

The illegalities continue unabated: Re: Setting the record straight

1. Introduction

Around 7th October, 2022, my attention was drawn to a re-posted document on the General Legal Council's website titled 'Announcement from the General Legal Council' stating that, I have been suspended from law practice for 7 years. This same document had earlier been posted on the said website on 30th June, 2022, but it was pulled down a few days after I published my 'SETTING THE RECORD STRAIGHT' on 6th July, 2022. The current re-posting was made on the General Legal Council's website just about two days after I had petitioned the Commission on Human Rights & Administrative Justice (CHRAJ) on 5th October, 2022. I am seeking an order from CHRAJ to compel the 3 panel members of the Disciplinary Committee of the General Legal Council (namely Chief Justice Kwasi Anin Yeboah, Samuel Awuku Okudzeto, Esq and Justice Irene Larbi) that held an inquiry in Case No. DC 9/ 2015 *David Tom Morrell against Francesca Boateng* to give me a copy of the decision they gave on 23rd June, 2022.

I have been compelled to seek relief from CHRAJ because, more than fifteen (15) weeks after the panel gave its decision, the panel has refused to give me a copy of the decision despite several written demands. I have also not received a copy of the so-called announcement in circulation. In spite of this, the panel members have caused the ill-motivated announcement to be re-posted on their website, intended to cause maximum damage to my reputation and my law practice, while they are sitting on the decision itself and refusing to give me a copy till date.

And all this is happening while the appeal I filed within the statutory period is pending and operates as stay of execution as a matter of law.

2. My Complaint to Commission on Human Rights & Administrative Justice

As stated earlier, it has been well over 15 weeks since the 3-member panel of the Disciplinary Committee of the General Legal Council gave its decision. It is only reasonable and fair to expect that the decision of the Committee will be released to me before the expiration of 21 days to enable me fully exercise my statutory right of appeal. Needless to say, I filed my appeal without the benefit of a copy of the decision. All my letters to the Chairman of the Disciplinary Committee requesting for copies of the proceedings of 2nd June, 2022 and the proceedings and decision of 23rd June, 2022, have fallen on deaf ears.

I wish to state that, the disciplinary panel's continuous refusal to give me a copy of its decision read by Chief Justice Kwasi Anin Yeboah on 23rd June, 2022 violates my constitutional and fundamental human right to receive copies of the record of proceedings and the panel's decision for my use as enshrined in Article 19 (4) of the 1992 Constitution. The conduct of the panel is a clear case of administrative injustice and flies in the face of all notions of fairness and due process by an inferior adjudicating body such as the 3-member panel chaired by Chief Justice Kwasi Anin Yeboah. It is for the above reasons that I have petitioned the Commission on Human Rights & Administrative Justice (CHRAJ) for the following reliefs:

- a. A declaration that the respondents' refusal to furnish the complainant with copies of the record of proceedings in the quasi-criminal hearings held on 2nd

June, 2022 and 23rd June, 2022, as well as a copy of the decision given after the hearing on 23rd June, 2022, is a violation of the complainant's fundamental human right to receive copies of the record of proceedings and the panel's decision for her use as enshrined in Article 19 (4) of the 1992 Constitution.

- b. An order directing the respondents to furnish the complainant with the following documents forthwith:
 - i. A corrected copy of the proceedings held on 2nd June, 2022;
 - ii. A copy of the proceedings held on 23rd June, 2022; and
 - iii. A copy of the decision given on 23rd June, 2022.

The respondents to my petition are Chief Justice Kwasi Anin Yeboah, Justice Irene Larbi and Samuel Awuku Okudzeto, Esq. (commonly known as Sam Okudzeto, Esq). See: Attachment '1.' I look forward to appearing before CHRAJ to ventilate my grievances about the respondents' continuous refusal to give me copies of the proceedings and decision aforesaid.

3. Illegality and impunity: Re-posting of the so-called 'Announcement from the General Legal Council' on the Council's website.

Just about two days after I lodged my petition at CHRAJ against the Chief Justice Kwasi Anin Yeboah-led panel on 5th October, 2022, it came to my attention that, the so-called 'Announcement from the General Legal Council' dated 23rd June, 2022 had been re-posted on the General Legal Council's website. The shocking aspect of it is that, the re-posted document has been back-dated to show that it was posted on 23rd June, 2022!

The panel appears to be unaware that the footprints of the publication it originally made on 30th June, 2022 is still on the internet and easily verifiable. Also, the first publication of 30th June, 2022 was widely circulated: See Attachment '2.' Even the title and presentation of the re-posted document currently on the General Legal Council's website is different from the earlier post: See Attachment '3.' If the Council's motive is to portray to CHRAJ, or anyone else, that they made their publication on 23rd June, 2022 and not 30th June, 2022 (a few hours after I filed my appeal at the Court of Appeal) as I have stated, the large number of lawyers and other persons who received the publication through social media are there to vindicate me. Unlike written works that could be destroyed at a whim, a publication on the internet keeps its roots there forever.

In any event, whether the document was posted on the General Legal Council's website on 30th June, 2022 or 23rd June, 2022, the important thing is that, there is an appeal pending against the ill-motivated decision and that by law, the appeal operates as stay of execution. The Chief Justice Kwasi Anin Yeboah- led 3 member panel is infringing on my constitutional and fundamental human right to receive a copy of their decision for my use. As I stated in my "Setting the record straight" (Attachment '2'), tribunals and adjudicating bodies sit on their decisions and refuse to release them when they give very bad decisions that they know can never stand up to judicial scrutiny. That is why it is not surprising that the document in circulation is alleged to be a decision about me but I have been denied a copy till date. And yet, the 3-member panel chaired by the current Chief Justice Kwasi Anin Yeboah is composed of honourable men and women of high moral turpitude and unblemished integrity.

4. Unlawful blockage of my access to the Ghana Bar Association's online portal.

As I stated earlier, though I have not been given a copy of the decision of the 3-member panel, I filed an appeal against the decision in order not to lose my statutory right to do so. In spite of the clear provision in the Legal Profession Act that my appeal operates as stay of execution, Ghana Bar Association (GBA) has blocked my access to its online portal for chamber and solicitor's license registration. The Association did so without any notice to me. When I logged on to renew the chambers license, a message on the portal directed me to contact the General Legal Council.

i) My letter to the General Legal Council

By a letter dated 13th July, 2022, I wrote to the General Legal Council requesting that my access be unblocked to enable me renew my law firm's chambers license. I included a cheque to pay the license renewal fees. See Attachment '4'.

ii) The reply from the Judicial Secretary

In response to my letter, the Judicial Secretary wrote a letter dated 26th July, 2022, asking me to nominate another lawyer at my law firm to apply for the chambers license renewal because of my suspension from law practice! See: Attachment '5'. The stance taken by the Judicial Secretary is unlawful and it offends against the express provisions of the law under which she purports to have acted.

iii) The legal position

By sections 21 and 22 of the Legal Profession Act, 1960 (Act 32), the pendency of an appeal stays execution of the Disciplinary Committee's decision. Under section 22 of Act 32, a pending appeal bars the Judicial Secretary from taking any action under a

decision of the Disciplinary Committee, including striking out a lawyer's name from the Roll. For the avoidance of doubt, section 22 of Act 32 provides as follows: "The Judicial Secretary shall not strike off the name of a lawyer from the Roll in pursuance of a decision of the disciplinary committee until the period of twenty-one days under section 21 has expired and until the Judicial Secretary has ascertained that an appeal has not been brought under that section or that the appeal has been disposed of." Therefore, once I filed my appeal within 21 days of the decision, for as long as my appeal is pending and not heard and a decision given on it, the so-called suspension is of no effect. It does not affect my work and status as a lawyer at all.

iv) My response to the Judicial Secretary

Consequently, I responded by a letter dated 3rd October, 2022, drawing the Judicial Secretary's attention to her unlawful conduct in flagrant breach of Act 32 as noted above. I put the National President of the Ghana Bar Association in copy of my letter. I entreated the Judicial Secretary to ensure my access to the Ghana Bar Association online portal was unblocked. See Attachment '6'. As at the date of this writing, the Judicial Secretary has failed to do so. The cheque I issued for the chambers license renewal fees is still with the General Legal Council.

5. Setting the record straight revisited

It will be recalled that on 30th June, 2022 at about 5 p.m., a so-called announcement was published on the General Legal Council's website and widely shared on social media (as earlier referred to above). I issued a written statement, titled "Setting the record straight," in response to the announcement and I stated, among other things, that

I had not been given a copy of the so-called decision of the panel that conducted the inquiry. I also added that the panel lied when they stated that the decision was given by a 3-member panel. Furthermore, I stated that, though the panel had refused to give me a copy of the proceedings and decision, I had filed an appeal against the decision in order not to miss the statutory timelines for doing so. See Attachment '7'. A few days after publishing "Setting the record straight", the so-called announcement published on the General Legal Council's website on 30th June, 2022 was pulled down.

As I noted in my earlier publication (Attachment '7'), as far as I am concerned, my so-called trial was ill-motivated and full of illegalities and irregularities that flagrantly violated my cardinal and human right to fair trial as enshrined in the 1992 Constitution of the Republic of Ghana.

6. Conduct of the 3-member panel: Evidence of high moral turpitude?

To think that the Chief Justice Kwasi Anin Yeboah – led panel has published the document of so-called sanctions online while they are still sitting on the actual decision and have refused to release a certified copy to me, despite several demands and my petition to CHRAJ, betrays the ill-motives behind their action. One wonders how men and women of integrity and high moral turpitude could act in such a manner. I leave that to the judgment of the people from whom justice emanates as stated in Article 125 (1) of the 1992 Constitution.

7. Conclusion

In the light of the above facts, I urge everyone to disregard the obnoxious document in circulation on social media announcing my so-called suspension from law practice for 7 years. It violates the Legal Profession Act, 1960 (Act 32) and as such, it is a nullity. The document is a palpable illegality and published in absolute bad faith to tarnish my hard-won reputation.

I wish to thank the many lawyers, judges, clients and people from all walks of life who have reached out to me, and continue to do so, to express their support. I am truly in your debt. I will continue to fight this matter to the best of my ability until justice is manifestly seen to be done: until Chief Justice Kwasi Anin Yeboah releases the decision and proceedings his 3-member panel is still sitting on; and until the illegal trial held by the Chief Justice Kwasi Anin Yeboah-led 3-member panel is nullified. After all is said and done, never again will public officers entrusted with fleeting statutory power see themselves above the law and act contrary to the very law and Constitution that constitute them.

Please, continue to stay tuned.

Thank you all very much.

Francisca Serwaa Boateng, Esq.

17th October, 2022

***Attachments**

Attachment '1' – Copy of Petition to CHRAJ dated 3rd October, 2022

Attachment '2' – Screenshot of 30th June, 2022 post on GLC website

Attachment '3' - Screenshot of re-post currently on GLC website

Attachment '4' – Letter to GLC dated 13th July, 2022

Attachment '5' – Letter from the Judicial Secretary dated 26th July, 2022

Attachment '6' – My letter dated 3rd October, 2022 to the Judicial Secretary and the National President of the Ghana Bar Association.

Attachment '7' – The link to “Setting the Record Straight”