

**IN RE: FINDINGS AND RECOMMENDATIONS OF THE GRIEVANCE AND ETHICS COMMITTEE OF MONTSERRADO COUNTY IN THE COMPLAINT OF MADAM WESSEH POKER AGAINST COUNSELLOR FRANCIS N. TOPOR.**

1. In disciplinary proceedings against a lawyer, the Supreme Court always has jurisdiction over the accused and is the final arbiter in such proceedings of the Grievance and Ethics Committee and the Liberian National Bar Association.

2. Proceedings against a lawyer for unethical conduct may be allowed to come before the Supreme Court by virtue of the Court's initiative and without the need for observance of appellate procedures by any of the parties involved.

Madam Poker complained to the Chief Justice that she had retained Counsellor Francis N. Topor to represent her interest in a case, and for which she had paid him a substantial part of his fees but that he had not proceeded with her case. The matter was forwarded to the Grievance and Ethics Committee for investigation. The Committee found the Counsellor to be negligent and recommended that he handles the client's case expeditiously. The recommendation was sustained by the Supreme Court which further ordered that the Grievance and Ethics Committee informs the Justice in Chambers of the expeditious disposition of the case out of which the ethical complaint grew.

MR. JUSTICE YANGBE delivered the opinion of the Court.

In her complaint addressed to the Chief Justice, His Honor Emmanuel N. Gbalazeh, Mrs. Wesseh Poker complained that she had retained Counsellor Francis N. Topor and paid him the sum of \$300.00, leaving a balance of \$200.00, to represent her in an action of ejectment; that since the filing of the case in March 1981, up to September 1981, nothing had been done by the Counsellor in respect of the case; and that she wanted action to be taken against the Counsellor to have him refund of the amount she had paid. The complaint was forwarded to the Committee of the Liberian National Bar Association which dealt with unethical conducts for an investigation. It is observed that no unethical conduct on part of Counsellor Topor was alleged in the complaint; nevertheless, during the investigation, the Committee discovered that the entire handling of the case by Counsellor Topor denoted that he could certainly have done a better job had he decided to, as there were several indications of negligence on part of Counsellor Topor. The Committee named the following as the acts of negligence:

1. That no attempts were made to have the answer dismissed for its untimeliness; and,
2. That there was no filing of a motion for the substitution of parties. The Committee further observed that the complainant had paid Counsellor Topor more than half of the amount he had charged for his services, but that Counsellor Topor had not provided services to the value of the amount he had received. It concluded therefore that Counsellor

Topor showed a marked degree of irresponsibility in the manner in which he had handled his client's case.

It is therefore recommended that Counselor Topor should expeditiously handle the case with more professionalism and to its finality, without any further delay.

It is obvious that at times the client may not know when his case had been badly handled through the negligent act of his Counsel, except through a thorough investigation by another professional person of the same calling, as in this case. Hence, the failure of the complainant to include in her complaint the ill performance on the part of Counsellor Topor is clear.

It is also important to observe that no exception was announced by either party from the report of the Committee. However, in disciplinary proceedings against a lawyer, the Supreme Court always has jurisdiction over the accused and is the final arbiter in such proceedings of the Grievance and Ethics Committee and the Liberian National Bar Association.

Hence, such proceedings came before the Supreme Court by virtue of the Court's initiative and without the need for observance of appellate procedures by any of the parties involved. In re Acolatse, Counsellor-At-Law, 22 LLR 217 (1973).

The Clerk of this Court is ordered to send a mandate to the Grievance and Ethics Committee for Montserrado County, informing the Committee as to how this matter has been finally decided by this Court, i.e. that the recommendation of the Grievance and Ethics Committee of the Liberian National Bar Association is herewith sustained. We also rule that after the final decision in the case for which Counsellor Topor was retained by Madam Poker, the Grievance and Ethics for Montserrado County must at once notify, in writing, the Chambers Justice of this Court as to the outcome thereof. Costs are disallowed. And it is hereby so ordered.

*Recommendations affirmed.*