

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 : CEATNEH D. CLINTON-JOHNSON ASSOCIATE JUSTICE

THE GRIEVANCE AND ETHICS COMMITTEE'S REPORT ON COMPLAINT FILED BY
MR. SAM GAYE AGAINST COUNSELLOR ALBERT S. SIMS.

HEARD: November 14, 2024

DECIDED: February 17, 2025

MADAM JUSTICE CLINTON-JOHNSON DELIVERED THE OPINION OF THE COURT

The Code of Moral and Professional Ethics are the ethical guidelines for lawyers which contains elements that constitute violations or breached of the Code for which lawyers are held accountable for violations of the Code. The Supreme Court, pursuant to *Article 75 of the 1986 Constitution of Liberia*, is mandated by the Constitution of Liberia to make rules of court and shall prescribe such code for lawyers appearing before it.

In consonance of this, on July 18, 2023, Mr. Sam Gaye filed a complaint before Her Honor, Sie-A-Nyene G. Yuoh, Chief Justice of the Republic of Liberia, against Counsellor Albert S. Sims, in which he averred that he hired Counsellor Sims to provide him legal representation in his land case; that on April 14, 2022, when he visited the office of Counsellor Sims concerning his case, Counsellor Sims asked him to pay an amount of US\$3000 (Three Hundred United States Dollars) and he made and advanced payment of US\$700 and promised to pay the balance at the conclusion of the case; that since his April 14th meeting with Counsellor Sims, the latter continuously gave excuses as to inability to obtain assignment for the hearing of his case for over a year and his case remains pending unheard; that up to present, Counsellor Sims is refusing to answer his calls or respond to his text messages; that it is only when he sent Counsellor Sims a text message informing him that he would complain him to the Grievance and Ethics Committee (GEC), that Counsellor Sims called warning him not to threaten him; and finally he requested a refund of his money since Counsellor Sims could not represent him.

On October 18, 2023, the Grievance and Ethics Committee wrote Counsellor Sims concerning the letter of complaint against him requiring him to submit eleven (11) readable

copies of his response to the complaint within ten (10) days as of receipt of the communication.

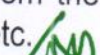
In Counsellor Sims' response, he stated that he performed his duties to his client as required of a lawyer especially in this case which was previously handled by other lawyers and not concluded; that after several attempts to have the case assigned, the respondent was able to identify the lawyers for the defendant, but they were advised that the assignment be served on the defendant herself because the case had stayed for a long period of time and that they did not know where to find the defendant; that the defendant was finally seen but due to the huge cases on the court's docket, the term of court ended without hearing the case; that it was difficult for him to find witnesses to testify in the case, which included the complainant's surveyor, who could not be located to testify in the case and which the complainant is aware but became impatient and started sending text messages demanding refund of his US\$700 (United States Dollars Seven Hundred) given as an advance for the case; that the respondent paid the complainant the said amount and he was therefore surprised to receive a letter of complaint from the GEC.

Upon the receipt of the respondent's returns, the Grievance and Ethics Committee (GEC) convened a hearing on June 26, 2024, where all parties were given the opportunity to present both oral and documentary evidence to substantiate their respective allegation and subsequently thereafter, submitted its Investigative Report to the Supreme Court en banc, which contains its observations and recommendation for appropriate action in consonance with standard precedents appertaining to such matters.

We quote verbatim the Grievance and Ethics Committee observation and recommendation as stated below:

"OBSERVATION:

After listening to the complainant and respondent oral testimonies, the Committee observed the following:

1. That, there was an Attorney-Client relationship established between Counsellor Albert S. Sims and Mr. Sam Gaye.
2. That Counsellor. Sims accepted the amount of USS700.00 (Seven Hundred United States Dollars) from Mr. Gaye as retainer's fees; that there were delays in proceeding with the trial of the case due to reasons beyond the control of Counsellor. Sims; for example, the death of the surveyor, the unknown whereabouts of witnesses, the absence of the complainant from the country, the length of time the matter stayed in abeyance before the court, etc. 

3. That Counsellor Sims repaid the amount of US\$700.00 (Seven Hundred United States Dollars) paid to him as retainer's fees along with the case file to Mr. Sam Gaye.

RECOMMENDATION

The Committee unanimously agreed that the complaint filed against Counsellor. Albert S. Sims be DISMISSED, because his conduct was not in violation of the Code for Moral and Professional Ethics of Lawyer and that Counsellor. Sims should retribute the complainant's money, if he did not believe he could continue to represent him. Because the complainant demanded the money as his desire to resolve the matter, Counsellor. Sims paid it and that brought the matter to a conclusion."

Subsequently thereafter, upon the receipt of the report of the Grievance and Ethics Committee (GEC), a copy thereof was forwarded to the respondent by the Clerk of the Supreme Court, upon orders of the Chief Justice, notifying him to file his brief in consonance with the Revised Rules of the Supreme Court. The Chief Justice further appointed four Counsellors of the Supreme Court Bar as *amici curiae* or friends of the Court, namely Kuku Y. Dorbor, Bhartur Cora Holmes Varmah, J. Awia Vankan and Tommy N. Dougbah to file their *amici curie*'s brief with their candid opinion/advise on the side of the law.

We quote verbatim relevant portions of the *amici curiae* brief as follows:


"The report reveals that the Grievance and Ethics Committee, thereafter recommended that the complaint be dismissed and that Counsellor. Sims was not in breach of any ethical transgression. The Committee recommended further that Counsellor. Sims makes restitution of the complainant's money, but according to the records restitution had already being made.

Issue:

Was the respondent's conduct in violation of ethical transgression and warrants penalty?

Argument:

The *amici curiae* answer no. The report reveals that indeed the matter has stayed in court for a long period of time. The report also established that it was difficult to contact the opposing party and that the Surveyor was deceased. As such, with these facts and circumstances, we therefore, concur with the recommendation that indeed there was no evidence of any violation of Moral and Ethical Conduct.

Wherefore, and in view of the foregoing, *amici curiae* pray Your Honours most respectfully that they have concurred with the recommendation of the Grievance and Ethics Committee 

(GEC) to have the complaint dismissed and that the respondent, Counsellor Albert S. Sims' conduct does not constitute any ethical breach."

Having quoted the relevant portion of the amici curiae's brief, this Court notes that the sole issue for our determination is whether or not the conduct of Counsellor Albert S. Sims was in violation of the Code for Moral and Professional Ethics. *Rule 5 of the Code for the Moral and Professional Ethics* for lawyer states, in part, that a lawyer should exert his very best professional effort on behalf of his clients.

The record before this Court shows that the main contention of the parties in this matter is that, Counsellor Sims had not properly handled the legal interest/claims of his complainant after receiving the sum of Seven Hundred United States Dollars (US\$700) as legal fees. That the records established that Counsellor Sims admitted to receiving the amount of US\$700.00 from the complainant, and that the complainant's case remain pending for over a year and also by his own statement before this Court regarding the numerous calls from the complainant which he ignored, prompting the complainant to demand a refund.

Once a lawyer-client relationship is established, as in this case, when the respondent received legal fees, he is obliged to be ethical in professional conduct; he/she must act with integrity, honestly and legally to his clients in upholding the dignity of the legal system, and in accordance with the moral and ethical conduct, a lawyer is bound by law to disclose relevant information to his client on the status of the client's case at all time.

From the facts of this case, we hold that Counsellor Sims owed a duty to his client to exert his very best professional efforts on behalf of his client. His neglect to inform his client exhibited violation of Rule 5 of the Code for the moral and ethical conduct of lawyers which mandates that a lawyer exerts his very best professional effort on behalf of his clients.

WHEREFORE AND IN VIEW OF THE FOREGOING, the recommendations of the Grievance and Ethics Committee is reversed, and Counsellor Sims is sternly warned not to repeat such act, and to write a formal letter of apology to the complainant within forty-eight (48) hours as of rendition of this Judgment. 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. COUNSELLORS ALBERT S. SIMS APPEARED PRO SE.

