

**IN RE: MATILDA WOKIE PARKER, MANAGING DIRECTOR,  
NATIONAL PORT AUTHORITY.**

HEARD: NOVEMBER 9, 2009 DECIDED: JANUARY 21, 2010.

LRSC 8

MR. JUSTICE KORKPOR DELIVERED THE OPINION OF THE COURT

The incidence necessitating these contempt proceedings is summarized as follows:

On October 14, 2009, our colleague, Madam Justice Jamesetta Howard, Wolokolie, who is a member of the Rotary Club of Sinkor, Monrovia, Liberia, a charitable organization that provides assistance to communities, went to the National Port Authority ("NPA") to follow up on a container that had brought books and other school supplies to be distributed to eight schools in and around Monrovia. The school supplies were donated from overseas to the Rotary Club of Sinkor.

On arriving at the office of Madam Matilda Wokie Parker, Managing Director, NPA, the Justice requested to see the Managing Director. The Administrative Assistant to the Managing Director offered the Justice a seat and took her business card to the Managing Director. After few minutes, the Administrative Assistant escorted the Justice into the Managing Director's office. A gentleman who was apparently seeing the Managing Director on another matter was leaving when the Justice entered. When Justice Wolokolie informed the Managing Director about the purpose of her visit, the Managing Director asked the Justice: "is that why you walked into my office?" Bewildered by the question and mannerism of the Managing Director, Justice Wolokolie responded that she did not walk into the office without permission; that she was in fact escorted in by the Administrative Assistant. The Managing Director then threatened to deal with her Administrative Assistant later. When the Justice explained her purpose for going to see the Managing Director, she looked at Justice Wolokolie's business card and remarked: "but your card has nothing to do with your presence here". Having insulted and literally asked her to leave her office, the Justice, at that point, demanded her business card from the

Managing Director and left.

We considered the unprovoked insult and disrespect summarized above to a member of the Supreme highly contemptuous. By the assertion that Justice Wolokolie walked into her office without being invited, Madam Parker had implied that our colleague conducted herself improperly, an act unbecoming of a member of this Court. Therefore, Madam Parker was summoned to appear before this Court on November 9, 2009 to show cause why she should not be held in contempt.

When the matter was called for hearing, the Solicitor General of Liberia, Counsellor M. Wilkins Wright appeared along with Counsellors Cooper W. Kruah and David Gibson, ready to represent Madam Parker. When asked why the State was attempting to represent the contemnor, the Solicitor General said that the Government, being the sole shareholder in the NPA, was requested by the NPA to assist in representing the head of that institution. We did not permit the Solicitor to represent the contemnor for reasons we will state later in this opinion.

Counsellors Cooper W. Kruah and David Gibson, by leave of this Court, formally announced representation for and on behalf of the contemnor and requested permission to make a submission on the minutes of Court. Off the record, Counsellor Kruah said that they wished to apologize on behalf of the contemnor. The request and disposition of the counsel, notwithstanding, this Court decided to hear from Madam Parker herself. She made the following statement:

"I do regret and I must apologize for what happened on that day. I was scheduled to travel and I had two meetings on the same day. When I saw the call card that was given to me by my Administrative Assistant while I was in a meeting, I thought it was somebody from the office of Justice Wolokolie..."

The Court asked questions as follows:

Ques: "Do you remember saying anything about Justice Wolokolie walking into your

office?"

Ans: "I did say I do feel very bad that she walked into my office in the middle of a meeting."

Ques. "It is clear that Justice Wolokolie did not just walk into your office. Was she accompanied by your Administrative Assistant?"

Ans. "Yes, Your Honour."

Ques. "What did you say to her, didn't you say, after looking at her card, that her position has nothing to do with her presence at your office?"

Ans. "Yes. I said that for which I apologize."

Ques. "Are you saying that you are sorry and that you did not mean to offer Justice Wolokolie insult?"

Ans. "It was such a crazy day, so I did not remember what really happened. I apologize."

Ques. "You promise to reprimand your Administrative Assistant, did you do it?"

Ans. "I did verbally warn the Administrative Assistant."

Ques. "In this Court we could probably do one of the followings, if you are adjudged guilty of contempt of this Court, fine you, incarcerate you, or both fine and incarceration. What do you want us to do?"

Ans. "Your Honour, there is no excuse. I recognize that what I did was wrong. This is a learning experience."

After the statement of Madam Parker and the questions posed to her as indicated above, Counsellor Kruah made the following submission:

"At this stage, counsel for the defendant most respectfully prays Your Honours and says that the defendant realizes and sincerely admits that she made an error in that she should have recognized the presence of the Associate Justice and should have given her the appropriate courtesy she deserves as an official of the Government. Defendant promises sincerely that this incidence will be matter of the past and will not be repeated not only against the Associate Justice but against any other person since indeed she is a public servant. Counsel further says that the defendant will be willing to pay any fine where necessary as a further indication that she regrets the incidence very sincerely. This apology is made in good faith in that the defendant has no intention to belittle any member of the Supreme Court Bench. Counsel prays that the Court grants unto the defendant any further relief that Your Honours will deem just and legal. And most respectfully submits."

On November 9, 2009, the same day these contempt proceedings were heard, Madam Parker wrote a letter to each member of this Court. We quote the relevant part:

"I present my compliments and extend to you my thanks and appreciation for your understanding of occurrence during my interaction with Her Honour the Associate Justice Jamesetta H. Wolokolie.

This is to formalize my earlier apology and to assure you that my action was not intended to be [a] disrespect, and I pray that it should not be view[ed] as such. I honestly assure your Honour that such situation will not be repeated."

The power to punish for contempt of court is intrinsic to the court as an incident necessary to its existence under an orderly form of government. *Meridien BIAO v. Topor*, 38 LLR 174, (1996).

Contempt proceedings are in two categories: civil contempt and criminal contempt. Civil contempt proceedings are instituted by private individuals for the purpose of protecting their rights. They may be instituted for failure to obey orders of court issued in favor of a private individual. The thrust of civil contempt is to compel compliance to court's order or decree.

Criminal contempt, on the other hand, is an act that attacks the integrity of the Court or obstructs justice. The purpose of criminal contempt proceedings is to vindicate the dignity of the Court.

Criminal contempt proceeding has attributes to criminal proceedings; the act complained of in criminal contempt partakes of an offense, therefore it can not be said that it was committed in a representative capacity; the doer must take personal responsibility for his/her own act. The doctrine of respondea superior is therefore not applicable in a criminal contempt proceeding. In the instant case, the act of Madam Parker, subject of these contempt proceedings being an offense was not committed in the name of the NPA, so while it is true that the Government is the sole shareholder in the NPA, the Government is in no way involved in this case. This is why we did not allow the Solicitor General who represents the State to represent Madam Parker in this case. Rather than representing her, he should have been prosecuting her for the offense complained of in the contempt proceedings.

Another reason is that no responsibility or liability will attach to the Government, nor will the Government's interest or shareholding in the NPA in any way be affected in the event that Madam Parker is adjudged guilty of contempt.

Contempt of court may be committed in the immediate vicinity of the Court. This is direct contempt. Indirect or constructive contempt is committed outside of the Court. What we have before us is an indirect or constructive criminal contempt.

In keeping with § 12.5 of the Judiciary Law, Courts are given full power to punish for criminal contempt. This Court has held that a contempt proceeding is a sui

generis action. Thus, the Court, without a complaint, may on its own motion, institute proceedings to punish for offenses against its dignity and authority, although the contempt was not straightly speaking committed in the actual presence of the Court. *Glassco V. Thompson*, 30 LLR 670, (1983).

We must say that our review of contempt proceedings in this jurisdiction shows no recorded case in which a party was held in contempt by this Court for gross insult and disrespect committed directly against a member of this Court as in the case before us. Perhaps no member of this Court has been treated this way before by anyone. So, this matter presents a situation of novelty. We hold that an unprovoked insult and disrespect to a member of this Court constitute contempt.

In the case: *Davis v. Anderson*, 10 LLR 8 (1948), this Court held that it will, in contempt proceedings, protect and defend judges of the lower courts in their efforts to maintain their prestige and dignity, but for them to be entitled to this protection, they must allow no situation to arise which would embarrass the appellate court in doing so.

In The case: *Gibson v. Wilson & Blackie*, 8 LLR 165 (1943) a bailiff of this Court was sent on an errand by a Justice of this Court. While performing the errand outside the Court, he was assaulted by respondents. The Marshall of the Supreme Court filed a complaint. In contempt proceedings, the respondents were adjudged guilty of criminal contempt.

Now, if this Court will protect judges and ministerial officers of lower courts from unwarranted assault on their persons and attacks on their prestige and dignity, it can certainly protect its own member from similar treatment. Clearly, the treatment to which Justice Wolokolie was subjected was unprovoked and unwarranted. She did nothing to deserve such treatment. She went to the NPA to follow up on items that were donated to a charitable organization of which she is a member, the Rotary Club. She asked to see the Managing Director and waited until she was told to go in. Had she not been escorted into the office of the Managing Director, she would

not have entered. The treatment she received was totally uncalled for.

Public corporation executives, like Madam Parker are servants who serve the interest of the public. This requires that they must be exemplary in behavior. They must assume calm modesty in their deportment and comportment in dealing with the public, not only with people of the stature of Justice Wolokolie, but all those who go to their offices in connection to matters related to the offices they occupy. We hope this will be a sufficient warning to Madam Parker and all concerned.

We note that Madam Parker admitted wrong doing and apologized for her action. She and her counsel apologized in open court during the hearing of the contempt proceedings before us. Madam Parker also wrote a letter of apology on that same day to each member of this Court. According to her it was not her intention to disrespect Justice Wolokolie.

It has been held that, "a disclaimer of intentional disrespect or design to embarrass ... or disavowal of intent to insult the Court will be considered on the question of the sentence to be imposed, but does not purge the contemnor. In re: Joseph K. Jallah, Contempt of Court, 34 LLR, 398 (1987).

In view of the foregoing, we hold that the contemnor is guilty of criminal contempt for her unwarranted and unprovoked insult and disrespect to Madam Justice Wolokolie. She is hereby fined the amount of Three Hundred United States dollars (US\$300.00) to be paid into government revenue within seventy two hours effective today. The flag receipt indicating payment shall be deposited with the Marshall of this Court. AND IT IS HEREBY SO ORDERED.

*Respondent adjudged guilty of contempt.*

*Cooper W. Kruah and David Gibson* for contemnor.