

**IN THE HONORABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA
SITTING IN ITS MARCH TERM A.D. 2018**

**BEFORE HIS HONOR: FRANCIS S. KORKPOR, SR.....CHIEF JUSTICE
BEFORE HIS HONOR: KABINEH M. JA'NEHASSOCIATE JUSTICE
BEFORE HER HONOR: JAMESETTA HOWARD-WOLOKOLIE.....ASSOCIATE JUSTICE
BEFORE HIS HONOR: PHILIP A.Z. BANKS, IIIASSOCIATE JUSTICE
BEFORE HER HONOR: SIE-A-NYENE G. YUOHASSOCIATE JUSTICE**

IN RE:

HEARD: May 17-18, 2018

DECIDED: August 7, 2018

Petitioners presented and represented by their practicing lawyers of the Supreme Court Bar.

MR. JUSTICE BANKS delivered the Opinion of the Court.

Today is a glorious day for many and a challenge to others. The Bible speaks of a day such as this in the following words:

“Desiring to be teachers of the law; understanding neither what they say, nor whereof they affirm. But we know that the law is good, if a man uses it lawfully; Knowing this, that the law is not made for a righteous man; but for the lawless and disobedient, for the ungodly and for sinners, for unholy and profane, for murderers of fathers and murderers of mother, for manslayers, for whoremongers, for them that defile themselves with mankind, for menstealers, for liars, for perjured persons, and if there be any other thing that is contrary to sound doctrine.” *1 Timothy 1:7-10*

Thus, cognizant that the law is not made for a righteous man but for the lawless and disobedient, it goes without saying that the legal profession is one that does not embrace practioners who are lawless and disobedient; who are profane in their dealings; who are liars; who are perjured persons; who defile themselves with mankind; and who engage in other things that are contrary to the profession and to the law.

The framers of our Constitution and the Judiciary Law may have been inclined of the Holy Scripture when they determined that the legal profession is not one that opens its doors to any persons wishing to become a lawyer but

instead restricted and ascribed certain conditions under which a person may earn the privilege of becoming a member of the profession. They may very well have been guided by the words of the Scripture when they determined that the legal profession is not one that should operate from the vacuum but rather under the supervision of the Supreme Court as head of the Judiciary Branch of Government; they must have been conscious of the sacred words of the Lord when they enacted the Judiciary Law and placed therein certain restrictive provisions on the procedures and processes of becoming a member of the legal profession and that in addition to those restrictions prescribed by the Judiciary Law, the Supreme Court is authorized not only to prescribe rules for the purpose of regulating the practice, procedure and manner by which cases shall be commenced and heard before it and all other subordinate courts but also to prescribe such code of conduct for lawyers appearing before it and all other subordinate courts of this Republic.

This exactly may have been the primary reason why the legislature, in enacting the Judiciary law, enunciated, on a count by count basis, the mandatory requirements an attorney at law who wishes to practice law in Liberia must first be in strict compliance with before being presented to the Supreme Court to be passed upon, examined and subsequently, predicated upon proven records of successful pass in both written examination and ethical scrutiny, admitted as a counsellor at law to practice before the Nation's Highest Court and become a full flesh member of the higher realm of this noble legal profession.

These non-negotiable and uncompromising requirements are that any attorney at law who wishes to apply and subsequently be admitted as a counsellor at law of the Supreme Court Bar must be a citizen of Liberia; must have graduated from the Louis Arthur Grimes School of Law or another recognized law school in Liberia or abroad and must as a result thereof, earned a law degree; must have been actively engaged in the practice of law for at least five years. The petition of such attorney must be supported by the affidavits of at least two practicing counsellors of the Supreme Court Bar, and one of said counsellors must submit the attorney to the Court, and that the attorney must successfully pass an examination on the procedural and substantive laws of this jurisdiction as well as ethical and moral scrutiny.

This may have similarly been the reasons why the legislature, noting that the Constitution vests in the Supreme Court the authority not only to prescribe rules for the purpose of regulating the practice, procedure and manner by which cases shall be commenced and heard before it and all other subordinate courts, but also to prescribe such code of conduct for lawyers appearing before it and all other subordinate courts of this Republic. It is specifically stated in the Judiciary Law that:

“The Supreme Court shall have power and control over all attorneys and counsellors at law and all persons practicing or assuming to practice law and is hereby authorized to censure, suspend from practice or remove from office any attorney or counsellor at law admitted to practice who is guilty of professional misconduct, malpractice, fraud, deceit, crime or misdemeanor or any conduct prejudicial to the administration of justice and is further authorized to revoke such admission for any misrepresentation or suppression of any information in connection with his application for admission to practice. In any case, however, an attorney or counsellor at law, if convicted of a felony, shall upon conviction cease to be an attorney or counsellor at law or be competent to practice law as such and upon presentation of a certified copy of the judgment of such conviction to the Supreme Court, thereupon the name of the person so convicted shall by order of the Court be struck from the roll of attorneys or counsellors at law.” *Judiciary Law, Rev. Code 17:7.1*

Pursuant to the above, on separate dates, seventy five (75) attorneys-at-law, filed, through their respective lawyers, petitions to the Supreme Court sitting in its October March Term, A. D. 2017 and the March Term, A. D. 2018, praying for admission as counsellors at law of the Supreme Court Bar. The names of the seventy five attorneys at law who applied for admission are as follow:

1. ROBERT G. K. FREEMAN
2. SANDRA KEBEH HOWARD
3. OUSMAN FRITZ FEIKA
4. JOSIE P. SENESIE

5. JOE S BARKON
6. MORRIS MOMO DAVIES
7. YAHAYA B. KROMAH
8. MITCHELL T. KORTEE
9. HENRY T. NAGBE
- 10.FRANCIS LEO YANCY, SR.
- 11.PATRICK SENDOLO
- 12.ABRAHAM WADE SIMPSON
- 13.WESSEH ALPHONSUS WESSEH, JR.
- 14.DANIEL DWEH
- 15.RACHELL YABAH-DOUBAH
- 16.P. ADELYN COOPER
- 17.KPOTO KPADEH GIZZIE
- 18.LORPU ZAWU
- 19.ELISHA T. J. FORKEYOH
- 20.JALLAH GOVEGO ZUMO
- 21.REUBEN C. SIRLEAF
- 22.MOHAMMED F. GOLAFALLEY
- 23.MARION N. WREH
- 24.ISAAC L. GEORGE, JR.
- 25.EDWARD Z. FAHNBULLEH
- 26.ALEXANDER K. ZOE
- 27.WILLIAM B. KOLLIE
- 28.LAFAYETTE B. GOULD, SR.
- 29.MICHAEL V. SUAHA
- 30.WELLINGTON SENDOLO
- 31.ARMAL ZOLU JALLAH
- 32.GEORGE B. KAILONDO
- 33.B. MILLER CATAKAW
- 34.BOBMY W. LIVINGSTONE
- 35.RUFUS MCDONALD GARNETT, SR.
- 36.MOSES S. SORIBAH
- 37.MOLLEY N. GRAY, JR.
- 38.DANIEL PAYNE CHARLES

39.BOAKAI JULIUS PAEGAR

40.S. YARLOR SAYWON, II

41.PATRICK WESSH WILLIAMS

42.ARTHUR O. WILLIAMS, JR.

43.GEORGE H. DAHN

44.JOHN SAAH NYUMAH

45.MINNIE PAEGAR-KALLON

46.CHARLES A. GONO, JR.

47.ERIC N. COOPER

48.BEN S. W. McGILL

49.STEPHEN P. KERWILLAIN

50.DAVID M. KOLLEH, JR.

51.KULA L. JACKSON

52.ANGELIQUE G. EUPHEME WEEKS

53.J. ABEL KNIGHT

54.CEPHAS NEBO TEEWIA

55.JOHN JOSIAH

56.U-JAY W.H.S. BRIGHT

57.ISABEL BENENOH DIGGS

58.EDWINA EDJERAH BARCHUE

59.JIMMY SAAH BONDO

60.NETO ZARZAR LIGHE, SR.

61.CARMERNA C. YEKE

62.JAMAL CHRISTOPHER DEHTRO, JR

63.YAFAR V. BAIKPEH

64.GAYFLOR HOWARD ZAYZAY

65.LUCIA DIANA SONII GBALA

66.ARCHIBALD F.BERNARD

67.ABRAHAM JOHNSON ELDINE

68.JOHN KLAFAETE GRIGGS

69.KANIO BAI GBALA

70.J. AWIA VANKAN

71.TUPEE ENID TAYLOR

72.JOYCE E. SARBEH

73. H. CALVIN MOMOLU

74. ROBERT M. BEER

75. VICTORIA WORLOBAH DUNCAN

The Court takes note that during the hearing of the petitions filed by the above listed applicants, seventy of the attorneys were out-rightly cleared and qualified for submission to the examination committees to be tested for admission to this Court Bar. Those attorneys who meet all of the requirements and thereby cleared during the hearing of the petitions in open Court are listed in the archives of this Court:

We take key interest in flagging out these applicants not because, by virtue of them being cleared and qualified out-rightly to sit the examination, we have accorded them special treatment and subjected them to special measure of evaluation than their colleagues. Instead our decision to recognize them at this point is predicated on the impression we hold following the review of their respective petitions. Having reviewed the petitions of these applicants and listened to representations made by their lawyers during the hearing, we found that all of them were in strict compliance with not only the requirements of the statute with regard to the prerequisite for admission to the Supreme Court Bar, but also that they were substantially compliant with the Opinions of this Court relative to the content, form and benchmarks of petitions filed before this Court requesting admission to the Bar.

We were particularly impressed with these attorneys' petitions because they are demonstrative of either the attorneys' acquaintance with the statutory requirements for qualification as counsellors at law to this Court or they have endeavored to read the many Opinions delivered by this Court outlining those requirements or that lawyers appearing on their behalf and who presented them to this Court were fully abreast with those requirements. In several of its opinions wherein this Court had the occasion to admit attorneys at law as counsellors to the Supreme Court Bar, this Court has always admonished lawyers to read and familiarize themselves with the Opinions of the Court. In an opinion delivered by our distinguished colleague Madam Justice Jamesetta Howard Wolokollie and again referencing a previous opinion of this Court delivered by Madam Justice Yuoh, the Court emphasized the following: "*Had lawyers committed to keep abreast with successive Supreme Court Opinions,*

especially those yet to be codified, they would have known not only about the recent endorsed recommendations, but also the laws and procedures mandatory for admission as counsellor-at-law into the Supreme Court Bar. This Court therefore admonishes all lawyers, not only attorneys petitioning for admission to the Supreme Court Bar, to obtain all past Opinions of the Court and the present ones which have not been codified."

The petitions of some of the attorneys were partially accepted and subsequent to the correction of various minor issues the Court found with those petitions, they were qualified to sit the examination administered by the Committees. We note that majority of the attorneys who fell in this category had filed their respective petitions for admission to the Supreme Court Bar either during the March Term or October Term of this Court in the year 2017 and they were, apparently so, under the mistaken belief that the validity of their professional licenses and/or good standing certificates were only required to be current as of the time they had filed their respective petitions. In many of those cases, the Court accepted the updating of the petitions or the attachments to the petitions without requiring that there be formal written amendments to the petitions. Based thereon, we qualified them to sit the examinations. And specifically, as regards their good standing with the LNBA, we must state here that they are expected to comply with the requirements of the national and local bars not merely because they are applying to be elevated but there must be compliance at all times.

It is a requirement that every lawyer be in good standing with both the national bar and the local bar at all times and that each practicing lawyer is required to obtain a valid professional license to enable him/her practice law in this jurisdiction. Thus, since the certificate of good standing, both national and local, is issued on an annual basis and also since the professional license is valid for one tax year, it is indicative that for a lawyer to be in good standing with the national bar, local bar and the Government of Liberia, he or she must regularize the instruments herein mentioned each and every year. A lawyer must therefore not fail to be in compliance or he/she could face obvious consequences, including not having their names submitted to the testing and evaluation committees for examination.

Thirteen attorneys who had petitioned the Court for admission to the Bar were absent during the hearing of the petitions and therefore were not passed upon. The Court notes with sympathy that attorney Josie P. Senesie who had also petitioned to be admitted as counsellor-at-law was said to have given off the ghost and buried before the hearing of the petitions. This regretful information was transmitted to the Court by the deceased's lawyer, Counsellor Sniosio Nigba of the Stubblefiled, Nigba & Associates Law firm. May his soul and those of others who have departed this earth rest in perfect peace.

Several attorneys who has applied for admission to this higher hierarchy of the practice, submitted requests from various institutions and persons that they be exempt from the examination requirement. The Court had difficulty accepting those requests which are increasing with every passing year. We believe that the increasing volume of the requests is leaving the impression that the petitioning attorneys may not feel themselves sufficiently qualified or competent to pass the examination. The Court therefore decided, except for two of the requests, that the attorneys must submit themselves for examination while the Court takes a fresh look at the conditions under which a request for dispensation can be accepted. This is necessary in order to maintain and continue to elevate the standard of counsellors of the Supreme Court Bar and ensure that the dignity of the Supreme Court Bar does not deteriorate. Accordingly, the Supreme Court, by the unanimous assent of the Justices, shall shortly, by the issuance of a Judicial Order, articulate a uniform standard for eligibility to dispensation.

One of the mandatory requirements, if not the most precious one, for admission as counsellor-at-law to the Supreme Court Bar is that an attorney who had graduated from the Louis Arthur Grimes School of Law or another recognized law school must have practiced law in this jurisdiction for at least five years before submitting a petition to this Court to be passed upon, examined and if successful, be admitted into the Bar of this Court. The Judiciary Law Rev. Code 17:17.6 states that: *"any attorney who has been actively engaged in the practice of law for five years may submit a petition to the Supreme Court and praying admission as a Counsellor of that Court."* In consonance thereof, the mere fact that you have been a graduate from the Louis Arthur Grimes School of Law or another recognized Law school does not

qualify you to be admitted into the Supreme Court Bar as a counsellor-at-law or the fact that following your graduation from the Louis Arthur Grimes School of Law or another recognized Law school you have been admitted as attorney-at-law for more than five years does not also *ipso facto* make you qualified to sit the examination for admission into the Supreme Court Bar. Instead, in addition to those requirements, you must have been actively engaged in the practiced of law for five years following your admission as an attorney-at-law before applying to this Court Bar for admission. [Our Emphasis]

Although the Court has not limited the practice of law to only court-room litigation but also considers the teaching of law at the Louis Arthur Grimes School of Law, being employed as a staff attorney in an office or a department of an entity which does legal work, or being employed with the judiciary and performs task of a lawyer all as law practice, the Court has never accepted the mere assertion by attorneys to the effect that they have been actively engaged in the practice of law for more than five years as correct absent any evidence in support of said assertion. It is the law that mere allegations are not proof but must be substantiated by the presentation of evidence. *Lands, Mines and Energy v. Liberty Gold, Supreme Court Opinion, March Term, 2013* and that he who makes allegations or presents claims against another must substantiate his claim by preponderance of the evidence. Allegations are simply intended to set forth a cause of action; allegations unsupported by evidence amount to no proof. *The Management of International Bank v. Wilfredo C. Ochoada, Supreme Court Opinion, October Term, 2012.*

Thus, this Court did not only concern itself with the length of time between the certificate of admission of the applicant as an attorney at-law to that of his petition before the Court seeking admission as counsellor at law to determine the years of practice, but also, in addition to the said length of time, the Court was similarly curious to see such evidence as would support the allegation by the attorney that he/she had actually practiced law for the period required by the statute. To this end, the Court went at length to require that some attorneys whose professional occupation brought into question whether they have been practicing law, to present some evidence in the form of court

minutes, legal memo, office memo, legal opinion, or any piece of evidence showing that the attorney was engaged in legal work of some form.

We are taken aback that irrespective of the many Opinions delivered by this Court enumerating the strict and mandatory requirements to be complied with by attorneys wishing to be admitted as counsellors-at-law of this Court Bar, the petitions filed before this Court continue to fall short of those requirements. This gives us the impression that either those attorneys or their lawyers are not giving attention to the Opinions from this Court and are not reading these Opinions to be abreast of the latest thinking of this Court. We advise that lawyers pay keen attention to the Opinions of this Court, both for their own enlightenment but also in the interest of their clients.

Instead of attaching a birth certificate or naturalization certificate, four of the petitioners annexed to their respective petitions, as evidence of their citizenship, ordinary Liberian passports. Four years ago, in an Opinion delivered by this Court, Madam Justice Yuoh, speaking for the Court on the identical issue enunciated as follows: *"It is the law in vogue that a person applying for admission to the Bar as attorney must be a citizen of this Republic and have attained the age of twenty-one years. The Judiciary Law, Rev. Code 17:17.1. Henceforth, absent a birth certificate from the authorized government agency responsible for the issuance thereof, or official instrument of similar status (for instance, a naturalization certificate) this Court will not admit any attorney-at-law into the Supreme Court Bar for lack of evidence authenticating the attorney's nationality and age."*

Similar requirement was emphasized during the hearing petitions from attorneys-at-law for admission as counsellors-at-law at the October, Term A. D. 2016 and A.D. 2017 of this Court and in the respective Opinions delivered as a result of those hearings. In the words of our distinguished colleague, Madam Justice Wolokollie, "we are even more saddened when Counsellors of this Supreme Court Bar, who were expected to be familiar with the Supreme Court's Opinions", signed and attached to the petitions 'photocopies of passports' instead of birth certificates.

While we have accepted the subsequent submission of birth certificates from the attorneys who had previously exhibited passports, we hold, in furtherance to our holding in the Opinion referenced above delivered by

Madam Justice Yuoh wherein we stated that *"Henceforth, absent a birth certificate from the authorized government agency responsible for the issuance thereof, or official instrument of similar status (for instance, a naturalization certificate) this Court will not admit any attorney-at-law into the Supreme Court Bar for lack of evidence authenticating the attorney's nationality and age"* that absent such evidence at the time of the presentment of the attorney during hearing of the petitions, the name of such attorney shall be out-rightly rejected and disqualified to sit the examination.

This Court reaffirms, however, that it will give no further admonishment to counsels or petitioners who fail to follow the admissions requirements. Where there are such failures again, this Court will forthwith reject the petitions and the petitioners will have to re-apply at the next scheduled hearing the following year.

Following the hearing of the petitions filed by attorneys seeking admission to the Bar through their respective lawyers, the names of the attorneys who were accepted by the Court, were submitted to the two Committees, the National Board of Examination and Moral and Ethics Committee. The National Board of Examination contained six members, namely: N. Oswald Tweh (Chairman), Stephen B. Dunbar, Snonsio E. Nigba, G. Moses Paegar, Deweh Gray and J. Johnny Momoh, all counsellors-at law. The Moral and Ethics Committee consisted of four (4) members, namely: T. Negbalee Warner (Chairman), Frederick Cherue, Cyril Jones and Tiawan S. Gongloe, all of them also counsellor-at-law.

The Committee informed the Court that a total of seventy (70) names of applicants were submitted to the Committees by the Clerk of this Court. As noted earlier, only two of the many applicants on whose behalf requests were submitted for dispensation exempting them from sitting the written exams were approved by the Court. Of the other sixty-eight (68) candidates who should have taken the exams, only fifty-five (55) sat both the written exams and the moral and ethical examination. Twelve of the applicants did not sit the exams, for reasons stated in the joint report of the committees. We are informed that the following areas were covered by the written exams: (1) Civil procedure; (2) Contracts/Corporations/Commercial Law; (3) Constitutional Law; and (4) Criminal Procedure and Criminal Law. The exams spanned a period of

three (3) days and were very intense. In regard to the examination by the Moral and Ethics Committee, the report indicates that 58 of the candidates were interviewed by the Committee.

Based on the examinations administered, the Committees recommended for admission to the Supreme Court Bar a total of thirty-eight (38) attorneys or 67.9%. The Committees also recommended that the two applicants who were granted dispensation, having passed the ethics and moral examination be similarly admitted as counsellors-at law, and that the one applicant admitted at the last administering of the exams and who had successfully passed the moral and ethics exams also be admitted, bringing the total number to forty-one (41).

The Committees further recommended that with respect to persons who were granted dispensations, and even other attorneys who were administered both the written and oral ethics examination, because they showed very little or no meaningful trial experience essential to [the] ultimate practice before the Supreme Court", such candidates "be required to undertake trial practice under a senior lawyer for a specified period and proof of such supervised trial experience be submitted to the Supreme Court before said counsellors can file papers before the Supreme Court" or that "dispensation be designated with some indicative limitations." As indicated before, the Court is already in the process of designing a standard that would be applied to candidates seeking dispensation from the Court. That standard will be in place prior to the Court passing on the next set of candidates seeking to be admitted as counsellors-at-law of the Supreme Court.

For the person who successfully passed the two sets of examination, we extend our congratulations. The successful candidates are:

- 1 DEHTHO, JAMAL CHRISTOPHER, JR.
- 2 DIGGS, ISABEL BENENOH
- 3 SONII-GBALA, LUCIA DIANA
- 4 ELDINE, ABRAHAM JOHNSON
- 5 ZOE, ALEXANDRA
- 6 PAEGAR-KALLON, MINNIE
- 7 GOULD, LAFAYETTE B. SR.
- 8 BRIGHT, U-JAY W.H.S.
- 9 KOLLIE, WILLIAM B.
- 10 MOMOLU, H. CALVIN
- 11 SIMPSON, ABRAHAM WADE
- 12 WREH, MARION N.
- 13 DWEH, DANIEL T.

- 14 JACKSON, KULA L.
- 15 PAEGAR, BOAKAI JULUS
- 16 FORKEYOH, ELIJAH T.K.
- 17 LIGHE, NETO ZARZAR, SR.
- 18 GRAY, MOLEY N.
- 19 NAGBE, HENRY T., SR.
- 20 KNIGHT, J. ABEL
- 21 GBALA, KANIO BA
- 22 ZAWU, LORPU
- 23 BOMBO, JIMMY SAAR
- 24 SIRLEAF, REUBEN C.
- 25 GEORGE, ISAAC L.
- 26 DAVIS, MORRIS MOMO, JR.
- 27 BARKON, JOE S.
- 28 WESSEH, WESSEH A.
- 29 GONO, CHARLES A., SR.
- 30 GARNETT, RUFUS MCDONALD, SR.
- 31 KROMAH, YAHAYA B.
- 32 BAIKPEH, YAFAR V.
- 33 DUOBAH, B. RACHEL YABAH
SUAH, MICHAEL V.
- 35 YANCY, FRANCIS LEO
- 36 KAILONDO, GEORGE BOBBY
- 37 GIZZIE, KPOTO K.
- 38 LIVINGSTONE, BOBBY W.
- 39 FEIKA, OUSMAN FRITZ
- 40 BERNARD, ARCHIBALD F.
- 41 NYENSWAH, TOLBERT GEEWLEH
42. J. ANIA VANKAN

We extend particular congratulations to Attorney Jamal Christopher Dehtho, Jr. who attained the highest grade points on the written exams and the ethical scrutiny. But this is not all. You and all of your colleagues who are today being admitted to the Supreme Court bar as counsellors-at-law must uphold the dignity and integrity of the profession. This is a noble and sacred profession and this Court is determined that it should remain that way. If you transgressed the Rules and the Code of Ethics, the Court will not hesitate to bring you back on tract by the appropriate sanctions. Equally important, you must demonstrate excellence, both by your writings and structure of your arguments and by the manner in which you analyze and present the issues.

We regret that a large percentage of the candidates did not pass the exams. We hope that you will be success at the next schedule admission program. However, we also that this set back will encourage to be more vigilant

in acquainting yourselves more vigorously with the practice, and particularly with the Opinions and other laws of this jurisdiction, and even beyond.

As is always the case, this Court extends its thanks and appreciation to members of the National Board of Examiners and the Moral and Ethics Committee for their unwavering willingness to aid the Court in assessing attorneys applying to be admitted as counsellors-at-law.

Wherefore, on the strength of the foregoing, the Court directs that the admissions commences as per the program.