

SIAFA KIAWU, Appellant, v. MUSA SOMBAI,  
et al., Appellees.

MOTION TO DISMISS APPEAL FROM THE CIRCUIT COURT,  
FIFTH JUDICIAL CIRCUIT, GRAND CAPE MOUNT COUNTY.

Argued April 10, 1974. Decided May 3, 1974.

1. An appeal will be dismissed on motion when nothing further has been done to perfect it within the statutory time allowed therefor, other than to have filed an approved bill of exceptions.

Appellant had instituted partition proceedings in which he was represented by three lawyers. On December 3, 1973, after trial of the issues, his petition was denied by decree of the court, from which appellant's counsel announced an appeal would be taken to the March 1974 Term of the Supreme Court. After obtaining the approval of the trial judge of a bill of exceptions prepared by counsel and filing it with the trial court, nothing further was done in the matter. A motion to dismiss the appeal was brought before the Supreme Court. The motion was *granted* and the appeal dismissed and in its opinion the Court admonished practitioners on the need to observe the high professional standards the practice of law requires of each.

No appearance for appellant. *P. J. L. Brumskine* for appellees.

MR. JUSTICE AZANGO delivered the opinion of the Court.

On August 8, 1973, appellant's counsel, who were B. M. Mabande, Albert Ware, and N. M. Pierre, instituted proceedings by petition in the Fifth Judicial Circuit Court against appellees for partition of some 3,200 acres. After

trial of the issues the court denied the petition. An appeal from the decree rendered December 3, 1973, was announced and a bill of exceptions was tendered and approved by the court. But nothing further was done therein by appellant's counsel.

After much effort by this Court, counsel for the parties were assembled before us when a motion to dismiss the appeal was to be considered. The grounds for such motion have been recited already, in that nothing had been done to perfect the appeal after approval of the bill of exceptions by the trial judge.

Under the circumstances, and in the absence of any opposition to the motion to dismiss, counsel for appellant were interrogated by the Court to obtain an explanation for such failure to act. Counsellor Pierre produced a receipt signed by his client evidencing a return of the client's file; mutual recriminations were exchanged among appellant's counsel, each offering excuses and leveling charges, the ultimate blame and responsibility seeming to center upon Mr. Ware. However, since the Court is not reviewing Mr. Ware's alleged unprofessional conduct in the matter, we shall refrain from further comment thereon other than to make some observations in general on professional responsibility.

We are obliged to repeat what this Court has stated for over a quarter of a century. The practice of law is not a profession open to all who wish to engage in it, nor is it a natural or inherent right, nor is it guaranteed by the Constitution. It is a personal right or privilege limited to persons of good moral character whose special qualifications have been duly ascertained and certified. It is always contingent upon the practitioner's constant observance of ethical conduct in the treatment of his client and his client's legal interests, and the lawyer's attitude as well, toward the law, the judicial process, and its administration. We will tolerate no deviation from these standards.

Nevertheless, it is regretable that the issue before us for determination is a motion to dismiss an appeal which must be granted under our Civil Procedure Law by reason of the failure to proceed further after obtaining the trial court's approval of a bill of exceptions. Rev. Code 1:51.16.

In view of the foregoing, the motion to dismiss the appeal is granted with costs against appellants. The Clerk of this Court is hereby ordered to send a mandate to the court below informing it of this judgment. It is so ordered.

*Motion to dismiss appeal granted.*