

JUDICIAL CANONS OF THE REPUBLIC OF LIBERIA

Judicial Canon One. ADDITIONAL QUALIFICATION FOR APPOINTMENT TO THE JUDGESHIP

In addition to the Constitutional and Statutory qualification for appointment to the judgeship, any lawyer who is selected for appointment to serve as judge of the court of law shall have knowledge of the law and shall have successfully completed the Bar examination and shall have integrity. No person should be selected for appointment who does not meet these requirements.

Judicial Canon Two. SUPREME COURT AS HEAD OF THE JUDICIARY

The Supreme Court is the Head of the Judiciary Branch of the Government of the Republic of Liberia, its Administrative head and spokesperson is the Chief Justice who shall preside over the business of the Court and other ordinary meetings of the Judiciary.

In the Supreme Court Chambers, there shall be arranged in order of seniority, five (5) special seats of honour. The seat of honour placed in the center of the row is specifically reserved for the Chief Justice. On the right and left sides of the Chief Justice there shall be placed two seats of honour for Associate Justices arranged in their order of seniority. The seat of honour on the immediate right is specifically reserved for the senior Associate Justice. The seat of honour on the immediate left side of the Chief Justice is specifically reserved for the Associate Justice next in rank. The seat of honour on the extreme right is specifically reserved for the Associate Justice next in rank. The seat of honour on the extreme left is specifically reserved for the Associate Justice last in rank.

To occupy any of the five (5) seats of honour so arranged on the row for the first time, the Chief Justice and the four Associate Justices must be commissioned as and ceremoniously seated during a ceremony planned for the purpose and no one shall occupy any of the seats of honour unless he is commissioned and ceremoniously seated to enable him to participate in the deliberations of the Court.

Any seat of honour which is made vacant by reason of death, resignation or impeachment from office of a Justice of the Supreme Court, shall remain vacant until the vacancy is filled by appointment and such appointee is commissioned and ceremoniously seated.

In the adjudication process, the Chief Justice and the Associate Justices shall have equal votes to reach a decision. In case of tied votes, the Chief Justice who, as a matter of course, is the last vote, shall cast the decisive vote and the votes of the majority sitting and voting shall be binding on the court.

Judicial Canon Three. CLASSIFICATION OF JUDGES INTO CATEGORIES

Judges of the courts of Law in Liberia shall be classified into categories, as follows:

- Category I: The Chief Justice of the Supreme Court.
- Category I-A: All Associate Justices of the Supreme Court.
- Category II: All Circuit Judges of the Republic of Liberia.
- Category II-A: All Judges of specialized courts.
- Category III: All Judges of the Provisional Monthly and Probate Courts within the Statutory Districts.
- Category III-A: All Juvenile and Traffic Courts Judges, and Stipendiary Magistrates who are lawyers.
- Category III-B: All Associate Magistrates.

Judges of the courts of Liberia shall rank according to their categories and the scale of their salaries and benefits shall be arranged accordingly.

Judicial Canon Four. PRACTICE OF LAW

A judge shall not engage in the practice of law directly or indirectly. Upon his appointment, a judge who was proprietor of a law firm or engaged in the practice of law associating with a law firm, shall resign publicly from the firm in the interest of fair play. A judge is practicing law indirectly when he does not publicly resign but leaves his/her wife, husband, son, daughter or partners in the firm or a brother lawyer to run the firm and he sits in the background. He shall not solicit prospective clients for any lawyer or law firm for reward or hope of reward.

In the trial of a case, a judge presiding shall not behave in any manner as would suggest that he is counsel for one of the parties.

Judicial Canon Five.

THE COURT AS LAST PLACE OF HOPE

The Court is the last place of hope for man on earth and therefore the judge therein presiding must live above reproach; he shall not receive or demand fees for approving a bond or signing an order; nor raise unreasonable technicalities in the hope of receiving prerequisites before approving the bond or order duly present.

Judicial Canon Six.

JUDGE AS GOVERNMENT PAID OFFICIAL

The judge is a government paid official and must be paid adequately; he holds an exalted position which prevents him from engaging in any business pursuit, therefore he must be provided with the necessities of life and with every means by which he will be able to perform his judicial duties effectively, efficiently, and speedily. The judge must be encouraged and given the incentive to live a decent and dignified life that would prevent financial and domestic worries and enable him to repel temptation which is susceptible to human life. As priest of justice, a judge should not be given the cause to be corrupted in the performance of his judicial duties so as to be justified for any disciplinary action taken against him if found deficient in those qualities.

Judicial Canon Seven.

PUBLIC BEHAVIOR

A judge should conduct himself in a decent, and honourable manner in the society. A judge shall refrain from ungentlemanly acts such as drunkenness, abuse of drugs and other substance. Loud and riotous behavior and the conviction of a non excusable offense.

Judicial Canon Eight.

PUBLIC INTEREST

Courts exist to promote justice thus to serve the public interest. Theirs is the administration of justice which they must do with speed and care. Every judge should at all times be alert in his rulings and in the conduct of the business of the court, so far as he can.

Judicial Canon Nine.

CONSTITUTIONAL OBLIGATION

It is the duty of all judges in the Republic to uphold and support the Constitution and the laws of the land, in so doing they, as custodian of the Constitution, should fearlessly observe and apply fundamental rights and guarantees.

Judicial Canon Ten.

ESSENTIAL CONDUCT OF A JUDGE

A judge should be temperate, attentive, impartial and since he is to administer the law, interpret it and apply it to the facts, he should be studious of the principles of the law and diligent in endeavoring to ascertain the facts.

Judicial Canon Eleven.

AVOIDANCE OF IMPROPRIETY

It is improper for a judge to accept a loan from a lawyer even a mortgage having no investment interest. It is also improper for a judge to conduct a newspaper column or comment on current news items and matters of general interest. It is improper for him to permit live broadcast, electronic recordings or the taking of photographs of court proceedings.

Judicial Canon Twelve.

GIFTS AND FAVOUR

A judge should not accept any presents or favour from litigants, or from lawyers practicing before him or from others whose interests are likely to be submitted to him for judgment.

Judicial Canon Thirteen.

INCONSISTENT OBLIGATION

A judge should not accept inconsistent duties, nor incur obligation, pecuniary or otherwise, which will in any way interfere or appear to interfere with his devotion to the expeditious and proper administration of his official functions.

Judicial Canon Fourteen.

INDUSTRY

A judge should exhibit an industry and application commensurate with the duties imposed upon him to administer, interpret and apply the law.

Judicial Canon Fifteen.

PROMPTNESS

A judge should be prompt in the performance of his judicial duties, recognizing that the time of litigants, jurors and lawyers is of value and habitual lack of punctuality on his part justifies dissatisfaction in his administration of the business of the court.

Judicial Canon Sixteen.

INDEPENDENCE

A judge should not be swayed away by partisan demands, public clamor, or consideration of personal popularity or notoriety, nor be apprehensive of unjust criticisms.

Judicial Canon Seventeen.

CONTINUANCES

Delay in the administration of justice is a common cause of complaint of "justice delayed is justice denied" in this jurisdiction; counsel are frequently responsible for this delay. A judge, without being arbitrary or forcing cases unreasonable or unjustly to trial when unprepared to the detriment of parties, may well endeavor to hold counsel to a proper appreciation of their duties to the public interest, to their own clients, and to the adverse party and his counsel, so as to enforce due diligence in the despatch of the business before the court.

Judicial Canon Eighteen.

COURTS ORGANIZATION

A judge should organize the court with a view to the prompt and convenient dispatch of its business and he should not tolerate, abuse and neglect by clerks, and other assistants who are sometimes prone to presume too much upon his good nature acquiescence by reason of friendly association with him.

It is desirable too, to cooperate with other judges of the same court coming in jurisdiction, and with judges of other courts as members of a single judicial system, to promote the more satisfactory administration of justice.

Judicial Canon Nineteen. CONSIDERATION FOR JURORS AND OTHERS

A judge should be considerate of jurors, witnesses and others in attendance upon the court.

Judicial Canon Twenty. COURTESY AND CIVILITY

A judge should require, and so far as his power extends, enforce on part of clerks, court officers and counsel, civility and courtesy to the court and jurors, witnesses, litigants and others having business in court.

Judicial Canon Twenty-One. UNPROFESSIONAL CONDUCT OF LAWYER

A judge should utilize his authority to criticize and promptly correct unprofessional conduct of attorneys and counsellors brought to his attention; and, if adverse comment is not a sufficient corrective measure, he should send the matter to the Grievance and Ethical Committee or to other disciplinary authorities for appropriate action.

Judicial Canon Twenty-Two. INTERFERENCE IN CONDUCT OF TRIAL

Conversation between the judge and counsel in court is often necessary; but the judge should be studious to avoid controversies which are to obscure the merits of the dispute between litigants, or witnesses; he should avoid a controversial manner or tone.

A judge should avoid interruptions of counsel in their argument except to clarify his mind as to their position and he should not be tempted to unnecessary display of learning of a premature judgment.

Judicial Canon Twenty-Three. EX PARTE APPLICATION

A judge should discourage ex parte hearing of applications for injunction and receiverships where the Order may work detriment to absent parties; he should act upon such ex parte applications only where the necessity for quick action is clearly shown, if this be demonstrated, then he should endeavor to counteract the effect of the absence of opposing counsel by a scrupulous cross-examination as to the facts and the principles of law on which the application is based, granting relief only when satisfied that the laws permit it and the emergency demands it. He should remember that an injunction is a limitation upon the freedom of action of defendant and should not be granted lightly or unadvisedly. One applying for such relief must sustain the burden of showing clearly its necessity and this burden is increased in the absence of the party whose freedom of action is sought to be restrained even though only temporarily.

Judicial Canon Twenty-Four.

EX PARTE COMMUNICATIONS

A judge should not permit private interviews, arguments or communications designed to influence his judicial action, where interests to be affected thereby are not represented before him, except in cases where provision is made by law for ex parte application.

Judicial Canon Twenty-Five.

INFLUENCE OF DECISION UPON THE
DEVELOPMENT OF THE LAW

A judge should be mindful that his duty is the application of general law to particular instances, that our government is that of law and not of men, and that he violates his duty as an administrator of justice under such system if he seeks to do what he may personally consider substantial justice in a particular case and disregards the general law as he knows it to be binding on him. Such action may become precedent unsettling accepted principle and may have detrimental consequences beyond the immediate controversy. He should administer his office with due regard to the integrity of the system of the law itself, remembering that he is not a depository of arbitrary power, but a judge under the sanction of law.

Judicial Canon Twenty-Six.

IDIOSYNCRACIES AND INCONSISTENCIES

Justice should not be molded by individual idiosyncrasies of those who administer it. A judge should adopt the usual method of doing justice and not seek to be extreme or particular in his judgments, or spectacular or sensational in the conduct of the court. Though vested with discretion in the imposition of mild or severe sentences he should not compel persons brought before him to submit to some humiliating act or discipline of his devising, without authority of law, because he thinks it will have a beneficial corrective influence.

In imposing sentence, the judge should endeavor to conform to reasonable standard of punishment and not seek popularity or publicity either by exceptional severity or undue leniency.

Judicial Canon Twenty-Seven. LEGISLATION

A judge has exceptional opportunity to observe the operation of statutes, especially those relating to practice and to ascertain whether they tend to impede the just disposition of controversies, and he may well contribute to the public interest by advising those having authority to remedy defects or procedure, as the result of his observation and experience.

Judicial Canon Twenty-Eight. SELF-INTEREST

A judge should abstain from performing or taking part in any judicial act in which his personal interests are involved. If he has personal litigation in the court for which he is assigned, or is a resident, he need not resign his judgeship on that account but he should, of course, refrain from any judicial act in such a controversy.

Judicial Canon Twenty-Nine. SOCIAL RELATIONS

It is not necessary to the proper performance of judicial duty that a judge should live in retirement or seclusion, it is desirable that, so far as reasonable attention to the completion of his work will permit, he continues to mingle in social intercourse, and that he should not discontinue his interest in or appearance at meeting of members of the Bar. He should, however, be particularly careful to avoid such action as may reasonably tend to awaken the suspicion that his social or business relations or friendships, constitute an element influencing his judicial conduct.

Judicial Canon Thirty. EXECUTORSHIP AND TRUSTEESHIP

While a judge is not disqualified from holding executorship or trusteeship, he should not accept or continue to hold any fiduciary or other position if the holding of it would interfere or seem to interfere with the proper performance of his judicial duties, or if the business interests of those represented require investments in enterprises that are apt to come before him judicially, or to be involved in questions of law to be determined by him.

Judicial Canon Thirty-One. BUSINESS PROMOTION AND SOLICITATION FOR CHARITY

A judge should avoid giving ground for any reasonable suspicion that he is utilizing the power or prestige of his office to persuade or coerce others to patronize or contribute, either to the success or private business therefore, enter into such private business ventures, or to charitable enterprises. He should not therefore, enter into such private business or pursue

such a course of conduct, as would justify such suspicion, nor use the power of his office the influence of his name to promote the business interest of others; he should not solicit for charities nor should he enter into any business relation which would in the normal course of events, reasonably bring his personal interest into conflict with the impartial performance of his official duties.

Judicial Canon Thirty-Two.

CONDUCT OF COURT PROCEEDING

Proceedings in court should be so conducted as to reflect the importance and seriousness of the inquiry to ascertain the truth.

The oath should be administered to witnesses in a manner calculated to impress them with the importance and solemnity of their promise to adhere to the truth. Each witness should be sworn separately and impressively at the bar of the court and the clerk should be required to make a formal record of the administration of the oath, including the name of the witness.

Judicial Canon Thirty-Three.

BRIEF

While the conditions under which briefs of arguments are to be received are largely matters of rules of court or practice, a judge should not permit the contents of such briefs presented to him to be concealed from opposing counsel. Ordinarily, all communications of counsel to the judge intended or calculated to influence his action should be made known to opposing counsel.

Judicial Canon Thirty-Four.

JUDICIAL OPINIONS

In disposing of controversial cases, a judge should indicate the reasons for his action in an opinion showing that he had disregarded or overlooked serious arguments of counsel. He thus shows his full understanding of the case, avoid the suspicion of arbitrary conclusion, promotes confidence in his intellectual integrity and contribute useful precedent to the growth of the law.

It is desirable that courts of appeals in reversing cases and granting new trials should so indicate their views on questions of law argued before them and necessarily arising in the controversy that upon the new trial counsel may be aided to avoid the repetition of erroneous positions of law and shall not be left in doubt by the failure of the court to decide such question.

It is of high importance that judges constituting a court of last resort should use effort and self-restraint to promote solidarity of conclusion and the consequent influence of judicial decision. A judge should not yield to pride of opinion or value more highly his individual reputation than that of the court to which he should be loyal. Except in the case of conscientious difference of opinion on fundamental principle, dissenting opinions should be discouraged in courts of last resort.

Judicial Canon Thirty-Five.

ABUSE OF DISCRETION

A judge should be subject to disciplinary action for the wanton, and reckless abuse of discretion which become violative of the constitution, statute and laws.

Judicial Canon Thirty-Six.

REVIEW

In order that a litigant may secure the full benefit of the right of review accorded to him by law, a trial judge should scrupulously grant to the defeated party opportunity to present the question arising upon the trial exactly as they arose, were presented, and decided, by full and fair bill of exceptions or otherwise; any failure in this regard on the part of the judge is peculiarly worthy of condemnation because the wrong done may be irremediable.

Judicial Canon Thirty-Seven.

PARTISAN POLITICS

While a judge is entitled to entertain his personal view of political questions, and while not required to surrender his rights or opinion as a citizen it is inevitable that suspicion of being warped by political bias will attach to a judge who becomes an active member of a political party and a promoter of its interest as against, another especially those of our judges of the highest courts who by constitutional command are empowered to review and determine electoral issues under the multiparty system introduced by the 1986 Constitution. Candidates for political office should neither accept nor retain a place on any party committee nor act as a party leader or generally engage in party activities.

A judge should not appear at political meetings and indicate support of candidates for political office (nor should he permit his wife or her husband to give political teas.)

Articles 77 through 84 of the Liberian Constitution confer on the Supreme Court of Liberia the power to review and finally determine electoral issues and disputes under the Multi-party System; such issues as protest against membership in political parties, denial of registration of political parties, elections contest, appeals from violations of elections law, etc. It would therefore be embarrassing to the Justices of the Honourable Supreme Court of Liberia upon a review and determination of issues involving political parties if they are members of any

political parties if they are member of any political party. It is therefore important that while a Justice of the Supreme Court of Liberia is entitled to entertain his personal view of political matters, and while he is not required by the Statute Laws to surrender his rights as citizen, it would however be in his best interest and for the public good, that upon his appointment to that bench of honour even as a Judge, Magistrate or Justice of the Peace, that he publicly resign his political affiliation whatever political party of which he was a member prior to his elevation.

Judicial Canon Thirty-Eight.

A SUMMARY OF JUDICIAL OBLIGATION

In every particular case a judge's conduct should always be above reproach. He should be conscientious, studious, thorough, courteous, patient, punctual, just, impartial, fearless of public clamor regardless of public praise, and indifferent to private, political or partisan influence; he should administer justice according to law, and deal with his appointment as a public trust; he should not allow another affairs or his private interest to interfere with the prompt and proper performance of his judicial duties nor should he administer the office for the purpose of advancing his personal ambitions or increasing his popularity.

Judicial Canon Thirty-Nine.

PENALTY

The penalty for violation of any provision of the Judicial Canon shall be either fine, suspension, impeachment and/or prosecution in a court of law according to the gravity of the violation.

Judicial Canon Forty.

JUDICIAL INQUIRY COMMISSION

An Associate Justice, two Judges of Court of Record, the President of the Liberian National Bar Association and the Chairman of the Grievance and Ethics Committee of the Supreme Court shall constitute a Judicial Inquiry Commission with the exclusive power and authority to receive and investigate complaint against Judges of Courts of record and non record in the Republic of Liberia for violation of any provision of the Judicial Canons.

The Chief Justice shall appoint members of the Commission and the Associate Justice shall be the Chairman of the Commission and the Chairman of the Grievance and Ethics Committee shall serve as Secretary to the Commission.

The Chief Justice and two Associate Justices appointed by the Chief Justice shall constitute the Commission whenever an Associate Justice of the Supreme Court is involved.