

**IN RE: PETITIONS OF ATTORNEYS-AT-LAW FOR ADMISSION TO THE
SUPREME COURT BAR AS COUNSELLORS-AT-LAW**

Heard: June 28 & July 5, 2007 Decided: August 10, 2007

PETITIONERS PETITIONS GRANTED

MR. JUSTICE JA'NEH DELIVERED THE OPINION OF THE COURT.

Seventeen Attorneys-At-Law individually petitioned the Honorable Supreme Court sitting in its March Term A.D 2007, for admission to the Bar as Counselors-At-Law.

During two sittings held on Thursday and Friday, June 28 and July 5, 2007 respectively, each of the seventeen petitioners appeared before the Bench in support of their respective petitions. They were each questioned and quizzed on the averments contained in their petitions.

Essentially, the averments made in the petitioners' petitions are as follows: --

That they are citizens of the Republic of Liberia;

That they are graduates of the Louise Arthur Grimes School of Law;

That they were admitted to the Montserrado County Legal Bar as Attorneys-At-Law and have since been actively engaged in the practice of law in various courts and tribunals within the bailiwick of the Republic of Liberia for a minimum of 3 (three years); and That they are people of good moral and ethical standing within the society;

At the two sittings referred to above, the Bench Supported by Members of the Bar also engaged the petitioners and questioned each of them on their qualifications and professional competence in the practice of law.

To the Mind of this Court, quizzing candidates on professional competence has become increasingly important in light of the general lack of practical experiences of many applicants desirous of seeking membership in the Supreme Court Bar.

In this regard, this Court is not unaware of the definition given for "Active Practice of Law" provided for under Section 2.4 of the Judiciary Law, where it is stated: "ACTIVE PRACTICE OF LAW, AS USED HEREIN, SHALL INCLUDE JUDICIAL SERVICE, GOVERNMENTAL SERVICE AND TEACHING OF LAW." *Volume IV, Liberian Codes Revised.*

This provision has been generally interpreted and often wrongly construed as a limiting definition. This Court believes otherwise. Correctly interpreted, this law certainly entails a more broad and practical meaning than judicial and governmental services. TO THE MIND OF THIS COURT, PROFESSIONAL COMPETENCE IN THE PRACTICE OF LAW IS MORE CLEARLY DEMONSTRATED IN THE ABILITY OF A PRACTICING LAWYER, WITH SPECIAL EMPHASIS FOR A MEMBER OF THE SUPREME COURT BAR, TO VIGOROUSLY DEFEND THE CAUSE OF HIS CLIENT BEFORE TRIBUNALS AND COURTS OF LAW AND FAMILIARIZING HIMSELF/HERSELF WITH BOTH THE PROCEDURES AND LAWS APPLICABLE .TO ACHIEVING THIS OBJECTIVE.

Consonant herewith, this Bench encourages all would-be candidates wishing to seek admission to the Bar to avail themselves to the practical understanding of the law as a means of enhancing their professional competence.

As we indicated at the admission of the last set of attorneys-at-law to the Supreme Court Bar as Counselors-At-Law, the critical role of members of this noble profession in inspiring public confidence in the rule of law in Liberia cannot be over-emphasized. It is our expectation and admonition that high professional and enviable ethical standards remain the hallmark of every member of this Bar.

In addressing the petitioners' petitions, His Honour Johnnie N. Lewis, appointed the following two committees and mandated the Clerk of the Honorable Supreme Court, Mrs. Martha G. Bryant who accordingly communicated with the appointees as stated below:

(A) COMMITTEE ON EXAMINATIONS

1. Counselor Henry Reed Cooper Chairman
2. " N. Oswald Tweh Co-Chairman
3. " Frederick D. Cherue Member
4. " Felecia V. Coleman "
5. " M. Wilkins Wright "
6. " Snonsio E. Nigba "

(B) MORAL AND EITHICS COMMITTEE

1. Counselor Gloria M. Musu-Scott Chairperson
2. " David A.B. Jallah Co-Chairman
3. " Copper W. Krah Member
4. " Karmo Soko Sackor "

In a very special way, we are sincerely grateful to all the members of the Examinations Committee as well as the Moral and Ethics Committee. We also extend gratefully our thanks to the two former Chief Justices of the Honorable Supreme Court of Liberia, Counselors Henry Reed Cooper and Gloria Musu Scott, who most graciously accepted to head the examination exercises.

We are equally gratified and wish to express our appreciation to the following Members of the Bar who assisted the examination exercises by preparing and administering exams to the candidates, though they were not formally named on the two Committees herein mentioned.

1. Counselor James E. Pierre
2. " John L. Greaves
3. " G. Moses Paegear
4. " T. Negbalee Warner

In a communication dated July 31, 2007, addressed to .His Honor Johnnie N. Lewis Chief Justice Supreme Court of Liberia, the two committees reported that twelve (12) out of the seventeen (17) petitioners forwarded to them for examinations, satisfactorily met the requirements set by the Committees.

The successful candidates listed in their order of performance were the following:

1. Golda Antioinette Bonah
2. Betty Musulyln Lamin-Blamoh
3. Nelson B. Chineh
4. Powo C. Hilton
5. David B. Gibson, Jr.
6. Daku J. Mulbah
7. Peter W. Howard
8. Sylvester D. Rennie
9. Frank C.S. Oberly
10. Stanley G. Guzeh, Sr.
11. Juah F. Lawson
12. Sarah M. Jegede (Findley)

We were also happy to be informed that the candidates took examinations in substantive and procedural areas of the law which included:

Constitutional Law

Criminal Law & Criminal Procedural Law
Property, Decedent Estate and Trust Law,
Labour Law,
Civil Procedure.
Evidence
Contracts, / Commercial Law/Corporations

On behalf of the Bench, we wish to congratulate all of you as successful candidates. By your achievement today and becoming distinguished members of the Supreme Court Bar of the Republic of Liberia, it is our ardent hope that each of you will demonstrate a keen sense of readiness by upholding the ethical standards regulating the conduct of lawyers and by this enhance the image of our profession which is universally accepted and regarded as "NOBLE".

Within this spirit, be reminded as you join the Bar today, that ethical considerations shall remain the most valued principle of this Bench; in the same spirit, professional misconduct and ethical transgressions will be dealt with swiftly and technical rules will never be allowed to defeat such disciplinary actions.

May we therefore seize this historic moment in your professional sojourn to remind you of the following rules regulating the behavior of Lawyers as stipulated in the Moral and Ethical Conduct of Lawyers amended and revised January 19, 1999.

AS TO A LAWYER'S DUTY TO THE COURT

Rule No. 1 says:

(1) "It shall be unprofessional for any lawyer to advise, initiate or otherwise participate directly or indirectly in any act that tends to undermine or impugn the authority, dignity, integrity of the courts or judges thereby hindering the effective administration of justice."

WITH REGARDS TO LAWYER'S DUTY TO HIS CLIENT

Rule No. 9 states:

(2) "Within the meaning of this Rule, a lawyer represents conflicting interests when, in behalf of one client, it is his duty to contend for that which duty to another client requires him to oppose. The obligation to represent the client with undivided fidelity, and not to divulge his secrets or confidences, forbids also the subsequent acceptance of retainers or employment from others in matters adversely affecting any interest of the client with respect to which confidence has been reposed."

ON ETHICAL ISSUES AND UPHOLDING THE HONOUR OF THE PROFESSION

Rule 29 admonishes as follows:

"Lawyer(s) should expose without fear or favor before the Bar Association, corrupt or dishonest conduct in the profession, and should accept without hesitation employment against a member of the Bar who has wronged his client, first giving notice to the said member of the Bar of the client's intention to seek redress, a copy of which said notice should also be furnished the Bar Association."

In the same vein:

"Every lawyer should aid in guiding the Bar against the admission to the profession of candidates unfit or unqualified, because of deficiency in either moral character or education. It is the duty of every lawyer, and he should strive at all times, to uphold the honour and maintain the dignity of the profession, and to improve not only the law but the administration of justice." (RULE 29 Subsection-3)

AND FOR THOSE WHO WISH TO BE PROSECUTORS

Rule No. 7 says:

"The primary duty of the lawyer engaged in public prosecution is not to convict, but to see that justice is done. The suppression of facts or the secreting of witnesses capable of establishing the innocence of the accused is highly reprehensible and utterly unprofessional."

IN RELATION TO BAFFLING AND DELAYING CASES

Rule No. 31 advises:

"The lawyer must decline to conduct a civil case, or make a defense when convinced that it is intended merely to harass or to injure the opposite party or to work oppression or wrong. But otherwise it is his right, and, having accepted retainer, it becomes his duty to insist upon the judgment of the court as to the legal merits of his client's claim."

Each of you is strongly urged to be an example of high ethical and moral standards in everything you do as a lawyer.

Having carefully reviewed the report from the Examinations and Moral and Ethics Committees and on the basis of their recommendation, and pursuant to the laws applicable, we endorse the findings of the two committees satisfying that the twelve (12) candidates have qualified for admission to the Supreme Court Bar as Counselors-At-Law. And so we have voted unanimously.

IN VIEW OF THE FOREGOING, it is our unanimous decision that the petitions of the herein named twelve (12) Attorneys-At-Law should be, and same are hereby granted, and they are ordered admitted as Counselors-At-Law of the Supreme Court Bar.

The Clerk of this Court is hereby ordered to issue to each person named herein above a COUNSELLOR CERTIFICATE with the signatures affixed thereon of the Chief Justice, and Associate Justices of the Supreme, certifying that they have been duly admitted as members of the Supreme Court Bar, and may therefore practice law before the said Honorable Supreme Court of Liberia.

On behalf of the Supreme Court of Liberia, the Chief Justice His Honor Johnnie N. Lewis will now administer the OATH of Admission to the Supreme Court Bar to the candidates.
Petitions Granted.

AND IT IS HEREBY SO ORDERED.