

**IN RE: GRIEVANCE AND ETHICS COMMITTEE INVESTIGATIVE REPORT ON  
ATTORNEY JAMES K SAYBAY, GBARNGA, BONG COUNTY**

**LRSC 28  
JUDGMENT**

When this case was called for hearing, Counselors Emmanuel B. James and Cooper W. Kruah appeared as Amici Curiae and Counsellors J. Laveli Supuwood and L. Koiboi Johnson appeared for the respondent.

Having heard the legal arguments presented by both sides in this matter, and having reviewed and considered the facts and applicable laws and rules relating thereto, it is hereby

**ADJUDGED:**

That the complainant, Mark Smith, having filed both criminal and civil actions before the trial court in Bong County regarding the same subject matter and same parties, and considering that it would create a dichotomy where the investigation of the Committee is not bound by the strict rule of evidence and cannot be given precedence over a case on the docket of a court, this Court declines the endorsement of the recommendations of the Committee.

Having elected to initiate court action, the complainant, Mark Thomas, is advised to pursue his criminal matter of theft filed before the trial court in order to recover his nine thousand United States Dollars, or pursue his action for Specific Performance to have the trial court order Attorney James Saybay to transfer the property to him.

This, notwithstanding, Attorney Saybay having exhibited dishonesty in his dealings with the Grievance and Ethics Committee when he presented a deed for property other than that promised and committed forgery when he signed the name of the surveyor on a deed presented to the Committee, his actions were in violation rules 24 and 25 of the Code of Ethics. He is therefore suspended from the practice of law directly or indirectly for a period of one (1) year; his suspension takes effect as of the date of delivery of this opinion.

The Clerk is hereby ordered to communicate to the parties our ruling in this matter. AND IT IS HEREBY SO ORDERED.

GIVEN UNDER OUR HANDS AND THE SEAL OF THE SUPREME COURT OF LIBERIA  
THIS 20<sup>TH</sup> DAY OF FEBRUARY, A.D. 2013.