

Chris



WRIT OF SUMMONS

(Order 2 rule 3(1))

WRIT ISSUED FROM Accra 7/6/24 200... SUIT No. GJ10765/2024

IN THE HIGH COURT OF JUSTICE

(GENERAL JURISDICTION DIVISION)

GREATER ACCRA REGION – ACCRA – A.D 2024

BETWEEN

FRANCISCA SERWAA BOATENG

Plaintiff

NO. BAC 34/3B

11TH STREET, BAATSONAA, SPINTEX ROAD

ACCRA

AND

1. KWASI ANIN YEBOAH

HOUSE NO. 8

ABORLEBU STREET

LABONE, ACCRA

2. SAMUEL AWUKU OKUDZETO

Defendants

(A.K.A SAM OKUDZETO)

HOUSE NO. 12, NORTH CLOSE

CFC ESTATES, TESANO, ACCRA.

3. IRENE CHARITY LARBI

HOUSE NO. TH/B/004

TANTRA HILL, ACCRA

4. CYNTHIA PAMELA A. ADDO, JA

(A.K.A CYRA P. C. A KORANTENG)

JUDICIAL SECRETARY'S OFFICE

JUDICIAL SERVICE ADMINISTRATION BLOCK

5. GENERAL LEGAL COUNCIL

GENERAL LEGAL COUNCIL SECRETARIAT

GHANA SCHOOL OF LAW, ACCRA

To THE DEFENDANTS

AN ACTION having been commenced against you by the issue of this writ by the above-named Plaintiff **FRANCISCA SERWAA BOATENG**

YOU ARE HEREBY COMMANDED that within EIGHT DAYS after service of this writ on you inclusive of the day of service you do cause an appearance to be entered for you.

ANIN YEBOAH, CJ, SAMUEL AWUKU OKUDZETO (A.K.A SAM OKUDZETO), IRENE CHARITY LARBI, JA, CYNTHIA PAMELA A. ADDO, JA (A.K.A CYRA PAMELA C. A KORANTENG) AND GENERAL LEGAL COUNCIL

AND TAKE NOTICE that in default of your so doing, judgment may be given in your absence without further notice to you.

Dated this 7th day of June

20.....24



SACKEY TORKORNBEO

Chief Justice of Ghana

NB: This writ is to be served within twelve calendar months from the date of issue unless, it is renewed within six calendar months from the date of that renewal.

The defendant may appear hereto by filing a notice of appearance either personally or by a lawyer at Form 5 at the Registry of the Court of issue of the writ at A defendant appearing personally may, if he desire give notice of appearance by post.

**State name, place of residence or business address of plaintiff if known (not P.O. Box number).*

***State name, place of residence or business address of defendant (not P.O. Box number).*

FORM 1

STATEMENT OF CLAIM

The Plaintiff's claim is against the defendants jointly and severally for:

- (a) A declaration that the following publication made by the defendants of and concerning the plaintiff and set out below is defamatory of the plaintiff:

"ANNOUNCEMENT FROM THE GENERAL LEGAL COUNCIL

SUSPENSION OF LAWYER FRANCISCA SERWAA BOATENG FROM LEGAL PRACTICE

NOTICE IS HEREBY GIVEN that **LAWYER FRANCISCA SERWAA BOATENG** has been suspended from legal practice for a period of seven (7) years effective 23rd June, 2022.

The above-named lawyer was charged with seven counts of professional misconduct contrary to the Rules of the Legal Profession (Professional Conduct and Etiquette) Rules, 1969 (L.I. 613) as follows:

Count 1

Lawyer Francisca Serwaa Boateng was charged with professional misconduct contrary to Rule 9(7) of the Legal Profession (Professional Conduct and Etiquette) Rules, 1969 (LI 613).

That she, while acting as counsel for VPS International BV (VPS) charged 35% on all recoveries made contrary to an agreement for 20% by the parties before the commencement of the suit.

Count 2

The above-named lawyer was charged with professional misconduct contrary to Rule 9 (7) of the Legal Profession (Professional Conduct and Etiquette) Rules, 1969 (LI 613).

That she, acting as counsel for VPS, made a successful application to the Court for the release of an amount GHC164,900.00 representing the excess amount on the agreed auction fees to herself without the knowledge, consent and approval of her client.

Count 3

The above-named lawyer was charged with professional misconduct contrary to Rule 2 (2) of the Legal Profession (Professional Conduct and Etiquette) Rules, 1969 (LI 613).

That she, having acted as counsel for VPS, used intemperate words on your clients thereby denigrating the dignity and high standing of your profession and your own dignity and high standing as member of the profession.

Count 4

The above-named lawyer was charged with professional misconduct contrary to Rule 6(1) of the Legal Profession (Professional Conduct and Etiquette) Rules, 1969 (LI 613).

That she, having acted as counsel for VPS, failed to issue receipts for monies received on their behalf and also on purported expenditures incurred in her dealings with them.

Count 5

The above-named lawyer was charged with professional misconduct contrary to Rule 6(2) of the Legal Profession (Professional Conduct and Etiquette) Rules, 1969 (LI 613).

That she, having acted as counsel for VPS, failed to at all times keep proper written accounts of monies received for and on behalf of her clients.

Count 6

The above-named lawyer was charged with professional misconduct contrary to Rule 9(9) of the Legal Profession (Professional Conduct and Etiquette) Rules, 1969 (LI 613)

That she, having acted as counsel for VPS, charged them a total sum of about GHC3,265,483.00 as legal fees and expenses incurred on their behalf, which was excessive and an over-estimation of the services she rendered to them.

Finally, Francisca Serwaa Boateng was charged with professional misconduct contrary to Section 19(3) of the Legal Profession Act, 1960 (Act 32).

That she, having been duly notified, failed to appear before the Disciplinary Committee of the General Legal Council on 6th July, 2017.

She pleaded not guilty to all seven counts but was found guilty on six counts and sanctioned accordingly, and after an inquiry held by a three-member disciplinary panel.

During the period of the suspension, she shall not hold herself out as a Legal Practitioner or attend Chambers, or render, or purport to render any professional legal services to the public. She shall not attend chambers at any time during the period of her suspension.

The license of **LAWYER FRANCISCA SERWAA BOATENG** to practice for the next seven (7) years is hereby withdrawn forthwith.

DATED AT THE LAW COURTS BUILDING

THIS 23RD DAY OF JUNE, 2022

(SIGNED)

JUSTICE CYNTHIA PAMELA A. ADDO

JUDICIAL SECRETARY AND

SECRETARY TO THE GENERAL LEGAL COUNCIL”

- (b) Aggravated, exemplary and compensatory damages of **GHC20 million** for defamation.
- (c) Aggravated, exemplary and punitive damages for false misrepresentation.
- (d) An order of perpetual injunction restraining the defendants by themselves and their employees, agents and assigns from further publishing the said defamatory matter or similar words of and about the plaintiff.
- (e) An order directing the defendants to retract and apologize to the plaintiff for making the defamatory publication of and about the plaintiff.
- (f) An order directing the defendants to publish the retraction and apology on the 5th defendant's website for the same duration as the defamatory matter, and also publish it three (3) times on the front page of the Daily Graphic newspaper.
- (g) Any further or other reliefs as the Court deems fit.

This writ was issued by FRANCISCA SERWAA BOATENG



whose address for service is NO. BAC 34/3B, 11TH STREET, BAATSONAA, SPINTEX ROAD, ACCRA. EMAIL: francisca@fsblawconsult.com

Agent for

Address Number and date of lawyer's current license.

Lawyer for the plaintiff who resides at

.....

Indorsement to be made within 3 days after service

This writ was served by me at

on the defendant

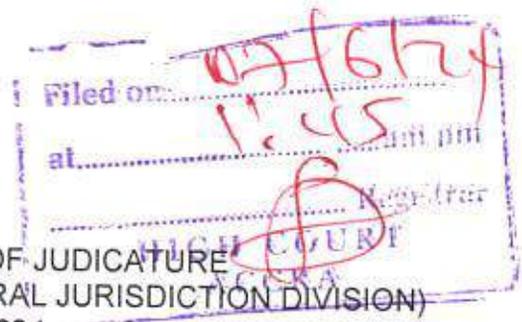
on the day of

endorsed the day of

Signed.....

Address.....

NOTE: If the plaintiff's claim is for a liquidated demand only, further proceedings will be stayed if within the time limited for appearance the defendant pays the amount claimed to the plaintiff, his lawyer or his agent or into court as provided for in Order 2 rule 3(2).



IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE (GENERAL JURISDICTION DIVISION)
ACCRA – A.D. 2024

SUIT NO.

FRANCISCA SERWAA BOATENG
HOUSE NO. BAC 34/3B
11TH STREET, BAATSONA
SPINTEX ROAD
ACCRA.

...

PLAINTIFF

VERSUS

1. KWASI ANIN YEBOAH
HOUSE NO. 8
ABORLEBU STREET
LABONE, ACCRA.

...

DEFENDANTS

2. SAMUEL AWUKU OKUDZETO
(A.K.A SAM OKUDZETO)
HOUSE NO. 12, NORTH CLOSE
CFC ESTATES, TESANO, ACCRA.

3. IRENE CHARITY LARBI
HOUSE NO. TH/B/004,
TANTRA HILL, ACCRA.

4. CYNTHIA PAMELA A. ADDO, JA
(A.K.A CYRA PAMELA C. A KORANTENG)
JUDICIAL SECRETARY'S OFFICE
JUDICIAL SERVICE ADMINISTRATION BLOCK
ACCRA.

5. GENERAL LEGAL COUNCIL
GENERAL LEGAL COUNCIL SECRETARIAT
GHANA SCHOOL OF LAW
ACCRA.

STATEMENT OF CLAIM

1. The plaintiff is a private legal practitioner. She has been a practising lawyer for over 25 years. She is the Founder & Managing Counsel of FSB Law Consult,

Accra. She holds an LL.B Degree from University of Ghana, Legon, Accra and an LL.M Degree from James E. Beasley School of Law, Temple University, Philadelphia, PA.

2. The 1st defendant is a former Chief Justice of Ghana and a former Chairman of the General Legal Council from January, 2020 to May, 2023. At all material times between December, 2016 and January, 2020, the 1st defendant was a member of the Disciplinary Committee of the General Legal Council.
3. The 2nd defendant is a lawyer in private practice and a member of the Disciplinary Committee of the General Legal Council. At all material times between December, 2016 and 23rd June, 2022, the 2nd defendant was a member of the Disciplinary Committee of the General Legal Council.
4. The 3rd defendant is a former Justice of the Court of Appeal. At all material times between December, 2016 and 23rd June, 2022, the 3rd defendant was a member of the Disciplinary Committee of the General Legal Council.
5. The 4th defendant is the Judicial Secretary. She is also a sitting Justice of the Court of Appeal and Secretary to the General Legal Council.
6. The 5th defendant is the entity set up under law to regulate the legal profession in Ghana. It is responsible for issuing practising licenses and chambers licenses for lawyers and law firms respectively, among other things.
7. The plaintiff says that on 30th June, 2022, her attention was drawn to a publication being circulated on the internet and through various social media platforms, especially WhatsApp, and carried on the 5th defendant's letterhead. The said publication was signed by the 4th defendant as Secretary to the 5th defendant.
8. The plaintiff says further that the full document was published on the 5th defendant's website and circulated to the whole world on the internet at <https://www.glc.gov.gh/wp-content/uploads/2022/06/NOTICE-OF-SUSPENSION-LAWYER-FRANCISCA-SERWAA-BOATENG-1.pdf> (accessed on 5th June,

2024) and it has remained on the website from 23rd June, 2022 to date. The full document contained information of and about the plaintiff as follows:

**"ANNOUNCEMENT FROM THE GENERAL LEGAL COUNCIL
SUSPENSION OF LAWYER FRANCISCA SERWAA BOATENG FROM LEGAL
PRACTICE**

NOTICE IS HEREBY GIVEN that **LAWYER FRANCISCA SERWAA BOATENG** has been suspended from legal practice for a period of seven (7) years effective 23rd June, 2022.

The above-named lawyer was charged with seven counts of professional misconduct contrary to the Rules of the Legal Profession (Professional Conduct and Etiquette) Rules, 1969 (L.I. 613) as follows:

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That she, while acting as counsel for VPS International BV (VPS) charged 35% on all recoveries made contrary to an agreement for 20% by the parties before the commencement of the suit.

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The above-named lawyer was charged with professional misconduct contrary to Rule 9 (7) of the Legal Profession (Professional Conduct and Etiquette) Rules, 1969 (LI 613).

That she, acting as counsel for VPS, made a successful application to the Court for the release of an amount GH¢164,900.00 representing the excess amount on the agreed auction fees to herself without the knowledge, consent and approval of her client.

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That she, having acted as counsel for VPS, charged them a total sum of about GH¢3,265,483.00 as legal fees and expenses incurred on their behalf, which was excessive and an over-estimation of the services she rendered to them.

Finally, Francisca Serwaa Boateng was charged with professional misconduct contrary to Section 19(3) of the Legal Profession Act, 1960 (Act 32).

That she, having been duly notified, failed to appear before the Disciplinary Committee of the General Legal Council on 6th July, 2017.

She pleaded not guilty to all seven counts but was found guilty on six counts and sanctioned accordingly, and after an inquiry held by a three-member Disciplinary Committee panel.

During the period of the suspension, she shall not hold herself out as a Legal Practitioner or attend Chambers, or render, or purport to render any professional legal services to the public. She shall not attend chambers at any time during the period of her suspension.

The license of **LAWYER FRANCISCA SERWAA BOATENG** to practice for the next seven (7) years is hereby withdrawn forthwith.

DATED AT THE LAW COURTS BUILDING

THIS 23RD DAY OF JUNE, 2022

(SIGNED)

JUSTICE CYNTHIA PAMELA A. ADDO

JUDICIAL SECRETARY AND

SECRETARY TO THE GENERAL LEGAL COUNCIL”

9. The plaintiff avers that in their natural and ordinary meaning, the said words published by the defendants of and concerning the plaintiff meant and were understood to mean, among other things, that:
- (a) The plaintiff is a dishonest lawyer who cheats her clients out of their money.
 - (b) The plaintiff is a greedy lawyer.
 - (c) The plaintiff is a thief who steals her clients' money.
 - (d) The plaintiff is disrespectful to her clients.
 - (e) The plaintiff has no dignity as a lawyer.
 - (f) The plaintiff has no regard for her high standing as a member of the legal profession.

10. The plaintiff states that the statement published by the defendants and set forth on paragraph 8 is false, malicious, ill-motivated and a deliberate misrepresentation of what actually happened and it is calculated to tarnish her hard-won reputation.
11. The plaintiff states further that the defendants did not give the plaintiff a copy of the notice they published but from 30th June, 2022 and ever since that date, the defendants have caused the notice to remain on the 5th defendant's website and it has been downloaded and shared on all lawyers' platforms in Ghana and other social media worldwide.
12. The plaintiff avers that other persons have republished the defendants' defamatory publication and further shared and circulated same, including WhatsUpnews.com at <https://whatsupnewsghana.com/2022/07/06/lawyer-loses-license-for-7-yrs-after-charging-over-ghc3-2million-in-legal-fees/> (accessed on 19th May, 2024) and <https://www.coursehero.com/file/182931924/LPM-at-a-glancedocx/> (accessed on 19th May, 2024), among others.
13. The 4th defendant has also confirmed in writing to persons, including one Lawyer Patrick Sorgbordzor, that the document published on the 5th defendant's website and put in circulation (reproduced in paragraph 8) is an authentic document issued by the 5th defendant.
14. The plaintiff says it has recently come to her attention that the 4th defendant, as recently as 15th March, 2024, issued a 'circular' to 'all courts' in Ghana not to grant the plaintiff audience, based on the self-same defamatory statement set out in paragraph 8.
15. The plaintiff avers further that when the said defamatory publication was brought to her attention, she issued a statement to set the record straight but the defendants remain adamant and have kept the notice in circulation till date.

16. The plaintiff adds that in the said statement issued to set the record straight, the plaintiff stated, among other things, that she had not been given a copy of the document issued and put in circulation by the defendants.
17. It is the case of the plaintiff that the facts in Case No. DC/9/2015 *David Tom Morrell v Francesca Boateng* – that purportedly was the basis of the defendants' defamatory publication - were that, in January, 2015, one David Morrell lodged a complaint against the plaintiff in his own name before the Disciplinary Committee of the 5th defendant claiming certain reliefs. The Disciplinary Committee referred the complaint to the plaintiff and she responded accordingly and challenged the capacity of David Morrell to lodge the complaint against her when her client for whom she had done legal work was a foreign legal entity called VPS International BV, a company registered and resident in the Netherlands. David Morrell was not an officer of VPS International and he did not show any power of attorney authorizing him to act on the company's behalf.
18. In spite of the fact that there was no proper complainant before the Disciplinary Committee, between 27th February, 2017 and 26th April, 2018, the plaintiff was served with hearing notices to attend hearings which were held before differently constituted panels of four (4), five (5) or six (6) members of the Disciplinary Committee on each occasion. The plaintiff was later informed by the Disciplinary Committee that from 15th May, 2019, there was going to be a "trial" before a 3-member panel comprising of the 1st, 2nd and 3rd defendants.
19. On 15th May, 2019, some seven charges were read to the plaintiff by the 1st defendant as chairman of the 3-member panel from an amended charge sheet signed by the same 1st defendant. The plaintiff pleaded not guilty to all the charges levelled against her. She was then given a copy of the amended charge sheet and the trial started.
20. The plaintiff says that even though David Morrell was the individual who made the complaint against the plaintiff, all the charges were in relation to VPS

International BV on the professional work the plaintiff had done in relation to the five cases she handled for VPS International BV variously at the High Court, Court of Appeal and the Supreme Court. But no particulars of the cases plaintiff handled for VPS International were stated in the amended charge sheet.

21. The plaintiff adds that when the trial started, once again her lawyers challenged the capacity of David Morrell when he had no power of attorney whatsoever from VPS International BV to act on their behalf.
22. The 1st defendant was appointed Chief Justice in January, 2020 and ceased to be a member of the Disciplinary Committee but he continued to sit on the panel, despite the plaintiff's objection and challenge to his membership of the panel. The 1st defendant continued to sit as a member of the Disciplinary Committee up to 23rd June, 2022.
23. By a letter dated in May, 2022, the plaintiff was invited to appear before the 3-member panel for its decision on 2nd June, 2022. Both the plaintiff and the complainant, David Morrell, were present. However, instead of the 3-member panel, the panel was composed of 5 persons namely; Chief Justice Kwasi Anin Yeboah, CJ, Justice Baffoe- Bonnie, JSC, Justice Nene Amegatcher, JSC, Justice Irene Charity Larbi, JA and Peter Zwennes, Esq. Two of the panel members (Justice Nene Amegatcher, JSC and Peter Zwennes, Esq.) had never taken part in the trial before the 3-member panel. No decision was given by the 5-member panel.
24. By another letter dated in June, 2022, the plaintiff was invited to appear before the 3-member panel for the panel to give its decision on 23rd June, 2022. On the said date, the plaintiff and the complainant, David Morrell, were present. However, instead of the 3-member panel, the panel was composed of seven (7) persons namely; Chief Justice Kwasi Anin Yeboah, Justice Paul Baffoe- Bonnie, JSC, Justice Nene Amegatcher, JSC, Samuel Awuku Okudzeto, Esq., W. O. Bofo, Esq., Irene Charity Larbi, JA, and Peter Zwennes, Esq.

25. Out of the seven persons named in paragraph 24, the following four persons: Justice Paul Baffoe- Bonnie, JSC, Justice Nene Amegatcher, JSC, W. O. Boafo, Esq. and Peter Zwennes, Esq. had never taken part in the so-called trial before the 3-member panel which lasted for three (3) years. Also, Chief Justice Anin Yeboah was not a member of the Disciplinary Committee.
26. At the sitting by held by the 7-member panel on 23rd June, 2022, Chief Justice Anin Yeboah read a decision. Mr. Justice Baffoe-Bonnie pronounced the plaintiff guilty of six out of seven counts and he also pronounced a sentence of 7 years suspension from law practice on the plaintiff, to run concurrently.
27. The plaintiff contends that the so-called trial held by a 3-member panel but its purported decision and sentence delivered by a 7-member Disciplinary Committee panel some of whom never took part in the proceedings or were not members of the Disciplinary Committee sins against all notions of fair trial and rule of law, and it is a travesty of justice.
28. The plaintiff contends further that no 3-member Disciplinary Committee panel ever gave a decision and that the conduct of the so-called trial and conviction violated the very statute and regulations governing the Disciplinary Committee's composition and procedure, which rendered the decision as published by the defendants a nullity in law.
29. By a letter dated 24th June, 2022, the plaintiff wrote to request a certified true copy of the decision given by the 7-member panel to enable her exercise her full constitutional and statutory rights irrespective of who made allegations against her and whoever had interest in the matter. Up till today, the plaintiff has not received the decision given by the 7-member panel despite several demands.
30. On 30th June, 2022, the plaintiff was compelled to file a notice of appeal in the Court of Appeal against the 7-member Disciplinary Committee's decision of 23rd

June, 2022 since under the Legal Profession Act, 1960 (Act 32), the plaintiff had twenty one (21) days to do so. So that by the time the plaintiff received the certified copy of the decision, she would not be out of time, thereby permanently preventing her from challenging what was a very bad decision tainted with illegalities and irregularities.

31. In the meantime, the 1st and 3rd defendants, as well as another member of the seven-(7) member panel (Justice Nene Amegatcher), have gone on retirement without releasing the decision of the seven-(7) member Disciplinary Committee of which they were members on 23rd June, 2022.
32. In addition, the plaintiff's appeal filed in June, 2022 has not been heard up till now. The plaintiff had to request for settlement of record and has duly fulfilled the conditions of appeal but the appeal has not been heard.
33. The plaintiff has always maintained that her so-called trial was a sham. The trial was ill-motivated and full of illegalities and irregularities that flagrantly violated the plaintiff's cardinal and human right to fair trial as enshrined in the 1992 Constitution of the Republic of Ghana hence, the 5th defendant's failure to release the authentic and certified copy of the 7-member Disciplinary Committee panel's decision.
34. The plaintiff adds that it was months after the publication and after persistent demands that the 5th defendant caused a copy of the notice in circulation (and reproduced in paragraph 8) to be served on the plaintiff.
35. The plaintiff adds that she wrote to the defendants requesting for a copy of the full decision of the said "3-member Disciplinary Committee panel" as alleged in the notice in circulation but the defendants failed to give the plaintiff the said decision.

36. The plaintiff also lodged a complaint with the Commission on Human Rights & Administrative Justice (CHRAJ) in Accra on 3rd October, 2022, requesting the defendants to furnish her with a copy of the full decision based on which the defamatory notice was issued.
37. The plaintiff says that under the cover of a letter dated 17th October, 2022, the 5th defendant forwarded a copy of an alleged decision purportedly given by a 3-member Disciplinary Committee of the 5th defendant signed by Justice Anin Yeboah, CJ (described therein as 'JSC'), Sam Okudzeto, Esq. and Irene Charity Larbi, JA, that is, the 1st, 2nd and 3rd defendants but bearing no date, no case title, no document title, no parties names, no venue of proceedings and no legal representation but it contained a conviction of the plaintiff on six out of seven counts and it did not contain any imposition of sentence whatsoever on the plaintiff.
38. The plaintiff says she wrote a letter dated 21st October, 2022 to the 5th defendant rejecting the alleged decision of a 3-member disciplinary panel and signed by the 1st, 2nd and 3rd defendants as inauthentic and requested the actual decision of the seven-(7) member Disciplinary Committee who sat on the case on 23rd June, 2022.
39. The plaintiff adds that the defendants have failed to produce the decision of the seven-(7) member Disciplinary Committee panel up till now, confirming that the defamatory notice in paragraph 8 herein signed by the 4th defendant and circulated worldwide is a sham, borne out of the ill-motivated trial held by the 3-member Disciplinary Committee of the 5th defendant.
40. The plaintiff avers that the defendants also published the alleged decision that contained the signatures of the 1st, 2nd and 3rd defendants on the 5th defendant's website and only pulled it down on or about 8th December, 2022 when the plaintiff issued a notice titled "**The illegalities continue unabated**" drawing the unsuspecting public's attention to the fraudulent nature of the document.

41. The plaintiff states that she has spent almost her entire law career in private law practice. She founded her law firm, FSB Law Consult, in 2006 and it has grown into a respected and reputable boutique law firm in Accra. The plaintiff is a member of the International Bar Association, Ghana Bar Association, African Women Lawyers Association and African Arbitration Association. She is a former Vice-President of the Greater Accra Branch of Ghana Bar Association, and has served as a member of the Business Law, Women & Children, as well as the Juniors & Pupils Committees of the Ghana Bar Association. The plaintiff is, and has been, a notary public of Ghana since 2011.
42. The plaintiff is also a prolific writer and has written numerous articles on contemporary issues in law and its practice, socio-economic issues and matters concerning women's rights in Ghana on her blog: www.fsboateng.com/blog. The articles have been currently compiled into the PERSPECTIVES series; Volume 1 (2022) and Volume 2 (2023) and it is a ready reference source of legal material. The plaintiff is also the author of the authoritative textbook on Civil Procedure: THE HANDBOOK ON CIVIL PROCEDURE & PRACTICE IN GHANA (2023), which has become the go-to reference sourcebook for lawyers, judges and law students.
43. The plaintiff states that by reason of the publication of the notice set out in paragraph 8, she has been seriously injured in her personal and professional reputation as evidenced by the numerous phone calls and other social media contacts that people have made to her since the publication of the said defamatory notice by the defendants. She has been shunned by and totally ridiculed among her colleagues, clients, family and friends.
44. The plaintiff adds that the fact that the defamatory notice was issued under the signature of the 4th defendant and published on the 5th defendant's website gives the publication the imprimatur of law, as well as an aura of credibility and significance that influences all who see and read the charges, convictions and

sentences. As stated earlier, the 4th defendant has written officially to confirm that the defamatory publication was issued by her.

45. In the circumstances, the plaintiff says unless ordered by this honourable Court, the defendants will not remove the said defamatory publications from its website.

46. The plaintiff adds that unless restrained, the defendants and each of them will further publish the said or similar defamatory notices of and concerning the plaintiff on the 5th defendant's website or elsewhere and distribute or share them without plaintiff's notice.

47. The plaintiff repeats paragraphs 1 to 28 and states that the defendants' conduct constitutes a deliberate misrepresentation of material facts which has injured the plaintiff's hard-won reputation as a dedicated and consummate lawyer whose client base extends beyond the shores of Ghana.

Particulars of misrepresentation

- i. The plaintiff's former client, VPS International BV of The Netherlands, has never filed any complaint against the plaintiff with the 5th defendant.
- ii. The plaintiff has never been convicted by a 3-member Disciplinary Committee on 23rd June, 2022.
- iii. The 1st, 2nd and 3rd defendants could not have formed a "3-member Disciplinary Committee" of the General Legal Council (5th defendant) on 23rd June, 2022 as alleged as at the said date, the 1st defendant was the Chief Justice and he was neither a member nor chairman of the Disciplinary Committee of the 5th defendant.
- iv. On 23rd June, 2022, Mr. Justice Paul Baffoe-Bonnie was the chairman of the Disciplinary Committee of the 5th defendant who, by law, was the person to chair a 3-member panel of the Disciplinary Committee but he was neither a member nor chairman of the named 3-member panel (Coram: Justice Anin Yeboah, CJ, Sam Okudzeto, Esq. and Irene Charity Larbi, JA) that purportedly gave an alleged decision dated 23rd June, 2022.

- v. The 1st defendant signed the alleged decision that purportedly formed the basis of the defamatory publication made by the 4th defendant as "Anin Yeboah, JSC" to hide the fact that as at the said date he was the sitting Chief Justice and chairman of the General Legal Council, the 5th defendant herein, and as such, he was not and could not lawfully sit as a member of the Disciplinary Committee as a matter of law.

48. WHEREFORE the plaintiff claims against the defendants jointly and severally as follows:

- a) A declaration that the publication made by the defendants of and concerning the plaintiff and set out in the writ and paragraph 8 of the statement of claim is defamatory of the plaintiff.
- b) Aggravated, exemplary and compensatory damages of **GHC20 million** for defamation.
- c) Aggravated, exemplary and punitive damages for false misrepresentation.
- d) An order of perpetual injunction restraining the defendants by themselves and their employees, agents and assigns from further publishing the said defamatory matter or similar words of and about the plaintiff.
- e) An order directing the defendants to retract and apologize to the plaintiff for making the defamatory publication of and about the plaintiff.
- f) An order directing the defendants to publish the retraction and apology on the 5th defendant's website for the same duration as the defamatory matter, and also publish it three (3) times on the front page of the Daily Graphic newspaper.
- g) Any further or other reliefs as the Court deems fit.

DATED IN ACCRA THIS 6TH DAY OF JUNE, 2024.

THE REGISTRAR
HIGH COURT (GENERAL JURISDICTION DIVISION)



PLAINTIFF

ACCRA.

- AND TO THE ABOVE- NAMED DEFENDANTS.



Invoice Number: 8000859859
Case Title: FRANCISCA SERWAA BOATENG VS
 1.KWASI ANIN YEBOAH 2.SAMUEL
 AWUKU OKUDZETO 3.IRENE
**Case Number OR Suit
 Number:** 000000074114
Account Number: 1441000457573
Receipt no: 15478976
Payment Reference: JSG/8000859859/483967
Branch Name: South Industrial Area
Depositor Name: BOATENG
Date: 07-Jun-2024 02:02 PM (Local Time)
Payment Method: Cash
Amount: GHS 100.00
Payment For: Ghana Judicial Service Suit Payment
Customer's Signature :



THE REPUBLIC OF GHANA
JUDICIARY



Invoice Number: 8000859858
Case Title: FRANCISCA SERWAA BOATENG VS
 1.KWASI ANIN YEBOAH 2.SAMUEL
 AWUKU OKUDZETO 3.IRENE
**Case Number OR Suit
 Number:** 000000074114
Account Number: 1441000457570
Receipt no: 15478959
Payment Reference: JSG/8000859858/483963
Branch Name: South Industrial Area
Depositor Name: BOATENG
Date: 07-Jun-2024 02:01 PM (Local Time)
Payment Method: Cash
Amount: GHS 6740.00
Payment For: Ghana Judicial Service Suit Payment
Customer's Signature :



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JUDICIARY

