

In re WILLIAM N. ROSS, Esquire, Petitioner.

PETITION FOR READMISSION to THE BAR.

Argued May 10, 1950. Decided February 2, 1951.

1. A disbarred attorney may be reinstated to the court by which he was disbarred, on a proper showing.
2. The decision to grant or deny reinstatement rests in the sound discretion of the court.
3. The disbarred attorney must satisfy the court that he is a person of good moral character.

Petitioner herein was disbarred by this Court. *Ross v. Routh*, 7 L.L.R. 308 (1941). Petitioner herein subsequently petitioned this Court for reinstatement, which petition was denied without opinion. In re *Ross*, 9 L.L.R. 128 (undated). On petition to this Court for reinstatement, *petition granted*.

Nete Sie Brownell for petitioner.

By virtue of an opinion delivered and judgment rendered by this Court on December 30, 1941, petitioner William N. Ross, then an attorney-at-law, was disbarred. *Ross v. Routh*, 7 L.L.R. 308. As the causes leading to such a decision are all enumerated in that opinion, we deem it unnecessary to reiterate them here.

On March 3, 1949, a little over seven years after his disbarment, applicant Ross filed a formal application before this Court praying for reinstatement.

It now becomes our duty to say whether or not an attorney or counsellor who has by judgment of this Court been disbarred can be restored to his former status, i.e., reinstated. In considering this question and seeking a solution thereto, we are of the opinion that we must carefully take into consideration the life and conduct of the applicant since the time of his disbarment and outstanding factors which would warrant a reinstatement.

In the application petitioner avers upon oath that since his disbarment he has demeaned himself as a gentleman of moral character and respectability, and that

during the period of his disbarment he has not violated the order of this Court directly or indirectly. Petitioner cites as evidence of his good behavior the following prominent offices in church and State to which he has been appointed since his disbarment, namely :

1. District Superintendent, Gbarnga District, Liberian Hinterland.
2. Secretary, Liberia Annual Conference.
3. Secretary of World Methodism.
4. Commissioner of Maritime Affairs, Republic of Liberia.
5. Grand Master of Odd Fellows.

From the foregoing excerpts of the application, petitioner Ross endeavors to show that although he has been disbarred by judgment of this Court, nevertheless since the date of his disbarment he has obediently obeyed the judgment and order of this Court and has striven to be a better person in the community, and that as a result of his strivings and his life of rectitude, he has honorably received from church and state the honors above mentioned.

Having thus reviewed the facts and the circumstances surrounding the case, let us now have recourse to the law controlling the disbarment and reinstatement of lawyers.

In *American Jurisprudence* we have the following on the subject:

"The disbarment of an attorney is not necessarily a permanent disability; he may afterwards be reinstated on proper application or petition for that purpose, addressed to the court by which he was disbarred, usually by motion and on a proper showing. Whether or not the applicant shall be reinstated rests to a great extent in the sound discretion of the court. The court action will depend, generally speaking, on whether or not it decides that the public interest in the orderly and impartial administration of justice will be conserved by the applicant's participation therein in the capacity of an attorney and counsellor at law. The applicant must, like a candidate for admission to the bar, satisfy the court that he is a person of good moral character —a fit and proper person to practice law. The court will take into consideration the applicant's character and standing prior to the disbarment, the nature and character of the

charge for which he was disbarred, his conduct subsequent to the disbarment, and the time that has elapsed between the disbarment and the application for reinstatement. . . ." 2 R.C.L. 1113 (1914). 5 Am. Jur. 443 (1936).

The following rule is laid down in *Cyclopedia of Law and Procedure*, the relevant portion of which we quote hereunder :

"An order or judgment of disbarment is not necessarily final, or conclusive for all time, but an attorney who has been disbarred may be reinstated on motion or application, for reasons satisfactory to the court." 4 Cyc. of Law & Proc. 917 (1902).

"The test for reinstatement is laid down in *Matter of Palmer*, 9 Ohio Cir. Ct. 55,70 as follows: 'Looking at the life and conduct of the attorney prior to the disbarment, and the reasons for the disbarment, have his life and conduct since that time been such as to satisfy the court that if restored to the bar he will be upright, honorable and honest in all his dealings? . . ." *Id. n. 4*.

From the law quoted above, we do not hesitate to say that this Court is fully authorized to reinstate an attorney or counsellor who has by its judgment been disbarred ; but in order to do this, there are certain specified requirements which must be met by the applicant. In other words, the Court must be satisfied that the petitioner is a person of good moral character, that his life and conduct since the time of his disbarment have been changed from the old course which led to his disbarment, and that by living a life of rectitude he has regained the confidence of the public, and therefore is a fit person to participate in the orderly and impartial administration of justice in the capacity of an attorney or counsellor-at-law.

It is evident that the petitioner in these proceedings has by his conduct since his disbarment regained the confidence of both Church and State, for besides holding positions as District Superintendent, Gbarnga District, Secretary Liberia Annual Conference, Secretary of World Methodism, and Grand Master of Odd Fellows, he was also elected by the Liberia Annual Conference in the year 1947 as a ministerial delegate to the general conference of the Methodist Church held in Boston, Massachusetts, United States of America, and did at that general conference represent the entire ministry of the Liberian church. Moreover, the executive commission appointing petitioner Commissioner of Maritime Affairs, issued by the Chief Executive with the advice and consent of the Liberian Senate in keeping with our statutes, bears testimony that both the legislative and executive branches of Government are satisfied that applicant is a man of integrity and good moral

character, one in whom trust and confidence can be reposed.

In view, therefore, of the foregoing facts and circumstances and the law cited in this opinion, we are of the opinion that petitioner is worthy of reinstatement, and therefore the said petitioner is this day reinstated and restored to all the rights and privileges of an attorney-atlaw and all subordinate courts and officers of the law are hereby called upon to give due recognition to him as such ; and it is hereby so ordered.

Petition granted.