ethics by aiding a lay person to use the professional services or name of the lawyer or law firm shall be suspended from the practice of law.
3. A petition for adoption must be signed by a lawyer and accompanied by an affidavit of consent signed by the natural parents of the child.
4. At each stage of an adoption proceeding the services of a lawyer is, by law, required.
5. It is illegal and unethical for a person not a lawyer to be aided and abetted by a lawyer in presenting pleadings and participating in proceedings in a court of record in Liberia.

The complainant, Maibelyne A. Freeman, submitted a letter of complaint against Counsellor Joseph A. Sellie, respondent, alleging that she had engaged his services to represent her in a certain adoption proceeding in the Monthly and Probate Court for Montserrado County, to fulfil certain requirements of the United States Embassy; and that Counsellor Sellie had presented her with adoption papers which he alleged were from the court, but that the said papers were determined to be fraudulent as the signatures of the judge and clerk of the probate court were found to have been forged. The matter was forwarded to the Grievance and Ethics Committee of the Liberian National Bar Association which, after an investigation, concluded that Counsellor Sellie had violated his oath and the ethics of the profession and therefore recommended that he be suspended from the practice of law.

In his response to the complaint, Counsellor Sellie admitted the allegation of fraud but set up the excuse that the adoption had been undertaken in his behalf by a lay person who had claimed knowledge of the procedures and processes involved in adoption proceedings, and that it was the said lay person who had perpetrated the fraud and forgery.

The Supreme Court agreed with the conclusion of the Grievance and Ethics Committee that the respondent had violated his oath and the rule governing the ethical conduct of lawyers, and that the said violation warranted his suspension from the practice of law. The Court noted that it was unethical and illegal for a lawyer to allow or aid a non-lawyer to use his name to practice law in the Republic and that as a petition for adoption could only be signed and accompanied by a lawyer whose services had to be given at every stage of the adoption proceedings, the respondent had acted in breach of the professional ethics in entrusting the proceedings to a lay person.

The Court therefore adjudged the respondent guilty, ordered him suspended from the practice of law, directly and indirectly, for three (3) years, and directed that he present evidence of the prosecution of the perpetrator of the forgery as a precondition for lifting the suspension at the end of the suspension period.

Tiawon Gongloe of the Legal Consultant, Inc. appeared for the complainant. Joseph A. Sellie, Sr., appeared for himself.

**MADAM CHIEF JUSTICE SCOTT delivered the opinion of the Court.**

The Chambers of the Chief Justice received a letter of complaint, dated February 7, 2000 and signed by Maibelyne Freeman. The letter read:

“Honorable Gloria M. Scott

Chief Justice, R. L.

Temple of Justice

Monrovia, Liberia

Dear Hon. Scott:

I have the honour to inform you of a transaction between one of your Counsellors-At-Law, Counsellor Joseph Sellie, and me, which has caused me grave embarrassment, shame, disgrace, and ridicule to the detriment of my family.

Honourable Scott, I am a winner of the USA Diversity Lottery Visa for the year 1999/2000. This program allows a winner to travel to the USA with his/her family, including dependents, both natural and adopted. Predicated upon this, I filed in a list of dependents, including my younger sister, who currently resides with me as one of my dependents. In order to secure her status as a legitimate dependent, I was advised to go through the legal process of obtaining a decree of adoption.

In fulfilment of this requirement; I contracted the services of Counsellor Joseph Sellie, who submitted a purported ‘decree of adoption’ to be forwarded to the American Embassy. Unfortunately, and to my greatest dismay, I was rejected during the interview at the US Embassy for alleged fraud and forgery. I was humiliated and grossly accused of falsifying the signatures of Judge John L. Greaves of the Probate Court and Peter Doekpar, clerk of said court.

The situation has not only embarrassed my family in Liberia; but might also happen in the United States, should the consul decide to fax the documents [to the U.S.] in order to BLACKLIST me, as he had previously threatened.

In this light therefore Your Honor, I am appealing to your honourable office for redress, and also to ensure that Counsellor Sellie be reprimanded and that the US Consul be further informed of his action.

Your timely intervention will greatly relieve me of this alleged criminal act and gross embarrassment for now and in the future.

I look forward to hearing from you, Your Honour.

I remain,

Sincerely yours,

Maibelyne A. Freeman

The Chief Justice, Her Honour Gloria M. Musu-Scott for-warded the said letter of complaint to the Grievance and Ethics Committee of the Liberian National Bar Association appointed by the Supreme Court of Liberia,

The Members of the Grievance and Ethics Committee included:

Counsellor Emmanuel S. Koroma - Chairman

Counsellor Pei Edwin Gausi - Member

Counsellor Jeanette Davidson - Member

Counsellor John N. J. J. Caranda - Member

The Committee submitted a report to the Chief Justice with the following, inter alia:

“Counsellor Joseph A. Sellie, Sr., for his part submitted a written “answer” to the complaint addressed to the Chairman of the Grievance and Ethics Committee, Counsellor Emmanuel S. Koroma, dated February 21, 2000. During the hearing, Counsellor Sellie confirmed the totality of his answer. He admitted to the fraudulent act, but set up a justification that one Jerry Blamo, whom he had entrusted to handle the adoption proceeding in the monthly and probate court, perpetuated the fraudulent act.... He narrated that as he was too engaged at the time, his clerk had typed all the required documents and that Mr. Jerry Blamo had volunteered to assist him with the process at the monthly and probate court. Two days thereafter, according to Counsellor Sellie, Mr. Jerry Blamo brought the documents to him "processed" with all the required "signatures" which he considered to be genuine.

Counsellor Sellie stated further that because Mr. Jerry Blamo represented to him that he (Jerry Blamo) had more knowledge about probate proceedings, he therefore entrusted the adoption proceedings entirely to Mr. Blamo.

Counsellor Sellie concluded with an apology to Mrs. Maibelyne A. Freeman, the complainant, His Honour John L. Greaves, Judge, Monthly and Probate Court, and members of the Grievance and Ethics Committee and asked for forgiveness . . . . as follows:

‘Now Mr. Chairman, to the best of my legal ability and honesty, I hereby faithfully apologize to Mrs. Maibelyne A. Freeman, His Honour John L. Greaves, Judge, Monthly and Probate Court, Montserrat County, and to your Honourable Committee to kindly think of God and forgive me for such unexpected illegal act of which I am connected.’

The Committee's Report included the following findings:

1. The complainant, Mrs. Maibelyne A. Freeman, acting upon the advice of her lawyer, Counsellor Joseph A. Sellie, Sr., received from said Counsellor Sellie, the document purporting to be a genuine decree of adoption issued by the Monthly and Probate Court, Montserrat County.
2. The defendant, Counsellor Joseph A. Sellie, Sr., breached his professional ethics as a lawyer, firstly, by promoting and encouraging an unauthorized practice of law when he entirely entrusted his legal responsibility of acquiring a decree of adoption from the monthly and probate court to a non-lawyer, Jerry Blamo. This is in violation of Rule 37 of the Code of Moral and Professional Ethics. Count 3 of Counsellor Sellie's answer to the complaint buttressed this fact. It is also noted from Counsellor Sellie's answer that he entirely entrusted the proceedings in the probate court to Jerry Blamo because the said Blamo represented that "he knows more about probate proceedings". The Committee wonders how a counsellor-at-law would subordinate himself to a non-lawyer by believing that such non-lawyer knows more about legal matters than himself. This bewilders the Committee.
3. The circumstances leading to the commission of forgery as noted above, was aided and abetted by Counsellor Joseph A. Sellie, Sr., for reasons that he had no reason to have entrusted the handling of legal matters to a non-lawyer, Mr. Jerry Blamo, whom he identified as a former clerk to the late county attorney of Maryland County. Secondly, Counsellor Sellie having received from Mr. Blamo the document purporting to be the court's decree of adoption, gave credence to said document by concluding that the signatures thereon are genuine ones of Judge Greaves of the Monthly and Probate Court and Mr. Peter Doekpar, clerk of the said court respectively. Again, the Committee wonders by what means did Counsellor Sellie conclude that those signatures were the genuine ones of the officials they purported to represent. Thirdly, Counsellor Sellie did not ascertain from the records of the probate court specifically relating to the minutes, to determine whether there was in fact a hearing in keeping with due process of law, especially since he did not personally appear in court.”

The Committee then concluded "that Counsellor Joseph A. Sellie neglected his duty as a lawyer and breached the ethics of his profession by aiding and abetting an unauthorized practice of law which nurtured the commission of forgery in the manner stated supra. The complainant, in the mind of the Committee, may be considered an innocent victim because it appears that she was never given the required legal advice as regards the procedure for obtaining a decree of adoption from the monthly and probate court."

The following recommendations were made by the Grievance and Ethics Committee:

- 1) The Supreme Court, consistent with the Code of Moral and Ethical Conduct of Lawyers, may employ the appropriate measures to deal with the violation stated above.

The Supreme Court may grant any relief to the complainant in light of the circumstances of the case.

The matter was called for hearing before this Honourable Court sitting en banc on May 24, 2000, as required by procedure in all matters involving whether or not sanctions or disciplinary actions should be taken against a lawyer admitted by the Supreme Court to practice law in the Republic of Liberia. During the arguments before this Court, counsel representing the interest of the complainant prayed the Court to uphold the report of the Grievance and Ethics Committee and prayed that the respondent be suspended from the practice of law. The respondent, for his part, continued his plea of mercy and admitted his negligence but informed the Court that the crime of forgery was committed by one Jerry Blamo who, since the commission of the act, now resides in Grand Kru County.

The question of whether or not a fraudulent act was committed is undebatable. However, the question of who actually committed the alleged crime of forgery remains unanswered. Further, the fact that Counsellor Joseph A. Sellie, Sr. neglected his duty as a lawyer, and breached the ethics of his profession by aiding and abetting the unauthorized practice of law, as concluded by the Grievance and Ethics Committee, is crystal clear and admitted by Counsellor Sellie.

The oath of a lawyer, sworn to by Counsellor Joseph A. Sellie includes the following statement:

"(Cllr. Joseph A. Sellie) do solemnly swear that I will always demean myself as a gentleman, and a respectable and honorable citizen of the Republic of Liberia, and will support the constitution and uphold the laws of my country, and those governing the conduct of lawyers.. ."

The Code of Moral and Professional Ethics governing the behaviour of lawyers provides:

Rule 37. Aiding the unauthorized practice of Law. "No lawyer should permit his professional services or his name to be used in aid of or in connection with, or to make possible, the unauthorized practice of law by laymen or lay agencies, personal or corporate, or by persons who have failed to strictly comply with the rules controlling the admission of lawyers. Any lawyer found guilty of violating this rule shall be suspended for a period to be determined by the Court."

The determination which this Honourable Court must make at this time is, what disciplinary action should be taken against the defendant herein. The Court is appalled by the manner in which Counsellor Sellie handled his client's interests. Adoption is a very serious legal procedure. These proceedings have legal and other implications for the child to be adopted, the adopting parent(s), and the natural parents of the child. The Probate Court Procedure Code provides that the petition for adoption be signed by a lawyer and accompanied by an affidavit of consent signed by the natural parents of the child. The code requires that a hearing be held at which time the adopting parent(s) shall give evidence of not only financial capacity, but also of moral fitness to convince the court that the best interest of the child or children would be served if a decree of adoption is issued by the court. The proceedings are also held to convince the court that the natural parents understand the legal implications of consenting to the adoption proceedings. The law requires that records of these proceedings be taken by the court. At each stage of these proceedings, the services of a lawyer is required.

Counsellor Sellie told this Court that because Mr. Jerry Blamo had made representations that he was more knowledge-able about probate proceedings, he had entrusted the entire matter to the said Jerry Blamo. Counsellor Sellie also told this Court when Jerry Blamo returned with the adoption decree "processed", he had no idea that the signatures of the judge and the clerk on the said adoption decree were not genuine. This Court inquired as to whether the said Jerry Blamo had present-ed the minutes from the probate court to him. Counsellor Sellie answered "no".

Counsellor Sellie further told the Court that he has been a practicing lawyer in Liberia for at least thirty (30) years. This Court fails to understand why Counsellor Sellie, a legal practitioner with a minimum of thirty years of experience in the practice of law, did not have reason to know that it was illegal and unethical for a person who was not a lawyer to be aided and abetted by a lawyer in presenting pleadings and participate in proceedings in a court of record in this Republic. Contrary to his advocacy of innocence, this Court is convinced that Counsellor Sellie intentionally and knowingly violated his sworn duty not to aid and abet the illegal practice of law.

Further, the Court is puzzled as to why Counsellor Sellie, who at the time was in the employ of the Ministry of Justice in the position of Assistant Minister of Justice for Legal Affairs, did not have the said Jerry Blamo arrested since he claimed and alleged that it was Jerry Blamo who had fraudulently prepared the court's decree of adoption containing thereon the forged signatures of the judge and clerk of the Monthly and Probate Court for Montserrado County. This Court believes that Counsellor Sellie was vested with the authority and had the capacity to ensure that the offense of forgery, under the circumstances under review, was prosecuted. This, Counsellor Sellie failed and neglected to do.

The conduct of Counsellor Sellie, in the matter under review, has brought reproach, disrepute, and ridicule not only to himself but also to the legal profession and the judiciary. This incident may give reason to question any legal document, court precept, court order, or final judgment by any reasonable person, organization, institution, or government, whether local-ly or internationally. What grievous harm and injury committed against the legal profession and the judiciary, at the instance of Counsellor Joseph A. Sellie.

Rule 37, quoted herein, requires that a lawyer who aids and abets the unauthorized practice of law shall be penalized by suspension. In view of this Rule and the allegations of the complaint, admitted and confessed to by Counsellor Sellie, this Court hereby orders that Counsellor Joseph A. Sellie be and he is hereby suspended from the practice of law, whether directly or indirectly, within the Republic of Liberia, for a period of three (3) consecutive calendar years. The Clerk of this Court is hereby ordered to send a mandate to all courts in the Republic informing the judges and judicial personnel therein, and the general public, of this Court's decision.

Further, the defendant herein is further ordered to report this matter to the Ministry of Justice and to ensure that the perpetrator of the criminal act of forgery of the signatures of the judge and clerk of the Monthly and Probate Court for Montserrado County, His Honour John L. Greaves and Mr. Peter Doekpar, is prosecuted. Evidence of the prosecution of this criminal act shall be the condition precedent to the lifting of the suspension after the expiration of the three years stated herein. Costs are ruled against the respondent. And it is hereby so ordered.

Defendant adjudged guilty and suspended.