

**WILLIAM A. TUBMAN**, Movant/Appellant, v. **MOSES A. GREENFIELD**,  
Respondent/Appellee.

APPEAL FROM THE RULING OF THE CIRCUIT COURT FOR THE FOURTH  
JUDICIAL CIRCUIT, MARYLAND COUNTY

Heard: November 3 & 4, 1981      Decided: February 5, 1982

1. The Supreme Court will not recognize any person as counsel for a party who has not obtained a lawyer's license as required by law.
2. A paper filed by a lawyer who has not obtained current lawyer's license is a nullity in law and the Supreme Court will treat it as though it is not before the Court.

Appellee brought an action in damages for breach of contract but the action was challenged by the appellant through a motion to dismiss on the grounds that appellee's lawyer did not have a current lawyer's license. The motion was denied by the trial court and after a trial, a verdict was brought for the appellee. On appeal, the Supreme Court ruled that any papers from a lawyer without a current license should not be given cognizance by any court and therefore the motion to dismiss should have been granted. The Supreme Court accordingly reversed the judgment without prejudice.

Wellington K. Neufoille appeared for movant/appellant. S. Edward Car/or appeared for respondent/appellee.

MR. CHIEF JUSTICE GBALAZEH delivered the opinion of the Court.

According to the records filed here, Moses A. Greenfield, now respondent/appellee, complained that he and William A. Tubman, the defendant, entered into a contract by which the latter was to sell unto the former certain real property (a rubber farm situated in Harper, Maryland County) and that relying upon this agreement respondent/appellee sold his house in Monrovia and moved to Harper to give the farm the full time required. The records as certified to us further show that movant/appellant later refused to sell the farm to respondent/ appellee but decided to sell same to one Allen Yancy, Jr., from whose father movant/appellant had earlier bought the said farm. Whereupon, respondent/appellee aggrieved by the acts of the movant/appellant as a blatant breach of contract, on the 9th day of July, A. D. 1979 instituted this action of damages for breach of contract against the movant/appellant in the People's Fourth Judicial Circuit Court, Maryland County.

Movant/Appellant filed his answer along with a motion to dismiss the entire case on the ground that the action was filed by an unlicensed lawyer. Pleadings rested at the reply. The motion to dismiss the cause was heard by His Honour Alfred B. Flomo and denied.

The issues of law having being disposed of, the case came up for trial during the August A. D. 1980 Term of the trial court. The jury was accordingly selected, sworn and empanelled to try the issues thus joined between the parties and having heard evidence for and against, they returned with a verdict in favour of respondent/appellee. Movant/Appellant excepted and filed a motion for a new trial. The motion was resisted by respondent/appellee; it was heard and denied by the trial court. On September 30, 1980, the trial court rendered final judgment, adjudging movant/appellant liable in the sum of \$110,000.00, together with costs of court. Movant/ appellant excepted and filed on the 1st day of October 1980 a nine count bill of exceptions.

Of the nine-count bill of exceptions in this case, there is only one that is considered relevant for the determination of this case in keeping with previous opinions of this Court. That count is count two of the bill of exceptions, which states:

"2. Defendant further contends that the trial court erred in its illegal ruling through His Honour Alfred B. Flomo in denying his motion to dismiss the entire case filed by an unlicensed lawyer who has never procured a license to practice law from the inception of his said East Harper Law Firm up to the end of this present trial, contrary to Section 17.8 of the Judiciary Law, Rev. Code and numerous Supreme Court opinions, especially, that of *Buchanan v. Raymond Concrete Pile Company*, 20 LLR 330 (1972), in which the Supreme Court held that no lawyer shall have any standing in any court of this Republic unless he has procured his license to practice law, and has registered his business under the Business Registration Law of this land. His Honour Alfred B. Flomo denied the said motion in order to permit the illegal practice of law against the statute and the several Supreme Court opinions."

The principal and the only issue therefore presented by these facts are: Whether an attorney who has not renewed his lawyer's license is legally qualified and therefore entitled to practice law before any of the courts within the Republic of Liberia?

As early as 1881, this Court held that an attorney, although qualified, is not entitled to practice law before any court before obtaining a license to do so as required by statute. Where the term of an attorney's license has expired, he is barred from practicing law until same is renewed: *Republic v. Sherman*, 1 LLR 139 (1881). Since that time, the position of this Court has continuously and consistently remained unchanged.

In the case *Talery et al., v. Cooper*, 20 LLR 314 (1971), this Court held that "The Supreme Court will not recognize any person as counsel for a party who has not obtained a lawyer's license as required." Similarly, in another case, *Buchanan v. Raymond Concrete Pile Company*, 20 LLR 330 (1971), this Court decided that "A motion brought by a lawyer who has not obtained current lawyer's license is a nullity in the law and the Supreme Court will treat it as though no motion is before the Court."

In the year 1971, the Legislature of Liberia enacted a new Judiciary Law, Rev. Code, which was approved and published in 1972; and it is provided that:

"No person shall practice law or appear before any court as an attorney or counsellor-at-law without a valid license as a lawyer." Judiciary Law, Rev. Code 17:17.9(1).

The trial court's ruling of December 20, 1979 denying movant/appellant motion to dismiss for lack of lawyer's license to practice law for the year 1979 was therefore without legal authority. The trial court thus committed a reversible error. Count two of the bill of exceptions, being well taken and sound in law, is sustained.

In view of the fact that this case was instituted by the East Harper Law Firm, by and through Attorney Edward Greenfield, who was not licensed to practice law at the time, the final judgment of the trial court, is reversed without prejudice. Costs against respondent/appellee. And it is so ordered.

*Judgment reversed without prejudice.*

