

ABRAHAM B. RICKS, Plaintiff-in-Error, v. His
Honor E. J. S. WORRELL, Judge, First Judicial
Circuit, Defendant-in-Error.

WRIT OF ERROR TO THE CIRCUIT COURT OF THE FIRST JUDICIAL
CIRCUIT, MONTSERRADO COUNTY.

Decided February 3, 1928.

1. There can be no summary trial of attorneys or counsellors-at-law for contempts alleged to be committed before the subordinate court.
2. A judge of an inferior court may punish an attorney or counsellor-for contempt only when said contempt has been committed in open court, but has no power to suspend or disbar said lawyer.
3. The Act of 1878 declaring how attorneys and counsellors shall be punished for committing contempts before the courts not having been repealed by the Criminal Code of 1914, is still in force.

Plaintiff-in-error, defendant below, was disbarred by the Circuit Court on complaint of clients alleging gross professional misconduct. On writ of error to this Court, *modified*.

A. B. Ricks for plaintiff-in-error.

MR. JUSTICE KARNGA delivered the opinion of the Court.

This is a matter which originated in the Circuit Court of the First Judicial Circuit for Montserrado County during its November term, 1927, and was transmitted to this Court for review upon a writ of error upon the application of Counsellor A. B. Ricks, plaintiff-in-error, against Honorable E. J. S. Worrell, Judge presiding over the Circuit Court of the First Judicial Circuit, Montserrado County, by assignment.

It appears from the records submitted to this Court that Counsellor Ricks was called upon by the presiding Judge of the Court below to answer complaints alleged by

Tommy Allen, K. F. Zybe, Blamo Jackson and others against him for gross professional misconduct.

The said judge thereupon assumed jurisdiction over the matter and proceeded to investigate the same in a summary manner; and on the 19th day of December, 1927, gave judgment to the effect that the said Counsellor return the sums of money received from his clients and that he be disbarred as an attorney and counsellor-at-law. To which judgment the said attorney took exceptions and petitioned the Supreme Court for a writ of error to issue, directed to the judge of the court below to transmit a certified copy of the records in the said matter to the present sitting of this Court.

The principal question involved in this matter is whether a judge of an inferior court has the power under existing laws of the Republic to disbar or withdraw the license of an attorney or a counsellor-at-law. The Criminal Code of 1914 has not repealed the Act of 1878; the said Act is still in force as the law of the land. It is expressly declared in the act of 1878, section 1 that

“the license or privilege of an Attorney or Counsellor at law shall only be withdrawn or suspended for contempt offered to the Supreme Court of this Republic whilst in session and in open Court.

“Sec. 2. It is further enacted that the punishment for all contempts of the subordinate courts of record established in the several counties of this Republic shall not extend further than fine or imprisonment; said fine not to be over fifty dollars (\$50.00) nor imprisonment longer than the actual session or time for which said court is convened provided however that such contempts be committed in open court. . . .”

(L. 1877-78, 11.)

No contempt having been committed by said counsellor in the court below in keeping with the above cited act, the judge of the said court erred.

The complaint, however, alleged by the clients of the

attorney in the court below as stated in the records is rather grave and unbecoming a counsellor of this Court. It is the duty of the courts to safeguard the interest of citizens and foreigners within their gates. The conduct of Counsellor Ricks is rather unprofessional and the Supreme Bench looks upon it with great disfavor. The dignity of the legal profession must not be trailed in the dust.

It is therefore the opinion of this Court that Counsellor Ricks pay a fine of one hundred dollars between now and the 31st day of March next ensuing, and be suspended from all the rights and privileges of a lawyer from this date to the November term of this Court, 1928, and pay all costs. The Clerk of this Court will notify the court below to the effect of this judgment. And it is so ordered.

Judgment modified.