

GENERAL RULES APPLICABLE IN ALL COURTS OF LIBERIA

Rule 1. Except for the official opening day of the term of each court, or otherwise provided by law, and the rules of the Supreme Court, all courts shall meet daily at 8:00 a.m., recess and adjournment being in the discretion of the Judge, provided that excluding holidays and Sundays, all courts shall be opened from 8:00 a.m. - 4:00 p.m. on Mondays through Fridays, 9:00 a.m. - 12:00 noon on Saturdays, for the purposes of filing pleadings, issuance of writ of summons and other administrative matters in accordance with law or as may be authorized by the Judge or other authority.

Rule 2. Witnesses should be seated during examination in all courts.

Rule 3. Counsels for the parties shall be allowed to sit during a hearing of a case, except when addressing the court directly or taking Ruling, or raising objection to a question or statement, and when arguing to court should the court allow argument.

Rule 4. A counsel appearing in all courts of record shall wear a dark business suit with coat and tie and a black robe. A female counsel shall dress correspondingly to the dress for the male counsel, that is to say a business suit with coat and a shirt and/or a dress with a black robe. On all non session days, or days when the court is not in session decent National or African Attire may be worn – Mobutu/Swear-in-Suit and traditional gowns for male and lappa suit for women, except that the African and National dress may be worn on Saturdays in all courts of no record.

Rule 5. **LAWYERS TO BE LICENSED TO PRACTICE - DEADLINE**

The deadline for lawyers and law firms to obtain annual licenses to practice law and to operate law firm is the Second Monday in March of each year. After this date no lawyer who has not obtained his/her annual license, for the year shall be permitted to practice before any court, or before any administrative tribunal, or any agency of government directly or indirectly nor will a lawyer who has not paid his/her annual dues of the Liberian National Bar Association up to the Second Monday in March of each year be permitted to practice before any court of the Republic of Liberia.

The judge of the court may require exhibition and registration of evidence showing compliance with this rule.

- Rule 6. Every paper filed by counsel and by clerks of all courts shall be legal size sheets and shall be endorsed by the clerk of such courts indicating the date of filing, name, and signature of the relevant clerk of court.
- Rule 7. Except as otherwise provided by law, every paper shall be type written on one side only, leaving a margin of about one inch on each side.
- Rule 8. No record, book or documents of any kind shall be taken from any office of the court, or from any of its officers, or from files of the court by any officer, or other person, unless by permission of the court; and every party taking a record, book or document shall file a receipt for the same.
- Rule 9. Service of all papers shall be in accordance with the Statutes controlling.
- Rule 10. Except provided by statutes, the Supreme Court shall from time to time promulgate schedule of fees, charges, fines and cost for various charges in the court.
- Rule 11. Proceedings in court shall be conducted with fitting dignity and perfect decorum, the taking of photographs in the courtroom during sessions of the court or recess between sessions and the recording of live broadcast or televising of court proceedings are calculated to allow lawyers to grandstand, detract the witness in giving his testimony, degrade the court and create misconceptions with respect thereto in the mind of the public and hence shall not be permitted.

**RULES AND REGULATIONS GOVERNING THE
OPERATION OF THE COURTS OF THE JUSTICE
OF THE PEACE:**

Rule 1. **COURTS OF JUSTICES OF THE PEACE AS COURTS OF LAW**

Justice of the Peace Courts as other courts of first instance, are courts of law within the Judicial Branch of Government and therefore amendable to the administrative authority of the Judiciary. They shall exercise strictly, civil as well as criminal jurisdiction conferred upon them by the Judiciary Law of Liberia, approved May 10, 1971 within their respective areas.

Rule 2. **CIVIL JURISDICTION**

The amount of the value of the property sought to be recovered in all civil actions and proceedings in the courts of the Justices of the Peace has been fixed by Statutes to determine their jurisdiction. (See Judiciary Law Title Section 8.3(a). A matter is beyond the trial jurisdiction of the court of a Justice of the Peace where the amount sought to be recovered exceeds the statutory limitations, in such case the Justice of the Peace shall refuse jurisdiction or dismiss without prejudice. Any Justice of the Peace found exceeding his jurisdiction shall answer in a Summary Proceeding before the Circuit Court within his area of jurisdiction exercising civil jurisdiction.

Rule 3. **CRIMINAL JURISDICTION**

Petit Larceny and offenses and violations of a grade less than misdemeanor, including violations of the Vehicle and Traffic Law constituting infractions thereof are cases in which the Justices of the Peace Courts shall exercise criminal jurisdiction concurrently with Magisterial Courts, except where another court in the same area or part of the same area has by law been given exclusive original jurisdiction of such infractions.

Rule 4. **ARRESTING POWER**

Justice of the Peace Courts, concurrently with the Magisterial Courts, are vested with power to arrest and commit to jail any person or persons charged with the commission of any offense under the Penal Code of the Republic of Liberia whether or not the offense charged is beyond their trial jurisdiction. An accused arrested for a crime is entitled to bail as a matter of right except in Capital offenses where the proof is evident and presumption great. The condition of the bail bond to be presented to the arresting Justice of the Peace for his approval is that the prisoner shall appear before the Circuit Court on or before the formal opening day of the term of court next to open and there remain from day to day until discharged. The Justice

of the Peace issuing the arrest order who is not a salary employee of government shall approve the criminal appearance bond and shall receive a fee not more than \$25.00, but in no case shall the Justice of the Peace collect and receive \$25.00 bond fee from each person severally charged and arrested for the same offense. Upon the filing of the bond, the Justice of the Peace shall forthwith transmit the Writ of Arrest, the Bond, the Fruit of Crime and all such evidence in connection with the charge with the names of the witnesses for the State to the Clerk of the Circuit Court and obtain a receipt therefor.

All writs of arrest issued by the Justice of the Peace Court shall either be based upon Police Charge Sheet or upon oral complaint sworn to by private prosecutor. Until an offense is committed in the presence of the Justice of the Peace in the absence of a Peace Officer, he is not authorized to effect an arrest, but no arrest shall be made promiscuously on peaceful citizens by a Justice of the Peace with a view of extracting money bond fee. Courts do not go out looking for way to enforce the law but wait until the government or individuals bring cases to them for adjudication. Any Justice of the Peace who shall be found to incite or cause others to incite violence with the view in so doing to preferring criminal charge against anyone so as to extract money from him for bond fee shall be subject to disciplinary action.

Rule 5.

TRIAL PROCEDURE

At the call of a civil case for trial, the parties shall all stand and the Justice of the Peace or someone designated by him shall read the writ of summons which must have been in every case issued with \$1.00 Revenue Stamp placed thereon, served on the defendant and returned served by a constable of the court.

The defendant shall be required by the Justice of Peace to plead to the writ as to whether he/she is "liable," or "not liable." If the plea of the defendant is "liable, the Justice of the Peace shall proceed to render judgment, but if the plea entered by the defendant is "not liable", the Plaintiff shall take the stand to present evidence. All pleas, motions, Rulings, Judgments or any objection interposed, shall be recorded at the back of the writ. Upon presentation of the Plaintiffs evidence, the defendant shall take the stand to present his/her evidence. The Plaintiff may then present rebutting evidence if the need arises. The parties may examine and cross-examine witnesses which examination shall be controlled by the Justice of the Peace to avoid unnecessary waste of time. The parties may make closing statements within the time allowed by the Justice of the Peace, thereafter the Justice of the Peace shall enter judgment. Any party being dissatisfied with the judgment may announce appeal to the Circuit Court as a matter of right to be perfected within 15 days filing by his/her appeal bond to be approved by the Justice of the Peace.

Failure of the appellant to perfect the appeal within 15 days, and to comply with the appeal statute made and provided, the appeal shall be dismissed. For the approval of the bond and all fees in connection with the taking of appeal, the fees payable shall be not more than \$25.00.

In every case, the losing party pays the court costs including the successful party's return costs with \$10.00 successful lawyer's fee, if he was represented by counsel.

At the call of a criminal case, the same procedure in a civil case shall be followed. The writ of arrest shall be read and the defendant required to plead. In a criminal case the plea shall either be "guilty" or "not guilty". If the plea is "guilty" the Justice of the Peace shall render the judgment. If the defendant's plea is "not guilty" the burden of proof is on the state or private prosecutor. In criminal cases no costs shall be assessed and paid. No lending fee is required for the issuance of a writ of arrest.

Rule 6.

SCHEDULE OF FEES PAYABLE IN JUSTICE OF THE PEACE COURT

Justices of the Peace are not paid employees of the Government of Liberia. Their services are compensated by fees paid by parties litigant which shall not be more than the fees provided by statute. (See Judiciary Law, Sec. 8.10 for fees).

This Rule shall be strictly adhered to, otherwise, disciplinary action shall be taken against Justice of the Peace who shall be found collecting fees excessively.