IN RE: Sillah, Sr. et. al [2017] LRSC 9 (3 March 2017)

IN RE: ABRAHIM B. SILLAH, SR., DEDE D. NYEPLU, ET AL

IN THE HONOURABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA SITTING IN ITS OCTOBER TERM, A.D. 2016

Heard: November 22 and December 5, 2016. Decided: March3,2017.

MR. JUSTICE BANKS DELIVERED THE OPINION OF THE COURT.

The legal profession is one of the most profound professions. The way it operates, like the medical profession, for example, can determine the life or death of a citizenry. If it operates poorly, the nation and the people feel the repercussions. The slightest mistake a lawyer makes may determine if an accused lives or dies; or whether he loses or gains freedom; or if it is a civil matter, whether the plaintiff or defendant gains or loses his life's savings or aspirations. This may very well have been the reason that the framers of both our Constitution and the Judiciary and other statutory laws were keen that great care is taken in ascribing the conditions under which a person is allowed to earn the privilege of being a member of the legal profession. This may have been the reason why, with the support of the Supreme Court, the Liberian Legislature determined to and did abolished the apprenticeship method by which a person was allowed entry into the legal profession merely by being under the mentorship of a practicing lawyer and to instead lay down as a compulsory condition and criteria that in order for a person to be eligible to seek admission to the Bar and to practice law before the courts of the Republic of Liberia, that person must have attended the Louis Arthur Grimes School of Law or another recognized law school in Liberia or abroad and must have, as a result thereof, earned a law degree. This is why also the current Constitution of Liberia (1986), at Article 75, vests in the Supreme Court the authority to promulgate "from time to time … rules of court for the purpose of regulating the practice, procedures and manner by which cases shall be commenced and heard before it and all other subordinate courts. It shall prescribe such code of conduct for lawyers appearing before it and all other subordinate courts as may be necessary to facilitate the proper discharge of the court's functions. Such rules and code, however, shall not contravene any statutory provisions or any provisions of this Constitution." [Emphasis ours].

The desire to ensure that the justice system of Liberia serves the goals and aspirations of the nation and of the people of Liberia was the motivating factor that persuaded the Legislature in enacting the Judiciary Law, and to include in the said law the mechanism for regulating the process as to how a person is admitted to the Legal Bar of the Republic. This is also the reason that the Supreme Court, charged with the constitutional and statutory task of overseeing the legal profession and the practice of law in Liberia, and concerned about the status and depreciating standard of the legal profession and determined to reverse the process and elevate the standard to a more respectable and acceptable level, directed, under the grant of power to it by the instruments referred to herein, made it a requirement that graduates of the Louis Arthur Grimes School of Law and of any other reputable law school in Liberia or

abroad be subjected to an examination, under the scrutiny of the Supreme Court, to test their competence to be admitted to the legal profession. By this new requirement, the Supreme Court rejected the assumption previous held that because one was a graduate of a law school, that automatically meant that the person was qualified or competent to practice law, either before the courts of Liberia or otherwise. The Supreme Court determined that one had to demonstrate, by passing an examination, tailored on the standard set by the Court, that he or she was indeed and in fact possessed the requisite qualification and competence to practice law in Liberia.

But the Supreme Court also recognized that given Liberia's two level system of the practice of law, it was not enough that because one could demonstrate that he or she had been admitted to the practice of law for a certain period of time, that such passage of time automatically qualified the person or made one automatically eligible to practice law before the Supreme Court. The Court, and indeed the Legislature, recognized that the practice of law before the lower courts of the republic was quite different than the practice of law before the Supreme Court. The process was different; the procedure was different; the environment was different; the expectations were different; and most importantly the standard was different. This higher standard required a different manner and approach to the presentation of a case; a different quality of the instruments filed with the Court; a higher level of and more sophisticated and superior writing and analytic skills; a sharper and more alert mind capable of identifying the complex and difficult issues in a case before the Court of last resort; a higher demonstration of competence that one deserved to practice before the nation's highest Court. These were but a few of the expectations of the Supreme Court. Hence, as the Court showed increasing dissatisfaction with the quality of the performance by legal practitioners, it felt the need to intensify the evolution of new approaches to the development of the law and the minds of those who desired to practice the law before it.

The Court embarked on a process of admonishing counsellors practicing before it to be more studious in the quality of the briefs and other instruments filed before the Court and in their knowledge of the law and the method of presentation of their arguments. But the Court also acknowledged that improvement of the practice of law before it was also dependent on the quality of the persons admitted to the Supreme Court Bar. The examination of attorneys-at-law who desired admission to the Supreme Court Bar therefore became a prime focus of the Court. Thus, whereas the examination administered by a select Committee in past times focused primarily on substantive components of the law, said to have been learned in law school, the new focus, as designed and directed by the Supreme Court, concentrated on skills in recognizing and analyzing issue and in writing skills in documenting those issues. This did not mean that substantive law was being abandoned. But it recognized that knowledge of substantive law and the lack of the requisite skills to analyze and express that knowledge into documented and oral presentation could have a profound effect on the determination of the outcome of a case. Equally, the Court was increasingly cognizant that the works of the profession, including presentations made before the Court, documented and oral, were increasingly being exposed to the international community. It was important that the local environment and the world recognized that the nation was faring well in its pursuit of the judicial and justice system of the

country. This was the backdrop to the Court's scrutiny of the applications/petitions filed by attorneys-at-law seeking admission to the Supreme Court Bar, and of the Court's determination of those petitions.

The process, which had started over an extended period of time with the filing of petitions by attorneys-at-law who believed that they possessed the requisite qualification for admission to the Supreme Court Bar, peaked on November 22, 2016, with the first scheduled hearing by the Supreme Court of the petitions. On that date, forty (40) petitions were delve into and passed upon by the Supreme Court. As has become the practice with the Court, and given that an attorney-at-law is not qualified to appear before or make a presentation to the Court, each attorney whose petition was up for hearing was represented by a Counsellor-at-law who had signed the petitions for and on behalf of the Attorneys, and/or who had similarly signed the affidavit required under the Judiciary Law verifying that the applicant possessed and was of a good moral and ethical conduct. In addition, the applicants were required and did present, through their counsels, instruments attesting to the fact that they were in good standing, financial and otherwise, with both their local bars and the National Bar.

The process was continued on December 5, 2016, with a further thirty-seven (37) petitions being passed upon by the Court. As a result of this critical legal exercise, core to the heart of the Supreme Court and the Judiciary, seventy-two (72) candidates, whose petitions were heard by the Court, and who considered as having met the eligible requirements of the first phase of the process to determine upon their admission to the Supreme Court Bar as Counsellors-At-Law, were referred to the two Standing Committees—the bar Examination Committee and the Moral Ethics Committee—responsible for the second phase of the process. The candidates, attorneys-at-law, whose names were forwarded to the Committees for examination, comprised the following:

1. Cecelia Grandoe-Rogers
2. Robert G.K. Freeman
3. Gidu Johnson
4. Stephen P. Kerwillain
5. Joseph B. Debblay
6. Nelson S. Jallah
7. Tolbert GeewlehNyenswah
8. Ousman Fritz Feika
9. Robertson P. Mehn
10. Rufus Moore
11. Edwin Kla Martin
12. Jimmy SaahBombo
13. Wellington Sendolo
14. Jonathan T. Massaquoi
15. Josie P. Senesis
16. Lawrence Wah Jackson
17. Eugene L. Massaquoi
18. JallahGovegoZumo
19. Patrick J. Nah

20. Reginald B. Brooks
21. Fatou M. Coleman
22. Rodney P. Kuow
23. Wlaryee W. Nyanteh
24. TwehWesseh, Sr.
25. Uzoma N. Ebeku
26. KundukaiJaleiba
27. Jura A. Lynch
28. SennayCarlor II
29. Wellington GleaBedell, Sr.
30. Abel Knight
31. Henry T. Nagbe, Sr.
32. Bhatur C. Holmes Varmah
33. DomityCordorAkoi, Jr.
34. Emmanuel T. Reeves
35. Ciapha Carey
36. Stanley S. Kparkillen
37. Luther N. Yorfee
38. Dede D. Nyeplu
39. Aloysius F.K. Allison
40. Arthur O. Williams
41. Edwin G. Barquoi
42. Joyce E. Sarbeh
43. Miller Catakaw
44. BornorMassamaiVarmah
45. Tilmar Dunbar, Jr.
46. Peter Y. Kerkula
47. Naomie M. Gray
48. Yarlor Say Won, II
49. Cornelius F. Wennah
50. Michael Ishmael Diggs
51. Mark M. M. Marvey
52. Abrahim B. Sillah, Sr.
53. Kula L. Jackson
54. Jeddi Mowbray Armah
55. George H. Dahn
56. Edward Z. Fahnbulleh, Jr.
57. Clarence N. Weah
58. YadoloeMewaseh Pay-Bayee
59. Philip Y. Gongloe
60. Festus K. Nowon
61. Jerome B. Kolleh
62. Clarence Massaquoi
63. Joseph JarlekaiTaweh
64. Reuben C. Sirleaf
65. Pamela Teplah Urey Reeves
66. Niveda Cindy Ricks

67. Gartor Tate
68. Frederick L. M. Gbemie
69. William Moore Johnson
70. Anthony Mason
71. KpotoKpadehGizzie
72. Samuel S. Pearson

Further, and in consonance with the further requirement, that is examination of the candidates, The Chief Justice, acting for the Court, constituted the membership of the two Committees charged with the responsibility of administering the two segments of exams, and duly informed them of their appointment. The following persons constituted the membership of Bar Examination Committee:

Counsellor N. Oswald Tweh…….Chairman
Counsellor Snonsio E. Nigba……Member
Counsellor G. Moses Paegar……Member
Counsellor Deweh Gray……..Member
Counsellor J. Johnny Momoh……..Member
Counsellor Stephen B. Dunbar……Member

The second committee, the Moral and Ethics Committee, responsible to examine the moral and ethical conduct of the candidates, consisted of the following counsellors of the Supreme Court Bar:

Counsellor T. Negbalee Warner……Chairman
Counsellor Frederick K. Cherue…….Member
Counsellor Cyril Jones……..Member
Counsellor Tiawan S. Gongloe……Member

The Court takes pride in the membership of the committees whose members not only have considerable demonstrated experience in the law, but who also over the years have distinguished themselves ethically and professionally. The Court therefore had great confidence that they would adhere to the vision of the Court that the persons declared as having qualified for admission to the Supreme Court would clearly be representatives of this noble judicial hierarchy. The report of the Committees met this Court's expectation, for in that most comprehensive document, the Court was apprised as to how the Committees proceeded in fulfillment of the task entrusted to them and informed of the results from the legal exercise conducted by the Committees. The report called that Court's attention to the fact that of the seventy-two (72) candidates who had applied for admission, the Court, on the request of the relevant government institutions, especially the Ministry of Justice, seven (7) were granted dispensation from sitting the written exams; this left sixty-five (65) persons to take the written exams. The report noted, however, that only fifty-six (56) of the candidates sat the written exams. Nine (9) of the candidates did not sit the written exams because they were disqualified, either on account of their late payment of the application fees, non-payment of the application fees, non-submission of the application forms, or improper verification of the application. The report informed the Court further that the examinations were centered on the "attorneys' legal writing

skills, analytic ability and knowledge of [the] legal practice and procedures, using a number of subject matters to provide factual context." The subject matters included property and decedents estates and trust law; civil procedure; evidence; contracts; commercial law; and corporations.

In addition, the fifty-six (56) candidates who sat the written examinations were also examined and interviewed on their ethical behavior and conduct, required to fill application forms prepared by the Moral and ethics Committee, designed to ensure that adverse ethical conduct and other acts in violation of the Code of Conduct and the law were uncovered. In the course of this process, the Committee identified three (3) persons as having matters currently before the Grievance and Ethics Committee, but expressed concern that notwithstanding the pendency of matters before the Grievance and Ethics Committee involving those candidates, the Grievance and Ethics Committee had issued certificates of good standing in favor of the said candidates. The Court would like to make it clear that no candidate for admission to the Supreme Court Bar and against whom a complaint for ethical transgressions has been filed is entitled to or should be given a certificate on good standing. A certificate of good standing, in the mind of the Court, signifies that no complaint is filed or pending against such attorney or that complaint having been filed against the attorney, he or she has been clear of any ethical transgressions, and hence, entitled to a certificate to the effect. It is only after such hearing and determination by the Grievance and Ethics Committee, duly endorsed by the Supreme Court, that would entitle a candidate to a certificate of good standing. In all such cases where complaints of ethical transgressions are levied against a lawyer who has applied for admission to the Supreme Court Bar, the admission should be deferred pending the conclusion of the investigation by the Grievance and Ethics Committee, endorsed by the Supreme Court. Accordingly, this Court herewith declares that where a candidate for admission to the Supreme Court Bar passes the written examinations but fails the ethical scrutiny of the Moral and Ethics Committee, the candidate will not be allowed to be admitted until the ethical matters have been resolved, provided, however, that the candidate will not be required to sit the written examinations at the next admission period. The Court also declares that on the other hand, where a candidate for admission to the Supreme Court Bar fails the written examinations and passes the ethical scrutiny of the Moral and Ethics Committee, the candidate shall be required to re-sit both the written examinations and ethical scrutiny at the next admission period.

Reverting to the report of the Committees, the Court is informed thereby that out of the fifty-six (56) candidates who sat the written examinations, thirty-seven (37) successfully passed, using the scoring standard prescribe by this Court. The standard includes: (a) 90-100 = excellent; (b) 80-89 = good; (c) 70-79 = pass; and (d) below 70 = fail. We note from the report that none of the candidates fell into the (a) category, thirteen (13) fell into the (b) category, twenty-four (24) fell into the (c) category, and nineteen fell into the (d) category, the fail category. The following Attorneys are reported as having successfully passed both the written examinations and the ethical examination and scrutiny:

No 1
. Names

1 SILLAH, ABRAHIM B., SR
2 NYEPLU, DEDE D.
3 YORFEE, LUTHER N.
4 DIGGS,MICHAEL ISHMAEL
5 BARQUOI, EDWIN G.
6 DEBBLAY,T. JOSEPH B.
7 ARMAH, JEDDI MOWBRAY
8 NO WON, FESTUS K.
9 GONGLOE,PHILIP Y.
10 MARVEY, MARK M. M.
11 RICKS, NIVEDA CINDY
12 REEVES, EMMNAUEL T.
13 KOLLEH, JEROME B.
14 EBEKU, UZOMA N.
15 KUOW, RODNEY P.
16 WENNAH, CORNELIUS F.
17 JOHNSON, E. GIDU
18 ALLISON, ALOYSIUS F. K.
19 MASON, D. ANTHONY
20 LYNCH JURA A.
21 TAI'E, GARTOR
22 MARTIN, EDWIN KLA
23 KERKULA, PETER Y.
24 VARMAH, BORNOR MASSAMAI
25 PEARSON, SAMUEL S.
26 BEDELL, WELLINGTON GLEA SR.
27 VARMAH, BHATUR C. HOLMES
28 MASSAQUOI, EUGENE L.
29 MEHN, ROBERTSON P.
30 KPARKILLEN STANLEY S.
31 AKOI, DOMITY CORDOR JR.
32 JALLAH, NELSON S.
33 NAH, PATRICK J.
34 JOHNSON, WILLIAM MOORE
35 REEVES, PAMELA TEPLAH UREY
36 MASSAQUOI, JONATHAN T.
37 CAREY, T. CIAPHA

The names, as stated above, appear in the order in which the candidates scored from the highest score to the minimum required passing score. While we congratulate the candidates who scored top ranks amongst the candidates, we note that no candidate

score fell into the (a) or excellent category. Notwithstanding, while the Court is disappointed that no candidate fell into the (a) category and that much more work needs to be done by the candidates to ensure that they do not face serious problems and issues before the Supreme Court, we are nevertheless heartened by the fact that the Committees were keen on adhering to the standard set by this Court and that only candidates who demonstrate the requisite competence and good ethical behavior to appear before the Supreme Court were recommended to become members of this cherished and noble elevated art—the practice of law before the Honourable Supreme Court. We therefore herewith declare that the thirty-seven (37) candidates cleared by the Committees are to be qualified as Counsellors-At-Law of the Supreme Court of Liberia. In addition, we also authorize that Attorney Ernest F. B. Bana, a stipendiary magistrate serving the Judiciary at the West point Magisterial Court, also be qualified as a Counsellor-At-Law. Magistrate Bana had taken the written examinations at the October Term, A. D. 2015, of this Court, and had successfully passed the written examinations. However, because at the time he was under suspension for violation of provisions of the Judicial Canons, his qualification as a Counsellor-At-Law of the Supreme Court was suspended pending the completion of his suspension. He having fully served his suspension and there being no further obstacles to disqualify his admission into the Supreme Court Bar, the Court directs that he be qualified, thus bring the number for qualification as Counsellor-At-Law to thirty-eight (38).

We would like to note further that as per the recommendation of the Committees, there is herewith formally established and declared as a rule, to be fully adhered to, that the Court will no longer allow the scaling of the grades of candidates seeking admissions to the Supreme Court Bar. Any candidate not making a grade score of 70 or above on the written examinations and demonstrating good ethical behavior and thereby graded similarly at the same score level will be denied qualification as a member of the Supreme Court Bar. This standard is necessary in order to continue the elevated strive of the Court to have lawyers appearing before it meet the expectation of the Court, both in the presentations of their written briefs filed with the Court, in the oral arguments made before the Court at the hearing of their cases, and in their analysis of cases wherein they represent party litigants.

This Court is not prepared to tolerate the deterioration, either of the profession or of the presentations made before it by lawyers. We must continue to insist that documents filed before the Court be on legal rule paper, representative of the profession; that the issues in the case are properly identified by the counsels representing the parties; that papers required by law to be filed with the Court be filed on time; that analysis made of the facts and the issues be highly analytical and understandable; that the type prints in the documents be legible and of the appropriate font size that is readable. In the current term of this Court, the Court has had to impose fines and other penalties on a number of lawyers because of their callous display of sub-standard presentations. Both in the documents filed before the Court and in their oral presentation before the Court. This Court will continue to insist that lawyers practicing before it and who do not meet the elevated standard set by this Court will continue to be subjected to all of the available penalties.

In respect to the above, the Court's attention is drawn to two sets of documents filed by two of the candidates whose admission to the Supreme Court Bar as Counsellors-

At-Law was rejected by the Committees. In the one case, candidate Tolbert G. Nyenswah's was disqualified because he had failed to pay the required application fee. In his communication to the Supreme Court, via the Chief Justice, Attorney Nyenswah offered the excuse and attributed the non-payment of the application fee to the fact that he was away from the country attending a conference in the United States of America and that he was under the mistaken impression that the dispensation granted to him covered the application fee since the fee was for the written examination. We have the outmost difficulty accepting the excuse of Attorney Nyenswah not only because of the contradictions disclosed from the appeal instrument addressed to the Chief Justice but also because it showed indifference and a lack of diligence in ensuring compliance with the requirements associated with the process. In his letter to the Chief justice, Attorney Nyenswah stated that he was under the mistaken belief that he was exempt from payment of the application by virtue of the dispensation granted him by the Supreme Court. Yet, in the same instrument he acknowledged that Counsellor N. Oswald Tweh, Chairman of the Examination Committee made contact with him on December 19, 2016 informing him of the requirement of the fee payment while he was in the United States of America. He made no enquiry of Counsellor Tweh as to the payment of the fee, even if he believed he was exempt from such payment. He admits further that he returned to Liberia on January 13, 2017. He still made no enquiry of Counsellor Tweh regarding the payment of the application fee, which he said he believed was actually examination fee. According to him, it was only after the Committees had submitted their report to the Supreme Court that he encountered a member of the Committee who informed him that his name was not submitted to the Court because he was delinquent in the payment of the required application fee. He asserts that he then proceeded to Counsellor Tweh to make the payment, and exhibited a check made payable to Counsellor Tweh, bearing date February 27, 2017, a period of more than two months after Counsellor Tweh had informed him of the obligation to pay the application (or examination) fee. We do not believe that he showed sensitivity to or interest in the matter; otherwise he would have communicated with Counsellor Tweh, in person or by letter or email on the issue. Instead, he waited until the Committees had submitted their report to the Supreme Court and only after a member had informed him that his name was not submitted to the Court. This goes to the core of the point made earlier in this Opinion. Attorneys who expect to be admitted to the Supreme Court Bar must demonstrate that they possess not only the academic and practical experience in the law, but that as part of that demonstration, they are committed and have the zeal for query in respect of any matter associated therewith. Attorney Nyenswah did not display that demonstrated committed to warrant this Court altering the recommendation made by the Committees. This Court is not disposed to alter the process in order to accommodate any person who did not show the desire to meet the required standard set by the Committees. This would be unfair to other persons whose application were also denied and it would be tolerance of negligence and indifference. Accordingly, the Court holds that Attorney Nyenswah not having met the requirement of the Committee within the time frame set by the Committee, he cannot enjoy the benefit of the process at this time. He is ordered to await the next period of qualification for admission to the Supreme Court Bar as counsellors-at-law.

In the case of Attorney Henry T. Nagbe, Sr., he filed a bill of information praying this Court not to proceed with the qualification of the candidates recommended by the Committees to this Court for qualification as counsellors-at-law, for reasons that he considered that the Committees had failed to carry out the mandate of this Court. The bill of information alleged that although Attorney Nagbe had met all of the requirements and therefore eligible to take the written examinations and the ethical scrutiny, including a certificate from the Grievance and Ethics Committee certifying that he was in good standing, the Chairman of the Moral and Ethics Committee, Counsellor T. Negbalee Warner had sent him a text message stating that he would not be allowed to take the Supreme Court Bar examinations for reason that the date on the face of the form filled out and signed by him, being December 28, 2016 was different from the date appearing on the Notary Certificate in attestation of him and the form signed by him. He asserted that as he did not have the authority to order the CELLCOM Communications Corporation to produce the cell records of Counsellor Warner, he is requesting that the Supreme Court orders the Lone Star Cell Corporation to produce the cell phone records, specifically the messages of Counsellor Warner for January 17, 2017.

Firstly, we find it strange that Attorney Nagbe would request that we order the Lone Star Cell Corporation to produce the records for communication sent from one Cellcom Communication Corporations phone to another Cellcom Communication Corporation phone. Secondly, the request ignores the fact that this Court does not take evidence, and the attorney should be fully aware of this principle enunciated numerously in the Opinions of this Court. Thirdly, if as claimed by Attorney Nagbe that Counsellor Warner sent him a text message, would the text message not be on the attorney's phone? Why could he not have quoted the text message for the benefit of the Court? We do not believe that for such important information, the attorney would have erased the message from his phone. In any event, this Court has stated on numerous occasions that it does not enjoy the luxury of speculation. In such a case, the first step by the attorney should have been to request the record from the correct and appropriate cell phone company through a court of competent jurisdiction. But more than that, the mandate of this Court was to have the Committee design its own guidelines in consonance with the mandate of this Court. The Committees had the discretion of determining what it would require of the candidates. Thus, if by the negligence of a candidate, he or she makes an error and it formed the basis of the Committee's rejection of the form submitted, the candidate had the option of resubmitting the form, properly corrected. In the instant situation, Attorney Nagbe alleged that the rejection occurred on January 17, 2017, yet he showed no attempt to correct the form so that the date on the forms coincided with the date on the Notary Certificate. Instead, he waited for a full month thereafter and to then proceed to file a bill of information with the Clerk of the Supreme Court. This Court has said that where the forum has discretion in a matter, it is only an abuse of that discretion that will warrant the intervention of the court. We do not see that there was any such abuse by the Morel and Ethics Committed. But moreover, even had there been any abuse, we believe that the sheer negligence by the attorney militates against the intervention of this Court. This Court is therefore not disposed to entertain the prayer of Attorney Nagbe, especially as it seeks to have this Court inflict serious injustice

upon those candidates who have met the qualification for admission as members of the Supreme Court Bar.

It is necessary at this point to state in the most unmistakable term that this Court has the fullest confidence in the Committees set up by it. This comprise many of the nation's best legal minds, including a Dean of the Louis Arthur Grimes School of Law, the only law school in the Republic, and a lawyer of long repute who serves currently and the lead counsel for the international Methodist conglomerate. We find no flaw in their judgment in the instant situation. Additionally, we are not prepared to accord any benefit to the attorney on account of his own negligence and carelessness, coupled with the waiver he indulged in in not correcting the deficiency pointed out in the documents which he submitted to the Moral and Ethics Committee.

We must note here that in most of the instances when the Supreme Court has had to reject petitions or application by attorneys for admission to the Supreme Court as Counsellors-at-law, the rejection has been predicated upon the sheer negligence of the petitioner/applicants and their counsellor. Indeed, it has been on that account that this Court has continuously called the attention of attorneys seeking admission to the Supreme Court Bar and counsellors representing those attorneys of the need to pay keen attention to the requirements stated both in the statutes and the several Opinions of the Supreme Court. In the opinion handed down by this Court at its October term, A. D. 2015, Madam Justice Wolokolie, speaking for the Court said the following:

"We note here that upon the first hearing of thirty petitions on November 4, 2015, only five applicants appearing before the Court met the requirements out-rightly; that is, they had attached to their petitions all relevant documents evidencing that they had graduated from a recognized law school; had been admitted as attorneys-at-law; had practiced law for five years; had statements that they are of good moral standing, copies of their birth certificate confirming date of birth, were in good standing with the National Liberian Bar Association, and two separate affidavits of two members of the Supreme Court Bar confirming their petitions and attachments thereto.

We were disheartened by the dereliction of so many of the petitioners in meeting up with these requirements, when as recent as August 15, 2014, during the closing of the March Term, A.D. 2014, of the Supreme Court, when several attorneys-at-law were being admitted as counsellors of the Supreme Court Bar, the Supreme Court in its Opinion, delivered by Madam Justice Yuoh, succinctly laid out the requirements for admission into the Supreme Court's Bar. We were even more saddened when Counsellors of this Supreme Court Bar, who were expected to be familiar with the Supreme Court's opinions, signed and attached to the petitions "Counsellor Certificates" supporting the petitions filed, instead of affidavits, and some though labeled affidavits, they were replicas of affidavits that were signed by the attorneys to their petitions, and few with two counsellors signing one affidavit. This was an indication that these counsellors had not read the August 15, 2014, Opinion. When questioned about statements made in these petitions or why the petitions did not conform to the requirements of the law or opinions of this Court, or to the poor quality of the petition filed in this Court, presenting counsellors admitted that they had not read and were not familiar with the applicants' petitions to which they had

attached their "certificates" or "affidavits" confirming statements made therein. In other words, these counsellors had no clue as to the petitions filed or the quality of these petitions; yet, they proffered some paper attesting to the truthfulness of the statements made in the petitions. We are inclined to believe that many of the counsellors' attestations were prepared by the attorneys and given to the counsellors who just appended their signatures on them.

This Court holds that henceforth, any Counsellor-at-law whose attestation to a petition for admission to the Supreme Court Bar violates the requirement laid down in the Judiciary Law and espoused in the Court's Opinion of August 15, 2014, and others subsequent thereto, especially a counsellor labeling said attestation "Counsellor's Certificate", he/she shall be penalized.

Further, an attorney-at law seeking permission to become counsellor is not eligible to file a paper in the Supreme Court nor can he/she appear to represent himself/herself before the Bench until he/she has been passed on and admitted to the Supreme Court Bar. Only Counsellors-at-law are allowed to file papers in and appear before the Supreme Court.

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By this, we hereby send a caveat to all those who wish to apply for admissions to this Court's Bar, that the Court will no longer be considerate when passing on petitions for admissions to allow an applicant to withdrawal and refile or amend his/her petition, or to allow an applicant to provide the requisite papers required. Applicants for admission to this Bar must therefore work closely with their representative counsellors in the preparation of their petitions.

This has led the Court to the decision that henceforth before examinations are administered to candidates who have petitioned for admission to counsellorship, the Grievance and Ethics Committee and the Board of Bar Examiners will meet with the Bench to review the tests drawn, and with the Bench reach general consensus in the formulation and content of the examinations to be administered and the grades required to pass.

Counsellor who takes an appeal and fails to timely perfect it must show evidence that he/she did all within his/her power to perfect the appeal; that the failure to perfect the appeal was not due to acts of negligence on part of the counsellor, but rather to the dereliction of the client.

The counsellor is expected to have his/her gown fastened or zipped up to the top so as to appear dignify before the court; a counsellor appearing before the court is expected to be properly attired;

Four terms earlier, at the sitting of the Court at its March Term, A. D/. 2014, the Supreme Court, speaking through Madam Justice Yuoh, echoed similar admonitions to the petitioners for admission to the Supreme Court Bar. Madam Justice Yuoh stated:

"At this juncture we revert to the petitions as way of emphasis, that all of the petitions filed and reviewed were riddled with errors. Some were contrary to the law and the

endorsed recommendations and were ordered corrected and refilled, before having their names submitted to the examiners. Had lawyers committed themselves to keep abreast with successive Supreme Court Opinions, especially those yet to be codified, they would have known not only about the recent endorsed recommendations but also to the law and procedures mandatory for admission as counsellor- at- law into the Supreme Court Bar. This Court therefore admonishes all lawyers, not only attorneys petitioning for admission to the Supreme Court Bar to obtain all past and present Opinions of this Court which have not been codified, and the ones .yet to be rendered.

The remaining eighteen (18) petitioners had procedural errors that necessitated rectification and re-filing. Some of the errors worth mentioning .were; petitioners attached passports and affidavits of confirmation of birth to their petition rather than birth certificates which would serve as the best evidence to prove their nationality, age and place of birth. It is the law in vogue that a person applying fo admission to the Bar as attorney must be a citizen of this Republic and have attained the age of twenty-one years. The Judiciary Law Rev. Code 17:17.1. Henceforth, absent a birth certificate from the authorized government agency responsible for the issuance thereof, or official instrument of similar status (fo instance, a naturalization certificate) this Court will not admit any attorney-at-law into the Supreme Court Bar for lack of evidence authenticating the attorney's nationality and age.

Another notable error was document named and styled "Counsellors-At-Law Certificates" attached to the petitions. Most of the certificates were signed by two counsellors-at-law while others attached two certificates, signed by counsellors-at-law attesting to their legal and moral competence to be admitted into the Supreme Court Bar."

We continue to fully subscribe to all of the tenet expressed in those Opinions of this Court and reiterate in the strongest terms that therefore proceed to other segments of the joint report submitted by the Committees.

In the report, the Committees recommended for consideration by the Court that the Court stipulates a definite timeframe in the year in which it will pass upon application by attorneys or admission to the Supreme Court Bar. The note the advantages stated in the report, including predictability, opportunities for planning and execution, and stipulating deadlines for the filing of such petitions/applications by candidates. In that regard, we declare that this Court will pass on applications for admission to the Supreme Court Bar each year at the October Term of the Court, between late November and early December. All applications must be submitted not later than November 15 of the year wherein the applicants seek admission to the Supreme Court Bar. This will accord sufficient period for the Court to instruct that investigations be conducted into the ethical conduct of applicants and make a determination whether the petitions filed by the affected applicants should be given consideration or forwarded to the Committees for further examination. This is necessary since the Committees may not have the requisites to carry out extensive due diligence of the petitioners/applicants and since, in any event, this would be an enormous imposition on the Committees.

We take comfort in the fact that the Liberian National Bar Association is organizing, as part of its continuing legal education program, curriculum driven courses with appropriate course syllabus, that will ensure the periodic compulsory exposure of lawyers to new and upgraded rudiments and segments of the law, new developments in the law and the changing state of the law under, with highly trained legal instructional staff. It was not many years ago, during the October Term, A. D. 2009, of this Court, that the Board of Examiners and the Moral and Ethics Committee, recommended to the Supreme Court should support the Liberian National Bar Association in the introduction and implementation of Continuing Legal Education (CLE) policy/program in Liberia and making it mandatory for the continuing practice of law in Liberia. [See the Petitions of Chan-Chan Paegar et al., Supreme Court Opinion, October term, A. D. 2009. We are pleased that the Bar has now taken the first step in resolving that it will embark upon the exact program that the Committees recommended in 2009. We hope that the LNBA will encourage its members to take advantage of such program and will have strict rules for the imposition of penalties on lawyers who do not avail themselves of the opportunities presented, including as a condition for continued membership of the Bar. The Supreme Court stands fully prepared to lend every support to the LNBA in ensuring that the program is developed to the fullest and that it becomes fully functional. Indeed, We are proud to note that in delivering the Opinion in the cited case, Mr. Justice Ja'neh, speaking for the Court, stated that *"the recommendations as numbered herein, therefore stand endorsed by the Supreme Court en banc and full compliance therewith is required hence forth by all of this jurisdiction."*

But more than that, we hope that the LNBA will also insist upon the highest ethical standard for lawyers and will take action against any member of the Bar who commits ethical transgressions against the profession and the people; that it will develop the will power to insist on the highest ethical standards. This Court is no longer prepared to tolerate the abuses that we constantly seen occurring in the profession. The Bar should not await a complaint when the evidence so clearly shows that a lawyer has committed an act of ethical misconduct; and where the Bar fails to take such action as may be required, this Court, under the authority granted by the Constitution and the Judiciary Law will ensure that such persons not remain members of this noble profession.

Lastly, in respect of the LNBA, we are also heartened that at the law Bar Assembly, the Bar took the monumental step of endorsing a resolution that would require new graduates of the Law School to practice at least five (5) years as attorneys-at-law and two (2) years as counselors-at-law before qualifying or being eligible to open a law firm. We believe this is a worthy step and will definitely contribute towards the improvement of the profession and the practice of law in the country. More importantly, it will serve to minimize the mishaps which befall clients because of the lack of experience by person who have not had the requisite exposure to the law beginning the solo practice of law. The Bar is commended for this effort.

We note, and the Committees have expressed concern at the number of persons or institutions requesting dispensation for certain of the candidates seeking admission as Counsellors-At-Law of the Supreme Court. The Court takes due note of the concern and will henceforth developed guidelines for any dispensation that may be accorded

applicants. We are mindful that certain persons may be fearful of failing the written examinations and hence seek coverage under the request or recommendation by certain institutions for dispensation. We are also mindful that the basis of administering examinations as a condition for admission to the Supreme Court Bar is to ensure that the applicants are capable and competent for practice before the Supreme Court, that the standard of the Supreme Bar is not diluted, and that the admission of such applicants does not create undue devastating burdens for and upon the Court. Hence, the Court will hereafter not consider any such request for dispensation except where an applicant is directly connected to and practicing with the Ministry of Justice and there is evidence that his or her position necessarily requires appearance before the Supreme Court. All other requests for dispensation will be denied.

In respect of the petitioners whose names were recommended to the Supreme Court to be admitted as Counsellors-at-law, this Court, having inspected the records and thoroughly studied the report of the Committee, and being satisfied that the said attorneys have met all of the requirements to be accorded the privilege of being qualified as Counsellors-at-law, including (a) that they are citizens of the Liberia; (b) that they have graduated from a reputable and recognized law school; (c) that they have been admitted into the practice of law in Liberia and have in fact practices law within the Republic of Liberia for a period in excess of five (5) years; (6) that they are in good standing with the National and local bar associations; and (7) and that they are of good moral and ethical conduct, is hereby disposed to granting the prayers contained therein that they be admitted to the Supreme Court Bar as Counsellors-At-Law, with full entitlement to all the rights and privileges associated therewith.

Wherefore and in view of all that we have said, and by the power invested in us as Chief Justice and Associate Justices of the Supreme Court of Liberia, we hereby grant the petitions of those listed hereinabove, admitting today forty-four (44) attorneys into the ranks of this Honourable Supreme Court Bar, Republic of Liberia, as Counsellors-at-law, with all the rights and privileges appertaining thereto.

The Clerk of this Court is hereby ordered to issue to each of the attorneys, named herein, a COUNSELLOR CERTIFICATE with the signature of the Chief Justice and Associate Justices of the Supreme Court affixed thereto, duly certifying that they have been duly admitted to the Bar of the Supreme Court and are permitted to practice law before this Honourable Supreme Court of Liberia. Costs are disallowed. **AND IT IS HEREBY SO ORDERED.**